



---

## CLACKAMAS COUNTY BOARD OF COMMISSIONERS

### LAND USE HEARING

June 12, 2024

10:00 AM

This public hearing will be conducted in person *and* virtually using the Zoom platform. If you wish to attend in person, the address is:

**2051 Kaen Rd, BCC Hearing Room—4<sup>th</sup> Floor, Oregon City**

The Zoom link to the public hearing and details on how to observe and testify online or by telephone are available on our website: <https://www.clackamas.us/meetings/bcc/landuse>.

All interested parties are invited to attend the hearing in person, online or by telephone and will be provided with an opportunity to testify orally, if they so choose. The staff report and drafts of the proposed amendments are available on our website at <https://www.clackamas.us/meetings/bcc/landuse>. Please direct all calls and correspondence to the staff member listed below.

### LAND USE HEARING

**File No.:** ZDO-288: Utility Facilities

**Applicants:** Clackamas County

**Proposal:** Ordinance ZDO-288, Utility Facilities, is a package of text amendments to the Clackamas County Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO). It is intended to more comprehensively define “utility facility” and related terms and to allow a broader range of utility facilities to qualify as primary or accessory uses rather than conditional uses. The significance of this is that utility facilities that are primary or accessory uses would not require a land use application in most cases; the exception would be where the facility is subject to certain environmental or hazard regulations, such as floodplain or stream buffer requirements.

**Staff Contact:** Jennifer Hughes, Planning Director, 503-742-4518, [JenniferH@clackamas.us](mailto:JenniferH@clackamas.us)

*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at least three (3) business days before the meeting at 503-742-4545 or email [Drenhard@clackamas.us](mailto:Drenhard@clackamas.us).*

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



---

**Land Use Hearing Item  
Staff Report to the Board of County Commissioners**

---

**File Number:** Planning File ZDO-288, *Utility Facilities*

**Staff Contact:** Jennifer Hughes, Planning Director ([jenniferh@clackamas.us](mailto:jenniferh@clackamas.us))

**Board of County Commissioners Hearing Date:** June 12, 2024

---

**PROPOSAL:**

**Ordinance ZDO-288, Utility Facilities**, is a package of text amendments to the Clackamas County Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO). It primarily is intended to more comprehensively define “utility facility” and related terms and to allow a broader range of utility facilities to qualify as primary or accessory uses rather than conditional uses. The significance of this is that utility facilities that are primary or accessory uses would not require a land use application in most cases; an exception would be where the facility is subject to certain environmental or hazard regulations, such as floodplain or stream buffer requirements.

ZDO-288 proposes text amendments to three chapters of the Plan and 16 sections of the ZDO. The amendments are included in **Attachments A and B**, respectively.

As recommended by the Planning Commission, these amendments generally would:

- Adopt new or revised definitions of right-of-way, utility facility, utility line and utility service line
- Clarify that the zoning requirement for underground utility lines applies only to service lines (i.e., lines that serve individual developments)
- Allow utility facilities, including both underground and overhead utility lines, inside road rights-of-way as an outright permitted use
- Allow both underground and overhead utility **lines** outside road rights-of-way as an outright permitted use **if**
  - They are located on land owned or controlled (such as through a utility easement or lease) by the utility provider; **or**
  - They are for a utility other than natural gas or electricity; **or**

- The line has been approved through another land use process, such as a utility line associated with a new subdivision; **or**
- The line is a service line for an individual development
- Allow underground and vegetated stormwater management facilities as an outright permitted use
- Continue to require a conditional use permit for larger natural gas and electric utility lines (e.g., distribution lines, transmission lines), both underground and overhead, that are proposed on land not currently owned or controlled by the utility provider (i.e., where the utility provider needs to condemn the land)
- Continue to require a conditional use permit for most nonlinear utility facilities outside road rights-of-way (e.g., wastewater treatment plants, water reservoirs, electrical substations)
- Make other minor, housekeeping and conforming amendments

## 1. Definitions

The ZDO definition of “public utility”, adopted substantially in its current form in 1982, presents practical difficulties in administration.

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

Based on staff’s review of ORS 757, this definition appears to exclude, for example, telecommunications, sanitary sewer, surface water management and municipal water facilities. The ZDO has a separate “government uses” category that provides a pathway for *some* of these utilities. The ZDO also provides for “similar use” determinations in many zones through an additional layer of land use review.

The proposal is to adopt a definition of “utility facility” that covers the full range of what is typically considered to be a utility. This will provide clarity for users of the ZDO, including Planning staff charged with administering the code. Also proposed are definitions of utility line and utility service line and a revised definition of right-of-way, as well as other minor amendments for clarity and consistency.

## 2. Underground utilities

Section 1006 of the ZDO, which applies to many types of development, including institutional uses such as utility facilities, includes the following standard:

*All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or*

*company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.*

Arguably, the requirement applies only to utility facilities that have a need for other utilities' services (e.g., a sewer pump station that requires electrical service), not utility facilities that provide service to others (e.g., an electric transmission line). Alternatively, a utility provider that proposes to establish an aboveground utility facility may be able to "prohibit" itself from an underground installation. However, it could also be argued that the requirement applies to all utility facilities and that "prohibited" requires something more substantial than a simple choice on the utility's part. Applying this standard to major utility lines, rather than just on-site service lines, potentially could result in substantially increased costs for utilities and ultimately ratepayers.

The proposal is to specify that utility service lines must be underground unless prohibited by the utility district or company.

The proposal also includes a new, aspirational policy in Chapter 3 of the Comprehensive Plan to express the county's willingness to support and facilitate, without requiring, the undergrounding of larger electric lines in the interest of infrastructure resiliency and wildfire mitigation.

### **3. Primary, accessory or conditional use**

In most zones, public utility facilities are a conditional use except where they are accessory to the main use on a lot (e.g., service lines for a dwelling or commercial building). In several zones, utilities are listed only as an accessory use. The term "facilities" is broad and seems to encompass not just structures such as electrical substations and water reservoirs but also transmission, distribution and service lines and associated poles and equipment. In the Exclusive Farm Use, Timber and Ag/Forest zones, state law applies and establishes several different utility use categories, some of which are allowed outright and some of which require land use review.

Of note, road rights-of-way are zoned in the same manner as other land, with the zoning adjacent to the right-of-way most often extending to the centerline; hence, even utilities in rights-of-way are regulated by the ZDO. Utilities are commonly placed underground and overhead in rights-of-way; state law seemingly recognizes this by establishing the following as allowed outright in EFU, TBR and AG/F zones:

*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.*

In other zones, the ZDO makes no such distinction. As a result, utility facilities in rights-of-way (unless they qualify as an accessory use) seemingly require

conditional use permits in all other zones where utilities are permitted, and there are several zones where such facilities may be prohibited altogether.

As recommended by the Planning Commission, the proposal is to allow outright all utility facilities in road rights-of-way and all utility lines outside rights-of-way, both above- and belowground, **except** larger natural gas and electric utility lines (e.g., distribution lines, transmission lines) that are proposed on land not currently owned or controlled by the utility provider (i.e., where the utility provider needs to condemn the land). Underground and vegetated stormwater management facilities also would be allowed outright.

As proposed to be defined by ZDO 202, utility lines could include support poles or towers and equipment (with some limits) for monitoring and operation of the line.

What would remain as a conditional use in most zones are:

- Larger natural gas and electric lines (e.g., distribution lines, transmission lines) that are proposed on land not currently owned or controlled by the utility provider (i.e., where the utility provider needs to condemn the land)
- Most non-linear utility facilities outside rights-of-way, such as sewer pump stations, electrical substations and water reservoirs

The proposed amendments also include:

- A new allowance for non-linear facilities outside road rights-of-way as a conditional use in the VR-4/5 and VR-5/7 zones. Currently utility facilities are not permitted in these zones, which is inconsistent with other low density residential zones.
- Adding more specific allowances for accessory utility facilities serving individual uses

The amendments would not apply in EFU, TBR or AG/F zones where the ZDO already implements state law. In addition, even if utility facilities are identified as a primary use, existing review requirements associated with environmental or hazard areas (e.g., streams, wetlands, floodplains) would continue to apply.

## **5. Minor and conforming amendments**

In addition to several housekeeping edits, amendments are proposed to exempt the following uses from various development standards (e.g., building design, landscaping, parking) and from the design review process that is used to evaluate compliance with these standards: stormwater management facilities permitted as an accessory or primary use; utility cabinets that comply with Section 830, *Utility Cabinets*; utility facilities in road rights-of-way; and utility lines.

---

**RELATED PRIOR BOARD ACTION:**

The Board of County Commissioners (Board) held a policy session last November to consider the land use regulations applicable to utility facilities. After a staff presentation and related discussion, the Board voted to initiate amendments to the ZDO that, if adopted, would do the following:

1. Adopt a more comprehensive definition of “utility facility”
2. Limit the requirement for underground utilities to utility facilities that have a need for other utilities' services, rather than utility facilities that provide service to others
3. Allow the following outright: all utility facilities inside road rights-of-way and utility lines outside road rights-of-way. No changes would be made in EFU, TBR or AG/F zones where the ZDO already implements state law.

The Board recognized during the November policy session discussion that the scope of the proposal might be narrowed during public hearing review. However, beginning with the most expansive potential proposal allowed for the most accurate public notice of what the county may consider for adoption.

As proposed by staff, Ordinance ZDO-288 included the amendments needed to implement the Board’s initial direction. The Planning Commission narrowed the scope of the changes by recommending that a conditional use permit requirement be retained for larger natural gas and electric utility lines (e.g., distribution lines, transmission lines) that are proposed on land not currently owned or controlled by the utility provider (i.e., where the utility provider needs to condemn the land).

---

**PLANNING COMMISSION ACTION:**

The Planning Commission (PC) held a public hearing on ZDO-288 on April 8, 2024. At that hearing, the PC voted to leave the written record open until May 6, 2024, for additional public testimony and to continue the hearing to May 13, 2024, for deliberation and decision only. At the May 13<sup>th</sup> hearing, the PC voted 5-2 to recommend approval of ZDO-288 as proposed by staff with the following change (as stated in the motion that was made):

*“ . . . conditional use permit requirements for gas and electric lines outside of right-of-ways or property owned or controlled by the utility and not subject to other land use approval processes.”*

The two Planning Commissioners who voted in opposition to the motion indicated support for the amendments as proposed by staff.

---

## **CPO AND HAMLET RECOMMENDATIONS:**

The county's CPOs and Hamlets were sent notice of this proposal on March 4, 2024.

The Hamlet of Beaver Creek submitted testimony (see **Exhibit 6**) in support of requiring a conditional use permit for all utility lines outside road rights-of-way and in support of utilities being underground unless there is a reasonable explanation for why they cannot be.

Stafford-Tualatin Valley CPO submitted testimony (see **Exhibit 16**) recommending edits to the draft amendments to provide for major and minor utility lines to be regulated differently and to provide for voting by the neighborhood to determine whether a utility line requires land use review. Subsequently, Stafford-Tualatin Valley CPO and Stafford Hamlet submitted joint testimony (see **Exhibit 32**) in support of the Planning Commission's recommendation.

---

## **SIGNIFICANT ISSUES:**

The following significant issues were raised in testimony and Planning Commission deliberations or have been identified by staff.

### **1. Overhead electric lines**

Most testimony to date has been submitted by residents of the Stafford area who are concerned about an overhead electric transmission line proposed along Stafford Road. Specific impacts identified include tree removal, aesthetics, scenic view obstruction, noise, fire safety and wildlife habitat destruction. The Planning Commission expressed concern about impacts from a project of this sort but also recognized the need for facilities such as this and the trade-offs that are involved between individual impacts and community infrastructure.

The Planning Commission expressed significant support for the undergrounding of electrical distribution and transmission lines, not just service lines. However, they recognized that it may be beyond the county's scope to mandate that, and particularly in the case of transmission lines, there are trade-offs involved, one of which is a substantial increase in cost to ratepayers. As a result of these discussions, staff suggested the addition of an aspirational Comprehensive Plan policy to express the county's willingness to support and facilitate the undergrounding of larger electric lines. The Planning Commission's recommendation includes the additional policy. (see **Exhibit A, Chapter 3**)

### **2. Safety**

The Planning Commission discussed safety, particularly of electric and natural gas lines, as a reason to consider requiring conditional use permits. The majority,

however, did not vote for an earlier motion that would have retained a conditional use permit requirement for all utility lines outside road rights-of-way, and no motion was made to retain a conditional use permit requirement for utility lines inside road rights-of-way. See **Exhibit 19** for discussion of state and federal safety standards that apply to electric lines.

### **3. Public outreach and involvement**

The Planning Commission focused much of their discussion on concerns that without a conditional use permit, there would be inadequate public notice of planned utility lines and inadequate opportunity for the public to weigh in. The Public Utility Commission, which has regulatory authority over some utilities in Oregon, requires outreach only in limited circumstances. In the case of the Stafford Road electric transmission line, for example, PUC review is required only because condemnation of property is being sought by Portland General Electric. Even for facilities that require PUC approval, the factors reviewed differ from those that may be considered in a land use review process. (see **Exhibit 15**)

### **4. Stormwater infrastructure**

The Planning Commission was interested in ensuring that stormwater infrastructure, which may differ from other utilities, was appropriately addressed in the proposed amendments. As part of the May 13<sup>th</sup> Planning Commission continued hearing, staff proposed to revise the draft amendments to address drainageways and non-linear stormwater infrastructure that may be underground or vegetated. This addressed the Planning Commission's concerns.

### **5. Implementation Complexity**

Staff has an implementation concern about the Planning Commission recommendation.

A single electric or natural gas utility line may be proposed for location partially on land currently owned or controlled by the utility and partially on land that requires condemnation. In fact, there may be multiple spots along a line that require condemnation, interspersed with areas that do not. As the code amendments are currently drafted, it appears that a separate conditional use permit would be required for each noncontiguous area that requires condemnation, and evaluation of the impacts may be limited to only those portions of the proposed line, not to the entirety of the line. This may result in a complex, confusing process for staff, the utility provider and the public.

To address this concern, staff considered various options. Unfortunately, the same patchwork of regulatory approaches may exist if a conditional use permit is required outside the road right-of-way but not inside the road right-of-way because a single line may be both inside and outside the right-of-way. Likewise, a single line may be both inside and outside of state-regulated farm and forest zones, and



state law does not allow the county to apply its conditional use criteria to utility lines in these zones.

While there is no identified way to eliminate this implementation issue entirely, the Board may wish to consider minimizing it by requiring a conditional use permit for all electric and natural gas lines (except service lines and those in farm and forest zones regulated by state law) regardless of whether they are in or out of the right-way and regardless of whether the utility provider must condemn property as part of the project. The Board could also consider limiting this requirement to transmission lines, allowing distribution lines outright.

---

**STAFF RECOMMENDATION:**

Based on additional review following the Planning Commission hearings, staff recommends an edit to the draft definition of right-of-way in ZDO Section 202. With this edit, the proposed definition is:

*RIGHT-OF-WAY: The legal right, established by usage or grant, to pass through property owned by another, or the strip of land subject to a nonowner's right to pass through.*

# FILE ZDO-288: UTILITY FACILITIES



Board of County Commissioners Hearing  
June 12, 2024

# OVERVIEW

Legislative text amendments to the Comprehensive Plan and Zoning and Development Ordinance to revise and clarify how utility-related land uses are regulated



# BACKGROUND

- Historically, utility facilities inside road rights-of-way have proceeded through a utility permit process without land use review by Planning and Zoning
- Updated code analysis has concluded that utility lines require land use review in most zones
- Definition of public utility facility is incomplete
- Scope of underground utility requirement is unclear

# BACKGROUND

- **November 2023:** Board of County Commissioners initiated zoning code amendments related to utility facilities
- **February 2024:** Planning Commission study session
- **April and May 2024:** Planning Commission public hearings

# SCOPE OF AMENDMENTS

- No changes proposed in in the EFU, TBR and AG/F zones where state law applies
- No changes proposed to environmental and hazard regulations



# PROPOSAL SUMMARY

- ❑ Adopt and revise utility-related definitions
- ❑ Clarify requirements for underground utility lines
- ❑ Add specific utility-related accessory uses
- ❑ Minor and conforming amendments



# PROPOSAL SUMMARY

- Primary use
  - Utility *facilities* inside ROW
  - Utility *lines* outside ROW except ...
  - Specified nonlinear stormwater facilities outside ROW





# PROPOSAL SUMMARY

## □ Conditional use

- Most nonlinear utility facilities outside ROW, including new allowance in VR-4/5 and VR-5/7 zones
- Larger natural gas and electric lines outside ROW on land not currently owned or controlled by the utility provider



# ANALYSIS & FINDINGS

Proposed amendments meet applicable approval criteria

- Statewide Planning Goals
- Metro Urban Growth Management Functional Plan
- Comprehensive Plan
- Zoning and Development Ordinance

# SIGNIFICANT ISSUES

- ❑ Stormwater infrastructure
- ❑ Overhead electric lines
- ❑ Safety
- ❑ Public outreach and involvement
- ❑ Implementation complexity



# PLANNING COMMISSION

- ❑ Public hearings April 8 and May 13, 2024
  - Six parties testified
- ❑ PC Recommendation
  - 5-2 vote
  - Approve the ZDO-288 text amendments as recommended by staff except:
    - ❖ Require a conditional use for larger natural gas and electric lines outside ROW on land not currently owned or controlled by the utility provider

# STAFF RECOMMENDATION

- Approval of the ZDO-288 text amendments, as drafted and attached, except edit the draft definition of right-of-way in ZDO Section 202 to read:
  - *RIGHT-OF-WAY: The legal right, established by usage or grant, to pass through property owned by another, or the strip of land subject to a nonowner's right to pass through.*

QUESTIONS?





**STAFF REPORT TO THE PLANNING COMMISSION**

To: Clackamas County Planning Commission  
From: Jennifer Hughes, Planning Director ([jenniferh@clackamas.us](mailto:jenniferh@clackamas.us))  
Date: April 1, 2024  
RE: Planning File ZDO-288: *Zoning and Development Ordinance Amendments Related to Utility Facilities*

---

**BACKGROUND**

It has recently been determined that the county's Zoning and Development Ordinance (ZDO) likely requires a conditional use permit for most utility facilities, even underground utility lines and even in road rights-of-way where utility lines commonly are developed. (Individual service lines that are accessory to specific uses are an exception.) In addition, there is a lack of clarity regarding which utility lines must be underground.

Historically, utility facilities inside road rights-of-way have proceeded through a utility permit process without review and analysis by Planning and Zoning. Given the new awareness of the scope of the needed land use review and the significant number of annual utility permits in road rights-of-way, a practical difficulty exists in administering the ZDO in its current form. From a policy perspective, some or all of these permits may not warrant review through a land use application. In addition, it may be appropriate for some utility facilities outside road rights-of-way to be permitted outright.

The Board of County Commissioners (Board) held a policy session last November to consider the land use regulations applicable to utility facilities. After a staff presentation and related discussion, the Board voted to initiate amendments to the ZDO that, if adopted, would do the following:

1. Adopt a more comprehensive definition of "utility facility"
2. Limit the requirement for underground utilities to utility facilities that have a need for other utilities' services, rather than utility facilities that provide service to others
3. Allow the following outright: all utility facilities inside road rights-of-way and utility lines outside road rights-of-way. No changes would be made in EFU, TBR or AG/F zones where the ZDO already implements state law.

Ordinance ZDO-288 contains the amendments to the ZDO that are needed to implement the Board's initial direction. The Board recognized during the November policy session discussion that the scope of the proposal may be narrowed during public hearing review. However,

beginning with the most expansive potential proposal allowed for the most accurate public notice of what the county may consider for adoption.

On February 26, 2024, the Planning Commission (PC) held a study session on ZDO-288, which provided an opportunity for the PC to discuss the potential ZDO amendments and ask related questions of staff.

There will be at least two public hearings on this proposal: one before the PC on Monday, April 8, 2024, and another before the Board on Wednesday, June 12, 2024. The PC provides a recommendation to the Board, which will ultimately decide whether the ordinance is adopted.

## **PROPOSAL**

ZDO-288 proposes text amendments to 16 separate sections of the ZDO<sup>1</sup>. The amendments are included in **Attachment A**.

Generally, these amendments would:

- Adopt a comprehensive definition of utility facility
- Clarify the types of utility lines that, in most cases, must be underground
- Allow utility *facilities* inside road rights-of-way as an outright permitted use
- Allow utility *lines* both inside and outside road rights-of-way, both underground and overhead, as an outright permitted use

## **1. Definitions**

The ZDO definition of “public utility”, adopted substantially in its current form in 1982, presents practical difficulties in administration.

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

Based on staff’s review of ORS 757, this definition appears to exclude, for example, telecommunications, sanitary sewer, surface water management and municipal water facilities. The ZDO has a separate “government uses” category that provides a pathway for *some* of these utilities. The ZDO also provides for “similar use” determinations in many zones through an additional layer of land use review.

The proposal is to adopt a definition of “utility facility” that covers the full range of what is typically considered to be a utility. This will provide clarity for users of the ZDO, including Planning staff charged with administering the code. Also proposed are definitions of utility line and utility service line, as well as other minor amendments for clarity and consistency.

---

<sup>1</sup> Each ZDO section proposed for amendment is listed in the “List of Attachments” section, found on page 10 of this report.



## 2. Underground utilities

Section 1006 of the ZDO, which applies to many types of development, including institutional uses such as utility facilities, includes the following standard:

*All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.*

Arguably, the requirement applies only to utility facilities that have a need for other utilities' services (e.g., a sewer pump station that requires electrical service), not utility facilities that provide service to others (e.g., an electric transmission line). Alternatively, a utility provider that proposes to establish an aboveground utility facility may be able to "prohibit" itself from an underground installation. However, it could also be argued that the requirement applies to all utility facilities and that "prohibited" requires something more substantial than a simple choice on the utility's part. Applying this standard to major utility lines, rather than just on-site service lines, potentially could result in substantially increased costs for utilities and ultimately ratepayers.

The proposal is to specify that utility *service* lines must be underground unless prohibited by the utility district or company.

## 3. Primary or conditional use

In most zones, public utility facilities are a conditional use except where they are accessory to the main use on a lot (e.g., service lines for a dwelling or commercial building). In several zones, utilities are listed only as an accessory use. The term "facilities" is a broad one and seems to encompass not just structures such as electrical substations and water reservoirs but also transmission, distribution and service lines and associated poles. In the Exclusive Farm Use, Timber and Ag/Forest zones, state law applies and establishes several different utility use categories, some of which are outright allowed and some of which require land use review.

Of note, road rights-of-way are zoned in the same manner as other land, with the zoning adjacent to the right-of-way most often extending to the centerline; hence, even utilities in rights-of-way are regulated by the ZDO. Utilities are commonly placed underground and overhead in rights-of-way; state law seemingly recognizes this by establishing the following as outright allowed in EFU, TBR and AG/F zones:

*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.*

In other zones, the ZDO makes no such distinction. As a result, utility facilities in rights-of-way (unless they qualify as an accessory use) seemingly require conditional use permits in all other zones where utilities are permitted, and there are several zones where such facilities may be prohibited altogether.

The proposal is to allow outright all utility facilities in road rights-of-way and all utility lines outside rights-of-way, both above- and belowground. As proposed to be defined by ZDO 202, utility lines could include support poles or towers and equipment (with some limits) for monitoring and operation of the line. What would remain as a conditional use in most zones are non-linear utility facilities outside rights-of-way, such as sewer pump stations, electrical substations and water reservoirs. Also included is a proposal to allow these non-linear facilities as a conditional use in the VR-4/5 and VR-5/7 zones. Currently utility facilities are not permitted in these zones, which is inconsistent with other low density residential zones.

The amendments would not apply in EFU, TBR or AG/F zones where the ZDO already implements state law. In addition, even if utility facilities are identified as a primary use, review requirements associated with environmental or hazard areas (e.g., streams, wetlands, floodplains) would continue to apply.

## **PUBLIC NOTICE & COMMENTS**

Notice of the proposed amendments in ZDO-288 was sent to:

- All cities within the County;
- All County Community Planning Organizations (CPOs) and Hamlets; and
- Oregon Department of Land Conservation & Development (DLCD), Metro, Oregon Department of Transportation (ODOT), and other interested agencies.

Notice was also published in the newspaper and online. Written testimony received to date is included in ***Attachment B***.

## **ANALYSIS & FINDINGS**

The proposed ZDO text amendments are legislative in nature and are subject to the relevant Statewide Planning Goals, the Metro Urban Growth Management Functional Plan (UGMFP), County Comprehensive Plan policies, and procedural standards identified in the county's Zoning & Development Ordinance (ZDO). Compliance with the relevant portions of each is discussed in subsections 1 through 4, below.

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

This section of the report includes findings on the consistency of ZDO-288 with Statewide Planning Goals.

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

ZDO-288 does not propose to change the *Citizen Involvement* chapter (Chapter 2) of the County's Comprehensive Plan. ZDO Section 1307 implements policies of Comprehensive Plan Chapter 2, and contains adopted and acknowledged procedures for citizen involvement and public notification of land use applications. Notice of ZDO-288 has been provided consistent with the requirements of Chapter 2 and Section 1307, including to all Community Planning Organizations, DLCD, other agencies, and a list of utility providers and other interested parties. Notice of the Planning Commission (PC) and Board of County Commissioners' (Board) hearings were published in the newspaper and on the county's webpage. Before a final decision on ZDO-288 can be made, there

will have been at least two public hearings: one before the PC and another before the Board.

**This proposal is consistent with Goal 1.**

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

ZDO-288 does not require an exception to any Statewide Planning Goal, and no amendments are proposed to the county's Comprehensive Plan. With the proposed amendments, the County's adopted and acknowledged Comprehensive Plan will continue to be consistent with Statewide Planning Goals, and the implementing regulations in state law. As detailed in Section 3, below, the amendments proposed in ZDO-288 are consistent with all applicable goals and policies of the county's Comprehensive Plan.

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

- c. **Goal 3 – Agricultural Lands:** The ZDO-288 text amendments would not change the Plan agricultural land policies or implementing regulations for compliance with Goal 3.

**This proposal is consistent with Goal 3.**

- d. **Goal 4 – Forest Lands:** The ZDO-288 text amendments would not change the Plan forest lands policies or implementing regulations for compliance with Goal 4.

**This proposal is consistent with Goal 4.**

- e. **Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** Goal 5 requires the County to have programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

ZDO-288 would not make any change to the County's Comprehensive Plan goals, policies, or inventories of Goal 5 resources, or implementing regulations. Utility facilities may be allowed within areas protected under Goal 5, subject to the same Goal 5 implementing regulations and processes that currently apply.

**This proposal is consistent with Goal 5.**

- f. **Goal 6 – Air, Water and Land Resources Quality:** Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan. ZDO-288 would not change any Comprehensive Plan goal or policy, or implementing regulation, affecting a Goal 6 resource, nor would it modify the mapping of any protected resource.

**This proposal is consistent with Goal 6.**

- g. **Goal 7 – Areas Subject to Natural Disasters and Hazards:** Goal 7 requires the County's Comprehensive Plan to address Oregon's natural hazards. ZDO-288 would not change the County's acknowledged Comprehensive Plan policies or implementing

regulations regarding natural disasters and hazards, nor would it modify the mapping of any hazard.

**This proposal is consistent with Goal 7.**

- h. **Goal 8 – Recreational Needs:** The ZDO-288 text amendments do not propose to change Plan policies or implementing regulations related to recreational needs.

**This proposal is consistent with Goal 8.**

**Goal 9 – Economy of the State:** Goal 9 requires the County to provide an adequate supply of land for commercial and industrial development. ZDO-288 would not change the Comprehensive Plan or zoning designation of any property. It also would not add any new restriction to land uses in areas of the County reserved for commercial and industrial development.

Adequate utility infrastructure is essential for commercial and industrial development; providing a clear permitting pathway for such infrastructure is supportive of Goal 9.

**This proposal is consistent with Goal 9.**

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

Adequate utility infrastructure is essential for residential development; providing a clear permitting pathway for such infrastructure is supportive of Goal 10.

**This proposal is consistent with Goal 10.**

- j. **Goal 11 – Public Facilities and Services:** The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to act as a framework for urban and rural development. ZDO-288 would provide a clear permitting pathway for water, sanitary sewer, and other utility services infrastructure. Consistent with the Goal 11 implementing Oregon Administrative Rules, the ZDO will continue to restrict the development of sanitary sewer facilities outside urban areas and unincorporated communities.

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

- k. **Goal 12 – Transportation:** Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. This proposal does not include amendments to the County’s TSP or transportation-related land use regulations.

OAR 660-012-0060 also requires any comprehensive plan and land use regulation amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system. Utility facilities in road rights-of-way and utility lines are unmanned. Therefore, transportation demand is limited to intermittent repair/maintenance needs. In the zones affected by ZDO-288, a conditional use permit or Type II review for institutional development will continue to be required for manned utility facilities, as it is currently. The conditional use and Type II

review processes require compliance with the county's transportation concurrency regulations, which ensure that development is consistent with the county's Goal 12 implementing standards for vehicular traffic congestion. As such, no additional analysis of the transportation system is needed.

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

- i. **Goal 13 – Energy Conservation:** Goal 13 encourages land use plans to consider lot size, building height, density, and other measures in order to help conserve energy. ZDO-288 would not change any policy or implementing regulation regarding energy conservation.

**This proposal is consistent with Goal 13.**

- m. **Goal 14 – Urbanization:** The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The Goal primarily concerns the location of UGBs, the establishment of "urbanizable areas" and unincorporated communities, exception lands, and rural industrial uses.

ZDO-288 would not modify any UGB or the status or boundaries of any unincorporated community. The ordinance would not modify any urban or rural reserve boundary, allow any new land use in such reserve areas in a manner inconsistent with state law, or change the land use plan designation or zoning of any property.

**This proposal is consistent with Goal 14.**

- n. **Goal 15 – Willamette River Greenway:** ZDO-288 would not change any existing requirement related to development in the Willamette River Greenway (WRG). Utility facilities would be allowed within the WRG, subject to the same WRG regulations and processes as currently apply.

**This proposal is consistent with Goal 15.**

- o. **Goals 16-19:** These four Statewide Planning Goals address estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively, and are **not applicable to Clackamas County**.

**2. Metro Urban Growth Management Functional Plan (UGMFP)**

The purpose of the Functional Plan is to implement certain regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan.

ZDO-288 does not propose to change the County's residential, commercial, or industrial land supply or regulations related to protection of the county's habitat and water quality areas, to allow new retail or assembly uses in designated industrial areas, or to modify the UGB.

Title 8 of the UGMFP establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the county's comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the county provided notice to Metro as required by section 3.07.820(a). Notice of this proposal was provided to Metro on March 4, 2024 - 35 days prior to the first evidentiary hearing. Metro has not submitted any comment.

**The proposal is consistent with the Metro Urban Growth Management Functional Plan.**

**3. Clackamas County's Comprehensive Plan**

ZDO-288 proposes amendments that would allow a broader range of utility facilities without requiring a separate "authorization of similar use" process, clarify requirements for underground utility lines, allow some utility facilities as primary uses rather than conditional uses, and newly allow utility facilities in the VR-4/5 and VR-5/7 zones.

There are no Comprehensive Plan policies that prohibit utility facilities in any zones or that require utility facilities to be reviewed as conditional uses.

Staff finds that policies in only the following two chapters of the County's Comprehensive Plan are applicable to this proposal.

**a. Chapter 2 – Citizen Involvement:**

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

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

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

*2.A.13 – Insure that the County responds to citizen recommendations through appropriate mechanisms and procedures.*

Consideration of ZDO-288 has proceeded according to the noticing and public hearing requirements of ZDO Section 1307, which implements Chapter 2 of the Plan.

The public, Community Planning Organizations, and affected agencies have an opportunity to provide input to this proposal to revise the ZDO through written and verbal testimony before the Planning Commission and Board of County Commissioners.

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

**b. Chapter 3 – Natural Resources and Energy:**

Section 3.K identifies Wildlife Habitat and Distinctive Resource Area policies and includes:

*3.K.9 Improve scenic quality of areas impacted by urban blight, working toward the following objectives:*

- 3.K.9.1 Regulation and/or removal of advertising billboards*
- 3.K.9.2 Screening junkyards and other unsightly areas*
- 3.K.9.3 Placing of utility lines underground*

*3.K.9.4 Requiring landscape buffers (berms, trees, etc.) between incompatible uses and in visually sensitive areas.*

ZDO-288 includes an amendment to ZDO 1006 to clarify that only utility service lines are required to be underground unless prohibited by the utility provider. It is unclear whether ZDO 1006 currently requires larger utility lines to be underground. Regardless, this policy commits the county to work toward the list of objectives, not that the objectives be achieved within a specific timeframe or solely as a result of land use review.

**This proposal is consistent with Chapter 3.**

**c. Chapter 4 – Land Use:**

Chapter 4 includes 10 policies that require underground utilities in various urban Plan designations/zoning districts. Specifically, these policies apply in the MR-1, PMD, MR-2, HDR, SHD, R-2.5 through R-30, C-2, OC, OA, C-3, RTL, BP, LI and GI Districts and read as follows:

- 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.10 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.Y.1 Require curbs, drainage controls, underground utilities, and street lighting.*
- 4.Z.1 Require sidewalks, drainage controls, underground utilities, and street lighting.*
- 4.AA.6.6 Sidewalks, drainage controls, underground utilities, and street lighting shall be required.*
- 4.BB.5 Require curbs, drainage controls, underground utilities, and street lighting.*
- 4.CC.7 Require curbs, drainage controls, underground utilities, and street lighting.*
- 4.DD.5 Require curbs, sidewalks, drainage controls, underground utilities and street lighting.*
- 4.EE.9 Require underground utilities and street lighting.*
- 4.FF.10 Require curbs, underground utilities and street lighting.*

These policies are embedded in lists of other policies related to standards for new development. Requiring underground utilities for utility service lines for new development is consistent with these policies.

**This proposal is consistent with Chapter 4.**

**d. Chapter 5 – Transportation System Plan:**

Section 5.I identifies Rural Scenic Roads policies and includes:

- 5.1.2 *Promote the protection of recreation values, scenic features and an open, uncluttered character along designated scenic roads.*

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

[...]

- 5.1.2.8 *Underground placement of utilities shall be encouraged.*

This policy is embedded in a list of other policies related to standards for new development. Requiring underground utilities for utility service lines for new development is consistent with this policy.

**This proposal is consistent with Chapter 5.**

e. **Chapter 11 – *The Planning Process*:**

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

Chapter 11 of the Comprehensive Plan also contains the specific requirement that the Comprehensive Plan and ZDO be consistent with Statewide Planning Goals and with Metro's Urban Growth Management Functional Plan; Chapter 11 is what requires the ZDO itself to be consistent with the Comprehensive Plan. This report's *Analysis & Findings* outline how ZDO-288 is consistent with all of these requirements.

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

**5. Zoning and Development Ordinance (ZDO):**

The proposed text amendments are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in the proposal and review of ZDO-288. Notice of this proposal was provided at least 35 days before the first scheduled public hearing to DLCD, all active CPOs and Hamlets, and other interested parties and agencies, to allow them an opportunity to review and comment on the proposed amendments. Advertised public hearings are being held before the Planning Commission and the BCC to consider the proposed amendments. The ZDO contains no further specific review criteria that must be applied when considering an amendment to the text of the ZDO.

**RECOMMENDATION**

**Staff recommends approval of ZDO-288, as proposed in *Attachment A*.** Staff finds the proposed ZDO text amendments are consistent with all applicable criteria.

**LIST OF ATTACHMENTS**

A. Proposed ZDO Amendments

1. **ZDO Section 202, *Definitions***
2. **ZDO Section 315, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2),***



- High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts*
3. **ZDO Section 316**, *Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts*
  4. **ZDO Section 317**, *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts*
  5. **ZDO Section 510**, *Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts*
  6. **ZDO Section 511**, *Village Community Service District (VCS)*
  7. **ZDO Section 512**, *Village Office District (VO)*
  8. **ZDO Section 513**, *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts*
  9. **ZDO Section 602**, *Business Park, Light Industrial, and General Industrial Districts (BP, LI and GI);*
  10. **ZDO Section 604**, *Rural Industrial District (RI),*
  11. **ZDO Section 702**, *Open Space Management District (OSM)*
  12. **ZDO Section 711**, *Government Camp Open Space Management District (GCOSM)*
  13. **ZDO Section 830**, *Utility Carrier Cabinets*
  14. **ZDO Section 1001**, *General Provisions*
  15. **ZDO Section 1006**, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*
  16. **ZDO Section 1102**, *Design Review*

B. Exhibit List and Exhibits

**PLANNING COMMISSION  
MINUTES**

April 8, 2024

Meeting held online via Zoom

Commissioners present: Kevin Moss, Carrie Pak, Gerald Murphy, Tom Peterson, Louise Lopes, Michael Wilson, Tammy Stevens, Tom Middaugh (left due to unstable internet connection).

Commissioners absent:

Staff present: Joy Fields, Dylan Blaylock, Jennifer Hughes, Darcy Renhard

Commission Chair Murphy opened the meeting at 6:34 pm.

Chair Murphy asked if there was anyone in the audience who wished to provide public comment on items other than what is on the agenda. There were none.

Chair Murphy opened the public hearing for ZDO-288.

Ms. Hughes and Ms. Fields presented the staff report for file ZDO-288. File ZDO-288 is a set of proposed text amendments to the Clackamas County Zoning and Development Ordinance (ZDO) that would adopt a comprehensive definition of 'utility facility', clarify the types of utility lines that must be underground, and outright allow utility facilities inside the right of way and utility lines outside the right of way. We have heard public comment regarding a specific utility project within the Stafford area that many residents are unhappy about. The Planning Commission is looking at amending the zoning code, not any specific utility project. There could, however, be implications for the PGE/Stafford Road project depending on what the Planning Commission recommends, and the Board of County Commissioners decides.

Historically, utility facilities inside county road rights-of-way have proceeded through a utility permit required by the county. When a utility provider is going to locate infrastructure within the county right of way, it is not something that gets reviewed or analyzed through land use. There are certain utility facilities that the county has reviewed through a conditional use permit or nonconforming use alterations. These are things like water reservoirs, sewer pump stations, and filtration facilities. Most of what is done routinely outside of land use review is utility lines as they have been considered accessory uses. State law does have some requirements related to utility lines outside the right of way where land use is required, but there is no similar requirement for those that are installed within the right of way.

After conferring with County Counsel's office and doing some analysis of the zoning code, we have concluded that our code does in fact say that utility facilities, including utility lines, both in and out of the right of way require a conditional use permit in many zones. The definition of utility facility in the code covers more than just water reservoirs and pump stations, and also includes utility lines.

The proposal does not include any changes to the EFU, TBR, or AG/F zones as those are already heavily regulated by state law. What we are proposing is to adopt a more complete definition of utility facility. Currently our definition of utility facility is very narrow. The requirement for underground utilities is unclear, but staff feels that the best argument is that we require only utility service lines to be underground except when it is prohibited by the utility service provider. This leaves a grey area in our code which we need to clarify. Does this mean that transmission lines and distribution lines have to be underground? Or that larger scale utilities must be underground? The Board proposed the most expansive set of amendments that they

would consider adopting, with the understanding that the scope of what is actually adopted could change through the public review process.

It is important to do this now as an administrative necessity. In 2022 there were nearly 2,000 utility permits filed with Clackamas County. Some were very minor, some were not as minor. But the reality is that it is a very large number of permits for Planning staff to even look at, much less try to process. It is also potentially burdensome for the utility providers. The Engineering department is bringing certain ones to our attention now based on some of the thresholds that we have set. There are a lot of permits for things like replacing wooden power poles with metal ones, or taller ones. There is also discussion about PGE pursuing some wildfire mitigation projects. So there are a lot of things that are happening that most people would agree do not merit a conditional use permit. That is what needs to be clarified in our code.

Ms. Fields explained that there are things that we rely upon on a daily basis that are not currently covered in our definition of a public utility facility. We are trying to clarify what a public utility is, what a utility line is, as well as a utility service line. Utility service lines are those that run from the main line to a home or homes. Clearly those need to be underground unless prohibited for some reason by the utility provider, but the code is not actually written that way. We want to make sure that the utility service line is defined as well as utility line. We would also be clarifying that the definition of utility facility includes sewer, stormwater, fiber optics, and telephone. We are not recommending that we apply the underground requirement to major utility lines, just the service lines, due to the significant cost increase. We have also added an amendment to our Comprehensive Plan policies on underground utilities so that they are aligned with the zoning code. We have modified the use tables in the zoning code sections to allow outright all utility facilities in the road rights of way and all utility lines outside the road rights of way. Utility facilities along the rights of way are those water, sewer, stormwater, broadband and other facilities that can be contained within the road right of way. If you consider a large pump station or a large transmission facility, they are not going to fit within the road right away. So by allowing outright all utility facilities in the road right of way, we are going to be allowing those that are smaller and linear in nature. The proposed amendments do keep the larger and nonlinear utility facilities that are out of the right of way, such as sewer pump stations, electrical substations, and water reservoirs, as conditional uses. It also adds nonlinear facilities in some of the smaller lot sized residential zones as a conditional use.

Commissioner Pak asked if the green infrastructure stormwater treatment facilities would require a conditional use permit. Ms. Fields responded that these facilities come in a variety of forms. They can be a wetland, or a pond, or a bioswale. A lot of that development is going to be reviewed during the development of the subdivision that is served by the facility. Sometimes they are in an easement, but sometimes they are not and sometimes they are underground. Ms. Hughes said that we may want to look at adding some clarity on the natural drainage types of stormwater facilities. The definition of utility facility says a constructed portion. If someone is doing some sort of onsite stormwater detention facility we would probably treat that as an accessory use.

Commissioner Wilson asked what a conditional use is and what purpose it serves. He also asked about the utility provider's ability to simply say that an underground installation is prohibited because they want to save money. Ms. Hughes explained that a conditional use is a permit that is used to determine if a particular use might be appropriate in a particular location. Just because a use is allowed in a certain zone doesn't mean that the use is appropriate for the particular property. It allows conditions to be placed on a certain use if those conditions make the use appropriate for that certain location or property. Secondly, a conditional use provides a public hearing so that surrounding neighbors have an opportunity to participate in the decision-making process. As far as the utility company saying that underground installations are prohibited, we would

probably take their word for it and that would be the end of it. We really don't know what the standards are that they would use to make that determination. The county would recommend that all service lines should be underground, but a utility provider may give a compelling argument why it is not appropriate for that particular installation. Commissioner Wilson would advocate that all utility lines be underground wherever possible and that the utility company be required to provide exact criteria for when and why underground installations are prohibited. Commissioner Murphy said that he had done some research on this issue, and that when lines get over a certain voltage they need to be cooled. Putting them underground when they are high voltage requires a wet bath or similar method of keeping them cool.

Commissioner Peterson raised a concern that anything that is in the right of way, regardless of its scale, would be allowed outright without any input from the public. Ms. Hughes said that is correct. There are still standards in terms of the county's authority and what it allows in the right of way, and as Ms. Fields indicated there is a limit to what is going to fit within the right of way.

Commissioner Stevens asked at what point should citizens be involved in permits. She asked if this was not a resource issue, what should we really be doing? Ms. Hughes answered that our definition of a public utility facility is from around 1962, so they probably did not think at that time that a power line was a facility. We don't have any background that explains what they were thinking at that time, so we can only do our best with what we do know. Secondly, right now it is true that we do not have the staff to review 2,000 utility permits. The other thing to consider is that even if we were able to bring in enough staff to do the work, it would still require us to hire additional hearings officers. This would increase the costs to review and process the permits. We need to think about what the impacts are that the public would really be concerned about. Not all utility lines are the same, but there is a public utility commission that rules on the safety standards. So maybe what we should look at is the appropriate role of county land use in whatever the impacts might be.

Commissioner Lopes asked for clarification on what the criteria would be between requiring or advocating in terms of underground utility lines. Ms. Hughes explained that when we add it to the Comp Plan we are saying that we think it is something that we feel the utility provider should be moving toward, but whereas if we put it as a requirement in the zoning code then it would be something that we would hold a developer to as part of their conditions. Of course it doesn't have the same teeth as when you add it to the code as a requirement, but it does give an idea of the direction we would like to move toward.

Commissioner Pak asked if removing the "public" from utility facilities would put all utilities under the same umbrella. Public utilities will do the outreach and public involvement with the neighborhoods whether it is required by land use or not because that is who their customers are. She is not sure that you could compel private utilities to follow the same practices. There are some things that probably don't need to have public outreach, but there are others that definitely do. The difficulty is to decide where to differentiate.

Commissioner Moss made the point that the state legislature may be where the underground requirement comes from. Our role may be more advocacy than regulation.

Commissioner Murphy asked if there was any correspondence on this matter other than those that are included in the meeting packet. Ms. Fields responded that there are two new items of written testimony. One is testimony in support of the clarification and the proposed amendments that was received from PGE. The other is from a resident who provided testimony regarding how the ZDOs protection of property rights should not be altered. They were both sent to the Planning Commission via email before tonight's hearing.

Mr. Blaylock asked if there were any representatives from CPOs or hamlets who wished to testify.

**Randall Yamada, Stafford Valley CPO-** Mr. Yamada said that depending on who you talk to in his area, the primary concerns are visual and safety. Some people are really concerned about safety, and there's quite a discussion to be had about both. There is a lot of concern about transmission lines on private property without public notification, review, and appeal rights. This goes against the basis of the land use comprehensive plan and development ordinance whose purpose is to protect the residents and the communities of Clackamas County. The structures, towers, cables with ground anchors for lateral support and other ancillary equipment really should be identified in the category review table as opposed to the definitions. You could say that about a lot of the other types of transmission types, like pipes, water systems, and communication systems. He feels that it needs to be separated in order for the public to understand what is going on. The proposed changes need time for in-depth consideration and modification by the citizens and the community planning organizations before being approved. He asks that the Planning Commission delay their recommendation to allow time for the CPOs to develop their own proposals and recommendations.

Mr. Blaylock asked if there were any other representatives of CPOs or hamlets who wished to provide testimony. There were none.

Mr. Blaylock asked if any member of the public wished to provide testimony.

**Meredith Armstrong, PGE** – PGE is definitely in support of the proposed amendments. Other jurisdictions handle these uses as Clackamas County staff have outlined in the proposed amendments. It provides them a continual efficiency that allows them to keep the network moving and to get what is needed to the communities that need it. It is a really crucial item for them. She would encourage the staff and the county to really consider those needs and to know that they take safety standards very seriously and want to make sure that whatever they are doing is being done in the safest way possible.

**Will Rasmussen, Miller Nash (representing PGE)** – Mr. Rasmussen commended the county for modernizing its land use code regarding utilities. It is an odd faction of history that seems to have popped up in Clackamas County. He agrees that it was probably not the county's intent to require a conditional use approval for all utilities. It causes a number of problems for provision of services to end customers. The staff report is right in determining that the proposed code changes are consistent with the planning goals and would even argue that the ZDO not currently in compliance with the Comprehensive Plan and Statewide Planning Goals if it did, in fact, require CUP review of the thousands of utility permits that come through the county each year. A couple of the Commissioners raised the prospect of undergrounding electrical lines. That generally works for a number of electrical lines, but because of the amount of electricity created by larger transmission lines, once you get above a certain voltage it adds an exponential cost to the project. There are several problems associated with undergrounding large transmission lines. He will see if they can develop some quality information for the county to consider that documents what they are talking about. When they say that it increases a project's cost, they don't mean by just 10 or 20 percent. They mean if you have a \$10 million project, some of them could become \$50 million or \$100 million. That type of cost doesn't just impact the company's profit line; it impacts the ability to provide needed infrastructure to citizens and businesses in Clackamas County. He noted that several of the comments that came in were directed towards the Tonquin project. PGE is developing a separate application under the current code for the Tonquin project, and the public should watch for notification on that. They are welcome to participate in the process, which should hopefully get going before too long. The proposed amendments solve a significant problem for the county, and they respectfully ask the Commissioners to recommend approval of the staff proposal.

**Len Schaber, Stafford area** – Mr. Schaber agrees with Mr. Yamada. Any resolution or voting should be delayed until they have a better option to see what’s at hand and just how it will affect the residents of the area. He can understand the comments as far as the cost of the project when it comes to above ground or underground, but you also have to take into consideration the rights of the landowners and the people in the area.

**RJ Cook** – Mr. Cook is just across from the Stafford/Rosemont PGE substation. He is opposed to the proposed amendments and would like the Commissioners to consider what the future of the area should look like. Should it retain its natural beauty and character, or should it be power lines and utilities? To Commissioner Stevens’ point, if we had the money and the power, would we do it? The bottom line is fix it. Don’t eliminate the procedural aspect.

**Randall Yamada (speaking as an individual, not as the CPO chair)** – Mr. Yamada said that his understanding was that the ZDO amendments and the Tonquin project were not connected, but it sounds to him like they are.

Ms. Hughes explained that PGE has filed and has already had a pre-application conference with the county staff. They are considering filing a land use application for the facility that Mr. Yamada is talking about, but that doesn’t mean that the code amendments, if adopted, wouldn’t apply to them. Essentially it is probably all a matter of timing. Mr. Yamada asked Ms. Hughes to check the recording from the BCC meeting where this was discussed. It is his understanding that there was a specific commitment that they would be separate. Ms. Hughes agreed to follow up on it.

There was no additional testimony, so Chair Murphy closed the public testimony portion of the hearing.

Commissioner Peterson asked Mr. Rasmussen about the opportunity for public outreach and input on the Tonquin project if the proposed code amendments were already in place. Mr. Rasmussen answered that there would not be a public hearing from a land use perspective. It would be treated like any other allowed use in the zone. Most jurisdictions treat utilities that way because they are necessary. Commissioner Peterson’s concern is how the property owners and others who are impacted by this have an opportunity to comment. Is there any requirement from the Public Utilities Commission that requires notification to property owners? Mr. Rasmussen is not sure what the requirements are from the PUC. Ms. Armstrong said that there is, in fact, a property owner notice requirement from the PUC, so those impacted owners would get a notice and they would have an opportunity to be heard through that process. Commissioner Stevens is also concerned that the property owners don’t have a voice on these projects. Ms. Armstrong said that they have been able to address the concerns of those property owners that they have been able to talk to and work with. If there was a concern about a tree coming down because a new pole was going in, they looked to see if there was a way to shift the pole a little bit to save the tree. They have saved quite a few trees this way. They have been able to work with neighboring property owners to plant the kinds of plants the neighborhood wanted. They are willing to take steps to lessen the impact as much as possible. They have held two public house meetings on those projects, not because it was a requirement, but because they wanted to give an opportunity for the public to ask questions and for PGE to address their concerns. There are also a lot of benefits to upgrading our infrastructure to current safety standards. As a company they try really hard to work with the property owners and with neighbors. Commissioner Wilson asked Ms. Armstrong if she had any criteria regarding when an underground transmission line would be prohibited. Ms. Armstrong said that she will find that information and provide it to the commissioners. It should be noted that the underground power lines wouldn’t necessarily fit in the right of way and there would be an impact to a much larger swath of private property where nothing could occur on top of it. Commissioner Pak asked Ms. Armstrong about the

cooperation with property owners who were impacted by other utility installations. Ms. Armstrong described various ways in which PGE has mitigated the concerns and addressed the impacts that were of concern. Commissioner Murphy asked what the life expectancy is on the system that they are putting in. He is concerned about what our communities will look like a hundred years from now and what we should be doing now to make them more sustainable in the future.

Commissioner Murphy closed the public hearing at 8:22 pm.

The Planning Commission discussed whether to continue the hearing to another date, whether to move forward with a motion tonight, or other options. Several follow-up items were listed that the commissioners would like noted:

- Criteria by which PGE would determine when undergrounding would be prohibited.
- Suggestions from the CPOs on what the proposed language should be.
- What are the public input requirements from the PUC?
- Should stormwater facilities that are natural features be included?

Commissioner Lopes moved to leave the record open for written testimony until 4 pm on Monday, May 6<sup>th</sup>, 2024, and to continue ZDO-288 to 6:30 pm on Monday, May 13<sup>th</sup>, 2024 for deliberation and decision only. Commissioner Wilson seconded the motion. (*Ayes=6 Peterson, Pak, Stevens, Murphy, Wilson, Lopes; Nays=1 Moss; Abstain=0. Motion passes*)

Ms. Hughes provided a recruitment and schedule update.

There being no further business, the meeting was adjourned at 9:07 pm.



## **MEMORANDUM**

To: Clackamas County Planning Commission

From: Jennifer Hughes, Planning Director (503-742-4518 or [jenniferh@clackamas.us](mailto:jenniferh@clackamas.us))  
Joy Fields, Principal Planner (503-742-4510 or [jfields@clackamas.us](mailto:jfields@clackamas.us))

Date: May 6, 2024

RE: File ZDO-288, *Utility Facility Comprehensive Plan and ZDO Amendments*

---

On April 8, 2024, the Planning Commission conducted a public hearing to take testimony and consider File ZDO-288, a proposal to amend the Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO) related to utility facilities. The Planning Commission voted to leave the written record open until 4:00 p.m. on May 6, 2024, for additional public testimony and to continue the hearing to May 13, 2024, at 6:30 p.m. for deliberation and decision only.

Staff is providing this memorandum to address several issues discussed by the Planning Commission during the April 8 hearing.

### **Background**

Last fall, in response to a question from a land use attorney, Planning staff and County Counsel did a close review of the ZDO as it relates to utility facilities. As a result, it was determined that a conditional use permit likely is required for utility lines, even those that are underground and even in public road rights-of-way.

The Board of County Commissioners (Board) held a policy session last November to consider the land use regulations applicable to utility facilities. After a staff presentation and related discussion, the Board voted to initiate amendments to the ZDO

The proposal in File ZDO-288 contains the amendments to the ZDO that are needed to implement the Board's initial direction. The Board recognized during the November



policy session discussion that the scope of the proposal may be narrowed during public hearing review. However, beginning with the most expansive potential proposal allowed for the most accurate public notice of what the county may consider for adoption.

Generally, these amendments would:

- Adopt a comprehensive definition of utility facility
- Clarify the types of utility lines that, in most cases, must be underground
- Allow utility facilities inside road rights-of-way as an outright permitted use
- Allow utility lines both inside and outside road rights-of-way, both underground and overhead, as an outright permitted use

## Issues

During the April 8<sup>th</sup> Planning Commission discussion, the following issues were raised and staff were asked to provide additional information to facilitate an in-depth deliberation on ZDO-288 by the Commission.

**A. Public Utility Commission:** The Planning Commission expressed interest in understanding the scope of the Public Utility Commission (PUC) outreach process for projects such as the proposed PGE transmission line along Stafford Rd. Staff reviewed some information on the PUC website and spoke with PUC staff and learned the following.

Generally, the PUC has a role in safety, rate setting, and land condemnation by public utilities. (*see Exhibit 15*)

It appears that the PUC has no requirement for a utility to conduct public outreach for a specific utility construction project unless it is related to the Certificate of Public Convenience and Necessity (CPCN) process. (Outreach also is required for distribution system-level planning.) A CPCN is not required for all utility facilities but is applicable if a public utility proposes to condemn private property due to not reaching agreement with all applicable property owners to grant easement rights.

As part of the CPCN process, there is an expectation that public outreach will be conducted, and the outreach is reviewed by the PUC for consistency with environmental justice goals. However, there are no detailed requirements that establish the type or amount of this public outreach. In the context of the proposed condemnation, the PUC also considers need, practicability (any local land use permitting/legality of project), safety and justification (public interest).

**B. Stormwater infrastructure:** The proposed definition of utility facility includes stormwater, and discussion at the first Planning Commission hearing centered on whether the code amendments adequately address the type of infrastructure that may be associated with stormwater conveyance and treatment. Below are several examples of stormwater facilities, some of which would not qualify as a utility line and may, therefore, require a conditional use permit under the amendments as drafted.

Staff recommends that the proposed definition of “utility line” be revised to include drainageways as an additional type of linear utility facility. In addition, stormwater facilities should be added to the list of accessory uses in each zone; this would accommodate facilities serving development on the same site. Finally, in considering its recommendation to the Board of County Commissioners, staff recommends that the Planning Commission consider whether other nonlinear stormwater facilities warrant conditional use review. For example, what about a vegetated stormwater detention facility that serves a new subdivision and would therefore be part of the subdivision review process? Or a facility that serves a larger area and is intended to address existing drainage concerns rather than a new development already undergoing land use review?



Figure 1: Diagram showing two types of underground pipes to convey different liquids

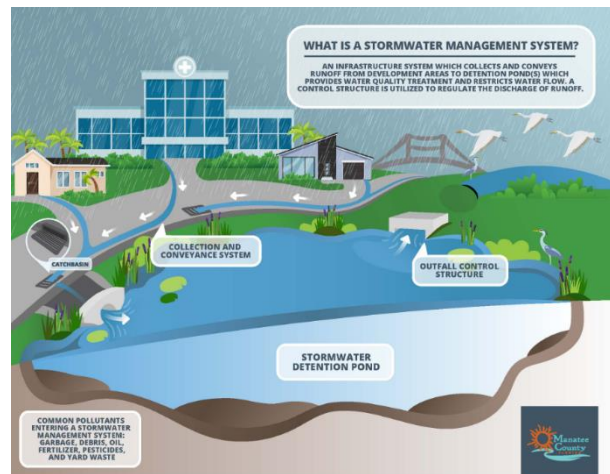


Figure 2: Diagram showing stormwater detention facility that would be vegetated, or underwater.

## SUBSURFACE DETENTION

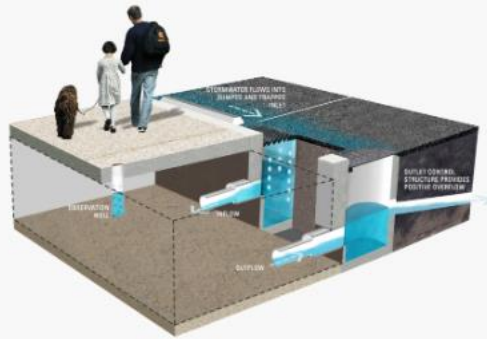


Figure 3: Diagram from Philadelphia Water Department showing example of underground stormwater detention.

**C. Criteria by which PGE determines if electrical lines are placed underground or overhead:** The ZDO currently requires individual service lines to be underground unless prohibited by the utility provider. It may be argued that other lines must also be underground, although staff does not believe that is the best interpretation of the current text. The proposed amendments clearly would limit the undergrounding requirement to service lines.

PGE has provided additional detail on considerations that factor into a decision on whether to place distribution or transmission lines underground. (see *Exhibit 19*) Additional guidance has not been submitted on undergrounding of utility service lines, although it appears that the analysis would be substantially different than it is for a high voltage transmission line. Staff believes it is likely that service lines would be required to be underground in most cases.

**D. Comprehensive Plan Policies:** At the last hearing, staff recommended amendments to several Comprehensive Plan policies to ensure consistency between the Plan and the ZDO. These policies are identified in the staff report previously provided and are listed below. Staff's recommendation is to add "service" to all of the references to utility lines; this will ensure that the policies are consistent with the ZDO requiring only service lines to be underground.

*3.K.9 Improve scenic quality of areas impacted by urban blight, working toward the following objectives:*

*3.K.9.1 Regulation and/or removal of advertising billboards*

*3.K.9.2 Screening junkyards and other unsightly areas*

*3.K.9.3 Placing of utility lines underground*

*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.10 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.Y.1 Require curbs, drainage controls, underground utilities, and street lighting.*
- 4.Z.1 Require sidewalks, drainage controls, underground utilities, and street lighting.*
- 4.AA.6.6 Sidewalks, drainage controls, underground utilities, and street lighting shall be required.*
- 4.BB.5 Require curbs, drainage controls, underground utilities, and street lighting.*
- 4.CC.7 Require curbs, drainage controls, underground utilities, and street lighting.*
- 4.DD.5 Require curbs, sidewalks, drainage controls, underground utilities and street lighting.*
- 4.EE.9 Require underground utilities and street lighting.*
- 4.FF.10 Require curbs, underground utilities and street lighting.*
- 5.1.2 Promote the protection of recreation values, scenic features and an open, uncluttered character along designated scenic roads.*

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

*[...]*

- 5.1.2.8 Underground placement of utilities shall be encouraged.*

As previously discussed, a policy could be added to the Plan that expresses a commitment by the county to support/facilitate the undergrounding of larger electrical lines. This would not be a regulatory requirement but rather a value statement. The county previously has been involved in efforts to assist PGE in securing federal funding for undergrounding, and it's this type of action that would be envisioned by this additional policy. Staff recommends that the following policy be added to the Plan:

*Support and facilitate the placement of electrical lines underground to increase infrastructure resiliency and promote wildfire mitigation.*

## Framing the Discussion

Staff has recommended approval of ZDO-288 as reflected in the draft amendments included in your packets for the April 8<sup>th</sup> hearing and with the additional edits discussed above to address stormwater infrastructure and ensure consistency between the Plan and the ZDO. However, with the substantial public testimony about the Stafford Rd transmission line, staff believes that it is important to emphasize that this package of amendments is not “all or nothing.” Candidly, it is challenging to address what staff views as essential, widely applicable code amendments against a backdrop of a single, specific project that has, very understandably, raised neighborhood concerns. The Planning Commission may recommend that the Board adopt ZDO-288 as recommended by staff, not adopt ZDO-288, or adopt a modified version of ZDO-288.

The Planning Commission discussion included a suggestion that the code amendments be evaluated as though sufficient staffing exists to review conditional use permits for all utility facilities. Staff acknowledges that *if* enough revenue were generated from application fees or allocated from another source, staffing could be increased to provide such review.

However, the question that would remain is whether this level of review is needed for every utility line or facility outside farm and forest zones where state law applies. Conditional use applications are intended to ensure that development is suitable for a particular location or at a particular intensity; implicitly, the process exists because some locations are inappropriate or cannot be made appropriate without special conditions to mitigate impacts. With linear utility facilities that must be interconnected to serve all development throughout the county and to access facilities outside the county as well, this analysis is complicated by the practical implications of denying applications. Conditional use permits under the ZDO do not require an applicant to demonstrate that a utility facility is necessary or cost-effective; rather, the focus is on the physical characteristics of the use, the proposed development site and the surrounding area.

Certainly the Planning Commission may approach its deliberations on ZDO-288 in the way it finds most effective. However, staff offers the matrix below as one possible method of differentiating between different types of utility facilities and framing your discussion. In considering the matrix, the overarching question to consider is whether the particular type of utility facility warrants a conditional use permit (i.e., a discretionary land use review where the application may be denied or siting conditions may be applied by the Land Use Hearings Officer following a public hearing). As a reminder, the proposed amendments make no changes to the county’s various overlay zoning

districts that may require land use review for such factors as stream buffers or floodplain regulations. During the meeting, we will provide a PowerPoint with pictures of various utility facilities that may also assist in your evaluation.

	Utility Type					
	Water	Sewer	Stormwater	Communications	Power	Natural Gas
<b>Underground</b>						
Inside road right-of-way (ROW)						
Inside public utility easement (PUE) <b>adjacent</b> to ROW*						
Outside both ROW and adjacent PUE						
<b>Aboveground</b>						
Inside ROW						
Inside PUE adjacent to ROW						
Outside both ROW and adjacent PUE						
<b>Other Attributes to Further Differentiate**</b>						
Utility pole height (see Exhibit 19 for related graphics)						
Type of powerline, which is associated with voltage (transmission or distribution)						
Pipe diameter						
Length of utility line						
Vegetated aboveground vs non-vegetated (e.g., a drainageway or detention pond)						

\* When required for new development, the Clackamas County Roadway Standards require an 8-foot-wide PUE on both sides of the right-of-way for all public roadway classifications (local, connector, collector and arterial); however, easements of different widths may already exist or may be established.

\*\* If the Commission recommends requiring conditional use permits for some, but not all, underground utility facilities, or some, but not all, aboveground utility facilities, these characteristics may be ones to consider for differentiating.

**PLANNING COMMISSION  
DRAFT MINUTES**

May 13, 2024

Meeting held online via Zoom

Commissioners present: Kevin Moss, Carrie Pak, Gerald Murphy, Tom Peterson, Louise Lopes, Tammy Stevens, Tom Middaugh

Commissioners absent: Michael Wilson

Staff present: Joy Fields, Jennifer Hughes, Darcy Renhard

Commission Chair Murphy opened the meeting at 6:31 pm.

Chair Murphy asked if there was anyone in the audience who wished to provide public comment on items other than what is on the agenda. There were none.

Chair Murphy opened the public hearing for ZDO-288. This hearing was continued from April 8<sup>th</sup> and is only for Planning Commission deliberations and recommendation.

Several follow-up items for further discussion from the April 8<sup>th</sup> meeting were:

- Criteria by which PGE would determine when undergrounding would be prohibited.
- Suggestions from the CPOs on what the proposed language should be.
- What are the public input requirements from the Public Utility Commission (PUC)?
- Should stormwater facilities that are natural features be included?

Ms. Fields explained that public input for individual utility projects is only required by the PUC when a certificate of public convenience and necessity is requested by the Commission. These are situations where the utility company would need to condemn property for a specific project or to get public buy-in for a very specific utility project to ensure that environmental justice is met. Exhibit 15 is the information provided by staff at the PUC.

Stormwater infrastructure is similar to a sanitary sewer system in that the water is captured and conveyed from a house or impervious surface to a facility. In the case of stormwater, this is often run under the road, but not always. What is different is that storm water is typically conveyed to a detention pond where the pollutants and other materials are removed before it goes into the waterway. Detention ponds are often vegetated and do not include large structures outside of an outfall. This is different from a sanitary sewer system that has large treatment facilities to perform these functions. Easements are typically granted in the final plat for a development. The stormwater detention facilities are often reviewed through the land use process and granted to Clackamas County Water Environmental Services for stormwater detention. Occasionally water lines and sewer lines are above ground.

Staff reached out to PGE who provided an exhibit that was forwarded to the Planning Commission. In the exhibit, it explains that PGE follows guidance from multiple regulatory agencies, including the Public Utility Commission. They are also regulated by the National Electric Code, the National Building Code, OSHA, and Oregon Specialty Code. All of these are part of the Oregon Joint Use Association who provides guidance on expansive safety provisions that the utility companies must provide. Last month we discussed the Comprehensive Plan policies and how the Planning Commission would like to advocate for the placement of underground electrical lines. Ms. Fields shared a draft policy intended to address this concern.



Ms. Hughes discussed the memo outlining a couple of changes to what was given to the Planning Commission last month. Primarily, the change related to stormwater infrastructure adds something that is a little more expansive in terms of accessory uses. Some of these facilities are not utility lines. They are the detention ponds that may be sitting on a particular commercial property or lot within a housing development. In these cases, it would be an accessory use as simply part of that development. Staff is also suggesting a change to the definition of utility line to include drainage ways so it is clear when we are talking about something that is natural or somewhat natural in nature. Drainage ways would be a different type of utility line that is conveying stormwater.

We have also clarified language in the proposed Comp Plan policies to specify that we are talking about service utility lines being underground.

As a point of clarification, Planning staff did not intend to imply that these code amendments have nothing to do with the PGE transmission facility in the Stafford area. What we have said is that the decision that is being made is not limited to that facility, and it is not a specific decision about any one specific proposal. What it would do is to generally change our Code. To the extent that those code amendments affect a project of any utility provider, including PGE, they will be applicable to any of these projects in the future.

What the Planning Commission needs to decide is the scope of review that is necessary for all of these different types of facilities. Would mitigation work on existing lines to make them safer require the same level of review as a new installation?

Commissioner Stevens said that the written response from PGE was very helpful. It explained how the underground power lines do not last anywhere near as long as overhead lines and how dangerous the underground power lines can be if there is a severe storm and a tree next to the lines is uprooted, for example. It can take far longer to repair and can be much more difficult to fix. So underground lines may not always be the best alternative. It is logical to adopt a comprehensive definition of utility facilities. As far as determining which lines should be installed underground, we need to allow the experts to make those determinations. Allowing the utility facilities within the road right-of-ways makes sense, that is what they were created for. The biggest concern for her is when citizen involvement is not required for certain types of land use applications. Utility lines outside the right-of-way, both underground and overhead, should secure a conditional use permit.

Commissioner Middaugh agrees with Commissioner Stevens. We need to allow for public input on installations that take place outside the right-of-way or outside of property that is controlled by the utility company.

Commissioner Pak is in favor of including stormwater facilities as part of the utility definition that does not require a conditional use. Stormwater facilities are not the same as sewer lines. Most stormwater facility managers do not want any pump stations. She would include wastewater and drinking water as part of the utility lines that should be allowed outright both inside and outside of the right-of-way, and both above ground and underground.

Commissioner Lopes applauds the addition of the language to support and facilitate underground utilities, but she feels that the language should be even stronger.

Ms. Hughes cautioned about mandating what does or does not have to be underground. It was included because our Code lacks clarity, but the best interpretation is that it is only service lines. There are ramifications to rate payers if we start requiring underground utilities.

Commissioner Peterson said that Ms. Hughes is right, and going down the route of requiring underground utilities is beyond the scope of what is being proposed. He was comfortable with the original proposal from staff. In the case of the Stafford area project, PGE has bent over backwards trying to inform and accommodate the neighbors even though there was no requirement for public outreach.

Commissioner Stevens does not think it makes sense to require a conditional use for stormwater facilities.

Commissioner Peterson pointed out that all of the utilities associated with a development would already be going through the development review process. Why would we want to have a conditional use on top of that?

Commissioner Pak is perfectly fine with adopting the recommendation that staff presented on April 8<sup>th</sup> if the utility definition is expanded to include the stormwater detention facilities that Ms. Fields discussed.

What Commissioner Lopes feels strongly about is requiring a conditional use permit for power and natural gas outside the right-of-way. If there is a new subdivision that is already going through a heavily reviewed permitting process, they would be excluded. Citizen advocacy is very important, so where there are power and natural gas going in outside of the right-of-way there should be a conditional use permit to incorporate citizen input.

Commissioner Peterson asked how much of the Stafford area project will be outside of the right-of-way. Ms. Hughes explained that most of the project would be within the right-of-way, but in some cases, PGE needs to use easements outside the right-of-way. It is a mix of inside and outside. Historically the Planning Department has not been involved in these. There are lines, both natural gas and electric lines, that traverse acreage outside road rights-of-way. They are done through easements.

During his conversation with the PUC, Commissioner Middaugh learned that if there is a taking of land, or condemnation, the PUC hearings are very similar to ours where the public has an opportunity for input and objection. There is also a chance that the property owner can agree to sell the easement to the utility. While the neighboring property owners may not all agree with this, it does not keep one property owner from doing it. The utility company would have to prove need for condemnation on the properties who do not willingly agree, which requires the process through the PUC.

Commissioner Stevens wants to make sure that there are services that are excluded from the conditional use requirements, specifically stormwater and possibly sewer.

Commissioner Peterson feels that there needs to be consistency. If something is outside the right-of-way, it requires conditional use, if it is within the right-of-way it does not. It doesn't matter what it is. Once you start trying to differentiate between the various utilities you run the risk of requiring conditional uses for things that really don't need it.

Commissioner Pak is not in favor of having a conditional use requirement for utilities.

Commissioner Moss does not think that we are taking away anyone's right to public comment. Policy really lies at the feet of the County Board of Commissioners and at the state and federal legislation level.

Commissioner Stevens moved to recommend approval of ZDO-288 to the Board of County Commissioners as recommended by staff, but with the following recommendations: adopt the first 3 amendments as submitted by staff, but modify the fourth to allow utility lines **inside** road right of ways, both underground and overhead, as an outright permitted use and requiring utility lines **outside** the road right-of-way, both underground and overhead, to require a conditional use permit. Commissioner Lopes seconded the motion. *(Ayes=3 Lopes, Stevens, Murphy; Nays=4 Middaugh, Peterson, Pak, Moss; Abstain=0. Motion does not pass.)*

Commissioner Middaugh moved to recommend approval of ZDO-288 to the Board of County Commissioners as presented by staff for the first 3 amendments, but that the Planning Commission recommend that utility uses within right of ways be permitted as an outright use, but that conditional use permits be required for gas and electric lines outside of the right of ways or outside of property that is owned or controlled by the utility. Commissioner Stevens seconded. *(Ayes=5 Lopes, Pak, Moss, Middaugh, Stevens, Murphy; Nays=1 Peterson; Abstain=0. Motion passes)*

Ms. Hughes provided a recruitment and schedule update.

There being no further business, the meeting was adjourned at 8:20 pm.

### **Chapter 3: NATURAL RESOURCES AND ENERGY**

Citizen involvement is essential in the governmental process to promote the general health and welfare of the total community. New approaches must be developed by local government to effectively involve citizens in the planning and decision-making process. Positive accomplishments can be achieved.

The resources and natural systems of Clackamas County are the most enduring and tangible assets for its communities and their economies and environment.

River corridors, farm fields, marshes, scenic outlooks, wildflowers, spawning beds for salmon, deer and elk wintering areas, gravel quarries, magnificent stands of trees along Oatfield Ridge, or reservoirs of hot water beneath the slopes of Mt. Hood are all part of the wealth of Clackamas County's environment.

Natural resources and processes are interdependent, supplying benefits to the system of which they are a part. Plants are used by animals. Floodplains accommodate floods. Geologic processes produce areas of spectacular scenery. Skiers use the snow-covered slopes of Multnomah Mountain. Favorable soils and slopes result in savings for construction. Energy flows into the region from the sun, wind, and rain.

Clackamas County is an area of rapid growth, urbanization pressures, and diverse rural activities. As man exerts a greater influence on the environment, planning for future use of Clackamas County's land, water, and energy resources becomes increasingly important. The concern becomes one of insuring long-range values and a high quality of life. This can be accomplished by insuring that our resources are wisely managed, that different uses of land do not conflict, that energy for productivity is available in the quantities needed, and that there is a sufficient amount of high-quality water for the needs of the population as well as natural systems.

#### **ISSUES**

- Use of rivers for recreation and public water supply.
- Effects of river corridor development.
- Competing land use demands in river corridors and impact of development on wetlands.
- Availability and quality of groundwater.
- Management of agricultural resources.
- Management of forest resources on small woodlot ownerships.
- Management of urban forests.
- Competition of recreational demands in forest areas.
- Management of mineral and aggregate supplies.
- Reuse of exhausted aggregate extraction sites.

- Management of fish and wildlife habitat.
- Compatibility of structures and land uses in critical habitat areas; animal damage in agricultural/forest areas.
- Protection of scenic and unique natural areas on public and private lands.
- Housing density in hazard areas (e.g., steep slopes, active landslides, and floodplains).
- Government liability if known hazard areas are allowed to develop, and damage to life or property occurs.
- Energy efficiency and alternative local sources (e.g., solar, geothermal).
- Need for educational programs on energy conservation (e.g., weatherization, recycling, and efficient land use patterning).

**SUMMARY OF FINDINGS AND CONCLUSIONS**

- On peak days and/or during summer months, sections of the Willamette River are overused in terms of recreational activities. The Clackamas and Sandy Rivers may be approaching recreational overuse in some sections. The Molalla has very low summer flows. Access points on the Tualatin River and lower Molalla River are few. The banks of the Tualatin are predominantly mud, relatively fragile, and cannot withstand much wave (wake) action. Regulatory programs include State Scenic Waterways on the Clackamas and Sandy Rivers, Federal Wild and Scenic Waterways Act, the Willamette River Greenway, state water quality standards, Water Resources Department policy and water rights, and Division of State Lands fill permits. Seven cities and the County share jurisdiction of the Willamette River.
- All rivers either support or provide passage for anadromous fish, i.e. salmon and steelhead.
- Existing land uses within each river corridor area are:

**Land Use as Percentage of Total**

<u>River</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Ag/Forest/OS</u>
Clackamas	6.5	0.1	3.2	90.2
Sandy	4.7	0.4	0.0	94.9
Molalla	2.0	0.0	1.0	97.0
Tualatin	13.9	0.2	0.0	85.9
Willamette	11.3	0.4	3.6	84.7

- Quality of groundwater in Clackamas County is generally good, although some dissolved iron is found in well supplies. Groundwater monitoring activities show a gradual yearly decline in the water table; however, according to the Oregon Water Resources Department, there is no indication of a critical groundwater situation.
- The County's agricultural production in 1987 had an estimated value of over \$150 million. This contributed a total of approximately \$500 million to the state's economy. The County's agricultural land base has decreased over 100,000 acres in the last 30 years. The potential for agricultural production is further reduced by rural parcelization patterns and inactive farm land owners.
- Techniques for maintaining the County's agricultural base are (1) regulating land uses to insure that in prime agricultural lands, economic farm units are preserved; and (2) utilizing and expanding existing resources that provide tax relief, educational programs, technical assistance, cooperatives, etc., to encourage the economic viability of the County's farms.
- Federal timber revenues to the County treasury averaged over \$9 million per year from 1984 to 1988. The forest industry is one of the largest industries in the state.
- During the late 1980s (from 1984 to 1988) federal lands supplied 70 to 75 percent of Clackamas County's timber harvest volume, and the forest industry supplied about 15 to 20 percent. Small woodlot owners control approximately 20 percent of the Countywide commercial forest land, and supply 5 to 10 percent of the timber harvest.
- Inside the Portland Metropolitan Urban Growth Boundary, street trees are required in certain areas and encouraged elsewhere.
- Inside the Portland Metropolitan Urban Growth Boundary, preservation, maintenance, and enhancement of the tree canopy are required or encouraged through regulation and public education.
- The County could simplify management of its scattered forest holdings by exchanging them for forest lands in other parts of the County and using them for parks and/or open space. A County forest land inventory and management plan has been completed and is now being implemented.
- Aggregate supplies are integral to general economic development in the County; however, supplies near the urban area are limited due to encroachment of urban land uses.
- Fishing is a major recreational activity in the County, with many streams and rivers noted for their salmon and steelhead runs. Hunting is also a major activity, with deer, bear, elk, and other hunting having an important economic impact on Clackamas County.

- Areas near rivers or streams are the most important wildlife habitat, harbor the greatest species diversity, and are critical to the survival of numerous species. Cool and well-oxygenated rivers sustain fish in the summer. Winter range is necessary to support big game during inclement months.
- Scenic and natural areas are often quite fragile and easily obscured or degraded by inappropriate forms of development.
- County population projections indicate an increase of 45 percent by the year 2010, substantially increasing development pressure and recreational use of the County's scenic and natural areas. The quality of these resources affects tourism, a major County industry.
- Flooding and landslides are natural events posing hazards to existing structures and may be compounded by further development. There are approximately 330 acres of landslides and 935 acres of floodplain in northwest unincorporated urban Clackamas County.
- Inappropriate hillside development can increase runoff, erosion, and public service costs. County road maintenance costs, for development on hillsides with greater than 15 percent slope, are about four times as great as maintenance costs for development on 0 percent to 8 percent slope.
- Practically all energy is imported to the County. Although little can be done to affect price or supply, efficient use of energy can be accomplished once it enters the County, and auxiliary sources (e.g. solar, wind, geothermal, etc.) can be developed.
- Nearly 40 percent of the County's energy consumption is wasted by inefficient insulation, improper ventilation, poorly designed appliances, etc. Energy loss due to inefficient land use patterns add to this total. Energy conservation strengthens the economy by preventing job loss during shortages, reducing demands on natural resources, and providing time to develop new or more efficient sources.
- Solar and wind energy are both essentially unlimited in their supply and pose few environmental problems. If more actively promoted, they could become important auxiliary energy sources in Clackamas County. Solar energy can make an immediate contribution for heating and cooling individual buildings.
- The Metropolitan Service District has established a solid waste transfer station and recycling center in Oregon City. It, and a similar station near Sandy, are collection points for solid waste before the nonrecycled material is trucked to the landfill.
- Initial exploration near Mt. Hood indicates a potential for geothermal energy. Heat from the earth could be an important contributor to the total energy requirements of the Portland metropolitan area in the next 10 to 20 years.

## **WATER RESOURCES**

The value of Clackamas County's water resources is immeasurable. Rivers, lakes, farm ponds, marshes, streams, and groundwater provide for domestic supply, recreation, wildlife habitat, drainage control, and many aesthetic benefits.

To protect our water resources, the following goals and policies address rivers and stream corridors in general, five individual river corridors, wetlands, and groundwater.

### **WATER RESOURCES GOALS**

- Maintain an adequate amount of surface water and maintain and improve water quality to insure its continued use for domestic water supply, aquatic habitat, and recreation.
- Minimize erosion and hazards to life or private and public property.
- Maintain or improve the quality and quantity of groundwater.
- Maintain or improve the quality of rivers and streams.
- Protect and enhance wetlands as a valuable source of groundwater recharge, wildlife habitat, and stormwater drainage control.

### **3.A River and Stream Corridors Policies**

- 3.A.1 Maintain rivers and streams in their natural state to the maximum practicable extent through sound water and land management practices. Consideration shall be given to natural, scenic, historic, economic, cultural, and recreational qualities of the rivers and adjacent lands.
- 3.A.2 Apply erosion and sediment reduction practices in all river basins to assist in maintaining water quality. Existing riparian vegetation along streams and river banks should be retained to provide fisheries and wildlife habitat, minimize erosion and scouring, retard water velocities, and suppress water temperatures.



- 3.A.3 For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, require preservation of a buffer or filter strip of natural vegetation along all river and stream banks as shown on the adopted Water Protection Rules Classification (WPRC) Maps. The depth of the buffer or filter strip will be dependent on the proposed use or development, width of river or stream, steepness of terrain, type of soil, existing vegetation, and other contributing factors, but will not exceed 150 feet. River and stream corridor crossings shall be permitted provided they do not interfere with fish movement. Commercial forest activities and harvesting practices shall provide for vegetation buffers and the intended shading, soil stabilizing, and water filtering effects as required by the Oregon Forest Practices Act and administered by the State Department of Forestry. Tree cutting activities associated with river or stream enhancement projects approved by the Oregon Department of Fish and Wildlife are exempt from this policy.
- 3.A.4 For areas that are inside either the Metropolitan Service District Boundary or the Portland Metropolitan Urban Growth Boundary, require preservation of a buffer or filter strip of natural vegetation along all river and stream banks as shown on the adopted Habitat Conservation Areas Map and Water Quality Resource Areas Map and for unmapped Water Quality Resource Areas.
- 3.A.5 Encourage establishment and maintenance of adequate minimum flow standards in all streams to insure a productive fish habitat and to protect aquatic life and scenic qualities. As new data become available, and the Department of Water Resources Commission establishes minimum stream flows, such information shall be incorporated into the County planning process.
- 3.A.6 Require to the most reasonable extent possible the use of nonstructural methods of bank stabilization in areas experiencing accelerated soil loss. Require that bank stabilization not degrade fish habitat and not accelerate erosion in other sections of the river or stream.
- 3.A.7 Allow diversion or impoundment of stream courses if fisheries, wildlife, water quality, and flow will not be adversely affected. If the action is taken for fish or wildlife habitat enhancement, the action shall be approved by the applicable federal, state or local agencies having jurisdiction.

- 3.A.7.1 Require new dams or other impoundments, or major modifications to existing dams or impoundments, to demonstrate that anadromous and resident fish will not be adversely affected by the installation of such works. The methodology for such determination shall be developed by the County in conjunction with affected federal and state agencies, including, but not limited to, the U.S. Department of Fish and Wildlife, the Oregon Department of Environmental Quality and Environmental Quality Commission, and the Oregon Department of Fish and Wildlife.
  - 3.A.7.2 Require all new dam and impoundment projects to incorporate designs which assist to the maximum extent practicable the restoration, expansion and monitoring of anadromous fish populations, as determined by the County in the development of a methodology with the agencies listed in Policy 3.A.7.1 above.
- 3.A.8 Allow low head hydroelectric dam facilities that do not adversely impact fisheries and water quality.
- 3.A.8.1 Require new dams or other impoundments, or major modifications to existing dams or other existing impoundments, to demonstrate pursuant to current accepted methodology that anadromous and resident fish will not be adversely impacted as determined by the Oregon Department of Fish and Wildlife.
  - 3.A.8.2 Require all new dam and impoundment construction incorporate designs which assist to the maximum extent practical restoration, expansion and monitoring of anadromous fish populations as determined by the Oregon Department of Fish and Wildlife and U.S. Fish and Wildlife Services.
- 3.A.9 Decisions regarding developments in Principal River Conservation Areas, Stream Conservation Areas, and Habitat Conservation Areas shall be consistent with the applicable Economic, Social, Environmental and Energy (ESEE) analyses for the watershed.
- 3.A.10 Establish water-based recreational areas for activities such as swimming, fishing, and canoeing that are free from conflicts with speed boating and water skiing.

**3.B Principal River Conservation Area Policies**

- 3.B.1 Designate a Principal River Conservation Area along the corridor of the Willamette River. For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, designate Principal River Conservation Areas along the corridors of the Clackamas River, Sandy/Salmon Rivers, Molalla/Pudding Rivers, Tualatin River, Roaring River, and Zig Zag River as shown on Map 3-2. The corridors include those rivers identified by the Omnibus Oregon Wild and Scenic Rivers Act (1988), and the State Scenic Rivers Program. The corridor width will be one-quarter mile from mean high water level on each side, except along the Willamette River, where the width is defined by the Willamette River Greenway boundaries, urban and rural.
- 3.B.1.1 Coordinate with regional, state and federal regulatory agencies to provide a common management direction and permit review procedures for the designated river corridors. This includes reliance on the Oregon Forest Practices Act for contemplated forest management activities.
- 3.B.1.2 Manage development in all Principal River Conservation Areas according to the following siting performance criteria:
- 3.B.1.2.a Maintain vegetative fringe areas along the river free of structures, grading and tree cutting activities (see Policy 3.A.3). Diseased trees or those in danger of falling may be removed.
  - 3.B.1.2.b Minimize erosion and sedimentation through drainage control techniques, revegetation of cleared/disturbed areas, phasing of vegetation removal, closure of unused roads, and discouraging off-road vehicles.
  - 3.B.1.2.c Limit residential structure height to 35 feet and use a vegetative fringe to screen from the river primary and accessory structures.
  - 3.B.1.2.d Encourage subdued substructure color or tones to blend with surroundings and adjacent features.
  - 3.B.1.2.e Screen commercial/industrial structures (except water-dependent or water-related uses), parking and/or loading, and storage areas from view from the river, and orient signs away from the river.

- 3.B.1.3 Require a minimum setback of not less than 100 feet or more than 150 feet from mean high water level for all structures, except water-dependent uses. The actual setback shall be based on the site criteria stipulated in Policy 3.A.3. Residential lots of record and residential minor land partitions unable to meet this requirement shall be exempt from the minimum setback standard. However, all River Areas siting criteria and other provisions of this Plan shall be met. Requirements of the State Scenic Waterways Act and Willamette River Greenway must be met on the applicable reaches of the Clackamas, Sandy, and Willamette Rivers.
- 3.B.1.4 Encourage new public access points to minimize trespass and vandalism on private property.
- 3.B.1.5 Mining of aggregate within Principal River Conservation Areas shall only be allowed upon demonstration the site is significant, has been reviewed pursuant to the Goal 5 process and procedures, and when demonstrated such uses shall not adversely impact water quantity or quality. Under no circumstances shall mining or other development activities associated with the use occur within one hundred fifty (150) feet of the mean high water line of the river.
  - 3.B.1.5.a The Canby Sand and gravel site, identified in Board order 95-47, commenced the Goal 5 process in 1992 and has been designated as a significant Goal 5 aggregate site but has not completed the ESEE stage of the process. This site has been found to have significant aggregate and fish habitat. The County has delayed the decision to protect these Goal 5 resources until a concurrent examination of these resources is performed pursuant to the ESEE analysis in OAR 660, Division 16.

### **3.C Stream Conservation Area Policies**

- 3.C.1 For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, designate stream conservation areas along the corridors of fish-bearing streams based on Water Protection Rule Classification (WPRC) Maps created through the cooperative efforts of the Oregon Department of Forestry (DOF) and Oregon Department of Fish and Wildlife (ODFW) pursuant to OAR 629-635-000. Establish and manage conservation corridors based upon the following performance criteria:
  - 3.C.1.1 Large stream conservation areas: A minimum 100 feet from the mean high water line shall be designated along all streams described as fish-bearing streams (Type F) with average annual flows of 10 cubic feet per second or greater as shown on WPRC maps.

- 3.C.1.2 Medium stream conservation areas: A minimum 70 feet from the mean high water line shall be designated along all streams described as fish-bearing streams (Type F) with average annual flows greater than two cubic feet per second and less than 10 cubic feet per second or greater as shown on WPRC maps.
  - 3.C.1.3 Small stream conservation areas: A minimum 50 feet from the mean high water line shall be designated along all streams described as fish-bearing streams (Type F) with average annual flows less than two cubic feet per second as shown on WPRC maps.
  - 3.C.1.4 Manage development and establish minimum setbacks from watercourses. Allow stream corridor crossings provided they do not interfere with fish movement.
  - 3.C.1.5 Maintain vegetative fringe areas along fish bearing streams free of structures.
  - 3.C.1.6 Establish residential lots of record exemption provisions to allow development on properties physically unable to satisfy the minimum setback requirements.
  - 3.C.1.7 Manage stream conservation areas to maintain and enhance water flows from springs, seeps, side channels and other sources.
- 3.C.2 Sandy/Zig Zag/Salmon Rivers Design Plan and Policies
- 3.C.2.1 Implement the design plan for the Sandy/Salmon Rivers according to Map 3-1b, which illustrates uses. Management activities and land classifications shown on the map are consistent with land use policies and designations in the Land Use Chapter. Official maps showing precise boundaries and sites (scale 1"=2000') are on file at the Clackamas County Department of Transportation and Development.
  - 3.C.2.2 Limit development and intense recreation activities on those sites designated Protection Resource Areas on the Design Plan Map. Islands shall not be developed.
  - 3.C.2.3 Apply policies contained in the adopted Mt. Hood Community Plan to the Sandy/Salmon Rivers.
  - 3.C.2.4 Prohibit water appropriations or other withdrawals from the Salmon River unless it is demonstrated through current accepted methodology that anadromous and resident fish habitat will not be adversely impacted as determined by the Oregon Department of Fish and Wildlife.

3.C.3 Clackamas River Design Plan and Policies

- 3.C.3.1. Implement the design plan for the Clackamas River according to Map 3-1a, which illustrates uses. Management activities and land classifications shown on the map are consistent with land use policies and designations in the Land Use Chapter. Official maps showing precise boundaries and sites (scale 1"=2000') are on file at the Clackamas County Department of Transportation and Development.
- 3.C.3.2. Cooperate with the Oregon Department of Transportation (ODOT) in development of a coordinated management scheme for the scenic waterway section.
- 3.C.3.3. Limit development and intense recreational activities on those sites/areas designated Protection Resource Area on the Design Plan Map. Islands shall not be developed.
- 3.C.3.4. Develop, with the Oregon State Parks and Recreation Department, a Clackamas River Scenic Waterway Recreation Guide for river users that shows landmarks, access/egress points, and scenic waterway rules.
- 3.C.3.5. Study, for potential inclusion in the State Scenic Waterway Program, a Clackamas River "Gorge" from Estacada to Faraday Dam.
- 3.C.3.6. Encourage the posting of hazardous water signs in reaches of the river where safety hazards exist.

3.C.4 Molalla River Design Plan and Policies

- 3.C.4.1. Implement the design plan for the Molalla/Pudding Rivers according to Map 3-1c, which illustrates uses. Management activities and land classifications shown on the map are consistent with land use policies and designations in the Land Use Chapter. Official maps showing precise boundaries and sites (scale 1"=2000') are on file in the Clackamas County Department of Transportation and Development.
- 3.C.4.2. Encourage new public access points to minimize traffic hazards, trespass, vandalism, and crop disturbance. Clackamas County shall evaluate public access sites shown by the Oregon Department of Fish and Wildlife as indicated in the Pudding River Basin Master Plan for Angler Access and Associated Recreational Uses, 1969.
- 3.C.4.3. Limit development and intense recreational activities on those sites designated Protection Resource Areas on the Design Plan Map.

3.C.5 Tualatin River Design Plan and Policies

- 3.C.5.1 Implement the design plan for the Tualatin River according to Map 3-1d, which illustrates uses. Management activities and land classifications shown on the map are consistent with land use policies and designations in the Land Use Chapter. Official maps showing boundaries and sites (scale 1"=2000') are on file at the Clackamas County Department of Transportation and Development.

- 3.C.5.2 Encourage new public access points to minimize trespass and vandalism on private property.
  - 3.C.5.3 Identify public access points above River Mile 3.4 (Lake Oswego Diversion Dam) and discourage boating activities which create bank erosion due to wave action.
  - 3.C.5.4 Cooperate with the State Water Resources Department and other appropriate agencies to implement the Willamette River Basin Plan.
- 3.C.6 Willamette River Design Plan and Policies
- 3.C.6.1 Implement the design plan for the Willamette River according to Map 3-1e, which illustrates uses. Management activities and land classifications shown on the map are consistent with land use policies and designations in the Land Use Chapter. Official maps showing precise boundaries and sites (scale 1"=2000') are on file at the Clackamas County Department of Transportation and Development.
  - 3.C.6.2 Support regulation of recreational activities in the rural portion of the Willamette Greenway to minimize conflicts between water-based recreational uses, manage the intensity of recreational uses, and buffer bankside uses from water-borne recreational activities including recreational noise levels. The County shall develop a joint land management program with the Oregon State Parks and Recreation Department for all County- and state-owned lands in the rural greenway.
  - 3.C.6.3 Provide for recreational activities in the urban portion of the Willamette Greenway through a jointly developed management program with all incorporated cities. At a minimum, public safety, recreational use intensity, and recreational noise need to be addressed.
  - 3.C.6.4 Exempt specified modifications of single family residences from the existing Greenway Conditional Use procedure. For all other uses, change of use, modifications, and intensifications, require Willamette River Greenway Conditional Use approval and compliance with provisions of the design plan and Policies 3.B.1.2 and 3.B.1.3 of this chapter.
  - 3.C.6.5 Prohibit private noncommercial docks and moorages in limited-use rural portions of the Greenway to protect the natural river character.
  - 3.C.6.6 Allow private noncommercial docks and moorages in urban and multiple-use rural portions of the Greenway through the Greenway Conditional Use provisions of the Zoning Ordinance which require an extraordinary exception in the rural portion.
  - 3.C.6.7 Limit development and intense recreational activities on sites designated Protection Resource Areas on the Design Plan Map. Islands shall not be developed.

3.C.6.8 Encourage new public access points to minimize trespass and vandalism on private property. Emphasis shall be directed to the area from Gladstone to Milwaukie.

3.C.7 Cooperate with the State Water Resources Department and other appropriate agencies to implement the Willamette River Basin Plan.

**3.D Habitat Conservation Area Policies**

3.D.1 For areas that are inside the Metropolitan Service District (Metro) Boundary or the Portland Metropolitan Urban Growth Boundary, designate Habitat Conservation Areas as required by Title 13 of the Metro Urban Growth Management Functional Plan, a Statewide Planning Goal 5 program for riparian corridors, wetlands, and wildlife habitat.

3.D.2 Regulate development in Habitat Conservation Areas, and on parcels that contain Habitat Conservation Areas, in a manner consistent with Metro’s acknowledged Goal 5 inventory, significance determination, and Economic, Social, Environmental, and Energy analysis.

3.D.3 Implement Habitat Conservation Area regulations by adopting by reference Metro’s Habitat Conservation Areas Map, establishing an overlay zoning district, and applying development standards consistent with Metro’s Habitat Conservation Areas model ordinance.

**3.E Water Quality Resource Area Policies**

3.E.1 For areas that are inside the Metropolitan Service District (Metro) Boundary or the Portland Metropolitan Urban Growth Boundary, designate Water Quality Resource Areas as required by Title 3 of the Metro Urban Growth Management Functional Plan, a Statewide Planning Goal 6 program for water quality.

3.E.2 Regulate development in Water Quality Resource Areas by adopting by reference Metro’s Water Quality Resource Areas Map, establishing an overlay zoning district, and applying development standards consistent with Metro’s Water Quality Resource Areas model ordinance.

3.E.3 Use Metro’s Water Quality Resource Areas Map as a reference document, but rely on the text of the Zoning and Development Ordinance to establish criteria for the identification of protected water resources and the location of the boundaries of Water Quality Resource Areas.



**3.F Wetlands Policies**

- 3.F.1 For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, prevent disturbance of natural wetlands (marshes, swamps, bogs) associated with river and stream corridors. Adjacent development shall not substantially alter normal levels or rates of runoff into and from wetlands. Site analysis and review procedures specified in the Open Space and Floodplains section of the Land Use chapter shall apply. (See Wildlife Habitats and Distinctive Resource Areas of this chapter).
- 3.F.1.1 Develop guidelines for compatible uses on wetlands and their peripheries, and for wetland restoration. Table 3-1 shall be used as a guide. Wetland restoration decisions shall be made on a site-specific basis.
- 3.F.1.2 The County recognizes the U.S. Department of the Interior, Fish and Wildlife Service National Wetlands Inventory as a resource document for wetland identification in the County. Individual site development of inventoried lands will be reviewed for compliance with wetlands policies.
- 3.F.1.3 The County has insufficient information as to location, quality, and quantity of wetland resources outside of the Mt. Hood urban area and the Portland Metropolitan Urban Growth Boundary to develop a management program at this time. If such information becomes available, the County shall evaluate wetland resources pursuant to Goal 5 and OAR Chapter 660, Division 16, prior to the next Periodic Review. In the interim, the County will review all conditional use, subdivision, and zone change applications and commercial and industrial development proposals to assure consistency with Section 1000 of the Zoning and Development Ordinance and goals and policies of Chapter 3 of the Plan.

**3.G Groundwater Policies**

- 3.G.1 Cooperate with appropriate state and federal agencies to inventory and catalog groundwater resources and their uses to assess groundwater potentials and establish management criteria and priorities to protect and maintain this natural asset.
- 3.G.2 Investigate the feasibility of maintaining or subsidizing a groundwater testing service, available to the County's citizens (upon request for a nominal fee) to assist in assuring adequate well water quality.

- 3.G.3 Cooperate in the monitoring of groundwater levels and quality with the Oregon Water Resources Department.
- 3.G.4 Protect groundwater supplies in rural, agricultural, and forest areas.
  - 3.G.4.1 Implement large-lot zoning.
  - 3.G.4.2 Regulate all subdivisions utilizing groundwater as a potable water source to promote long-term sustainability of groundwater supplies.
  - 3.G.4.3 Regulate all development and land divisions utilizing groundwater as a potable water source located in areas classified by the State of Oregon as a groundwater limited area, critical groundwater area or other area where new groundwater appropriations are restricted by the State of Oregon, to promote long-term sustainability of groundwater supplies.
- 3.G.5 Develop programs to encourage the conservation of groundwater.

## **AGRICULTURE**

Preliminary estimates of the County's farm income show that it added over five hundred million dollars to the State's economy in 1987. The County ranked second among Oregon counties for total farm income according to the Oregon State University Extension Service. Production of nursery stock, Christmas trees, poultry, and vegetables have increased in recent years, along with traditional County crops of berries, tree fruits, field crops, and livestock.

In addition to its economic importance, farm land is valuable open space and provides urban buffers, visual resources, and wildlife habitats.

For additional consideration of agricultural lands, see the Land Use Chapter.

### **AGRICULTURE GOALS**

- Preserve agricultural lands.
- Maintain the agricultural economic base in Clackamas County and the State of Oregon.
- Increase agricultural markets, 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 areas, open space and wildlife habitats.

### **3.H Agriculture Policies**

- 3.H.1 Recognize agricultural areas through appropriate zoning. All agricultural areas shall continue unencumbered by activities/land uses unrelated to agriculture in order to insure productive farm land. Specific policies relating to land use in agricultural areas are found in the Land Use Chapter of this Plan.
- 3.H.2 Investigate the feasibility of irrigation projects in cooperation with the Oregon State University Extension Service, Bureau of Reclamation, Soil Conservation Service, and other state and federal agencies.
- 3.H.3 Encourage cooperative agricultural projects in support of small agricultural businesses within the County, e.g., establishment of a receiving/shipping station for fresh produce and a farmers market for the direct exchange of local farm products between growers and the public to benefit the economic viability of agricultural businesses.

*Clackamas County Comprehensive Plan*

- 3.H.4 Encourage food processing industries and services that support agriculture to locate in the County.
- 3.H.5 Cooperate with the Oregon State University Extension Service to promote education and dissemination of information on agricultural crops, methods and technology, special tax assessment programs, new farming techniques, and commercial agriculture opportunities for new farmers.
- 3.H.6 Encourage the appropriate agencies to assess agriculture's labor force problems and develop a program to alleviate these problems (e.g., provision of second job opportunities in Unincorporated Communities).

## **FORESTS**

The forest resources of Clackamas County, primarily Douglas Fir, Western Hemlock and other coniferous trees, have provided thousands of jobs for many decades both in Clackamas County and the surrounding region. Timber volume is temporarily declining in the County as the old growth stands are replaced by younger forests. Sound management practices and coordination are needed by all forest owners.

Increased demand for outdoor recreation from a growing County and regional population places renewed emphasis on the need for balanced use and management of forest resources.

Development pressures pose a challenge to retaining and enhancing a healthy urban forest canopy. Accommodating growth inside the Portland Metropolitan Urban Growth Boundary should be balanced with the preservation and planting of trees for their environmental, aesthetic, and economic benefits.

For additional consideration of forest lands, see the Land Use Chapter.

### **FORESTS GOALS**

- Conserve and protect forest lands.
- Provide continued employment in the forest products industry.
- Protect, maintain, and conserve open space, environmentally sensitive areas, wildlife habitat, scenic corridors, recreational uses, and urban buffers.
- Maintain and improve the quality of air, water and land resources.
- Create conditions that will maintain or further the growth of the wood products industry.
- Support principles and implementation of the Oregon Forest Practices Act.

### **3.1 Forests Policies**

- 3.1.1 Protect from conflicting land uses productive forest lands and related forested areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) (see Chapter 4-Land Use). Recognize forest producing areas through appropriate zoning.
  - 3.1.1.1 Ensure that forest productivity data, based on cubic foot site classes, is current and revised periodically to reflect changes in commercial forest resources.

- 3.1.2 Encourage forest related industries, specifically firms doing secondary wood processing or those which use wood products now underutilized or considered waste--hardwoods, slash materials, etc.
- 3.1.3 Continue to support and coordinate programs of the Oregon State University Extension Service and the State Forestry Department to promote more intensive management of small woodlot forest lands, including the education and dissemination of information on timber management methods, special tax assessment incentives, and programs to aid in the marketing of small timber sales.
  - 3.1.3.1 Encourage ready availability of regeneration stock, greater opportunity for equipment-sharing co-ops, and joint timber harvest programs to assist smaller woodlot and timber tract owners.
- 3.1.4 Encourage coordinated management of major forest lands by cooperation with the U.S. Forest Service, the Bureau of Land Management, the Oregon State Board of Forestry, and the private industry sector.
- 3.1.5 Cooperate and coordinate with appropriate state and federal agencies to ensure forest management practices that recognize the multiple resource values of forest lands. Impacts on environmentally sensitive areas such as slide and erosion hazard areas, sensitive fish and wildlife habitat, scenic corridors, unique natural and/or cultural features, etc, shall be minimized.
  - 3.1.5.1 Encourage forest owners to restrict the use of off-road vehicles to specified areas where environmental damage and conflicts with other forest uses will be minimized.
  - 3.1.5.2 Encourage public agencies to acquire through purchase, exchange, or easement, scenic areas now in private ownership in order to insure their preservation.
  - 3.1.5.3 Encourage strengthening of the Oregon Forest Practices Act to include special consideration of scenic values in methods of harvesting, in addition to prompt clean up and regeneration (ref. State Forest Practices Act, Section 629-24-541(h), 1978) and ORS 527.710.
  - 3.1.5.4 Support visual management techniques on federal lands within the County, e.g., alternating smaller harvests along scenic corridors to reduce large-scale impacts. Develop incentives to increase the management of scenic/watershed resources on privately owned forest lands, e.g., tax incentives for modifying harvest techniques in designated scenic corridors.
- 3.1.6 Initiate a tree conservation and planting program inside the Portland Metropolitan Urban Growth Boundary to preserve urban forest areas and promote tree landscapes.

- 3.1.6.1 Implement tree conservation standards in conjunction with the processing of design review, land division, and conditional use applications to minimize and regulate removal of trees and other vegetation and protection of trees during construction.
  - 3.1.6.2 Discourage excessive tree removal prior to development by imposing a five-year prohibition on approval of design review, land division, and conditional use applications, if such tree removal has occurred.
    - 3.1.6.2.a Provide an exception for lands specially assessed as forestland on the effective date of the regulations.
    - 3.1.6.2.b Provide an exception for minor modifications to approved developments.
    - 3.1.6.2.c Allow unlimited removal of certain types of trees, such as those that are hazardous, diseased, or planted as a commercial crop.
    - 3.1.6.2.d Allow unlimited removal of trees for certain purposes, such as utility line maintenance, or compliance with other legal requirements.
  - 3.1.6.3 Develop non-regulatory approaches to encourage and facilitate tree preservation, maintenance, and planting. Such approaches may include public education and outreach, partnerships with other community organizations, and County-sponsored tree planting.
  - 3.1.6.4 Develop an urban street tree planting and maintenance program that focuses on specified arterials (e.g., boulevards) and designated neighborhoods. This should be done in cooperation with businesses and community groups.
- 3.1.7 Adopt and implement an updated Forest Management Plan for County-owned forest land, emphasizing consolidation/exchange of scattered County holdings to facilitate more intensive programs for timber management, park development and acquisition, and protection of any recognized watershed, recreation, or scenic values.

## **MINERAL AND AGGREGATE RESOURCES**

Clackamas County is rich in mineral and aggregate resources, the conservation of which is an economic necessity to our society. Haul distances and development, however, have limited many options for use of these resources. To maintain the availability of these valuable resources, areas containing significant resources must be protected from the potential limitations on their use caused by encroachment of conflicting uses.

Mining and processing these resources generates noise, truck traffic, dust and other impacts that can be a problem where there are conflicting uses like nearby houses or a school. Conflicting uses can reduce the economic viability of the resource site. Regulating some conflicting uses is necessary to allow the use of significant mineral and aggregate resources to some desired extent. Development standards are required of mining and processing to reduce the adverse effects these activities may have on surrounding land uses. The county requires reclamation of the mined land for use consistent with the comprehensive plan.

### **MINERAL AND AGGREGATE RESOURCES GOALS**

Protect and ensure the appropriate use of mineral and aggregate resources while minimizing adverse effects of mining and processing on surrounding land uses.

#### **3.J Mineral and Aggregate Resources Policies**

- 3.J.1 To identify and protect mineral and aggregate resources, the county will comply with Statewide Planning Goal 5 and administrative rules adopted by LCDC interpreting the Goal 5 planning process.
- 3.J.2 The county will maintain an inventory of mineral and aggregate resources. The inventory comprises three parts.
  - A list of sites the county has determined are not significant or not in its planning jurisdiction. These sites are “other sites.”
  - A list of sites for which the county lacks specific information about the location, quality and quantity of the possible resource. These sites are “potential sites.”
  - A list of sites the county has determined are significant Goal 5 resources. These sites are “significant sites”.
- 3.J.3 Where the county has completed the Goal 5 planning process and developed a program for protection of a significant mineral or aggregate site, the county shall use a Mineral and Aggregate Overlay District. The county may use other tools to carry out its program to achieve the Goal. If any aspect of the overlay requires interpretation, the county shall rely on direction in the site-specific program in the comprehensive plan.



- 3.J.4 The county shall use the site plan review process for the Mineral and Aggregate Overlay District solely for determining whether an application to mine complies with the site-specific program developed through the county's Goal 5 analysis or complies with other standards of the Zoning and Development Ordinance.
- 3.J.5 Applicants may seek land use permits to mine mineral or aggregate sites not zoned with the Mineral and Aggregate Overlay District. Subject to applicable laws, on land zoned exclusive farm use, the county may only issue a permit if an aggregate site is on the county inventory of mineral and aggregate sites. The requirement that a site be on the comprehensive plan inventory shall not apply to sites zoned other than for exclusive farm use.
- 3.J.6 Before 2005, the county will review its list of potential sites to determine if information exists to judge the significance of these sites. If the county finds sites on the list of potential sites significant resources, it shall complete the Goal 5 planning process.
- 3.J.7 Before 1999, the county will complete its analysis for the Anderson Quarry site, the Canby Sandy and Gravel site, and the Oregon Asphalt Paving Company site. The county will follow administrative rules interpreting and implementing Statewide Planning Goal 5.
- 3.J.8 The county will coordinate its planning and permitting processes for mineral and aggregate resources with the Oregon Department of Geologic and Mineral Industries (DOGAMI) and Oregon Department of State Lands (DSL).
  - 3.J.8.1 To assist state agency permit decisions, the county will identify post-mining land uses as part of any program to protect a significant mineral or aggregate resource site.
  - 3.J.8.2 The county recognizes the jurisdiction of DOGAMI for the purpose of mined land reclamation pursuant to ORS 517.750 to 517.900 and the rules adopted thereunder.
  - 3.J.8.3 Unless specifically authorized by ORS 517.830(3), DOGAMI should delay its final decision on approval of a reclamation plan and issuance of an operating permit, as those terms are defined by statute and rule, until all issues concerning local land use are decided by the county.
  - 3.J.8.4 No mining or processing activity, as defined by the Zoning and Development Ordinance, shall begin until the county has issued a final land use decision and the permittee provides copies of an approved reclamation plan and operating permit issued by DOGAMI or DSL.

- 3.J.9 The county shall resolve issues relating to mine truck use of public roads as directed in county transportation plans and policies. The county reserves the right to make agreements with aggregate operators about the use of county roads independent from its decisions in Goal 5 analysis.

## **WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS**

Fish and wildlife species provide an essential "background" to our daily lives and must have the environments necessary to provide food, cover, and water in order to survive.

Clackamas County's well-known distinctive resources include mountains, rivers and lakes, forest lands, agricultural lands, unique natural vegetation, geological formations, and other natural features.

The popularity of such places as the Mt. Hood Highway Corridor, the Clackamas River Corridor, and the Willamette River is testimony to the quality of scenic resources available to the Portland metropolitan area and Clackamas County.

Visual corridors along scenic roadways, rivers, and major arterials, the prominent slopes in the urban areas, and other distinctive areas are landscapes highly sensitive to alteration and development.

### **WILDLIFE HABITAT AND DISTINCTIVE RESOURCE AREA GOALS**

- Maintain and improve fisheries and wildlife habitat to enhance opportunities for consumptive and non-consumptive uses.
- Retain and enhance wetlands and riparian habitat to provide areas for fisheries and wildlife and to promote species diversity, bank stabilization, and storm water runoff control.
- Protect the scenic landscapes and natural beauty of Clackamas County.
- Provide an urban environment where trees and landscape plantings abound and where significant features of the natural landscape are retained.
- Preserve and protect areas of unique and distinctive wildlife habitats, native vegetation, and geologic formations.

### **3.K Wildlife Habitat and Distinctive Resource Area Policies**

- 3.K.1 Cooperate with wildlife management agencies to enhance fish and wildlife opportunities and populations. This includes cooperation with the Oregon Department of Fish and Wildlife in its habitat improvement practices and programs and Wild Fish Management Policy, and with the U.S. Fish and Wildlife Service to inventory and classify wetland environments.
- 3.K.2 Protect native plant species, wetlands, and stream bank vegetation on County-managed public lands.
- 3.K.3 Manage roadside spraying programs to minimize adverse water quality, and fish and wildlife impacts.

- 3.K.4 Support preferential taxation methods to encourage retention of riparian habitat, brushy fencerows, and wetlands on private lands.
- 3.K.5 Minimize adverse wildlife impacts in sensitive habitat areas, including deer and elk winter range below 3,000 feet elevation, riparian areas, and wetlands.
- 3.K.6 Encourage closure of temporary roads outside the urban area that are no longer necessary for fire protection or logging activities to reduce wildlife harassment during the critical seasons of winter and spring. Countywide, all new roads crossing streams containing anadromous fish shall provide fish passage facilities acceptable to the Oregon Department of Fish and Wildlife.
- 3.K.7 Expand, in conjunction with the cities and the County's community planning organizations, the detailed inventory of unique natural and scenic areas, including a visual resource inventory and map showing areas of outstanding visual sensitivity as well as blighted areas.
- 3.K.8 Protect areas of high visual sensitivity and/or unique natural areas by requiring development review for any development which would substantially alter the existing landscape, as specified in the Land Use Chapter of the Plan. The purpose is to integrate development with natural features, minimizing any adverse impacts.
- 3.K.9 Improve scenic quality of areas impacted by urban blight, working toward the following objectives:
  - 3.K.9.1 Regulation and/or removal of advertising billboards
  - 3.K.9.2 Screening junkyards and other unsightly areas
  - 3.K.9.3 Placing of utility service lines underground
  - 3.K.9.4 Requiring landscape buffers (berms, trees, etc.) between incompatible uses and in visually sensitive areas.
- 3.K.10 When natural resource activities (e.g., commercial timber harvesting) compete with retention of visual or unique/natural resources and values, the County shall coordinate with appropriate state and federal agencies to minimize significant adverse impacts. The County also will encourage the public acquisition of land through purchase or land exchange, or conservation easements in designated scenic corridors or vistas and unique/distinctive natural areas (see Map 3-2).

- 3.K.11 Protect and conserve sensitive bird resources to avoid degradation of habitat by requiring development review for any development which could potentially result in adverse impacts to sensitive bird nesting and rearing areas. See maps 3-3, Molalla State Park Great Blue Heron Rookery, and 3-4, Stevens Great Blue Heron Rookery.
  - 3.K.11.1 Inventory and analyze, on a periodic basis, nesting and rearing areas of sensitive bird species pursuant to the Goal 5 and Oregon Administrative Review Rules 660, Division 16 provisions.
  - 3.K.11.2 Establish standards and procedures for evaluating development activities that affect sensitive bird habitat areas.
  - 3.K.11.3 Cooperate and coordinate with wildlife management agencies to identify sensitive bird habitat areas and protect sensitive bird populations. This includes cooperation with the Oregon Department of Fish and Wildlife and the U.S. Department of Fish and Wildlife for inventorying habitat and reviewing development activities in habitat areas.
  
- 3.K.12 For areas that are inside the Metropolitan Service District (Metro) Boundary or the Portland Metropolitan Urban Growth Boundary, designate Habitat Conservation Areas as required by Title 13 of the Metro Urban Growth Management Functional Plan, a Statewide Planning Goal 5 program for riparian corridors, wetlands, and wildlife habitat.
  - 3.K.12.1 Regulate development in Habitat Conservation Areas, and on parcels that contain Habitat Conservation Areas, in a manner consistent with Metro's acknowledged Goal 5 inventory, significance determination, and Economic, Social, Environmental, and Energy analysis.
  - 3.K.12.2 Implement Habitat Conservation Area regulations by adopting by reference Metro's Habitat Conservation Areas Map, establishing an overlay zoning district, and applying development standards consistent with Metro's Habitat Conservation Areas model ordinance.
  
- 3.K.13 For areas that are inside the Metropolitan Service District (Metro) Boundary or the Portland Metropolitan Urban Growth Boundary, use the performance and implementation objectives and indicators identified in Table 3.07-13e of the Metro Urban Growth Management Functional Plan as the County's performance monitoring program for wildlife habitat protection and restoration.
  
- 3.K.14 In accordance with Statewide Planning Goal 5, the County will consider development of additional regulatory and non-regulatory programs to protect upland wildlife habitat identified on Metro's Regionally Significant Fish and Wildlife Habitat Inventory Map.

## **NATURAL HAZARDS**

Policies for natural hazards protect County residents and prevent development in those areas with a potential for structural damage or destruction.

### **NATURAL HAZARDS GOALS**

- Protect life, property, private and public investments from natural or man-induced geologic and/or hydrologic hazards.
- Incorporated hazardous areas within open space networks encouraging these areas to remain natural.

### **3.L Natural Hazards Policies**

- 3.L.1 Recognize floodplains as areas where high water presents hazards to life and property, and provide protection in flood hazard areas as stated in the Land Use Chapter.
- 3.L.2 Prevent development (structures, roads, cuts and fills) of landslide areas (active landslides, slumps and planar slides as defined and mapped by the Oregon Department of Geology and Mineral Industries, DOGAMI) to avoid substantial threats to life and property except as modified by 3.L.2.1. Vegetative cover shall be maintained for stability purposes and diversion of stormwater into these areas shall be prohibited.
- 3.L.2.1 Allow mitigation of identified landslide hazards based on established and proven engineering techniques, and related directly to an approved specific plan that avoids adverse impacts (see Land Use Chapter). Developers should be made aware of liability in such cases for protection of private and public properties from damage of any kind.
- 3.L.3 Apply appropriate safeguards to development on organic/compressible soils, high shrink-swell soils and wet soils with high water table (as defined in DOGAMI Bulletin No. 99) to minimize threats to life, private and public structures/facilities.
- 3.L.4 Insure that data on the severity and area of natural hazards is current and revised periodically to reflect any additional information.

- 3.L.5 Continue cooperation with DOGAMI in the delineation of earth faults. As the information becomes available, policies governing the location of structures and land uses shall be adopted as a part of the Plan. The County Emergency Operations Plan should be reviewed and modified as necessary to prepare for volcanic eruptions, earthquakes, and other natural hazards.
- 3.L.6 Regulate the use of hillsides and steep slope hazard areas in order to direct urban area development toward more suitable lands. As slope and other adverse conditions increase, the need to regulate development also increased in order to reduce major sources of erosion and storm runoff, and public costs of maintaining development.
  - 3.L.6.1 Require soils and engineering geologic studies in developments proposed on slopes of 20 percent or greater. More detailed surface and subsurface investigations shall be warranted if indicated by engineering and geologic studies to sufficiently describe existing conditions (e.g., soils, vegetation, geologic formations, drainage patterns) and where stability may be lessened by proposed grading/filling or land clearing. DOGAMI Bulletin No. 99 provides general geologic data.
  - 3.L.6.2 Establish any additional standards or criteria including the density for development on hillside slope and hazard areas, as stated in the Land Use Chapter. Density Transfers shall be encouraged to take advantage of natural topographic features such as benches or terraces. Joint hillside development projects shall be encouraged.
  - 3.L.6.3 Establish a consistent, uniform method for calculating slope on a site specific basis in conjunction with zoning and subdivision ordinances.

## **ENERGY SOURCES AND CONSERVATION**

Virtually all energy used in Clackamas County is imported in one form or another from other counties, states, or in the case of petroleum and natural gas, foreign countries. There is very little the County can do to affect the supply or cost of imported energy; however, it is possible to develop supplemental energy sources, such as geothermal, solar and waste by products, and to use energy efficiently once it enters Clackamas County.

The importance of energy conservation cannot be overemphasized. Conscientious application of a broad energy conservation program to all sectors of the energy market - homes, businesses, industry and transportation -- could significantly cut the historical energy growth rate and reduce long-term energy price increases. Programs such as home weatherization produce immediate benefits due to reduced energy expenditures by the homeowner or renter, and the creation of new jobs.

### **ENERGY SOURCES AND CONSERVATION GOAL**

Conserve energy and promote energy efficiency and resiliency through source development, recycling, land use and circulation patterning, site planning, building design and public education.

### **3.M Energy Sources and Conservation Policies**

- 3.M.1 Cooperate with the state legislature and appropriate state and federal agencies (Public Utility Commission, Geology and Mineral Industries, Forest Service, etc.) in programs to encourage alternative energy source development. Such programs will focus on (a) geothermal resources in the Cascades; (b) single building solar and wind conversion technologies; and (c) energy recoverable from solid wastes.
  - 3.M.1.1 Support exploration, research and development of geothermal resources consistent with environmental protection policies of this Plan. The County also will cooperate in the development of any necessary transmission facilities designed to bring such energy to local industries and residences.
  - 3.M.1.2 Cooperate with the State Department of Energy to undertake and evaluate studies on the specific nature and potential of the County's wind and solar energy resources.
- 3.M.2 Initiate solid waste recycling programs to reduce dependence on nonrenewable resources.
  - 3.M.2.1 Work cooperatively with the Metropolitan Service District to develop a solid waste recycling program and refuse-derived fuel facility.



- 3.M.2.2 Facilitate recycling of domestic, commercial and industrial waste materials through collection franchises and conveniently located collection depots.
- 3.M.3 Encourage energy-efficient land use and circulation patterns.
  - 3.M.3.1 Locate employment centers, shopping services, parks, recreational and cultural facilities, and medical/dental services near residential developments to minimize transportation, fully utilize urban services, and encourage neighborhood self-sufficiency.
  - 3.M.3.2 Provide for high density developments near transit and major employment/shopping centers.
  - 3.M.3.3 Develop an overall circulation system for the County which promotes transportation alternatives (transit, carpooling, bicycling, and foot travel) and improves traffic flow on major arterials (synchronized signals, vacating nonessential cross streets, access controls).
  - 3.M.3.4 Design subdivisions, Planned Unit Developments, and multifamily, commercial and industrial developments to encourage the use of transit, bicycles, and pedestrian walkways (see Land Use and Transportation chapters).
  - 3.M.3.5 Encourage bike lanes/sidewalks on collector streets. Bike/pedestrian paths should be developed through long blocks and between cul-de-sacs to improve neighborhood circulation.
- 3.M.4 Encourage energy efficiency through site planning of all residential subdivisions and multifamily, commercial, and industrial projects.
  - 3.M.4.1 Permit lot configurations within subdivisions and Planned Unit Developments to make maximum use of energy-saving features of the natural environment and minimize the effects of temperature extremes.
  - 3.M.4.2 Retain natural terrain features and vegetation where practical which create micro-climates conducive to energy conservation in subdivisions, Planned Unit Developments and multifamily, commercial, and industrial developments.
  - 3.M.4.3 Encourage planting of appropriate landscape materials to reduce solar impact in the summer, minimize winter heat loss and buffer against prevailing wind sources in Planned Unit Developments and multifamily, commercial and industrial developments.
  - 3.M.4.4 Orient structures to enhance potentials for both passive and active solar collection where practical.
  - 3.M.4.5 Allow low-density residential developments to include common-wall structures or attached dwellings.
  - 3.M.4.6 Allow flexibility in yard size, setbacks, and building height to permit efficient building orientation and shapes.

- 3.M.4.7 Cluster structures to minimize road surfaces and utility networks and to provide the potential for common-wall construction or attached dwellings.
  - 3.M.4.8 Allow flexible road standards for more energy-efficient circulation within developments. Streets should be of such widths as to serve only necessary functions and minimize use of asphalt.
  - 3.M.4.9 Provide for adequate and convenient bicycle parking spaces in multifamily, commercial, and industrial developments.
  - 3.M.4.10 Revise parking standards to reflect the trend to smaller automobiles and use of transit. The integration and sharing of parking facilities within commercial/industrial areas should be encouraged.
  - 3.M.4.11 Permit planting of street trees in new subdivisions and along designated arterials to minimize temperature extremes, favoring deciduous trees (sun in winter and shade in summer) over evergreens and ornamentals.
  - 3.M.4.12 Encourage large employment centers to provide priority parking spaces for carpools and vanpools, as well as incentives for increasing transit ridership.
  - 3.M.4.13 Encourage eating facilities, day care facilities, and on-site recreational areas in large employment centers and large multifamily developments.
  - 3.M.4.14 Provide incentives such as density bonuses for housing proposals demonstrating exceptional examples of energy-efficient site planning.
- 3.M.5 Encourage energy efficiency through building design and weatherization of existing structures.
- 3.M.5.1 Encourage flexibility in building and zoning codes to permit energy-efficient building design, such as commonwall construction, solar collection and underground/earth-sheltered structures.
  - 3.M.5.2 Encourage architectural and design features which are conducive to energy efficiency and conservation, such as south facing windows, roof overhangs, awnings, double entry vestibules, storm windows, insulation, shutters, louvers, double glazed windows and draperies with thermal linings. Many of these same features also can be utilized in the weatherization of existing structures.
- 3.M.6 Cooperate with the cities, other agencies (e.g., educational) and energy purveyors (Portland General Electric, Northwest Natural Gas, etc.), in development of an education program to:
- 3.M.6.1 Publicize the importance of energy conservation and available weatherization programs.
  - 3.M.6.2 Serve as a forum for addressing energy-related issues (e.g., recycling of domestic wastes, code weatherization of existing residences prior to sale, and need for a Countywide Energy Advisory Commission).

3.M.7 Continue implementation of the 1983 County Energy Management Plan for County activities and property, including assessment of vehicular policy and an energy audit of County buildings.

3.M.8 Support and facilitate the placement of electrical lines underground to increase infrastructure resiliency and promote wildfire mitigation.

## **NOISE AND AIR QUALITY**

Noise and air quality affect our health, our economic interests, and our quality of life. High noise levels affect a person's mental and physical well being and ability to work. Poor air quality can be a health hazard, impair views of scenic vistas, and erode and degrade structures. Air quality management is a regional responsibility, while noise control is more local.

### **NOISE AND AIR QUALITY GOALS**

- Maintain an environment not disturbed by excessive levels of noise.
- Promote maintenance of an airshed in Clackamas County free from adverse effects on public health and welfare.

### **3.N Noise Policies**

- 3.N.1 Cooperate with public agencies and the private sector to reduce noise, and continue to enforce the County noise ordinance.
- 3.N.2 Implement a procedure to minimize the impact of external noise on sensitive land uses.
  - 3.N.1.1 Require, through the review process, buffering of noise sensitive areas or uses where appropriate. For example, adjacent to arterials, expressways, freeways or heavily used rail lines, landscaped berms or other solid barriers may be required. Encourage setbacks and/or noise insulation in structures.
  - 3.N.1.2 Noise mitigation plans, subject to County approval, shall be required of significant new noise generating land uses adjacent to or impacting established noise sensitive properties.
  - 3.N.1.3 Construction or reconstruction of high volume arterials, expressways, or freeways in or near residential areas may require sound buffers as part of the road project.

### **3.O Air Quality Policy**

- 3.O.1 Cooperate with local, regional, state, and federal agencies and industry to maintain and/or improve local air quality.

## **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:

- Supply and location of land for urban uses
- Density of residential uses
- Intensity of commercial and industrial uses
- Proximity of mutually supporting land uses
- The cost impacts of various land uses
- Compatibility or conflict between land uses
- Competing demands for land having certain characteristics
- Compatibility of city and County plans
- Supply and location of land for rural uses
- Preservation of land for agricultural and forestry uses
- The character and appearance of neighborhoods
- Compatibility of land use with supportive systems such as transportation and sewage
- Protection of natural features and waterways from the impact of development
- 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:

- Served by public facilities, including sanitary sewage treatment, water, storm drainage, and transportation facilities;
- Included within boundaries of cities or within special districts capable of providing public facilities and planned to be served in the near future; or
- 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 Policy 4.C.1.2.
- 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:

- 4.D.2.1 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.

- 4.D.2.2 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.
  - 4.D.2.3 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.D.2.4 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.
  - 4.D.2.5 A request shall be made to revise state and regional transportation plans to reflect the Concept Plan.
  - 4.D.2.6 Public facilities plans shall be developed or revised to accommodate the Concept Plan.
  - 4.D.2.7 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:
    - 4.E.2.3.1 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.
    - 4.E.2.3.2 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 Policies**

The following policies apply to population planning and coordination.

- 4.G.1 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.2 Pursuant to ORS 195.033, the County and its cities located outside the Metro boundary shall coordinate with the Portland State University Population Research Center 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.

## **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), 82<sup>nd</sup> Avenue (within the Clackamas Regional Center Design Plan Area), Johnson Creek Boulevard (within the Clackamas Regional Center Design Plan Area), and Sunnyside Road (from 82<sup>nd</sup> Avenue to 139<sup>th</sup> Avenue).

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

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

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

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

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

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

**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.



## **URBAN GROWTH CONCEPT 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 82<sup>nd</sup> Ave, SE Johnson Creek Boulevard and SE Sunnyside Road (from 82nd Ave to approximately SE 117<sup>th</sup> Ave.) Corridor design type areas are located in Chapter 10: Clackamas Regional Center Area Design Plan.**

- 4.I.3 Specific policies for the Sunnyside Road (from approximately SE 117<sup>th</sup> Ave to SE 139<sup>th</sup> Avenue) Corridor design type area are located in Chapter 10: The Sunnyside Corridor Community Plan.
- 4.I.4 Specific policies for the McLoughlin Boulevard Corridor design type area are located in Chapter 10: McLoughlin Corridor Design Plan.

**4.J Station Community Policies**

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

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

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

**4.K Employment Area Policies**

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

- 4.K.1 Employment design type areas shall be developed to provide for a mix of employment and residential uses, including:
  - 4.K.1.1 Industry, office and service uses,
  - 4.K.1.2 Residential development,
  - 4.K.1.3 Low traffic generating, land consumptive commercial uses with low parking demand which have community or region-wide market,
  - 4.K.1.4 Limited retail uses appropriate in type and size to serve the needs of businesses, employees, and residents of the immediate Employment design 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 and middle housing development, with a range of lot sizes from 2,500 square feet to 30,000 square feet, depending on location, environmental constraints, and other site characteristics.

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.

### **RESIDENTIAL GOALS**

- Provide opportunities to enhance neighborhoods with more diverse and affordable housing types and neighborhood-scale commercial uses.
- Provide for 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 utility service lines to be underground unless prohibited by the utility service provider.

~~4.g.34.Q.4~~ 4.Q.4 Require dedication of designated Open Space areas where appropriate for purposes of developing the urban park or trails program.

~~4.g.44.Q.5~~ 4.Q.5 Establish minimum densities to help meet regional and local housing needs.

~~4.g.54.Q.6~~ 4.Q.6 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.g.64.Q.7~~ 4.Q.7 Require all Medium, Medium High, High, and Special High Density Residential developments to be subject to a design review process.

~~4.g.74.Q.8~~ 4.Q.8 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.g.84.Q.9~~ 4.Q.9 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.g.94.Q.10~~ 4.Q.10 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 Allow the following housing types:

- 4.R.1.1 Detached single-family dwellings
- 4.R.1.2 Manufactured homes
- 4.R.1.3 Middle housing
- 4.R.1.4 Accessory dwelling units

4.R.2 The following areas may be designated Low Density Residential if any of the following criteria are met:

- 4.R.2.1 Areas where a need for this type of housing exists.
- 4.R.2.2 Areas which are currently developed at low density and where little need exists for redevelopment.
- 4.R.2.3 Areas where transportation is limited to collectors and local streets.
- 4.R.2.4 Areas where sensitivity to the natural environment or natural hazards indicates

a reduced density.

- 4.R.3 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.3.1 Physical site conditions such as soils, slope, and drainage:
- 4.R.3.1.a Land with soils subject to slippage, compaction or high shrink-swell characteristics shall be zoned for larger lots.
- 4.R.3.1.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.
- 4.R.3.1.c Land with hydrological conditions such as flooding, high water table or poor drainage shall be zoned for larger lots.
- 4.R.3.2 Capacity of facilities such as streets, sewers, water, and storm drainage systems.
- 4.R.3.3 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.3.4 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.3.5 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.3.6 Need for neighborhood livability 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.3.7 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.4 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.
- 4.R.5 Establish special development criteria and density standards in the following areas (see Policy 3.L.6 in the Natural Hazards section of Chapter 3, *Natural Resources and Energy*):
  - 4.R.5.1 On slopes over 20 percent, the following development criteria shall be met:
    - 4.R.5.1.a Avoid major hazard areas
    - 4.R.5.1.b Maintain the stability of the slope
    - 4.R.5.1.c Grade without large or successive pads or terraces and without creating road grades in excess of County standards
    - 4.R.5.1.d Maintain vegetation and natural terrain features to sustain slope stability
    - 4.R.5.1.e Ensure that existing natural rates of run-off and erosion are not exceeded
    - 4.R.5.1.f Protect visually significant slopes, ravines, ridgelines, or rock outcroppings in their natural state
  - 4.R.5.2 In flood hazard areas or wetlands, the following development criteria, as well as the specifications in Chapter 3, shall be met:
    - 4.R.5.2.a Avoid major flood hazard areas
    - 4.R.5.2.b Maintain water quality and the natural function of the area to reduce or absorb flood runoff and to stabilize water flow
    - 4.R.5.2.c Protect wildlife habitats, significant vegetation, and trees
    - 4.R.5.2.d Protect any associated recreational values
  - 4.R.5.3 Density standards in these areas shall be as follows:
    - 4.R.5.3.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.
    - 4.R.5.3.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 density allowed in the zoning district may be transferred to more suitable land within the site.
- 4.R.6 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.7 Encourage retention of natural landscape features such as topographic variations, trees, and water areas, and allow variation in housing type and design.
- 4.R.8 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.9 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.10 Develop all land divisions in urban areas with public sewer, public water, drainage controls, and 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.11 Determine the net density in planned unit developments recognizing that up to 15 percent of the gross area is for roadways.
- 4.R.12 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.13 Require stub streets in land divisions where necessary to provide access to adjacent property.
- 4.R.14 Develop residential land divisions as planned unit developments whenever one or more of the following criteria apply:
  - 4.R.14.1 Any part of the site is designated Open Space on Map 4-6, *North Urban Area Land Use Plan Map*
  - 4.R.14.2 More than 20 percent of the dwelling units are to be condominiums
  - 4.R.14.3 Sites are large enough to warrant on-site provision of substantial open and/or recreation space
  - 4.R.14.4 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.15 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.16 Require provisions for adequate maintenance prior to final plat approval to ensure the designated park area will be a community asset.

- 4.R.17 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.17.1 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.17.2 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 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.

## **COMMERCIAL 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.W.4 Require utility service lines to be underground unless prohibited by the utility service provider.

### **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:

- 4.X.1.2.a The readily accessible area within 2,000 feet of the proposed site; or
- 4.X.1.2.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:
    - 4.AA.1.2.a Access to the site will meet transportation safety standards and not cause an unacceptable level of service on the Corridor street; and



- 4.AA.1.2.b The site can be developed consistent with access management plans that have been prepared for the Corridor street, e.g., Map 10-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, quadplex, triplex, duplex, or townhouse 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*.

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.

### **INDUSTRIAL GOALS**

- 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 Business Park Policies**

4.DD.1 Areas may be designated Business Park when all of the following criteria are met:

4.DD.1.1 Areas with good access to an existing or planned four-lane major arterial, expressway, or better road.

4.DD.1.2 Areas adjacent to a street of at least a collector status.

4.DD.1.3 Areas with significant natural or man-made amenities, as long as other criteria apply.

4.DD.2 The Business Park zoning district implements this designation.

4.DD.3 Require landscaping and strictly limit outdoor processing, outdoor storage and outdoor display, to enhance the appearance on site and from off site.

4.DD.4 Require all Business Park uses to be subject to development standards intended to maintain high aesthetics in the area.

- 4.DD.5 Require curbs, sidewalks, drainage controls, underground utility service lines~~utilities~~, and street lighting.

#### **4.EE Light Industrial Policies**

- 4.EE.1 The following areas may be designated Light Industrial when either the first or all of the other criteria are met:
  - 4.EE.1.1 Areas having an historical commitment to industrial uses.
  - 4.EE.1.2 Areas with excellent access to the regional transportation network.
  - 4.EE.1.3 Areas with access to a street of at least a minor arterial classification.
  - 4.EE.1.4 Areas with sites large enough for several industries to cooperatively design an industrial park.
- 4.EE.2 The Light Industrial zoning district implements this designation.
- 4.EE.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.EE.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.EE.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.EE.6 Require landscaping and limit outdoor processing, outdoor storage and outdoor display to enhance the appearance on site and from off site.
- 4.EE.7 Provide for pedestrian and bicycle access to adjacent transit corridors and, where applicable, to nearby residential areas. Require sidewalks when appropriate.
- 4.EE.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.EE.9 Require underground utility service lines~~utilities~~ and street lighting.
- 4.EE.10 Require all Light Industrial developments to be subject to the design review process.
- 4.EE.11 Encourage coordinated utility and traffic improvements in industrial land divisions.

**4.FF General Industrial Policies**

- 4.FF.1 The following areas may be designated General Industrial when either the first or all of the following criteria are met:
  - 4.FF.1.1 Areas having an historical commitment to industrial uses.
  - 4.FF.1.2 Areas with availability of rail service, access to navigable water, known mineral deposits or freeway access.
  - 4.FF.1.3 Areas where buffering land uses or physical features provide protection for lower intensity land uses, particularly Low Density Residential areas.
  - 4.FF.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.FF.1.5 Areas with sites large enough to accommodate expansion of individual establishments or serve several establishments within one district.
- 4.FF.2 The General Industrial zoning district implements this designation.
- 4.FF.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.FF.4 Limit land uses other than industrial or industrially related uses.
- 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 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.
- 4.FF.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.FF.9 Require sidewalks, when appropriate.
- 4.FF.10 Require curbs, underground utility service lines ~~utilities~~ and street lighting.
- 4.FF.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.

### **OPEN SPACE AND FLOODPLAINS 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.GG Open Space Policies**

- 4.GG.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.GG.1.1 Natural resource areas with recognized unique or significant value, primarily those associated with stream/river corridors and hillsides.
  - 4.GG.1.2 Areas with some constraint or degree of hazard for development, such as landslides, steep slope, or flooding.
  - 4.GG.1.3 Existing parks and other committed open areas, such as golf courses, playgrounds, and cemeteries.
- 4.GG.2 Establish three categories of Open Space within the northwest urban area: Resource Protection, Major Hazards, and Public and Community Use.
- 4.GG.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:
    - 4.GG.2.1.a The flood fringe of 100-year floodplains

- 4.GG.2.1.b Areas within 100 feet of mean low water on all major rivers and 50 feet of any other permanent stream
- 4.GG.2.1.c Land within the Willamette River Greenway
- 4.GG.2.1.d Wetland areas
- 4.GG.2.1.e Distinctive urban forests
- 4.GG.2.1.f Hillsides of more than 20 percent slope
- 4.GG.2.1.g Areas of high visual sensitivity
- 4.GG.2.1.h Other distinctive or unique natural areas (see Natural Resources Chapter)
- 4.GG.2.1.i Undeveloped public land with potential for recreation.
- 4.GG.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:
  - 4.GG.2.2.a The floodway of 100-year floodplains
  - 4.GG.2.2.b Areas of known landslide hazard
  - 4.GG.2.2.c Areas of severe erosion, unstable soil, or earth movement
- 4.GG.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:
  - 4.GG.2.3.a Parks and other recreation facilities
  - 4.GG.2.3.b Cemeteries
  - 4.GG.2.3.c Other publicly or commonly owned lands which function as open space
- 4.GG.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.GG.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.GG.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.GG.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.GG.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.GG.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.GG.5.1 The County's analysis will supplement the applicant's environmental assessment and include the following:
    - 4.GG.5.1.a An evaluation of the proposed development's impact on the relevant natural systems or features of the open space network.
    - 4.GG.5.1.b Identification of applicable provisions or criteria of this Plan.
    - 4.GG.5.1.c Alternatives to the proposal which might better achieve the optimum siting or design layout and protect the site's open space values.
    - 4.GG.5.1.d An evaluation of the potential for public acquisition or dedication as part of the urban park or trail system.
- 4.GG.6 Prohibit development of areas designated Major Hazard Open Space except as provided in Policy 3.L.2.1 of the Natural Resources and Energy chapter, Natural Hazards Section, and Policy 4.R.4.3.b.
- 4.GG.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.GG.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.GG.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.GG.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.HH Floodplains Policies**

- 4.HH.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.HH.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.HH.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.HH.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.HH.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.HH.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.HH.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.HH.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.

### **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.II General Unincorporated Community Policies**

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

- 4.II.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:
  - 4.II.1.1.a commercial, industrial, or public uses; and/or
  - 4.II.1.1.b dwelling units and associated residential lots at a greater density than exception lands outside Unincorporated Communities;
- 4.II.1.2 Lands planned and zoned for farm or forest use provided such land:
  - 4.II.1.2.a is contiguous to Statewide Planning Goal 3 or 4 exception lands included in the community boundary;
  - 4.II.1.2.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;
  - 4.II.1.2.c includes only that portion of the lot or parcel that is occupied by the use(s) above; and
  - 4.II.1.2.d remains planned and zoned for farm or forest use.
- 4.II.2 Prohibit the expansion of Unincorporated Communities into areas of natural hazards.
- 4.II.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.II.4 Require development to be contingent upon the ability to provide public services (e.g., school, water, fire, telephone).
- 4.II.5 Develop roads in a manner and to a level compatible with Unincorporated Communities.
- 4.II.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.II.7 Limit industrial uses to:
  - 4.II.7.1. Uses authorized under Statewide Planning Goals 3 and 4;
  - 4.II.7.2. Expansion of a use existing on December 5, 1994;
  - 4.II.7.3. Small-scale, low- impact industrial uses, as defined in Oregon Administrative Rules (OAR) 660-022-0030(11);
  - 4.II.7.4. Uses that require proximity to a rural resource, as defined in OAR 660-004-0022(3)(a);

- 4.II.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.II.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:
  - 4.II.7.6.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;
  - 4.II.7.6.b That such uses would not rely upon a work force employed by uses within urban growth boundaries; and
  - 4.II.7.6.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.II.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.II.8 Limit commercial uses to:
  - 4.II.8.1. Uses authorized under Statewide Planning Goals 3 and 4;
  - 4.II.8.2. Small-scale, low-impact uses as defined in OAR 660-022-0030(10); and
  - 4.II.8.3. Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- 4.II.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.II.10 Require design review for commercial and industrial development.
- 4.II.11 Public facilities in Unincorporated Communities should be expanded or developed only when consistent with maintaining the rural character of the community.
- 4.II.12 Increased water service to an area shall not be used in and of itself to justify reduced lot sizes.
- 4.II.13 Sewage systems shall be contained within 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 or otherwise consistent with Policy 7.A.9.

**4.JJ Unincorporated Community Residential Policies**

- 4.JJ.1 Apply a plan designation of Unincorporated Community Residential to residential areas in Unincorporated Communities, except as modified by Chapter 10.
- 4.JJ.2 Implement the Unincorporated Community Residential plan designation through application of the Rural Area Residential 1-Acre (RA-1) zoning district.
- 4.JJ.3 Implement dimensional and development standards to address compatibility, function, and aesthetics.
- 4.JJ.4 Require utility service lines to be underground unless prohibited by the utility service provider.

## **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.

### **RURAL COMMERCIAL 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.KK Rural Commercial Policies**

- 4.KK.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.KK.2 The Rural Commercial (RC) zoning district implements the Rural Commercial plan designation.
- 4.KK.3 Areas may be designated Rural Commercial when either the first or both of the other criteria are met:
- 4.KK.3.1 Areas shall have an historical commitment to commercial uses; or
  - 4.KK.3.2 Areas shall be located within an Unincorporated Community; and
  - 4.KK.3.3 The site shall have direct access to a road of at least a collector classification.
- 4.KK.4 Implement dimensional and development standards to address compatibility, function, and aesthetics.
- 4.KK.5 Require utility service lines to be underground unless prohibited by the utility service provider.

## RURAL INDUSTRIAL

### 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.LL Rural Industrial Policies**

- 4.LL.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.LL.2 The Rural Industrial (RI) zoning district implements the Rural Industrial plan designation.
- 4.LL.3 Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:
- 4.LL.3.1 Areas shall have an historical commitment to industrial uses; or
  - 4.LL.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.LL.3.3 Areas shall be located within an Unincorporated Community; and
  - 4.LL.3.4 The site shall have direct access to a road of at least an arterial classification.

4.LL.4 Require utility service lines to be underground unless prohibited by the utility service provider.



## **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.

### **RURAL 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.MM Rural Policies**

- 4.MM.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.MM.2 Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:
- 4.MM.2.1 Reasons why additional Rural land is needed or should be provided;
  - 4.MM.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.MM.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.MM.2.4 Reasons why designating the area Rural will be compatible with other adjacent uses;
- 4.MM.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.MM.4 Residential lot sizes shall be based upon:
- 4.MM.4.1 Parcelization;
  - 4.MM.4.2 Level of existing development;
  - 4.MM.4.3 Topography;
  - 4.MM.4.4 Soil conditions;
  - 4.MM.4.5 Compatibility with the types and levels of available public facilities;
  - 4.MM.4.6 Proximity to Unincorporated Communities or an incorporated city; and
  - 4.MM.4.7 Capacity and level of service of the road network

- 4.MM.5 Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.
- 4.MM.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.MM.7 Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.
- 4.MM.8 Increased water service to an area shall not be used in and of itself to justify reduced lot sizes.
- 4.MM.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.MM.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.MM.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.MM.11.1 The RA-2 zoning district shall be applied when all the following criteria are met:
    - 4.MM.11.1.a Parcels are generally two acres or smaller.
    - 4.MM.11.1.b The area is significantly affected by development.
    - 4.MM.11.1.c There are no natural hazards, and the topography and soil conditions are well suited for the location of homes.
    - 4.MM.11.1.d A public or private community water system is available.
    - 4.MM.11.1.e Areas are in proximity or adjacent to an Unincorporated Community or incorporated city.
    - 4.MM.11.1.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.MM.11.2 The RRFF-5 zoning district shall be applied when all the following criteria are met:
    - 4.MM.11.2.a Parcels are generally five acres.
    - 4.MM.11.2.b The area is affected by development.
    - 4.MM.11.2.c There are no serious natural hazards, and the topography and soils are suitable for development.

- 4.MM.11.2.d Areas are easily accessible to an Unincorporated Community or incorporated city.
- 4.MM.11.3 The FF-10 zoning district shall be applied when one or more of the following criteria are met:
  - 4.MM.11.3.a Parcels are generally ten acres.
  - 4.MM.11.3.b The area is developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses.
  - 4.MM.11.3.c Access to an Unincorporated Community or an incorporated city is generally poor.
- 4.MM.12 Implement dimensional and development standards to address compatibility, function, and aesthetics.
- 4.MM.13 Require utility service lines to be underground unless prohibited by the utility service provider.

## **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.

### **AGRICULTURE 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.NN Agriculture Policies**

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

- 4.NN.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.NN.1.2 Areas generally in parcels of 20 acres or larger;
- 4.NN.1.3 Areas primarily in agricultural use;
- 4.NN.1.4 Areas necessary to permit farming practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses;
- 4.NN.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.NN.2 Agriculturally related industries shall be encouraged.

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

- 4.NN.4 New sewer facilities shall not be allowed in Agricultural areas, except when consistent with Policy 7.A.11 of Chapter 7, *Public Facilities and Services*.
- 4.NN.5 Roads shall be developed in a manner and to a level compatible with maintaining Agricultural areas.
- 4.NN.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.NN.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.NN.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.NN.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.NN.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.
- 4.NN.11 The Special Use Overlay District implements Policy 9.B.11, applying to land designated Agriculture for which a local park master plan is adopted.
- 4.NN.12 Require utility service lines to be underground unless prohibited by the utility service provider.

## **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.

### **FOREST 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.

### **4.00 Forest Policies**

- 4.00.1 The following areas shall be designated Forest:
- 4.00.1.1 Lands suitable for forest use;
  - 4.00.1.2 Lands predominantly capable of generating at least 85 cubic feet of timber per acre per year;
  - 4.00.1.3 Areas generally in forest uses;
  - 4.00.1.4 Areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) should be designated Forest;
  - 4.00.1.5 Forested areas which buffer more intense land uses from areas of less intense use may be designated Forest.
- 4.00.2 Encourage forest-related industries.
- 4.00.3 Prohibit land uses that conflict with forest uses.
- 4.00.4 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.
- 4.00.5 Prohibit commercial and industrial development in Forest areas.

- 4.OO.6 Prohibit new sewer facilities in Forest areas, except when consistent with Policy 7.A.11 of Chapter 7, *Public Facilities and Services*.
- 4.OO.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.OO.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.OO.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.OO.10 This Plan and implementing ordinance provisions shall not conflict with the Oregon Forest Practices Act.
- 4.OO.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.OO.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.
- 4.OO.13 The Special Use Overlay District implements Policy 9.B.11, applying to land designated Forest for which a local park master plan is adopted.
- 4.OO.14 Require utility service lines to be underground unless prohibited by the utility service provider.

## **Chapter 5: TRANSPORTATION SYSTEM PLAN**

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

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

### **TSP GOALS**

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

### **BACKGROUND AND ISSUES**

The County's transportation system includes an extensive network of public and private transportation facilities, including roads, railways, airports, pipelines, waterways, and multi-use paths. The system is intended to allow people to travel where they need to go safely and efficiently, while also providing for efficient movement of goods. The County's transportation system is also intended to support sustainable land use patterns and policies to serve a multitude of public needs without sacrificing air and water quality or creating noise pollution.

Government agencies, public and private service providers, and developers are involved in building and maintaining the County's transportation system. Metro, Portland's metropolitan planning organization, sets general policy guidelines for design, distributes regional funding for certain types of projects within its boundary, and sets standards for the operation of the



transportation system located within the Portland Metropolitan Urban Growth Boundary (UGB). All transportation facilities must conform to standards and guidelines outlined by federal, state and, in some cases, Metro regulatory documents.

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

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

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

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

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

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

### **TSP ORGANIZATION**

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

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

- **Foundation and Framework:** includes policies relating to coordination; safety; equity, health and sustainability; intelligent transportation systems; and transportation demand management
- **Land Use and Transportation:** includes policies relating to the integration of land use and transportation; parking; rural tourism; and scenic roads.
- **Active Transportation:** includes policies relating to pedestrian and bicycle facilities and multi-use paths.
- **Roadways:** includes policies relating to functional classification; urban and rural roadway considerations; project development; improvements to serve development; and performance evaluation and access standards.
- **Transit:** includes policies relating to transit and transit-supportive amenities.
- **Freight, Rail, Air, Pipeline and Water Transportation:** includes policies relating to general freight movement; freight trucking; rail; airports; pipelines; and water transportation.
- **Finance and Funding:** includes policies relating to funding capital transportation improvements and maintenance.
- **Transportation Projects and Plans:** includes policies relating to the 20-year and five-year capital improvement plans. Also identifies Special Transportation Plans that are adopted by reference as refinements of the TSP and plans or studies that need to be completed in the

future to support the TSP.

- **Definitions:** relevant definitions for use within this chapter.

The TSP also contains the following components:

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

## FOUNDATION AND FRAMEWORK

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

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

### 5.A Compliance and Coordination Policies

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

**5.B Road Safety Policies**

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

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

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

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

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

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

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

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

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

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

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

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

## LAND USE AND TRANSPORTATION

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

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

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

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



**5.G. Parking Policies**

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

**5.H Rural Tourism Policies**

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

**5.I Rural Scenic Roads Policies**

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

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

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

- 5.1.2.2 Scenic roads should have shoulders wide enough for pedestrians or bicycles, or a separated path where feasible and when funding is available.
- 5.1.2.3 Turnouts shall be provided where appropriate for viewpoints or recreational needs.
- 5.1.2.4 Design review of developments adjacent to scenic roads shall require visual characteristics and signing appropriate to the setting.
- 5.1.2.5 Buildings shall be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer zone.
- 5.1.2.6 Parking areas adjacent to scenic roads shall be separated from the right-of-way by a landscaped buffer.
- 5.1.2.7 Any frontage roads adjacent to scenic roads shall be separated by a vegetative buffer where feasible
- 5.1.2.8 Underground placement of utility service lines shall be required unless prohibited by the utility service provider.

5.1.3 The following facilities shall be designated scenic roads: *(see Map 5-1 Scenic Roads)*

- Wilsonville Road
- Stafford Road (City of Lake Oswego to Mountain Road)
- Schaeffer Road
- Pete’s Mountain Road (Schaeffer Road to the Tualatin River)
- SW Mountain Road, Canby Ferry Road, N. Locust, NE 37th, and Holly Street
- Canby-Marquam Highway (City of Canby to Hwy 211)
- Clackamas River Drive
- Springwater Road (Clackamas River Drive to Hayden Road)
- Hayden Road
- Redland Road
- Fischer’s Mill Road
- Marmot Road/Barlow Trail Road/
- Ten Eyck Road/SE Lusted Road from Ten Eyck Road to the County line.
- Lolo Pass Road
- Salmon River Road
- Still Creek Road
- Timberline Road and West Leg Road
- I-205 west of the Willamette River
- Highway 99E from Oregon City to New Era Rd
- Oregon City Bypass (Newell Creek Canyon segment)
- Highway 211 (Canby-Marquam Highway to Estacada)
- Highway 224 (Carver to Barton and south of Estacada)
- Highway 26 east of the City of Sandy
- Highway 35/Forest Service Road 386

- 5.1.4 Support implementation of the Oregon Scenic Byway System, including the Mt. Hood Scenic Byway and the West Cascades Scenic Byway.

## ACTIVE TRANSPORTATION

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

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

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

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

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

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

### 5.J General Active Transportation Policies

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

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

**5.K Design Policies**

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

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

**5.L Construction Policies**

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

**5.M Facilities Policies**

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

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

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

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

## ROADWAYS

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

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

### 5.0 Functional Classification and Design Policies

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



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

**5.P Project Development Policies**

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

TSM strategies include:

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

**5.Q Access Standard Policies**

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

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

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

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

**5.S System Performance Policies**

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

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

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

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

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

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

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

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

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

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

5.S.5 Exception to the motor vehicle capacity evaluation standards for review of development proposed on property in the rural area is established as follows:

5.S.5.1 Within Government Camp Village, no motor vehicle capacity evaluation standards shall apply.

5.S.6 The maximum volume to capacity ratio for the ramp terminals of interchange ramps shall be v/c 0.85. (1999 Oregon Highway Plan, OHP Policy 1F Revisions, Adopted by OTC: Dec. 21, 2011).

5.S.7 Where more than one motor vehicle capacity standard would apply at an intersection, the standard allowing the higher level of congestion will be used, except for ramp terminal intersections.

## TRANSIT

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

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

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

### 5.T Transit Policies

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

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

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

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

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

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

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

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

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



**5.V Freight Trucking Policies**

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

**5.W Rail Policies**

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

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

**5.X Airport Policies**

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

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

**5.Y Pipeline Policy**

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

**5.Z Water Transportation Policies**

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

## FINANCE AND FUNDING

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

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

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

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

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

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

## TRANSPORTATION PROJECTS AND PLANS

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

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

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

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

### 5.CC Capital Improvement Plan Policies

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

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

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

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

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

## DEFINITIONS

The following definitions apply to usage within Chapter 5.

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

**Airport, Public Use:** An airport that is open to use by the flying public, with or without a request to use the airport.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rural:** Areas that are either (a) outside the Portland Metropolitan Urban Growth Boundary and outside city limits, or (b) inside the Portland Metropolitan Urban Growth Boundary and have a Comprehensive Plan designation of Agriculture, Forest, Rural, Rural Commercial, Rural Industrial or Unincorporated Community Residential.

**Urban:** Areas that are inside the Portland Metropolitan Urban Growth Boundary, except areas that have a Comprehensive Plan designation of Agriculture, Forest, Rural, Rural Commercial, Rural Industrial or Unincorporated Community Residential.

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

**202 DEFINITIONS**

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLACKAMAS REGIONAL CENTER: The regional center identified on Comprehensive Plan Map [10X-CRC-1](#), *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

CLACKAMAS REGIONAL CENTER AREA: The Clackamas Regional Center Area identified on Comprehensive Plan Map [10X-CRC-1](#), *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

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

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

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

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

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

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

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

COTTAGE CLUSTER: A group of four or more detached dwelling units with a common courtyard, all of which are located on the same lot of record or on middle housing lots.



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

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

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

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

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

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

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

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

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

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

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

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

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

DWELLING: A building that contains one or more dwelling units. A dwelling may be a residential trailer or a manufactured dwelling but not a recreational vehicle, except when the recreational vehicle is approved as a temporary dwelling pursuant to Section 1204, *Temporary Permits*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**GOVERNMENT CAMP:** The unincorporated community of Government Camp, as identified on Comprehensive Plan Map [10X-MH-4](#), *Government Camp Village Plan, Land Use Plan & Boundary*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

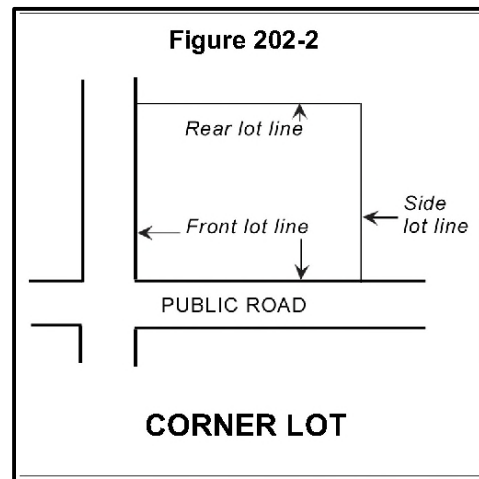
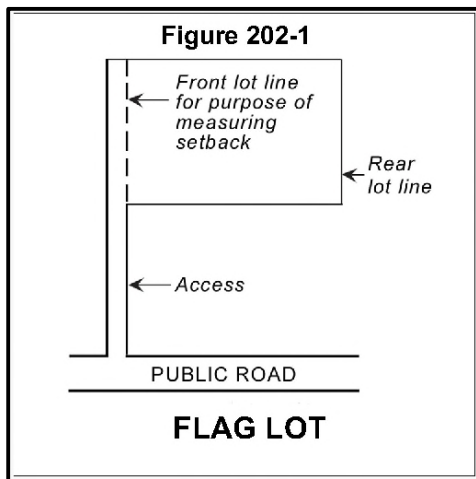
**LOT COVERAGE:** The area of a lot covered by a building or buildings, exclusive of architectural features and swimming pools, expressed as a percentage of the total lot area.

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

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

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

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



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

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

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

LOT OF RECORD:

1. A lot or parcel created by a subdivision or partition plat, as defined in ORS chapter 92, filed with the Clackamas County Surveyor and recorded with the Clackamas County Clerk;
2. A unit of land created by a recorded deed or recorded land sales contract and in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations, if any, in effect on the date the deed or land sales contract was signed by the parties to the deed or contract; or
3. A unit of land created solely to establish a separate tax account or for mortgage purposes; that did not conform to all planning, zoning, or subdivision or partition ordinances or regulations in effect on the date it was created; and that was sold prior to September 5, 2023, under the foreclosure provisions of ORS chapter 88.

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

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

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

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



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

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

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

**MANUFACTURED DWELLING PARK:** Any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL TRAILER: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed before January 1, 1962.

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

RHODODENDRON: The unincorporated community of Rhododendron, as identified on Comprehensive Plan Map [4HV-7](#), *Non-Urban Area Land Use Plan*, *Mt. Hood Corridor Land Use Plan*.

RIGHT-OF-WAY: [The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another](#)~~A passageway conveyed for a specific purpose.~~

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER MANAGEMENT FACILITY: Any facility that is designed, constructed, and maintained to collect, treat, filter, retain, or detain surface water runoff during and after a storm event for the purpose of controlling flows or reducing pollutants in stormwater runoff. Stormwater management facilities include, but are not limited to, constructed wetlands, rain gardens, water quality swales, stormwater planters, infiltration facilities, and ponds.

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

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

STREAM CORRIDOR AREA: An area including the streambed and a required strip

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

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

STREET: See “ROAD”.

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

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

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

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

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

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

SUNNYSIDE VILLAGE: The Sunnyside Village community plan area, as identified on Comprehensive Plan Map ~~10X~~-SV-1, *Sunnyside Village Plan, Land Use Plan Map*.

SURFACE MINING: Includes the mining of minerals by removing overburden and extracting a natural mineral deposit thereby exposed, or simply such extraction. Surface mining includes open-pit mining, auger mining, production of surface mining waste, prospecting and exploring that extracts minerals or affects land, processing to include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads. Surface mining does not mean operations within a road right-of-way or other easement for the purpose of

construction, reconstruction, or maintenance; excavations of sand, gravel, clay, rock, or other similar materials by a landowner or tenant for the purpose of construction, reconstruction, or maintenance of access roads; excavation or grading in the process of farming, forestry, or cemetery operations, or other onsite construction, unless more than 5,000 cubic yards of such materials are removed from the property for compensation, except that more than 5,000 cubic yards of such materials may be removed from the property for compensation when the construction activities are authorized by a building permit.

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

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

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

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

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

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

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

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

**TRANSFER STATION:** A fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system, between a collection

route and a processing facility or a disposal site, including, but not limited to, drop boxes made available for general public use. Solid waste collection vehicles are not transfer stations.

TRANSIT STOP: Any posted bus or light rail stop.

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

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

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

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

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

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

UTILITY FACILITY: [A building, structure, or any constructed portion of a system that provides for the production, transmission, conveyance, delivery, or furnishing of heat, light, power, natural gas, water, sanitary sewer, stormwater, telephone, cable television, internet, or other similar service. Utility facility does not include wireless telecommunication facility.](#)

UTILITY LINE: [A utility facility consisting of a cable, conduit, pipe, wire, drainageway, or other linear conveyance system. A utility line may include support poles, support towers, and equipment for the monitoring or operation of the utility line, provided that such equipment is mounted on the poles or towers; underground; or both aboveground and not exceeding five feet in length, width, and height.](#)

UTILITY SERVICE LINE: [A utility line that ends at the point where the utility service is received by the customer. A service line is distinguished from larger utility](#)

lines including, but not limited to, distribution lines, mainlines, transmission lines, and trunk lines.

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

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

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

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

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

WEMME/WELCHES: The unincorporated community of Wemme/Welches, as identified on Comprehensive Plan Map [4IV-7](#), *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

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

WILDWOOD/TIMBERLINE: The unincorporated community of Wildwood/Timberline, as identified on Comprehensive Plan Map [4IV-7](#), *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

ZIGZAG VILLAGE: The unincorporated community of Zigzag Village, as identified on Comprehensive Plan Map [4IV-7](#), *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

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

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

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



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

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16 and 3/1/16; Amended by Ord. ZDO-258, 1/18/17; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-267, 8/28/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by automatic repeal of Ord. ZDO-267, 8/28/19; Amended by Ord. ZDO-273, 1/17/21; Amended by Ord. ZDO-280, 10/23/21; Amended by Land Use Board of Appeals Remand of Ord. ZDO-273, 1/24/22; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23; Amended by Ord. ZDO-283, 9/5/23]

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

---

315.01 PURPOSE

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

315.02 APPLICABILITY

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

315.03 USES PERMITTED

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

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

B. As used in Table 315-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.

3. “L” means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
  4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
  5. “CPUD” means the use is allowed as a conditional use in a planned unit development.
  6. “X” means the use is prohibited.
  7. Numbers in superscript correspond to the notes that follow Table 315-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 315.04, *Dimensional and Building Design Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

315.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the urban residential zoning districts are listed in Tables 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts*; 315-3, *Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-4, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*. As used in Tables 315-2 through 315-4, numbers in superscript correspond to the notes that follow each table.

Modifications: Modifications to the standards in Tables 315-2 through 315-4 are established by Sections 800, *Special Use Requirements*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. Except in the HDR, SHD, and RCHDR Districts, modifications to the standards in these tables also are established by Section 903, *Setback Exceptions*.

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

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<p><b>Accessory Buildings and Uses, Customarily Permitted</b>, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, <a href="#">stormwater management facilities</a>, television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a></p>	A	A	A	A	A	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Accessory Kitchens</b>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	X	A <sup>1</sup>	A <sup>1</sup>	X	X	X	X
<b>Bed and Breakfast Inns</b> , subject to Section 832	C	X	C	X	X	P	P	P	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Bed and Breakfast Residences</b> , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
<b>Bus Shelters</b>	A	A	A	A	P	A	A	A	A	A	A
<b>Cemeteries</b> , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
<b>Child Care Facilities</b>	C	C	C	C	C	C	C	L <sup>5</sup> ,C	C	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Civic and Cultural Facilities</b> , including art galleries, museums, and visitor centers	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD
<b>Composting Facilities</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Daycare Services, Adult</b>	C	C	C	C	C	C	C	L <sup>5</sup> ,C	C	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Dwellings, including:</b>											
Accessory Dwelling Units, subject to Section 839	A	A	A	A	X	X	X	X	X	X	X
Congregate Housing Facilities	X	X	X	P	P	P	P	P	P	P	P
Cottage Clusters	P <sup>7,8</sup>	P <sup>7,8</sup>	X	X	P	X	X	X	X	X	X
Detached Single-Family Dwellings	P <sup>7</sup>	P <sup>7</sup>	X	X	X	X	X	X	X	X	X
Duplexes	P <sup>7</sup>	P <sup>7</sup>	X	P	P	P	P	P	P	X	X
Manufactured Dwelling Parks, subject to Section 825	P <sup>9</sup> ,C	P <sup>10</sup>	C	X	C	P	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Manufactured Homes	P <sup>7</sup>	P <sup>7</sup>	X	X	X	X	X	X	X	X	X
Multifamily Dwellings	X	X	X	X	P	P	P	P	P	P	P
Quadplexes	P <sup>7,8</sup>	P <sup>7,8</sup>	X	P	P	P	P	P	P	P	P
Townhouses	P <sup>7,8</sup>	P <sup>7,8</sup>	P	P	X	P <sup>11</sup>	P <sup>11</sup>	X	X	X	X
Triplexes	P <sup>7,8</sup>	P <sup>7,8</sup>	X	P	P	P	P	P	P	X	X
<b>Entertainment Facilities</b> , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Farmers' Markets</b> , subject to Section 840	A	A	A	A	A	A	A	A	A	A	A
<b>Fences and Retaining Walls</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L <sup>5</sup> ,C	X	L <sup>2,12</sup> ,C	L <sup>4</sup> ,C
<b>Fraternal Organization Lodges</b>	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Guest Houses</b> , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Home Occupations, including bed and breakfast homestays, subject to Section 822 <sup>14</sup>	A	A	A	A	A	A	A	A	A	A	A
Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use	C	X	X	X	X	X	X	X	X	X	X
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	X	C	X	X	C	C	C	X	C	X
Hotels and Associated Convention Facilities	X	X	X	X	X	X	X	X	X	C <sup>15</sup>	L <sup>4</sup> ,C
Hydroelectric Facilities	€	✗	€	✗	✗	€	€	€	✗	€	✗
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	L <sup>5</sup> ,C <sup>6</sup> , CPUD	CPUD	L <sup>2</sup> ,C <sup>3</sup> , CPUD	L <sup>4</sup> , CPUD
Livestock, subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
Marijuana Processing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments, subject to Section 844	C	X	X	X	X	C	X	C	X	C	X
Nursing Homes	C	C	C	P	P	P	P	P	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Offices</b> , including accounting services, administrative, business, corporate, and professional offices, but not including offices for governmental uses. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Parking Structures</b>	X	X	X	X	X	A	A	A	X	A	A
<b>Pedestrian Amenities</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Places of Worship</b> , subject to Section 804	P	P	P	P	P	P	P	P	P	P	P



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Produce Stands</b> , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
<del>Public Utility Facilities<sup>16</sup></del>	<del>C<sup>13</sup></del>	<del>X</del>	<del>C<sup>13</sup></del>	<del>X</del>	<del>C<sup>13</sup></del>	<del>C<sup>13</sup></del>	<del>C<sup>13</sup></del>	<del>C<sup>13</sup></del>	<del>X</del>	<del>C<sup>13</sup></del>	<del>C<sup>13</sup></del>
<b>Radio and Television Studios</b> , excluding transmission towers	X	X	X	X	X	X	X	X	X	L <sup>2</sup> ,C <sup>3</sup>	X
<b>Radio and Television Transmission and Receiving Towers and Earth Stations<sup>18,16</sup></b>	C <sup>13</sup>	X	C <sup>13</sup>	X	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	X	X	X	X	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Recreational Uses, Government-Owned</b> , including parks, amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; tables and seating; and similar recreational uses <sup>4817</sup>	P <sup>4918</sup>	P <sup>4918</sup>	P <sup>4918</sup>	P <sup>2019</sup>	P <sup>2019</sup>	P <sup>2019</sup>	P <sup>2019</sup>	P <sup>2019</sup>	P <sup>2019</sup>	P <sup>2019</sup>	P <sup>2019</sup>
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>4817</sup>	P <sup>4918</sup>	X	P <sup>4918</sup>	X	C <sup>13</sup>	P <sup>2019</sup>	P <sup>2019</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Recreational Uses</b> , including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools <sup>4817</sup>	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>	A <sup>2420</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup> <u>21</u>	CPUD <sup>22</sup> <u>21</u>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup> <u>21</u>	L <sup>4</sup> , CPUD <sup>22</sup> <u>21</u>
<b>Roads</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Schools</b> , subject to Section 805	C	C	C	CPUD	CPUD	C	C	L <sup>5</sup> , <sup>2322</sup> ,C <sup>6</sup> , <sup>2322</sup> ,CPU D	CPUD	L <sup>2</sup> , <sup>2322</sup> ,C <sup>3</sup> , <sup>2322</sup> , CPUD	L <sup>4</sup> , <sup>2322</sup> , CPUD

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Services, Business</b> , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>3</sup> ,C <sup>4</sup>	L <sup>2</sup>
<b>Services, Commercial— Construction and Maintenance</b> , including contractors engaged in construction and maintenance of electrical and plumbing systems	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup> <sub>21</sub>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>21</sub>
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstering, and veterinary	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup> <sub>21</sub>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>21</sub>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup> <sub>21</sub>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>21</sub>
<b>Short-Term Rental</b> in a dwelling unit or guest house permitted by this table	P	P	P	P	P	P	P	P	P	P	P
<b>Signs</b> , subject to Section 1010	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>	A <sup>2423</sup>
<del>Telephone Exchanges</del>	<del>E<sup>13</sup></del>	<del>X</del>	<del>E<sup>13</sup></del>	<del>X</del>	<del>E<sup>13</sup></del>	<del>E<sup>13</sup></del>	<del>E<sup>13</sup></del>	<del>E<sup>13</sup></del>	<del>X</del>	<del>E<sup>13</sup></del>	<del>E<sup>13</sup></del>
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A	A	A	A	A	A
Transit Park-and-Rides	X	X	X	X	X	X	X	X	X	X	A
<b><u>Utility Facilities, including:</u></b>											
<b><u>Stormwater Management Facilities</u></b>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>	<u>P,C<sup>24</sup></u>
<b>Utility Carrier Cabinets, subject to Section 830</b>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>
<b><u>Utility Facilities in Road Rights-of-Way</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Utility Facilities Not Otherwise Listed in Table 315-1</u></b>	<u>C<sup>13,26</sup></u>	<u>C<sup>13,26</sup></u>	<u>C<sup>13,26</sup></u>	<u>X</u>	<u>C<sup>13,26</sup></u>	<u>C<sup>13,26</sup></u>	<u>C<sup>13,26</sup></u>	<u>C<sup>13,26</sup></u>	<u>X</u>	<u>C<sup>13,26</sup></u>	<u>C<sup>13,26</sup></u>
<b><u>Utility Lines</u></b>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>	<u>P,C<sup>27</sup></u>
<b>Wireless Telecommunication Facilities, subject to Section 835</b>	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

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

- <sup>2</sup> The limited use is permitted subject to the following criteria:
- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - b. The building floor area occupied by all limited uses shall not exceed 15 percent of the building floor area occupied by primary uses.
  - c. No outdoor storage of materials associated with the use shall be allowed.
  - d. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
- <sup>3</sup> The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.
- <sup>4</sup> The limited use is permitted subject to the following criteria:
- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - b. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.
- <sup>5</sup> The limited use is permitted subject to the following criteria:
- a. The use shall be part of a development within a Design Plan area.
  - b. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - c. The building floor area occupied by all limited uses shall not exceed 10 percent of the building floor area occupied by primary uses. No single limited commercial use shall occupy more than 1,500 square feet of building floor area.
  - d. Allowing the use will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use.
  - e. No outdoor storage of materials associated with the use shall be allowed.
  - f. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <sup>6</sup> The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6, shall not exceed 10 percent of the building floor area occupied by primary uses.
- <sup>7</sup> Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, duplex, triplex, quadplex, townhouse, or cottage cluster development.
- <sup>8</sup> The development of a triplex, quadplex, townhouse, or cottage cluster is subject to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*.
- <sup>9</sup> A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are conditional uses.
- <sup>10</sup> A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are prohibited.
- <sup>11</sup> For a townhouse, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for townhouses. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.
- <sup>12</sup> Only indoor facilities are permitted.
- <sup>13</sup> Uses similar to this use may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- <sup>14</sup> A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 315-1.
- <sup>15</sup> Hotels in the SHD District are limited to a maximum of 80 units per gross acre.
- <sup>16</sup> ~~Public utility facilities shall not include shops, garages, or general administrative offices.~~
- <sup>16</sup><sup>7</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- <sup>17</sup><sup>48</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.



[1849](#) Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

[1920](#) Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

[2021](#) Recyclable drop-off sites are permitted only if accessory to an institutional use.

[2122](#) The use is subject to the following standards and criteria:

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

[2223](#) Only commercial schools are permitted, and such schools are not subject to Section 805, *Schools*.

[2324](#) Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[24](#) Stormwater management facilities are a primary use if:

- a. They are underground, except for an outlet structure if applicable;
- b. They are vegetated, except for an outlet structure if applicable; or
- c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 25 Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~
- 26 Except for hydroelectric facilities and telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.
- 27 Utility lines are a conditional use if:
- a. They are natural gas or electric lines;
  - b. They are located outside of a road right-of-way;
  - c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
  - d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

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

<b>Standard</b>	<b>R-2.5</b>	<b>R-5</b>	<b>R-7</b>	<b>R-8.5</b>	<b>R-10</b>	<b>R-15</b>	<b>R-20</b>	<b>R-30</b>
District Land Area (DLA) for Calculating Density Pursuant to Section 1012/Minimum Lot Size <sup>1,2</sup>	2,500/2,000 square feet	5,000/4,000square feet <sup>3</sup>	7,000/5,600 square feet <sup>4</sup>	8,500/6,800 square feet <sup>4</sup>	10,000/8,000 square feet <sup>4</sup>	15,000/12,000 square feet <sup>4</sup>	20,000/16,000 square feet <sup>4</sup>	30,000/24,000 square feet <sup>4</sup>
Maximum Lot Coverage	50 percent <sup>5,6</sup>							
Maximum Building Height	Accessory building larger than 500 square feet and accessory to a primary dwelling: 20 feet or the height of the primary dwelling, whichever is greater All other buildings: 35 feet							
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>7</sup>							
Minimum Rear Setback	20 feet <sup>7,8,9,10,11</sup>							
Minimum Side Setback	5 feet <sup>7,8,9,10,11</sup>							
Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling	Equal to the ground floor area of the primary dwelling and the ground floor area of any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage)							

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

- <sup>1</sup> The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.
- <sup>2</sup> In a planned unit development, there is no minimum lot size. However, the DLA standard applies pursuant to Section 1012, *Lot Size and Density*.
- <sup>3</sup> For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, there is no minimum lot size and the DLA shall be one-third of the DLA.
- <sup>4</sup> For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, there is no minimum lot size and the DLA shall be one-quarter of the DLA in the applicable zoning district.
- <sup>5</sup> Maximum lot coverage in a planned unit development is 65 percent.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <sup>6</sup> For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- <sup>7</sup> For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet, and the minimum side and rear setbacks are three feet.
- <sup>8</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. In a zero-lot-line development, approved pursuant to Subsection 1105.03(B), there are no minimum rear and side setbacks for detached single-family dwellings, manufactured homes, and structures accessory to such dwellings, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-2.
- <sup>9</sup> On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- <sup>10</sup> The following exceptions apply to a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record:

  - a. The minimum rear setback for a detached single-family dwelling, a manufactured home, or a duplex is 10 feet.
  - b. The minimum side setback for a detached single-family dwelling, a manufactured home, or a duplex is a total of five feet (e.g., five feet from one side lot line and zero from the other, three feet from one side lot line and two feet from the other) except that if the subject lot of record has more than two side lot lines, the minimum side setback from each of the additional side lot lines is five feet.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<sup>11</sup> If an accessory building is located behind the building line of the main building, the applicable minimum rear and side setback standards for that accessory building are based on the accessory building area and accessory building height, as follows:

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

<sup>12</sup> These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, or to manufactured homes in manufactured dwelling parks.

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

<b>General Standards</b>			
<b>Standard</b>	<b>VR-5/7</b>	<b>VR-4/5</b>	<b>VTH</b>
District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size <sup>1</sup>	5,000/4,000 square feet <sup>2</sup>	4,000/2,000 square feet <sup>2</sup>	2,000/2,000 square feet <sup>3</sup>
Maximum Lot Size <sup>1</sup>	7,000 square feet <sup>4,5</sup>	5,000 square feet <sup>4,6</sup>	3,000 square feet <sup>3,7</sup>
Maximum Lot Coverage	50 percent <sup>8</sup>		65 percent
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building or 4 feet forward of the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building.		
Maximum Driveway Width	16 feet at the front lot line, unless the subject property is developed with a garage that has at least three side-by-side (as opposed to tandem) garage bays, in which case the maximum driveway width shall be 24 feet at the front lot line <sup>9</sup>		See Subsection 1005.11(B)(4).
Minimum Percentage of Lots in a Subdivision that Shall have Alley Motor Vehicle Access Only	50 percent of lots with frontage on an alley		Not Applicable
Garage/Carport Design for Primary Dwellings	A minimum of 50 percent of the primary dwellings in a development shall have a recessed garage/carport or no garage/carport. The remaining 50 percent may have a non-recessed garage/carport. <sup>9,10,11</sup>	All garages and carports shall be recessed. <sup>10</sup>	See Subsection 1005.11(B).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<b>Standards for Primary Dwellings</b>			
<b>Standard</b>	<b>VR-5/7</b>	<b>VR-4/5</b>	<b>VTH</b>
Maximum Building Height	35 feet <sup>9</sup>		
Minimum Front Setback	10 feet for a dwelling with a recessed garage/carport or no garage/carport; 19½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>9,10,11,12,13,14</sup>	10 feet <sup>12,13,14</sup>	10 feet <sup>15,16,17</sup>
Maximum Front Setback	18 feet for a dwelling with a recessed garage/carport or no garage/carport; 20½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>9,10,11,12,13,18,19,20</sup>	18 feet <sup>12,13,18,19,20</sup>	18 feet <sup>15</sup>
Minimum Rear Setback	15 feet <sup>9,12,13,21</sup>		15 feet <sup>21</sup>
Minimum Side Setback	0 on one side; 5 feet on all other sides <sup>9,12,21</sup>		5 feet <sup>21,22</sup>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<p>Building Design Standards<sup>9,23</sup></p>	<ul style="list-style-type: none"> <li>• Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall.</li> <li>• Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.</li> <li>• Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.</li> <li>• If the lot on which the dwelling is located has street frontage on a local or connector street, or a private street that meets local or connector street design standards, then the primary entry to the dwelling shall be accessed directly from and be visible from one of those streets.</li> <li>• A minimum of 50 percent of the dwellings in a subdivision shall have a porch or patio. The porch or patio shall be covered, placed immediately adjacent to the primary entry to the dwelling, have a minimum unobstructed depth of six feet, and have a minimum unobstructed width of 10 feet.</li> </ul>	<p>See Subsections 1005.03(F) and 1005.11(A).</p>
---	--	---

**Standards for Buildings Accessory to a Dwelling**

<b>Standard</b>	<b>VR-5/7</b>	<b>VR-4/5</b>	<b>VTH</b>
Maximum Number of Accessory Buildings per Lot of Record	Two		
Minimum Separation Distance Between an Accessory Building and any other Building on the Same Lot of Record	3 feet		
Maximum Building Height	25 feet or the building height of the primary dwelling, whichever is less <sup>24</sup>		

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	
Minimum Front Setback	Greater than or equal to the front setback of the facade of the primary dwelling (not including porches, patios, bays, garages, and architectural features) <sup>9,25</sup>		
Exterior Building Materials	Buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling. <sup>9</sup>		
<b>Minimum Rear and Side Setback Standards for Buildings Accessory to a Primary Dwelling in the VR-5/7, VR-4/5, and VTH Districts<sup>10,20</sup></b>			
<b>Building Area</b>	<b>Building Height</b>		
	≤ 8 feet	> 8 feet and ≤ 20 feet	> 20 feet
≤ 100 square feet	None	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>26</sup>	No minimum on one side, 5 feet on all other sides; 5 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>26</sup>
> 100 square feet	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>26</sup>		No minimum on one side, 5 feet on all other sides; 5 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>26,27</sup>

- 1 The minimum and maximum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.
- 2 For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, there is no minimum lot size and the DLA shall be one-third of the DLA.
- 3 The minimum and maximum lot size standards apply only to lots or parcels for townhouses.
- 4 The maximum lot size standard applies only to lots or parcels for detached single-family dwellings, manufactured homes, or middle housing, except the maximum lot size standard does not apply to a middle housing land division.
- 5 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 6,500 square feet.
- 6 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 5,000 square feet.
- 7 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 2,500 square feet.
- 8 For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- 9 Except for middle housing developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, development on lots in the plat of Sieben Creek Estates (plat no. 3039) is not required to comply with this standard.
- 10 A recessed garage or carport is a garage or carport with a front setback to the garage door or carport motor vehicle entry that is a minimum of five feet greater (i.e., farther from the front lot line) than the front setback to the facade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- 11 A non-recessed garage or carport shall have a front setback to the garage door or carport motor vehicle entry that is a maximum of five feet less (i.e., closer to the front lot line) than the front setback to the facade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- 12 The minimum and maximum setback standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. The maximum setback standards do not apply to cottage clusters developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*.
- 13 On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- 14 A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.
- 15 Frontage on an accessway shall be considered a front lot line.

- <sup>16</sup> On a corner lot, the minimum setback from one front lot line is eight feet, provided that the lot line abuts a road with a functional classification of local or connector.
- <sup>17</sup> Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback.
- <sup>18</sup> If a public utility easement precludes compliance with the maximum front setback standard, the maximum shall be as close to the front lot line as possible.
- <sup>19</sup> Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback standard.
- <sup>20</sup> If a lot has more than one front lot line, compliance with the maximum front setback standard is required from only two intersecting front lot lines.
- <sup>21</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-3.
- <sup>22</sup> Frontage on a pedestrian connection shall be considered a side lot line.
- <sup>23</sup> For triplexes, quadplexes, and townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, design standards in Section 845 shall apply in addition to standards in Table 315-3.
- <sup>24</sup> The maximum building height standard applies only to accessory buildings larger than 100 square feet.
- <sup>25</sup> A garage may be required to be recessed, as defined by Note 11, in order to comply with the standard for garage/carport design for primary dwellings.
- <sup>26</sup> Frontage on a pedestrian connection shall be considered a side lot line, and the minimum setback is five feet.
- <sup>27</sup> If the rear lot line abuts an alley, a second-story accessory dwelling unit may cantilever a maximum of four feet into the minimum rear setback.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

<b>Standard</b>	<b>PMD</b>	<b>MR-1</b>	<b>MR-2</b>	<b>HDR</b>	<b>VA</b>	<b>SHD</b>	<b>RCHDR</b>
District Land Area for Calculating Density Pursuant to Section 1012	3,630 square feet	3,630 square feet	2,420 square feet	1,742 square feet	1,500 square feet	726 square feet	Not Applicable
Minimum Density	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012
Minimum Lot Size	None	None <sup>1</sup>	None <sup>2</sup>	None	None	None	None
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>3,4</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>4</sup>	15 feet <sup>5</sup>	10 feet <sup>6,7</sup>	15 feet	5 feet <sup>8</sup>
Maximum Front Setback	See Subsections 1005.02(E) and (H).	See Subsections 1005.02(E) and (H).	See Subsections 1005.02(E) and (H).	See Subsections 1005.02(E) and (H).	18 feet <sup>6</sup>	See Subsections 1005.02(E) and (H).	20 feet <sup>8,9</sup>
Minimum Rear Setback	30 feet <sup>10</sup>	20 feet <sup>5,10,11,12</sup>	20 feet <sup>5,10</sup>	See Subsection 1005.02(L) <sup>5</sup>	None <sup>6,7</sup>	See Subsection 1005.02(L)	See Subsection 1005.02(L) <sup>13</sup>

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Standard</b>	<b>PMD</b>	<b>MR-1</b>	<b>MR-2</b>	<b>HDR</b>	<b>VA</b>	<b>SHD</b>	<b>RCHDR</b>
Minimum Side Setback	30 feet <sup>10</sup>	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. <sup>5,10,11,12,14,15</sup>	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. <sup>5,10,14,15</sup>	See Subsection 1005.02(L) <sup>5</sup>	None	See Subsection 1005.02(L)	See Subsection 1005.02(L) <sup>16</sup>
Maximum Building Height	None	None	None	None	45 feet	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1005.02(L)	20 feet between multifamily dwellings	See Subsection 1005.02(L)	See Subsection 1005.02(L)

- <sup>1</sup> The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 3,630 square feet.
- <sup>2</sup> The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 2,420 square feet.
- <sup>3</sup> For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet.
- <sup>4</sup> On a corner lot developed with a townhouse, the minimum front setback from one front lot line is 10 feet, except that the minimum shall be 20 feet to garage and carport motor vehicle entries.
- <sup>5</sup> The minimum setback standards of Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

<sup>13</sup> If the rear lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum rear setback is 20 feet.

<sup>14</sup> If the side lot line abuts an Urban Low Density Residential, VR-5/7, or VR-4/5 District, the minimum side setback for a two-story building is 10 feet.

<sup>15</sup> The minimum side setback for a townhouse is five feet from any side lot line where two townhouses do not share a common wall.

<sup>16</sup> If the side lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum side setback is 15 feet.

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23; Amended by Ord. ZDO-287, 8/3/23; Amended by Ord. ZDO-283, 9/5/23]



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

---

316.01 PURPOSE

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

316.02 APPLICABILITY

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

316.03 USES PERMITTED

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

316.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, *Dimensional Standards in the*

*Rural Residential and Future Urban Residential Zoning Districts.* As used in Table 316-2, numbers in superscript correspond to the notes that follow the table.

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

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

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Accessory Buildings and Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, <a href="#">stormwater management facilities</a> , television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a>	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Accessory Historic Dwellings</b> , subject to Section 843	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	X
<b>Accessory Kitchens</b>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>
<b>Aircraft Land Uses</b>	X	X	X	C	C	C
<b>Aircraft Landing Areas</b>	X	C	C <sup>4</sup>	X	X	X
<b>Bed and Breakfast Inns</b> , subject to Section 832	C	C	C	C	C	X
<b>Bed and Breakfast Residences</b> , subject to Section 832	C	C	C	C	C	C
<b>Bus Shelters</b>	P	P	P	P	P	P
<b>Campgrounds</b>	C	C	C	C	C	C
<b>Cemeteries</b> , subject to Section 808	C	C	X	C	C	C
<b>Child Care Facilities</b>	C	C	C	C	C	C <sup>5</sup>
<b>Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses<sup>6</sup></b>	X	X	X	C	C	X
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>7</sup>
<b>Composting Facilities</b> , subject to Section 834	X	X	X	C	C	X
<b>Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources</b>	P	P	P	P	P	P
<b>Crematories</b> , subject to Section 808	C	C	X	X	X	X
<b>Daycare Services, Adult</b>	C	C	C	C	C	C <sup>8</sup>
<b>Dwellings, including:</b>						
Accessory Dwelling Units, subject to Section 839	A <sup>1</sup>	A <sup>1</sup>	X	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
Detached Single-Family Dwellings	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>
Duplexes	C <sup>9</sup>	X	X	X	X	X
Manufactured Dwellings	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>
<b>Energy Source Development</b>	X	X	C	X	X	X
<b>Farm Uses, including<sup>6</sup>:</b>						
Raising, harvesting, and selling crops	P	P	P <sup>10</sup>	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Dairying and the sale of dairy products	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use	P	P	P <sup>10</sup>	P	P	P
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Growing cultured Christmas trees	P	P	P <sup>10</sup>	P	P	P
<b>Farmers' Markets</b> , subject to Section 840	A	A	A	A	A	A
<b>Fish or Wildlife Management Programs</b>	X	X	X	P	P	P
<b>Forest Practices</b> , including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P <sup>12</sup>	P <sup>12</sup>	P	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>
<b>Fraternal Organization Lodges</b>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>
<b>Guest Houses</b> , subject to Section 833	A	A	A	A	A	A
<b>Guest Ranches and Lodges</b>	X	X	C	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>14</sup>	A	A	A	A	A	A
<b>Home Occupations to Host Events</b> , subject to Section 806	C	C	C	C	C	C
<del>Hydroelectric Facilities</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>	<del>€</del>
<b>Kennels</b>	C <sup>15</sup>	C <sup>15</sup>	X	C <sup>15</sup>	C <sup>15</sup>	X
<b>Libraries</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>7</sup>
<b>Livestock</b> , subject to Section 821	P	X <sup>11</sup>	A	X <sup>11</sup>	X <sup>11</sup>	X <sup>11</sup>
<b>Marijuana Processing</b>	X	X	X	X	X	X
<b>Marijuana Production</b> , subject to Section 841	X	X	X	A	A	X
<b>Marijuana Retailing</b>	X	X	X	X	X	X
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X
<b>Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources</b>	X	X	X	C	C	X
<b>Places of Worship</b> , subject to Section 804	P	P	P	P	P	P
<b>Produce Stands</b>	A <sup>16</sup>	A <sup>16</sup>	A <sup>16</sup>	A <sup>16</sup>	A <sup>16</sup>	A <sup>16,17</sup>
<del>Public Utility Facilities</del>	<del>€<sup>+13,18</sup></del>	<del>€<sup>+13,18</sup></del>	<del>€<sup>+13,18</sup></del>	<del>€<sup>+13,18</sup></del>	<del>€<sup>+13,18</sup></del>	<del>€<sup>+13,18</sup></del>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>13,4918</sup>	C <sup>13,4918</sup>	C <sup>13,4918</sup>	C <sup>13,4918</sup>	C <sup>13,4918</sup>	C <sup>13,4918</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>2019</sup>	C <sup>13</sup>	C <sup>13,2420</sup>	C <sup>13</sup>	C <sup>13,2420</sup>	C <sup>13,2420</sup>	C <sup>13,2420</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>20</sup>	P <sup>2221</sup>	P <sup>2221</sup>	P <sup>2221</sup>	P	P	P
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>20</sup>	P <sup>2221</sup>	P <sup>2221</sup>	P <sup>2221</sup>	P	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>13</sup>	C <sup>13</sup>	C	C <sup>13</sup>	C <sup>13</sup>	X
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>2322</sup>	A <sup>2322</sup>	A <sup>2322</sup>	A <sup>2322</sup>	A <sup>2322</sup>	A <sup>2322</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	CPUD <sup>24</sup> <sub>23</sub>	X	X	X	X	X
<b>Roads</b>	P	P	P	P	P	P
<b>Sanitary Landfills and Debris Fills</b>	X	X	X	C	C	X
<b>Schools</b> , subject to Section 805	C <sup>2524</sup>	C <sup>2524</sup>	C	C <sup>2524</sup>	C <sup>2524</sup>	C <sup>2624</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>24</sup> <sub>23</sub>	X	X	X	X	X
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD <sup>24</sup> <sub>23</sub>	X	X	X	X	X
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>24</sup> <sub>23</sub>	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<del>Sewer System Components that Serve Lands Inside an Urban Growth Boundary, subject to OAR 660-011-0060(3)</del>	<del>Type H<sup>27</sup></del>	<del>Type H<sup>27</sup></del>	<del>Type H<sup>27</sup></del>	<del>Type H<sup>27</sup></del>	<del>Type H<sup>27</sup></del>	<del>Type H<sup>27</sup></del>
<del>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)</del>	<del>Type H<sup>28</sup></del>	<del>Type H<sup>28</sup></del>	<del>Type H<sup>28</sup></del>	<del>Type H<sup>28</sup></del>	<del>Type H<sup>28</sup></del>	<del>Type H<sup>28</sup></del>
<b>Short-Term Rental</b> in a dwelling unit or guest house permitted by this table	P	P <sup>2926</sup>	P	P <sup>2926</sup>	P <sup>2926</sup>	P <sup>2926</sup>
<b>Signs</b> , subject to Section 1010	A <sup>3027</sup>	A <sup>3027</sup>	A <sup>3027</sup>	A <sup>3027</sup>	A <sup>3027</sup>	A <sup>3027</sup>
<b>Surface Mining</b> , subject to Section 818	X	X	X	C	C	X
<del>Telephone Exchanges</del>	<del>E<sup>43</sup></del>	<del>E<sup>43</sup></del>	<del>E<sup>43</sup></del>	<del>E<sup>43</sup></del>	<del>E<sup>43</sup></del>	<del>E<sup>43</sup></del>
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A	A	A	A
<b>Transfer Stations</b> , subject to Section 819	X	X	C	X	X	C
<b><u>Utility Facilities, including:</u></b>						
<u>Sewer System Components that Serve Lands Inside an Urban Growth Boundary, subject to OAR 660-011-0060(3)</u>	<u>Type II<sup>28</sup></u>	<u>Type II<sup>28</sup></u>	<u>Type II<sup>28</sup></u>	<u>Type II<sup>28</sup></u>	<u>Type II<sup>28</sup></u>	<u>Type II<sup>28</sup></u>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<u>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)</u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>
<u>Stormwater Management Facilities</u>	<u>P,C<sup>30</sup></u>	<u>P,C<sup>30</sup></u>	<u>P,C<sup>30</sup></u>	<u>P,C<sup>30</sup></u>	<u>P,C<sup>30</sup></u>	<u>P,C<sup>30</sup></u>
<u>Utility Carrier Cabinets, subject to Section 830</u>	<u>P,C<sup>31</sup></u>	<u>P,C<sup>31</sup></u>	<u>P,C<sup>31</sup></u>	<u>P,C<sup>31</sup></u>	<u>P,C<sup>31</sup></u>	<u>P,C<sup>31</sup></u>
<u>Utility Facilities in Road Rights-of-Way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Utility Facilities Not Otherwise Listed in Table 316-1</u>	<u>C<sup>13,32</sup></u>	<u>C<sup>13,32</sup></u>	<u>C<sup>13,32</sup></u>	<u>C<sup>13,32</sup></u>	<u>C<sup>13,32</sup></u>	<u>C<sup>13,32</sup></u>
<u>Utility Lines</u>	<u>P,C<sup>33</sup></u>	<u>P,C<sup>33</sup></u>	<u>P,C<sup>33</sup></u>	<u>P,C<sup>33</sup></u>	<u>P,C<sup>33</sup></u>	<u>P,C<sup>33</sup></u>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

- <sup>1</sup> This use is permitted only inside of an urban growth boundary.
- <sup>2</sup> This use is permitted only outside of both an urban growth boundary and an urban reserve.
- <sup>3</sup> An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- <sup>4</sup> Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.
- <sup>5</sup> This use is limited to alteration or expansion of a lawfully established child care facility.
- <sup>6</sup> As used in Table 316-1, farm uses do not include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing. See separate listings in Table 316-1 for these uses.
- <sup>7</sup> Even though it is prohibited in this category, this use is included in the “government use” category.
- <sup>8</sup> This use is limited to alteration or expansion of a lawfully established adult daycare service.
- <sup>9</sup> Except as allowed by Section 839, *Accessory Dwelling Units*, Section 843, *Accessory Historic Dwellings*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, duplex (only if approved as a conditional use in the RA-1 District), or manufactured dwelling.

- <sup>10</sup> This use is permitted only on lots larger than five acres.
- <sup>11</sup> In the RA-2, RRFF-5, FF-10, and FU-10 Districts, livestock is permitted as described under the use category of farm uses. In the RA-1 and RR Districts, livestock is permitted as described under the use category of livestock.
- <sup>12</sup> For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.
- <sup>13</sup> Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- <sup>14</sup> A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.
- <sup>15</sup> The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- <sup>16</sup> A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- <sup>17</sup> In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.
- ~~<sup>18</sup> Public utility facilities shall not include shops, garages, or general administrative offices.~~
- <sup>18</sup><sup>19</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- <sup>19</sup><sup>20</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- <sup>20</sup><sup>21</sup> Equine facilities are a primary use, subject to the following standards and criteria:
- a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.
  - b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.
- <sup>21</sup><sup>22</sup> Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

<sup>22</sup><sup>23</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.

<sup>23</sup><sup>24</sup> The use is subject to the following standards and criteria:

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

<sup>24</sup><sup>25</sup> Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.

<sup>26</sup><sup>25</sup> This use is limited to alteration or expansion of a lawfully established school.

~~<sup>27</sup> Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.~~

~~<sup>28</sup> The use is limited to sewer systems that are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.~~

<sup>26</sup><sup>29</sup> This use is not permitted in an urban or rural reserve established pursuant to OAR 660, Division 27.

<sup>27</sup><sup>30</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

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

- <sup>29</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- <sup>30</sup> Stormwater management facilities are a primary use if:
- a. They are underground, except for an outlet structure if applicable;
  - b. They are vegetated, except for an outlet structure if applicable; or
  - c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).
- <sup>31</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~
- <sup>32</sup> Except for hydroelectric facilities and telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.
- <sup>33</sup> Utility lines are a conditional use if:
- a. They are natural gas or electric lines;
  - b. They are located outside of a road right-of-way;
  - c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
  - d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<b>Standard</b>	<b>RA-1</b>	<b>RA-2</b>	<b>RR</b>	<b>RRFF-5</b>	<b>FF-10</b>	<b>FU-10</b>
Minimum Building Separation above 3,500 Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

- <sup>1</sup> The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.
- <sup>2</sup> In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a duplex, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- <sup>3</sup> The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.
- <sup>4</sup> For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- <sup>5</sup> The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.
- <sup>6</sup> The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.
- <sup>7</sup> In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10 acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- <sup>8</sup> In a planned unit development, the minimum front setback is 20 feet.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 9 For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- 10 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 316-2.
- 11 The minimum rear setback for an accessory building shall be five feet except as established by Note 10.
- 12 The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10.
- 13 The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23; Amended by Ord. ZDO-287, 8/3/23; Amended by Ord. ZDO-283, 9/5/23]

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

---

317.01 PURPOSE

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

317.02 APPLICABILITY

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

317.03 USES PERMITTED

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

B. As used in Table 317-1:

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

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



317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

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

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

Use	MRR	HR
<b>Accessory Buildings and Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, <a href="#">stormwater management facilities</a> , television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a>	A	A
<b>Accessory Kitchens</b>	A <sup>1</sup>	A <sup>1</sup>
<b>Airports, Personal-Use</b>	C	C
<b>Bed and Breakfast Inns</b> , subject to Section 832	P	C
<b>Bed and Breakfast Residences</b> , subject to Section 832	P	C
<b>Bus Shelters</b>	P	P
<b>Campgrounds</b>	C	C
<b>Child Care Facilities</b>	C	C
<b>Civic and Cultural Facilities</b> , including art galleries, museums, and visitor centers	L <sup>2</sup>	X
<b>Community Halls</b>	CPUD	CPUD
<b>Composting Facilities</b>	X	X
<b>Daycare Services, Adult</b>	C	C
<b>Dwellings, including:</b>		
Accessory Dwelling Units, subject to Section 839	A	A
Congregate Housing Facilities	P	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	MRR	HR
Detached Single-Family Dwellings	P <sup>3</sup>	P <sup>3</sup>
Duplexes	P	X
Manufactured Dwelling Parks, subject to Section 825	C	X
Manufactured Homes	P <sup>3</sup>	P <sup>3</sup>
Multifamily Dwellings	P	X
Quadplexes	P	X
Townhouses	P <sup>3</sup>	P <sup>3,4</sup>
Triplexes	P	X
<b>Energy Source Development</b>	C	C
<b>Farmers' Markets</b> , subject to Section 840	A	A
<b>Fraternal Organization Lodges</b>	C <sup>5</sup>	C <sup>5</sup>
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C <sup>5</sup>	C <sup>5</sup>
<b>Guest Houses</b> , subject to Section 833	X	A
<b>Guest Ranches and Lodges</b>	X	C
<b>Helistops, Personal-Use</b>	C	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>6</sup>	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Hydroelectric Facilities</b>	€	€
<b>Libraries</b>	L <sup>2</sup> , CPUD	CPUD
<b>Livestock</b> , subject to Section 821	A	A
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b>	X	X
<b>Marijuana Wholesaling</b>	X	X
<b>Mobile Vending Units</b> , subject to Section 837	L <sup>2,9</sup>	X
<b>Motels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Multi-Use Developments</b> , subject to Section 844	C	C
<b>Nursing Homes</b>	P	C
<b>Parking Structures</b>	A	X
<b>Places of Worship</b> , subject to Section 804	P	P
<b>Produce Stands</b> , subject to Section 815	A	A
<b>Public Utility Facilities</b>	€ <sup>5</sup>	€ <sup>5,10</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>5,10</sup>	C <sup>5,10</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>12,11</sup>	C <sup>5</sup>	C <sup>5</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	MRR	HR
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>4211</sup>	P <sup>4312</sup>	P <sup>4413</sup>
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>4211</sup>	P <sup>4312</sup>	P <sup>4413</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>5</sup>	C <sup>5</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>4514</sup>	A <sup>4514</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	L <sup>2</sup> , CPUD <sup>4615</sup>	CPUD <sup>4615</sup>
<b>Roads</b>	P	P
<b>Schools</b> , subject to Section 805	C	C
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>2</sup> , CPUD <sup>4615</sup>	CPUD <sup>4615</sup>
<b>Services, Commercial—Maintenance and Repair</b> , of any of the following: bicycles and sporting goods	L <sup>2</sup> , CPUD <sup>4615</sup>	CPUD <sup>4615</sup>
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L <sup>2</sup> , CPUD <sup>4615</sup>	CPUD <sup>4615</sup>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	L <sup>2</sup> , CPUD <sup>4615</sup>	CPUD <sup>4615</sup>
<del>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)</del>	Type II <sup>47</sup>	Type II <sup>47</sup>
<b>Short-Term Rental</b> in a dwelling unit or guest house permitted by this table	P	P
<b>Signs</b> , subject to Section 1010	A <sup>4816</sup>	A <sup>4816</sup>
<b>Surface Mining</b> , subject to Section 818	X	X

Use	MRR	HR
<b>Telephone Exchanges</b>	<u>C<sup>5</sup></u>	<u>C<sup>5</sup></u>
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
<b>Transit Park-and-Rides</b>	P	P
<b>Transfer Stations</b> , subject to Section 819	C	C
<b><u>Utility Facilities, including:</u></b>		
<b><u>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community</u></b> , subject to OAR 660-011-0060(4)	<u>Type II<sup>17</sup></u>	<u>Type II<sup>17</sup></u>
<b><u>Stormwater Management Facilities</u></b>	<u>P,C<sup>18</sup></u>	<u>P,C<sup>18</sup></u>
<b><u>Utility <del>Carrier</del> Cabinets</u></b> , <del>subject to Section 830</del>	<u>P,C<sup>19</sup></u>	<u>P,C<sup>19</sup></u>
<b><u>Utility Facilities in Road Rights-of-Way</u></b>	<u>P</u>	<u>P</u>
<b><u>Utility Facilities Not Otherwise Listed in Table 317-1</u></b>	<u>C<sup>5</sup></u>	<u>C<sup>5,20</sup></u>
<b><u>Utility Lines</u></b>	<u>P,C<sup>21</sup></u>	<u>P,C<sup>21</sup></u>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	See Table 835-1

- <sup>1</sup> An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- <sup>2</sup> The limited use is permitted subject to the following criteria:
  - a. The use shall be incidental to a primary use.
  - b. The use shall be provided for as an integral part of the general plan of the development.
  - c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.
- <sup>3</sup> Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, or townhouse.
- <sup>4</sup> Townhouses are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
- <sup>5</sup> Uses similar to this may be authorized pursuant to Section 106.

<sup>6</sup> A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 317-1.

<sup>7</sup> Also permitted are associated convention facilities.

<sup>8</sup> A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.

<sup>9</sup> Only level three and four mobile vending units are permitted.

~~<sup>10</sup> Public utility facilities shall not include shops, garages, or general administrative offices.~~

<sup>10<sup>11</sup></sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

<sup>11<sup>12</sup></sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.

<sup>12<sup>13</sup></sup> Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

<sup>13<sup>14</sup></sup> Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

<sup>14<sup>15</sup></sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.

<sup>15<sup>16</sup></sup> The use is subject to the following standards and criteria:

- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
- b. The area occupied by all uses subject to Note 15 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
- c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
- d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
- e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

~~<sup>17</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR~~

~~660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.~~

<sup>16</sup>~~18~~ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>17</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

<sup>18</sup> Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

<sup>19</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~

<sup>20</sup> Except for hydroelectric facilities and telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.

<sup>21</sup> Utility lines are a conditional use if:

a. They are natural gas or electric lines;

b. They are located outside of a road right-of-way;

c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and

d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

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

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

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

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

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



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

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

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23; Amended by Ord. ZDO-287, 8/3/23; Amended by Ord. ZDO-283, 9/5/23]

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

---

510.01 PURPOSE

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

510.02 APPLICABILITY

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

510.03 USES PERMITTED

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

A. As used in Table 510-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “L” means the use is a limited use and shall be developed concurrently with, or after, a primary use.
4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.

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

#### 510.04 DIMENSIONAL STANDARDS

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

#### 510.05 DEVELOPMENT STANDARDS

The following development standards apply:

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Accessory Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care home, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, <a href="#">stormwater management facilities</a> , television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a>	A	A	A	A	A	A	A	A	A	A	A
<b>Assembly Facilities</b> , including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	C	P	P,C <sup>4</sup>	P	P	P	P	P	S	P,C <sup>4</sup>	P,C <sup>4</sup>
<b>Bed and Breakfast Residences and Inns</b> , subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
<b>Bus Shelters</b>	A	A	P	P	P	P	P	P	A	P	P

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

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



**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Use</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU<sup>1</sup></b>	<b>SCMU</b>	<b>OA<sup>2,3</sup></b>	<b>OC</b>	<b>RCO</b>
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P	P	P	P <sup>17</sup>	P <sup>7,17</sup>	L <sup>17,18</sup>	C <sup>17</sup>	L <sup>17,19</sup>
<b>Government Uses</b> , including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
<b>Heliports</b>	X	X	C <sup>20</sup>	C	C	C	X	X	X	C <sup>20</sup>	C <sup>20</sup>
<b>Helistops</b>	X	X	C <sup>20</sup>	C	C	C	C	C	X	C <sup>20</sup>	C <sup>20</sup>
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
<b>Hospitals</b>	X	X	X	X	X	X	X	X	X	C	C
<b>Hotels</b>	P	P	P	P	P	P	P	P <sup>7</sup>	S	L <sup>5,21</sup> ,C <sup>21</sup>	P <sup>21</sup>
<b>Hydroelectric Facilities</b>	X	E	X	E	X	E	X	X	X	X	X
<b>Libraries</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Manufacturing</b> , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products and the assembly of component parts, but excluding the primary processing of raw materials	S <sup>22</sup>	S <sup>23</sup>	S	S	P	P	S	P <sup>24,25</sup>	S	P <sup>26</sup>	S

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Manufacturing of Edible or Drinkable Products Retailed on the Same Site</b> , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site.	S	P	S	S	P	P	S	P <sup>24,25</sup>	S	P <sup>26</sup>	S
<b>Marijuana Processing</b>	X	X	X	X	P <sup>27</sup>	P <sup>27</sup>	X	P <sup>24,27</sup>	X	P <sup>26,27</sup>	X
<b>Marijuana Production</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Marijuana Retailing</b> , subject to Section 841	P	P	P	P	P	P	P	P <sup>7</sup>	X	P <sup>8</sup>	L <sup>6</sup>
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Mobile Vending Units</b> , subject to Section 837	P	P	P	P	P	P	P	P	A <sup>28</sup>	A <sup>28</sup>	A <sup>28</sup>
<b>Motels</b>	P	P	P	P	P	P	P	P <sup>7</sup>	S	L <sup>5,29</sup> , C <sup>29</sup>	L <sup>6</sup>
<b>Multi-Use Developments</b> , subject to Section 844	X	X	X	X	X	C	X	X	X	C	X
<b>Nursing Homes</b>	X	X	X	X	X	X	P	P	L	X	X
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P	P	P	P	P	P	P	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P	P	P	P	P	P	P	P	P	P
<b>Parking Lots</b>	A	A	A	A	P	P	A	A	A	P <sup>30</sup>	A
<b>Parking Structures</b>	X	A <sup>31</sup>	P <sup>30</sup>	P <sup>30</sup>	P	P	A	A	A <sup>31</sup>	P <sup>30</sup>	P <sup>30</sup>
<b>Parks, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; nature preserves and wildlife sanctuaries; picnic areas and structures; play equipment and playgrounds; tables and seating; and similar recreational uses. Accessory uses to a park may include concessions, maintenance facilities, restrooms, and similar support uses.	P	P	P	P	P	P	P	P	P	P	P
<b>Pedestrian Amenities</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Places of Worship</b> , subject to Section 804	P	P	P	P	P	P	P	P	P	P	P
<del><b>Public Utility Facilities</b></del>	<del>S</del>	<del>€</del>	<del>€<sup>32</sup></del>	<del>€<sup>32</sup></del>	<del>€</del>	<del>€</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>
<b>Race Tracks, Outdoor</b>	X	X	X	X	X	C	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Radio and Television Studios</b> , excluding transmission towers	C	P	P	P	P	P	P	P	S	P	P
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> <sup>3332</sup>	S	C	S	S	C	C	S	S	S	S	S
<b>Radio and Television Transmission and Receiving Earth Stations</b>	S	C	C	C	C	C	A	S	S	S	S
<b>Recreational Sports Facilities</b> for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P	P	P	P <sup>17</sup>	P <sup>7,17</sup>	S	C <sup>17</sup>	L <sup>17,19</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A	A	A <sup>3433</sup>	A <sup>3433</sup>	A	A	A <sup>3433</sup>	A <sup>3433</sup>	A <sup>3433</sup>	A <sup>3433</sup>	A <sup>3433</sup>
<b>Research Facilities and Laboratories</b> , including medical laboratories, medical research, product design and testing, and product research and development	S	S	S	S	P	P	P <sup>26</sup>	P	P <sup>3534</sup>	P <sup>3534</sup>	P <sup>26</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P <sup>7</sup>	S	C <sup>8</sup>	L <sup>6</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P	P	P	P	P	P	P <sup>7</sup>	L <sup>18,3635</sup> , S	L <sup>5,3635</sup> ,C <sup>8</sup>	L <sup>6</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C <sup>8</sup>	L <sup>6</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Roads</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Schools</b>	P <sup>3736</sup>	P <sup>3736</sup>	P	P	P	P	P	P	L <sup>3837</sup>	P	P
<b>Service Stations</b>	C	P	X	C	P	P	X	X	X	X	X
<b>Services, Business</b> , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P	P	P	P	P	P	P	P	P	P	P
<b>Services, Commercial</b>	S	S	P	P	P	P	P	P <sup>7</sup>	S	C <sup>8</sup>	L <sup>6</sup>
<b>Services, Commercial—Car Washes</b>	S	S	X	C	P	P	P	X	X	X	X
<b>Services, Commercial—Construction and Maintenance</b> , including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C <sup>8</sup>	L <sup>6</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	P	P	P	P	P	P	P	P <sup>7</sup>	L <sup>18</sup>	L <sup>5</sup> ,C <sup>3938</sup>	L <sup>6,403</sup> <sub>2</sub>
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	P	P	P	P	P	P	P	P <sup>7</sup>	S	C <sup>8</sup>	L <sup>6</sup>
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C <sup>8</sup>	L <sup>6</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P	P	P	P	P	P	P <sup>7</sup>	S	C <sup>8</sup>	L <sup>6</sup>
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P	P	P	P	P	P	P <sup>7</sup>	L <sup>18</sup>	L <sup>5</sup>	L <sup>6</sup>
<b>Services, Commercial—Mini-Storage/Self-Storage Facilities</b>	S	S	X	C	P	P	X	X	S	X	X
<b>Services, Commercial—Storage</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	X	C	P	P	X	X	X	X	X

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Use</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU<sup>1</sup></b>	<b>SCMU</b>	<b>OA<sup>2,3</sup></b>	<b>OC</b>	<b>RCO</b>
<b>Services, Commercial—Storage</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	C	P	P	X	X	X	X	X
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	P	P	P	P	P	P	P	P <sup>7</sup>	S	P	P
<b>Services, Commercial—Truck Stops</b>	X	X	X	X	P	P	X	X	X	X	X
<b>Services, Information</b> , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	S	S	S	S	P	P	P	P <sup>24</sup>	P	P	P
<b>Short-Term Rental</b> in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use	X	X	P	P	P	P	P	P	P	P	P
<b>Signs</b> , subject to Section 1010	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>	<a href="#">A<sup>4140</sup></a>
<b>Stadiums, Outdoor</b>	X	X	X	X	X	C	X	X	X	X	X
<b>Telephone Exchanges</b>	S	E	E	E	E	E	S	S	S	S	S
<b>Temporary Buildings for Uses Incidental to Construction Work</b> , provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A	A	A	A	A	A	A	A	A



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Transit Facilities</b> , including transit centers, transit park-and-rides, transit stations, and transit stops	S	S	P	P	P	P	P	P	S	P	P
<b>Utility Facilities, including:</b>											
<u>Stormwater Management Facilities</u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>	<u>P,C<sup>41</sup></u>
<del>Utility Carrier Cabinets, subject to Section 830</del>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>
<u>Utility Facilities in Road Rights-of-Way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Utility Facilities Not Otherwise Listed in Table 510-1</u>	<u>S</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Utility Lines</u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>	<u>P,C<sup>43</sup></u>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	P	P	P	P	P	P	See Table 835-1	P	P	P

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

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

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

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <sup>6</sup> The use is permitted only:
- a. In a multistory building with a primary use, up to a maximum building floor area equal to the building floor area of the first floor; or
  - b. On the ground-level floor of a freestanding parking structure.
- <sup>7</sup> A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 7 shall not exceed 40,000 square feet in a single building.
- <sup>8</sup> The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 8, shall be 20 percent of the building floor area of primary uses in the same development.
- <sup>9</sup> Drive-thru window service is prohibited on streets designated as Main Streets on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*.
- <sup>10</sup> Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.
- <sup>11</sup> Freestanding congregate housing facilities, freestanding multifamily dwellings, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the RCHDR District.
- <sup>12</sup> A congregate housing facility shall have a minimum of four dwelling units.
- <sup>13</sup> Freestanding congregate housing facilities, freestanding multifamily dwellings, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the HDR District, except that the minimum and maximum residential density standards of Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, apply.
- <sup>14</sup> Duplexes, triplexes, quadplexes, and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.
- <sup>15</sup> Townhouses, subject to the density standards of the VTH District, may be developed in the same building as a primary use.
- <sup>16</sup> Employee amenities shall be located in the same structure as the use to which they are accessory.
- <sup>17</sup> Only indoor facilities are permitted.
- <sup>18</sup> An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 18, shall be 10 percent of the total building floor area in the same development.
- <sup>19</sup> The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
  - i. The minimum FAR for the office use shall be 0.75; and
  - ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.
- b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.
- c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use.

<sup>20</sup> This use is permitted only in conjunction with a primary or another conditional use.

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

<sup>22</sup> In the NC District, sign production is a conditional use.

<sup>23</sup> In the C-2 District, sign production is a permitted use.

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

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

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

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

<sup>28</sup> Only level one mobile vending units are permitted.

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

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

<sup>31</sup> This use is limited to understructure parking.

<sup>32</sup> ~~Only substations are permitted.~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<sup>3233</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

<sup>3334</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.

<sup>3435</sup> No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.

<sup>3536</sup> Only retailing of videos is permitted as a limited use. All other retailing in this use category requires review pursuant to Section 106 in the OA District and is a conditional use, subject to Note 17, in the OC District.

<sup>3637</sup> Only commercial schools are permitted.

<sup>3838</sup> Schools shall be limited to no more than 30 percent of the total building floor area on a site.

<sup>3839</sup> An eating and drinking establishment may be permitted as a conditional use, provided that it complies with a minimum of five of the following criteria:

- a. Has a minimum seating capacity of 75;
- b. Specializes in gourmet, ethnic, or specialty cuisine;
- c. Includes banquet facilities and services;
- d. Provides live entertainment at least two nights a week;
- e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
- f. Has an Oregon Liquor Control Commission license to serve beer and wine; or
- g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

<sup>3940</sup> Notwithstanding Note 6, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:

- a. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.
- b. If the primary use in the same development is an office use, as defined in Note 23 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
- c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
- d. The eating and drinking establishment shall be developed concurrently with, or after, a primary use.

<sup>4041</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>41</sup> Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

<sup>42</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~

<sup>43</sup> Utility lines are a conditional use if:

a. They are natural gas or electric lines;

b. They are located outside of a road right-of-way;

c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and

d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

**Table 510-2: Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts**

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Lot Size	7,260 square feet <sup>1,2</sup>	None	1 acre <sup>2,3</sup>	½ acre <sup>2,3</sup>	None	None	PMU1: None  PMU2: 2 acres  PMU3: 3 acres  PMU4: ½ acre  PMU5: 10 acres  PMU6: 5 acres	½ acre <sup>2,4</sup>	None	1 acre <sup>2,3</sup>	2½ acres <sup>2,3</sup>
Minimum Street Frontage	None	None	None	None	None	None	None	100 feet <sup>5</sup>	None	None	None
Maximum Front Setback	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>7</sup>	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>7,8</sup>	See Subsection 1005.09	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>7</sup>
Minimum Front Setback	0	15 feet	5 feet <sup>9</sup>	15 feet	15 feet	15 feet	0	See Subsection 1005.09	10 feet	15 feet	5 feet <sup>9</sup>

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Standard</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU</b>	<b>SCMU</b>	<b>OA</b>	<b>OC</b>	<b>RCO</b>
Minimum Rear Setback	0	0 <sup>10</sup>	0 <sup>11</sup>	0 <sup>12</sup>	0 <sup>12</sup>	0 <sup>12</sup>	0 <sup>8,10</sup>	See Subsection 1005.09	10 feet <sup>13</sup>	10 feet <sup>11</sup>	0 <sup>14</sup>
Minimum Side Setback	0	0 <sup>15</sup>	0 <sup>15</sup>	0 <sup>16</sup>	0 <sup>16</sup>	0 <sup>16</sup>	0 <sup>8,15</sup>	See Subsection 1005.09	6 feet <sup>17</sup>	10 feet <sup>18</sup>	0 <sup>15</sup>
Maximum Building Height	35 feet	None <sup>19</sup>	None	None	None	None	None	None	45 feet	None <sup>20</sup>	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development <sup>21</sup>	None	None	None	See Table 510-3.	None	None	None	0.5 for primary office uses on lots of 2½ acres or less; 1.0 for primary office uses on lots greater than 2½ acres <sup>21, 22, 23</sup>
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None	None	None	None	None

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Standard</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU</b>	<b>SCMU</b>	<b>OA</b>	<b>OC</b>	<b>RCO</b>
Minimum Residential Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use <sup>24</sup>	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	None	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use or with a limited use other than a fitness facility or a freestanding restaurant <sup>24</sup>
Maximum Residential Density	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None	60 dwelling units per acre <sup>25</sup>	60 dwelling units per acre <sup>25</sup>	60 dwelling units per acre <sup>25</sup>	None	None	Standards in MR-2 District apply. See Table 315-4.	60 dwelling units per acre <sup>25</sup>	None



Notes to Table 510-2:

- <sup>1</sup> The minimum lot size for land with a Comprehensive Plan land use plan designation of Low Density Residential shall be the same as that allowed by the zoning district that applied to the subject property immediately prior to the application of the NC zoning district.
- <sup>2</sup> The minimum lot size standard applies only to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, an undersized lot of record may be developed, subject to other applicable standards of this Ordinance.
- <sup>3</sup> No minimum lot size standard applies to a lot created by partition or subdivision or adjusted through a property line adjustment, provided that the newly created or adjusted lot is developed only with a dwelling classified as a nonconforming use and uses accessory to that dwelling.
- <sup>4</sup> The minimum is 2,000 square feet for a lot developed only with a townhouse and uses accessory to that townhouse.
- <sup>5</sup> The minimum street frontage standard applies only to subdivisions, partitions, and property line adjustments. The minimum for a lot of record on the outer radius of a curved street or the circular end of a cul-de-sac is 35 feet measured on the arc. The minimum for a lot of record developed only with a townhouse, and uses accessory to that townhouse, shall be 20 feet. A lot of record with frontage on more than one street shall meet the minimum on each street.
- <sup>6</sup> The maximum front setback standard applies only if required by Subsection 1005.02(H). However, see Subsection 1005.02(E) for a related standard.
- <sup>7</sup> The maximum front setback standard shall be met for all buildings except freestanding parking structures. However, the maximum front setback may be exceeded to the minimum extent necessary to accommodate pedestrian amenities. If a lot has more than one front lot line, the standard must be met for only one. A private road used to satisfy the maximum front setback standard must comply with Subsection 1005.07(G). The maximum front setback from Main Streets identified on Comprehensive Plan Map X-CRC-3 is 10 feet.
- <sup>8</sup> In lieu of complying with the standard, an applicant for design review on a site of 25 acres or larger may propose alternate setback standards. The alternate standards, or any part thereof, shall be approved if they are found to be equally effective as the regular standards in establishing a visual image, sense of place, and quality pedestrian environment for the area.
- <sup>9</sup> There is no minimum setback from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 10 If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet.
- 11 If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet.
- 12 If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- 13 If the rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: 10 feet for the portion of a building that is 25 feet or less in height; 20 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- 14 If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 39 feet.
- 15 If the side lot line abuts a residential zoning district, the minimum shall be 15 feet.
- 16 If the side lot line abuts a residential zoning district, the minimum side yard setback shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- 17 If the side lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: six feet for the portion of a building that is 25 feet or less in height; 16 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- 18 If the side lot line abuts a residential zoning district, the minimum shall be 35 feet.
- 19 If the subject property abuts a residential zoning district, the maximum building height shall be 35 feet.
- 20 If the building is located less than 100 feet from an Urban Low Density Residential, VR-4/5, or VR-5/7 District, the maximum building height shall be equal to the building's distance from the Urban Low Density Residential, VR-4/5, or VR-5/7 District.

- <sup>21</sup> Floor area ratio shall be calculated pursuant to Subsection 1005.02(K).
- <sup>22</sup> With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
- <sup>23</sup> For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Offices and Outpatient Clinics, and Research Facilities and Laboratories.
- <sup>24</sup> Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).
- <sup>25</sup> Maximum residential density may be increased pursuant to Table 1012-1, *Bonus Density*. Any partial figure of one-half or greater shall be rounded up to the next whole number.

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

<b>Land Uses &amp; Areas Required</b>	<b>PMU1</b>
Office uses <sup>1</sup> , minimum square feet	525,000 square feet
Retail, entertainment, hotel, service commercial, theater, or equivalent, minimum square feet	500,000 square feet
Dwelling units, minimum number	200 dwelling units; demonstrate ability to accommodate 600 dwelling units
Public plaza	one-half- to one-acre plaza
Entertainment/recreational facility	
Transit facilities	
Preserve Phillips Creek and enhance Phillips Creek Greenway	
<b>Land Uses &amp; Areas Required</b>	<b>PMU 2, 3, 4, and 5</b>
Office uses <sup>1</sup> or residential uses <sup>2</sup> , minimum site area	50 percent
Office uses <sup>1</sup> , minimum floor area ratio (FAR)	0.5 for office uses on lots of two and one-half acres or less; 1.0 for office uses on lots greater than two and one-half acres, calculated pursuant to Subsection 1005.02(K). With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases, provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
Retail uses and service commercial uses, minimum FAR	0.3, calculated pursuant to Subsection 1005.02(K)
Residential density <sup>2</sup>	The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

Notes to Table 510-3:

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

[Added by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-277, 1/1/22; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23; Amended by Ord. ZDO-287, 8/3/23; Amended by Ord. ZDO-283, 9/5/23]

**511 VILLAGE COMMUNITY SERVICE DISTRICT (VCS)**

---

511.01 PURPOSE

Section 511 is adopted to implement the policies of the Comprehensive Plan for Village Community Service areas.

511.02 APPLICABILITY

Section 511 applies to land in the Village Community Service (VCS) District.

511.03 USES PERMITTED

Uses permitted in the VCS District are listed in Table 511-1, *Permitted Uses in the VCS District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 511-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. “X” means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 511-1.

B. Permitted uses are subject to the applicable provisions of Subsection 511.04, *Dimensional Standards*, Subsection 511.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

511.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VCS District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

- A. Setback: The setback from lot lines abutting Oregon Trail Drive and Hines Drive shall be zero. The minimum setback from all other lot lines shall be five feet.
- B. Maximum Building Height: Maximum building height shall be 35 feet.

511.05 DEVELOPMENT STANDARD

All primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

**Table 511-1: Permitted Uses in the VCS District**

Use	VCS
<b>Accessory Uses, Customarily Permitted</b> , such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, <a href="#">stormwater management facilities</a> , <del>and</del> transit amenities, <a href="#">utility service equipment</a> , and <a href="#">utility service lines</a>	A
<b>Assembly Facilities</b> , including auditoriums, community centers, and senior centers	P
<b>Athletic Clubs</b>	C
<b>Bus Shelters</b>	A
<b>Child Care Facilities</b>	P
<b>Civic and Cultural Facilities</b> , including art galleries and museums	P <sup>1</sup> ,C <sup>2</sup>
<b>Community Gardens</b>	P
<b>Composting Facilities</b>	X
<b>Daycare Services, Adult</b>	P
<b>Electric Vehicle Charging Stations</b>	A
<b>Employee Amenities</b> , including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities	A <sup>3</sup>
<b>Farmers’ Markets</b> , subject to Section 840	P
<b>Government Uses</b> , including fire stations, police stations, and post offices	P
<b>Libraries</b>	P
<b>Marijuana Processing</b>	X
<b>Marijuana Production</b>	X
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	X
<b>Offices</b> , including developer sales offices and professional offices	C
<b>Offices</b> , including government offices and utility offices	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	VCS
<b>Pedestrian Amenities</b>	P
<b>Places of Worship</b> , subject to Section 804	P
<b>Public Recreation Facilities</b>	P
<b>Recyclable Drop-off Sites</b> , subject to Section 819	A
<b>Roads</b>	P
<b>Schools</b>	P
<b>Signs</b> , subject to Section 1010	A <sup>4</sup>
<b>Telecommuting Support Services</b> , including photocopying centers with fax and computer facilities	P
<b>Temporary Buildings for Uses Incidental to Construction Work</b> , provided that such buildings shall be removed upon completion or abandonment of the construction work	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-Site Prior to On-Site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A
<b><u>Utility Facilities, including:</u></b>	
<b><u>Stormwater Management Facilities</u></b>	<u>P,C<sup>5</sup></u>
<b>Utility <del>Carrier Cabinets</del></b> , <del>subject to Section 830</del>	P,C <sup>56</sup>
<b><u>Utility Facilities in Road Rights-of-Way</u></b>	<u>P</u>
<b><u>Utility Lines</u></b>	<u>P,C<sup>7</sup></u>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1

Notes to Table 511-1:

- <sup>1</sup> Museums are a primary use.
- <sup>2</sup> Art galleries are a conditional use.
- <sup>3</sup> Employee amenities shall be located in the same structure as the use to which they are accessory.
- <sup>4</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>5</sup> Stormwater management facilities are a primary use if:



- a. They are underground, except for an outlet structure if applicable;
- b. They are vegetated, except for an outlet structure if applicable; or
- c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

<sup>65</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~

<sup>7</sup> Utility lines are a conditional use if:

- a. They are natural gas or electric lines;
- b. They are located outside of a road right-of-way;
- c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
- d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review)

[Added by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-287, 8/3/23]

**512 VILLAGE OFFICE DISTRICT (VO)**

---

512.01 PURPOSE

Section 512 is adopted to implement the policies of the Comprehensive Plan for Village Office areas.

512.02 APPLICABILITY

Section 512 applies to land in the Village Office (VO) District.

512.03 USES PERMITTED

Uses permitted in the VO District are listed in Table 512-1, *Permitted Uses in the VO District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 512-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “L” means the use is a limited use.
4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. “X” means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 512-1.

B. Permitted uses are subject to the applicable provisions of Subsection 512.04, *Dimensional Standards*, Subsection 512.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

512.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VO District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

A. Maximum Front Setback: The maximum front setback shall be 50 feet from the centerline of 142<sup>nd</sup> Avenue, 75 feet from the centerline of Sunnyside Road, and 10 feet from lot lines abutting any other road. The maximum front setback may be exceeded to the minimum extent necessary to accommodate proposed pedestrian amenities.

- B. Minimum Front Setback: The minimum front setback shall be 40 feet from the centerline of 142<sup>nd</sup> Avenue, 65 feet from the centerline of Sunnyside Road, and five feet from lot lines abutting any other road. Awnings or other overhangs may extend a maximum of four feet into the minimum front yard depth.
- C. Rear Setback: The maximum and minimum front setback standards for lot lines abutting 142<sup>nd</sup> Avenue and Sunnyside Road shall apply even if a lot line abutting 142<sup>nd</sup> Avenue or Sunnyside Road is designated as a rear lot line pursuant to the definition of rear lot line in Section 202, *Definitions*.
- D. Maximum Building Height: Maximum building height shall be 45 feet.

512.05 DEVELOPMENT STANDARD

Primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

**Table 512-1: Permitted Uses in the VO District**

Use	VO
<b>Accessory Uses, Customarily Permitted</b> , such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, <a href="#">stormwater management facilities</a> , <del>and</del> transit amenities, <a href="#">utility service equipment</a> , and <a href="#">utility service lines</a>	A
<b>Assembly Facilities</b> , including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, places of worship, senior centers, and theaters for the performing arts	C <sup>1,2</sup>
<b>Bus Shelters</b>	A
<b>Child Care Facilities</b>	L <sup>3,4</sup> ,C <sup>5</sup>
<b>Civic and Cultural Facilities</b> , including art galleries and museums	C <sup>1</sup>
<b>Composting Facilities</b>	X
<b>Daycare Services, Adult</b>	L <sup>3,6</sup> ,C <sup>5</sup>
<b>Educational Institutes</b>	C <sup>7</sup>
<b>Electric Vehicle Charging Stations</b>	A
<b>Employee Amenities</b> , including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities	A <sup>8</sup>
<b>Farmers' Markets</b> , subject to Section 840	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	VO
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	C
<b>Libraries</b>	C <sup>1</sup>
<b>Manufacturing</b> , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	P <sup>9</sup>
<b>Marijuana Processing</b>	P <sup>9,10</sup>
<b>Marijuana Production</b>	X
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	X
<b>Mobile Vending Units, Level One</b> , subject to Section 837	A
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P
<b>Pedestrian Amenities</b>	P
<b>Radio and Television Studios</b> , excluding transmission towers	C <sup>7</sup>
<b>Recreational Sports Facilities</b> for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	C
<b>Recyclable Drop-off Sites</b> , subject to Section 819	A
<b>Research Facilities and Laboratories</b> , including medical laboratories, medical research, product design and testing, and product research and development	P <sup>11</sup>
<b>Roads</b>	P
<b>Services, Business</b> , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	VO
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>3</sup>
<b>Services, Information</b> , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	P
<b>Signs</b> , subject to Section 1010	A <sup>12</sup>
<b>Studios</b> of the following types: art, dance, and music	C <sup>7</sup>
<b>Temporary Buildings for Uses Incidental to Construction Work</b> , provided that such buildings shall be removed upon completion or abandonment of the construction work	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-Site Prior to On-Site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A
<b>Trade Schools.</b> Trade schools provide training in occupational skills. These facilities also may be referred to as technical schools, vocational schools, and career schools.	C <sup>7</sup>
<b><u>Utility Facilities, including:</u></b>	
<b><u>Stormwater Management Facilities</u></b>	<u>P,C<sup>13</sup></u>
<b>Utility <del>Carrier</del> Cabinets, subject to Section 830</b>	P,C <sup>143</sup>
<b><u>Utility Facilities in Road Rights-of-Way</u></b>	<u>P</u>
<b><u>Utility Lines</u></b>	<u>P,C<sup>15</sup></u>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1

Notes to Table 512-1:

- <sup>1</sup> This use is permitted only if there is no opportunity to locate it either in the VCS District or on land zoned VCS prior to annexation to the City of Happy Valley.
- <sup>2</sup> An assembly facility shall have a maximum capacity of 500 people.
- <sup>3</sup> The maximum building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.
- <sup>4</sup> The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 children.

- 5 The use shall be located in the southern half of the VO District and shall be oriented toward the adjacent residential neighborhood.
- 6 The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 adults.
- 7 This use is permitted only if there is no opportunity to locate it on land zoned Village Commercial District prior to annexation to the City of Happy Valley.
- 8 Employee amenities shall be located in the same structure as the use to which they are accessory.
- 9 This use is allowed only if it has physical and operational requirements that are similar to those of other primary uses allowed in the VO District.
- 10 The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.
- 11 No operation shall be conducted, or equipment used, that would create any of the following: hazards, noxious conditions, or offensive conditions.
- 12 Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- 13 Stormwater management facilities are a primary use if:
  - a. They are underground, except for an outlet structure if applicable;
  - b. They are vegetated, except for an outlet structure if applicable; or
  - c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).
- 14<sup>3</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~
- 15 Utility lines are a conditional use if:
  - a. They are natural gas or electric lines;
  - b. They are located outside of a road right-of-way;
  - c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
  - d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Added by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

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

---

513.01 PURPOSE

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

513.02 APPLICABILITY

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

513.03 USES PERMITTED

A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

B. As used in Table 513-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
5. “X” means the use is prohibited.
6. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
7. Numbers in superscript correspond to the notes that follow Table 513-1.

C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

513.04 DIMENSIONAL STANDARDS

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



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

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

Use	RTC	RC
<b>Accessory Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, <a href="#">stormwater management facilities</a> , television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a>	A	A
<b>Assembly Facilities</b> , including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	P	P,C <sup>1</sup>
<b>Bed and Breakfast Inns</b> , subject to Section 832	P	P
<b>Bed and Breakfast Residences</b> , subject to Section 832	P	P
<b>Bus Shelters</b>	P	P
<b>Child Care Facilities</b>	P	P
<b>Civic and Cultural Facilities</b> , including art galleries, libraries, museums, and visitor centers	P	P
<b>Composting Facilities</b>	X	X
<b>Contractors, Logging</b>	P	P
<b>Daycare Services, Adult</b>	P	P
<b>Drive-Thru Window Services</b> , subject to Section 827	X	A
<b>Dwellings, Detached Single-Family</b>	P <sup>2</sup> ,A	A
<b>Electric Vehicle Charging Stations</b>	P	P
<b>Employee Amenities</b> , including cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A
<b>Entertainment Facilities</b> , including arcades, billiard halls, and movie theaters	P	P
<b>Farmers’ Markets</b> , subject to Section 840	P	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	P	P
<b>Government Uses</b> , including fire stations, police stations, and post offices	P	P
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b>	P <sup>3</sup>	S <sup>4</sup>
<b>Hydroelectric Facilities</b>	€	€
<b>Manufacturing of Edible or Drinkable Products Retailed on the Same Site</b> , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site, but excluding the processing, production, and wholesaling of marijuana products.	P	S
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b> , subject to Section 841	P <sup>5</sup>	P <sup>5</sup>
<b>Marijuana Wholesaling</b>	P <sup>6</sup>	P <sup>6</sup>
<b>Mobile Vending Units</b> , subject to Section 837	P	P
<b>Motels</b>	P <sup>3</sup>	S <sup>4</sup>
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P
<b>Parking Structures, Community</b>	P <sup>7</sup>	X
<b>Pedestrian Amenities</b>	P	P
<b>Places of Worship</b> , subject to Section 804	P	P
<b>Public Restrooms</b>	A,C	A,C
<b>Public Utility Facilities</b>	S	€
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	S <sup>8</sup>	C <sup>8</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>9</sup>	C	C
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>9</sup>	P	P
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>9</sup>	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	P	X
<b>Recycling Centers</b> , subject to Section 819	C	C
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A	A
<b>Resort Accommodations</b>	P <sup>10</sup>	S
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: Class I, III, and IV all-terrain vehicles, as defined by Oregon Revised Statutes Chapter 801; motorcycles; and snowmobiles	S	P
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: animal feed, building materials, farm equipment, forestry equipment, and livestock supplies	P	P
<b>Roads</b>	P	P
<b>Schools</b>	P	P,C <sup>2,11</sup>
<b>Service Stations</b>	P	P
<b>Services, Commercial—Construction and Maintenance</b> , including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	P <sup>12</sup>	P <sup>12</sup>
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	P	P
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	P	P
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	P
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P
<b>Services, Commercial—Mini-Storage/Self-Storage Facilities</b>	C <sup>13</sup>	C
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P
<b>Services, Commercial—Storage</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	C
<b>Services, Commercial—Storage</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	C
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	P	P
<del><b>Sewer System Components that Serve Lands Inside an Urban Growth Boundary</b>, subject to ORS 660-011-0060(3)</del>	<del>Type H<sup>14</sup></del>	<del>Type H<sup>14</sup></del>
<del><b>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community</b>, subject to ORS 660-011-0060(4)</del>	<del>Type H<sup>15</sup></del>	<del>Type H<sup>15</sup></del>
<b>Short-Term Rental</b> in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use	P	X
<b>Signs</b> , subject to Section 1010	A <sup>4614</sup>	A <sup>4614</sup>
<del><b>Telephone Exchanges</b></del>	<del>S</del>	<del>C</del>
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
<b>Theme Parks and Amusement Parks</b>	C	S
<b>Transfer Stations</b> , subject to Section 819	C	C
<b>Transit Park-and-Rides</b>	P	P
<b>Utility Facilities, including:</b>		
<u><a href="#">Sewer System Components that Serve Lands Inside an Urban Growth Boundary</a></u> , subject to OAR 660-011-0060(3)	<u>Type II<sup>15</sup></u>	<u>Type II<sup>15</sup></u>
<u><a href="#">Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community</a></u> , subject to OAR 660-011-0060(4)	<u>Type II<sup>16</sup></u>	<u>Type II<sup>16</sup></u>
<u><a href="#">Stormwater Management Facilities</a></u>	<u>P,C<sup>17</sup></u>	<u>P,C<sup>17</sup></u>
<u><a href="#">Utility Carrier Cabinets</a></u> , subject to Section 830	<u>P,C<sup>187</sup></u>	<u>P,C<sup>187</sup></u>
<u><a href="#">Utility Facilities in Road Rights-of-Way</a></u>	<u>P</u>	<u>P</u>
<u><a href="#">Utility Facilities Not Otherwise Listed in Table 513-1</a></u>	<u>C,S<sup>198</sup></u>	<u>C</u>
<u><a href="#">Utility Lines</a></u>	<u>P,C<sup>20</sup></u>	<u>P,C<sup>20</sup></u>
<b>Wholesaling</b> —whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings	P	P
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	See Table 835-1

- <sup>1</sup> A fraternal organization lodge or school is a conditional use if the building floor space exceeds 4,000 square feet.
- <sup>2</sup> On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.
- <sup>3</sup> A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- <sup>4</sup> If a hotel or motel is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).
- <sup>5</sup> Marijuana retailing is permitted only inside an unincorporated community.
- <sup>6</sup> Marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 4,000 square feet of building floor space may be used for all activities associated with marijuana wholesaling on a lot of record.
- <sup>7</sup> Parking structures are permitted only in Government Camp and only if they are consistent with a community parking plan adopted by the Board of County Commissioners.

- <sup>8</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- <sup>9</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- <sup>10</sup> A resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre. A resort accommodations development in Rhododendron or Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 317-3, *District Land Area Standards in the MRR District*, but is not subject to Section 1012, *Lot Size and Density*.
- <sup>11</sup> Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.
- <sup>12</sup> Drive-in eating and drinking establishments are prohibited.
- <sup>13</sup> No outside storage shall be permitted.
- ~~<sup>14</sup> Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.~~
- ~~<sup>15</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.~~
- <sup>14</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>15</sup> Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.
- <sup>16</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- <sup>17</sup> Stormwater management facilities are a primary use if:
- a. They are underground, except for an outlet structure if applicable;
  - b. They are vegetated, except for an outlet structure if applicable; or
  - c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).
- <sup>18</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. Otherwise they are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

<sup>19</sup> Hydroelectric facilities are a conditional use. All other utility facilities not otherwise listed in Table 513-1 may be authorized only pursuant to Section 106, *Authorizations of Similar Uses*.

<sup>20</sup> Utility lines are a conditional use if:

- a. They are natural gas or electric lines;
- b. They are located outside of a road right-of-way;
- c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
- d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

**Table 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp**

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

- <sup>1</sup> The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- <sup>2</sup> In a planned unit development, the minimum front setback is 20 feet.
- <sup>3</sup> If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- <sup>4</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat.
- <sup>5</sup> If the lot line abuts an RR or HR District, the minimum is 20 feet except as established by Note 3 or 4.
- <sup>6</sup> If the lot line abuts a residential zoning district, the minimum is 20 feet except as established by Note 3 or 4.
- <sup>7</sup> No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.



- <sup>8</sup> A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- <sup>9</sup> No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

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

Standard	RTC
Minimum Front Setback unless the Front Lot Line abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front Setback if the Front Lot Line abuts Government Camp Loop	4 feet <sup>1</sup>
Maximum Front Setback if the Front Lot Line abuts Government Camp Loop	10 feet <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5</sup>
Minimum Side Setback	None
Maximum Building Height	70 feet <sup>6</sup>
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	8,000 square feet <sup>7</sup>
Maximum Building Floor Space per Industrial Use	60,000 square feet <sup>8</sup>

<sup>1</sup> There is no minimum front setback for building cantilevers with a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway. Structures less than 10 feet from the front lot line shall be designed to include measures to protect the public and vehicles from snow slide incidents.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-273, on remand, 5/30/23; Amended by Ord. ZDO-287, 8/3/23; Amended by Ord. ZDO-283, 9/5/23]

**602 BUSINESS PARK (BP), LIGHT INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI) DISTRICTS**

---

602.01 PURPOSE

Section 602 is adopted to implement the policies of the Comprehensive Plan for Business Park, Light Industrial, and General Industrial areas.

602.02 APPLICABILITY

Section 602 applies to land in the Business Park (BP), Light Industrial (LI), and General Industrial (GI) Districts.

602.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 602-1, *Permitted Uses in the BP, LI, and GI Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 602-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. “X” means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 602-1.

B. Permitted uses are subject to the applicable provisions of Subsection 602.04, *Dimensional Standards*, Subsection 602.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

602.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the BP, LI, and GI Districts are listed in Table 602-2, *Dimensional Standards in the BP, LI, and GI Districts*. As used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.
- B. Modifications: Modifications to the standards of Table 602-2 are established by Sections 800, *Special Use Requirements*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

602.05 DEVELOPMENT STANDARDS

The following development standards apply in the BP, LI, and GI Districts.

A. Outdoor Operations in the BP District: In the operation of a primary use in the BP District:

1. All display areas shall be located within a building. No outdoor display areas shall be allowed.
2. No outdoor storage of materials or products shall be allowed.
3. No outdoor processes shall be employed in the operation of the business.
4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

B. Outdoor Operations in the LI District: In the operation of a primary use in the LI District:

1. All display of products shall be located within an enclosed building. No outdoor display areas shall be allowed. Notwithstanding these limitations, outdoor display of finished products may be permitted as a conditional use, as established by Table 602-1 and provided that, at a minimum, outdoor display areas and items on display shall:
  - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
  - b. Be located a minimum of 15 feet from the front lot line(s);
  - c. Be maintained to project an organized and neat appearance at all times; and
  - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
2. Limited outdoor storage areas shall be allowed, subject to the following criteria:
  - a. Except as permitted as a conditional use, as established by Table 602-1, outdoor storage may occupy an area no greater than the area of the ground floor of the building(s) on the same premises.
  - b. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front lot lines.

- c. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.03(B) and 1009.06.
  - d. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except for large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence.
  - e. Outdoor storage areas shall not be used to store waste or recyclable materials.
- 3. No outdoor processes shall be employed in the operation of the business.
  - 4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.
- C. Outdoor Operations in the GI District: In the operation of a primary use in the GI District:
- 1. Outdoor display of finished products is permitted, provided that outdoor display areas and items on display shall:
    - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
    - b. Be located a minimum of 10 feet from the front lot line(s);
    - c. Be maintained to project an organized and neat appearance at all times; and
    - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
  - 2. Outdoor storage and processing are permitted, subject to the following standards:
    - a. Outdoor storage and processing areas shall be located a minimum of 20 feet from the front lot line(s), a minimum of 15 feet from side or rear lot lines that abut a commercial zoning district, and a minimum of 35 feet from side or rear lot lines that abut a residential or natural resource zoning district.
    - b. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height and a maximum of 10 feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.03(B) and 1009.06. Outdoor processing areas shall be buffered pursuant to Subsections 1009.04(D) through (F).

- c. Equipment, stockpiles of materials, and other items located within outdoor storage and processing areas shall be maintained in an orderly fashion.
- d. Waste materials (by-products that are not further processed or recycled on-premise) shall not accumulate in outdoor storage and processing areas for more than two weeks, except that waste materials from water treatment facilities or surface water retention facilities may accumulate for such longer period as necessitated by Best Management Practices for the facility.
- e. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters.

**Table 602-1: Permitted Uses in the BP, LI, and GI Districts**

Use	BP	LI	GI
<b>Accessory Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, <a href="#">stormwater management facilities</a> , television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a>	A	A	A
<b>Accessory Uses permitted in the R-5 through R-30 Districts, except accessory dwelling units, listed in Table 315-1, Permitted Uses in the Urban Residential Zoning Districts</b> , provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A	A	A
<b>Arenas, Exhibition Halls, and Stadiums</b>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>
<b>Bus Shelters</b>	A	A	A
<b>Composting Facilities</b> , subject to Section 834	X	C	C
<b>Construction and Maintenance Contractors</b> , including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P	P	P
<b>Electrical Power Production Facilities</b>	X	X	C

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Employee Amenities</b> , such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A	A
<b>Farmers' Markets</b> , subject to Section 840	P	P	P
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary or accessory use	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>
<b>Heavy Truck and Heavy Equipment Uses</b> , including sales, rental, storage, repair, and servicing of heavy trucks such as dump trucks, moving trucks, and truck tractors; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; and large cargo trailers such as semitrailers. Sales, rental, storage, repair, and servicing of passenger vehicles, recreational vehicles, and boats are excluded.	X	P	P
<b>Heliports</b>	C	C	C
<b>Industrial Trade Schools</b> , including training facilities whose primary purpose is to provide training to meet industrial needs. These facilities also may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.	P	P	P
<b>Information Services</b> , including establishments engaged in producing and distributing information; providing the means to transmit or distribute these products, as well as data or communications; and processing data. Examples include publishing industries such as book, periodical, and software publishing; computer systems design; internet web search services; internet service providers; radio, television, motion picture, and recording studios; computer data storage services; optical scanning and imaging services; and financial transaction processing such as credit card transaction and payroll processing services. These businesses primarily serve other industries or deliver their products to the end user through means other than on-site pickup by the customer. Few general public customer visits per day are generated.	P	P	P
<b>Large-Scale Laundry, Dry-Cleaning, and Carpet-Cleaning Plants</b>  These businesses primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Level One Mobile Vending Units</b> , subject to Section 837	A	A	A
<b>Manufacturing</b> , including establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	P	P	P
<b>Marijuana Processing</b>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<b>Marijuana Production</b>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<b>Marijuana Retailing</b>	X	X	X
<b>Marijuana Wholesaling</b>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<b>Miscellaneous Industrial Uses</b> , including wrecking and salvage of building materials, equipment, and vehicles; tire retreading and recapping; and petroleum, coal, or other fuel storage, refining, reclaiming, distribution, and wholesale trade. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	X	X	P
<b>Offices</b> , including administrative and corporate offices and call centers. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
<b>Outdoor Display of Products</b> , subject to Subsection 602.05(B)(1) or (C)(1), provided that such display is associated with a permitted use	X	C	A
<b>Outdoor Entertainment Facilities</b> , including amusement parks, circuses, carnivals, drive-in theatres, and racetracks for automobiles, dogs, horses, and motorcycles	X	X	C
<b>Outdoor Storage Areas Larger than Allowed by Subsection 602.05(B)(2)(a)</b> , provided that such storage is associated with a permitted use	X	C	A
<b>Parking, Storage, Repair, and Servicing of Fleet Vehicles</b>	A	A	A
<b>Parking Structures</b>	A	A	A
<b>Pedestrian Amenities</b>	P	P	P



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Public Utility Facilities</b>	C	C	C
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> , provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C	C	C
<b>Recreational Sports Facilities</b> for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category but are included in the “retail and professional services that cater to daily customers/retail commercial uses” category.	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>
<b>Recycling Centers and Transfer Stations</b> , subject to Section 819	X	C	P
<b>Repair and Servicing Uses</b> , including large-scale repair and servicing of equipment, machinery, and other products. Examples include authorized service centers, welding shops and machine shops. Products are received from and returned to customers primarily by shipping or pickup/delivery by employees of the business. Few general public customer visits per day are generated.	P	P	P
<b>Research Facilities and Laboratories</b> , including product research and development, product design and testing, medical research, and medical laboratories. Medical laboratories in this category primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
<b>Retail and Professional Services that Cater to Daily Customers/Retail Commercial Uses</b> , including the sale of goods and services to the general public. Examples of retail and professional services that cater to daily customers include rental and storage of passenger vehicles, recreational vehicles, and boats; health and fitness clubs; daycare facilities; and financial, insurance, real estate, legal, medical, and dental offices. Auto repairing, overhauling, painting, washing, body and fender work, and reconditioning are excluded. Examples of retail commercial uses include sales of passenger vehicles, recreational vehicles, and boats; stores; and restaurants. Sales of motor vehicle fuels are excluded.	P <sup>5,6,7</sup>	P <sup>5,6,7</sup>	A <sup>8</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Retail Services</b> , including auto repairing, overhauling, painting, washing, body and fender work, and reconditioning	X	X	C
<b>Roads</b>	P	P	P
<b>Signs</b> , subject to Section 1010	A <sup>9</sup>	A <sup>9</sup>	A <sup>9</sup>
<b>Surface Mining</b> , subject to Section 818	X	C	C <sup>10</sup>
<b>Telephone Exchanges</b>	€	€	€
<b>Temporary Buildings for Uses Incidental to Construction Work</b> , provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used Onsite Prior to Onsite Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A
<b>Towing Establishments and Storage of Towed Vehicles</b>	X	P	P
<b>Transportation Uses</b> , including the transportation of cargo using motor vehicles or rail spurs, loading docks, and parking of cargo transport vehicles. Examples include freight terminals, parcel delivery services, moving companies, and parking facilities for long-haul trucks. These uses often are associated with warehousing facilities. Also included are parking, storage, repair, and servicing of fleet vehicles used for the transport of people. Examples include ambulance services and mass transit and school bus fleet facilities. Also included are commercial motor vehicle fueling services, such as cardlock fueling stations; however, motor vehicle fueling stations that cater to the general public are excluded.	X	P	P
<b><u>Utility Facilities, including:</u></b>			
<b><u>Stormwater Management Facilities</u></b>	<u>P,C<sup>11</sup></u>	<u>P,C<sup>11</sup></u>	<u>P,C<sup>11</sup></u>
<b>Utility <del>Carrier Cabinets</del></b> , <del>subject to Section 830</del>	P,C <sup>12+</sup>	P,C <sup>12+</sup>	P,C <sup>12+</sup>
<b><u>Utility Facilities in Road Rights-of-Way</u></b>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Utility Facilities Not Otherwise Listed in Table 602-1</u></b>	<u>C</u>	<u>C</u>	<u>C</u>
<b><u>Utility Lines</u></b>	<u>P,C<sup>13</sup></u>	<u>P,C<sup>13</sup></u>	<u>P,C<sup>13</sup></u>
<b>Warehouse Event Retail Sales</b>	A <sup>142</sup>	A <sup>142</sup>	A <sup>142</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<p><b>Warehousing and Distribution</b>, including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage/self-storage facilities are excluded.</p>	A	P	P
<p><b>Wholesale Trade</b>, including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.</p>	P	P	P
<p><b>Wireless Telecommunication Facilities</b>, subject to Section 835</p>	P	P	P

Notes to Table 602-1:

- <sup>1</sup> In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, places of assembly shall not exceed 20,000 square feet.
- <sup>2</sup> In Regionally Significant Industrial Areas (RSIAs) identified on Comprehensive Plan Map IV-8, parks—intended to serve people other than those working or residing in the RSIA—and schools are prohibited.
- <sup>3</sup> Notwithstanding Subsection 602.05, marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.
- <sup>4</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.
- <sup>5</sup> Notwithstanding other provisions of Section 602 that may permit outdoor display, storage, or processing, these uses shall be conducted entirely within a building, except the following are permitted: outdoor seating areas associated with a restaurant, outdoor play areas associated with a daycare facility, and similar outdoor amenities. Drive-thru window service facilities are prohibited.
- <sup>6</sup> In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet, and the total building floor area of all such uses in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map

IV-8, the same standards shall apply, except that the single-use limit is 5,000 square feet of building floor area. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

- 7 Lots of record created on or after September 9, 2013, shall be subject to Note 7 to Table 602-1 in lieu of Note 6 to Table 602-1. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 5,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. In all cases, the total building floor area of all such uses on the same lot of record shall not exceed 20,000 square feet or 25 percent of the building floor area on the lot of record, whichever is less. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.
- 8 This use is limited to indoor areas for retail display and retail sales of products manufactured by the same business occupying the premises, as well as related products. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area for such retail display and retail sales shall not exceed 3,000 square feet per business, and the total building floor area of all such retail display and retail sales areas in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-business limit is 5,000 square feet of building floor area.
- 9 Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- 10 Aggregate batch plant operations are a primary use in the GI District.
- 11 Stormwater management facilities are a primary use if:
  - a. They are underground, except for an outlet structure if applicable;
  - b. They are vegetated, except for an outlet structure if applicable; or
  - c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).
- 12<sup>4</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. ~~Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~
- 13 Utility lines are a conditional use if:

- a. They are natural gas or electric lines;
- b. They are located outside of a road right-of-way;
- c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
- d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

<sup>142</sup> Warehouse event retail sales are permitted if the products being sold at the event sale are manufactured, warehoused, or distributed as a primary use on the subject property; no more than one event sale occurs each calendar month; a single event sale lasts a maximum of three consecutive days, which shall be Friday, Saturday, Sunday, or Monday; and the event sales occur indoors.

**Table 602-2: Dimensional Standards in the BP, LI, and GI Districts**

<b>Standard</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>
Minimum Lot Size <sup>1</sup>	3 acres	1 acre <sup>2</sup>	1 acre <sup>2</sup>
Maximum Front Setback	See Subsections 1005.02(E) and (H).		
Minimum Front Setback	20 feet <sup>3</sup>	20 feet <sup>3</sup>	20 feet <sup>3</sup>
Minimum Rear Setback	0 <sup>3,4</sup>	0 <sup>3,4</sup>	0 <sup>3,4,5</sup>
Minimum Side Setback	0 <sup>3,6</sup>	0 <sup>3,6</sup>	0 <sup>3,4,6</sup>

Notes to Table 602-2:

- <sup>1</sup> The minimum lot size standards apply as established by Sections 1012 and 1107, except that no minimum lot size standard applies to a lot that is developed with a dwelling that is a nonconforming use. Notwithstanding the minimum lot size standard, a lot of record may be developed, except minimum lot size standards of Section 800 apply.
- <sup>2</sup> The minimum lot size may be reduced to 20,000 square feet, subject to design review approval pursuant to Section 1102, *Design Review*, of the overall development plan for the entire lot of record, including access, circulation, parking, landscaping, and proposed building locations.
- <sup>3</sup> The minimum setback requirements of Table 315-2, *Dimensional Standards in the Urban Low Density Residential Districts*, apply to dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.
- <sup>4</sup> Except as established by Notes 3 and 5, if the rear lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the rear lot line abuts a natural resource or residential zoning district, the minimum setback is 35 feet.
- <sup>5</sup> The minimum setback for a silo, tower, or other specialized storage or processing structure (unless such structure is enclosed in a building) is 35 feet for structures 35 feet or less in height. An additional five feet of setback is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height. These greater setback standards do not apply if the lot line abuts an LI or GI District.
- <sup>6</sup> Except as established by Notes 3 and 5, if the side lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the side lot line abuts a natural resource or residential zoning district, the minimum setback is 35 feet.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-267, 8/28/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by automatic repeal of Ord. ZDO-267, 8/28/19; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-283, 9/5/23]

**604 RURAL INDUSTRIAL DISTRICT (RI)**

---

604.01 PURPOSE

Section 604 is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas.

604.02 APPLICABILITY

Section 604 applies to land in the Rural Industrial (RI) District.

604.03 USES PERMITTED

Uses permitted in the RI District are listed in Table 604-1, *Permitted Uses in the RI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 604-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. “X” means the use is prohibited.
5. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
6. Numbers in superscript correspond to the notes that follow Table 604-1.

B. Permitted uses are subject to the applicable provisions of Subsection 604.04, *Dimensional Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

604.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the RI District are listed in Table 604-2, *Dimensional Standards in the RI District*. As used in Table 604-2, numbers in superscript correspond to the notes that follow Table 604-2.

B. Modifications: Modifications to the standards in Table 604-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.



**Table 604-1: Permitted Uses in the RI District**

Use	RI
<p><b>Accessory Uses, Customarily Permitted</b>, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, <a href="#">stormwater management facilities</a>, television antennas and receivers, transit amenities, trellises, <del>and</del> utility service equipment, <a href="#">and utility service lines</a></p>	A
<p><b>Accessory Uses permitted in the RA-2 District listed in Table 316-1, Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts</b>, provided that such uses are accessory to a single-family dwelling that is a nonconforming use</p>	A
<p><b>Animal Slaughtering and Rendering, Distillation of Bones, and Leather Tanning</b></p>	C
<p><b>Auto Wrecking Yards and Junkyards</b>, subject to Section 817</p>	C
<p><b>Bus Shelters</b></p>	A
<p><b>Composting Facilities</b>, subject to Section 834</p>	C
<p><b>Construction and Maintenance Contractors</b>, including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.</p>	P
<p><b>Dwellings</b></p>	A
<p><b>Employee Amenities</b>, such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities</p>	A
<p><b>Farmers' Markets</b>, subject to Section 840</p>	P
<p><b>Fraternal Organization Lodges</b></p>	C
<p><b>Government Uses</b>, unless such a use is listed elsewhere in this table as a primary or accessory use</p>	C
<p><b>Heliports</b></p>	C
<p><b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b></p>	C
<p><b>Incineration and Reduction of Offal, Dead Animals, and Solid Waste</b></p>	C
<p><b>Level One Mobile Vending Units</b>, subject to Section 837</p>	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RI
<b>Light Metal and Fiberglass Fabrication</b>	P
<b>Manufacturing</b> , including establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing are alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	P <sup>1</sup>
<b>Manufacturing, Transportation, Distribution, Warehousing, and Wholesale Trade of the Following: Explosive Materials and Devices, Fertilizer, Natural Gas, Pesticides, Petroleum, and Petroleum Products</b>	C
<b>Marijuana Processing</b>	P <sup>2</sup>
<b>Marijuana Production</b>	P <sup>2</sup>
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	P <sup>2</sup>
<b>Offices</b>	A
<b>Parking, Storage, Repair, and Servicing of Fleet Vehicles</b>	A
<b>Pedestrian Amenities</b>	P
<b>Plant Nurseries</b>	P
<del><b>Public Utility Facilities without Shops, Garages, or General Administrative Offices</b></del>	€
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> , provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C
<b>Recreational Sports Facilities</b> for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category.	P
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, golf courses, gymnastics facilities, horse trails, lodges, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>3</sup>	C
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A
<b>Recycling Centers and Transfer Stations</b> , subject to Section 819	C
<b>Repair and Refinishing of Furniture and Household Goods</b>	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RI
<b>Repair of Motor Vehicles</b>	P
<b>Retail Sales of Lumber and Building Materials</b>	P
<b>Roads</b>	P
<b>Retail Sales of Products that are Manufactured on the Subject Property, Distributed from the Subject Property, Warehoused on the Subject Property, or Sold on a Wholesale Basis from the Subject Property</b>	A
<b>Sales, Rental, Storage, Repair, and Servicing of Equipment and Materials Associated with Farm and Forest Uses, Road Maintenance, Mineral Extraction, and Construction</b>	P
<del><b>Sewer System Components that Serve Lands Inside an Urban Growth Boundary, subject to ORS 660-011-0060(3)</b></del>	Type II <sup>4</sup>
<del><b>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to ORS 660-011-0060(4)</b></del>	Type II <sup>5</sup>
<b>Sheet Metal and Machine Shops</b>	P
<b>Signs, subject to Section 1010</b>	A <sup>64</sup>
<del><b>Small Power Production Facilities</b></del>	P
<b>Surface Mining, subject to Section 818</b>	C
<del><b>Telephone Exchanges</b></del>	C
<b>Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work</b>	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A
<b>Upholstery Shops</b>	P
<b><u>Utility Facilities, including:</u></b>	
<del><b><u>Sewer System Components that Serve Lands Inside an Urban Growth Boundary, subject to OAR 660-011-0060(3)</u></b></del>	Type II <sup>5</sup>
<del><b><u>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)</u></b></del>	Type II <sup>6</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RI
<u><b>Small Power Production Facilities.</b> A small power production facility is a facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof; is more than 50 percent owned by a person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof; and has a power production capacity that, together with any other small power production facility located at the same site and owned by the same person, is not greater than 80 megawatts.</u>	<u>P</u>
<u><b>Stormwater Management Facilities</b></u>	<u>P,C<sup>7</sup></u>
<b>Utility <del>Carrier Cabinets</del>, subject to Section 830</b>	P,C <sup>7,8</sup>
<u><b>Utility Facilities in Road Rights-of-Way</b></u>	<u>P</u>
<u><b>Utility Facilities Not Otherwise Listed in Table 604-1</b></u>	<u>C<sup>9</sup></u>
<u><b>Utility Lines</b></u>	<u>P,C<sup>10</sup></u>
<b>Veterinary Hospitals</b>	P
<b>Warehousing and Distribution</b> , including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Included are the transportation and distribution of cargo using motor vehicles or rail spurs, loading docks, and parking of cargo transport vehicles. Mini-storage facilities are not included.	P <sup>1</sup>
<b>Wholesale Trade</b> , including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.	P <sup>1</sup>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	P

Notes to Table 604-1:

- <sup>1</sup> Manufacturing, transportation, distribution, warehousing, and wholesale trade of certain products are conditional uses, when specifically listed as such in Table 604-1.
- <sup>2</sup> Marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.
- <sup>3</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.

- ~~4 Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.~~
- ~~5 The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.~~
- <sup>46</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>5</sup> Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.
- <sup>6</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- <sup>7</sup> Stormwater management facilities are a primary use if:
- a. They are underground, except for an outlet structure if applicable;
  - b. They are vegetated, except for an outlet structure if applicable; or
  - c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).
- <sup>87</sup> Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. Otherwise they ~~Utility carrier cabinets~~ are a conditional use ~~if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).~~
- <sup>9</sup> Except for telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.
- <sup>10</sup> Utility lines are a conditional use if:
- a. They are natural gas or electric lines;
  - b. They are located outside of a road right-of-way;
  - c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
  - d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

**Table 604-2: Dimensional Standards in the RI District**

<b>Standard</b>	<b>RI</b>
Minimum Lot Size	None <sup>1</sup>
Minimum Front Setback	30 feet
Minimum Rear Setback	0 <sup>2,3</sup>
Minimum Side Setback	0 <sup>2,3</sup>
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet <sup>4</sup>
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet <sup>5</sup>
Maximum Building Floor Space per Industrial Use outside an Unincorporated Community	39,500 square feet <sup>6</sup>

- <sup>1</sup> The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- <sup>2</sup> If the lot line abuts a residential zoning district, the minimum is 30 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 40 feet. If the lot line abuts a commercial zoning district, the minimum shall be 10 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 20 feet.
- <sup>3</sup> Notwithstanding Note 2, the minimum rear and side setback standards applicable in the RA-2 District apply to dwellings that are nonconforming uses, as well as to uses that are accessory to such dwellings.
- <sup>4</sup> No maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <sup>5</sup> No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.
- <sup>6</sup> No maximum applies to the primary processing of raw material produced in rural areas, or uses sited on abandoned or diminished mill sites. Also, any lawfully established industrial use that existed on December 20, 2001, may expand to occupy a maximum of 40,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

**702 OPEN SPACE MANAGEMENT DISTRICT (OSM)**

---

702.01 PURPOSE

The intent of the Open Space Management (OSM) District is to preserve and manage the County's committed open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation areas, help satisfy a need for contrast with the built environment, protect natural areas and provide areas of quiet contemplation and enjoyment of the natural environment.

702.02 AREAS OF APPLICATION

The OSM District shall apply to those areas identified as urban on the Comprehensive Plan and Mount Hood Community Plan maps, in Metro's Urban Reserve Areas, or identified in the Metropolitan Greenspaces Master Plan.

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Other public and private recreation areas, including school playgrounds and golf courses;
- C. Cemeteries;
- D. Unique or distinctive natural areas which have been either dedicated to the public or preserved through an easement; and
- E. Natural areas in Metro's Urban Reserve Areas or identified in the Metropolitan Greenspaces Master Plan, when under public or common ownership.

702.03 PRIMARY USES

- A. Public and private outdoor recreation facilities, and parks, including covered but not enclosed areas. Such facilities may include ball fields, swimming pools, play equipment, driving ranges, tennis courts, community gardens, fountain courts, and plazas, provided such uses and facilities are not intended for the purpose of obtaining a commercial profit. These uses are allowed in the urban area and urban services areas. Outside the urban areas these uses are subject to Subsection 702.05;
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas provided such uses are not intended for the purpose of obtaining a commercial profit;
- C. Cemeteries;



D. Utility ~~carrier~~ cabinets ~~provided that the combined volume of all cabinets located on a single lot does not exceed the applicable maximum established pursuant to Subsection 830.01(A)~~, subject to Section 830, *Utility ~~Carrier~~ Cabinets*;

E. Utility facilities in road rights-of-way;

F. Utility lines, except as established by Subsection 702.05(F);

E.G. Stormwater management~~Surface water retention and detention~~ facilities.

In the Clackamas River flood plain: surface water management biofiltration ponds and surface water pollution reduction facilities that minimize impact on the natural environment;

F.H. Areas suitable for flood storage and flood mitigation purposes; and

G.I. Wetland mitigation and enhancement facilities.

702.04 ACCESSORY USES

A. Accessory uses listed under Subsection 702.04(B) may be allowed, provided that any structure shall be designed and integrated into the site by:

1. Minimizing visual impacts by landscaping; and
2. Providing skirting for manufactured dwellings, residential trailers, recreational vehicles, and other structures that do not have a continuous foundation.

B. Accessory uses permitted subject to the above conditions include:

1. A caretaker's dwelling;
2. Restroom and locker room facilities;
3. Information and interpretive centers;
4. Pro shops and other concession sales uses incidental to a primary use, provided the combined total area devoted to this use does not exceed 500 square feet; and
5. Maintenance buildings associated with a primary use;

C. Parking and loading areas;

D. Bus and mass transit shelters;

E. Security facilities, such as lights, gates, and fences;

F. Clubhouses and lodges;

G. Cemetery office buildings, crematories, and mausoleums in conjunction with a cemetery. Crematories are subject to Section 808, *Cemeteries and Crematories*;

H. Rainwater collection systems;

I. Solar collection systems; ~~and~~

J. Electric vehicle charging stations;:-

K. Stormwater management facilities;

L. Utility service equipment; and

M. Utility service lines.

702.05 CONDITIONAL USES

The following are conditional uses in the OSM District, approval of which is subject to Section 1203, *Conditional Uses*.

A. Indoor recreation facilities, meeting rooms, interpretive centers, and other similar uses provided such uses are not intended for the purpose of obtaining a commercial profit;

B. Fire stations, public schools, and libraries when associated with open space or recreational facilities;

C. Places of worship, subject to Section 804;

D. Pro shops and other concession sales uses incidental to a primary use exceeding the area standards of Subsection 702.04(B)(4);

E. Water treatment facilities and other utility facilities~~public utilities~~ that exceed the limitations of primary uses in Subsection 702.03;

F. Utility lines if:

1. They are natural gas or electric lines;

2. They are located outside of a road right-of-way;

3. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and

4. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

GF. Utility carrier cabinets ~~if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A), subject to that do not comply with~~ Section 830, *Utility Carrier Cabinets*; and are outside a road right-of-way; and

HG. Any use customarily provided in public or private recreation areas.

702.06 DEVELOPMENT STANDARDS

Development in the OSM District is subject to the applicable provisions of Sections 1000, *Development Standards*, and 1100, *Development Review Process*. In addition, improvements shall comply with the following standards:

- A. Landscape the site to produce a setting appropriate to its function.
- B. Provide an efficient internal circulation system and facilities layout plan.
- C. Maximize access for pedestrians, bicyclists, transit riders, and people with disabilities in active recreation areas.
- D. Provide conveniences for users with disabilities.
- E. In the case of parks, conform to the classifications and standards in ~~Policies 1.1 through 1.3 of the Parks and Recreation Section of Chapter 9, *Open Space, Parks, and Historic Sites*, of the Comprehensive Plan~~ Table 9-1.
- F. Locate principal and accessory buildings a minimum of 10 feet from any lot in a residential zoning district.
- G. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10, *Community Plans and Design Plans*, of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-287, 8/3/23]

**711 GOVERNMENT CAMP OPEN SPACE MANAGEMENT DISTRICT (GCOSM)**

---

711.01 PURPOSE

The intent of the Government Camp Open Space Management District is to preserve and manage the Government Camp open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation, water quality treatment facilities, natural protection areas, and pedestrian networks. Management of these resources will help protect, enhance, and maintain the quality of living and environmental character of Government Camp.

711.02 AREAS OF APPLICATION

The Government Camp Open Space Management District shall apply to those areas within the Government Camp Village, as described in the Mount Hood Community Plan, and have the following characteristics:

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Public and private recreation areas, including areas used for skiing, skating, skateboarding, hiking, biking, and other similar activities;
- C. Natural and historic areas that are dedicated to the public or preserved through an easement;
- D. Areas that buffer existing residential development for the purpose of providing privacy and maintaining the natural character and quality of living in the community;
- E. Areas necessary for utility facilities, such as sewage treatment plants, public water facilities, or water quality treatment facilities.

711.03 PRIMARY USES

- A. Public and private outdoor recreation areas, including hiking and biking trails, and ski transportation facilities such as chairlifts and gondolas;
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas;
- C. Utility ~~carrier~~ cabinets ~~provided that the combined volume of all cabinets located on a single lot does not exceed the applicable maximum established pursuant to Subsection 830.01(A),~~ subject to Section 830, Utility Cabinets; ~~and~~
- D. Utility facilities in road rights-of-way;

E. Utility lines, except as established by Subsection 711.05(A)(5);

~~D.F.~~ \_\_\_\_\_ Water quality treatment facilities, except those listed as conditional uses in Subsection 711.05.

711.04 ACCESSORY USES

Accessory uses listed below may be allowed provided landscaping in compliance with Section 1009, *Landscaping*, is used to obscure visual impacts:

- A. Restroom and locker room facilities;
- B. Information and interpretive centers, provided they are not enclosed;
- C. Maintenance buildings and support facilities customarily associated with a primary use;
- D. Rainwater collection facilities;
- E. Solar collection systems; ~~and~~
- F. Electric vehicle charging stations; ~~;~~
- G. Stormwater management facilities;
- H. Utility service equipment; and
- I. Utility service lines.

711.05 CONDITIONAL USES

- A. The following are conditional uses in the GCOSM District, approval of which is subject to Section 1203, *Conditional Uses*:
  - 1. Medical clinics, when associated with and incidental to a primary use;
  - 2. Sport shops, restaurants, and other concession sales uses when associated with and incidental to a primary use;
  - 3. Sewage treatment plants; ~~and~~
  - 4. Utility ~~carrier~~ cabinets ~~if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A), subject to that do not comply with~~ Section 830, *Utility Carrier Cabinets*, and are outside a road right-of-way; and
  - 5. Utility lines if:
    - a. They are natural gas or electric lines;

- b. They are located outside of a road right-of-way;
- c. They are located on land not currently owned or controlled, such as through a utility easement or lease, by the utility provider; and
- d. They have not been approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

B. Conditional uses are subject to the following standards and criteria:

1. Approval shall not be granted if the proposed use requires a new access to Highway 26 or additional parking, unless such access and parking receive approval from the Oregon Department of Transportation.
2. The maximum building floor space per commercial use shall be 8,000 square feet.

711.06 PROHIBITED USES

Private outdoor recreation uses that generate vehicular trips, excluding uses for the Summit Ski Area or Multorpor Ski Bowl that do not exceed the United States Forest Service (USFS) Persons at One Time (PAOT) limits. See the table below for the PAOT limits:

US Forest Service Permitted Recreation Facility	US Forest Service Persons at One Time (PAOT) limits
Summit Ski Area	1500
Multorpor Ski Bowl (Ski Bowl West and Ski Bowl Multorpor Combined)	7800

711.07 BUFFER AREAS

Buffer areas shall be maintained in natural vegetation, except for minor developments such as:

- A. Extending and connecting trail systems;
- B. Posting directional, interpretative, and warning signs not exceeding three square feet for trails;
- C. Bridges or constructed walkways;
- D. Lift and tram towers; and
- E. Development of connecting roads to lands within Government Camp shall be minimized to the fullest possible extent.

711.08 DIMENSIONAL STANDARDS

The following dimensional standards apply in the GCOSM District:

- A. Minimum Front Setback: The minimum front setback is 30 feet.
- B. Minimum Rear Setback: The minimum rear setback is 30 feet.
- C. Minimum Side Setback: The minimum side setback is 10 feet.

711.09 DEVELOPMENT STANDARDS

Conditional uses in the GCOSM District are subject to the applicable provisions of Section 1000, *Development Standards*, and the review procedures of Section 1102, *Design Review*. In addition, the following development standards apply:

- A. The subject property shall be landscaped to produce a setting appropriate to the area's character and development's function. Screening and buffering of adjacent residential zoning districts shall occur pursuant to Section 1009, *Landscaping*
- B. An efficient internal circulation system and facilities layout plan shall be provided. In addition, motorized and non-motorized connections to external circulation systems and trails shall be provided.
- C. Access shall be maximized for pedestrians, bicyclists, transit riders, and people with disabilities in active recreation areas.
- D. Park facilities shall comply with the classifications and standards of ~~Policies 1.1 through 1.3 in the Parks and Recreation section of Chapter 9, Open Space, Parks, and Historic Sites, of the~~ Comprehensive Plan Table 9-1.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-268, 10/2/18]

**830 UTILITY ~~CARRIER~~ CABINETS**

---

830.01 STANDARDS

Utility ~~carrier~~ cabinets shall comply with the following standards:

- A. Maximum Volume: ~~Unless approved pursuant to Section 1203, Conditional Uses, T~~the maximum combined volume of all utility ~~carrier~~ cabinets located on a single lot shall be:
1. Forty cubic feet in a residential or OSM zoning district inside the Portland Metropolitan Urban Growth Boundary (UGB);
  2. Two hundred cubic feet in a commercial or industrial zoning district inside the UGB; and
  3. Two hundred fifty cubic feet outside the UGB.:-
- B. Maximum Height: The maximum height shall be five feet.
- C. Setback Exemption: Utility ~~carrier~~ cabinets are exempt from the minimum setback standards of this Ordinance.
- D. Contact Information: Utility companies shall clearly identify their ~~carrier~~ cabinets and provide an emergency telephone number where accidents or public safety concerns may be reported.
- E. Design, Screening, or Landscaping: Within the ~~UGBPortland Metropolitan Urban Growth Boundary~~, utility ~~carrier~~ cabinets shall be designed, screened, or landscaped to blend with the development on the same lot of record or, if the utility ~~carrier~~ cabinet is in ~~athe road~~ right-of-way, with the development on the lot of record nearest the cabinet.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-268, 10/2/18]



**1001 GENERAL PROVISIONS**

---

1001.01 PURPOSE

Section 1000, *Development Standards*, is adopted to implement policies in the Comprehensive Plan that are applicable to new development and thereby ensure that land is:

- A. Used efficiently to support broad-based economic development and the adequacy of housing and public services;
- B. Developed in an environmentally sustainable and aesthetically appealing manner;
- C. Supplied with public facilities sufficient to meet demand; and
- D. Served by a safe, convenient, multimodal, and interconnected transportation system.

1001.02 GENERAL STANDARDS

- A. Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.02.
- B. A building consisting of only a basement shall not be used as a dwelling.
- C. A manufactured dwelling shall not be attached to another dwelling.
- D. A manufactured dwelling shall not be allowed as an accessory structure, except where such accessory structure is a dwelling unit permitted by this Ordinance.

1001.03 APPLICABILITY

Section 1000 applies to all development, as identified in Table 1001-1, *Applicability of Section 1000*. If a section is identified as applicable with a “✓” in Table 1001-1, it does not necessarily mean that every subsection within that section will apply; rather, each applicable section must be reviewed to determine which, if any, provisions in that section are applicable to the proposed development.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18]; Amended by Ord. ZDO-282, 7/1/22

**Table 1001-1: Applicability of Section 1000<sup>1</sup>**

<b>Type of Development</b>	<b>1002</b> <i>Protection of Natural Features</i>	<b>1003</b> <i>Hazards to Safety</i>	<b>1004</b> <i>Historic Protection</i>	<b>1005</b> <i>Site and Building Design</i>	<b>1006</b> <i>Utilities, etc</i>	<b>1007</b> <i>Roads &amp; Connectivity</i>	<b>1009</b> <i>Land-scaping</i>	<b>1010</b> <i>Signs</i>	<b>1011</b> <i>Open Space and Parks</i>	<b>1012</b> <i>Lot Size and Density</i>	<b>1013</b> <i>Planned Unit Developments</i>	<b>1015</b> <i>Parking and Loading</i>	<b>1017</b> <i>Solar Access</i>	<b>1021</b> <i>Solid Waste &amp; Recyclable Material Collection</i>
Partitions	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	
Subdivisions														
Replats														
Institutional <sup>2</sup>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Commercial <sup>2,3</sup>														
Industrial														
Manufactured dwelling parks	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓		
Multifamily dwellings	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Detached single-family dwellings	1002.01 1002.04 1002.05 1002.06	✓	✓		✓	1007.04 1007.08		✓				1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2		
Manufactured dwellings	1002.07 1002.09 <sup>3,4</sup>													
<b>Middle housing in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, and VR-5/7 Districts</b>														
Duplexes, Triplexes, and Townhouses	1002.01 1002.09 <sup>3</sup>	✓	✓		✓	1007.04 1007.08		✓				1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2		
Quadplexes and Cottage Clusters	1002.01 1002.09 <sup>3</sup>	✓	✓		✓	1007.04		✓						
Middle housing land divisions	✓	✓	✓		✓	✓		✓		✓				

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<b>Type of Development</b>	<b>1002</b> <i>Protection of Natural Features</i>	<b>1003</b> <i>Hazards to Safety</i>	<b>1004</b> <i>Historic Protection</i>	<b>1005</b> <i>Site and Building Design</i>	<b>1006</b> <i>Utilities, etc</i>	<b>1007</b> <i>Roads &amp; Connectivity</i>	<b>1009</b> <i>Land-scaping</i>	<b>1010</b> <i>Signs</i>	<b>1011</b> <i>Open Space and Parks</i>	<b>1012</b> <i>Lot Size and Density</i>	<b>1013</b> <i>Planned Unit Developments</i>	<b>1015</b> <i>Parking and Loading</i>	<b>1017</b> <i>Solar Access</i>	<b>1021</b> <i>Solid Waste &amp; Recyclable Material Collection</i>
<b>Middle housing in all other zoning districts</b>														
Townhouses with two dwelling units	1002.01 1002.04 1002.05 1002.06 1002.07 1002.09 <sup>3</sup>	✓	✓		✓	1007.04 1007.08		✓		✓		✓		✓
Duplexes, Triplexes, Quadplexes, and Townhouses with three or more dwelling units	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓

<sup>1</sup> Where specific subsections are not identified in this table, an applicable section must be reviewed to determine which provisions in that section apply to the proposed development.

<sup>2</sup> [Stormwater management facilities permitted as an accessory or primary use; utility cabinets that comply with Section 830, Utility Cabinets; utility facilities in road rights-of-way; and utility lines are not subject to Section 1000.](#)

<sup>32</sup> Level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837, *Mobile Vending Units*.

<sup>43</sup> Subsection 1002.09 also applies to accessory structures.

**1006 UTILITIES, STREET LIGHTS, WATER SUPPLY, SEWAGE DISPOSAL, SURFACE WATER MANAGEMENT, AND EROSION CONTROL**

---

1006.01 GENERAL STANDARDS

- A. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority.
- B. All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, utility service lines~~all such facilities~~ shall be installed underground.
- C. Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.
- D. Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.

1006.02 STREET LIGHTS

Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply:

- A. Street lighting shall be installed pursuant to the requirements of Clackamas County Service District No. 5 and the electric company serving the development. A street light shall be installed where a new road intersects a County road right-of-way and, in the case of subdivisions, at every intersection within the subdivision.
- B. Areas outside Clackamas County Service District No. 5 shall annex to the district through petition to the district.

1006.03 WATER SUPPLY

- A. Development which has a need for, or will be provided with, public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district or company serving the development.
- B. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner.
  2. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable.
  3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development.
- C. Prior to final approval of a partition or subdivision, the applicant shall provide evidence that any wells in the tract subject to temporary or permanent abandonment under Oregon Revised Statutes (ORS) 537.665 have been properly abandoned.
- D. The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:
1. Land divisions or other development requiring water service shall not be approved, except as provided in Subsection 1006.03(D)(4), unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Authority.
  2. Development requiring water service within the boundaries of a water service system, created pursuant to ORS chapters 264, 450, or 451, shall receive service from this system.
  3. New public water systems shall not be created unless formed pursuant to ORS chapters 264, 450, or 451.
  4. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.
- E. The following standards apply outside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:
1. Applicants shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well.

2. If use of an exempt-use well is proposed, subdivisions—as well as the following types of development in a sensitive groundwater area: partitions, Type II replats, and industrial, commercial, or institutional development—must affirmatively demonstrate that:
  - a. The subject aquifer is capable of sustaining the proposed development with sufficient potable water.
  - b. The proposed development is not likely to unreasonably interfere with existing wells. “Unreasonably interfere” means that a proposed development will result in one or more senior groundwater appropriators being unable to obtain either the permitted or the customary quantity of groundwater, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. However, in aquifers where flow is predominantly through fractures, full penetration may not be required as a condition of finding substantial or undue interference.
  - c. The proposed development is not likely to contribute to the overdraft of the affected aquifer.
3. Except for land divisions in which all proposed lots are already developed with the maximum number of dwelling units that would be allowable following the land division (excluding potential temporary dwellings for care), and except for industrial, commercial, and institutional development demonstrated to have no statistical increase in water usage, an applicant for any proposed development subject to Subsection 1006.03(E)(2) shall submit a hydrogeologic review with the subject application. The purposes of a hydrogeologic review are to provide information and professional analysis regarding the geology and hydrogeology of the area in the immediate vicinity of the proposed development for the County to determine compliance with Subsection 1006.03(E)(2). Study findings, maps, and conclusions shall be presented in a clear and understandable report.
  - a. A hydrogeologic review report shall include sufficient evidence and analysis to demonstrate compliance with Subsection 1006.03(E)(2), and at a minimum, shall include the following information:
    - i. A map showing all lots and parcels within at least one-quarter mile of the proposed development;
    - ii. The location, as determined by publicly available information, of all known wells on all lots or parcels within at least one-quarter mile of the proposed development, and the quantity of water permitted to be used;

- iii. The estimated use of groundwater within at least one-quarter mile of the proposed development, including but not limited to, 400 gallons per day of household use for each lot and parcel, 2,000 gallons per day for lawn and landscape irrigation from June through September, and water use from permitted wells. The estimated use of groundwater shall include any development or tentative land division which has been approved by the county, and shall assume development of a single-family residence on each undeveloped lot or parcel;
  - iv. The quantity of water the proposed land use will utilize. If the proposal is for residential use, water use shall be calculated as 400 gallons per day per household and 2000 gallons per day for lawn and landscape irrigation from June through September. If the proposal is for a land division for residential purposes, all proposed lots or parcels shall be included in the calculation, and the calculation shall assume that the remainder of the tract will be developed at its allowed density;
  - v. Identification of aquifers in the area of the subject property;
  - vi. Compilation and review of available geologic and hydrogeologic studies of the review area;
  - vii. Compilation and evaluation of available well deepening and replacement well information in the review area;
  - viii. Compilation and analysis of existing geologic information, including representative well logs, physical location of representative wells, and an evaluation of the local stratigraphy and geologic structure in the review area;
  - ix. Compilation and analysis of existing and available water level and pump test information including evaluation of long-term stability and sustainability of groundwater levels (heads); and
  - x. Interpretation of the information gathered for Subsections 1006.03(E)(3)(a)(i) through (ix), including preparation of geologic and hydrogeologic maps and cross sections necessary to support and/or illustrate the interpretation.
- b. A hydrogeologic review shall conclude that there is sufficient information to demonstrate compliance with Subsection 1006.03(E)(2), and may need to be based on draw down tests or other physical measurements where necessary.
  - c. The Planning Director may, at the Director's discretion, allow an applicant to modify the water use assumptions used in the hydrogeologic review where an applicant proposes enforceable water conservation and/or reuse measures, including but not limited to:
    - i. Gray water use;
    - ii. Water conserving appliances and fixtures;

- iii. Landscaping with drought resistant plants; or
- iv. Rainwater harvest and/or the use of cisterns.

To be deemed enforceable, any conservation or reuse measure must be approved by County Counsel.

4. All reviews and plans required by Subsection 1006.03(E) shall be reviewed by a qualified professional of the County's choice during the development review process. Such review shall include examination to ensure required elements have been completed, study procedures and assumptions are generally accepted, and all conclusions and recommendations are supported and reasonable.
5. Outside of sensitive groundwater areas, the Planning Director may, at the Director's discretion, waive some or all of the requirements for a hydrogeologic review where an applicant demonstrates through well logs or other evidence that the specified information is not necessary to determine compliance with Subsection 1006.03(E)(2).
6. Water service for partitions and subdivisions shall be provided according to the provisions of ORS 92.090. When no water is to be provided by a public or community water system, there shall be a note on the final plat indicating that no public water service is being provided, in addition to the filing and disclosure requirements of ORS 92.090.
7. Approved land divisions at densities requiring public water service shall include a note on the final plat indicating public water service is required for development.
8. For a major subdivision, all lots shall be served by a single public or community water source.

#### 1006.04 SANITARY SEWER SERVICE

- A. All development that has a need for sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development.
- B. Approval of a development that requires sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider.
  1. The statement shall verify that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner.



2. The service provider may require preliminary sanitary sewer system plans and calculations for the proposed development prior to signing a preliminary statement of feasibility.
  3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve sanitary sewer system capacity for the development.
- C. Hotels and motels are permitted in unincorporated communities only if served by a community sewer system as defined by Oregon Administrative Rules 660-022-0010(2).

1006.05 ONSITE WASTEWATER TREATMENT

- A. All development that requires onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Onsite wastewater treatment systems shall be installed pursuant to: Oregon Revised Statutes 454.605 through 454.745; Oregon Administrative Rules chapter 340, divisions 71 and 73; and the policies of the County.
- B. Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, all land divisions or other development that requires onsite wastewater treatment shall be prohibited except for:
1. A lot of record that is outside of a sewage service district and was created:
    - a. Prior to January 31, 1980; or
    - b. On or after January 31, 1980, and prior to inclusion in the UGB;
  2. Lots of 10 acres or larger in the FU-10 District;
  3. Lots that do not have a sanitary sewerage system that is legally and physically available as defined in OAR 340-071-0160(4)(f)(A) and (B), including lots that have unique topographic or other natural features that make sewer extension impractical as determined on a case-by-case basis by the sewer service provider; and
  4. Areas under a sewer moratorium with sewer services five years or more away if the area is annexed into a city or district that can assure that future delivery of sewerage services is planned.
- C. Notwithstanding Subsection 1006.05(B), development of triplexes, quadplexes, townhouses, or cottage clusters in the VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 Districts is prohibited if the development requires onsite wastewater treatment.

1006.06 SURFACE WATER MANAGEMENT AND EROSION CONTROL

The following surface water management and erosion control standards apply:

- A. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.
- B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the *Clackamas County Roadway Standards* apply.
- C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.
  - 1. The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource assessment, and buffer analysis prior to signing the preliminary statement of feasibility.
  - 2. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.
- D. Development shall be planned, designed, constructed, and maintained to:
  - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
  - 2. Protect development from flood hazards;
  - 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  - 4. Ensure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeded, and phasing of grading; and
  - 5. Ensure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development.

- E. Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the watercourse to be bridged or spanned.
- F. If a development, or any part thereof, is traversed by any watercourse, channel, stream, creek, gulch, or other natural drainage channel, adequate easements for surface water management purposes shall be provided to the surface water management regulatory authority.
- G. Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under this Ordinance. Fences with swing gates may be utilized.
- H. The natural drainage pattern shall not be substantially altered at the periphery of the subject property. Greatly accelerated release of stored water is prohibited. Flow shall not be diverted to lands that have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.
- I. A surface water management and erosion control plan is required for significant residential, commercial, industrial, and institutional development. The plan shall include:
  - 1. The methods to be used to minimize the amount of runoff siltation and pollution created from the development both during and after construction; and
  - 2. Other elements required by the surface water management authority.

1006.07 PRELIMINARY STATEMENTS OF FEASIBILITY EXCEPTIONS

- A. A land use application shall be deemed complete and may be approved without the submittal of one or more of the preliminary statements of feasibility required by Subsections 1006.03, 1006.04, and 1006.06 if the applicant demonstrates that a good faith attempt has been made to obtain the statement(s). At a minimum, demonstration of a good faith attempt shall require the applicant to submit the following:
  - 1. A statement signed by the applicant indicating that the service provider or surface water management authority has not responded to a request for a preliminary statement of feasibility or has refused to issue one. When the refusal to issue a preliminary statement of feasibility is based upon a finding that adequate service cannot be provided, such refusal shall not qualify for an exception under this subsection; and

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

2. A copy of a letter delivered to the service provider or surface water management authority clearly requesting a preliminary statement of feasibility. The letter shall be dated no less than 30 days prior to the submittal of the land use application.
- B. In the absence of evidence in the record to the contrary, it shall be presumed that the failure of a service provider or surface water management authority to respond to a request for a preliminary statement of feasibility constitutes a finding of adequacy of service. This presumption shall be for the purposes of land use application approval only and does not guarantee that service can be provided.

[Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-283, 9/5/23]

**1102 DESIGN REVIEW**

---

1102.01 PURPOSE AND APPLICABILITY

Section 1102 is adopted to provide standards, criteria, and procedures under which design review may be approved.

A. Design review is required for:

1. Development, redevelopment, expansions, and improvements in commercial and industrial zoning districts, except for:
  - a. Uses approved through a zone change to NC District; and
  - b. Detached single-family dwellings, manufactured dwellings, and uses accessory to detached single-family dwellings and manufactured dwellings;
2. Development, redevelopment, expansions, and improvements in the following residential zoning districts: HDR, MR-1, MR-2, PMD, RCHDR, SHD, VA, and VTH;
3. Development, redevelopment, expansions, and improvements in the MRR District, except for detached single-family dwellings, manufactured homes, and uses accessory to detached single-family dwellings and manufactured homes;
4. Institutional uses in the Urban Low Density Residential, VR-4/5, and VR-5/7 Districts;
5. Townhouses and institutional uses in the HR District; and
6. Other uses as required by the Planning Director, the Hearings Officer, or the Board of County Commissioners.

B. Notwithstanding Subsection 1102.01(A), design review is not required for stormwater management facilities permitted as an accessory or primary use; utility cabinets that comply with Section 830, *Utility Cabinets*; utility facilities in road rights-of-way; and utility lines.

1102.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for design review shall include:

A. A narrative describing the proposed use;

- B. An engineering geologic study, if required pursuant to Section 1002, *Protection of Natural Features*, or 1003, *Hazards to Safety*;
- C. Preliminary statements of feasibility, if required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*;
- D. A transportation impact study, if required pursuant to Section 1007, *Roads and Connectivity*;
- E. Calculations demonstrating compliance with Section 1012, *Lot Size and Density*, if applicable;
- F. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;
- G. An existing conditions map, drawn to a scale of not less than one inch equals 50 feet, showing:
  - 1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.
  - 2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
  - 3. Drainage;
  - 4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003;
  - 5. Natural features, such as rivers, streams, wetlands, underground springs, wildlife habitat, earth mounds, and large rock outcroppings;
  - 6. Wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, at a scale of not more than 1 inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
  - 7. Overlay zoning districts regulated by Section 700, *Special Districts*;
  - 8. Noise sources;

9. Sun and wind exposure;
  10. Significant views;
  11. Structures, impervious surfaces, utilities, onsite wastewater treatment systems, landscaping, driveways and easements (e.g., access, utility, storm drainage). Note whether these will remain or be removed and provide dimensions of driveways and easements; and
  12. All of the following that are on or adjacent to the subject property, including dimensions and, if applicable, names: existing roads, platted unconstructed roads, railroad rights-of-way, bikeways, curbs, sidewalks, pedestrian pathways, accessways, and trails.
- H. A proposed site plan, drawn to a scale of not less than one inch equals 50 feet, showing:
1. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties;
  2. Property lines and dimensions for the subject property. Indicate any proposed changes to these;
  3. Natural features to be retained;
  4. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the subject property;
  5. The location of at least one temporary benchmark and spot elevations;
  6. Location and dimensions of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings;
  7. Approximate location and size of storm drainage facilities;
  8. Relation to transit; parking and loading areas, including dimensions and number of individual parking and loading spaces and drive aisles; bicycle racks; walkways; and pedestrian crossings;
  9. Orientation of structures showing windows and doors;
  10. Location and type of lighting;
  11. Service areas for waste disposal, recycling, loading, and delivery;
  12. Location of mail boxes;

13. Freestanding signs; and
14. Pedestrian amenities;
- I. A grading plan, drawn to a scale of not less than one inch equals 50 feet, showing location and extent of proposed grading, general contour lines, slope ratios, slope stabilization proposals, and natural resources protection consistent with Sections 1002 and 1003;
- J. Architectural drawings, including:
  1. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs. Identify and show dimensions of any electronic message center or other changeable copy sign areas;
  2. Building sections;
  3. Floor plans;
  4. Color and type of building materials; and
  5. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination. Identify and show dimensions of any electronic message center or other changeable copy sign areas; and
  6. Gross floor area, in square feet, of each structure; floor area ratio if a minimum floor area ratio standard applies; and number of dwelling units;
- K. A general landscaping plan, drawn to a scale of not less than one inch equals 50 feet, showing the elements required on the proposed site plan and:
  1. Existing plants and groups of plants proposed;
  2. Description of soil conditions; plans for soil treatment such as stockpiling of topsoil or addition of soil amendments; and plant selection requirements relating to soil conditions;
  3. Erosion controls, including plant materials and soil stabilization, if any;
  4. Irrigation system;
  5. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and
  6. Open space and recreational areas and facilities, if applicable.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- L. A transportation improvement plan that includes proposed cross-sections for roads to be constructed or improved, including widths of travel lanes, bikeways, sidewalks, curbs, pedestrian pathways, and landscape strips. Identify proposed landscape plan for landscape strips, including street tree type, size and location. Identify proposed dedication of right-of-way.

1102.03 APPROVAL CRITERIA

Design review requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. The proposed development shall be subject to Section 1000, *Development Standards*, and the standards of the applicable zoning district.
- B. As part of design review in the PMU and RCO Districts, a master plan shall be required if the proposed development does not meet the minimum floor area ratio for the entire site (where phased compliance is permitted by Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*) or if compliance with Table 510-3: *Site-Specific Requirements for the PMU District*, is not being achieved for the entire PMU site. The master plan shall demonstrate that it is feasible to achieve full compliance with a future phase of development that is not reliant upon adding additional stories to existing or proposed structures or demolishing structures built after the PMU or RCO District was applied to the subject property.
- C. As part of design review of development of any portion of the OA District, a master plan shall be required for the subject property and all contiguous lots with a Comprehensive Plan land use designation of Office Apartment. The master plan shall include a plan for consolidation of motor vehicle accesses for the entire Office Apartment site that complies with the access targets of Comprehensive Plan Map X-SC-5, *Sunnyside Corridor Community Plan Sunnyside Road Access Management Targets*.

1102.04 DESIGN REVIEW COMMITTEE

A Design Review Committee shall be established pursuant to Subsection 1307.03 and shall have the responsibilities assigned to it by Subsection 1102.04.

- A. The Planning Director may review and render a decision on a Type II application for design review or forward the application to the Design Review Committee for review and recommendation prior to rendering a decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider:
  - 1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements;
  - 2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors;
  - 3. Visual significance; and

4. Impact on neighboring properties, particularly where a project is adjacent to a residential area.
- B. An application shall be forwarded to the Design Review Committee for review and recommendation if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners.
- C. The Planning Director may consult with individual members of the Design Review Committee at any point during the evaluation of a design review application or in determining compliance with conditions of design review approval.

1102.05 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of design review is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
  1. Implemented means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the design review approval, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
    - a. A building permit for a new primary structure that was part of the design review approval; or
    - b. A permit issued by the County for parking lot or road improvements required by the design review approval.
- B. If the design review approval is not implemented within the initial approval period established by Subsection 1102.05(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. If the design review approval is implemented, a master plan approved as part of the design review approval remains applicable to future development of the subject property unless a modification to the master plan, or a new master plan, is approved or the requirement for master planning no longer applies to the subject property.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-283, 9/5/23]

## Exhibit List

### In The Matter Of ZDO 288: *Zoning and Development Ordinance Amendments Related to Utility Facilities*

Ex. No.	Date Received	Author or source	Subject & Date of document (if different than date received)
1	03/04/24	Planning Staff	Notices: DLCD; CPOs, Agencies, and Interested Parties; newspaper; Utility Providers
2	03/26/24	Vanderburgh	Testimony with concern regarding PGE's Tonquin Rd Project   04/01/24
3	03/26/24	Bartholomew	Testimony in opposition that would allow PGE's Tonquin Rd Project without a conditional use permit  04/01/24
4	03/27/24	Bresee	Testimony in opposition to policy change that would circumvent safety oversight for PGE's Stafford Rd Project   04/01/24
5	03/27/24	Schaaf	Testimony regarding concern over reduced public engagement and oversight and criteria for review   04/01/24
6	03/28/24	Beavercreek Hamlet	CPO comments regarding existing right-of-way, underground utility facilities, and conditional use process   04/01/24
7	03/28/24	Wagner	Testimony in opposition to PGE's Tonquin Rd Project   04/01/24
8	03/29/24	Darrow	Testimony in opposition to PGE's Tonquin Rd Project   04/01/24
9	04/05/24	Portland General Electric Company	Testimony in support of the clarification and amendments  04/08/24
10	04/07/24	Cook	Testimony regarding how the ZDO's ability for protection of property owner's rights, should not be altered   04/08/24
11**	04/09/24	Vandermolen	Testimony in opposition to PGE's Tonquin Rd Project   04/09/24
12**	04/10/24	Wagner	Testimony in opposition to edits that benefit PGE   04/12/24
13**	04/10/24	Bartholomew	Testimony in opposition to edits that benefit PGE   04/12/24
14**	04/28/24	Miller	Oppose allowing all overhead and underground linear utilities without consideration to size, complexity and scope of project   05/02/24
15**	05/02/24	PUC	Explanation of the Certificate of Public Convenience and Necessity process related to land use review.   05/02/24
16**	05/03/24	Stafford-Tualatin CPO	Draft Amendments   05/03/24

\*\* Exhibits received during open record after April 8<sup>th</sup> hearing  
 \*\*\* Exhibits received after Planning Commission Hearings  
 \*\*\*\* Oversize exhibits

## Exhibit List

### In The Matter Of ZDO 288: *Zoning and Development Ordinance Amendments Related to Utility Facilities*

17**	05/03/24	Yamada	Testimony in opposition to PGE's Tonquin Rd Project   05/03/24
18**	05/03/24	Yamada	Testimony opposing amendments to the ZDO that would alter public input   05/03/24
19**	05/03/24	PGE,	Additional testimony from PGE with clearance information   05/07/24
20**	05/06/24	Darrow	Testimony in opposition to PGE's Tonquin Rd Project and lack of public input   05/07/24
21***	05/08/24	Bresee	Testimony with concern of green space loss and fire danger related to large transmission lines   05/08/24
22***	05/08/24	Schaaf	Testimony with concern of allowing utilities within and outside of existing right-of-ways without public testimony   05/08/24
23***	05/08/24	Kelly	Testimony advocating for making utility lines go underground   05/08/24
24***	05/09/24	Carol Schaaf	Testimony with concern of property values related to utility line
25***	05/13/24	Hess	Testimony stating that utilities need to have review and oversight by local jurisdictions   05/13/24
26***	05/13/24	Wigant	Testimony in opposition to PGE's Tonquin Rd Project and removal of vegetation   05/13/24
27***	05/13/24	Ferroggiaro	Testimony in support of vista values and balance between development and open space   05/13/24
28***	05/13/24	Wagner	Testimony in opposition to PGE's Tonquin Rd Project and amendments that would allow utility improvements inside rights of way without land use review   05/13/24
29***	05/13/24	Braun	Testimony in opposition to amendments that would benefit PGE and not require a CUP for large projects   05/13/24
30***	05/14/24	Potter	Testimony opposing ZDO 288 amendments   05/14/24
31***	05/25/24	Wagner	Testimony in support of the Planning Commission's recommendation   05/25/24
32***	05/31/24	Stafford CPO	Testimony in support of the Planning Commission's recommendation   05/31/24
33			
34			
35			

\*\* Exhibits received during open record after April 8<sup>th</sup> hearing  
 \*\*\* Exhibits received after Planning Commission Hearings  
 \*\*\*\* Oversize exhibits



## Notice of Land Use Public Hearings

for Community Planning Organizations, Hamlets, and Other Interested Parties

**Subject:** Ordinance ZDO-288, Zoning & Development Ordinance (ZDO) Amendments Related to Utility Facilities

**Notice Date:** March 4, 2024

**Contact:** Joy Fields, Principal Planner  
150 Beaver Creek Road, Oregon City, OR 97045  
Phone: 503-742-4510  
Email: [jfields@clackamas.us](mailto:jfields@clackamas.us)

It has recently been determined that the county's ZDO likely requires a conditional use permit for most utility facilities, even underground utility lines and even in road rights-of-way where utility lines commonly are developed. Historically, utility facilities inside road rights-of-way have proceeded through a utility permit process without review and analysis by Planning and Zoning. Given the new awareness of the scope of the needed land use review and the significant number of annual utility permits in road rights-of-way, a practical difficulty exists in administering the ZDO in its current form. From a policy perspective, many of these permits likely do not warrant review through a land use application. In addition, it may be appropriate for some utility facilities outside road rights-of-way to be permitted outright.

Although the scope of the amendments may be narrowed during public hearing review, key elements of the initial proposal, discussed in more detail below, would:

- Adopt a comprehensive definition of utility facility
- Allow utility facilities inside road rights-of-way as an outright permitted use
- Allow utility lines both inside and outside road rights-of-way, both underground and overhead, as an outright permitted use
- Clarify the types of utility lines that, in most cases, must be underground

The Planning Commission and Board of County Commissioners (BCC) have scheduled hearings to receive testimony from the public and other interested parties on the proposed amendments. Because the amendments may affect your community or area of interest, we are giving you and your organization advance notice of the opportunity to review and comment on them before or at the public hearings.

Additional background information and the full text of the proposed amendments is available online at [www.clackamas.us/planning/zdo288](http://www.clackamas.us/planning/zdo288), by contacting Joy Fields directly at the number or email listed above, or by contacting Planning & Zoning at 503-742-4500 or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us).

## Public Hearings and Testimony

Interested parties are welcome to provide testimony in advance of or at the hearings listed below. Planning Commission public hearings are held virtually using the Zoom platform. Board of County Commissioners public hearings are held both virtually using the Zoom platform and in person. One week before the hearing dates, a Zoom link to the public hearing and details on how to observe and testify will be posted at the hearing web address.

### **Public Hearing Dates and Times:**

Planning Commission: Monday, April 8, 2024, 6:30 p.m.

[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)

Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m.

Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045

[www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)

**Written testimony** may be submitted before the hearings to Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 150 Beaver Creek Road, Oregon City, OR 97045.

- Written testimony received by 4 p.m., Thursday, March 28, 2024, will be included in the information packet provided to the Planning Commission one week before its scheduled hearing; written testimony received after that time and before 8 a.m., Monday, April 8, 2024, will be emailed to the Planning Commission before the hearing.
- Written testimony received by 4 p.m., Monday, June 3, 2024, will be included in the information packet provided to the Board of County Commissioners (BCC) one week before its scheduled hearing; written testimony received after that time and before 4 p.m., Tuesday, June 11, 2024, will be emailed to the BCC before the hearing.

Interested parties who want to present **verbal testimony** at either hearing will be asked to sign up and/or indicate their interest in testifying at the beginning of the hearing.

## Proposed Amendments

**Ordinance ZDO-288** proposes the following key amendments to ZDO provisions related to utility facilities. Refer to the drafts of the proposed amendments to review the full scope of the proposal.

1. **Adopt a definition of utility facility.** Currently, the ZDO defines public utility and limits it to utilities regulated by the Public Utility Commission under Oregon Revised Statutes chapter 757, as well as any utility that provides electrical energy directly to consumers. The ZDO also separately defines hydroelectric facilities. There are also code references to telephone exchanges and water, stormwater, and sanitary sewer facilities. In addition, the ZDO has a separate “government uses” category that provides a pathway for *some* utilities. Finally, the ZDO provides for “similar use” determinations in many zones through an additional layer of land use review. However, utility facilities are not referred to consistently across zones, and the overarching definition of public utility that applies in all zones is not sufficiently comprehensive to address the full range of what is typically considered to be a utility.
2. **Adopt definitions of utility line and utility service line.** These definitions are intended to allow these types of utility facilities to be regulated differently.
3. **Repeal definitions of hydroelectric facility, public utility and public water system.** These facilities will be encompassed by the new definition of utility facility.

4. **Revise the definition of right-of-way.** The intent is to more accurately define the term. As it pertains to utility facilities, the term is proposed for use in distinguishing utility facilities to be regulated differently.
5. **Move definition of small power production facility.** This use is singled out only in the Rural Industrial District, so the definition is proposed to be relocated to Section 604, which regulates the RI zone.
6. **Specify that utility service lines are an accessory use in all zones.**
7. **Allow utility facilities inside road rights-of-way as an outright permitted use in all residential, commercial, industrial and open space zones.**
8. **Allow utility lines both inside and outside road rights-of-way, both underground and overhead, as an outright permitted use in all residential, commercial, industrial and open space zones.**
9. **Allow certain utility facilities as a conditional use in certain commercial zones.** In some commercial zones, some utility facilities require a similar use determination or are prohibited. The proposal is to allow most utility facilities as a conditional use, except as enumerated in items 6 through 8, above. Refer to the drafts of the proposed amendments for greater detail.
10. **Clarify the types of utility lines that, in most cases, must be underground.** Section 1006 of the ZDO, which applies to development, including institutional uses such as utility facilities, includes the following standard:

*All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.*

Arguably, the requirement applies only to utility facilities that have a need for other utilities' services (e.g., a sewer pump station that requires electrical service), not utility facilities that provide service to others (e.g., an electric transmission line). Alternatively, a utility provider that proposes to establish an aboveground utility facility may be able to "prohibit" itself from an underground installation. However, it could also be argued that the requirement applies to all utility facilities and that "prohibited" requires something more substantial than a simple choice on the utility's part.

Applying the underground installation standard to major utility lines, rather than just on-site service lines, potentially could result in substantially increased costs for utilities and ultimately ratepayers. The proposal is to limit the requirement for underground utilities to service lines rather than larger lines, such as distribution and transmission lines.

11. **Exempt utility cabinets that comply with Section 830, utility facilities in road rights-of-way and utility lines from the development standards in Section 1000 and from the requirement to file a Design Review application.**



## Additional Information and Staff Report

For general Planning & Zoning information:

[www.clackamas.us/planning](http://www.clackamas.us/planning)

For additional information about ZDO-288 and its public hearings (and for a copy of the staff report available Monday, April 1, 2024):

[www.clackamas.us/planning/zdo288](http://www.clackamas.us/planning/zdo288)

or

Joy Fields-742-4510, [jfields@clackamas.us](mailto:jfields@clackamas.us)

or

Planning & Zoning Customer Service, 503-742-4500, [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email [DRenhard@clackamas.us](mailto:DRenhard@clackamas.us).*

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

## **NOTICE OF PUBLIC HEARINGS SCHEDULED ON PROPOSED CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE AMENDMENTS**

The Clackamas County Planning Commission and Board of County Commissioners will hold public hearings to consider amendments to the County's Zoning and Development Ordinance (ZDO). The amendments, included in Ordinance ZDO-288, are proposed to adopt revised and new definitions related to utility facilities; allow utility facilities inside rights-of-way, and utility lines outside rights-of-way, as primary uses in most zones; and clarify the types of utility lines that may be required to be underground.

**Draft amendments are available at: <https://www.clackamas.us/planning/zdo-288>**

Interested parties are welcome to provide testimony in advance of or at the hearings listed below. Planning Commission public hearings are held virtually using the Zoom platform. Board of County Commissioners public hearings are held both virtually using the Zoom platform and in person. One week before the hearing dates, a Zoom link to the public hearing and details on how to observe and testify will be posted at the hearing web address.

### **Planning Commission Public Hearing**

6:30 p.m., Monday, April 8, 2024

[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)

### **Board of County Commissioners Public Hearing**

10:00 a.m., Wednesday, June 12, 2024

Public Services Building, 4<sup>th</sup> Floor Board Hearing Room,  
2051 Kaen Rd, Oregon City, OR 97045

[www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)

For more information: Joy Fields, 503-742-4510 or [jfields@clackamas.us](mailto:jfields@clackamas.us)

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:22 PM  
**To:** Patrick Sisul  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.; [www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beavercreek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:38 PM  
**To:** bruce.hellebuyck@puc.oregon.gov; jp.batmale@puc.oregon.gov;  
Julie.Hernandez@pgn.com; govtcampsanitary@gmail.com;  
customersupport@canbyutility.org; tjannsen@sunrisewater.com;  
sarah.santner@portlandoregon.gov; devrev@portlandoregon.gov; mikepersons23  
@yahoo.com  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off

[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:27 PM  
**To:** 'Curt McLeod'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).



## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:29 PM  
**To:** tina.tippin@pgn.com; 'Chip Bloomer'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:33 PM  
**To:** Morse, Steven (Contractor); Cross, Chanda; Mckenzie, Michael  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:40 PM  
**To:** Chris Alexander (BoringWater@BoringWater.com)  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:41 PM  
**To:** 'hydraengineering@yahoo.com'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).



## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:43 PM  
**To:** 'asteele@crwater.com'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:44 PM  
**To:** 'ctaylor@crwater.com'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:44 PM  
**To:** 'bh@coltonwater.org'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:47 PM  
**To:** Fields, Joy  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).



## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:49 PM  
**To:** 'info@palatinehillwaterdistrict.com'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:49 PM  
**To:** 'margebraker@comcast.net'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:50 PM  
**To:** 'office@lakegrovewater.com'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off

[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

## Fields, Joy

---

**From:** Fields, Joy  
**Sent:** Friday, March 8, 2024 2:50 PM  
**To:** 'kmccaleb@ci.oswego.or.us'  
**Subject:** Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
  - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.  
[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)
  - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4<sup>th</sup> Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; [www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at [jfields@clackamas.us](mailto:jfields@clackamas.us) or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off  
[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).



## Fields, Joy

---

**From:** Susan Vandenburgh <vandymadre@hotmail.com>  
**Sent:** Tuesday, March 26, 2024 5:57 PM  
**To:** Fields, Joy  
**Subject:** ZDO-288  
**Attachments:** IMG\_2210.JPG; IMG\_2445.JPG; IMG\_2446.JPG; IMG\_2447.JPG; IMG\_2449.JPG; IMG\_2181.JPG

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

---

---

TO: Joy Fields,

I'm forwarding to you this letter with attachments that I recently sent to the Clackamas County Commissioners regarding our objections to PGE's Tonquin Rd. project on Stafford Road. I understand there are meetings coming up which are accepting written public comment on this project.

Susan Vandenburgh

---

**From:** Susan Vandenburgh <vandymadre@hotmail.com>  
**Sent:** Sunday, March 24, 2024 1:56 PM  
**To:** tootiesmith@clackamas.us <tootiesmith@clackamas.us>; psavas@clackamas.us <psavas@clackamas.us>; marthaschrader@clackamas.us <marthaschrader@clackamas.us>; markshull@clackamas.us <markshull@clackamas.us>; benwest@clackamas.us <benwest@clackamas.us>  
**Subject:** PGE/Stafford Road Project

Dear Commissioner Smith, Schrader, Shull, Savas, and West,

My husband and I attended the Clackamas County Board of Commissioners meeting on Wednesday, March 14 in support of the Save Stafford Road group. Although we did not speak at the meeting, we wanted to follow up with the commissioners and voice our concerns to you about PGE's Tonquin project, and how it will affect our property on Stafford Road.

I have attached some photos to provide you some visuals of our property.

Our home was built in 1976 and we have lived here for 29 years. One of the main reasons for moving to this location was for the view the property provided. We have a magnificent view north and west. The house was situated, as you can see from the aerial view, to take advantage of the view. The sunsets are amazing and on clear days we can see Mt. St. Helens. There are pastures surrounding the house on all

sides. In our younger years, we had horses and cows that grazed. Now, without livestock, the fields are left as is and mowed once a year.

On the aerial photo attached, the yellow lines indicate our property boundary. The blue line is the area PGE wants as an easement. So you get an idea of how this will affect us, I have numbered the following areas.

#1. Red line - the fence that surrounds our back yard.

#2. Green Line - The corner of the back yard fence to our fence along Stafford is 95' away. You can see that the portion PGE wants for an easement (the wide blue line) is at least  $\frac{1}{4}$  of that width.

#3. Our deck and back yard – where we spend most of the time Spring through Fall.

#4. Our master bedroom upstairs and our living/dining room downstairs.

#5 – Red X's - 4 existing power poles. You can see from the photos I'm enclosing that the current poles are below the visual tree line across the road. And, though unattractive, they do not affect the view that much.

In the other photos I am including you can see the existing 40' power poles along the road. The new poles will be 100' - more than twice the current height - with many more lines going across the sky. Imagine what that will do to our view. These lines will extend across the entire front of our house, outside living area and view.

So, considering how very close these higher voltage power lines will be to our home and main living areas, these are our main concerns:

- Fire hazard. As pointed out in the county meeting, this area is not equipped to handle a grass fire. We are on wells. If the power goes out, we have no water. From mid summer until winter, our house is surrounded by dry grass. You can see this from the aerial photo. And it isn't just us – our direct neighbors are also surrounded by pasture grass.

- Noise from higher voltage power lines. As stated in the meeting by the PGE representative, noise could be heard particularly in wet weather and fog. Which, as you are well aware, we have a lot.

- Finally, the loss of property value. Based on Redfin and Zillow, our house is currently listed as around \$1,525,440 - \$1,552,200. According to the realtor that spoke at the meeting, and also from what I have seen on line from other articles, power lines like what PGE is proposing could reduce our property value by 30-40%. Being generous, if you take the lesser value above x 30%, that would be a minimum reduction in value of \$457,632! For the easement that PGE wants, they offered us \$40,356. That is a very hard hit to absorb when you consider that we are both in our mid 70's and are looking to this property to supply a major portion of funds for any move we will need to make as we continue to age.

Now, as to the offer PGE made to us. Again, we have 4 power poles that run across the front of our property. Their easement document is very open ended. The pertinent wording to us is:

*"Said Easement and right of way shall be for the following purposes: the non-exclusive, perpetual right to enter upon and to construct, maintain, repair, replace (of initial or any size), operate and patrol, electric*

*power lines, including the right to install such poles, wires, cables, guys and support as are necessary thereto, together with the present and future right to clear said right of way, without Grantee (PGE) paying compensation, as necessary to accomplish the above purpose and as Grantee deems necessary to comply with state or federal regulations. Solely to the extent necessary to exercise its rights under the Easement, Grantee (PGE) has ingress and egress rights over and across the Property and Grantors adjoining property interests, in connection with or related to all or any portion of the foregoing."*

To us, this would give PGE opened ended access to our property 65-70 feet from our bedroom, our deck and our main living areas. When they talk about ingress and egress, that means their trucks will have the right to cross our property to maintain these lines at any time. They mention "construct" and they also mention "any size pole" is allowed. This is all way too open ended and will be very detrimental to our daily lives and the value of this property.

If this project goes through, we truly believe we would lose up to 40% of our property value and probably have a difficult time even selling it. I ask you, would you buy a home with high voltage wires running across the view from your main living areas and yard?

We sincerely hope you will take into consideration all the homeowners who will be adversely affected by putting these lines along Stafford Road. My many objections to these power lines and poles are similar to all the other homeowners who are part of the Save Stafford Road group-- extreme property destruction of our beautiful road, devaluation of property values, increased fire hazard and EMF risks.

We would like to see PGE determine an alternative route, such as along I-5 as was mentioned at the meeting. If they are unwilling to do this, we implore the county to deny a land use permit for the Stafford Road expansion.

Thank you for taking time to read our letter and look at the photos.

Sincerely,

Susan and Mike Vandenburg  
21892 SW Stafford Road



15  
29  
00













## Fields, Joy

---

**From:** Kelly Bartholomew <kellybartholomew@wavecable.com>  
**Sent:** Tuesday, March 26, 2024 8:04 PM  
**To:** Fields, Joy  
**Subject:** for the ZDO-288 Planning meeting

---

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

---

I am a member of the “Save Stafford Road“ group of citizens opposed to PGE’s Tonquin project. We understand that the County is looking at proposed land use policy changes that would potentially bypass the current Conditional Use Permit (CUP) requirement. We strongly oppose any amendments that would allow PGE to Proceed with the Tonquin project without a CUP. Specifically, we would like to point out that the Tonquin project is NOT simply “upgrading existing powerlines“ along Stafford Road. This project involves many more issues that should require a standard CUP:

1. **SAFETY FOR CHILDREN:** The Tonquin project would place high voltage power lines directly above hundreds of homes, school kids waiting for busses and one large church gym (with hundreds of kids in it daily). HIGH VOLTAGE POWER LINES SHOULD NOT BE PLACED IN RESIDENTIAL NEIGHBORHOODS OVER HOMES!
2. **IMPACT ON LOCAL BUSINESSES AND FARMING:** Stafford Road is part of the public “Farmlandia” farm loop. Many people from Portland come to this area for the “rural experience” of visiting the local farms. Driving through chopped down trees and 100ft power lines is not a great rural experience. Has the financial impact on the local farmers been assessed?
3. **IMPACT ON COMMUNITY:** The Stafford triangle is the only remaining “rural” area between three cities. Most longtime residents of Stafford have seen a plethora of wildlife living in the old growth trees along Stafford Road, including red tailed hawks, bald eagles and American kestrels. The Tonquin Project would require removing hundreds of old growth trees on the properties of homeowners along Stafford Road. Replacement of these old trees with small shrubs -as proposed by PGE-is hardly compensatory. Additionally, many of these trees are the only barrier between the increasingly busy rural byway of Stafford Road and the homes along that road.
4. **DECREASE IN COUNTY PROPERTY TAX REVENUE:** most properties in the Stafford area (zoned for 6 acre plots) are over \$1M. The proposed Tonquin project would result in significantly reduced property values and thus, decreased revenue for the County.
5. **SAFETY AND FIRE RISK:** As you know, the area along Stafford Road is designated “unincorporated Clackamas County”. Hence, there are no fire hydrants. Most homes have well water so when there is no power, there is no water (well pump requires power). Last summer, our shop burned down. Police and fire had to close Stafford Road and shuttle water trucks for 12 hours to contain and put out the fire. These risks are exponentially increased by the deadly combination of high voltage power lines, climate change, severe heat and summer dry spells. How does PGE plan to mitigate the exponential increase in fire risk with high voltage power lines over residential areas? I suspect the Lahaina fire victims wish they had asked these questions before it was too late.
6. **ACCIDENTS:** There are automobile accidents on this road nearly every month. They typically involve cars and trucks crashing into power lines. Three people were killed last week in Portland from a downed power line and subsequent fire. High voltage lines increase the risk of fire from automobile accidents.

7. **PROPERTY CONDEMNATION:** most Stafford area residents are opposed to this project. Hence, proceeding with the project would require many properties along Stafford Road to be condemned. I have 2 neighbors who are over 80 years old and have lived here for over 30 years. This proposed line would place a giant hundred foot powerline directly over their houses.
8. **COUNTY RESPONSIBILITY:** PGE has repeatedly been cited for safety violations over many years. PLEASE do not give them open season to destroy our neighborhoods and put people in danger. It is the responsibility of our Clackamas County public representatives to ensure transparency and accountability in land use regulatory matters. Making policy amendments to placate PGE and bypass public accountability is not in the best interest of the County or the citizens who place great trust in you.

We urge Clackamas County Planning Committee and Board Members to please look carefully at any regulatory amendments that are made with regard to PGE. We recognize the need to lessen the red tape but this needs to be adequately balanced with the rights of citizens. Given all the issues at stake, the Tonquin project requires a much more in-depth review of its safety and necessity.

Thank you for your consideration of this important matter.

Sincerely,

Kelly Bartholomew

## Fields, Joy

---

**From:** James Bresee <jbres001@gmail.com>  
**Sent:** Wednesday, March 27, 2024 7:06 AM  
**To:** Fields, Joy  
**Subject:** ZDO-288 Planning meeting

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

---

Joy,

I am writing today to express my **profound concern** and disappointment at the project being developed along Stafford Road by PGE. And particularly at the proposed change to policy that would allow PGE to circumvent critical safety oversight.

As I am sure you are aware, this project represents a disfiguring and invasive assault on our community. The Stafford community is a precious jewel of natural beauty, a lovely oasis in the otherwise expanding Suburban sprawl around Portland. The Stafford area represents what is cherished among Oregonians: Natural green space; **"Keep Oregon Green"**

Running 100 foot tall **transmission lines** along Stafford will be carving a permanent scar through the heart of the community and endangering the lives and lifestyle of those that live there.

It is appalling that in the wake of the horrific events in Hawaii and destructive fires in our own state, that Clackamas County would be willing to allow high voltage transmission power lines directly *over* people's homes. The climate is changing. Our summers are long and dry and hot. Ice storms are not uncommon in the winter. And downed high voltage power lines represent a *significant* threat. That is why these lines typically run **well away from neighborhoods and communities**.

I understand fully this is a PGE project and not a county project. But the county has a legal and moral obligation to **protect the citizens when large companies overstep and put the citizens at risk**. That is a fundamental role of government: To protect the citizens. Adopting the ZDO-288 Policy changes would give large for-profit companies unrestricted power to endanger our lives and compromise our lifestyle without appropriate oversight. It's simple: PGE wants these dangerous and disfiguring transmission

lines on Stafford Road because it is the least expensive option for them. **Why is PGE's bottom line more important than the lives and lifestyle of Clackamas County families?**

This project is *not* a modification or enhancement of existing lines. This project is the installation of **new** transmission lines, and as such, are subject to review under multiple Oregon statutes. That is *exactly* why we need the Public Utility Commission and the existing government approval process: To protect families and communities from harm. Changing policy now, with this grotesque project pending, would be abdicating your responsibility to keep us safe.

I am not asking that you use any authority to block this project. But I am asking you to think about what this will do to the community and the lives that are being put at risk. Where else are 100 foot high voltage transmission lines adjacent to populated areas? PGE advocates running lines underground to reduce the risk of fire by 99%. While more lines are being buried to protect homes and lives, why would we allow new higher voltage lines to be placed so close to so many families? Why are we being put at risk instead of PGE finding a better, safer solution?

And why *exactly now* to change the ZDO-288 Policy? Could it be that this specific policy change at **this very moment** is designed to help PGE circumvent protections? It might be a helpful policy change with some modifications, but why not wait until the link between the policy change and PGE's project isn't quite so suspect?

I appreciate your time.

Thanks,

James

--

\*\*\*\*\*

James Bresee, M.D.  
Attending Urologist  
Northwest Urology

9135 SW Barnes Rd, Suite 663  
Portland, OR 97225

\*\*\*\*\*

March 27, 2024

To: Planning and Zoning Division  
150 Beaver creek Rd.  
Oregon City, OR 97045

Fr: Ron Schaaf  
21929 SW Stafford Rd.  
Tualatin, OR 97062  
[ronschaaf@gmail.com](mailto:ronschaaf@gmail.com)

Subject: Concerns Regarding the Proposed Amendments to the ZDO (ZDO-288)

Dear Members of the Planning and Zoning Division,

I am writing to you as a concerned citizen of our community regarding the proposed amendments to the Zoning and Development Ordinance, specifically ZDO-288, which pertain to the regulation of utility facilities, including underground utility lines within road rights-of-way. While I understand the practical difficulties and administrative burdens that the current ZDO presents, I am deeply concerned that these amendments could potentially undermine the democratic process by limiting public oversight and input on public works projects.

The existing process, which requires a conditional use permit for most utility facilities, serves as a critical mechanism for community engagement and oversight. It ensures that the residents have a voice in developments that directly affect our local environment, safety, and quality of life. The move to streamline the process, while practical on the surface, raises concerns about the transparency of utility projects and the potential for these projects to proceed without adequate public scrutiny.

I fear that the proposed changes could set a precedent for circumventing the established channels through which citizens voice their concerns and contribute to the decision-making process. The ability of residents to engage in dialogue about the development and maintenance of infrastructure is paramount to the health and wellbeing of our community. We must not sacrifice this for the sake of administrative convenience.

Moreover, while some utility facilities may not warrant review through a land use application, it is crucial that any amendments to the ZDO clearly define which projects qualify for this exemption. Without rigorous criteria, there is a risk that the amendment could be exploited to bypass necessary environmental and community impact assessments for more significant and potentially disruptive projects.

Therefore, I urge the Planning and Zoning Division to consider the following before proceeding with the amendments to the ZDO:

1. Implement a transparent and inclusive process that actively involves community members in discussions about the proposed changes.
2. Establish clear, strict criteria for which types of utility facilities can be exempted from the conditional use permit requirement.
3. Ensure that any exemptions to the permit process do not compromise environmental protections, public safety, and the overall wellbeing of the community.
4. Provide avenues for public comment and review on utility projects that could have significant impacts on the community, even if they fall within the proposed exemptions.

Our community thrives when its members are engaged and involved in shaping its future. Let us not erode this foundation by diminishing the public's role in overseeing the development and maintenance of essential infrastructure. I appreciate your attention to these concerns and look forward to seeing how the Planning and Zoning Division navigates these complex issues with the community's best interests at heart.

Sincerely,

Ron Schaaf



*The Hamlet of*  
**BEAVERCREEK**

PO Box 51 • Beaver Creek • Oregon • 97004

Serving the communities of Beaver Creek, Carus, Fishers Corner, and Echo Dell

March 28, 2024

Joy Fields, Principal Planner, Planning Department, Clackamas County  
Clackamas County Planning Commission  
Clackamas County Board of County Commissioners  
150 Beaver Creek Road  
Oregon City OR 97004

**RE: Ordinance ZDO-288, Zoning & Development Ordinance (ZDO) Amendments Related to Utility Facilities**

Dear Ms. Fields, Planning Commission, and Board of County Commissioners:

Thank you for this opportunity to provide input on the above listed Ordinance Amendments.

The Board and citizens of The Hamlet of Beaver Creek met March 27<sup>th</sup> and discussed the amendment proposals and are providing the following input:

- We clearly understand the need to revise the definition of “utility facility” and are supportive of a more inclusive and consistent definition.
- We are supportive of allowing utility facilities and lines inside “existing” rights-of-way as an outright permitted use. Beaver Creek is a rural community and frequently experiences outages as the result of storms. Coupled with global warming, wildfires, and ice storms, we want to send a **strong** message that any utilities placed above ground should only be considered if there is a reasonable explanation as to why it cannot be placed under ground.
- We are in support of allowing utility facilities and lines outside of rights-of-way by **Conditional Use Permit only**. Citizen involvement should be encouraged when utilities are being considered outside of rights-of-way.

Our Vice-Chair and one of our Co-Secretaries were not involved in this advisory letter as one Chairs the Board of a local utility and the other is employed by a regional power utility.

Thank you for providing this opportunity to participate in the Clackamas County land use process.

The Board and Citizens of The Hamlet of Beaver Creek



## Fields, Joy

---

**From:** Edward Wagner <edawagner@gmail.com>  
**Sent:** Thursday, March 28, 2024 1:15 PM  
**To:** Fields, Joy  
**Cc:** Jennifer Hughes  
**Subject:** PGE Tonquin Project for ZDO-288 Packet Inclusion

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

---

Ms. Fields,

By now I would guess the Board of Commissioners and Planning Department are fully aware of our Save Stafford Road organization and the significant opposition to the planned replacement of the existing 40' wood power poles and distribution lines with 100' metal distribution and transmission lines from the Rosemont Substation down Stafford Road, across the I 205 freeway and continued on Stafford to the connection point at SW 65th. Our organization has focused primarily on the effects from I 205 to the SW 65th connection point. As indicated by the PGE representative at the March 14th Board meeting, this section is essentially about 4 miles but is mostly focused on the approximately 38 properties from the Athey Creek Church to the SW 65th connection point which is about 2 miles. Our organization currently has over 100 members of which 50 are part of our legal Save Stafford Road group, not all living on Stafford Road. Of these 50, PGE in April and May of last year made courtesy offers for easement considerations to about 38 homeowners (in this 2 mile stretch) and of these 38, 20 have indicated they would challenge condemnation if it came to that. I realize condemnation is potentially consequential to the PUC and not necessarily the county, but I feel it is important for the county to be informed as to our community opposition.

I think it is very important for the county to understand some of the other factors in our strong stance against this development. First, PGE had been planning the Tonquin project for over 2 years prior to informing all of us of their plans by submitting letters of easement requirements and offers that were quite frankly offensive. They hired a third party to communicate with each homeowner who was not very well informed about the impact on each property. Many of our homeowners tried to get an audience with PGE directly but essentially they were only interested in discussing negotiated compensation and were not receptive to group meetings with our organization. In June, July and early August PGE essentially side stepped any effort on our part to answer our questions. In mid August, one of our homeowners finally through the third party got confirmation that PGE would show up and we made it very clear there would be other homeowners so we could ask questions. On that day, there were about 30 homeowners (many who took time off from work) to meet with a Tonquin management team of 4 including the Project Manager. Unfortunately when the PGE team arrived, they saw a number of cars and instead of stopping or even texting the homeowner, they just drove off. At a later Stafford Hamlet zoom meeting I asked why they didn't meet their commitment to the meeting; they just indicated they felt like we would be ganging up on them.

Subsequently to this failed meeting, PGE put together two meetings in late September ostensibly to allow the public finally to engage with the project team and ask the questions that we all were concerned about. We had about 60 - 70 of our community arrive at the meeting but instead of a group opportunity, PGE segregated into about 6 or 7 ministations with each having its own subject. This was extremely frustrating as there was no ability for all of us to ask and get answered the general questions we all had. We all came away feeling that PGE purposely created a divide and conquer approach and most of us left feeling we didn't get the questions answered. I know myself personally asked the project manager point blank if PGE has secured all the permits

required and he said yes, which definitly was not true as I had been tracking the application UP100323 and it was still in lobby.

Our biggest question since last April is what other routes did PGE consider and what were the cost differentials? Even at the March 14th meeting when the PGE representative presented a slide of the "other" considered routes, he essentially glossed over the other options and did not identify them. We still to this day have no idea what other options are possible.

All of my previous comments may be superfluous to the responsibility of the planning department. The real issues comes down to whether PGE can demonstrate if it meets or doesn't meet Zoning and Development Ordinance 1206 - Nonconforming Uses and Vested Rights and in particular 1206.07 Alterations. 1206.07 A. Alterations if required by law - The only rationale PGE has ever given our community for this expansion is for redundancy purposes and not necessity. So we don't see how this would fall into the lawful requirement for such changes. 1206.07 B 1 Alterations Not Required by Law - specifically says "have no greater adverse impact to the neighborhood that the existing structure" - I don't know how anyone in good conscience could ever say that replacing 40' pole and lines with 100' industrial poles and high voltage lines wouldn't have a gross adverse impact on the neighborhood.

Many of our homeowners over the past many months have submitted letters to the Board of Commissioners and now I suspect to the planning committee as well. The aesthetics will be destroyed, trees that help absorb carbon emissions for a road that is becoming a freeway bypass will be gone, many homes with beautiful views of the west will be destroyed with 100' power poles and lines, property values will plummet along with collected clackamas taxes, and most importantly, the fire danger with twice as many power lines will increase significantly.

In all due conscience, it is hard to understand how in this day and age of extreme weather conditions that such a project would even be considered out of hand. Utility companies make 60% of their rate increases by capital infrastructure. Over the past two years, PGE has already been granted a total of 40% rate increases. This Tonquin project will most undoubtedly be submitted to the PUC and we will see all of our rates increase again. Save Stafford Road is seeking a clear decision by the planning committee to reject the Tonquin permit application for the changes to Stafford Road.

Respectfully

Ed Wagner

VP Save Stafford Road

## Fields, Joy

---

**From:** Shannon Darrow <Sdarrow@protonmail.com>  
**Sent:** Friday, March 29, 2024 6:32 AM  
**To:** Fields, Joy  
**Subject:** For the ZDO-288 Planning Meeting

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

---

Dear Planning Committee,

As a resident of Tualatin and someone that lives ON Stafford Road, potentially and directly affected by the unnecessary proposed PGE Tonquin project, I want to condemn the unsettling way in which it appears PGE is trying to change our zoning, so that they avoid certain processes and procedures that would arguably expose their project as unnecessary and/or devastating to our community. Allowing PGE to circumvent the need for a CUP would be egregious and irresponsible to all the homeowners and business owners who will be affected by this massive change to our environment through this project.

It would behoove you to dive deeper into this issue in order to fully comprehend the level of impact to the residential properties geographically speaking, the SIGNIFICANT devaluation of the residential properties involved which would be a huge loss in property taxes overtime, the frightening fire hazards since we are in unincorporated Tualatin which has NO FIRE HYDRANTS along the road, substantial change to the environment, the impact to the wildlife in the area, the kids that will stand under these wires as they wait for a bus, the school district employees who will sit for hours under these wires at their place employment, the family's impacted by these 100' tall steel poles that will now run through their long running family businesses, farms, stores, vineyards, etc., potentially putting many our of business This could be responsible for changing what is left of a beautiful serene sub-rural area that is such a huge part of this community.

I live in a little old farmhouse that was built in 1900. That fact alone makes this a special place. So many of the people around me have similar stories of how this area came to be and can point to generations of families still in this area keeping the history alive. A drastic change to this area should be considered incredibly problematic and I would think the desire to retain even small parts of Oregon's history would be important.

From what we have been able to gather the project does not appear to be necessary for our road as the ONLY place this can be done. This is a gutting of a community right down the middle and a change to the environment forever. This is also not something that will serve the people that it is going to disrupt. It is a means to increase and usurp profits by creating more infrastructure to divert the power they take from the source so they meet the criteria for a profit increase. PGE has already raised everyone's prices recently, this will only them greater opportunity for increased rates.

I urge you to speak to our community. I urge you to put yourself in our shoes. I urge you to come to my house or any other person's on this road. Please do not let this happen. This is an obvious overreach by a bully and you have the ability to stop it. There are alternatives for PGE and those should be seriously considered.

Please listen to us. There are not a lot of positives right now in this crazy world as it relates to governing bodies making good lasting decisions. This is a great opportunity to do the right thing. If there is no way to stop this overall, please make them put the wires underground in our area.

Thank you so much for your time and consideration on this matter.

Respectfully,

Shannon & Brett Darrow



**Portland General Electric Company**  
121 SW Salmon Street • Portland, OR 97204  
portlandgeneral.com

April 5, 2024

***Sent via email to [bcc@clackamas.us](mailto:bcc@clackamas.us)***

Clackamas Co. Board of Commissioners  
2051 Kaen Road  
Oregon City, OR 97045

Commissioner Gerald Murphy, Chair  
Commissioner Carrie Pak, Vice-Chair  
Commissioner Louise Lopes  
Commissioner Tom Middaugh  
Commissioner Kevin Moss  
Commissioner Thomas Peterson  
Commissioner Tammy Stevens  
Commissioner Michael Wilson

**RE: Potential ZDO Amendments for Utility Facilities Dept.: Transportation and Development**

On behalf of the Portland General Electric Company, thank you for the opportunity to offer comments into the record supporting your staff's recommendation for an amendment to the Zoning and Development Ordinance (ZDO) related to utility facilities.

I'd like to share my sincere appreciation to your professional planning staff at Clackamas County. In particular, Dan Johnson, Jennifer Hughes, and their respective staff have all been outstanding communicators in helping us navigate the County planning code as we endeavor to replace and upgrade 11 miles of 115kv transmission lines in Tualatin, Sherwood, Wilsonville, Stafford and unincorporated Clackamas County. Thank you.

As we have shared with staff and the Board of County Commissioners, the utility improvements we are proposing will strengthen the grid, making it more resilient and reliable while adding capacity to meet future needs. Added flexibility will enable energy to flow from different substations, reducing power outages and enhancing system redundancy.

We agree with County staff that the ZDO, as currently written, regulates utilities ambiguously, and applies different and confusing standards depending on the applicable zoning of a particular site. In addition, the ZDO definition of "public utility" presents practical difficulties in interpretation and administration. As a result, duplicative and uncertain review processes may be applied through additional layers of land use reviews, depending on the project's location. This creates a burden on both utility providers and County planning staff.



**Portland General Electric Company**  
121 SW Salmon Street • Portland, OR 97204  
portlandgeneral.com

We agree with staff's recommendation to clarify the language of the ZDO to provide for the most accurate notice and the most meaningful public and utility provider input. Clearly allowing utility facilities in road rights-of-way outright is consistent with historic County practice and typical use of rights-of-way across all of our PGE service area. It would also have the effect of encouraging these facilities in rights-of-way rather than in alternate locations on private property. Additionally, aligning the standards that apply in the various zones will simplify administration and ensure consistency, a benefit to utilities and the community alike.

Thank you for your service to all of Clackamas County and thank you for your consideration of the proposed amendment. As always, please let our staff or me know if we can answer any further questions or provide more information.

Respectfully

A handwritten signature in blue ink, appearing to read "Larry Bekkedahl".

Larry Bekkedahl, Senior Vice President  
Strategy & Advanced Energy Delivery

**CC:**

**Board of Clackamas County Commissioners**  
**Gary Schmidt, County Administrator**  
**Dan Johnson, Director of Transportation & Development**  
**Jennifer Hughes, Planning Director**  
**Joy fields, Principal Planner**

Planning Department  
Clackamas County Planning Commission  
Clackamas County Board of County Commissioners  
150 Beaver Creek Road, Oregon City OR 97004

RE: Ordinance ZDO-288, Zoning & Development

Thank you for the opportunity to provide you a little different style  
of testimony in opposition of the proposed Amendments to ZDO 288.

## GRAPEVINES OR POWERLINES

May have started with A.R. Shipley, over a hundred fifty years ago.  
That Stafford area was a great place, that forty varieties of grapes could grow.

Concord's were the best he felt, for juice, jams and jelly oh so fine.  
But never imagined a good place for growing grapes for making wine.

I-205 and affordable housing pressure, issues flooding land speculators cup.  
Resident concerns about PGE ability on how to safely power the region up.

Vineyards, farms, Active-agriculture, what our Stafford Character is about.  
Powerlines should be underground not overhead to bale PGE's budget out!

Overhead brings baggage with it, Underground is safer but more expensive.  
Our views, the trees, why we moved here, Towers, high tension lines, we're all apprehensive.

So now it's time to ponder, is it lines or is it wine.  
That Stafford residents will live with watching property values decline.

If development in the area, can bore sewers under Pecan Creek.  
Our expectations, bury lines 6 ft underground in Stafford's utilities Hide and Seek.

County changing it's ZDO, because of staffing issue numbers?  
Or finally correcting years of "conditional use permitting" blunders.

Kerosene lamps and wooden stoves, could be making a comeback.  
If PGE, County and residents can't concur on this ZDO attack.

Coming soon how the area will shine, will it be Pinot Gris or maybe Pinot Noir's?  
Or will lines of PGE prevail and win the towers and above ground powerline wars?

So, As stated in other testimony, "The existing process, which requires a conditional use permit for many utility facilities, serves as a critical mechanism for community engagement and oversight". As stated in staff report, "a practical difficulty exists in administering the ZDO in its current form". If I am correct in my understanding

Clackamas County needs to create a plan to properly adjust, fund and then enforce its permitting regulations. Amendments should not be made to solve the years of non-compliance of ZDO's conditional use permitting by the county. Any changes to the ZDO that compromises the ability for protection of property owner's rights, should not be altered in any amendments to ZDO 288.

Bottom line- Fix it, don't eliminate it because of procedural issues or planning department funding and staffing challenges. These are the major issues that give me cause to oppose some of the currently proposed amendments to ZDO 288.

Thank you,

Rick Cook,  
Stafford



## Fields, Joy

---

**From:** ClamBarn <anagoptanye@gmail.com>  
**Sent:** Monday, April 8, 2024 9:47 PM  
**To:** Fields, Joy  
**Subject:** Re: ZDO-288 for the Tonquin Project

---

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

---

Hello again:

I'm sorry my file wouldn't open. If I put it directly in an email can you try it again? I know I've missed the meeting but I would like the staff to have it. Thanks.

Lyneil Vandermolen  
22262 SW Stafford Rd.  
Tualatin, OR. 97062

Ms. Fields:

PGE's Tonquin project doesn't sound like an urgent project so much as one that's too inconvenient for them to alter after five years of planning. Having only informed Stafford road residents last summer, it has all the earmarks of a giant private company trying to railroad its plans through without following normal PUC restrictions and requirements.

Too much also sounds convenience driven. According to their representative, Tina Tippin, PGE can't bury the lines, which is all we wanted, because it would've required special pipes made overseas that would take longer to order and more money to maintain. Why didn't they budget for that five years ago? Instead PGE has put their plan over our livability and land values.

Nor do they seem to want to jump over the hurdles necessary to put the lines down I205. According to one of their engineers, they could have done that with an FWH permit. So why didn't they get one?

They also might have run the lines between I-5 and Stafford road—less than a mile, instead of the 7 mile boondoggle they plan. Could they have run their lines parallel to either the BPA or the other line along Elligson road? PGE's rush looks like they're trying to save time, red tape, and cost. But as a private company, they shouldn't have all the power on their own terms.

This could devastate Stafford property owners. This kind of project often reduces property values by 10-40% according to realtors we consulted who were familiar with this. In addition, the fire and safety factors along our narrow winding road indicate PGE's indifference to our livability.

Also, I resent the Planning Commission telling our attorney that they would inform him of any new activities by PGE—but then didn't. This makes the planning commission look like lobbyists for PGE instead of impartial county employees.

Sincerely,  
Lyneil Vandermolen

On Mon, Apr 8, 2024 at 4:00 PM Fields, Joy <[JFields@clackamas.us](mailto:JFields@clackamas.us)> wrote:

Good afternoon,

I have been unable to open the files you sent on 4/4/24. They showed up as a file format = .pages . Do you have pdf or word document that you would like to provide as testimony for the Planning Commission to receive prior to tonight's hearing?

Sincerely,

**Joy Fields, Principal Planner, AICP**

Clackamas County Transportation & Development

Planning and Zoning Division

150 Beaver Creek Road

Oregon City, Oregon 97045

503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off

[www.clackamas.us](http://www.clackamas.us)

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

The Planning and Zoning public service telephone line (503-742-4500), email account ([zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

**From:** ClamBarn <[anagoptanye@gmail.com](mailto:anagoptanye@gmail.com)>  
**Sent:** Thursday, April 4, 2024 11:15 AM  
**To:** Fields, Joy <[JFields@clackamas.us](mailto:JFields@clackamas.us)>  
**Subject:** ZDO-288 for the Tonquin Project

---

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

---

I have re-sent this with the correct block number. Thanks

Lyneil Vandermolen

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Wednesday, April 10, 2024 10:21 AM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: Tonquin Project - Introduction from Rick Cook

Here is another exhibit to add to the ZDO-288 file. I asked Tammy not to forward to the Planning Commission at this time and let her know that it will be added as part of the official record. We will send it with the rest of the materials that come in once the comment period closes.

### Darcy Renhard

503.742.4545  
Clackamas County

---

**From:** Edward Wagner <edawagner@gmail.com>  
**Sent:** Wednesday, April 10, 2024 10:10 AM  
**To:** Tammy Stevens <tsr@bctonline.com>  
**Cc:** Renhard, Darcy <DRenhard@clackamas.us>; Rick Cook <rickjcook@frontier.com>  
**Subject:** Tonquin Project - Introduction from Rick Cook

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

---

Tanny,

By way of introduction I am Ed Wagner, a 28 year resident on Stafford Road and the community organizer in opposition to the proposed Tonquin project as it specifically pertains to the replacement of the existing 40' power poles and distribution lines with 100 - 130' tall steel power poles and high voltage power transmission lines.

I tried but was unable to join the zoom call last Monday night and would like to add some background information for you and hopefully the rest of the planning commissioners to be made aware of. I would like to set the record straight on a number of relevant facts concerning the past year since PGE first issued notifications of the Tonquin project to about 50 homeowners on Stafford Road. These letters which started in late April and early May were sent only to homeowners who PGE needed easement considerations for the proposed Tonquin project. This was the first time anyone in our community had heard of the project even though it had been in the works for over 2 years. Within these notifications, PGE provided a map of each homeowner's property and what easement requirements they needed and made monetary offers for compensation. Most of the offers were in the \$5-15,000 range and were based upon a simple square footage formula. I will address property devaluations later in my comments.

At that point, John Lekas and I combined our efforts and went door to door leaving letters for all of the owners on Stafford Road to attend a community meeting at my house in June to see what the overall reaction was from especially the 50 homeowners who received the notifications. The reaction and attendance was overwhelming. By that time many homeowners had contacted the third party, Universal Field Services, and met to determine exactly what the impact would be to each person's property. The individual who met with our owners had limited information and the mere fact that PGE themselves didn't present themselves directly with our owners

just made everyone even madder. As a result of the meeting at my house we established a website and name for our opposition cause: [SaveStaffordRoad.org](http://SaveStaffordRoad.org) and also created a GoFundMe to raise funds to hire a lawyer. It took us almost 6 weeks to find a land use lawyer as most reputable lawyers in the Portland area already had conflict of interests as they had PGE as a client. Ultimately and in August we hired Greg Hathaway of Hathaway Larson to represent us and at that time we established the legal non profit organization named Save Stafford Road. It's important that you know we have over 100 opposition members on our communication list, 50 members on our legal group and of those 50 homeowners, 20 are committed to challenging Condemnation through the PUC process which we just were informed by PGE that they are now filing a CPCN (Convenience and Necessity) permit application where they will start condemnation proceedings even before securing the land use permit.

I want to dispel any comments that PGE has made efforts to communicate with our community. Because PGE personnel were unresponsive to our efforts at communication we finally set up a meeting in August at one of the homeowners where we communicated very clearly there would be a number of other homeowners in attendance. The only way we ever got any reaction out of PGE is when a homeowner indicated they were ready to negotiate compensation. We organized about 30 owners for this meeting and when the team of about 4 PGE individuals, including the project manager, saw a number of cars, they just drove by and did not show up or text the homeowner that they decided to cancel what was hoped to be our first collective effort to ask questions and hopefully get some answers. Instead in September, PGE held two community meetings and we don't know if they thought it would be a good idea, but as they indicated at your Monday meeting, they decided to create about 7 kiosks which each one specialized in one subject matter. This turned out to be a big bust as our community (about 100 folks attended the first meeting) was very upset that we could not ask general questions so that **everyone** could hear the answers. We left very frustrated and once again felt PGE had been anything but forthright in their communication efforts. What really upset me after the fact is I specifically asked the project manager point blank if PGE had all the permits they needed and he said Yes which I knew wasn't true as I had been in contact with the county and even though PGE had not made a formal pre application request, they were in the system under UP 100323 which was essentially a case number which was in "Lobby" which meant it was not active.

During the months of September and October our attorney was in constant communication with Jennifer Hughes and the CC assistant attorney (Caleb) to make sure that PGE had to go through the current Conditional Use Permit process and they assured him this was the case. I personally kept checking the UP100323 and it always came up Lobby status. It was oddly quiet during this period as PGE had originally slated the portion of the project to start in Feb/March and they hadn't even requested the pre-application meeting. And then, in the first week of December, I was alerted to a meeting that took place on November 29th where Jennifer Hughes presented to the Board of Commissioners a plan to modify the current Land Use Policy rules where she proposed a concept to allow all utilities within and outside the current right of way to be essentially rubber stamp approved. It was brought up by Commissioner Savas that there were many situations where a rubber stamp approval process would be ill advised as there were many situations where the CUP process would be necessary. As a result, the board voted 3 - 1 with Savas the one dissenting vote but also with the proviso that the plan to be submitted by staff would be broad and all encompassing and would be subject to careful analysis and scrutiny. Here is maybe the most important part of all of this as it pertains to Clackamas County - Jennifer Hughes stated that this new policy change had nothing to do with the Tonquin Project but during the meeting she herself invoked PGE's name once and Paul Savas twice. It is clear that PGE and the planning staff had been in some sort of communication on this policy proposal without any doubt. Even at your first planning meeting a few weeks ago where Joy Fields presented this concept to you and the rest of the commissioners, PGE's name came up a number of times. And now at this past Monday's meeting the PGE lawyer was almost giddy with excitement that a decision might be made that would forever allow utility companies to be rubber stamped without any county scrutiny or any Public interaction. The policy change that Jennifer Hughes presented indicated to me that the staff gave no thought whatsoever to special circumstances of permit applications. PGE couldn't have written this policy change better themselves.

You and your fellow commissioners brought up a number of really pertinent issues - what if there were enough funds - would these changes still be made? What about long term cost effectiveness of underground vs.

overhead? What about the added fire danger? We have minimal fire protection in our area. What about the devaluation of our properties? PGE offered one home owner \$8,000 and when a professional condemnation appraisal was done, the devaluation estimate was \$458,000.

These are all critical issues but here are some of the larger questions that need to be answered and to date PGE always dodges these questions:

1. What is the Necessity for these transmission lines? PGE is connected to the BPA power terminal at exactly the termination point where the Rosemont to Stafford and SW 65th line is being planned. Our utility consultants indicate PGE is most likely (99%) buying power from BPA which experts tell us there is a surplus. When PGE buys power from BPA, they are not allowed to mark it up. They have to cost it to their consumers for the same price. But if a utility company can create capital infrastructure, then they can go to the PUC for rate increases. 60-70% of income and rate increases are based upon capital expenses.
2. Who exactly will these transmission lines service? Will any of our homeowners directly benefit? Where is this power going?
3. What alternative routes did PGE consider and what were the cost differential considerations? We have asked this over and over with no answer.
4. What are the poles designed to be 100 - 130 feet all? All 3 of our utility experts have indicated that transmission lines are typically 60-65 feet high. This is evidenced by the existing 60' transmission lines currently installed along the Hamlet side of Stafford, Borland, and Boekman just as examples.
5. What additional fire response and wildfire mitigation plans are in place for the stretch or Stafford Road from I 205 to Wilsonville?
6. What are the environmental impacts of cutting down hundreds of trees while our road has become a bypass highway for all the congestion from I 5 & I 205. What is the carbon increase? What is the impact on our wildlife?

The overall impact to our community will be devastating. Many of our homeowners are second and third generation owners and many like myself bought on Stafford Road decades ago to enjoy the relative peace and the beautiful views that will now be destroyed.

My last comment and if you made it this far thank you. It is incomprehensible that the county would give up the right and obligation to protect our lands and communities without serious consideration for each land use request. I can only assume that there was a lot of thought when these rules and policies were initially created. Radically changing rules that give utility companies carte blanche to do whatever they want is fraught with potential negative consequences and is especially questionable given the obvious optics that these changes are being done in concert with a utility company.

Tammy, I hope if you find any value in my comments that you or Darcy would pass them along to the other Commissioners.

Respectfully

Ed Wagner

Save Stafford Road VP and Community Organizer

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Wednesday, April 10, 2024 10:22 AM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: Please forward to planning commissioners

Another one.

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Kelly Bartholomew <kellybartholomew@wavecable.com>  
**Sent:** Wednesday, April 10, 2024 10:15 AM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** Please forward to planning commissioners

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

---

---

RE: Planning meeting Monday April 8 on ZDO changes

Dear Ms. Renhard,  
Rick Cook provided me with your email address. Please forward this email to all the planning commissioners.

Dear Planning Commissioners,

**ARE YOU SERIOUSLY CONSIDERING REVISING THE ZDO SO THAT THERE IS ABSOLUTELY NO OVERSIGHT FOR ALL PGE PROJECTS???** The two main changes proposed at the last planning meeting were to eliminate ANY need for county approval for utilities inside OR outside the Right Of Way. Do you realize this means that PGE has a blank check to take over anyone's property without any oversight? That is insane. I cannot believe you are actually considering this?!

As a resident of Stafford Road, I can tell you that the PGE Tonquin project will essentially destroy the Stafford Road community. It would place 100 foot giant metal, high-voltage transition lines all along Stafford Road which would require condemning multiple properties, removing hundreds of old growth trees and destroying the rural "Farmlandia Farm Loop" (which local farmers rely on for revenue). Additionally it would put hundreds of children and families at risk by locating these high voltage power lines directly over where children wait for buses, hundreds of preschool children play daily in a church gym, and multiple homes would be directly under the high voltage lines.

PLEASE, PLEASE, PLEASE do not give PGE a blank check with no oversight. In the planning meeting on Monday, PGE stated that they had multiple efforts at community outreach. These efforts were woefully inadequate. The format was not to "accommodate residents' questions", but rather to take the pressure off PGE

in answering difficult questions in front of a large, angry community. We then arranged a meeting at my house with multiple neighbors and PGE agreed to come answer questions (they were told - and agreed in advance- that there would be neighbors coming as well ). When they drove by my house and saw multiple cars, they decided there were too many people and they just didn't show up, didn't call and left dozens of us waiting for over an hour. This is hardly community outreach.

We place tremendous responsibility and trust in our planners and elected officials. PLEASE do not give a private, for profit company, unlimited power over Clackamas County residents without any oversight. Residents are already struggling with rate increases and now you want to let them take over our properties? That is unacceptable.

PLEASE reconsider your position on ZDO proposed changes.

Thank you.

Kelly Bartholomew



**Hughes, Jennifer**

---

**Subject:** FW: Opposition to Stafford PGE project

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

From: Daniel Miller <dan.miller.dmd@gmail.com>  
Sent: Sunday, April 28, 2024 6:52 PM  
To: Renhard, Darcy <DRenhard@clackamas.us>  
Subject: Opposition to Stafford PGE project

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

Hi Darcy,

As a directly impacted landowner on Stafford Road, I would like to write you so you can send my email all the county commissioners that I have strong objections to the planning staff proposing a policy whereby they will rubber stamp all overhead and underground utilities both within and outside of right of way without any public discourse and without any consideration to the size, complexity and scope of any projects. PGE has been absolutely terrible to deal with and I'll do whatever I can to stop this unreasonable plan from happening. I have hundreds of feet of direct property that this will affect and the group of land owners and concerned voters here have been working hard to voice our concerns and not let this happen in this unreasonable process. Everyone from Tootie down needs to listen to us and not let this happen.

Please contact me with questions and I'm happy to make myself available to all of the planning commission to voice my concerns in detail.

Thank you,

Daniel Miller  
22280 SW Stafford Road

## Fields, Joy

---

**From:** KORT-MEADE Isaac \* PUC <Isaac.KORT-MEADE@puc.oregon.gov>  
**Sent:** Wednesday, May 1, 2024 11:18 AM  
**To:** Fields, Joy  
**Subject:** Information on the PUC's CPCN Process

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

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

---

---

Hi Joy,

It was a pleasure speaking with you the other day. Here is a summary of the Certificate of Public Convenience and Necessity (CPCN) process at the Public Utility Commission of Oregon (PUC):

Any person proposing to construct an overhead transmission line that requires condemnation is required by Oregon Revised Statute 758.015 to file a petition for a CPCN with the PUC. If condemnation of an interest in land is not necessary for the construction of a transmission line, a petition for a CPCN is not necessary. When a petition is properly before the PUC, the PUC is required to determine the necessity, safety, practicability and justification of the transmission line. If it issues a CPCN for a transmission line, the CPCN can be offered as conclusive evidence that the transmission line is a public use and necessary for public convenience in a condemnation proceeding.

The review of a petition is governed by OAR 860-025-0030, -0035, and -0040. As issuance of a CPCN affects land use, the PUC addresses how it will make the necessary findings for its decision in OAR 860-025-0040. When a transmission line falls under the jurisdiction of the Energy Facility Siting Council (EFSC), the PUC will rely on EFSC's land use determinations. When a transmission line does not fall under EFSC jurisdiction, the PUC will rely on the land use findings of the affected local jurisdictions. Only if the PUC cannot make such land use findings as specified in OAR 660-030-0065(3), will the PUC consider adopting its own findings related to goal compliance.

For efficiency of process, a petitioner for a CPCN is required to provide documentation with its petition as necessary to support land use findings from either EFSC or the affected local jurisdictions. If a petition cannot obtain this information at the time of filing the petition with the PUC, a petition can ask for a waiver of the requirement to include these documents at the time of filing, under OAR 860-025-0030(4). If the PUC grants a waiver, documentation may be provided later in the proceeding before the PUC.

PGE recently filed a petition for a CPCN with the PUC for the Tonquin project. As part of its filing, PGE requested that the PUC waive the requirement for PGE to include documentation from the local affected jurisdictions with its petition. Documents related to this petition are available in the PUC's edockets system under Docket PCN 6. The edockets system is accessible here:

<https://apps.puc.state.or.us/edocketsSearch/eDocketsSearch/>

Please let me know if you have any questions.

Best,



***Isaac Kort-Meade***  
***Senior Utility Analyst***  
***Oregon Public Utility Commission***  
***C: (503) 480-5084***  
***[isaac.kort-meade@puc.oregon.gov](mailto:isaac.kort-meade@puc.oregon.gov)***

## Fields, Joy

---

**From:** Randall Yamada <yamada2@mindspring.com>  
**Sent:** Friday, May 3, 2024 9:02 AM  
**To:** Renhard, Darcy; Fields, Joy; Hughes, Jennifer; John McCabe; Mitch Jones; Len Schaber  
**Cc:** Randall Yamada  
**Subject:** Stafford-Tualatin Valley CPO edits for ZDO 288  
**Attachments:** Attachment A Draft Amendments.pdf

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

For: Clackamas County Planning Commission May, 13, 2024 Meeting Distribution to Parties

Re: ZDO-288 Draft Amendments to the Zoning and Development Ordinance for Utility Projects.

As was stated at the 4/8/24 Planning Commission Meeting ZDO 288 Modifications for Utility Line Construction protects the County, Utility Companies and Public from greater cost. However, in doing so it turns away from protecting the residents Safety, Natural Areas, Historic Cultural Resources, Open Spaces, Area Scenic Character, and current way of life.

ZDO 288 modifications would be OK if everyone lived on a 40 acre tract. As the county population and industry grows Utility Development will become an increasingly important concern.

Since Comprehensive Planning sees impacts on private property values as a lower priority than achieving its primary Goals it also should see greater initial cost of development the same way.

The Planning Department Edits remove the need for public notification including appeal rights for Utility Line projects.

These are CPO Edit Drafts to the ZDO 288 Utility Facilities Modifications intended to provide Type II public notification and processing rights to citizens and the community organizations for Utility Projects for area resident comments.

The first includes changes to the Definitions of Utility Lines. CPO Modifications are in purple. Planning department modifications are in red.

UTILITY FACILITY: A building, structure, or any constructed portion of a system that provides for the production, transmission, conveyance, delivery, or furnishing of heat, light, power, natural gas, water, sanitary sewer, stormwater, telephone, cable television, internet, or other similar service. Utility facility does not include wireless telecommunication facility.

**Utility Line Major:**

A utility facility consisting of a cable, conduit, pipe, wire, or other linear conveyance system. A utility line may include support poles, support towers and equipment for the monitoring or operation of the utility line, provided that such equipment is mounted on poles or towers; underground; or both aboveground and not exceeding five feet in length, width, and height. Poles or Towers exceeding 70 feet in height and 200 feet in length are included in this category

**Utility Line Minor:**

A utility facility consisting of a cable, conduit, pipe, wire, or other linear conveyance system. A utility line may include support poles, support towers and equipment for the monitoring or operation of the utility line, provided that such equipment is mounted on poles or towers; underground; or both aboveground and not exceeding five feet in length, width, and height. Poles or Towers NOT exceeding 70 feet in height and 200 feet in length are included in this category

The second CPO modification is in the Use Category Table. It provides Type II public notification for Major Utility Lines.

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b><u>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)</u></b>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>	<u>Type II<sup>29</sup></u>
<b><u>Utility Carrier Cabinets, subject to Section 830</u></b>	P,C <sup>3130</sup>	P,C <sup>3130</sup>	P,C <sup>3130</sup>	P,C <sup>3130</sup>	P,C <sup>3130</sup>	P,C <sup>3130</sup>
<b><u>Utility Facilities in Road Rights-of-Way</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Utility Facilities Not Otherwise Listed in Table 316-1</u></b>	<u>C<sup>13,31</sup></u>	<u>C<sup>13,31</sup></u>	<u>C<sup>13,31</sup></u>	<u>C<sup>13,31</sup></u>	<u>C<sup>13,31</sup></u>	<u>C<sup>13,31</sup></u>
<b>Utility Lines Major</b>	<b>Type II</b>	<b>Type II</b>	<b>Type II</b>	<b>Type II</b>	<b>Type II</b>	<b>Type II</b>
<b>Utility Lines Minor</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Facilities, subject to Section 835</b>	Table 835-1	Table 835-1	Table 835-1	Table 835-1	Table 835-1	Table 835-1

The third CPO Modification is in the County Utilities Ordinance. It requires Developers to Notify the Public of intent to build projects and gives communities the ability to require Type II notification on Utility Line projects.

## **1006.08. PUBLIC NOTIFICATION OF PROPOSED WORK PRIOR TO PERMIT APPLICATIONS FOR UTILITY LINES.**

**A. The Developer is to issue Notice of Intent of Planned Work to the CPO, Hamlet, adjacent property owners 90 days prior to submitting plans for permits to the County or other governing authority with schematic drawings and description of the project for both “Utility Major” and “Utility Lines Minor” Uses. The Neighborhood will vote 2/3 majority for response requiring Type II notifications. Lesser vote or no response will result in a P or Permitted Use.**

ZDO-288 before CPO Edit.

Randy  
Stafford-Tualatin Valley CPO Board Member

**PGE Tonquin Project Planning Applications and Ordinance ZDO-288**  
**Provided to Clackamas County Board of Commissioners**  
**Business Meeting March 14, 2024**  
**Questions and Comments for the Clackamas County Planning Department**

Is this project consistent with the OAR Urban Reserve Chapter 660 Section 27 rules for Urban Reserves in the Metro Area and with the 2010 Five Party Stafford Intergovernmental Agreement.

Is the Planning Processing consistent with energy facilities transmission line siting procedures enacted by the State of Oregon.

Does it conform to the requirements identified in ORS 215.274 through 215.276 Transmission Lines, Mitigating Impact, Consultation, and High Value Farmland.

Is it needed and allowed in the Stafford Road Comprehensive Plan Designated Scenic View Corridor.

Is the Rural RRF-5 zone considered High Value Farmland if on site soils are consistent with High Value Farmland Soil Standards.

Does this project start urbanized utility construction prior to the planning process for inclusion of the Urban Reserve Lands into city boundaries.

**Congratulations to everyone on the cancellation of Tolling and Pricing Project.**

There are planning and technical conformance reasons this project as designed should not go forward, however do the residents of Stafford and the surrounding cities want a transmission tower project along Stafford Road considering it's visual, contextual, environmental, safety, and support of future industrial land use implications for the community?

The residents certainly have not had a chance to consider these things and weigh in on their view of how this project impacts their future, the future of their land and the future of the Stafford area.

This project establishes a setting of industrial level use in our area and is definitely not consistent with the Rural Stafford Character agreed to by our residents.

A project of this size affecting all of the residents of the Stafford area and surrounding cities needs significant planning consideration before deciding whether it is wanted. Consideration needs to be given to alternative methods. Planning involving routing and construction methods need to be discussed.



For the residents, development of this transmission line construction project has never had a beginning and a process. We have only seen the final plan and completed imagery. A project of this magnitude needs to have public input and support before proceeding.

The Clackamas County and Statewide Comprehensive Plans are based on the concept and fact that agencies and developers can work with residents to produce better and more livable communities protecting future safety, health, aesthetics and overall quality of life for the community as a whole.

Randall Yamada  
Stafford-Tualatin Valley CPO – Chairperson

Randall Yamada  
3291 SW Childs Rd.  
Lake Oswego, Oregon 97034  
Cell: (503) 799-4990  
yamada2@mindspring.com

**Ordinance ZDO-288 ZDO Amendments Related to Utility Facilities** **4/8/24**  
**Provided to Clackamas County Planning Commission and Clackamas County Board of Commissioners**  
**Planning Commission Meeting April 8, 2024**  
**Comments for the Clackamas County Planning Department on Modifications to ZDO for Utility Systems**

The Zoning Ordinance currently requires Conditional Use processing for utility construction projects in most zones. As Planning has not reviewed utility plans to issue public notice as required by the Zoning Ordinance in the past, the Stafford-Tualatin Valley CPO insists they do so in the future.

If you are only requiring conformance for some and not others you do not have an equitable Land Use System. If you are changing the Land Use Ordinances to allow approval of some development applications you do not have a Land Use System.

The idea of allowing utility lines and structures outside of utility easements on private property without public notification, review, and appeal rights goes against the basis of Oregon's Land Use Comprehensive Plan and Development Ordinances whose purpose is to protect the residents and communities of Clackamas County.

Note; that under the ZDO 288, the definition for Utility Lines says they may include support poles or towers and ancillary equipment integral to the monitoring of operation of the Utility Line. Structures, towers, and cables with ground anchors for lateral support for example should be identified in the Category Review Table separately so the community will know the specifics of the supporting structures.

The proposed changes to the Zoning Ordinance outlined in ZDO 288 need time for in depth consideration and modification by the citizens and Community Planning Organizations before approval by the Planning Commission and Board of Commissioners.

Please delay approval of ZDO 288 to allow time for the CPO's to develop their proposals and recommendations for utility line and structure installation.

Randall Yamada  
Stafford-Tualatin Valley CPO – Chairperson

Randall Yamada  
3291 SW Childs Rd.  
Lake Oswego, Oregon 97034  
Cell: (503) 799-4990  
yamada2@mindspring.com



**Portland General Electric Company**  
121 SW Salmon Street • Portland, OR 97204  
portlandgeneral.com

May 3, 2024

Clackamas County Planning Commission  
2051 South Kaen Road  
Oregon City, OR 97045

Commissioner Gerald Murphy, Chair  
Commissioner Carrie Pak, Vice-Chair  
Commissioner Louise Lopes  
Commissioner Tom Middaugh  
Commissioner Kevin Moss  
Commissioner Thomas Peterson  
Commissioner Tammy Stevens  
Commissioner Michael Wilson

**RE: Written record supplementation for ZDO-288**

Chair Murphy and Commissioners:

On behalf of the Portland General Electric Company, thank you for the opportunity to offer comments into the record in response to questions put forward by Commissioners and staff during the April 8, 2024 Clackamas County Planning Commission meeting in support of the staff recommendation for an amendment to the Zoning and Development Ordinance (ZDO) related to utility facilities.

- **Undergrounding of power lines.** In order to better understand the criteria that PGE would use in determining that a line is prohibited from being installed underground, what are the factors that PGE uses in determining whether a distribution or transmission line will be underground or overhead?
  - **Transmission.** There are a number of tradeoffs when it comes to installing transmission lines underground (transmission at 57,000 to 500,000 volts versus 12,000 volts for distribution). While every project is unique, with undergrounding, the most significant tradeoff is cost - underground is typically 10x more expensive than installing overhead lines. When PGE invests in equipment upgrades, the Oregon Public Utility Commission will review those expenditures to determine if they were reasonable and prudent because they result in price increases to all PGE customers.



**Portland General Electric Company**  
121 SW Salmon Street • Portland, OR 97204  
portlandgeneral.com

- For the Tonquin/Stafford Road project, PGE is working within existing public right of way. To underground, PGE would need to purchase dedicated easements along side the road to install underground facilities. The easements are acquired in order to protect customers from having to pay to have the lines moved at a later time for future public works projects such as expanding the road or rerouting it. Some of the tradeoffs when it comes to undergrounding transmission lines are:
  - The need for larger easements. Undergrounding transmission lines usually involves burying large vaults at regular intervals, in addition to the cables and conduits.
  - More vegetation removal. To prevent roots from intruding into the electrical conduits in a transmission corridor, limited vegetation is allowed to grow above the lines and in the surrounding area.
  - Longer construction times, more heavy equipment and impacts to vegetation and roads.
  - More extensive maintenance inspections. Underground transmission lines can require patrolling to assess changes in soil depth, cover type, vegetation and other variables that can impact the ability of the line to effectively dissipate heat. They are more susceptible to water ingress, which can lead to equipment degradation and faults that in turn require more significant repairs.
  - Lengthier problem-solving and repair process. If lines are damaged or experience a fault, the process of identifying the issue, accessing it and repairing it requires more time, resources and heavy equipment, leading to longer outages.
  - Supply chain challenges. The cables and hardware used for underground transmission are often designed based on the unique soil and operating conditions, which can affect their availability for installation and repairs.
- **Distribution.**
  - About half of PGE's distribution power lines are already underground, and we are always evaluating where additional undergrounding could help mitigate risks, while also balancing this with the impact to customer prices. Our priority will always be the safety of our workers, customers and communities.
  - There is no single solution to protect power lines from the effects of climate change and the historic weather events we are seeing in Oregon. Heavy winds and storms can cause trees to fall, uprooting buried electrical lines.



**Portland General Electric Company**  
121 SW Salmon Street • Portland, OR 97204  
portlandgeneral.com

- As Oregon's weather gets hotter and drier, we are taking a comprehensive approach to wildfire mitigation to protect people, property and natural environments. Our plan includes aggressive tree and brush clearing near power lines, installing fire-resistant poles and other equipment and visually inspecting lines in high-risk areas.
- **Municipalities & Cost:**
  - There are certain costs for undergrounding utility lines that must either be covered by the municipality or paid by PGE initially, then charged back to customers as an additional line item on their monthly electric bills. Once the municipality reviews and approves the preliminary project description and estimate, they officially declare the decision to move utility lines underground and sends PGE a letter of commitment. At this point, the municipality decides on one of two payment options:
    - Pay for the conversion out of the municipalities budget
    - Pending OPUC approval, pass the costs to PGE customers via their electric bills.
    - If the municipality decides on the second option, PGE pays for all the work up front and then collects conversion costs from customers via a line charge on their electric bills in accordance with Oregon rules and regulations.
- **What are the names of the types of lines PGE has and how does pole height vary?** Generally, PGE's lines are in three classes- distribution (12.5kv), transmission (115kv, 230kv and 500kv) and fiber. Typically poles for our distribution lines are 45-50 feet and transmission 65-120 feet in height. Pole heights can range depending on clearance requirements, PGE is subject to following National Electric Safety Code (NESC) standards to demonstrate compliance with Federal regulations to safely build, maintain and operate utility infrastructure as a T&D asset owner. This is also expected under specific OPUC Oregon law mandates around clearances that PGE must manage to. The height can vary given type of line, topography, slope, arrangement of the cables, road crossings, environmental conditions.
- **What is the life expectancy of the facilities you are putting in?**
  - *Overhead transmission:* 80 to 100 year life expectancy with appropriate maintenance
  - *Underground transmission:* 25 to 40 year life expectancy due to degradation of insulation and the heat dissipating around the cables



**Portland General Electric Company**  
121 SW Salmon Street • Portland, OR 97204  
portlandgeneral.com

Thank you again for the opportunity to submit comments into the record. PGE very much appreciates our partnership with Clackamas County, and we look forward to continuing working with you as this process moves forward.

As always, please feel free to reach out to me or my staff with any questions.

Respectfully,

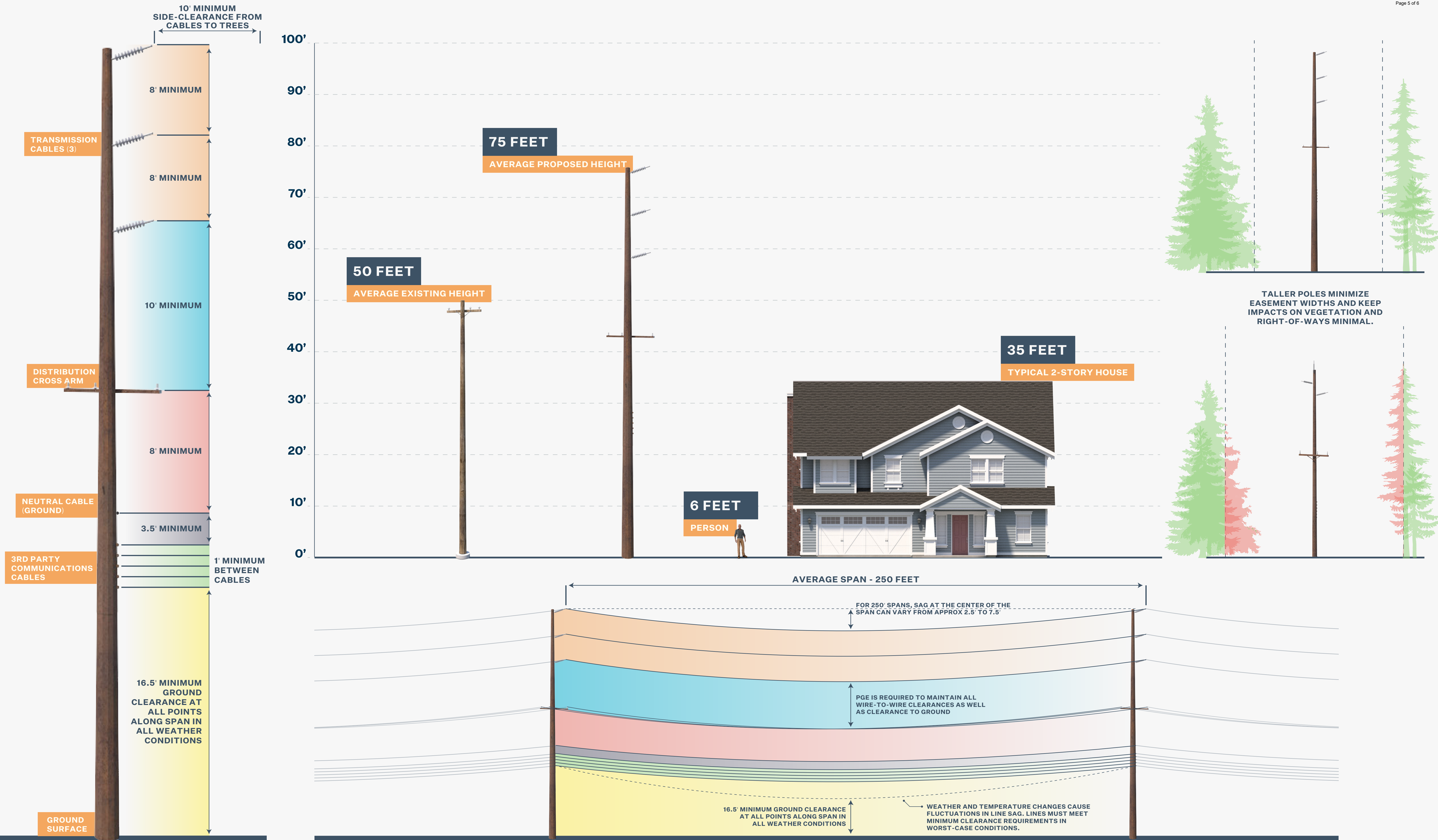
A handwritten signature in blue ink that reads "Larry Bekkedahl".

Larry Bekkedahl, Senior Vice President  
Strategy & Advanced Energy Delivery

**CC:**

**Board of Clackamas County Commissioners**  
**Gary Schmidt, County Administrator**  
**Dan Johnson, Director of Transportation & Development**  
**Jennifer Hughes, Planning Director**  
**Joy fields, Principal Planner**

Attached: Pole Graphic



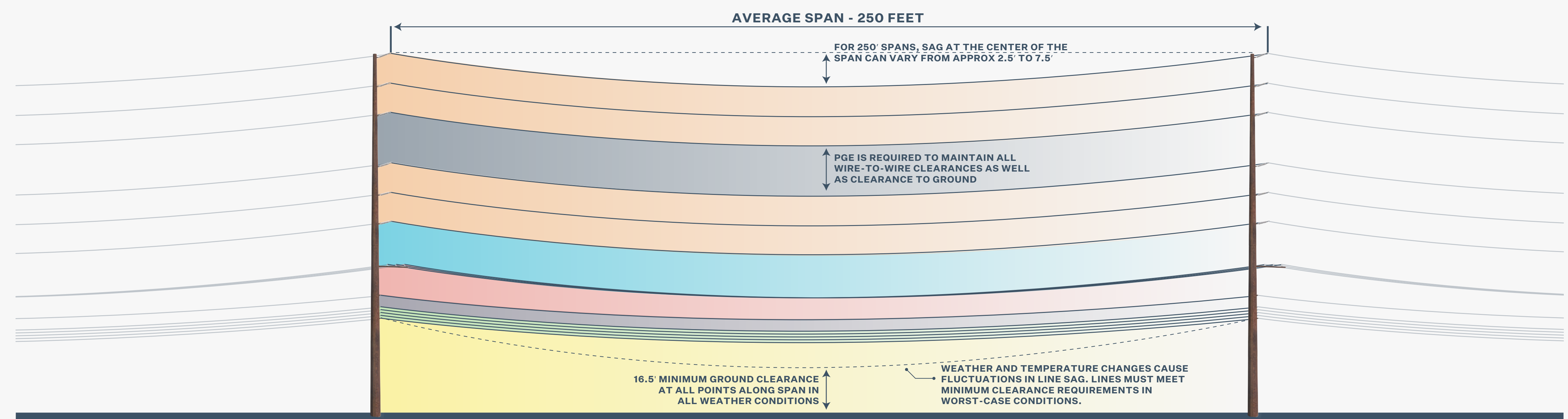
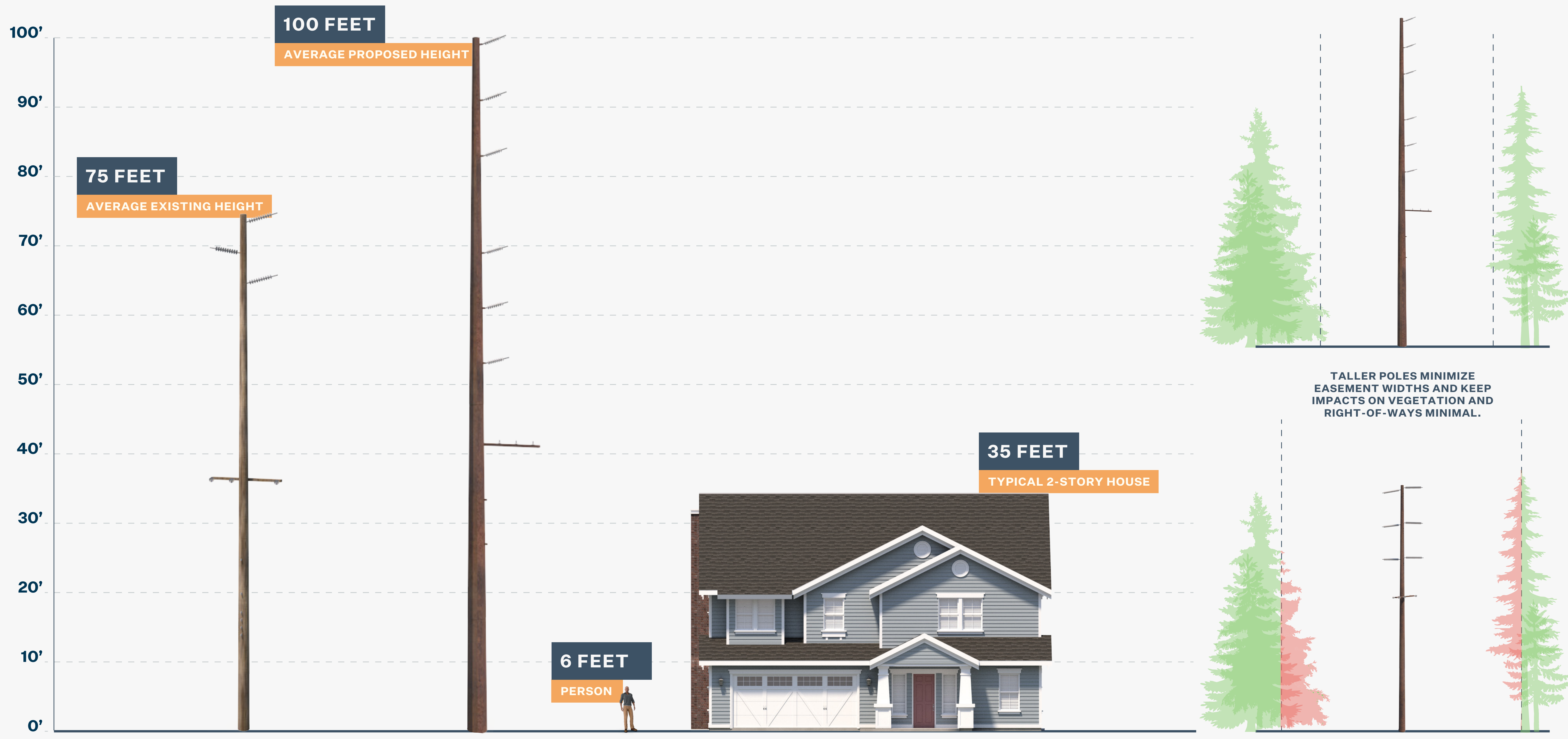
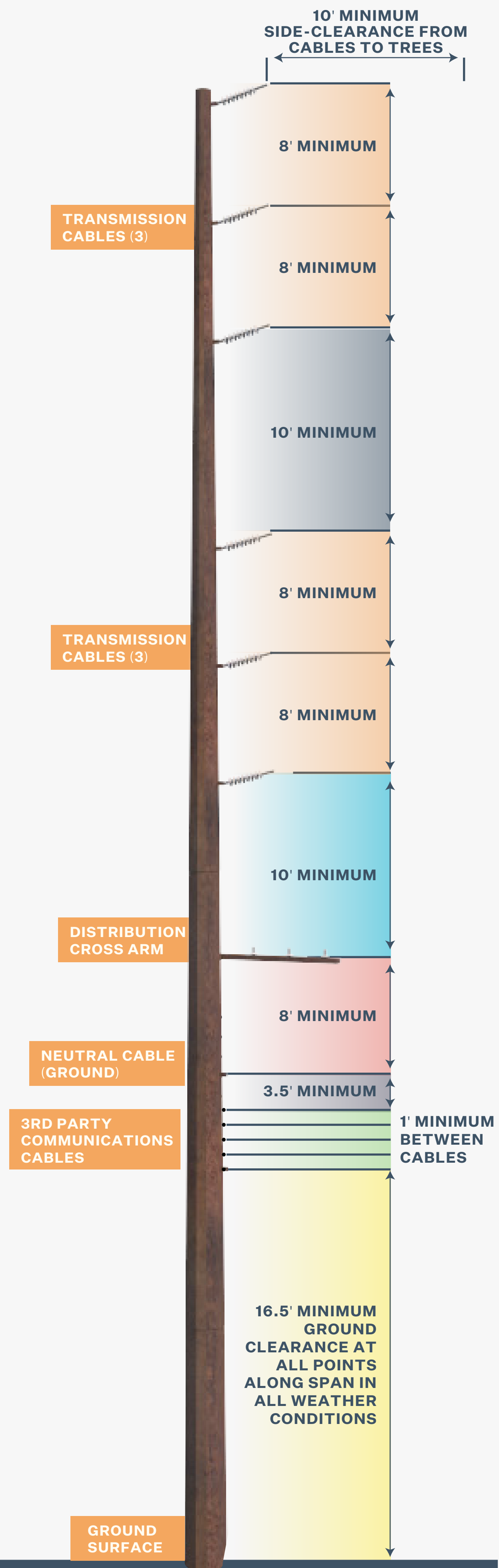
**TONQUIN SUBSTATION PROJECT**  
**TYPICAL STRUCTURE SPECIFICATIONS**

**SINGLE CIRCUIT**  
**PROPOSED STRUCTURES**

Visualizations are for discussion purposes only.  
Final design is subject to change pending public,  
engineering, and regulatory review.



**An Oregon kind of energy.™**



**TONQUIN SUBSTATION PROJECT**  
**TYPICAL STRUCTURE SPECIFICATIONS**

**DOUBLE CIRCUIT PROPOSED STRUCTURES**

Visualizations are for discussion purposes only. Final design is subject to change pending public, engineering, and regulatory review.



**An Oregon kind of energy.™**



## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Monday, May 6, 2024 8:13 AM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: Tonquin Project

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Shannon Darrow <Sdarrow@protonmail.com>  
**Sent:** Friday, May 3, 2024 11:44 AM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** Tonquin Project

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

---

Hi Darcy,

I was told you are the admin for all the planning commissioners. I am live on Stafford Road in Tualatin and am very concerned about what seems to be going on between PGE and the County. Please pass along my comment to all commissioners. I have many concerns, but I want to specifically voice my significant objection to the planning staff proposing a policy whereby the result would be a "rubber stamp" for all overhead and underground utilities, both within and outside of right of way, without any public discourse and without any consideration to the size, complexity and scope of any projects. This is NOT why people are elected and in an election year people are watching closely what is going on.

What PGE is proposing to do to our community and the information they seem to be withholding from residents and county processes is also significant. It appears that PGE is giving as limited information as possible to try and snow any of the decision makers who they are relying on to get this pushed through. Literally pushed through, because the reality of what their project will do to the residents on this long stretch of road directly, as well as every homeowner in the area is severe and no one seems to really be talking about those facts. And obviously if I was PGE I would do the same, make this look like no big deal so everyone signs off...BUT THIS IS A BIG DEAL!

I ask that the commissioners, at minimum, dig into this issue and really force PGE to be more truthful. Understand what their real reason is for needing to increase infrastructure, what that allows them to do on their rates, why this has to impact a community that will not benefit from the work. It is to take power through to another area, not our power that is currently just fine. On the face of this issue it appears to be another large company having all the power and the elected officials letting them. It would be great to see elected officials stand up to PGE and actually make them account for what they truly are trying to do to our community and why they believe it to be necessary (because it really isn't).

Thank you,

Shannon & Brett Darrow

**Archived:** Wednesday, May 8, 2024 9:47:54 AM  
**From:** Renhard, Darcy  
**Sent:** Wednesday, May 8, 2024 9:15:21 AM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: PGE and Planning Meeting  
**Response requested:** No  
**Sensitivity:** Normal

---

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** James Bresee <jbres001@gmail.com>  
**Sent:** Wednesday, May 8, 2024 9:09 AM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** PGE and Planning Meeting

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

---

Darcy,

I am writing today to express my **profound concern** and disappointment at the project being developed along Stafford Road by PGE. And particularly at the proposed change to policy that would allow PGE to circumvent critical safety oversight.

As I am sure you are aware, this project represents a disfiguring and invasive assault on our community. The Stafford community is a precious jewel of natural beauty, a lovely oasis in the otherwise expanding Suburban sprawl around Portland. The Stafford area represents what is cherished among Oregonians: Natural green space; **"Keep Oregon Green"**

Running 100 foot tall **transmission lines** along Stafford will be carving a permanent scar through the heart of the community and endangering the lives and lifestyle of those that live there.

It is appalling that in the wake of the horrific events in Hawaii and destructive fires in our own state, that Clackamas County would be willing to allow high voltage transmission power lines directly *over* people's homes. The climate is changing. Our summers are long and dry and hot. Ice storms are not uncommon in the winter. And downed high voltage power lines represent a *significant* threat. That is why these lines typically run **well away from neighborhoods and communities**.

I understand fully this is a PGE project and not a county project. But the county has a legal and moral obligation to **protect the citizens when large companies overstep and put the citizens at risk**. That is a fundamental role of government: To protect the citizens. Adopting the ZDO-288 Policy changes would give large for-profit companies unrestricted power to endanger our lives and compromise our lifestyle without appropriate oversight. It's simple: PGE wants these dangerous and disfiguring transmission lines on Stafford Road because it is the least expensive option for them. **Why is PGE's bottom line more important than the lives and lifestyle of Clackamas County families?**

This project is *not* a modification or enhancement of existing lines. This project is the installation of **new** transmission lines, and as such, are subject to review under multiple Oregon statutes. That is *exactly* why we need the Public Utility Commission and the existing government approval process: To protect families and communities from harm. Changing policy now, with this grotesque project pending, would be abdicating your responsibility to keep us safe.

I am not asking that you use any authority to block this project. But I am asking you to think about what this will do to the community and the lives that are being put at risk. Where else are 100 foot high voltage transmission lines adjacent to populated areas? PGE advocates running lines underground to reduce the risk of fire by 99%. While more lines are being buried to protect homes and lives, why would we allow new higher voltage lines to be placed so close to so many families? Why are we being put at risk instead of PGE finding a better, safer solution?

And why *exactly now* to change the ZDO-288 Policy? Could it be that this specific policy change at **this very moment** is designed to

help PGE circumvent protections? It's awfully suspicious, and those supporting this policy change would certainly come under a great deal of public scrutiny.

I appreciate your time. Please cc the other planning commissioners with this email. I hope to attend the upcoming meeting on Monday at 6:30 PM.

Thanks,  
James

--

\*\*\*\*\*

James Bresee, M.D.  
Attending Urologist  
Northwest Urology

9135 SW Barnes Rd, Suite 663  
Portland, OR 97225

\*\*\*\*\*

May 8, 2024

Fr: Ron Schaaf  
21929 SW Stafford Rd.  
Tualatin, OR 97062  
[schaaf@teleport.com](mailto:schaaf@teleport.com)

To: Darcy Renhard  
Admin for Clackamas County Planning Commissioners  
[drenhard@clackamas.us](mailto:drenhard@clackamas.us)

Dear Ms. Renhard,

I am writing to you as a concerned member of the Clackamas County and Stafford Rd. communities regarding the recent proposal by the Planning Department to modify the permit process for utility companies. It has come to my attention that there is a recommendation to allow utility companies to gain permits both within and outside of existing right-of-ways without proper public discourse or consideration of the project's impact, as noted in the planning committee meeting held on April 8th.

The "rubber-stamping" of permits for both overhead and underground utilities poses significant concerns. This process could potentially overlook the size, complexity and scope of utility projects, which could compromise the interests and safety of the public and the environment. Such a change would be a clear abdication of the County's responsibilities to ensure that community interests are safeguarded through careful and deliberate planning decisions. Also, the distinction between overhead and underground utility lines, while important, should not detract from the broader issue of ensuring that there is adequate review and opportunity for public input.

I urge the Planning Commissioners to consider the long-term implications of such a policy change and to maintain a process that includes rigorous scrutiny and public involvement. It is vital that any decision made has the backing of a well-informed community that has been given a fair opportunity to voice concerns and suggestions.

Please share my comments with all of the planning commissioners. Thank you for your attention to this serious matter.

Sincerely,

Ron Schaaf

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Wednesday, May 8, 2024 3:20 PM  
**To:** Hughes, Jennifer; Fields, Joy  
**Subject:** FW: PGE project Stafford Road

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Monsgenk32 <monsgenk32@frontier.com>  
**Sent:** Wednesday, May 8, 2024 3:19 PM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** PGE project Stafford Road

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

---

Good afternoon Ms Renhard,

My husband and I have lived for 40 years at 22251 SW Stafford Road. We are among the few that have been here for so long. During that time we have seen many changes.

More development, more traffic and more accidents. The most recent one was 3 weeks ago in front of our drive way. The driver was speeding around the curve and flipped.

We are very concerned about the new PGE poles. I grew up in Belgium where electricity cables are buried in the ground. Voltage is 220 so I don't see any reason why PGE doesn't buried the lines. On Willamette drive in West Linn and on Boones Ferry in Lake Grove, there are in the ground.

If the answer is because of the cost, each time there is a storm, PGE has to repair the lines. Over 40 years I have seen many storms and repairs. And who pay for those repairs?

The customers do. PGE raised their prices by 17% this year and they already announced another increase in 2025. So whatever the cost we will be billed for it anyway.

Burying the lines would not impact properties as much as those poles.

Also I don't understand how a corporation can have eminent domain over private property. This does not sit well with the image I have of the United States.

My other concern is fire. Every one on Stafford Road is on well water. If we lose electricity, we lose our well.

I hope you will support us in asking PGE to bury the lines.

Thank you for support.

Chantal and Kevin Kelly

May 9, 2024

Fr: Carol Schaaf  
21929 SW Stafford Rd.  
Tualatin, OR 97062

To: Darcy Renhard Admin for Clackamas County Planning Commissioners  
drenhard@clackamas.us

Dear Ms. Renhard,

RE: Regarding the recent proposal by the Planning Department to modify the permit process for utility companies

I am writing to you, Darcy, as a concerned homeowner of the Clackamas County and Stafford Road communities. I understand as a real estate investor the risk to property values if a homeowner/property owner loses their rights for a voice in a public setting.

There is a recommendation to allow utility companies to gain permits both within and outside of existing right-of-ways without proper public discourse or consideration of the project's impact, as noted in the planning committee meeting held on April 8th.

This "rubber-stamping" of permits for both overhead and underground utilities poses significant concerns. Several concerns are the nesting American Bald Eagle and the Peregrine Falcon that fly over Stafford Road (video proof). And devaluation risks to homeowners/property owners and their land rights. We need due processes to occur.

I urge the Planning Commissioners to consider the long-term implications and reduction to property value in the entire area (appraisals are used in area not just Stafford Road). We need to keep the wildlife and this beautiful majestic birds safe and high power lines would hurt their ears moving their lifetime nests elsewhere or potentially killing the birds. We need to maintain a process that includes rigorous scrutiny and public involvement.

Please share my comments with all of the planning commissioners. Thank you for your attention to this serious matter.

Sincerely,

Carol Schaaf

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Monday, May 13, 2024 8:54 AM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: require utilities to get permits for all new construction

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Todd Hess <thess@toddhessbldg.com>  
**Sent:** Monday, May 13, 2024 8:41 AM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** require utilities to get permits for all new construction

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

---

---

Hello Darcy,

Please forward my comments to the commissioners. Thank you!

My name is Todd Hess. My home address is 24416 SW Stafford Road in the area where PGE is pursuing installing high power transmission lines.

I've been a commercial building contractor for 40 years. All our projects require building permits and some of our sub-contractors are required to get building permits for their work. Requiring building permits are a good thing. It gives the local municipalities a chance to review planning, zoning and building departments the opportunity to review the proposed work before it starts and confirm the work will meet, zoning laws, structural requirements, aesthetic requirements, etc.

I am requesting that Clackamas County NOT give up this oversight for any utility work except minor maintenance work on already constructed work. We are looking to the county to protect its citizens from any utility doing work inside of and outside of existing easements that does not meet the standards of the County. In the case of Stafford Road, PGE is proposing ruining the aesthetics of the properties by installing high powered transmission lines along this residential road. Do not allow this project to proceed. In addition do not allow any other project to proceed without approval of the county and Jurisdictions Having Authority. Do not give up your authority to approve or deny proposed work.

All projects constructed either by private companies or the utilities need to have review and oversight by the local municipalities.

Thank you,



**TODD HESS**

***TODD HESS BUILDING COMPANY***

*"Challenge Us, We'll Deliver!"*

9414 SW BARBUR BOULEVARD, STE 240

PORTLAND, OREGON 97219

Phone: (503) 209-7615

Darcy Renhard,

Abraham Lincoln said in the Gettysburg address

**“This nation, under God, shall have a new birth of freedom and that government of the people, By the people, for the people shall not perish from this Earth.”**

My wife and I are in opposition to the new power lines along Stafford Road

We are among the group of over 50 property owners from I- 205 to 65<sup>th</sup> Ave. in opposition and not all property owners have been notified only the ones affected by easement.

And the points I want to make I have listed below.

PGE has forgotten that they serve the public and it was wrong for PGE to Plan, Engineer, layout and survey this project in secret without the input from the public which it serves

It is wrong and Criminal for PGE to remove the names of Save Stafford Road from notices that affect all of us.

It is wrong for PGE to step onto my property and tell me they are going to take my property for their use cut down 10 of my Fifty year old Fir Trees. I have a 200 year old Tree, 50” in diameter. PGE told me they are going to shave all the branches on one side from top to bottom.

PGE thinks they can rape our property and leave us no aesthetic value on our frontage to Stafford Road.

PGE is ignoring the total value loss we and all the other property owners will experience, the total value loss is staggering.

**How dare Clackamas County, Jennifer Hughes and PGE be so arrogant, cavalier and deceitful as to Think they can bypass any process with a rubber stamp.**

**It appears WE THE PEOPLE have no rights.**

Cal Wigant

Diane Wigant

23662 SW Stafford Road

Tualatin, Oregon

503-209-3981

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Monday, May 13, 2024 9:35 AM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: Regarding Stafford Road project and ZDO-288

Darcy Renhard  
503.742.4545  
Clackamas County

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

**From:** Anthony Ferroggiaro <anthonyferroggiaro@gmail.com>  
**Sent:** Monday, May 13, 2024 9:34 AM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** Regarding Stafford Road project and ZDO-288

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

Ms. Renhard and the Clackamas County Planning Commission, Thank you for taking time to receive public input regarding this issue. Though I am not a property owner adjacent to Stafford Road I have participated in this process since I am a community member in this area. My address is 3880 SW Homesteader Road. Today I am communicating my concerns regarding open space value and the balance between government and individual values.

I moved from Northeast Portland three years ago to reestablish a 5-acre property in the Stafford area for agricultural value. What I have appreciated in these past years is the value of a vista. Though vistas or views are rarely described as open space, most would acknowledge that an uncompromised, restive, natural view has inestimable value. Indeed, I had not realized this lack of environmental value while living in Portland but now such dramatic contrast of sunlight, views of green space, etc. is in sharp contrast to the limited view, power pole dominant metro environment. I realized I had moved also for the value of the view. Unfortunately the PGE process for power poles on Stafford Road is a threat to these values.

People choose environments to live in understanding that there are compromises. One example is three years ago when we had the ice storm many of us were without power for several days. It was understood that we lived rurally and would have to accept a lack of services for a period of time. Companies and utilities also need to consider activities in balance or in reflection of community values. The conflict with the Stafford Road project is one of mismatch. PGE has reportedly explored alternatives to placing the obvious 40 foot metal poles along Stafford Road and determined this was the best choice. Though more costly, some alternatives may be more aligned with the environment, quality and community value.

Please understand that I am not anti-development and it is obvious that development is inevitable due to the desired quality of life that Oregon provides. Similarly, I am willing to share a natural view as above as long as this natural view has been preserved. Thoughtful consideration of factors, balancing quality of living with development would represent

board's or committee's best activity. It is understood that this takes time and effort and our community deeply appreciates this commitment.

Moreover, in reading the minutes from the prior Planning Commission, it is concerning that a short-cutting of the approval process for utility development is being considered. A one size approach policy due to desired efficiencies is fraught with danger. History is full of bad outcomes when shortcuts are taken, clearly an example of this is Pacific Gas and Electric in California and its decision to keep lines above ground.

Finally, since we are all often subjected to our own individual values despite our public position, I encourage you to consider your own personal reaction to a decision to place a 40 foot metal power pole in your view from your home's main room window. Considering your own residence, wouldn't this compromise your own value? Your own vista? Would you not ask for an explanation at minimum and at maximum resist any decision that was made without individual input or consideration?

Thank you,  
Anthony Ferroggiaro, MD

My name is Ed Wagner and I am the Vice President of the legal organization called Save Stafford Road and have been intimately involved since last May in leading our groups' opposition to the proposed High Voltage PGE Power lines on Stafford Road. Save Stafford Road consists of 50 homeowners.

At the November 29<sup>th</sup> board meeting the planning staff presented to the board a ZDO policy change that would change the land use permit process for utility power lines from a Conditional Use to essentially a rubber stamp approval process. The reason given for such a change was because the planning department was receiving upwards of 2000 permit applications per year and were understaffed. At that meeting, there was a 3-1 vote for the planning staff to continue to develop a common sense permit policy. The one key dissenting vote against this new policy was from Commissioner Savas who expressed a concern that the policy as brought before the board did not take into consideration size, scope and complexity of permit applications and in particular did not allow or include any public notification or input. It was the boards' stipulation that the planning staff needed to take Commissioner Savas' concerns into consideration. At this point, based upon the two previous planning commissioners meetings, we have seen no consideration for either of two critical elements.

Secondarily, while we have no reason to question the staffing constraints of the planning department, we find it incredulous that the timing of this new ZDO proposal isn't based more on satisfying PGE than resource constraints. At each of the previous board and planning meetings, comments by county staff have been made that the new policy changes had nothing to do with PGE and the Tonquin project. These statements have always been met with incredulity. While we have restrained from accusing anyone of this timing coincidence, let me read to you the legal testimony from Meredith Armstrong who is a lead official at PGE in their PUC application for a Convenience and Necessity Permit where Larry Bakkedahl, the VP at PGE has stated they plan on condemning many properties on Stafford Road. Here is Ms Armstrong's answer to the question:

Why has PGE not yet received the necessary permits from Clackamas County?

"PGE initiated preliminary discussions with Clackamas County Development Engineering Department staff in December 2021. Per the county's standard and traditional practice, PGE understood that no land use permits would be required

by Clackamas County. Accordingly, the company (PGE) submitted only a right of way permit application in May of 2023 – a permit that is typically issued within one to two weeks upon receipt of application and without any land use review required. However, in late Fall 2023, the county’s counsel reviewed the Clackamas County Zoning and Development Ordinance (ZDO) and determined that the county staff’s past application of ZDO was not correct per the current ZDO. County staff subsequently informed PGE that the ZDO did require a land use permit for the Rosemont-Wilsonville Line.

In November 2023, county staff indicated that the ZDO should allow construction of utility power lines both inside and outside the right of way of roads as an outright permitted use (ie without the need for a land use permit) and initiated a process to update the ZDO through amendment. If this amendment is adopted and the project no longer requires land use review, the right of way permit will be issued and the company (PGE) will require no additional approvals for the Rosemont-Wilsonville Line”

---

It wasn’t until Save Stafford Road hired Greg Hathaway of Hathaway Larson legal firm in September 2023 to contact the county’s assistant attorney to point out to the planning commission that the conditional use permit was required. How can this be? The county doesn’t even know its own Rules and Policies? Or has the planning department all this time just decided to ignore the rules? This should be the first serious question the Planning commissioners need to ask.

And then per Ms. Armstrong’s testimony right after our attorney reminded/disclosed the need for a conditional use permit she says: “In November 2023 (not coincidentally right after our legal involvement) county staff indicated that the ZDO should allow construction of utility power lines both inside and outside the right of way as an outright permitted use (for example without the need for a land use permit)”. Does this indicate that anytime someone at county doesn’t like an Ordinance they can just change it without a thorough justification?

This isn’t even an issue of suspicion. This is an out and out attempt to placate PGE with a forever rubber stamp permit approval process where they and any other

power line projects will be green lighted without any consideration of property invasion, environmental impact and fire risk danger.

The planning staff was supposed to present a fair and equitable policy change which would provide guidance as to when a simple permit application warranted a rubber stamp and also those conditions where a conditional use permit still would be required. Instead, they are proposing a complete abdication of responsibility to the integrity of the county and the responsibility to the public at large.

The public has a right to know why these changes were really being considered. There has been no real discussion about the short and long term impact of this potentially dangerous policy change. There is a reason these policies were originally instituted and the rationale that the county doesn't have the necessary resources isn't enough to warrant such a dramatic change. The question asked at the last planning meeting by one of the commissioners was the right one – if the county had the necessary resources would these changes be made?

We recommend that effective immediately, due to these obvious highly questionable actions, that the commissioners request a complete withdrawal of this policy change proposal and investigate all the circumstances why the current policy wasn't being either understood or complied with and then why a new policy change was immediately being proposed by the county that would expedite PGE's current Tonquin and all future projects without any oversight.

Ed Wagner

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Monday, May 13, 2024 4:18 PM  
**To:** Fields, Joy; Hughes, Jennifer  
**Subject:** FW: File ZDO-288-Change to Clackamas County code

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Jeanie Braun <jeanie@braunc.com>  
**Sent:** Monday, May 13, 2024 3:43 PM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** File ZDO-288-Change to Clackamas County code

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

---

---

Ms. Fields & Ms. Renhard,

I am opposed to the proposed amendments to the Clackamas County Zoning and Development Ordinance (ZDO) that would adopt a comprehensive definition of 'utility facility', clarify the types of utility lines that must be underground, and outright allow utility facilities inside the right of way and utility lines outside the right of way. To not require PGE to obtain a Conditional Use permit under current county law would be a complete abdication of the county's obligation to the public.

This proposed rule change obviously has PGE's backing. As you know, PGE is planning to construct a new 115kV high voltage power line from Rosemont substation along Stafford Road to the new Tonquin substation. The proposal to change to CUP or conditional use permit process would push this project through to replace 40' tall 15kV 100'-150' power poles in our rural residential neighborhood. If this passes, there would be no opportunity for public comment. The property owners and surrounding community concerns and questions would be ignored and eliminated. Many community members are upset does allows a large corporation like PGE to bulldoze their way through and change the zoning requirement rules.

At minimum there needed to be consideration to continue the standard CUP process for larger and more complicated projects, which of course, the community believes the Tonquin project would easily qualify. One of the main considerations for a non-conforming permit is the permit requestor needs to prove there is no major impact to the alteration of the character of the neighborhood. Why would this consideration be made by the County when all other major zoning changes are requiring a permit? This due process is would be eliminated and circumvent the current rules. This major change needs to be considered from more than one standpoint.



There will be little transparency, public notice or comments on the changes to the County right of way our onto private property behind the right of way even though the negative impacts will be significant.

PGE's Tonquin project along our road along Stafford as well as other major projects in Clackamas County will have a major impact on and drastically change the neighborhood.

The project will change aesthetics/destruction of trees, use Stafford Road as a highway bypass to I205 and I5, increase the danger of wrecks and pole damage and significantly devalue property owners home values. There is mass community opposition to the high voltage lines, lines near buildings, and safety concerns with the increased fire danger in an unprotected rural area.

Please pass on my comments (to all the other commissioners), expressing my opposition of this change to rubber stamp all overhead and underground utilities both within and outside of the right of way without any public discourse and without any consideration to the size, complexity and scope of new projects.

All My Best,

*Jeanie Braun*

24805 SW Gage Rd  
Wilsonville, OR. 97070  
503-708-4580 Cell  
503-638-6406 Office  
503-638-3219 Fax

[www.BraunConstruction.org](http://www.BraunConstruction.org)

## Fields, Joy

---

**From:** Renhard, Darcy  
**Sent:** Tuesday, May 14, 2024 8:00 AM  
**To:** Hughes, Jennifer; Fields, Joy  
**Subject:** FW: Obligation to the Public

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Frontier Security <canecanee@frontier.com>  
**Sent:** Monday, May 13, 2024 10:55 PM  
**To:** Renhard, Darcy <DRenhard@clackamas.us>  
**Subject:** Re: Obligation to the Public

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

---

---

My apologies. I am referring to the ZDO policy change that would change the land use permit process for utility power lines from a Conditional use to basically a rubber stamp approval process. Thank you Karin PJ

On Thursday, May 9, 2024 at 11:25:40 AM PDT, Renhard, Darcy <[drenhard@clackamas.us](mailto:drenhard@clackamas.us)> wrote:

Good morning Ms. Potter,

Which new policy are you specifically referring to?

Best regards,

**Darcy Renhard**  
503.742.4545  
Clackamas County

---

**From:** Frontier Security <[canecanee@frontier.com](mailto:canecanee@frontier.com)>  
**Sent:** Wednesday, May 8, 2024 10:18 PM  
**To:** Renhard, Darcy <[DRenhard@clackamas.us](mailto:DRenhard@clackamas.us)>  
**Subject:** Obligation to the Public

---

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

---

Darcy Renhard,

It is my hope that you easily understand that this new policy would not be in the best interest of the public. I am completely opposed. Karin Potter

## Fields, Joy

---

**From:** Hughes, Jennifer  
**Sent:** Thursday, May 30, 2024 1:14 PM  
**To:** Fields, Joy  
**Subject:** FW: ZDO-288 Planning Commission Vote

---

**From:** Edward Wagner <edawagner@gmail.com>  
**Sent:** Saturday, May 25, 2024 11:44 AM  
**To:** Smith, Tootie <TootieSmith@clackamas.us>; Schrader, Martha <MarthaSchrader@clackamas.us>; Shull, Mark <MarkShull@clackamas.us>; Savas, Paul <PSavas@clackamas.us>; West, Ben <BenWest@clackamas.us>  
**Cc:** Hughes, Jennifer <jenniferh@clackamas.us>  
**Subject:** ZDO-288 Planning Commission Vote

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

---

---

Board Members - on May 13th after considerable discussion and compromise, the planning commissioners voted 5 - 2 to reject the primary policy change proposal to land use permits. The outcome of the vote is to require electrical and gas utility lines outside of existing right of way to apply and acquire Conditional Use permits. It's important to disclose that the original motion offered by Tammy Stevens failed by a vote of 4 - 3 with the main objection being that sewer and drainage lines were included in the policy change which was a big concern by Carrie Pak. At that point, Tom Minnaugh asked Jennifer Hughes if sewer and drainage lines were excluded would this mitigate some of the permit work load from the planning department and Ms. Hughes indicated that it in fact would. At that point a new motion was presented and once the CUP requirement excluded sewer and drainage lines and only pertained to gas and electrical lines the vote resulted in a reversal. The primary concern of the commissioners was the importance of public disclosure and participation in adding utility lines due especially to potential condemnation at the PUC level. It is also very important to recognize that the most outspoken voice in favor of no CUP requirements was Tom Peterson who indicated that no matter which way the vote went, it had to be all or nothing as trying to differentiate between small of big projects and scope and complexity and homeowner condemnation issues is too difficult to establish. Ironically, at the November meeting where the change proposal was first made it was my thought that this is what the planning staff would attempt to do, but in retrospect I think Tom Peterson is correct that the 5 - 2 was a vote that all CUP requirements would be necessary regardless of size, scope or complexity. Our organization, Save Stafford Road applauds the Planning Commissioners' diligent consideration of this proposal and we encourage the Board to approve their 5- 2 recommendation at the June 12th Board meeting.

Respectfully

Ed Wagner

Vice President Save Stafford Road



05/22/2024

Issued to: The Oregon Clackamas County Board of Commissioners  
Re: ZDO-288 May 13, 2024 Planning Commission Meeting Resolution to Modify  
By: The Stafford Hamlet and Stafford-Tualatin Valley CPO

We the Stafford Hamlet and the Stafford-Tualatin Valley CPO through unanimous votes from each organization are in full support of the May 13, 2024 Oregon Clackamas County Planning Commission Meeting resolution and recommendation to modify ZDO 288 to require Conditional Use Permit Applications for Power and Communication Transmission Facilities in the designated unincorporated areas of Clackamas County. That is, specifically as stated in the May 17, 2024 email from Jennifer Hewes Clackamas County Planning Director (Attachment A).

Our Vote, Board, and Community Meeting on this subject occurred electronically during our monthly meeting on May 14, 2024 through the Zoom Meeting Video Platform.

Significant prior descriptions and discussions of ZDO 288 by Stafford community organizations and the impacts of this proposed ordinance on the Stafford Road Transmission Line Project and future utilities developments have been issued through email and reviewed at prior meetings before this vote. If there are any questions about this resolution of support, please contact Danielle Weber at [staffordhamlet@gmail.com](mailto:staffordhamlet@gmail.com) or Randall Yamada at [staffordcpo@gmail.com](mailto:staffordcpo@gmail.com).

Please include this letter as a part of the final record for ZDO-288.

Stafford Hamlet  
&  
Stafford-Tualatin Valley CPO



## Attachment A

### Re: 05/17/2024 Text of Email from Jennifer Hewes, Planning Director

The Board's hearing is scheduled for June 12. We will have a revised draft by June 5 and possibly sooner. Written testimony is accepted until the record closes, which will occur no sooner than the end of the hearing. I listened to the Planning Commission meeting recording this morning. To summarize the Planning Commission's recommendation:

Approval of the Comprehensive Plan and ZDO amendments to:

- Adopt a comprehensive definition of utility facility
  
- Clarify that the zoning requirement for utility lines to be underground (except where prohibited by the utility provider) applies to service lines and not larger lines such as distribution or transmission
  
- Allow utility facilities inside road rights-of-way and utility lines outside rights-of-way as an outright permitted use EXCEPT require a conditional use permit for gas and electric lines that are:
  - Outside of rights-of-way, a utility easement or land owned by the utility; and
  - Larger than an individual service line or a line serving a development that goes through other land use review, such as a subdivision

As a practical matter, this means a conditional use would be required if the utility must condemn property. This could result in parts of a line being allowed outright and parts requiring a conditional use, depending on which property owners refuse to grant an easement without condemnation.