

Exhibit B
Ordinance ZDO-282
Zoning and Development Ordinance Amendments

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

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 X-CRC-1, *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

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

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

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

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

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

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

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

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

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

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

CULTURAL RESOURCE: Improvements, buildings, structures, signs, features,

sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the community members of the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROUNDWATER: Any water, except capillary moisture, beneath the land surface

or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves.

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

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

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

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

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

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

HOME OCCUPATION: An occupation or business activity that results in a product or service and is conducted, in whole or in part, in a dwelling unit, an accessory building normally associated with primary uses allowed in the subject zoning district, or both. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or

services unless such sales and parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

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

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

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

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

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

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

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

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

INSTITUTIONAL USE: The use of land and/or structures for activities such as child care, adult daycare and pre-school facilities, public and private schools, colleges, universities, art, music, trade and other educational and training facilities, convalescent care facilities, nursing homes, hospitals, places of worship, fraternal

lodges, municipal and civic buildings, transit centers and park-and-ride facilities, parks, swimming pools and other recreational facilities open to the public or a membership group, senior and community centers, libraries, museums, cemeteries and mausoleums, utility facilities, and similar public and private uses.

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

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

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

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

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

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

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

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

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

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

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

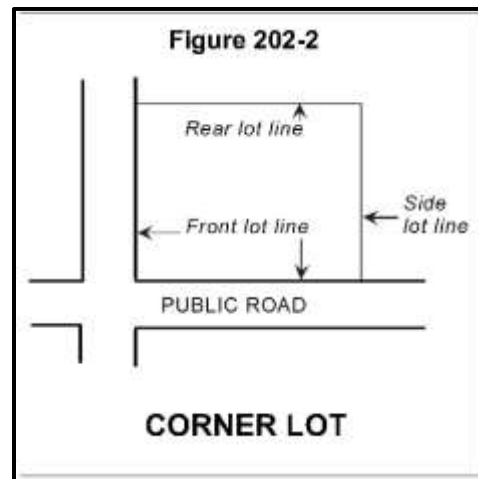
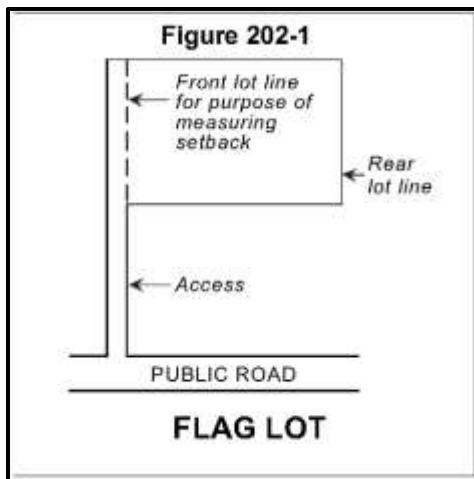
LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area. Swimming pools are not considered buildings for the purpose of this definition.

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

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

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

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



LOT LINE, REAR: Any boundary line opposite and most distant from the front lot

line and not intersecting a front lot line. Exceptions are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

registered with the Oregon Health Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERSON DESIGNATED TO PRODUCE MARIJUANA BY A REGISTRY IDENTIFICATION CARDHOLDER: A person designated to produce marijuana by

a registry identification cardholder under ORS 475B.420 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or parcels.

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

RESIDENTIAL TRAILER: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed before January 1, 1962, in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction and is greater than 400 square feet and less than 700 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, DRIVE-THRU: A freestanding or building sign for a commercial drive-thru window service that is oriented toward a drive-thru lane on the same property and that is for viewing by drivers and their passengers while they are in the drive-thru lane, but does not extend higher than eight feet above grade.

SIGN, ELECTRONIC MESSAGE CENTER: A sign, display, or device, or portion thereof, whose message may be changed by electronic process or remote control, and includes electronic time and temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

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

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

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

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

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

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

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

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

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

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

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

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

SIGN, ROOF: Any sign erected and constructed wholly on and on top of the roof of a building, supported by the roof structure.

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

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

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

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

only one sign surface.

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

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

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

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

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

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

1. The power generating capacity of a roof-mounted solar energy system that is located on a primary use, conditional use, or limited use structure is limited only by the size of the system that can fit within the confines of the roof surface to which it is mounted.
2. The power generating capacity of a ground-mounted solar energy system, or of a roof-mounted solar energy system that is located on an accessory structure, is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

SOLID WASTE: As defined in Chapter 10.03, *Solid Waste and Wastes Management*, of the Clackamas County Code.

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

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

such running water.

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

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

STREET: See “ROAD”.

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

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

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

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

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

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

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

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

not mean operations within a road right-of-way or other easement for the purpose of construction, reconstruction, or maintenance; excavations of sand, gravel, clay, rock, or other similar materials by a landowner or tenant for the purpose of construction, reconstruction, or maintenance of access roads; excavation or grading in the process of farming, forestry, or cemetery operations, or other onsite construction, unless more than 5,000 cubic yards of such materials are removed from the property for compensation, except that more than 5,000 cubic yards of such materials may be removed from the property for compensation when the construction activities are authorized by a building permit.

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

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

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

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

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

TOWNHOUSE: A dwelling unit that shares at least one wall, or portion thereof, with another townhouse and is located on a separate lot of record from any other dwelling that is not an accessory dwelling unit.

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

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

TRANSFER STATION: A fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system, between a collection

route and a processing facility or a disposal site, including, but not limited to, drop boxes made available for general public use. Solid waste collection vehicles are not transfer stations.

TRANSIT STOP: Any posted bus or light rail stop.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[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]

315 URBAN LOW DENSITY RESIDENTIAL (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, AND R-30), VILLAGE STANDARD LOT RESIDENTIAL (VR-5/7), VILLAGE SMALL LOT RESIDENTIAL (VR-4/5), VILLAGE TOWNHOUSE (VTH), PLANNED MEDIUM DENSITY RESIDENTIAL (PMD), MEDIUM DENSITY RESIDENTIAL (MR-1), MEDIUM HIGH DENSITY RESIDENTIAL (MR-2), HIGH DENSITY RESIDENTIAL (HDR), VILLAGE APARTMENT (VA), SPECIAL HIGH DENSITY RESIDENTIAL (SHD), AND REGIONAL CENTER HIGH DENSITY RESIDENTIAL (RCHDR) DISTRICTS

315.01 PURPOSE

Section 315 is adopted to implement the policies of the Comprehensive Plan for Low Density Residential, Village Standard Lot Residential, Village Small Lot Residential, Village Townhouse, Medium Density Residential, Medium High Density Residential, High Density Residential, Special High Density Residential, Village Apartment, and Regional Center High Density Residential areas.

315.02 APPLICABILITY

Section 315 applies to land in the Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts, hereinafter collectively referred to as the urban residential zoning districts.

315.03 USES PERMITTED

A. Uses permitted in each urban residential zoning district are listed in Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*. Uses not listed are prohibited, except:

1. In the PMD District, uses similar to one or more of the listed uses for the PMD District may be authorized pursuant to Section 106, *Authorizations of Similar Uses*; and
2. In the HDR, SHD, and RCHDR Districts, uses similar to one or more of the listed limited uses for the applicable zoning district may be authorized pursuant to Section 106.

B. As used in Table 315-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.

3. “L” means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
 4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
 5. “CPUD” means the use is allowed as a conditional use in a planned unit development.
 6. “X” means the use is prohibited.
 7. Numbers in superscript correspond to the notes that follow Table 315-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 315.04, *Dimensional and Building Design Standards*; ~~Subsection 315.05, *Development Standards*~~; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

315.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the urban residential zoning districts are listed in Tables 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts*; 315-3, *Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-4, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*. As used in Tables 315-2 through 315-4, numbers in superscript correspond to the notes that follow each table.
- B. Modifications: Modifications to the standards in Tables 315-2 through 315-4 are established by Sections 800, *Special Use Requirements*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. Except in the HDR, SHD, and RCHDR Districts, modifications to the standards in these tables also are established by Section 903, *Setback Exceptions*.

~~315.05 — DEVELOPMENT STANDARDS~~

~~The following development standards apply:~~

- ~~A. Condominiums: Except in the VR-5/7 and VR-4/5 Districts, any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums: detached single family dwellings, attached single family dwellings, two family dwellings, three family dwellings, and multifamily dwellings. In the case of single family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record; however, attached single family dwellings must be attached at a wall (as they would be if a lot line separated the dwellings) rather than ceiling to floor.~~
- ~~B. Resource Protection Areas in the VR-4/5 and VR-5/7 Districts: Development of primary dwellings and accessory structures within a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use*~~

~~*Plan Map*, shall be subject to design review, pursuant to Section 1102, *Design Review*, and the following criteria:~~

- ~~1. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized.~~
- ~~2. Compliance with Subsection 1002.03 shall be demonstrated.~~
- ~~3. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area.~~
- ~~4. Driveways shall be designed to be as narrow as possible, consistent with the requirements of the fire district.~~

Table 315-1: Permitted Uses in the Urban Residential Zoning Districts

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Accessory Dwelling Units, subject to Section 839	A	A	A	A	X	X	X	X	X	X	X
Accessory Kitchens	A ⁺	A ⁺	A ⁺	A ⁺	X	A ⁺	A ⁺	X	X	X	X
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas	A	A	A	A	A	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
and receivers, transit amenities, trellises, and utility service equipment											
<u>Accessory Kitchens</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>X</u>	<u>A¹</u>	<u>A¹</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Bed and Breakfast Inns , subject to Section 832	C	X	C	X	X	P	P	P	X	L ² ,C ³	L ⁴
Bed and Breakfast Residences , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
Bus Shelters	A	A	A	A	P	A	A	A	A	A	A
Cemeteries , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
Child Care Facilities	C	C	C	C	C	C	C	L ⁵ ,C	C	L ² ,C ³	L ⁴
Civic and Cultural Facilities , including art galleries, museums, and visitor centers	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Community Halls	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD
Composting Facilities	X	X	X	X	X	X	X	X	X	X	X
Congregate Housing Facilities	X	X	X	P	P	P	P	P	P	P	P
Daycare Services, Adult	C	C	C	C	C	C	C	L ⁵ ,C	C	L ² ,C ³	L ⁴
Dwellings, Attached Single-Family	P^{7,8}	P^{7,9},C^{7,10}	P	P	X	P⁺	P⁺	X	X	X	X
<u>Dwellings, including:</u>											
Dwellings, Clustered Single-Family	X	X	X	X	P	X	X	X	X	X	X
<u>Accessory Dwelling Units</u> , subject to Section 839	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Congregate Housing Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<u>Cottage Clusters</u>	<u>P^{7,8}</u>	<u>P^{7,8}</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Dwellings , Detached Single-Family <u>Dwellings</u>	P ⁷	P ⁷	X	X	X	X	X	X	X	X	X
<u>Duplexes</u>	<u>P⁷</u>	<u>P⁷</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Manufactured Dwelling Parks, subject to Section 825</u>	<u>P⁹,C</u>	<u>P¹⁰</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Manufactured Homes</u>	<u>P⁷</u>	<u>P⁷</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Dwellings , Multifamily <u>Dwellings</u>	X	X	X	<u>X</u> ^{P¹²}	P	P	P	P	P	P	P
<u>Quadplexes</u>	<u>P^{7,8}</u>	<u>P^{7,8}</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Townhouses</u>	<u>P^{7,8}</u>	<u>P^{7,8}</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P¹¹</u>	<u>P¹¹</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Triplexes <u>Dwellings, Three-Family</u>	<u>P^{7,8}</u>	<u>P^{7,8}</u>	X	P	P	P	P	P	P	X	X
Dwellings, Two-Family	<u>P⁷</u>	<u>P⁷</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C ³	X
Farmers’ Markets , subject to Section 840	A	A	A	A	A	A	A	A	A	A	A
Fences and Retaining Walls	P	P	P	P	P	P	P	P	P	P	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L ⁵ ,C	X	L ^{2,4,12} ,C	L ⁴ ,C
Fraternal Organization Lodges	C ¹³⁺⁴	X	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴
Government Uses , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ¹³⁺⁴	X	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴
Guest Houses , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹⁴⁺⁵	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 ¹⁵⁺⁶	L ⁴ ,C
Hydroelectric Facilities	C	X	C	X	X	C	C	C	X	C	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	L ⁵ ,C ⁶ , CPUD	CPUD	L ² ,C ³ , CPUD	L ⁴ , CPUD
Livestock , subject to Section 821	A	A	A	X	X	X	X	X	X	X	X

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Manufactured Dwelling Parks, subject to Sections 824 and 825	C	X	C	X	C	P	X	X	X	X	X
Manufactured Homes, subject to Section 824	P ⁷	P ⁷	X	X	X	X	X	X	X	X	X
Marijuana Processing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments, subject to Section 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
Offices, 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 ⁵ ,C ⁶	X	L ² ,C ³	L ⁴

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Offices and Outpatient Clinics — 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 ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Parking Structures	X	X	X	X	X	A	A	A	X	A	A
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Places of Worship , subject to Section 804	C	C	C	CPUD	C	C	C	C	CPUD	C	C
Produce Stands , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
Public Utility Facilities ¹⁶⁺⁷	C ¹³⁺⁴	X	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴
Radio and Television Studios , excluding transmission towers	X	X	X	X	X	X	X	X	X	L ² ,C ³	X
Radio and Television Transmission and Receiving Towers and Earth Stations ¹⁸	C ¹³⁺⁴	X	C ¹³⁺⁴	X	X	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	X	C ¹³⁺⁴	C ¹³⁺⁴
Recreational Vehicle Camping Facilities , subject to Section 813	X	X	X	X	X	C ¹³⁺⁴	C ¹³⁺⁴	C ¹³⁺⁴	X	X	X

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Recreational Uses, Government-Owned , 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 ¹⁸⁺⁹	P ²⁰¹⁹	P ²⁰¹⁹	P ²⁰¹⁹	P ²⁺²⁰	P ²⁺²⁰	P ²⁺²⁰	P ²⁺²⁰	P ²⁺²⁰	P ²⁺²⁰	P ²⁺²⁰	P ²⁺²⁰
Recreational Uses, Government-Owned Golf Courses ¹⁸⁺⁹	P ²⁰¹⁹	X	P ²⁰¹⁹	X	C ⁴⁺¹³	P ²⁺²⁰	P ²⁺²⁰	C ⁴⁺¹³	X	C ⁴⁺¹³	C ⁴⁺¹³
Recreational Uses , including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools ¹⁸⁺⁹	C ⁴⁺¹³	X	C ⁴⁺¹³	X	C ⁴⁺¹³	C ⁴⁺¹³	C ⁴⁺¹³	C ⁴⁺¹³	X	C ⁴⁺¹³	C ⁴⁺¹³
Recyclable Drop-Off Sites , subject to Section 819	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹	A ²²²¹

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Retailing —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 ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ⁵ ,C ⁶ , CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ² ,C ³ , CPUD ²³ ₂₂	L ⁴ , CPUD ²³ ₂₂
Roads	P	P	P	P	P	P	P	P	P	P	P
Schools , subject to Section 805	C	C	C	CPUD	CPUD	C	C	L ^{5,2423} ,C ⁶ , ²⁴²³ ,CPU D	CPUD	L ^{2,2423} ,C ³ , ²⁴²³ , CPUD	L ^{4,2423} , CPUD

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Services, Business , 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 ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Services, Commercial— Construction and Maintenance , including contractors engaged in construction and maintenance of electrical and plumbing systems	X	X	X	X	X	X	X	X	X	C ³	X
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ⁵ ,C ⁶ , CPUD ^{23,22}	CPUD ²³ ₂₂	L ² ,C ³ , CPUD ^{23,22}	L ⁴ , CPUD ²³ ₂₂
Services, Commercial— Maintenance and Repair 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 ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Services, Commercial— Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	X	X	X	X	X	X	X	X	X	C ³	X

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstering, and veterinary	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Services, Commercial—Personal and Convenience , 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 ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ⁵ ,C ⁶ , CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ² ,C ³ , CPUD ²³ ₂₂	L ⁴ , CPUD ²³ ₂₂
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ⁵ ,C ⁶ , CPUD ²³ ₂₂	CPUD ²³ ₂₂	L ² ,C ³ , CPUD ²³ ₂₂	L ⁴ , CPUD ²³ ₂₂
Signs , subject to Section 1010	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄	A ²⁵ ₂₄
Telephone Exchanges	C ¹⁴ ₁₃	X	C ¹⁴ ₁₃	X	C ¹⁴ ₁₃	C ¹⁴ ₁₃	C ¹⁴ ₁₃	C ¹⁴ ₁₃	X	C ¹⁴ ₁₃	C ¹⁴ ₁₃
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
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
Utility Carrier Cabinets , subject to Section 830	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵	P,C ²⁶²⁵
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

¹ An accessory kitchen is permitted only in ~~a townhouse or attached single-family dwelling~~, a detached single-family dwelling, or a manufactured home, to the extent that these dwelling types are permitted in the applicable zoning district. Only one accessory kitchen is permitted in each ~~townhouse, detached~~ single-family dwelling, or manufactured home.

² The limited use is permitted subject to the following criteria:

- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
- b. The building floor area occupied by all limited uses shall not exceed 15 percent of the building floor area occupied by primary uses.
- c. No outdoor storage of materials associated with the use shall be allowed.
- d. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.

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³ The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.

⁴ The limited use is permitted subject to the following criteria:

- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
- b. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.

⁵ The limited use is permitted subject to the following criteria:

- a. The use shall be part of a development within a Design Plan area.
- b. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
- c. The building floor area occupied by all limited uses shall not exceed 10 percent of the building floor area occupied by primary uses. No single limited commercial use shall occupy more than 1,500 square feet of building floor area.
- d. Allowing the use will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use.
- e. No outdoor storage of materials associated with the use shall be allowed.
- f. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.

⁶ The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6, shall not exceed 10 percent of the building floor area occupied by primary uses.

⁷ Except ~~as limited by Note 1(b) to Table 315-2 or as allowed by Subsection 315.05(A)~~Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: ~~attached single-family dwelling—if permitted by Note 8, 9, or 10—~~detached single-family dwelling, ~~or~~ manufactured home, ~~duplex, triplex, quadplex, townhouse, or cottage cluster development.~~ ~~The development of two—and three family dwellings is subject to Subsection 1012.07, and, if a lot of record is also to be developed with a single family dwelling or manufactured home, the entire development is subject to Section 1012, Lot Size and Density.~~

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- ⁸ The development of a triplex, quadplex, townhouse, or cottage cluster is subject to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*.
- ~~⁸ Attached single family dwellings are permitted on 100 percent of the lots in a planned unit development and 20 percent of the lots in a subdivision that is not a planned unit development.~~
- ~~⁹ As a primary use, only two attached single family dwellings may be attached in succession except in the VR-4/5 District when transferring density from a Resource Protection Area as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map* in which case this limit does not apply.~~
- ~~¹⁰ Attached single family dwellings that do not comply with Note 9 are a conditional use.~~
- ⁹ 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.
- ¹⁰ 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.
- ¹¹ For a townhouse ~~attached single family dwelling~~, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for ~~townhouses~~ attached single family dwellings. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.
- ~~¹² Multifamily dwellings are limited to those containing four dwelling units.~~
- ~~¹³12~~ Only indoor facilities are permitted.
- ~~¹⁴13~~ Uses similar to this use may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- ~~¹⁵14~~ 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.
- ~~¹⁶15~~ Hotels in the SHD District are limited to a maximum of 80 units per gross acre.
- ~~¹⁷16~~ Public utility facilities shall not include shops, garages, or general administrative offices.

~~18~~¹⁷ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

~~19~~¹⁸ This use may include concessions, restrooms, maintenance facilities, and similar support uses.

~~20~~¹⁹ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

~~21~~²⁰ Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

~~22~~²¹ Recyclable drop-off sites are permitted only if accessory to an institutional use.

~~23~~²² 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.

~~24~~²³ Only commercial schools are permitted, and such schools are not subject to Section 805, *Schools*.

~~25~~²⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

~~26~~²⁵ Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

Table 315-2: Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
District Land Area (DLA) for Calculating Density Pursuant to Section 1012/Minimum Lot Size ^{1,2}	2,500/2,000 square feet	5,000 ³ /4,000 square feet ³	7,000 ³ /5,600 square feet ⁴	8,500 ³ /6,800 square feet ⁴	10,000 ³ /8,000 square feet ⁴	15,000 ³ /12,000 square feet ⁴	20,000 ³ /16,000 square feet ⁴	30,000 ³ /24,000 square feet ⁴
Maximum Lot Coverage	50 percent ^{4,5,6}		40 percent ^{4,5} 50 percent ^{5,6}					
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 ^{6,7}							
Minimum Rear Setback	20 feet ^{6,7,8,9,10,11}							
Minimum Side Setback	5 feet ^{6,7,8,9,10,11}							
Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling	Equal to the ground floor area of the primary dwelling and the ground floor area of any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage)							

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Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
Building Design Standards for Detached Single-Family Dwellings, Duplexes , and Manufactured Homes ¹⁰¹²	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 a front door unless the feature is unrelated to a façade (e.g., roofing material).							
Building Design Standards for Buildings Accessory to a Single Family Dwelling or Manufactured Home	<p>Freight shipping containers shall be located behind the building line of the dwelling, and the exterior shall be painted similar in color to that of the dwelling.</p> <p>Metal buildings greater than 500 square feet in area shall include roof overhangs, gutters, and downspouts, and the exterior shall be painted similar in color to that of the dwelling.</p>							

¹ The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except:

a. ~~M~~minimum lot size standards of Section 800 apply; ~~and~~.

b. ~~Except in an R-2.5 District, a lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development or pursuant to Subsection 1012.02(A), (B), (D), (E), or (F).~~

² In a planned unit development, there is no minimum lot size. However, the ~~DLA-district land area~~ standard applies pursuant to Section 1012, Lot Size and Density.

³ 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~~ For two and three family dwellings, the minimum lot area standard of Table 1012-2, *Minimum Lot Area per Dwelling Unit*, applies in lieu of the district land area standard.
- ~~4~~ 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.
- ~~45~~ Maximum lot coverage in a planned unit development is 65 percent.
- ~~6~~ 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.
- ~~5~~ Outside a planned unit development, maximum lot coverage is 50 percent for a lot of record that is:
- ~~a.~~ 6,000 square feet or less in area, was created prior to the application of an Urban Low Density Residential District to the subject lot of record, and is developed with a detached single family dwelling; or
 - ~~b.~~ Developed with an attached single family dwelling.
- ~~67~~ 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.
- ~~78~~ 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 single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-2.
- ~~9~~ 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.
- ~~810~~ 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.

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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.

⁹¹¹ 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

¹⁰¹² These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, or to manufactured homes in manufactured dwelling parks.

Table 315-3: Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts

General Standards			
Standard	VR-5/7	VR-4/5	VTH
District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size ¹	5,000/4,000 square feet	4,000/2,000 square feet	2,000/2,000 square feet ²
Maximum Lot Size ¹	7,000 square feet ^{3,4}	5,000 square feet ^{3,5}	3,000 square feet ^{2,6}
Maximum Lot Coverage	50 percent ⁷		65 percent
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of <u>the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building</u> <u>or</u> ; 4 feet forward of the building line of <u>the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building</u> .		
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 ^{7,8}		See Subsection 1005.12(B)(4).
Minimum Percentage of Lots in a Subdivision that Shall have Alley Motor Vehicle Access Only	50 percent of lots with frontage on an alley ⁷		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. ^{8,9,10}	All garages and carports shall be recessed. ^{7,9}	See Subsection 1005.12(B).

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Standards for Primary Dwellings			
Standard	VR-5/7	VR-4/5	VTH
Maximum Building Height	35 feet ⁸		
Minimum Front Setback	10 feet for a dwelling with a recessed garage/ <u>carport or no garage/carport</u> ; 19½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport ^{8,9,10,11,12,13}	10 feet ^{7,11,12,13}	10 feet ^{13,14,15,16}
Maximum Front Setback	18 feet for a dwelling with a recessed garage/ <u>carport or no garage/carport</u> ; 20½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport ^{8,9,10,11,12,16,17,18,19}	18 feet ^{7,11,12,16,17,18,19}	18 feet ^{14,13}
Minimum Rear Setback	15 feet ^{7,8,11,12,2019}		15 feet ²⁰¹⁹
Minimum Side Setback	0 on one side; 5 feet on all other sides ^{7,8,11,2019}		5 feet ^{19,20,21}

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<p>Building Design Standards^{7,8,22}</p>	<ul style="list-style-type: none"> • Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall. • Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. • Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited. • 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. • 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. 	<p>See Subsections 1005.04(F) and 1005.12(A).</p>
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Standards for Buildings Accessory to a Dwelling

Standard	VR-5/7	VR-4/5	VTH
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 ²³²⁺		

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Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.
Minimum Front Setback	Greater than or equal to the front setback of the facade of the primary dwelling (not including porches, patios, bays, garages, and architectural features) ^{8,2422}	
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. ⁸	

Minimum Rear and Side Setback Standards for Buildings Accessory to a Primary Dwelling in the VR-5/7, VR-4/5, and VTH Districts ^{9,19}			
Building Area	Building Height		
	≤ 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 ²⁵²³	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 ²⁵²³
> 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 ²⁵²³	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 ^{2523,2624}	

¹ The minimum and maximum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.

² The minimum and maximum lot size standards apply only to lots or parcels for ~~attached single family dwellings~~ townhouses.

³ The maximum lot size standard applies only to lots or parcels for detached single-family dwellings, ~~or~~ manufactured homes, or middle housing, except the maximum lot size standard does not apply to a middle housing land division.

⁴ Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 6,500 square feet.

⁵ Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 5,000 square feet.

⁶ Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 2,500 square feet.

~~⁷ The VTH District standard applies in lieu of this standard for primary use attached single-family dwellings if three or more dwelling units are attached in succession.~~

- ⁷ For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- ⁸ Except for middle housing developed pursuant to Section 845, Triplexes, Quadplexes, Townhouses, and Cottage Clusters, Development on lots in the plat of Sieben Creek Estates (plat no. 3039) is not required to comply with this standard.
- ⁹ A recessed garage or carport is a garage or carport with a front setback to the garage door or carport motor vehicle entry that is a minimum of five feet greater (i.e., farther from the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- ¹⁰ A non-recessed garage or carport shall have a front setback to the garage door or carport motor vehicle entry that is a maximum of five feet less (i.e., closer to the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- ¹¹ The minimum and maximum setback standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. The maximum setback standards do not apply to cottage clusters developed pursuant to Section 845.
- ¹² On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- ¹³ A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.
- ¹⁴ Frontage on an accessway shall be considered a front lot line.
- ¹⁵ On a corner lot, the minimum setback from one front lot line is eight feet, provided that the lot line abuts a road with a functional classification of local or connector.
- ¹⁶ Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback.
- ¹⁷ If a public utility easement precludes compliance with the maximum front setback standard, the maximum shall be as close to the front lot line as possible.
- ¹⁸ Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback standard.
- ¹⁹ If a lot has more than one front lot line, compliance with the maximum front setback standard is required from only two intersecting front lot lines.
- ²⁰ In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-3.
- ²¹ Frontage on a pedestrian connection shall be considered a side lot line.

²² For triplexes, quadplexes, and townhouses developed pursuant to Section 845, design standards in Section 845 shall apply in addition to standards in Table 315-3.

²¹~~23~~ The maximum building height standard applies only to accessory buildings larger than 100 square feet.

²²~~24~~ A garage may be required to be recessed, as defined by Note 10, in order to comply with the standard for garage/carport design for primary dwellings.

²³~~25~~ Frontage on a pedestrian connection shall be considered a side lot line, and the minimum setback is five feet.

²⁴~~26~~ If the rear lot line abuts an alley, a second-story accessory dwelling unit may cantilever a maximum of four feet into the minimum rear setback.

Table 315-4: Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
District Land Area for Calculating Density Pursuant to Section 1012	3,630 square feet	3,630 square feet	2,420 square feet	1,742 square feet	1,500 square feet	726 square feet	Not Applicable
Minimum Density	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012
Minimum Lot Size	None	None ¹	None ²	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 ^{3,4}	15 feet, except 20 feet to garage and carport motor vehicle entries ⁴	15 feet ⁵	10 feet ^{6,7}	15 feet	5 feet ⁸
Maximum Front Setback	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	18 feet ⁶	See Subsections 1005.03(E) and (H).	20 feet ^{8,9}
Minimum Rear Setback	30 feet ¹⁰	20 feet ^{5,10,11,12}	20 feet ^{5,10}	See Subsection 1005.03(L) ⁵	None ^{6,7}	See Subsection 1005.03(L)	See Subsection 1005.03(L) ¹³

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Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Minimum Side Setback	30 feet ¹⁰	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. ^{5,10,11,12,14,15}	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. ^{5,10,14,15}	See Subsection 1005.03(L) ⁵	None	See Subsection 1005.03(L)	See Subsection 1005.03(L) ¹⁶
Maximum Building Height	None	None	None	None	45 feet	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1005.03(L)	20 feet between multifamily dwellings	See Subsection 1005.03(L)	See Subsection 1005.03(L)

¹ The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 3,630 square feet.

² The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 2,420 square feet.

³ For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet.

⁴ On a corner lot developed with ~~a townhouse or attached single-family dwelling~~, the minimum front setback from one front lot line is 10 feet, except that the minimum shall be 20 feet to garage and carport motor vehicle entries.

⁵ The minimum setback standards of Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.

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- ⁶ 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.
- ⁷ Awnings, porches, and bays may extend a maximum of six feet into the minimum setback.
- ⁸ 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.
- ⁹ 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*.
- 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 315-4.
- ¹¹ For a swimming pool that is accessory to a dwelling, the minimum side and rear setbacks are five feet, unless the side or rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 District, in which case the minimum setback shall be 15 feet from the abutting lot line.

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¹² The minimum rear and side setback standards for an accessory building are based on the building area and height, as follows:

Building Area	Building Height		
	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet
≤ 100 square feet	None, if the accessory building is located behind the building line of the main building; otherwise, 3 feet side and rear	3 feet side and rear	Same as primary building minimum setbacks
> 100 square feet and ≤ 200 square feet	3 feet side and rear	3 feet side and rear	Same as primary building minimum setbacks
> 200 square feet	Same as primary building minimum setbacks	Same as primary building minimum setbacks	Same as primary building minimum setbacks

¹³ If the rear lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum rear setback is 20 feet.

¹⁴ If the side lot line abuts an Urban Low Density Residential, VR-5/7, or VR-4/5 District, the minimum side setback for a two-story building is 10 feet.

¹⁵ The minimum side setback for ~~a townhousean attached single family dwelling~~ is five feet from any side lot line where two ~~townhouses attached single family dwellings~~ do not share a common wall.

¹⁶ If the side lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum side setback is 15 feet.

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

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

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Accessory Kitchens	A ³	A ³	A ³	A ³	A ³	A ³
Aircraft Land Uses	X	X	X	C	C	C
Aircraft Landing Areas	X	C	C ⁴	X	X	X
Bed and Breakfast Inns, subject to Section 832	C	C	C	C	C	X
Bed and Breakfast Residences, subject to Section 832	C	C	C	C	C	C
Bus Shelters	P	P	P	P	P	P
Campgrounds	C	C	C	C	C	C
Cemeteries, subject to Section 808	C	C	X	C	C	C
Child Care Facilities	C	C	C	C	C	C ⁵
Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses⁶	X	X	X	C	C	X
Community Halls	CPUD	CPUD	CPUD	CPUD	CPUD	X ⁷
Composting Facilities, subject to Section 834	X	X	X	C	C	X
Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources	P	P	P	P	P	P
Crematories, subject to Section 808	C	C	X	X	X	X
Daycare Services, Adult	C	C	C	C	C	C ⁸
<u>Dwellings, including:</u>						
<u>Accessory Dwelling Units, subject to Section 839</u>	<u>A¹</u>	<u>A¹</u>	<u>X</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>
<u>Dwellings, Detached Single-Family Dwellings</u>	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
<u>Dwellings, Two-Family Duplexes</u>	C ⁹	X	X	X	X	X
<u>Manufactured Dwellings</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>
Energy Source Development	X	X	C	X	X	X
<u>Farmers' Markets, subject to Section 840</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Farm Uses, including⁶:						
Raising, harvesting, and selling crops	P	P	P ¹⁰	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X ¹¹	P	X ¹¹	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Dairying and the sale of dairy products	X ¹¹	P	X ¹¹	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X ¹¹	P	X ¹¹	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 ¹⁰	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 ¹¹	P	X ¹¹	P	P	P
Growing cultured Christmas trees	P	P	P ¹⁰	P	P	P
<u>Farmers' Markets, subject to Section 840</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Fish or Wildlife Management Programs	X	X	X	P	P	P
Forest Practices , 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 ¹²	P ¹²	P	P ¹²	P ¹²	P ¹²
Fraternal Organization Lodges	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Government Uses , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Guest Houses , subject to Section 833	A	A	A	A	A	A
Guest Ranches and Lodges	X	X	C	X	X	X

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹⁴	A	A	A	A	A	A
Home Occupations to Host Events , subject to Section 806	C	C	C	C	C	C
Hydroelectric Facilities	C	C	C	C	C	C
Kennels	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	X ⁷
Livestock , subject to Section 821	P	X ¹¹	A	X ¹¹	X ¹¹	X ¹¹
Manufactured Dwellings, subject to Section 824	P⁹	P⁹	P⁹	P⁹	P⁹	P⁹
Marijuana Processing	X	X	X	X	X	X
Marijuana Production , subject to Section 841	X	X	X	A	A	X
Marijuana Retailing	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X
Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources	X	X	X	C	C	X
Places of Worship , subject to Section 804	C	C	C	C	C	C ¹⁶
Produce Stands	A ¹⁷	A ¹⁷	A ¹⁷	A ¹⁷	A ¹⁷	A ^{17,18}
Public Utility Facilities	C ^{13,19}	C ^{13,19}	C ^{13,19}	C ^{13,19}	C ^{13,19}	C ^{13,19}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{13,20}	C ^{13,20}	C ^{13,20}	C ^{13,20}	C ^{13,20}	C ^{13,20}
Recreational Uses , 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 ²¹	C ¹³	C ^{13,22}	C ¹³	C ^{13,22}	C ^{13,22}	C ^{13,22}

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Recreational Uses, Government-Owned , 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 ²¹	P ²³	P ²³	P ²³	P	P	P
Recreational Uses, Government-Owned Golf Courses ²¹	P ²³	P ²³	P ²³	P	P	P
Recreational Vehicle Camping Facilities , subject to Section 813	C ¹³	C ¹³	C	C ¹³	C ¹³	X
Recyclable Drop-Off Sites , subject to Section 819	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Retailing —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 ²⁵	X	X	X	X	X
Roads	P	P	P	P	P	P
Sanitary Landfills and Debris Fills	X	X	X	C	C	X
Schools , subject to Section 805	C ²⁶	C ²⁶	C	C ²⁶	C ²⁶	C ²⁷
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	CPUD ²⁵	X	X	X	X	X
Services, Commercial—Personal and Convenience , 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 ²⁵	X	X	X	X	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	CPUD ²⁵	X	X	X	X	X

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Sewer System Components that Serve Lands Inside an Urban Growth Boundary , subject to ORS 660-011-0060(3)	Type II ²⁸	Type II ²⁸	Type II ²⁸	Type II ²⁸	Type II ²⁸	Type II ²⁸
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)	Type II ²⁹	Type II ²⁹	Type II ²⁹	Type II ²⁹	Type II ²⁹	Type II ²⁹
Signs , subject to Section 1010	A ³⁰	A ³⁰	A ³⁰	A ³⁰	A ³⁰	A ³⁰
Surface Mining , subject to Section 818	X	X	X	C	C	X
Telephone Exchanges	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
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
Transfer Stations , subject to Section 819	X	X	C	X	X	C
Utility Carrier Cabinets , subject to Section 830	P,C ³¹	P,C ³¹	P,C ³¹	P,C ³¹	P,C ³¹	P,C ³¹
Wireless Telecommunication Facilities , 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

¹ This use is permitted only inside of an urban growth boundary.

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

³ 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.

- 4 Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.
- 5 This use is limited to alteration or expansion of a lawfully established child care facility.
- 6 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.
- 7 Even though it is prohibited in this category, this use is included in the “government use” category.
- 8 This use is limited to alteration or expansion of a lawfully established adult daycare service.
- 9 Except as ~~limited by Note 1(b) to Table 316-2 or as~~ allowed by Section 839, Accessory Dwelling Units, or Section 1204, *Temporary Permits* ~~or Section 839, Accessory Dwelling Units~~, each lot of record may be developed with only one of the following: detached single-family dwelling, two-family dwelling duplex (only if approved as a conditional use in the RA-1 District), or manufactured dwelling.
- 10 This use is permitted only on lots larger than five acres.
- 11 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.
- 12 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.
- 13 Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- 14 A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.
- 15 The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- 16 This use is limited to alteration or expansion of a lawfully established place of worship.
- 17 A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- 18 In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.
- 19 Public utility facilities shall not include shops, garages, or general administrative offices.
- 20 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

- ²¹ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ²² Equine facilities are a primary use, subject to the following standards and criteria:
- a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.
 - b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.
- ²³ Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- ²⁴ Recyclable drop-off sites are permitted only if accessory to an institutional use.
- ²⁵ The use is subject to the following standards and criteria:
- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
 - b. The area occupied by all uses subject to Note 23 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
 - c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
 - d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
 - e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.
 - f. The maximum building floor space per commercial use is 4,000 square feet except that no maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

- 26 Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District’s 2040 Growth Concept Map.
- 27 This use is limited to alteration or expansion of a lawfully established school.
- 28 Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.
- 29 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.
- 30 Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- 31 Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

Standard	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Minimum Lot Size ¹	1 acre ^{2,3}	2 acres ³	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 ^{3,4,5,6}	10 acres ^{3,4,7}	10 acres ⁴
Minimum Front Setback	30 feet ⁸	30 feet ⁸	15 feet, except 20 feet to garage and carport motor vehicle entries ⁹	30 feet ⁸	30 feet ⁸	30 feet

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Standard	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Minimum Rear Setback	30 feet ^{10,11}	30 feet ^{10,12}	15 feet ¹⁰	30 feet ^{10,12}	30 feet ^{10,12}	30 feet ¹²
Minimum Side Setback	10 feet ^{10,13}	10 feet ¹⁰	5 feet ¹⁰	10 feet ¹⁰	10 feet ¹⁰	10 feet
Maximum Lot Coverage	None	None	40 percent	None	None	None
Minimum Building Separation above 3,500 Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

¹ The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except:

~~a. Minimum lot size standards of Section 800 apply; and~~

~~b. A lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development in the RA-1 District or pursuant to Subsection 1012.02(B), (D), or (F).~~

² In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a ~~two-family dwelling 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.

³ The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.

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- 4 For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- 5 The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.
- 6 The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.
- 7 In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10 acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- 8 In a planned unit development, the minimum front setback is 20 feet.
- 9 For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- 10 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 316-2.
- 11 The minimum rear setback for an accessory building shall be five feet except as established by Note 10.
- 12 The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10.
- 13 The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

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*; ~~Subsection 317.05, *Development Standard*~~; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

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

~~317.05 — DEVELOPMENT STANDARD~~

~~Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums: detached single family dwellings, attached single family dwellings, two family dwellings, three family dwellings, and multifamily dwellings. In the case of single family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record; however, attached single family dwellings must be attached at a wall (as they would be if a lot line separated the dwellings) rather than ceiling to floor.~~

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

Use	MRR	HR
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
Accessory Dwelling Units, subject to Section 839	A	A
Accessory Kitchens	A ¹	A ¹
Airports, Personal-Use	C	C
Bed and Breakfast Inns , subject to Section 832	P	C
Bed and Breakfast Residences , subject to Section 832	P	C
Bus Shelters	P	P
Campgrounds	C	C
Child Care Facilities	C	C
Civic and Cultural Facilities , including art galleries, museums, and visitor centers	L ²	X
Community Halls	CPUD	CPUD
Composting Facilities	X	X
Congregate Housing Facilities	P	X
Daycare Services, Adult	C	C
Dwellings, including:		
Accessory Dwelling Units, subject to Section 839	A	A
Congregate Housing Facilities	P	X
Detached Single-Family Dwellings	P³	P³
Duplexes	P	X
Manufactured Dwelling Parks, subject to Section 825	C	X
Manufactured Homes	P³	P³
Multifamily Dwellings	P	X
Quadplexes	P	X
Townhouses Dwellings, Attached Single Family	P³	P^{3,4}
Dwellings, Detached Single Family	P³	P³
Dwellings, Multifamily	P	X
Triplexes Dwellings, Three Family	P	X
Dwellings, Two-Family	P	X

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Use	MRR	HR
Energy Source Development	C	C
Farmers' Markets , subject to Section 840	A	A
Fraternal Organization Lodges	C ⁵	C ⁵
Government Uses , 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 ⁵	C ⁵
Guest Houses , subject to Section 833	X	A
Guest Ranches and Lodges	X	C
Helistops, Personal-Use	C	C
Home Occupations , including bed and breakfast homestays, subject to Section 822 ⁶	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels ⁷	P ⁸	X
Hydroelectric Facilities	C	C
Libraries	L ² , CPUD	CPUD
Livestock , subject to Section 821	A	A
Manufactured Homes, subject to Section 824	P³	P³
Manufactured Dwelling Parks, subject to Sections 824 and 825	C	X
Marijuana Processing	X	X
Marijuana Production	X	X
Marijuana Retailing	X	X
Marijuana Wholesaling	X	X
Mobile Vending Units , subject to Section 837	L ^{2,9}	X
Motels ⁷	P ⁸	X
Multi-Use Developments , subject to Section 844	C	C
Nursing Homes	P	C
Parking Structures	A	X
Places of Worship , subject to Section 804	C	C
Produce Stands , subject to Section 815	A	A
Public Utility Facilities	C ⁵	C ^{5,10}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{5,11}	C ^{5,11}
Recreational Uses , 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 ¹²	C ⁵	C ⁵

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Use	MRR	HR
Recreational Uses, Government-Owned , 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 ¹²	P ¹³	P ¹⁴
Recreational Uses, Government-Owned Golf Courses ¹²	P ¹³	P ¹⁴
Recreational Vehicle Camping Facilities , subject to Section 813	C ⁵	C ⁵
Recyclable Drop-Off Sites , subject to Section 819	A ¹⁵	A ¹⁵
Retailing —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 ² , CPUD ¹⁶	CPUD ¹⁶
Roads	P	P
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ² , CPUD ¹⁶	CPUD ¹⁶
Services, Commercial—Maintenance and Repair , of any of the following: bicycles and sporting goods	L ² , CPUD ¹⁶	CPUD ¹⁶
Services, Commercial—Personal and Convenience , 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 ² , CPUD ¹⁶	CPUD ¹⁶
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	L ² , CPUD ¹⁶	CPUD ¹⁶
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)	Type II ¹⁷	Type II ¹⁷
Schools , subject to Section 805	C	C
Signs , subject to Section 1010	A ¹⁸	A ¹⁸
Surface Mining , subject to Section 818	X	X
Telephone Exchanges	C ⁵	C ⁵

Use	MRR	HR
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
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
Transit Park-and-Rides	P	P
Transfer Stations , subject to Section 819	C	C
Utility Carrier Cabinets , subject to Section 830	P,C ¹⁹	P,C ¹⁹
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1	See Table 835-1

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

² The limited use is permitted subject to the following criteria:

- a. The use shall be incidental to a primary use.
- b. The use shall be provided for as an integral part of the general plan of the development.
- c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.

³ Except as allowed by ~~Subsection 317.05~~Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: ~~attached single family dwelling~~, detached single-family dwelling, ~~or~~ manufactured home, or townhouse.

⁴ ~~Attached single family dwellings~~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.

⁵ Uses similar to this may be authorized pursuant to Section 106.

⁶ A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 317-1.

⁷ Also permitted are associated convention facilities.

- 8 A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- 9 Only level three and four mobile vending units are permitted.
- 10 Public utility facilities shall not include shops, garages, or general administrative offices.
- 11 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 12 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 13 Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- 14 Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- 15 Recyclable drop-off sites are permitted only if accessory to an institutional use.
- 16 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.
- 17 The use is limited to sewer systems designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6). The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided

under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

- ¹⁸ Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ¹⁹ Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012	See Table 317-3	10,890 square feet
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries ¹	15 feet, except 20 feet to garage and carport motor vehicle entries ²
Minimum Rear Setback	10 feet ^{3,4,5,6}	15 feet ^{3,4}
Minimum Side Setback	10 feet ^{3,4,5,6}	5 feet ^{3,4}
Maximum Lot Coverage	None	40 percent ⁷
Maximum Building Height	40 feet ^{8,9}	40 feet ⁸
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 ¹⁰	4,000 square feet, except 8,000 square feet in Government Camp ¹⁰
Building Design Standards for Single-Family Dwellings and Manufactured Homes ¹¹	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).	

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

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

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

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

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

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

Location/Dwelling Unit Size	District Land Area
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]

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 townhousean attached single-family dwelling~~, are prohibited.

- I. Outdoor Operations in the OA District: In the OA District, all primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure. For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Office and Outpatient Clinics, and Research Facilities and Laboratories.
- J. Outdoor Storage and Display in the OC District: In the OC District, outdoor storage or display of materials or products is prohibited.
- K. Outdoor Sales, Storage, and Display in the RCO District: In the RCO District, outdoor sales, storage, or display of materials or products is prohibited.
- ~~L. Condominiums: Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums: detached single family dwellings, attached single family dwellings, two family dwellings, three family dwellings, and multifamily dwellings. In the case of attached single family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record.~~

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

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Accessory Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care home, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms , television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A	A	A	A	A	A
Assembly Facilities , including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, places of worship, senior centers, and theaters for the performing arts	C	P	P,C ⁴	P	P	P	P	P	S	P,C ⁴	P,C ⁴
Bed and Breakfast Residences and Inns , subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
Bus Shelters	A	A	P	P	P	P	P	P	A	P	P
Child Care Facilities	P	P	P	P	P	P	P	P	P	L ⁵ ,C	L ⁶ ,C

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Civic and Cultural Facilities , including art galleries, museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
Composting Facilities	X	X	X	X	X	X	X	X	X	X	X
Congregate Housing Facilities	X	X	P⁷⁻⁸	P⁹	P⁹	P⁹	P	P	L	P⁹	P⁷⁻⁸
Daycare Services, Adult	P	P	P	P	P	P	P	P	P	L ⁵ ,C	L ⁶ ,C
Dog Services , including boarding, daycare, and grooming	S	P	S	S	S	S	S	S	S	S	S
Drive-Thru Window Services , subject to Section 827	C	A	A ⁴⁹⁷	A	A	A	A ⁴⁴⁸	X	X	A ⁴⁴⁸	A ⁴⁴⁸
<u>Dwellings, including:</u>											
<u>Congregate Housing Facilities</u>	X	X	P^{9,10}	P¹¹	P¹¹	P¹¹	P	P	L	P¹¹	P^{9,10}
Dwellings, Attached Single-Family	X	A	X	A	X	A	P	P	L¹²	X	X
Dwellings, Detached Single-Family <u>Dwellings</u>	A	A	X	A	X	A	X	X	X	X	X
<u>Duplexes</u>	X	A	X	P	P	P	P	P	L¹²	P	X
Dwellings, Multifamily <u>Dwellings</u>	X	X	P ⁷²	P ⁹¹¹	P ⁹¹¹	P ⁹¹¹	P	P	L ¹²³	P ⁹¹¹	P ⁷²
<u>Quadplexes</u>	X	X	P⁹	P¹¹	P¹¹	P¹¹	P	P	L¹²	P¹¹	P⁹
<u>Townhouses</u>	X	A	X	A	X	A	P	P	L¹³	X	X
Triplexes <u>Dwellings, Three-Family</u>	X	X	X	P	P	P	P	P	L ¹²³	P	X
Dwellings, Two-Family	X	A	X	P	P	P	P	P	L¹³	P	X
Electric Vehicle Charging Stations	A,C	P	A	A,C	P	P	A	A	A	A	A
Employee Amenities , such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A ¹⁴	A ¹⁴	A ¹⁴

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU¹	SCMU	OA^{2,3}	OC	RCO
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P ¹⁵	P ^{15,16}	S	C ^{15,17}	L ^{6,15}
Farmers' Markets , subject to Section 840	P	P	P	P	P	P	P	P	P	P	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	P ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P ¹⁵	P ^{15,16}	L ^{15,18}	C ¹⁵	L ^{15,19}
Government Uses , including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
Heliports	X	X	C ²⁰	C	C	C	X	X	X	C ²⁰	C ²⁰
Helistops	X	X	C ²⁰	C	C	C	C	C	X	C ²⁰	C ²⁰
Home Occupations , including bed and breakfast homestays, subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
Hospitals	X	X	X	X	X	X	X	X	X	C	C
Hotels	P	P	P	P	P	P	P	P ¹⁶	S	L ^{5,21} ,C ²¹	P ²¹
Hydroelectric Facilities	X	C	X	C	X	C	X	X	X	X	X
Libraries	P	P	P	P	P	P	P	P	P	P	P
Manufacturing , 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 ²²	S ²³	S	S	P	P	S	P ^{24,25}	S	P ²⁶	S

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Manufacturing of Edible or Drinkable Products Retailed on the Same Site , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailled on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailled on the same site.	S	P	S	S	P	P	S	P ^{24,25}	S	P ²⁶	S
Marijuana Processing	X	X	X	X	P ²⁷	P ²⁷	X	P ^{24,27}	X	P ^{26,27}	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing , subject to Section 841	P	P	P	P	P	P	P	P ¹⁶	X	P ¹⁷	L ⁶
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Mobile Vending Units , subject to Section 837	P	P	P	P	P	P	P	P	A ²⁸	A ²⁸	A ²⁸
Motels	P	P	P	P	P	P	P	P ¹⁶	S	L ^{5,29} ,C ²⁹	L ⁶
Multi-Use Developments , subject to Section 844	X	X	X	X	X	C	X	X	X	C	X
Nursing Homes	X	X	X	X	X	X	P	P	L	X	X
Offices , 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

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Offices and Outpatient Clinics —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
Parking Lots	A	A	A	A	P	P	A	A	A	P ³⁰	A
Parking Structures	X	A ³¹	P ³⁰	P ³⁰	P	P	A	A	A ³¹	P ³⁰	P ³⁰
Parks, Government-Owned , 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
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Public Utility Facilities	S	C	C ³²	C ³²	C	C	S	S	S	S	S
Race Tracks, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Radio and Television Studios , excluding transmission towers	C	P	P	P	P	P	P	P	S	P	P

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Radio and Television Transmission and Receiving Towers and Earth Stations ³³	S	C	S	S	C	C	S	S	S	S	S
Radio and Television Transmission and Receiving Earth Stations	S	C	C	C	C	C	A	S	S	S	S
Recreational Sports Facilities 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 ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P ¹⁵	P ^{15,16}	S	C ¹⁵	L ^{15,19}
Recyclable Drop-Off Sites , subject to Section 819	A	A	A ³⁴	A ³⁴	A	A	A ³⁴	A ³⁴	A ³⁴	A ³⁴	A ³⁴
Research Facilities and Laboratories , including medical laboratories, medical research, product design and testing, and product research and development	S	S	S	S	P	P	P ²⁶	P	P ³⁵	P ³⁵	P ²⁶
Retailing —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Retailing —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 ¹⁶	L ^{18,36} ,S	L ^{5,36} ,C ¹⁷	L ⁶
Retailing —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 ¹⁷	L ⁶
Retailing —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

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Roads	P	P	P	P	P	P	P	P	P	P	P
Schools	P ³⁷	P ³⁷	P	P	P	P	P	P	L ³⁸	P	P
Service Stations	C	P	X	C	P	P	X	X	X	X	X
Services, Business , 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
Services, Commercial	S	S	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶
Services, Commercial—Car Washes	S	S	X	C	P	P	P	X	X	X	X
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C ¹⁷	L ⁶
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	P	P	P	P	P	P	P	P ¹⁶	L ¹⁸	L ⁵ ,C ³⁹	L ^{6,40}
Services, Commercial—Maintenance and Repair 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 ¹⁶	S	C ¹⁷	L ⁶
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C ¹⁷	L ⁶

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Maintenance and Repair 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
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶
Services, Commercial—Personal and Convenience , 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 ¹⁶	L ¹⁸	L ⁵	L ⁶
Services, Commercial—Mini-Storage/Self-Storage Facilities	S	S	X	C	P	P	X	X	S	X	X
Services, Commercial—Storage 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

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Storage 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
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	P	P	P	P	P	P	P	P ¹⁶	S	P	P
Services, Commercial—Truck Stops	X	X	X	X	P	P	X	X	X	X	X
Services, Information , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	S	S	S	S	P	P	P	P ²⁴	P	P	P
Signs , subject to Section 1010	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹
Stadiums, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Telephone Exchanges	S	C	C	C	C	C	S	S	S	S	S
Temporary Buildings for Uses Incidental to Construction Work , 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
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

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

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

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

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

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

⁵ 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.

⁶ The use is permitted only:

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

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

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

~~⁹ Freestanding congregate housing facilities and freestanding multifamily dwellings (as opposed to congregate housing facilities and multifamily dwellings in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the HDR District, except that the minimum and maximum residential density standards of Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, apply.~~

⁷⁴⁰ 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*.

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- ⁸⁺¹ 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.
- ⁹ 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.
- ¹⁰ A congregate housing facility shall have a minimum of four dwelling units.
- ¹¹ 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.
- ~~¹² Attached single family dwellings, subject to the density standards of the VTH District, may be developed in the same building as a primary use.~~
- ~~¹²⁺³ Two family, three family 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.~~
- ¹³ Townhouses, subject to the density standards of the VTH District, may be developed in the same building as a primary use.
- ¹⁴ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ¹⁵ Only indoor facilities are permitted.
- ¹⁶ A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 16 shall not exceed 40,000 square feet in a single building.
- ¹⁷ The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 17, shall be 20 percent of the building floor area of primary uses in the same development.
- ¹⁸ An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 18, shall be 10 percent of the total building floor area in the same development.
- ¹⁹ The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:
- 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

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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.

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

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

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

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

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

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

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

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

28 Only level one mobile vending units are permitted.

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

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

31 This use is limited to understructure parking.

32 Only substations are permitted.

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

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

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

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- ³⁶ Only retailing of videos is permitted as a limited use. All other retailing in this use category requires review pursuant to Section 106 in the OA District and is a conditional use, subject to Note 17, in the OC District.
- ³⁷ Only commercial schools are permitted.
- ³⁸ Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- ³⁹ An eating and drinking establishment may be permitted as a conditional use, provided that it complies with a minimum of five of the following criteria:
- a. Has a minimum seating capacity of 75;
 - b. Specializes in gourmet, ethnic, or specialty cuisine;
 - c. Includes banquet facilities and services;
 - d. Provides live entertainment at least two nights a week;
 - e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
 - f. Has an Oregon Liquor Control Commission license to serve beer and wine; or
 - g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.
- ⁴⁰ Notwithstanding Note 6, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:
- a. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.
 - b. If the primary use in the same development is an office use, as defined in Note 23 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
 - c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
 - d. The eating and drinking establishment shall be developed concurrently with, or after, a primary use.
- ⁴¹ Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ⁴² Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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Table 510-2: Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts

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

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Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Rear Setback	0	0 ¹⁰	0 ¹¹	0 ¹²	0 ¹²	0 ¹²	0 ^{8,10}	See Subsection 1005.10	10 feet ¹³	10 feet ¹¹	0 ¹⁴
Minimum Side Setback	0	0 ¹⁵	0 ¹⁵	0 ¹⁶	0 ¹⁶	0 ¹⁶	0 ^{8,15}	See Subsection 1005.10	6 feet ¹⁷	10 feet ¹⁸	0 ¹⁵
Maximum Building Height	35 feet	None ¹⁹	None	None	None	None	None	None	45 feet	None ²⁰	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development ²¹	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 ^{21, 22, 23}
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None	None	None	None	None

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Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Residential Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use ²⁴	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	None	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	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 ²⁴
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 ²⁵	60 dwelling units per acre ²⁵	60 dwelling units per acre ²⁵	None	None	Standards in MR-2 District apply. See Table 315-4.	60 dwelling units per acre ²⁵	None

Notes to Table 510-2:

- ¹ 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.
- ² 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.
- ³ No minimum lot size standard applies to a lot created by partition or subdivision or adjusted through a property line adjustment, provided that the newly created or adjusted lot is developed only with a dwelling classified as a nonconforming use and uses accessory to that dwelling.
- ⁴ The minimum is 2,000 square feet for a lot developed only with a townhouse~~an attached single family dwelling~~ and uses accessory to that townhouse~~dwelling~~.
- ⁵ The minimum street frontage standard applies only to subdivisions, partitions, and property line adjustments. The minimum for a lot of record on the outer radius of a curved street or the circular end of a cul-de-sac is 35 feet measured on the arc. The minimum for a lot of record developed only with a townhouse~~an attached single family dwelling~~, and uses accessory to that townhouse~~dwelling~~, shall be 20 feet. A lot of record with frontage on more than one street shall meet the minimum on each street.
- ⁶ The maximum front setback standard applies only if required by Subsection 1005.03(H). However, see Subsection 1005.03(E) for a related standard.
- ⁷ The maximum front setback standard shall be met for all buildings except freestanding parking structures. However, the maximum front setback may be exceeded to the minimum extent necessary to accommodate pedestrian amenities. If a lot has more than one front lot line, the standard must be met for only one. A private road used to satisfy the maximum front setback standard must comply with Subsection 1005.08(G). The maximum front setback from Main Streets identified on Comprehensive Plan Map X-CRC-3 is 10 feet.
- ⁸ In lieu of complying with the standard, an applicant for design review on a site of 25 acres or larger may propose alternate setback standards. The alternate standards, or any part thereof, shall be approved if they are found to be equally effective as the regular standards in establishing a visual image, sense of place, and quality pedestrian environment for the area.
- ⁹ There is no minimum setback from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.

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- 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.

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- ²¹ Floor area ratio shall be calculated pursuant to Subsection 1005.03(K).
- ²² With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
- ²³ 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.
- ²⁴ Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).
- ²⁵ 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

Land Uses & Areas Required	PMU1
Office uses ¹ , 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	
Land Uses & Areas Required	PMU 2, 3, 4, and 5
Office uses ¹ or residential uses ² , minimum site area	50 percent
Office uses ¹ , minimum floor area ratio (FAR)	0.5 for office uses on lots of two and one-half acres or less; 1.0 for office uses on lots greater than two and one-half acres, calculated pursuant to Subsection 1005.03(K). With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases, provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
Retail uses and service commercial uses, minimum FAR	0.3, calculated pursuant to Subsection 1005.03(K)
Residential density ²	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:

- ¹ 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.
- ² 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]

~~824 — MANUFACTURED DWELLINGS~~

~~824.01 — EXEMPTIONS~~

~~Section 824 does not apply to manufactured dwellings approved pursuant to Section 1204, *Temporary Permits*. In addition, Section 824 does not apply inside manufactured dwelling parks except that Subsections 824.02(B)(1) and (3) apply inside manufactured dwelling parks that are smaller than three acres.~~

~~824.02 — STANDARDS~~

~~Manufactured dwellings shall comply with the following standards:~~

- ~~A. In the AG/F, EFU, FF 10, RA 1, RA 2, RRFF 5, and TBR Districts, a manufactured dwelling shall have a minimum of 700 square feet of living space. In the FU 10, HR, MRR, RR, Urban Low Density Residential, VR 4/5, and VR 5/7 Districts, a manufactured dwelling shall have a minimum of 1,000 square feet of living space. Living space is measured from the exterior of the manufactured dwelling, excluding any hitch and any extension of, or attachment to, the manufactured dwelling that is not part of the original factory manufactured dwelling.~~
- ~~B. In the FU 10, HR, MRR, RR, Urban Low Density Residential, VR 4/5, and VR 5/7 Districts:~~
- ~~1. The manufactured dwelling shall have a roof pitched at a minimum of a nominal three feet in height for each 12 feet in width.~~
 - ~~2. The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the manufactured dwelling. If the manufactured dwelling is placed on a basement, the 12-inch maximum does not apply.~~
 - ~~3. The manufactured dwelling shall have no bare, unpainted, or galvanized metal roofing or siding materials. Wheels and hitches shall be removed.~~
 - ~~4. The manufactured dwelling shall have a garage or carport constructed of like materials to the manufactured dwelling. The garage or carport may be attached or detached.~~
 - ~~5. The manufactured dwelling shall be multisectional.~~

[Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18]

839 ACCESSORY DWELLING UNITS

839.01 NUMBER ALLOWED

- ~~A. Only one accessory dwelling unit shall be allowed per primary attached or detached single-family dwelling, and per primary or manufactured dwelling, on the same lot of record.~~
- ~~B. No accessory dwelling unit shall be allowed in a cottage cluster development, or in a manufactured dwelling park, or accessory to a temporary dwelling approved pursuant to Section 1204, Temporary Permits.~~
- ~~C. In the R-2.5 and VTH Districts, only one accessory dwelling unit shall be allowed per townhouse.~~

839.02 GENERAL STANDARDS

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

- ~~A. Maximum Area: The maximum floor area of an accessory dwelling unit shall be 900 square feet, except in the R-2.5 District, where the maximum shall be 500 square feet. In no case shall the floor area of an accessory dwelling unit be larger than that of the primary dwelling.~~
- ~~B. Entrances: If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the building. An exception to this requirement may be granted if there is no ground level access to the accessory dwelling unit, or if the primary dwelling has additional front entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased.~~

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

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

- A. An accessory dwelling unit either may be located above a detached garage, or it may be integral to a primary dwelling.
- B. If the accessory dwelling unit is located above a detached garage:

 - 1. The maximum floor area of the accessory dwelling unit shall be 900 square feet.
 - 2. The accessory dwelling unit shall be subject to the standards in Table 315-3, *Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts*, that apply to accessory structures in the VR-4/5 and VR-5/7 Districts.

- C. If the accessory dwelling unit is integral to a primary dwelling, it shall be subject to the standards in Table 315-3 that apply to primary dwellings in the VR-4/5 and VR-5/7 Districts.

839.04 STANDARDS IN THE VTH DISTRICT

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

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

~~839.05 — MANUFACTURED DWELLINGS~~

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

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-276, 10/1/20]

845 TRIPLEXES, QUADPLEXES, TOWNHOUSES, AND COTTAGE CLUSTERS

845.01 GENERAL STANDARDS

A. Minimum Lot Size: The subject lot shall be a minimum of:

1. 5,000 square feet for a triplex, except in the VR-4/5 and VR-5/7 Districts, where there is no minimum; and
2. 7,000 square feet for a quadplex or a cottage cluster.

B. Exemptions: Subsections 845.02 through 845.04 do not apply to middle housing created through a conversion of an existing detached single-family dwelling that does not add any building square footage to the existing dwelling.

C. Prohibition: Development of triplexes, quadplexes, townhouses, and cottage clusters, either through new construction or through a conversion of a detached, single-family dwelling, is prohibited in the Floodplain Management District.

845.02 TRIPLEXES AND QUADPLEXES

Triplexes and quadplexes shall comply with the following standards:

A. Windows: A minimum of 15 percent of the area of all street-facing facades shall include windows or entrance doors. Facades separated from a street by a dwelling are exempt from compliance with this standard (see Figure 845-1, *Window Coverage*).

B. Entry Orientation: At least one external door that enters into a common room of the triplex or quadplex shall comply with the standards of Subsections 845.02(B)(1) and (2). Any triplex or quadplex for which more than 50 percent of its street-facing facade is separated from the street by a dwelling is exempt from meeting these standards.

1. The entrance shall be within eight feet of the longest street-facing wall of the dwelling unit; and

2. The entrance shall either:

a. Face the street (see Figure 845-2, *Entrance Facing the Street*);

b. Be at an angle of up to 45 degrees from the street (see Figure 845-3, *Entrance at 45-Degree Angle from the Street*);

c. Face a common outdoor area that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 845-4, *Entrance Facing Common Outdoor Area*); or

d. Open onto a porch (see Figure 845-5, *Entrance Opening onto a Porch*) that:

i. Is a minimum of 25 square feet in area; and

ii. Either has at least one entrance facing the street or has a roof.

C. Driveway Entries: Driveway entries shall comply with the following:

1. The total width of all driveway entries shall not exceed 32 feet.(see Figure 845-6, *Driveway Entry Width and Separation on Local Street*).

2. Driveway entries may be separated when located on a local street (see Figure 845-6). If entries are separated, they shall comply with the driveway spacing standards of the *Clackamas County Roadway Standards*.

3. Unless an exception is available under the *Clackamas County Roadway Standards*, lots of record with more than one street frontage shall access only the street with the lowest functional classification from which the lot has legal access. For lots abutting an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6, access shall be taken only from the alley.

D. Garages and Off-Street Parking Areas: Garages and off-street parking areas shall not be located between a building and a public street (other than an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6), except in compliance with Subsections 845.02(1) and (2).

1. The garage or off-street parking area is separated from the street by a dwelling; or

2. The combined width of all garages and off-street parking areas located between a building and a public street does not exceed a total of 50 percent of the street frontage (see Figure 845-7, *Width of Garages and Parking Areas*)

845.03 TOWNHOUSES

Townhouses shall comply with the following standards:

A. Setbacks: No minimum side setbacks shall be required from any side lot line where two townhouses share a common wall. No minimum rear setbacks shall be required from any rear lot line where two townhouses share a common wall.

B. Entry Orientation: At least one external door that enters into a common room of each townhouse shall:

1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and

2. Either:

- a. Face the street (see Figure 845-2, *Entrance Facing the Street*);
- b. Be at an angle of up to 45 degrees from the street (see Figure 845-3, *Entrance at 45-Degree Angle from the Street*);
- c. Face a common open space or access drive or driveway that is abutted by dwellings on at least two sides (see Figure 845-4, *Entrance Facing Common Outdoor Area*); or
- d. Open onto a porch (see Figure 845-5, *Entrance Opening onto a Porch*) that:
 - i. Is a minimum of 25 square feet in area; and
 - ii. Either has at least one entrance facing the street or has a roof.

C. Unit Definition: Each townhouse shall include at least one of the following on at least one street-facing façade (see Figure 845-8, *Townhouse Unit Definition*):

- 1. A roof dormer a minimum of four feet in width;
- 2. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room;
- 3. A bay window that extends from the facade a minimum of two feet;
- 4. An offset of the facade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse;
- 5. An entryway that is recessed a minimum of three feet;
- 6. A covered entryway with a minimum depth of four feet; or
- 7. A porch meeting the standards of Subsection 845.03(B)(2)(d).

D. Windows: A minimum of 15 percent of the area of all street-facing facades on each townhouse shall include windows or entrance doors. Fifty percent of the window area in the door of an attached garage may count toward meeting this standard. (see Figure 845-1, *Window Coverage*)

E. Driveway Access and Parking: Townhouse lots with frontage on a public street shall comply with the following standards:

- 1. Attached garages, off-street parking areas, and driveways are allowed to be located between a townhouse and a public street if they meet the following standards:

- a. Each townhouse lot for which the parking is being provided between a townhouse and a public street shall have a minimum of 15 feet of street frontage on a local street.
 - b. A maximum of one driveway entry shall be allowed for each townhouse.
 - c. Driveways and off-street parking areas shall not exceed 12 feet wide.
 - d. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
2. The following standards apply to driveways and parking areas for townhouse developments that do not comply with all of the standards in Subsection 845.03(E)(1).
- a. Off-street parking areas shall not be located between a townhouse and a public street.
 - b. Townhouse developments shall consolidate access for all lots into a single driveway. The driveway and entry are not allowed in the area directly between a townhouse and the front lot line (see Figures 845-9, *Townhouses on Corner Lot with Consolidated Access*, and 845-10, *Townhouses with Consolidated Access*).
 - c. A townhouse development that includes consolidated access shall grant access easements for shared and emergency vehicle access.
3. Townhouse developments in which all townhouses take exclusive access from an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6 are exempt from Subsection 845.03(E)(2).

845.04 COTTAGE CLUSTERS

Cottage clusters shall comply with the following standards:

- A. Cluster Size: Dwelling units shall be developed in clusters of four to nine per cluster sharing a common courtyard.
- B. Development Size: A lot of record may contain more than one cottage cluster.
- C. Maximum Ground Floor Area: The maximum ground floor area of each dwelling shall be 900 square feet.
- D. Garages: Each dwelling may have a maximum of 200 square feet for an attached garage that is not included in the maximum ground floor area permitted pursuant to Subsection 845.04(C). Any additional garage square footage shall be deducted from the maximum ground floor area. Dwellings may have detached garages.

- E. Maximum Average Floor Area: The average floor area of all dwellings in a cottage cluster development shall not exceed 1,400 square feet. For the purpose of this provision, floor area of a dwelling includes the area of any attached garage. If the cottage cluster development includes community buildings, the community buildings shall be included in the average floor area calculation.
- F. Maximum Detached Accessory Building Floor Area: 400 square feet per building, except as provided under Subsections 845.04(E) and 845.04(L) for a community building.
- G. Minimum Setbacks: The minimum front and rear setbacks are 10 feet. The minimum side setback is five feet.
- H. Minimum Separation Distance: The minimum distance between dwellings is six feet.
- I. Maximum Lot Coverage: There is no maximum lot coverage for a cottage cluster development.
- J. Dwelling Orientation: Dwellings in a cottage cluster shall comply with the following standards (see Figure 845-11, *Cottage Cluster Orientation and Courtyard Standards*):
1. Each dwelling shall either abut the common courtyard or else it shall have a door that enters into a common room of the dwelling connected to a walkway leading to the common courtyard.
 2. A minimum of 50 percent of dwellings within a cluster shall:
 - a. Have a door that enters into a common room of the dwelling and faces the common courtyard;
 - b. Be within 10 feet of the common courtyard, as measured from a façade of the dwelling to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a walkway.
- K. Common Courtyard Design Standards: Each common courtyard shall comply with the following standards (see Figure 845-11):

1. The common courtyard shall be a single, contiguous piece. The courtyard shall be a minimum of 15 feet wide at its narrowest dimension. A “single, contiguous piece” may include a courtyard that is divided by gardens or a pathway.
2. Dwellings shall abut more than one side of the courtyard, unless the courtyard is rounded. If the courtyard is rounded, dwellings shall abut a minimum of 50 percent of the perimeter of the courtyard.
3. The common courtyard shall contain a minimum of 150 square feet per dwelling within the associated cluster, as described in Subsection 845.04(A).
4. The common courtyard shall be developed with a hard-surfaced walkway, landscaping, and a minimum of one of the following: recreational amenities, a patio, seating, or a gazebo. Impervious elements and recreational amenities of the common courtyard shall not exceed 75 percent of the total common courtyard area.
5. The courtyard shall include a walkway. Walkways on the perimeter of or crossing the courtyard shall count toward the courtyard’s minimum dimensions and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

L. Community Buildings: Cottage clusters may include a community building for the shared accessory uses of the cottage cluster’s residents and their guests. Community buildings shall comply with the following standards:

1. Each cottage cluster is permitted one community building.
2. The community building shall not be used as a dwelling.

M. Pedestrian Access: A hard-surfaced walkway a minimum of five feet wide shall connect a door that enters into a common room of each dwelling in a cottage cluster to the following:

1. The common courtyard;
2. Any shared parking areas;
3. The community building, if the cottage cluster contains a community building; and
4. Sidewalks abutting the site, or roadways abutting the site if there are no sidewalks.

N. Parking Design:

1. Off-street motor vehicle parking shall be subject to the following standards:
 - a. Developments with 15 or fewer dwellings shall not have more than five contiguous spaces.
 - b. Developments with 16 or more cottages shall not have more than eight contiguous spaces.
 - c. Each group of contiguous parking spaces shall be separated from any other group of parking spaces serving a cottage cluster development by landscaping that is a minimum of four feet wide.
2. Off-street motor vehicle parking spaces and motor vehicle maneuvering areas, except driveways, shall not be located:
 - a. Within 10 feet of a front lot line, except from a front lot line that separates the lot from an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6; or
 - b. Between a front lot line and the front facade of the dwelling(s) located closest to the front lot line, except from a front lot line that separates the lot from an alley.
3. Off-street motor vehicle parking spaces shall not be located within 10 feet of rear or side lot lines, except a lot line that separates the lot from an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6. Motor vehicle maneuvering areas are permitted within 10 feet of rear or side lot lines.
4. Garages and carports:
 - a. Detached garages or carports shall be separated from other detached garages or carports by a minimum of six feet.
 - b. The maximum width of each garage door is 20 feet.
5. Screening: Landscaping, fencing, or walls, any of which shall be a minimum of three feet high, shall separate the off-street parking areas, garages, and carports from all common courtyards in the cottage cluster development.

O. Existing Structures: On a lot of record to be developed with a cottage cluster, an existing lawfully established detached single-family dwelling may remain within the cottage cluster under the following conditions:

1. An existing dwelling that exceeds the maximum footprint, and/or unit size of Subsections 845.04(C through E) may not be expanded.

2. The floor area of the existing dwelling shall not count towards the maximum average floor area of dwellings in a cottage cluster development calculated pursuant to Subsection 845.04(E).
3. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard in Subsection 845.04(J).

Figure 845-1: Window Coverage



Figure 845-2: Entrance Facing the Street

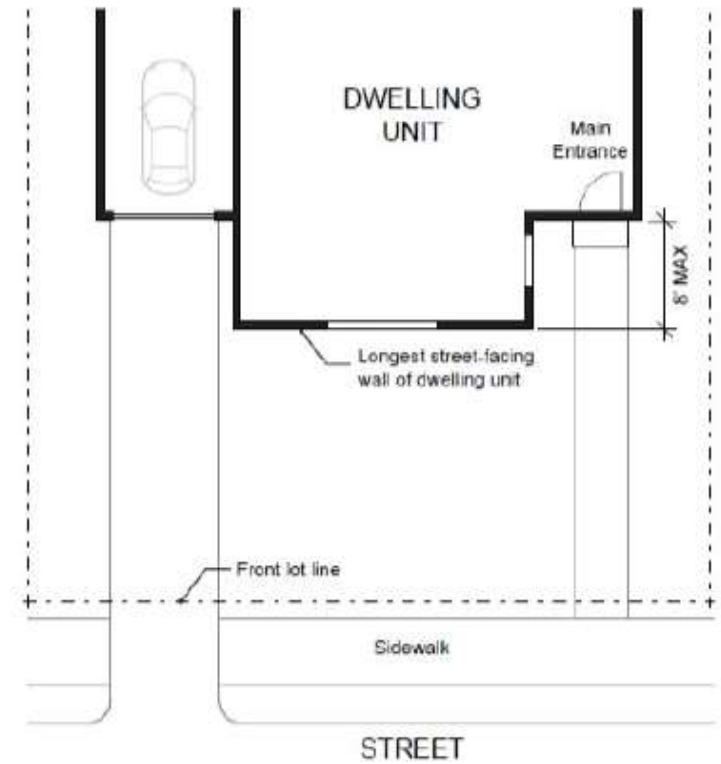


Figure 845-3: Entrance at 45-Degree Angle from the Street

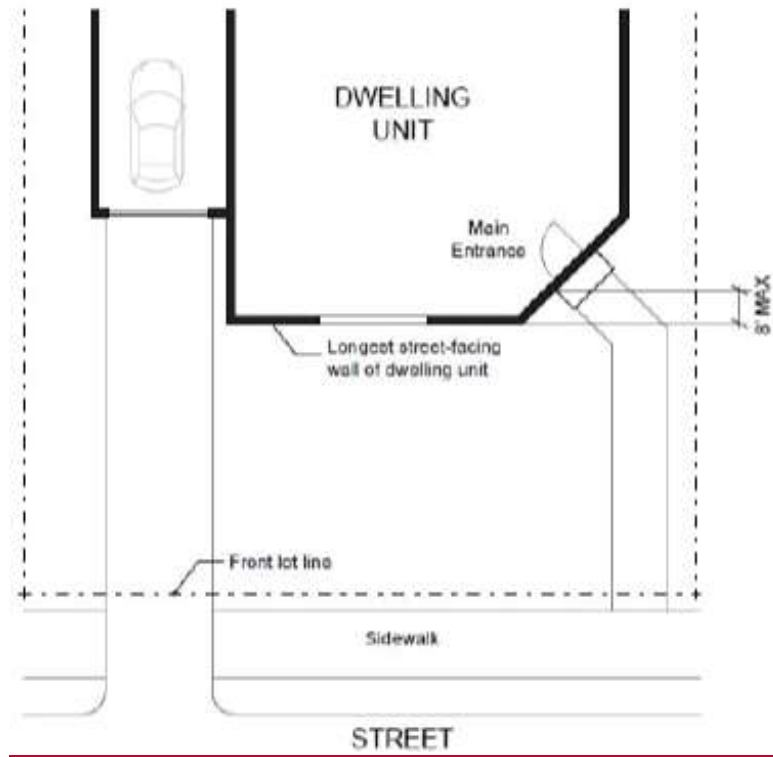


Figure 845-4: Entrance Facing Common Outdoor Area

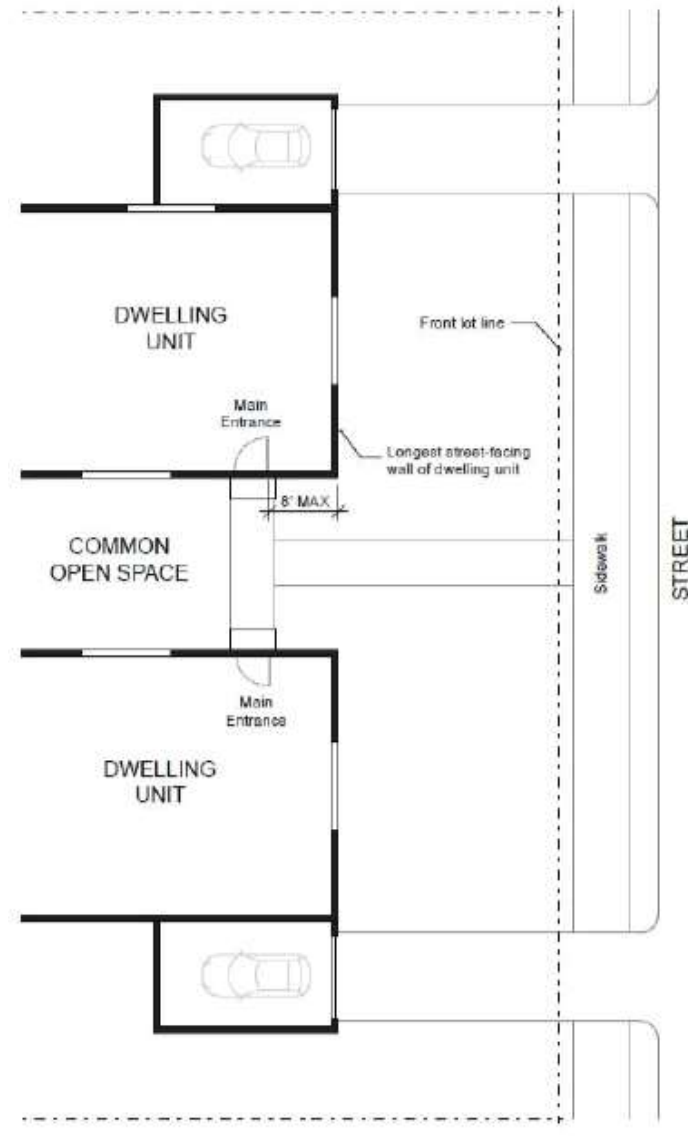


Figure 845-5: Entrance Opening onto a Porch

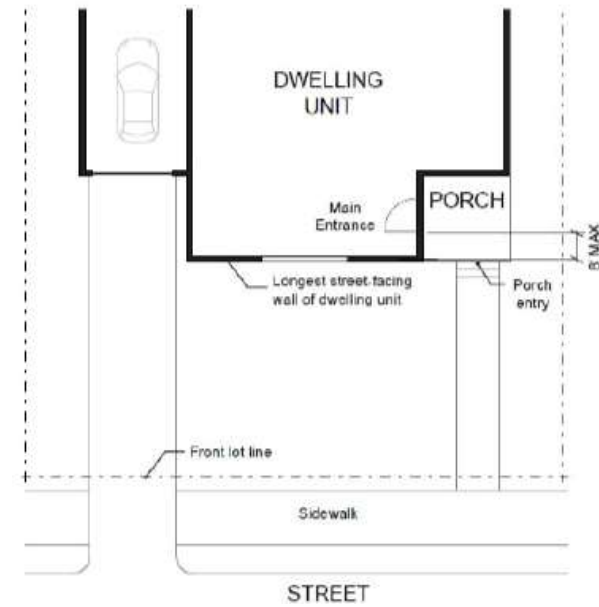
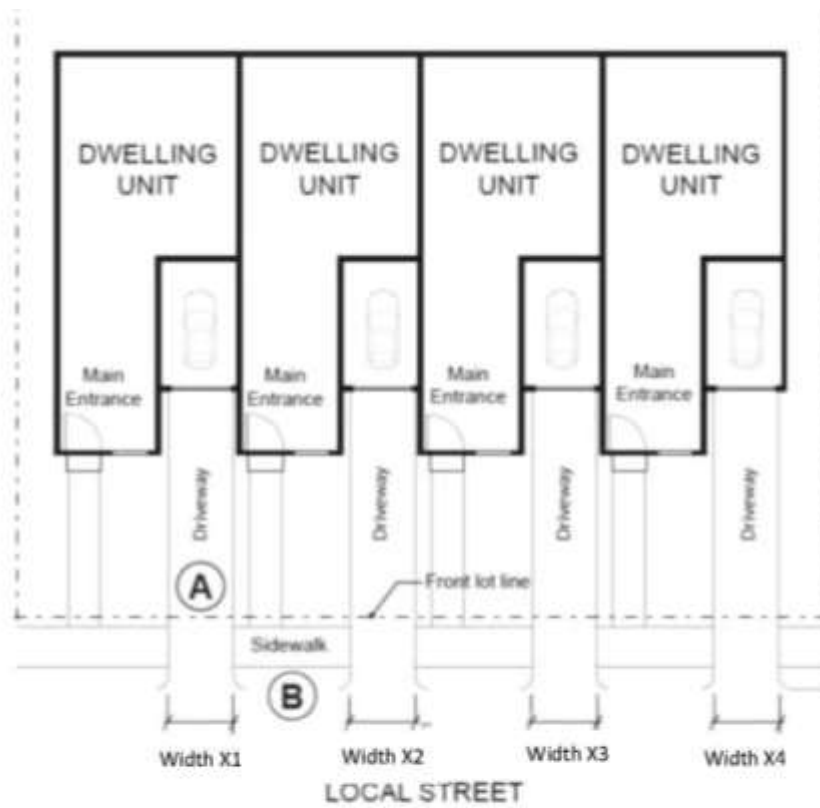


Figure 845-6: Driveway Entry Width and Separation on Local Street



A $X1 + X2 + X3 + X4$ must not exceed 32 feet per frontage

B Driveway approaches may be separated when located on a local street

Figure 845-7: Width of Garages and Parking Areas

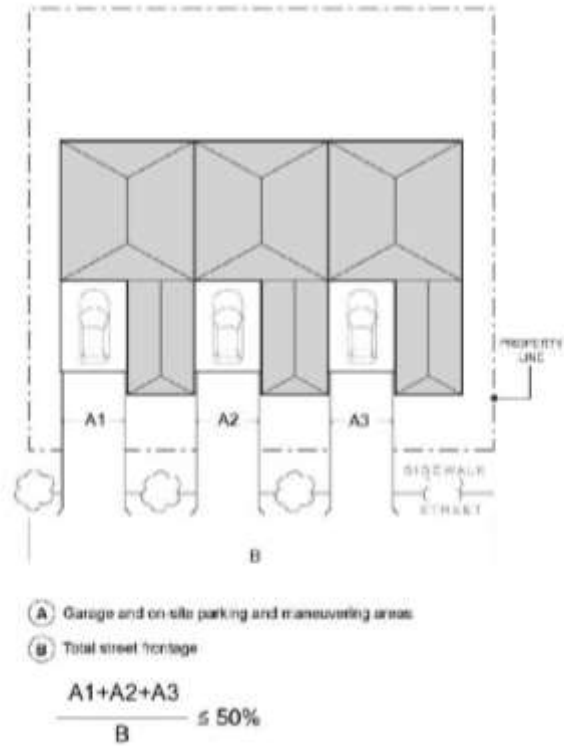
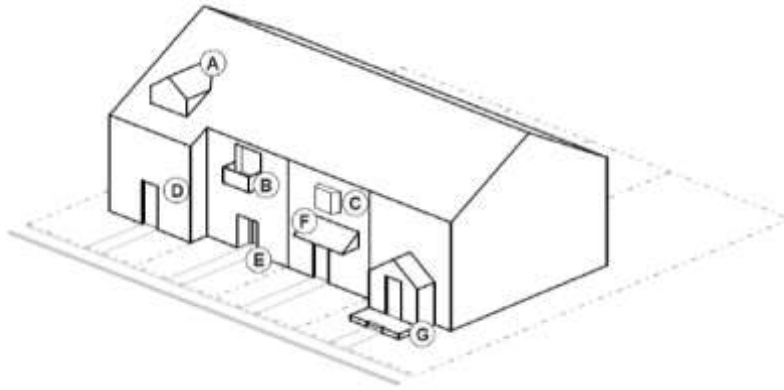


Figure 845-8: Townhouse Unit Definition



-
- (A) Roof dormer, minimum of 4 feet wide
 - (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
 - (C) Bay window extending minimum of 2 feet from facade
 - (D) Facade offset, minimum of 2 feet deep
 - (E) Recessed entryway, minimum 3 feet deep
 - (F) Covered entryway, minimum of 4 feet deep
 - (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)
-

Figure 845-9: Townhouses on Corner Lot with Consolidated Access

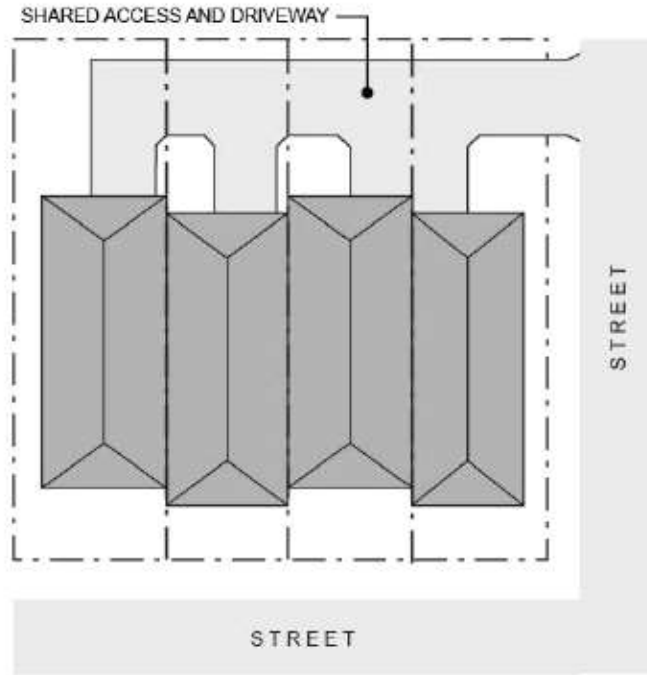


Figure 845-10: Townhouses with Consolidated Access

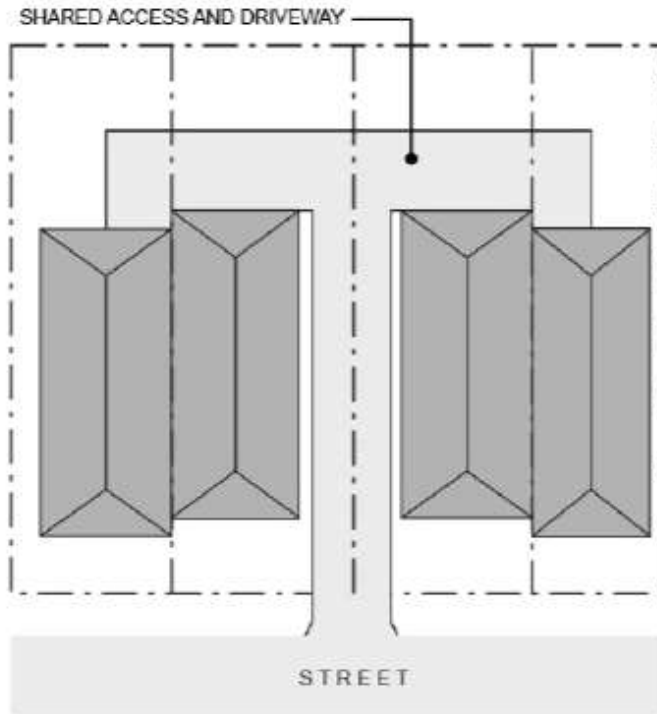
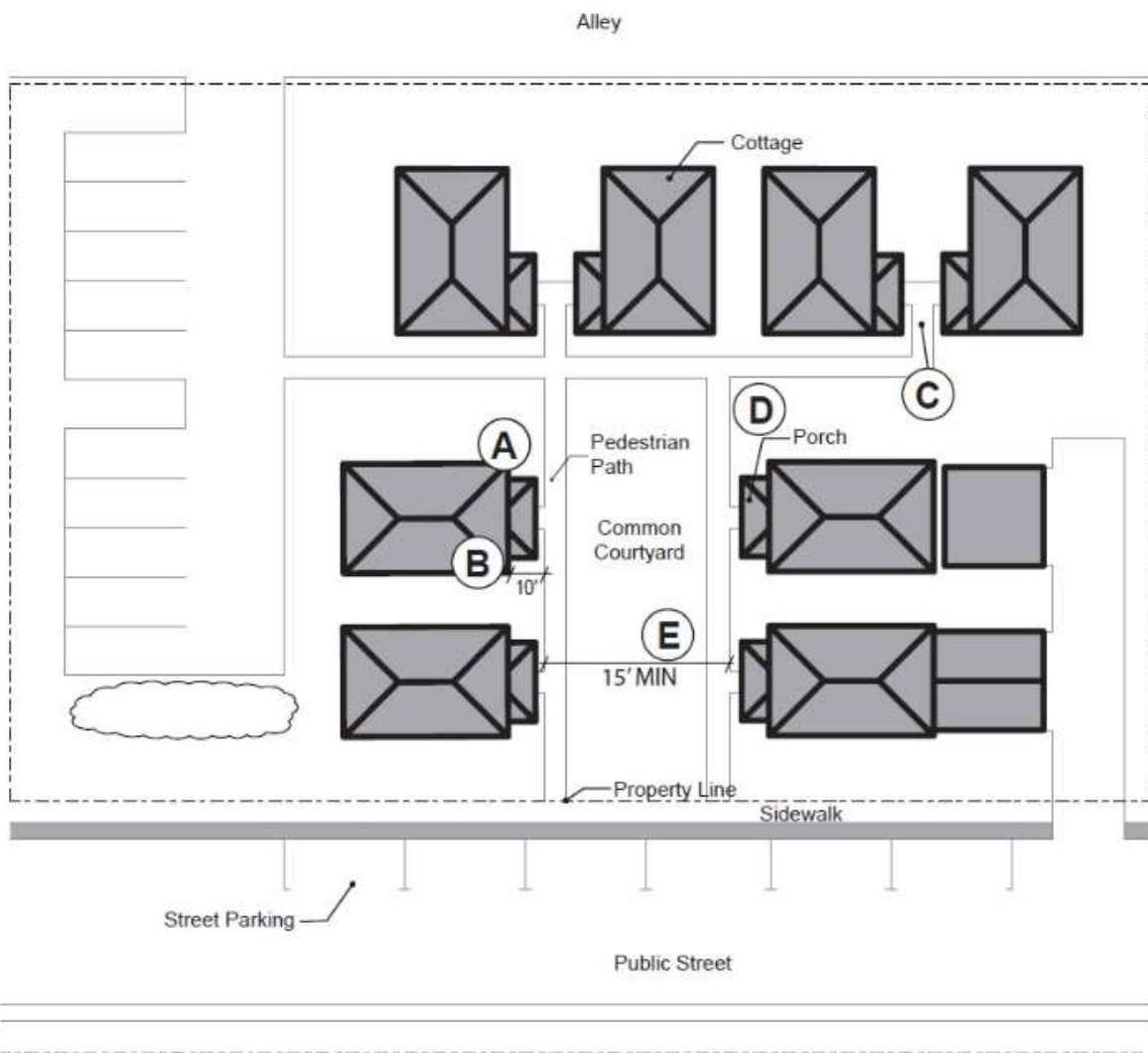


Figure 845-11: Cottage Cluster Orientation and Courtyard Standards



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

1001 GENERAL PROVISIONS

1001.01 PURPOSE

Section 1000, *Development Standards*, is adopted to implement policies in the Comprehensive Plan that are applicable to new development and thereby ensure that land is:

- A. Used efficiently to support broad-based economic development and the adequacy of housing and public services;
- B. Developed in an environmentally sustainable and aesthetically appealing manner;
- C. Supplied with public facilities sufficient to meet demand; and
- D. Served by a safe, convenient, multimodal, and interconnected transportation system.

~~1001.02 APPLICABILITY~~

~~A. Except where a different applicability standard is set forth elsewhere in Section 1000, Section 1000 applies to partitions; subdivisions; replats; institutional, commercial, and industrial developments; manufactured dwelling parks; condominiums; multifamily dwellings; two- and three-family dwellings; and attached single-family dwellings where three or more dwelling units are attached to one another. Notwithstanding this provision, level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837, *Mobile Vending Units*. In addition, Section 1009, *Landscaping*, does not apply to partitions, subdivisions, and replats.~~

~~B. Except where a different applicability standard is set forth elsewhere in Section 1000, the following portions of Section 1000 apply to manufactured dwellings, detached single-family dwellings, and attached single-family dwellings where two dwelling units are attached to one another:~~

- ~~1. Subsection 1002.01, *Hillsides*;~~
- ~~2. Subsection 1002.04, *River and Stream Corridors*;~~
- ~~3. Subsection 1002.05, *Deer and Elk Winter Range*;~~
- ~~4. Subsection 1002.06, *Mount Hood Resource Protection Open Space*;~~
- ~~5. Subsection 1002.07, *Significant Natural Areas*;~~
- ~~6. Section 1003, *Hazards to Safety*;~~
- ~~7. Section 1004, *Historic Protection*;~~
- ~~8. Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface*~~

~~Water Management, and Erosion Control;~~

~~9. Subsection 1007.04, Pedestrian and Bicycle Facilities; and~~

~~10. Subsection 1007.08, Fee in Lieu of Construction.~~

~~C. Subsection 1001.03 applies to all development.~~

1001.~~02~~03 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 as permitted by this Ordinance~~Section 1204, Temporary Permits, or by Section 839, Accessory Dwelling Units.~~

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.

Table 1001-1: Applicability of Section 1000¹

<u>Type of Development</u>	<u>1002 Protection of Natural Features</u>	<u>1003 Hazards to Safety</u>	<u>1004 Historic Protection</u>	<u>1005 Site and Building Design</u>	<u>1006 Utilities, etc</u>	<u>1007 Roads & Connectivity</u>	<u>1009 Land- scaping</u>	<u>1010 Signs</u>	<u>1011 Open Space and Parks</u>	<u>1012 Lot Size and Density</u>	<u>1013 Planned Unit Develop- ments</u>	<u>1015 Parking and Loading</u>	<u>1017 Solar Access</u>	<u>1021 Solid Waste & Recyclable Material Collection</u>
<u>Partitions</u>														
<u>Subdivisions</u>	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	
<u>Replats</u>														
<u>Institutional</u>														
<u>Commercial²</u>	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		✓
<u>Industrial</u>														
<u>Manufactured dwelling parks</u>	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓		
<u>Multifamily dwellings</u>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
<u>Detached single-family dwellings</u>	<u>1002.01</u> <u>1002.04</u> <u>1002.05</u> <u>1002.06</u>	✓	✓		✓	<u>1007.04</u> <u>1007.08</u>		✓				<u>1015.01(A)</u> <u>1015.02(A)(2)</u> <u>& (4)</u> <u>1015.02(B-D)</u> <u>Table 1015-2</u>		
<u>Manufactured dwellings</u>	<u>1002.07</u> <u>1002.09³</u>													
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														
<u>Duplexes, Triplexes, and Townhouses</u>	<u>1002.01</u> <u>1002.09³</u>	✓	✓		✓	<u>1007.04</u> <u>1007.08</u>		✓				<u>1015.01(A)</u> <u>1015.02(A)(2)</u> <u>& (4)</u> <u>1015.02(B-D)</u> <u>Table 1015-2</u>		
<u>Quadplexes and Cottage Clusters</u>	<u>1002.01</u> <u>1002.09³</u>	✓	✓		✓	<u>1007.04</u>		✓						
<u>Middle housing land divisions</u>	✓	✓	✓		✓	✓		✓		✓				

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Type of Development</u>	<u>1002</u> <u>Protection of</u> <u>Natural</u> <u>Features</u>	<u>1003</u> <u>Hazards</u> <u>to</u> <u>Safety</u>	<u>1004</u> <u>Historic</u> <u>Protection</u>	<u>1005</u> <u>Site and</u> <u>Building</u> <u>Design</u>	<u>1006</u> <u>Utilities,</u> <u>etc</u>	<u>1007</u> <u>Roads &</u> <u>Connectivity</u>	<u>1009</u> <u>Land-</u> <u>scaping</u>	<u>1010</u> <u>Signs</u>	<u>1011</u> <u>Open</u> <u>Space</u> <u>and</u> <u>Parks</u>	<u>1012</u> <u>Lot</u> <u>Size</u> <u>and</u> <u>Density</u>	<u>1013</u> <u>Planned</u> <u>Unit</u> <u>Develop-</u> <u>ments</u>	<u>1015</u> <u>Parking and</u> <u>Loading</u>	<u>1017</u> <u>Solar</u> <u>Access</u>	<u>1021</u> <u>Solid</u> <u>Waste &</u> <u>Recyclable</u> <u>Material</u> <u>Collection</u>
Middle housing in all other zoning districts														
<u>Townhouses</u> <u>with two</u> <u>dwelling units</u>	<u>1002.01</u> <u>1002.04</u> <u>1002.05</u> <u>1002.06</u> <u>1002.07</u> <u>1002.09³</u>	✓	✓		✓	<u>1007.04</u> <u>1007.08</u>		✓		✓		✓		✓
<u>Duplexes,</u> <u>Triplexes,</u> <u>Quadplexes,</u> <u>and</u> <u>Townhouses</u> <u>with three or</u> <u>more dwelling</u> <u>units</u>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓

¹ 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.

² Level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837, *Mobile Vending Units*.

³ Subsection 1002.09 also applies to accessory structures.

[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]

1002 PROTECTION OF NATURAL FEATURES

1002.01 HILLSIDES

A. Development on slopes greater than or equal to 20 percent and less than or equal to 35 percent—except that for residential development in the RR, MRR, and HR Districts, the upper limit is 25 percent—shall require review of a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards:

1. No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of Subsection 1002.01.
2. Grading, stripping of vegetation, and lot coverage by structures and impervious surfaces shall be limited to no more than 30 percent of slopes 20 percent or greater. Variances to this standard may be granted pursuant to Section 1205, *Variances*. A variance shall not be granted unless the proposed development satisfies the following conditions:
 - a. The proposed lot coverage shall not exceed the maximum lot coverage standard of the zoning district;
 - b. The additional lot coverage, grading, or stripping shall not:
 - i. Decrease the stability of the slope;
 - ii. Appreciably increase erosion, sedimentation, or drainage flow from the property; or
 - iii. Adversely impact high-priority open space as defined in Section 1011, *Open Space and Parks*.
 - c. Measures shall be employed to minimize grading or filling to accomplish the development.
 - d. Disturbed areas shall be compacted if necessary and re-vegetated as soon as practical and before the annual wet season.
3. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.
4. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided.
5. Roads shall be of minimum width, with grades consistent with County specifications. One-way streets may be allowed.

6. Re-vegetation of all graded areas shall be the responsibility of the developer and shall occur as soon as feasible following the final grading. Maintenance of the slopes shall be the responsibility of the developer until the property ownership is transferred.
- B. Development on slopes greater than 35 percent—and residential development on slopes greater than 25 percent in the RR, MRR, and HR Districts—shall require review of a Type II application pursuant to Section 1307 and shall be subject to the following standards:
1. Compliance with Subsections 1002.01(A)(1) through 6) shall be required.
 2. An engineering geologic study approved by the County shall establish that the site is stable for the proposed development, and any conditions and recommendations based on the study shall be incorporated into the plans and construction of the development. The study shall include the items listed in Subsection 1003.02(B)(2).
 3. Access to the site shall be approved by the County and the affected fire district, pursuant to the engineering geologic study and associated conditions. Review shall be required, if construction of such access requires cut and fill, blasting, tree cutting, retaining walls, or other terrain alterations which detract from the natural scenic quality of the site.
 4. The design of structures and re-vegetation plans shall ensure preservation or rapid reestablishment of the scenic quality of the site.
 5. A plan for surface water management and erosion control shall be approved pursuant to Subsection 1006.06.
 6. When a building is proposed, at least one of the following conditions shall apply:
 - a. It is not feasible to either transfer the density (in the case of residential development) or to develop on a portion of the subject property that is less sloped; or
 - b. Unique characteristics of the subject property, such as, but not limited to, vistas or solar exposure, could be better utilized by the proposed siting of structures with less or equal overall disturbance of the subject property than would occur otherwise under the provisions of this Ordinance.
- C. Approval of a permit under Subsection 1002.01(A) or (B) is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.

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 approved permit, “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 or manufactured dwelling placement permit for a new primary structure that was part of the approved development; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the approved development.
- D. If the approval of a permit under Subsection 1002.01(B) is not implemented within the initial approval period established by Subsection 1002.01(C), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.

1002.02 DEVELOPMENT RESTRICTION FOLLOWING EXCESSIVE TREE REMOVAL

Subsection 1002.02 applies to land inside the Portland Metropolitan Urban Growth Boundary, except land specially assessed as forestland on September 28, 2010.

- A. Definitions: Unless specifically defined in Subsection 1002.02(A), words or phrases used in Subsection 1002.02 shall be interpreted to have the same meaning as they have in common usage and to give Subsection 1002.02 its most reasonable application.
 1. Christmas Tree: A tree of a marketable species and evidencing periodic maintenance practices of shearing for Douglas fir, fir, and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, and soil cultivation.
 2. Diameter Breast Height (d.b.h.): A tree’s diameter measured by diameter tape at four and one-half feet above grade on the uphill side. On multi-stem trees, the stem with the largest diameter shall be measured.
 3. Hazardous Tree: A tree that, by reason of disease, infestation, age, or other condition, presents a known or immediate hazard to people or property.
 4. Nuisance Tree: Any tree of the following species: tree of heaven (*Alianthus altissima*), single seed hawthorn (*Crataegus monogyna*), English holly (*Ilex aquifolium*), plums (*Prunus* hybrids, which are not commercial nursery species), sweet cherry (*Prunus avium*), English laurel (*Prunus laurocerasus*), Portuguese laurel (*Prunus lusitanica*), black locust (*Robinia pseudoacacia*), European mountain ash (*Sorbus aucuparia*), and any listed in the Oregon Department of Agriculture’s Noxious Weed Policy and Classification System.

5. Orchard Tree: A tree maintained for the production of fruit or nuts for human consumption.
 6. Tree: Any woody plant with at least one well-defined stem.
 7. Tree Removal: The act of removing a tree by digging up or cutting down, or the effective removal through damage to a tree or its root system. Effective removal shall include any procedure the natural result of which is to cause the death or substantial destruction of a tree, including, but not limited to: topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree, girdling, and placing fill in excess of six inches deep over the root zone. Tree removal does not include routine pruning or trimming.
- B. Excessive Tree Removal: Excessive tree removal is the removal of more than three trees—excluding those identified as exempt in Subsection 1002.02(E)—on a lot of record in a calendar year.
- C. Development Restriction: If excessive tree removal occurred in the five years immediately preceding the date that a complete application is filed for design review or, a conditional use or for a subdivision or, a partition that is not a middle housing land division, or a conditional use, the application will be denied.
- D. Exception to Development Restriction: Notwithstanding Subsection 1002.02(C), a modification of a previous design review, subdivision, partition, or conditional use approval may be approved pursuant to Section 1309, *Modification*.
- E. Exempt Trees: Removal of the following exempt trees is not excessive tree removal, regardless of the number of such trees removed. However, removal of the listed trees may be regulated under other provisions of this Ordinance, such as Section 705, *Willamette River Greenway*, Section 706, *Habitat Conservation Area District*, and Section 709, *Water Quality Resource Area District*, or by conditions of approval on a previous land use decision.
1. Trees with a d.b.h. of less than six inches;
 2. Trees required to be removed by local, state or federal law or regulation, or by a fire official;
 3. Trees removed by a public utility—or required by a public utility to be removed—in order to maintain, repair, or replace an existing utility line;
 4. Trees removed by a public utility—or required by a public utility to be removed—in order to construct a new utility line, unless the purpose of the new line is to serve future development of the subject property;
 5. Orchard trees;

6. Christmas trees;
7. Trees planted on the site of a commercial nursery and grown for commercial purposes;
8. Nuisance trees;
9. Dead trees, where death resulted from an accident or non-human cause;
10. Diseased or hazardous trees, where the condition resulted from an accident or non-human cause;
11. Trees, the removal of which is authorized by approval of an administrative action under this Ordinance; and
12. Trees removed prior to September 28, 2010.

1002.03 TREES AND WOODED AREAS

- A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted. Site planning and design techniques which address incorporation of trees and wooded areas in the development plan include, but are not limited to, the following:
 1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees;
 2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows;
 3. Use of flexible road standards as provided in Subsection 1007.02(B)(3), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain;
 4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009, *Landscaping*.
 5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area;

6. Retention of trees which are necessary to ensure the stability of clumps or groves of trees considering the type of trees, soil and terrain conditions, exposure to prevailing winds, and other site-specific considerations;
 7. Use of trees and wooded areas to buffer, screen, or provide transitions between different or conflicting uses on and off the site;
 8. Use of flexible-lot-size and planned unit development designs to minimize disturbance of wooded areas;
 9. Siting of uses and structures to utilize the natural microclimates created by wooded areas and trees to reduce extremes in temperature, provide wind protection, filter pollutants, and replenish oxygen and moisture to the air; and
 10. Use of other development techniques described in Subsection 1011.02(C).
- B. Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by:
1. Avoiding disturbance of the roots by grading and filling activity;
 2. Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces;
 3. Pruning or topping of trees which will be in parking areas or near buildings, as necessary, to maintain proper balance between top growth and roots, reduce windfall potential, and provide adequate vision clearances for safe vehicular circulation; and
 4. Requiring, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection of specified wooded areas or specimen trees, as recommended by the arborist or horticulturist.

1002.04 RIVER AND STREAM CORRIDORS

The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary.

- A. Developments shall be planned, designed, constructed, and maintained so that:
1. River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices; and
 2. Buffers or filter strips of natural vegetation are retained along all river and stream banks.

- B. Except in the case of a river or stream subject to Section 704, *River and Stream Conservation Area*, or 705, *Willamette River Greenway*, the minimum structure setback from a river or perennial streambed shall be equal to the distance necessary to maintain or improve upon existing water quality. This distance shall be determined by a site investigation, but will not exceed 150 feet. Investigation shall consider:
1. Soil types;
 2. Types and amount of vegetative cover;
 3. Bank stability;
 4. Slope of the land abutting the river or stream;
 5. Hazards of flooding;
 6. River or stream character; and
 7. Any special Comprehensive Plan designation or management program.
- C. For water impoundments, diversions, and hydropower facilities, reasonable mitigation of adverse impacts to fisheries, wildlife, water quality, and flow shall be required commensurate with the intensity of the proposed use and resulting generating capacity.

1002.05 DEER AND ELK WINTER RANGE

Development in deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, shall be designed to minimize adverse wildlife impacts.

1002.06 MOUNT HOOD RESOURCE PROTECTION OPEN SPACE

Development in areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3, *Resource Protection Open Space*, proposed in or within 100 feet of natural wetlands shall be designed to:

- A. Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover;
- B. Provide compatibility with the continued performance of wetland functions, such as:
 1. Conservation of soil, vegetation, water, fish, and wildlife;
 2. Low-intensity, dispersed outdoor recreation, such as hiking and nature study; and

3. Utility easements, but only on peripheral areas and where alternative alignments are impractical;
- C. Eliminate the need for filling, dumping, and/or excavating in the wetland proper, unless approved pursuant to Subsection 1011.03; and
- D. Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainageways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.

1002.07 SIGNIFICANT NATURAL AREAS

Five significant natural areas are identified as unique/natural features on Comprehensive Plan Map III-2, *Scenic & Distinctive Resource Areas*. These areas are more specifically referred to as Williams Lake Bog, the land at Marmot, Multorpor Bog, Delphridge, and Wilhoit Springs. In these significant natural areas, the following shall be restricted, to the extent necessary to protect the unique or fragile character or features that are the basis for the unique/natural feature designation: building and road construction, filling and excavation, paving, and tree removal. Restrictions may be modified pursuant to Subsection 1011.03.

1002.08 SIGNIFICANT LANDFORMS AND VEGETATION

Institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one ~~two or three family dwelling~~ duplex, triplex, or quadplex shall cluster and modulate building masses to minimize disturbance of existing significant landforms and vegetation. Pursuant to the review procedure required by Section 1102, *Design Review*, minimum front setbacks may be reduced or waived to minimize disturbance of natural landforms or vegetation. If a setback reduction is granted, a program for protection of those landforms and vegetation during construction, and for long-term maintenance, shall be provided.

1002.09 RESOURCE PROTECTION AREAS IN THE VR 4/5 and VR 5/7 DISTRICTS

Development of primary dwellings and accessory structures within a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, shall require review of a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards:

1. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways, utility construction, and required trails shall be excluded from calculation of the disturbed area.
2. Driveways shall be designed at the narrowest width allowed by the *Clackamas County Roadway Standards* or the applicable fire district, whichever is wider.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-266, 5/23/18]

1005 SITE AND BUILDING DESIGN

1005.01 PURPOSE

Section 1005 is adopted to ensure sites are developed and buildings designed to:

- A. Efficiently utilize the land used in development, particularly urban land in centers, corridors, station communities and employment areas;
- B. Create lively, safe, attractive and walkable centers, corridors, station communities, employment areas and neighborhoods;
- C. Support the use of non-auto modes of transportation, especially pedestrian trips to and between developments;
- D. Support community interaction by creating lively, safe and attractive public use spaces within developments and on the street;
- E. Reduce impacts of development on natural features and vegetation;
- F. Utilize opportunities arising from a site's configuration or natural features;
- G. Encourage use of green building technologies and green site development practices, energy conservation and use of renewable energy resources;
- H. Design illumination so that dark skies are maintained to the extent possible, balanced with the lighting needs of safe and functional developments; and
- I. Accommodate the needs of the users to be located in developments.

~~1005.02 APPLICABILITY~~

~~Section 1005 applies to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling. Subsections 1005.04 (F) and 1005.12 also apply to attached single-family dwellings. Subsection 1005.12 also applies to developments of a single two- or three-family dwelling.~~

1005.0~~2~~³ GENERAL SITE DESIGN STANDARDS

The following site design standards apply:

- A. Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.

- B. Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.
- C. Minimum setbacks may be reduced by up to 50 percent as needed to allow improved solar access when solar panels or other active or passive solar use is incorporated into the building plan.
- D. A continuous, interconnected on-site walkway system meeting the following standards shall be provided.
 - 1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.
 - 2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children's play areas and plazas.
 - 3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.
 - 4. Walkways shall be constructed with a well-drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.
 - 5. Standards for walkways through vehicular areas:
 - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.
 - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.
 - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
 - d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.

- e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.
- 6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.
 - a. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.
 - b. Notwithstanding the remainder of Subsection 1005.023(D)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.
- E. Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front yard depth line.
 - 1. If the minimum front yard depth standard is less than 20 feet, the front yard depth may be increased to 20 feet provided pedestrian amenities are developed within the yard.
 - 2. Primary building entrances for buildings used to comply with Subsection 1005.023(E), shall:
 - a. Face the street;
 - b. Be located at an angle facing both the street and a parking lot; or
 - c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.
 - 3. If a development has frontage on more than one street, Subsection 1005.023(E) must be met on only one frontage, as follows:
 - a. If one of the streets is a major transit street, the standard shall be met on that street.
 - b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.
 - c. If neither 1005.023(E)(3)(a) or (b) applies, then the standard shall be met on the longest frontage.

- F. Inside the UGB, parking lots larger than three acres in size shall be built with major on-site vehicular circulation ways that include raised walkways with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
- G. New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.
 - 1. A private street used to meet the standards in Subsection 1005.023(G) must have raised walking surfaces on both sides, street trees, curbs, and pedestrian-scale street lighting, and must connect at both ends to an existing or proposed street.
 - 2. If a development has frontage on more than one major transit street, this orientation requirement needs to be met on only one side.
 - 3. The public entrance orientation requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
- H. New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.
 - 1. For the purpose of Subsection 1005.023(H), a building is located at a major transit stop, if:
 - a. The building is located on a lot that has frontage on the major transit street or an intersecting street; and
 - b. Any portion of the building is within a 200-foot radius of the major transit stop.
 - 2. Lawfully established buildings that do not comply with the maximum setback standard may have additional height added as an expansion without being brought into conformance with the standard.
 - 3. The maximum setback standard does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
- I. In the PMU District, there shall be no vehicular parking or circulation within the front yard setback.
- J. In the OC District the design and siting of structures shall control public access points into office buildings, utilizing a central lobby design, entrance courtyard, internal pedestrian walkway or mall, or similar designs that protect business/professional uses from the disturbances of direct public access.

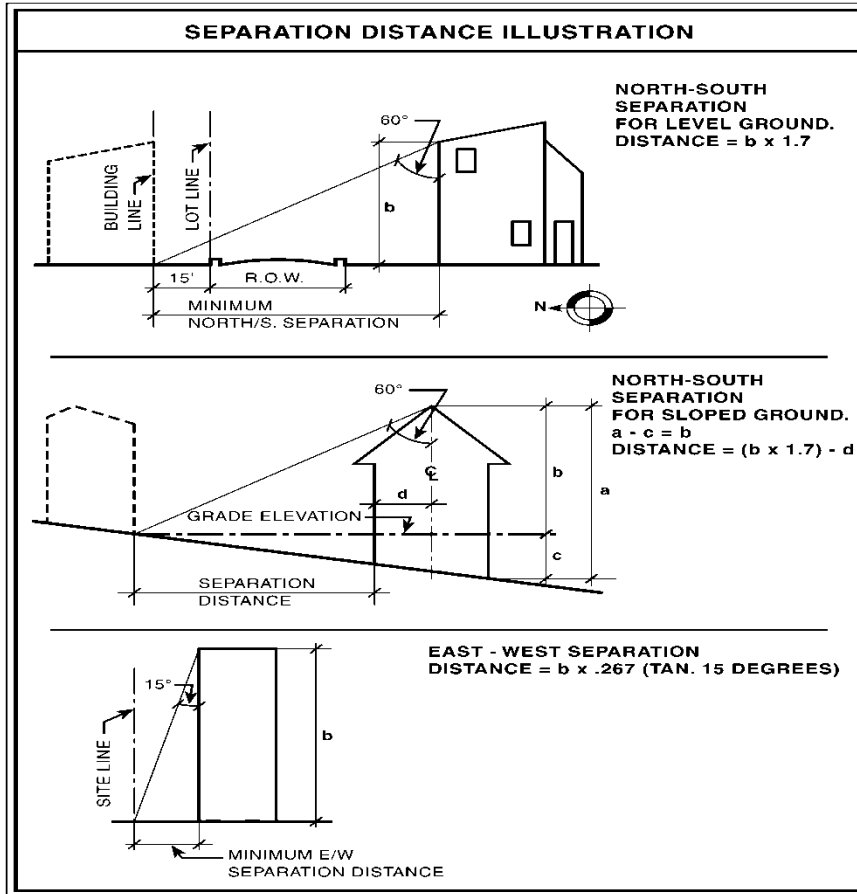
- K. Where a minimum floor area ratio (FAR) is required by the standards of the applicable zoning district, it shall be calculated as follows:
1. Calculate the building floor area by determining the square footage of all buildings in the proposed development, including:
 - a. Gross floor area of all commercial structures (except parking structures), including storage and mechanical equipment;
 - b. Square footage of commercial uses in a parking structure; and
 - c. Square footage of the footprint of a multifamily residential structure.
 2. Calculate the net site area by subtracting from the gross site area the following:
 - a. Right-of-way dedications;
 - b. Off-road (except sidewalks) trails, bikeways, or multi-purpose trails;
 - c. Stormwater detention facilities;
 - d. Design elements (plazas, greenways, transit stations, etc.);
 - e. Parks;
 - f. Civic spaces;
 - g. Stream buffers;
 - h. Wetlands; and
 - i. 100-year floodplain (undeveloped portion)
 3. Divide the building floor area by the net site area. The result is the FAR. For example, if the building floor area is 20,000 square feet and the net site area is 40,000 square feet, the FAR is 0.5.
- L. The following standards apply in the HDR, RCHDR, and SHD Districts:
1. The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 1005-0.) This provision shall be modified as follows:

- a. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.
 - b. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.
 - c. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 1005.023(L)(2), that area may be included in the required separation distance.
2. An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
 - a. Documentation and a map of the easement is submitted with the development plans for the site areas in question;
 - b. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; and
 - c. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.
 3. The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, County or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 1005-0.)

Formula: Separation = b x .267 (tan 15 degrees)

4. The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.

Figure 1005-0: Separation Distance Illustration



5. The standards of Subsection 1005.023(L) are not subject to modification pursuant to Section 904, *Height Exceptions*. However, these standards may be modified if the modification requested is necessary to allow development of primary uses at densities allowed for the site area.

1005.034 BUILDING DESIGN

- A. The following standards apply to building facades visible from a public or private street or accessway and to all building facades where the primary entrance is located.
 1. Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.
 2. Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.

3. Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters or modulating building masses.
4. Utilize human scale, and proportion and rhythm in the design and placement of architectural features.
5. Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
6. When uses between ground-level spaces and upper stories differ, provide differentiation through use of bays or balconies for upper stories, and awnings, canopies, trim and other similar treatments for lower levels.

B. Requirements for building entries:

1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.
2. Commercial, mixed-use and institutional buildings sited to comply with 1005.0~~23~~(E) shall have public entries that face streets and are open to the public during all business hours.

C. The street-facing façade of commercial, mixed-use and institutional buildings sited to comply with 1005.0~~23~~(E) shall meet the following requirements:

1. Facades of buildings shall have transparent windows, display windows, entry areas, or arcades occupying a minimum of 60 percent of the first floor linear frontage.
2. Transparent windows shall occupy a minimum of 40 percent of the first floor linear frontage. Such windows shall be designed and placed for viewing access by pedestrians.
3. For large-format retail buildings greater than 50,000 square feet, features to enhance the pedestrian environment, other than transparent window, may be approved through design review. Such items may include, but are not limited to display cases, art, architectural features, wall articulation, landscaping, or seating, provided they are attractive to pedestrians, are built to human scale, and provide safety through informal surveillance.

D. Requirements for roof design:

1. For buildings with pitched roofs:
 - a. Eaves shall overhang at least 24 inches.

- b. Roof vents shall be placed on the roof plane opposite the primary street.
 2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.
- E. Requirements for exterior building materials:
1. Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood's intended visual identity.
 2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
 3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, metal, or a combination of these materials.
 4. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
- F. Additional building design requirements for multifamily dwellings and middle housing, except middle housing developed pursuant to Section 845, Triplexes, Quadplexes, Townhouses, and Cottage Clusters, ~~two and three family dwellings, and attached single family dwellings:~~
1. Facades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.
 2. Windows shall be frequent and coordinate with bays and balconies.
 3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.
 4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities. ~~In Urban Low Density Residential Districts, the roof of each attached single family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.~~
 5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas

shall be completely enclosed and easily accessible to respective dwelling units.

G. Requirements to increase safety and surveillance:

1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.
2. Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.
3. Locate parking and automobile circulation areas to permit easy police patrol.
4. Design landscaping to allow for surveillance opportunities.
5. Locate mail boxes where they are easily visible and accessible.
6. Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of 30 inches in height.
7. Locate play areas for clear parental monitoring.

H. Solar access requirements:

1. Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.
2. Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.
3. Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.

I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.034(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*; X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community*; X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area*. The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

1. Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.

2. Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.
 3. Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.
 4. Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings. Loading areas shall be located to the side or rear of buildings unless topography, natural features, rail service, or other requirements of this Ordinance dictate front-yard loading bays.
 5. In industrial zoning districts, site areas used for vehicular operations, outdoor storage, and outdoor processing to minimize the impacts on adjacent dissimilar uses.
 6. Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.
 7. In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.
 8. In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.
 9. In open space or scenic areas, use natural color tones, lines and materials which blend with the natural features of the site or site background.
- J. Requirements for screening mechanical equipment:
1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.
 2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that blocks at least 80% of the view.

3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.034(J)(1) or (2).

K. Requirements for specialized structures in industrial zoning districts:

1. In the GI District, silos, towers, and other specialized storage or processing structures are permitted as part of a primary use only if such structures are enclosed in a building that complies with the other applicable standards of Subsection 1005.034, or if such structures have the following characteristics:
 - a. Provide windows and canopies, awnings, wood or masonry siding, or other exterior treatment to highlight accessory office areas within the same building, when applicable;
 - b. Use exterior colors which blend with the landscape, such as brown, green, tan, or, in the case of tall structures, such as silos or towers, use light colors that blend with the sky; and
 - c. Do not use bright colors, white, or multiple colors, except as specifically approved pursuant to Section 1102 for trim, accents, or to provide visual interest to equipment or structures that are unique to the particular use.
2. In the BP and LI Districts, silos, towers, and other specialized storage or processing structures are prohibited unless they are enclosed in a building that complies with the other applicable standards of Subsection 1005.034, or unless they are approved as part of a conditional use.

L. Facades in the OA District: In the OA District, facades are subject to the following standards:

1. Building facades facing public streets shall be designed with windows and entries or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, accessway, or a residential area.
2. Arcades are encouraged along public street rights-of-way or along walkways within the complex of buildings.
3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.

1005.0~~4~~⁵ OUTDOOR LIGHTING

A. Outdoor lighting devices:

1. Shall be architecturally integrated with the character of the associated structures, site design and landscape.
2. Shall not direct light skyward.
3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;
4. Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;
5. Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and
6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.

B. The following are exempt from Subsection 1005.0~~4~~⁵(A):

1. Temporary lights used for holiday decorations;
2. Street lights regulated in Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*; and
3. Lighting associated with outdoor recreation uses such as ball fields or tennis courts.

1005.0~~5~~⁶ ADDITIONAL REQUIREMENTS

Development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.

A. Install a solar energy system in the development.

B. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:

1. Modulate building masses to maximize solar access.
2. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites.

3. Locate buildings to maximize windbreaks.
 4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.
 5. Utilize deciduous trees to provide summer shade and allow winter sun.
 6. Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.
 7. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.
 8. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.
- C. Use highly reflective (high albedo) materials on roof surfaces.
- D. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.
- E. Construct a minimum of 75 percent of walkway area of porous pavement.
- F. Construct a minimum of 75 percent of all parking spaces with porous pavement.
- G. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.
- H. Include additional swales in development landscaping, pursuant to Section 1009. Credit shall be given for additional swale(s) that exceed the requirements of Subsection 1009.04(A)(2) by at least 10 percent of area. For example, if 1009.04(A)(2) requires 200 square feet of swale area, then an additional 20 square feet of swale area would be required.
- I. Collect rainwater from roofs and/or other impervious surfaces and use it for irrigation.
- J. Apply other techniques for onsite storm water treatment identified by the surface water management regulatory authority.
- K. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, mini-parks, and accessways that are open to the general public.

- L. Enhance sidewalks and/or walkways by providing additional width, using higher quality materials; shielding from vehicular traffic with enhanced planting strips, street trees and on-street parking, and/or providing pedestrian amenities that are compatible with the design of the development as well as the neighborhood as a whole.
- M. Coordinate development between adjacent uses to provide for a more attractive and lively streetscape, enhance connections, minimize conflicts and provide common-use areas.
- N. Enhance the pedestrian connection between the development and neighborhood shopping areas, nearby transit, trails, bikeways or parks. Examples include additional width or pedestrian amenities.
- O. Provide functional and accessible rooftop gardens.
- P. For multifamily dwelling units that face the street, raise first floor units a minimum of two feet above street level.
- Q. Provide structured or under-structure parking to meet all or part of the parking need.
- R. Provide no more than the minimum number of surface parking spaces set out in Table 1015-2, all of which shall be no greater than the minimum dimensions allowed in Subsection 1015.04(B)(2).
- S. Lay out sites or orient structures, to maximize significant vistas.
- T. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.
- U. Utilize rail service opportunities abutting the site.
- V. Inside the UGB, a minimum of 75 percent of the street frontage of each lot shall have buildings located at the minimum front yard depth line. If the minimum front yard depth standard is zero, up to 20 feet of additional front yard depth may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
- W. Outside the UGB, or for industrial developments, a minimum of 25 percent of the street frontage of each lot shall have buildings located at the minimum front yard depth line. Up to 20 feet of additional front yard depth may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
- X. Locate buildings at the minimum side yard setback or within 10 feet of the side setback line, whichever is greater.

1005.0~~6~~⁷ MODIFICATIONS

Modification of any standard identified in Subsections 1005.0~~2~~³ and 1005.0~~3~~⁴ may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.

1005.0~~7~~⁸ CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS

Subsection 1005.0~~7~~⁸ applies in the Clackamas Regional Center Area, including the Regional Center and the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.0~~7~~⁸ shall take precedence.

- A. Clackamas Regional Center Area Design Plan: Development is subject to the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.
- B. Urban Design Elements: New development is subject to the urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*. The urban design elements are described in the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.
 - 1. Urban design elements provided in a development may be used to reduce gross site area for calculating minimum density requirements in Subsection 1012.08, and to meet minimum landscaping requirements in Section 1009, *Landscaping*.
 - 2. For phased development approved through a master plan, requirements for the urban design elements may be roughly proportional to the amount of the master planned approved development being developed in any one phase.
- C. Parking Structure Orientation: Entrances for ground-level retail uses in parking structures located within 20 feet of a street shall be oriented to a street.
- D. Corner Lot Buildings:
 - 1. A corner lot is a lot, parcel, tax lot, or land area created by a lease agreement at the intersection of two streets.
 - 2. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.

3. Development on lots at a Gateway intersection as shown on Comprehensive Plan Map X-CRC-3, and Comprehensive Plan Figure X-CRC-7, *Clackamas Regional Center Area Design Plan Gateway Intersection (Boulevard and Main Street)*, shall be designed to accommodate future Gateway improvements.
- E. Building Setbacks from Private Streets: Where a setback from a private street, as defined in Subsection 1005.078(G), is required by the standards of the applicable zoning district, the setback shall be measured from the back edge of the sidewalk.
- F. Parking Structures: If a parking structure, including understructure parking, abuts a street, appropriate features shall be provided to create a transition between the parking structure, or the entrance to understructure parking, and the abutting street. Examples of appropriate features include, but are not limited to, landscape planters and trellises, awnings, canopies, building ornamentation, and art. As used in Subsection 1005.078(F), a parking structure “abuts a street” if no other building is sited between the parking structure and the street.
- G. Private Streets: Private streets used to meet the structure orientation and/or yard depth standards shall include:
 1. Sidewalks or raised walking surfaces on both sides;
 2. Curbs;
 3. Street trees, pursuant to Subsection 1007.08; and
 4. Pedestrian-scale lighting.
 5. Private streets may also provide on-street parking and at-grade loading zones, as applicable.
- H. Internal Streets:
 1. Internal streets may be required to connect to adjacent properties to increase connectivity and provide grid patterns that allow for future development.
 2. Internal streets shall be designed to allow for future development when applicable.
 3. Development shall provide, when applicable, direct street and pedestrian connections between developments and schools, parks, open space, shopping areas, employment areas, and transit stops.

- I. New development shall not be sited such that it precludes the construction of the new walkways, or eliminates the existing walkways, that are shown on Comprehensive Plan Map X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, or identified in the *Clackamas Regional Center Pedestrian/Bicycle Plan* adopted by reference in Appendix A of the Comprehensive Plan, unless an alternative walkway location that provides a similar connection is established. An alternative walkway location shall not be deemed “similar” to a planned or existing location unless:
 1. It provides comparably safe, direct, and convenient pedestrian access to significant destinations, such as transit facilities, major employers, multifamily dwelling complexes, and retail and service establishments; and
 2. It fulfills a comparable function in terms of filling gaps in the pedestrian circulation system planned for the Clackamas Regional Center Area.

1005.089 REGIONAL CENTER DESIGN STANDARDS

Subsection 1005.089 applies in the Regional Center, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.089 shall take precedence.

- A. Freestanding parking structures located within 20 feet of pedestrian facilities, including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use may include:
 1. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
 2. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; and
 3. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with seating, plazas, outdoor eating areas, and drinking fountains.
- B. New buildings shall have at least one public entrance oriented to a street. Private streets used to meet this standard shall include the elements identified in Subsection 1005.078(G).
- C. Pedestrian amenities are required between the building and the front lot line. The following guidelines apply to pedestrian amenities used to meet this requirement:

1. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.
 2. Pedestrian areas must include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with seating; and drinking fountains.
- D. In the RCHDR District, pedestrian amenities are required in the front yard setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.
- E. Internal streets and driveways are prohibited between buildings and the street to which building entrances are oriented.

1005.~~0940~~ FULLER ROAD STATION COMMUNITY DIMENSIONAL AND DESIGN STANDARDS

Subsection 1005.~~0940~~ applies in the Fuller Road Station Community, as shown on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.~~0940~~ shall take precedence. If the text of Subsection 1005.~~0940~~ is unclear as applied to a specific development, Figures 1005-1 through 1005-11, as applicable, may be used to resolve the ambiguity.

- A. Subsections 1005.~~0940~~(B) through (M) do not apply in Sectors 1 and 2, as shown on Map 1005-1, until:
1. One or more additional stories are to be added to one or more existing buildings that are more than 150 feet from 82nd Avenue in either Sector 1 or Sector 2. For the purpose of this provision, a mezzanine shall not be considered an additional story; or
 2. More than 40,000 square feet of new building area is to be developed in either Sector 1 or Sector 2.
 - a. The tally of new square footage will be cumulative starting with new development after March 7, 2011.
 - b. If an existing building is expanded, the square footage of the new building outside the existing building footprint will be counted toward the total of 40,000 square feet.
 - c. If a mezzanine is added inside an existing building, the square footage of the mezzanine will be counted toward the total of 40,000 square feet.

- d. If one or more stories are added to a building 150 feet or less from 82nd Avenue, as allowed by Subsection 1005.~~0910~~(A)(1), the additional square footage will be counted toward the total of 40,000 square feet.
 - e. If a building is damaged or destroyed, regardless of the cause, and the building is restored or replaced, the square footage of the restored or new building that is constructed inside the previous building footprint will not be counted toward the total of 40,000 square feet, provided that restoration or replacement lawfully commences within three years of the occurrence of the damage or destruction. “Lawfully commenced” shall have the meaning given in Subsection 1206.03(B). However, if the new building has more stories than the previous building, Subsections 1005.~~0910~~(B) through (M) will become applicable, if required pursuant to Subsection 1005.~~0910~~(A)(1).
3. Subsections 1005.~~0910~~(A)(1) and (2) apply separately to Sectors 1 and 2, meaning that compliance with Subsections 1005.~~0910~~(B) through (M) will not be required in Sector 1 or 2 until that particular sector exceeds the development threshold established by Subsection 1005.~~0910~~(A)(1) or (2).
 4. Prior to the point at which Subsections 1005.~~0910~~(B) through (M) become applicable, new development in Sectors 1 and 2 shall not be sited such that it:
 - a. Precludes establishment of the “conceptual street grid” identified on Map 1005-2, or eliminates or reduces existing elements of that grid. All streets shown on the grid are planned to be Type D.; or
 - b. Precludes establishment of a connection, with a Type D street cross section, between a signalized intersection at 82nd Avenue and a point on Fuller Road within the “access area” shown on Map 1005-2.
- B. Minimum Building Height: 20 feet, measured to top of parapet or roof.
 - C. Minimum Side and Rear Yard Setbacks: Five feet, except a zero setback is allowed for attached structures. (See Figure 1005-1.)
 - D. Maximum Driveway Width: The maximum width of a curb cut for a driveway is 24 feet (not including sidewalks or landscaping) unless otherwise required by the Clackamas County Roadway Standards or applicable fire district. (See Figure 1005-1.)
 - E. Regulating Plan: Map 1005-1 is the regulating plan for the Fuller Road Station Community. It identifies each existing or planned street in the Fuller Road Station Community as one of four street types: Type A, B, C, or D. As established by Subsections 1005.10(G) and (L), the building frontage and landscape screening regulations for the Fuller Road Station Community are applied by street type and are thereby “keyed” to the regulating plan.

F. Streets: Street improvements are required as follows:

1. Except as set forth in Subsection 1005.~~0910~~(F)(3), the locations of required new streets are shown on Map 1005-1, or will be determined pursuant to Subsection 1005.~~0910~~(F)(2). New streets shown on Map 1005-1 are intended to create blocks with a perimeter no greater than 2,200 feet. Exact location of these new streets may vary up to 50 feet, provided the maximum block perimeter standard is met and provided that the new streets create the connections/intersections shown on Map 1005-1.
2. In addition to the mapped streets (existing and new) illustrated on Map 1005-1, a through-block connection is required for any block face longer than 450 feet. (See Figure 1005-2.)
 - a. “Block face” means the curb to curb distance between any two streets, including Type E pedestrian/bicycle connections.
 - b. These additional connections shall:
 - i. Have a Type D street cross section or a Type E pedestrian/bicycle connection cross section;
 - ii. Be located no closer than 100 feet to an adjacent street intersection, whether existing or planned; and
 - iii. Align with other existing or planned streets or Type E pedestrian/bicycle connections where possible.
3. Subsections 1005.~~0910~~(F)(1) and (2) do not apply in Sectors 1 and 2 shown on Map 1005-1. Instead, compliance with either Subsection 1005.~~0910~~(F)(3)(a) or Subsections 1005.~~0910~~(F)(3)(b) and(c) is required.
 - a. Development shall not occur until a connection with a Type D street cross section is constructed between a signalized intersection at 82nd Avenue and a point on Fuller Road within the “access area” shown on Map 1005-2. In addition:
 - i. New development shall not be sited such that establishment of the “conceptual street grid” identified on Map 1005-2 is precluded, or existing elements of that grid are eliminated or reduced. All streets shown on the grid are planned to be Type D.
 - ii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1005.~~0910~~(F)(4).

- b. In lieu of compliance with Subsection 1005.~~0910~~(F)(3)(a), development shall not occur until an alternative connectivity plan is approved for Sectors 1 and 2 shown on Map 1005-1. This connectivity plan shall:
- i. Connect the on-site transportation system to the existing and planned facilities shown on Map 1005-1;
 - ii. Provide pedestrian, bicycle, and motor vehicle circulation that meets the needs of future residents and visitors;
 - iii. Emphasize pedestrian mobility and accessibility, demonstrating an effective and convenient system of pedestrian walkways leading through the subject site;
 - iv. Provide for bicycle connections and efficient motor vehicle movements through the site;
 - v. Except where precluded by existing development, existing interests in real property, natural features, or topography, provide for block faces that do not exceed 450 feet between any two streets;
 - vi. Include a minimum of three street connections to 82nd Avenue and a minimum of two street connections to Fuller Road. These connections must be Type D streets, and one must connect to Fuller Road within the “access area” shown on Map 1005-2;
 - vii. Include a phasing plan for completion of the connectivity plan based on the submitted development application or conceptual future development, as appropriate. This phasing plan shall ensure that at no point is the overall connectivity in Sectors 1 and 2 reduced and that at least one connection from 82nd Avenue to Fuller Road is constructed to a Type D street cross section in conjunction with the first phase of new development; and
 - viii. Comply with the Clackamas County Roadway Standards and the requirements of the Oregon Department of Transportation, as applicable.
- c. Once an alternative connectivity plan is approved:
- i. New development shall not be sited such that establishment of the connections identified on the connectivity plan are precluded, or existing elements of that plan are eliminated or reduced.

- ii. New development shall not occur until at least one connection from 82nd Avenue to Fuller Road is constructed to a Type D street cross section. The other connections required by the connectivity plan shall be constructed in a manner consistent with the approved phasing plan. However, at a minimum, if an existing connection is removed as allowed by the connectivity plan, a new connection that provides at least the same degree of connectivity shall be constructed.
 - iii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1005.~~0910~~(F)(4). Frontage shall be determined based on the approved connectivity plan.
4. Streets and Type E pedestrian/bicycle connections shall be designed in conformance with the design standards shown in Comprehensive Plan Figures X-CRC-8 through X-CRC-11, unless an alternative design is required pursuant to the Clackamas County Roadway Standards or to accommodate fire access, necessary truck circulation, or other engineering factors. An alternative design shall not change the designated street type for purposes of applying the building frontage and landscape screening regulations. Cross section designs for SE Johnson Creek Boulevard and SE 82nd Avenue shall be determined by Clackamas County and the Oregon Department of Transportation.
- G. **Building Frontage Types:** Four building frontage types are established, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Subsection 1005.~~0910~~(G) applies to existing or future Type A, B, C, and D streets, regardless of whether they are shown on Map 1005-1. Table 1005-1 establishes which building frontage types are permitted on each street type. Figure 1005-3 summarizes the four building frontage types.

Table 1005-1: Permitted Building Frontage Type by Street Type

Permitted Building Frontage Type:	Street Type:
Landscape	A Street
Linear	A, B, C, and D Streets
Forecourt	A, B, C, and D Streets
Porch/Stoop/Terrace	B, C, and D Streets

1. Buildings, except parking structures, located wholly or partially within 40 feet of a Type A, B, C or D street are required to comply with the standards for a building frontage type permitted on the applicable street type.
 2. The entire length of street frontage designated on Map 1005-1 as “building frontage required,” or “required retail opportunity area,” excluding walkway cuts with a maximum width of eight feet and driveway cuts, shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type.
 - a. Except along Otty Road, where the building frontage requirement extends the entire length of the street, the “building frontage required” designation extends a distance of 60 feet from the street intersection, and the “required retail opportunity area” designation extends a distance of 100 feet from the street intersection. The beginning point for measurement is the outside edge of the right-of-way, or in the case of a private street, the outside edge of the improved street surface, including any landscape strip or sidewalk.
 3. A minimum of 50 percent of the length of street frontage not designated as “building frontage required” or “required retail opportunity area” shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type. The 50-percent building frontage requirement is calculated for each lot individually, rather than in the aggregate for an entire street.
 - a. If part of the street frontage is designated as “building frontage required” or “required retail opportunity area,” buildings developed pursuant to Subsection 1005.~~0910~~(G)(2) may be counted toward meeting the 50-percent requirement for the entire street frontage.
 4. If a lot has street frontage on more than one street:
 - a. Compliance with Subsection 1005.~~0910~~(G)(2) is required for all street frontage designated as “building frontage required” or “required retail opportunity area.”
 - b. Compliance with Subsection 1005.~~0910~~(G)(3) is required for only one street frontage, unless one of the frontages is on Otty Road, in which case compliance with Subsection 1005.~~0910~~(G)(3) is not required.
 5. Lots developed solely with parks and open space uses are exempt from Subsection 1005.~~0910~~(G)(2) and (3).
- H. Landscape Building Frontage Type: Landscape Building Frontage, which is permitted on Type A Streets, shall comply with the following standards (see Figure 1005-4):

1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of 10 feet and a maximum of 15 feet.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
 - b. The front yard setback area shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
 - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
 - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
 - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
 - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
 - i. The fence or wall shall be a maximum of three feet high.
 - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
 - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
 - iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling.
3. Minimum Building Depth: Buildings shall be a minimum of 40 feet deep.
4. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building facade. If an awning or canopy is provided, it shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front facade a minimum of three feet.

5. Primary Building Entrances: Each building shall have at least one building entrance that faces the street and is directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
 - a. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
 - b. If a fence or wall is within the front yard setback as provided in Subsection 1005.~~0940~~(H)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
 6. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing facade area.
 7. Building Materials: Exterior building materials and finishes shall be masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion..
- I. Linear Building Frontage Type: Linear Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-5):
1. Front Yard Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
 - b. The front yard setback area, if any, shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
 - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
 - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
 - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.

- e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
 - i. The fence or wall shall be a maximum of three feet high.
 - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
 - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
 - iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
- 2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.
- 3. Ground Floor Construction Type: In areas designated “required retail opportunity area” on Map 1005-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.
- 4. Minimum Building Depth: In areas designated “required retail opportunity area” on Map 1005-1, buildings shall be a minimum of 40 feet deep.
- 5. Weather Protection: Awnings or canopies shall be provided for a minimum of 50 percent of the linear distance of the street-facing building facade and shall comply with the following:
 - a. Awnings and canopies shall project a minimum of five feet and a maximum of eight feet over the sidewalk.
 - b. Awnings and canopies shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet.
- 6. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building façade. If an awning or canopy is provided, it shall have a minimum vertical clearance of 8 feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front façade a minimum of three feet.
- 7. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.

- a. Primary building entrances shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
 - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
 - c. If a fence or wall is within the front yard setback as provided in Subsection 1005.~~0940~~(I)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
8. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing façade area.
9. Building Materials: Exterior building materials and finishes shall be masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
- J. Forecourt Building Frontage Type: Forecourt Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-6):
1. Front Yard Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback. Except for the portion of the façade located behind a recessed courtyard, as required by Subsection 1005.~~0940~~(J)(2), the street-facing façade of the building shall be built to the chosen setback line.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
 - b. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area or in the required courtyard. Bicycle parking may be permitted in the courtyard, subject to compliance with Section 1015.
 - c. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building façade, in the front yard setback area, or in the required courtyard, except:

- i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
2. Courtyard: A recessed courtyard is required and shall comply with the following standards:
 - a. The courtyard shall be set back from the street-facing building façade a minimum of 10 feet and a maximum of 30 feet.
 - b. The courtyard shall not be covered.
 - c. The courtyard shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
 - d. The courtyard shall span a minimum of 20 feet along the street-facing building façade and a maximum of 50 percent of the street-facing building facade. As a result, the building must have a street-facing building façade of at least 40 feet wide.
3. Incorporation of Linear Building Frontage Type: The street facing-building façade not located behind a recessed courtyard shall comply with the standards for the Linear Building Frontage Type in Subsection 1005.0910(I).
4. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.
5. Ground Floor Construction Type: In areas designated “required retail opportunity area” on Map 1005-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.
6. Primary Building Entrances: Primary building entrances shall face the street or the courtyard and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.
 - a. Primary building entrances facing the street shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
 - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.

7. Windows: Transparent ground-floor windows shall be provided along a minimum of 50 percent of the ground-floor, courtyard-facing façade area. See the Linear Building Frontage Type for window requirements for the street-facing façade.
 8. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
 9. Fences: Fences and walls are permitted in the courtyard setback area, subject to the following standards:
 - a. The fence or wall shall be a maximum of three feet high.
 - b. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
 - c. A wall shall be wood, masonry, concrete, or a combination thereof.
 - d. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
 - e. A minimum of one pedestrian opening per courtyard street frontage shall be provided in the fence or wall. Required pedestrian openings shall be a minimum of five feet wide.
- K. Porch/Stoop/Terrace Building Frontage Type: Porch/Stoop/Terrace Building Frontage, which is permitted on Type B, C, and D Streets, shall comply with the following standards (see Figure 1005-7):
1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of five feet and a maximum of 15 feet. Entry thresholds, including roofs over the thresholds and steps to the thresholds, may extend to the front property line.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.

- b. The front yard setback area shall be landscaped with plants. Hardscaping is permitted only to provide access to the threshold and shall consist of masonry pavers or concrete.
 - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
 - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
 - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
 - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
 - i. The fence or wall shall be a maximum of three feet high.
 - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
 - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
 - iv. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).
2. Entry Threshold: An entry threshold, such as a porch, stoop, terrace, patio, or light court, is required and shall comply with the following standards:
- a. The entry threshold shall have a minimum depth of five feet from the street-facing building façade to the front of the threshold.
 - b. The entry threshold height shall be no more than six feet above finished grade. An additional threshold may be provided to access a lower level and shall be no more than five feet below finished grade.
 - c. The entry threshold may be covered by a roof no larger than the threshold.
3. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 10 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance. Each ground-floor dwelling unit, if any, shall have an individual entrance that complies with this requirement.

4. **Windows:** Transparent windows shall be provided along a minimum of 20 percent of the street-facing façade area. Windows shall be vertically oriented, but vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.
5. **Building Materials:** Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

L. **Landscape Screening Types:** Street frontage not developed with a building compliant with one of the four building types established by Subsections 1005.0910(H) through (K), a walkway cut with a maximum width of eight feet, or a driveway cut, shall be developed with one of three landscape screening types, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Table 1005-2 establishes which landscape screening types are permitted on each street type. Figure 1005-8 summarizes the three landscape screening types. If the subject property abuts an existing or future Type A, B, C, or D Street -- regardless of whether it is shown on Map 1005-1— compliance is required with the standards for a landscape screening type permitted on the applicable street type.

Table 1005-2: Permitted Landscape Screening Type by Street Type

Permitted Landscape Screening Type:	Street Type:
Low Wall and Trellis	A, B, C, and D Streets
Urban Fence or Wall	A, B, C, and D Streets
Landscaped Setback	A, B, and C Streets

1. **Low Wall and Trellis Landscape Screening Type:** Low Wall and Trellis Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-9):
 - a. The low wall and the support structure for the trellis shall be set back a maximum of five feet from the front lot line. The trellis itself may extend to the front lot line, or may overhang an abutting sidewalk or walkway if permitted by the County Engineering Division.

- b. Any area between the back edge of the sidewalk or walkway and the low wall shall be planted with ground cover or shrubs, or paved with masonry pavers or stamped concrete. Shrubs at maturity shall not exceed the height of the low wall.
 - c. The underside of the trellis portion of a Low Wall and Trellis shall be a minimum of eight feet above grade and a maximum of 13½ feet above grade.
 - d. The trellis shall be heavy timber or steel (or a similar metal) and shall consist of an open structure with no decking or awning material. The trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 30 feet on center.
 - e. The low wall portion of a Low Wall and Trellis shall be a minimum of 18 inches high and a maximum of three feet high (30 inches if it is between a parking lot and a street) and have a minimum depth of 16 inches. The low wall shall be wood, masonry, concrete, or a combination thereof.
 - f. Surface parking and loading areas shall be set back a minimum of five feet from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this setback area, in lieu of trees ordinarily required pursuant to Section 1009 for perimeter surface parking and loading area landscaping. Climbing plants shall be planted at each support column.
 - g. Openings in the Low Wall and Trellis Screening are permitted for plazas that comply with Subsection 1005.0910(M).
2. Urban Fence or Wall Screening Type: Urban Fence or Wall Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-10):
- a. The fence or wall shall be set back a maximum of five feet from the front lot line.
 - b. Any area between the back edge of the sidewalk or walkway and the fence or wall shall be paved with masonry pavers or stamped concrete.
 - c. The fence or wall shall be a minimum of two feet high and a maximum of three feet high (30 inches if it is between a parking lot and a street).
 - d. A fence shall be wrought iron, steel, or a similar material and shall be dark in color. Chain-link fences are prohibited. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).

- e. A wall shall be wood, masonry, concrete, or a combination thereof.
 - f. Surface parking and loading areas shall be set back a minimum of five feet from the Urban Fence or Wall. This area shall be landscaped as follows:
 - i. One large tree is required a minimum of every 30 linear feet, except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards.
 - ii. A minimum of six shrubs is required every 30 linear feet along the fence or wall. The minimum shrub height at maturity shall be the same as the height of the fence or wall, and the maximum shall be six feet.
 - iii. Ground cover plants must fully cover any remaining area at maturity.
 - g. Openings in the Urban Fence or Wall Screening are permitted for plazas that comply with Subsection 1005.0910(M).
3. Landscaped Setback Screening Type: Landscaped Setback Screening, which is permitted on Type A, B, and C Streets, shall include a landscape strip a minimum of 10 feet wide adjacent to the property line. This area shall be landscaped as follows (see Figure 1005-11):
- a. A continuous row of shrubs shall be planted at the inside edge of the landscape strip. The shrubs shall be a minimum of three feet high (maximum 30 inches between a parking lot and a street), and shall be mostly opaque year round.
 - b. One large tree is required a minimum of every 30 linear feet except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards. The required shrub row may be interrupted with a gap of up to two feet wide, in order to accommodate each tree.
 - c. Ground cover plants must fully cover any remaining area at maturity.
 - d. A three-foot-high masonry wall (30 inches between a parking lot and a street) may be substituted for the shrub row, but the trees and groundcover plants are still required.
 - e. Openings in the Landscaped Setback Screening are permitted for plazas that comply with Subsection 1005.0910(M).
- M. Plazas: Openings in required landscape screening are permitted for plazas, subject to the following standards:
- 1. The plaza shall be permanent space open to the public.

2. The plaza shall be integrated in the development and be accessible from and visible from the street(s) upon which it fronts.
3. The plaza shall be surfaced with masonry pavers or stamped concrete.
4. Ten percent of the total plaza area shall be landscaped. Landscape planters may count toward this requirement.
5. If the plaza abuts a surface parking or loading area, it shall be separated from that area by a landscape strip that complies with Subsection 1009.04(B).

1005.~~1011~~ PMU DISTRICT STANDARDS

Subsection 1005.~~1011~~ applies in the PMU District. Where these standards conflict with other provisions of Section 1000, Subsection 1005.~~1011~~ shall take precedence.

A. Access and Circulation: Onsite circulation shall meet the minimum requirements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*, and in addition:

1. An internal circulation system shall include a network of public, private, and internal streets subject to Subsection 1005.078(G) through (I). Private streets shall function like local streets, with curbs, sidewalks, or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county, or public streets. This internal street network shall create developable sites defined by streets.

In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.

2. Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.

B. Building Siting and Design:

1. New buildings shall have at least one public entrance oriented to a state, county, public, or private street.
2. Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building façade facing the street the building is oriented to. Entrances and windows on the street-side facade shall not be blocked, or entrances locked during operation hours. Additional major entrances may also be allowed facing minor streets and parking areas.

3. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
 4. First floor windows or display cases are required on building facades facing and adjacent to public and private streets, plazas, walkways, and pedestrian areas. Windows and doorways shall not be blocked or entrances locked during operation hours.
 5. Parking structures located within 20 feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use include, but are not limited to:
 - a. Provide retail, office or similar uses on the ground floor of the parking structure with windows and activity facing the pedestrian facility; or,
 - b. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; or,
 - c. Provide pedestrian amenities in the transition area between the parking structure and the pedestrian facility, including landscaping, trellises, trees, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.
 - d. The above listed techniques and features, and others of similar nature, must be used so that blank walls are not created.
- C. Buffering: When existing residential uses are located adjacent to a PMU site, such uses shall be buffered from the PMU site with landscaped buffers or by the location of streets, parks, plazas, greenways, or low density residential uses in the PMU District.

1005.~~11+2~~ SUNNYSIDE VILLAGE STANDARDS

Subsection 1005.~~11+2~~ applies in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.~~11+2~~ shall take precedence.

- A. Primary Dwellings in the VTH District: In the VTH District, the following standards apply to primary dwellings:
1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.

2. Porches are required for each unit and shall be located immediately adjacent to the primary entry. Porches shall cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of six feet.
 3. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way or designated accessway shall not consist of a blank wall.
 4. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.
 5. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.
 6. ~~Attached single family dwellings~~ Townhouses shall orient to and line streets with a series of attached “rowhouse” units.
- B. Garages and Driveways in the VTH District: In the VTH District, the following standards apply:
1. A detached garage may be placed at the rear of a lot.
 2. A front-access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front facade (not including porches, bays, and architectural features) and a minimum of 20 feet from the street right-of-way.
 3. A minimum two-foot-deep trellis or bay window shall be placed above the garage opening. The trellis shall extend the full width of the garage, and the bay window shall be a minimum of eight feet in width.
 4. If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.
 5. If a lot abuts an alley, then garage access from the street is prohibited.
- C. Site Design in the VA District: Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets.
- D. Entries in the VA District: In the VA District, entries are subject to the following standards:
1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.
 2. Secondary entries may face parking lots or loading areas.
 3. Ground floor units should have entries directly from the street; upper story units may share one or more entries.

- E. Facades in the VA District: In the VA District, facades are subject to the following standards:
1. Building facades shall be designed, at a minimum, with windows, entries, balconies, and bays. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets. Facades facing a street right-of-way or pedestrian path shall not consist of a blank wall.
 2. Windows shall be frequent and coordinate with bays and balconies. Vertical proportions and divided lights are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows facing the front street shall be double-hung or casement windows.
- F. Roofs in the VA District: In the VA District, hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas.
- G. Building Materials in the VA District: In the VA District, exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged.
- H. Site Design in the VCS District: In the VCS District, the following standards shall apply:
1. The buildings occupying areas adjacent to the village green shall face the village green and traffic circle to better integrate with the surrounding neighborhood. Parking shall be to the rear of the buildings.
 2. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.
- I. Site Design in the VO District: In the VO District, the following standards shall apply:
1. Driveway access from 142nd Avenue and Sunnyside Road shall be prohibited. Access shall be off of 145th Avenue and Princeton Village Way.
 2. A group of small low-rise buildings shall be required, oriented toward the primary surrounding streets and the adjacent multifamily dwellings and ~~attached single family dwellingstownhouses~~, to better integrate with the neighborhood.
 3. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.
- J. Facades in the VCS District: In the VCS District, facades are subject to the following standards:

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1. Building facades shall be designed with windows, entries, and/or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street.
 2. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.
 3. Consistent design elements shall be used throughout the VCS area to ensure that the entire complex is visually and functionally unified.
 4. Windows shall be placed with no more than six feet of blank non-window wall space in every 25 feet of frontage and shall be coordinated with bays and balconies. Square or vertical proportions are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.
 5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.
- K. Facades in the VO District: In the VO District, facades are subject to the following standards:
1. Building facades shall be designed with windows, entries, or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, an accessway, or a residential area.
 2. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.
 3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.
 4. There shall be no more than six feet of blank non-window wall space in every 25 feet of frontage. Windows shall be coordinated with bays and balconies. Square or vertical proportions are preferred. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.
 5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.
 6. Arcades may be used along public street rights-of-way or along walkways within the complex of buildings.

- L. Roofs in the VCS and VO Districts: In the VCS and VO Districts, hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas.
- M. Building Materials in the VCS and VO Districts: In the VCS and VO Districts, exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, metal, or similar material. The surfaces of metal exterior finishes that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior finishes with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Cinder block and T1-11 are prohibited as exterior wall material.

1005.~~1243~~ GOVERNMENT CAMP STANDARDS

Subsection 1005.~~1243~~ applies in Government Camp. Where these standards conflict with other provisions in Section 1000, Subsection 1005.~~1243~~ shall take precedence.

- A. MRR District: In the MRR District, the following standards shall apply to commercial developments.
 - 1. Exterior Building Materials: Primary and accessory structures shall use wood, stone, stone veneer, or stucco in exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors visible from roadways. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.
 - 2. Roofing Materials: No composition shingles are allowed. Metal roofing materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and metal roofing materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
 - 3. Design: Building design shall meet the design intent of mountain architecture as described in the Government Camp Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style".
- B. RTC District: In the RTC District, the following standards shall apply to all new development and, where reasonable, to remodels.
 - 1. Main Entrance Siting: Properties with street frontage on Government Camp Loop shall locate the main entrance and pedestrian amenities on Government Camp Loop.

2. Walkways: Walkways parallel to Government Camp Loop are not required; however, if a walkway is extended from the existing 10-foot-wide sidewalk fronting Government Camp Loop, it shall be constructed of materials consistent with the existing 10-foot-wide sidewalk. Covered walkways may be provided along the building frontage of development on properties with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street. When a covered walkway is constructed, it shall be a permanent structure at a minimum of 8 feet in width and attached to the building, shall not project beyond the lot lines, and shall be consistent with the building design and materials and existing 10-foot-wide sidewalk fronting Government Camp Loop. A covered walkway shall extend along the entire frontage of the building.
3. Exterior Building Materials: Building and accessory structures shall use wood, stone, stone veneer, or stucco in exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors with street frontage. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.
4. Roofing Materials: No non-architectural composition shingles are allowed. Metal roofing materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and metal roofing materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
5. Design: Building design shall meet the design intent of mountain architecture styles as described in the Government Camp Village Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style".
6. Loading: Loading and delivery shall not be located on Government Camp Loop unless there is no other access.

Editor's Note: No changes are made to the figures or maps in Section 1005.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

**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, 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. All 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.

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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 any 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. New 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.
- EF.** 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. All subdivisions proposing to use an exempt-use well or wells and all land divisions, and new industrial, commercial, or institutional development located within a sensitive groundwater area and proposing to use an exempt-use well or wells 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. Unless waived by the Planning Director, an applicant for any proposed development subject to Subsection 1006.03(~~EF~~)(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(~~EF~~)(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(~~EF~~)(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(~~EF~~)(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(~~EF~~)(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(~~EF~~) 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(~~EF~~)(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 ~~SUBSURFACE SEWAGE DISPOSAL~~ ONSITE WASTEWATER TREATMENT

A. All development proposing ~~subsurface sewage disposal~~ onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Said systems shall be installed pursuant to Oregon Revised Statutes 454.605 through 454.745 and Chapters 171, 523, and 828; Oregon Administrative Rules Chapter 340, Divisions 71 and 73; and the policies of the County.

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.

B-C. Inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, all land divisions or other development not identified in Subsection 1006.05(B) requiring onsite wastewater treatment~~subsurface sewage disposal systems~~ shall be prohibited except for:

1. A lot of record legally recorded prior to adoption of this Ordinance;
2. Parcels of 10 acres or larger in areas designated as future urban;
3. Parcels that do not have a sanitary sewerage system that is legally and physically available as defined in OAR 340-071-0160(4)(f), including parcels which have unique topographic or other natural features which make sewer extension impractical as determined on a case-by-case basis; 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 which can assure that future delivery of sewerage services is planned.

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
 - 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

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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]

1007 ROADS AND CONNECTIVITY

1007.01 GENERAL PROVISIONS

- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.

- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, ~~duplexes, triplexes, quadplexes, townhouses, cottage clusters~~~~two- and three-family dwellings, condominiums, detached~~ single-family dwellings, and commercial, industrial, and institutional uses, ~~as deemed necessary by the Department of Transportation and Development and~~ consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

- C. New developments shall have access points connecting with existing private, public, county, or state roads.
 - 1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (*Regional Transportation Functional Plan*); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.

 - 2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, *Potentially Buildable Residential Sites > 5 Acres in UGB*, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.01(C)(2).

 - 3. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors as deemed appropriate by the Department of Transportation and Development.

4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.
 5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.
 6. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.
 7. In the VA District, no direct motor vehicle access is permitted on Sunnyside Road.
 8. In the VCS District, the area adjacent to the village green shall be permitted one curb cut on Oregon Trail Drive and one on Hines Drive. Curb cuts shall not exceed a width of 20 feet at the road right-of-way.
 9. In the VO District, the maximum width for a single-use driveway shall be 12 feet, and the maximum width for a shared driveway shall be 20 feet.
 10. Inside the Portland Metropolitan Urban Growth Boundary:
 - a. The development shall have no more than the minimum number of driveways required by the Department of Transportation and Development on all arterial and collector streets.
 - b. For properties having more than one street frontage, driveways shall be located on the street with the lowest functional classification, if feasible.
 - c. Driveways shall be no wider than the minimum width allowed by the Clackamas County Roadway Standards.
 - d. Driveways shall be located so as to maximize the number of allowed on-street parking spaces, the number of street trees, and optimum street tree spacing.
- D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.

- E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.
- F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.
- G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

1007.02 PUBLIC AND PRIVATE ROADWAYS

- A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.
 - 1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.
 - 2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map 5-5, *Metro Regional Street Design Classifications*, shall provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not limited to, the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes.
 - 3. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, *Scenic Roads*, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:
 - a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and
 - b. Turnouts shall be provided at viewpoints or for recreational needs.

4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:
 - a. On-street parking;
 - b. Street trees;
 - c. Street lighting;
 - d. Pedestrian amenities; and
 - e. Truck routes shall be specified for deliveries to local businesses.
 5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial areas, the needs of vehicles shall take precedence.
 6. In the NC, OA, VCS, and VO Districts, landscaping, crosswalks, additional lighting, signalization, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.
- B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.
1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.
 2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.
 3. These standards may be deviated from when the County finds that safe and efficient alternate designs would better accommodate:
 - a. Sustainable development features such as “Green Streets” as described in Metro’s *Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002)*, which shall be allowed within the UGB and in unincorporated communities;

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- b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;
 - c. Preservation of existing significant trees and native vegetation;
 - d. Preservation of natural terrain and other natural landscape features;
 - e. Achievement of maximum solar benefit for new development through orientation and block sizing;
 - f. Existing forest or agricultural uses;
 - g. Existing development;
 - h. Scenic qualities;
 - i. Planned unit developments;
 - j. Local access streets less than 200 feet in length which are not extendible; and
 - k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.
- C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.
- D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:
- 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and
 - 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.
- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way, ~~as deemed necessary by the Department of Transportation and Development~~ and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

- F. Road frontage improvements within the UGB and in Mt. Hood urban villages shall include:
1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;
 2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.04;
 3. Transit amenities as specified in Subsection 1007.05; and
 4. Street trees as specified in Subsection 1007.06.

1007.03 PRIVATE ROADS AND ACCESS DRIVES

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:
1. When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;
 2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;
 3. Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;
 4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
 5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).

1007.04 PEDESTRIAN AND BICYCLE FACILITIES

- A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- B. Pedestrian and Bicycle Facility Design: Pedestrian and bicycle facilities shall be designed to:
1. Minimize conflicts among automobiles, trucks, pedestrians, and bicyclists;
 2. Provide safe, convenient, and an appropriate level of access to various parts of the development and to locations such as schools, employment centers, shopping areas, adjacent developments, recreation areas and open space, and transit corridors;
 3. Allow for unobstructed movements and access for transportation of disadvantaged persons; and
 4. Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, *Planned Bikeway Network, Urban*, 5-2b, *Planned Bikeway Network, Rural*, and 5-3, *Essential Pedestrian Network*; North Clackamas Parks and Recreation District's (NCPRD) Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.
- C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.04 for subdivisions, partitions, multifamily dwellings, ~~three-family dwellings~~triplexes, quadplexes, cottage clusters, townhouses~~attached single-family dwellings~~ where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.
- D. Requirement for Sidewalk Construction: Within the UGB, sidewalks shall be constructed, as required in Subsection 1007.04(F), for ~~two-family dwellings~~duplexes, detached single-family dwellings, ~~attached single-family dwellings~~townhouses where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.

- E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, quadplex, triplex~~three-family dwelling~~, ~~attached single-family dwelling~~townhouse where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.
- F. Sidewalk Location: Sidewalks required by Subsection 1007.04(C) or (D) shall be constructed on:
1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if:
 - a. The road is not a through road;
 - b. The road is 350 feet or less in length and cannot be extended; or
 - c. In consideration of the factors listed in Subsection 1007.02(B)(3);
 2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, ~~triplex~~~~three-family dwelling~~, quadplex, ~~townhouse~~~~attached single-family dwelling~~ where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed; and
 3. Local, connector, or collector road street frontage(s) of a lot upon which a ~~two-family dwelling~~duplex, a detached single-family dwelling, ~~a townhouse~~~~an attached single-family dwelling~~ where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but:
 - a. The requirement shall be waived for the replacement of a lawfully established dwelling, provided the number of dwelling units is not increased; and
 - b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.
- G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local, connector, or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:

1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;
2. No sidewalk exists adjacent to the site;
3. Redevelopment potential along the road is limited; or
4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.

H. **Sidewalk and Pedestrian Pathway Width:** Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, *Minimum Sidewalk and Pedestrian Pathway Width*, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

Table 1007-1: Minimum Sidewalk and Pedestrian Pathway Width

Street Type	Residential Sidewalk	Commercial or Institutional Sidewalk	Industrial Sidewalk
Local	5 feet	7 feet	5 feet
Connector	5 feet	7 feet	5 feet
Collector	5 feet	8 feet	5 feet
Arterial	6 feet	8 feet	6 feet

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.
2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign.
3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This five-foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The landscape strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards.

4. Uses located in the Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.
 5. In Sunnyside Village, notwithstanding Table 1007-1 and Comprehensive Plan Figures X-SV-1, *Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes* and X-SV-2, *Sunnyside Village Plan Connector Street with Planting Strips*, a connector street requires nine-foot-wide sidewalks if commercial/retail is adjacent to the site.
- I. Accessways: Accessways shall comply with the following standards:
1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length.
 2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, place of worship, daycare center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. Where required, accessways shall be constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands.
 3. An accessway shall include at least a 15-foot-wide right-of-way and an eight-foot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable bollards or other large objects may be used to bar motor vehicular access.
 4. So that they may be safely used at night, accessways shall be illuminated by street lights or luminaires on shorter poles. Separate lighting shall not be required if existing lighting adequately illuminates the accessway.
 5. Fences are not required, but the height of a fence along an accessway shall not exceed six feet.
 6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process.
- J. Accessways in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with Subsection 1007.04(I), Subsection 1007.04(J) shall take precedence.

1. A system of interconnecting accessways shall be provided from subdivisions, quadplexes, and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, place of worship, daycare facility, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.
 - a. An accessway shall include at least 15 feet of right-of-way and a 10-foot-wide paved surface.
 - b. Accessways shall be illuminated so that they may be safely used at night.
 - c. The maximum height of a fence along an accessway shall not exceed four feet.
 - d. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.
 - e. The designated east-west pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the County. Planting areas adjacent to the easement with street trees should be provided along at least one side of this accessway. However, alternatives to this standard may be considered through design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.

K. Bikeways: Bikeways shall be required as follows:

1. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be included in the reconstruction or new construction of any street if a bikeway is indicated in Chapters 5 and 10 of the Comprehensive Plan and on Comprehensive Plan Map 5-2a or 5-2b; NCPRD's Park and Recreation Master Plan; or Metro's Regional Trails and Greenways Map.
2. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be considered in the reconstruction or new construction of any other arterial or collector.
3. Within urban growth boundaries, shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.

- L. Trails: Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, *Open Space Network & Recreation Needs*; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.
- M. Trails and Pedestrian Connections in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.04(M) shall take precedence.
1. An interconnecting system of trails and accessways throughout Sunnyside Village shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the resource protection areas.
 2. The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school, and to adjacent commercial and residential developments.
 3. There also shall be an east-west accessway between 142nd Avenue and 152nd Drive, south of Sunnyside Road and north of Oregon Trail Drive.
 4. The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.
 5. All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to NCPRD in conjunction with development. These connections shall be maintained by and constructed to the standards established by NCPRD.
 6. The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner.
- N. Pedestrian and Bicycle Circulation: The pedestrian and bicycle circulation connections shown on Comprehensive Plan Maps X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*, X-CRC-7, *Clackamas Regional Center Area Design Plan Pedestrian and Bicycle Circulation Network*, and X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, shall be provided.

1007.05 TRANSIT AMENITIES

All residential, commercial, institutional, and industrial developments on existing and planned transit routes shall be reviewed by Tri-Met or other appropriate transit provider to ensure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets, but shall ensure that pedestrian/bikeway facilities and other transit-supportive features such as shelters, bus pull-outs, park-and-ride spaces, and signing will be provided. The designs shall comply with Tri-Met standards and specifications.

1007.06 STREET TREES

A. Within the Portland Metropolitan Urban Growth Boundary, except in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RRFF-5, and TBR Districts, street trees are required on all road frontage—except frontage on private roads or access drives—for subdivisions, partitions, multifamily dwellings, ~~triplexes~~~~three-family dwellings~~, ~~townhouses~~~~attached single-family dwellings~~ where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:

1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.
2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development.
3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.
4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.
5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.

B. Street trees required for developments in the Clackamas Regional Center Area shall comply with the following standards:

1. Street trees are required along all streets, except for drive aisles in parking

- lots.
2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.
 3. Street trees are required along private access streets under the following conditions:
 - a. On both sides when the access point is a signalized intersection;
 - b. On both sides when the street section has four or more lanes at the access point;
 - c. On both sides when the private street is developed to comply with building orientation standards;
 - d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1005.08(C) and 1005.09(B); and
 - e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.
 4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11, *Clackamas Regional Center Area Design Plan Fuller Road Station Community, Type "E" Pedestrian/Bicycle Connection*, for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.06(A) and (B).
- C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.
- D. Street trees are required for developments in Sunnyside Village along both sides of all connector and local streets, and as set forth in Subsection 1007.09. In addition:
1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are required. If a larger canopy (greater

than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.

2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.
3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Landscape strips or tree wells are required along streets with a classification below connector status.

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

- A. Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.
- B. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
 1. Development that is located:
 - a. In the Light Industrial, General Industrial, or Business Park District; and
 - b. North of the Clackamas River; and
 - c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and
 - d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and
 - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).
 2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;

3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
 4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;
 5. Home occupations to host events, which are approved pursuant to Section 806; and
 6. Development in Government Camp that is otherwise consistent with the Comprehensive Plan land use plan designations and zoning for Government Camp.
- C. As used in Subsection 1007.07(B), adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*.
- D. For the purpose of calculating capacity as required by Subsections 1007.07(B) and (C), the following standards shall apply:
1. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
 2. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.
- E. As used in Subsection 1007.07(B), timely means:
1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
 2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Program (STIP) and scheduled to be under construction within four years of the date land use approval is issued;
 3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.

4. Alternatively, timely means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
 - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
 - i. Complete the necessary improvements; or
 - ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.
 5. For a phased development, the first phase shall satisfy Subsections 1007.07(E)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:
 - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.
 - b. Necessary improvements for a particular phase shall either:
 - i. Comply with Subsections 1007.07(E)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or
 - ii. Comply with Subsection 1007.07(E)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.
- F. As used in Subsection 1007.07(E), necessary improvements are:
1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.07(C).

- a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
 - b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.
- G. Notwithstanding Subsections 1007.07(D) and (F)(1)(a), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.
- H. As an alternative to compliance with Subsection 1007.07(B), the applicant may make a voluntary substantial contribution to the transportation system.
1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
 - a. A complete project or a segment of a roadway identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*, 5-3b, *Preferred Capital Projects*, or 5-3c, *Long-Term Capital Projects*; the STIP; or the capital improvement plan (CIP) of a city or another county.
 - i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in Comprehensive Plan Table 5-3a, 5-3b, or 5-3c; the STIP; or the CIP of a city or another county—will be completed within five years;
 - b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards;
 - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1st of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in the County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

- i. $\text{Change in Average Market Value} \times 0.50 + \text{Change in Construction Cost Index} \times 0.50 = \text{Minimum Construction Cost Adjustment Factor}$
 - ii. After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.
2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
 - a. Complete the substantial contribution; or
 - b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

1007.08 FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007; located within the Portland Metropolitan Urban Growth Boundary (UGB); and required for a partition, ~~a two- or three-family dwelling duplex or triplex~~ (where no more than one such dwelling is proposed), ~~an attached or a townhouse~~, a detached single-family dwelling, or a manufactured dwelling (provided it is not located in a cottage cluster development); the developer may elect to pay a fee in lieu of construction as follows.

- A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local, connector, or collector road that is not identified on Comprehensive Plan Map 5-3, *Essential Pedestrian Network*, and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or
- B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map 5-3; payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met:
 1. The improvements are included in the Five-Year Capital Improvement Program;
 2. The improvements are located on a road where significant topographical or natural feature constraints exist; or

3. The improvements are located on a local, connector, or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements.
- C. The amount of the fee in lieu of construction is established by separate order of the Board of County Commissioners.
- D. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local, connector, or collector roads within the UGB.

1007.09 STREETS AND SIDEWALKS IN SUNNYSIDE VILLAGE

The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.09 shall take precedence.

- A. Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.
- B. All streets adjacent to resource protection areas shall have at least one five-foot-wide sidewalk along one side of the street. If there are no significant trees (at least eight inches in diameter) along the resource protection area adjacent to the street, then a minimum four-foot-wide planting strip is required along both sides of the street. If it is determined that a unique view is to be preserved, then the Planning Director will determine if street trees are required.
- C. New street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3, *Sunnyside Village Plan Street Classifications*. New street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline.

New individual driveway connections shall not be permitted along arterial and collector roadways.

At existing or future major street intersections (existing or proposed traffic signals), no new driveways or street connections shall be allowed within the influence area of the intersection. The influence area is defined as the distance that vehicles will queue from the signalized intersection. The influence area shall be based upon traffic volumes summarized in the Sunnyside Area Master Plan (November 1994) or based upon information acceptable to the County Engineering Division. This influence area shall include an additional 100 feet beyond the queue length for back-to-back left turns.

The preferred minimum intersection spacing on minor arterials is 500 feet, measured road centerline to centerline. Major arterial intersection spacing is preferred to be between 600 feet and 1,000 feet, measured road centerline to centerline.

- D. The interior angles at intersection roadways shall be as near to 90 degrees as possible, and in no case shall it be less than 80 degrees or greater than 100 degrees. Minimum centerline radius for local roadways shall be 100 feet unless the alternative horizontal curve illustrated on Comprehensive Plan Figure X-SV-9, *Sunnyside Village Plan Alternative Horizontal Curve for Local Streets*, is used.
- E. Alleys shall be private streets with rights-of-way of 16 feet. (See Comprehensive Plan Figure X-SV-6, *Sunnyside Village Plan Alleys*.)
- F. A traffic circle will mark the heart of Sunnyside Village and will provide suitable geometrics for the five radial streets that converge at this point. Travel on the circle shall occur in one direction. This shall be facilitated by traffic diverters that guide vehicles but still allow comfortable pedestrian movement. The raised diverters should consist of low raised curbs and/or special paving. The travel lane within the circle should allow for easy merging.

Special paving shall demark crosswalks. Bike lanes shall be clearly marked and shall occur at the edge of the travel lane and define the inner boundary of the crosswalks and bus loading areas. The bus loading areas shall be located adjacent to the Village Commercial area. On the other side of the circle, this added dimension shall be used for planting strips with street trees, adjacent to nine-foot-wide sidewalks.

The center island shall have a radius of at least 30 feet and shall be landscaped. A vertical feature or monument identifying the entrance to Sunnyside Village should mark the center of the circle and shall be framed by blossoming trees.

- G. Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.

1007.10 VACATIONS

- A. Road and Access Easement Vacations: In the RTL and CC Districts, road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.
- B. Internal Streets: In the Clackamas Regional Center Area, to provide connectivity, existing platted roads within proposed developments shall not be vacated unless similar access is provided on the site.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-258, 1/18/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20]

1009 LANDSCAPING

1009.01 GENERAL PROVISIONS

- A. Landscaping materials shall be selected and sited to produce a hardy and low-maintenance landscaped area with an emphasis on fast-growing plants. Selection shall include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the subject property, building walls and overhangs, and compatibility with existing vegetation to be preserved. Notwithstanding the requirement for hardiness, annuals are permitted as provided in Subsection 1009.01(B).
- B. A variety of plants, intermixed throughout landscaped areas, shall be provided, as follows:
 - 1. Evergreen and deciduous;
 - 2. Trees, shrubs, and groundcover;
 - 3. Plants of varying textures;
 - 4. Plants of varying widths and heights at maturity; and
 - 5. Plants with seasonal color interest (e.g., foliage, flowering perennials, annuals).
- C. The planting of invasive non-native or noxious vegetation shall be prohibited, and existing invasive non-native or noxious vegetation shall be removed.
- D. Landscaped areas shall not be used for other purposes, such as storage or display of automobiles, equipment, merchandise, or materials.
- E. Landscaping of the unimproved area between a lot line and the improved portion of an adjacent road right-of-way shall be required when there are no immediate plans to develop or otherwise disturb the unimproved area, and one or more of the following apply:
 - 1. The subject property is located inside the Portland Metropolitan Urban Growth Boundary;
 - 2. Landscaping is necessary to present an appearance consistent with the proposed development as viewed from the road;
 - 3. Landscaping is necessary to reduce dust, noise, erosion, or fire hazard; or
 - 4. The road is designated as a scenic road on Comprehensive Plan Map 5-1, *Scenic Roads*.

- F. Landscaping shall be used to highlight public entrances to buildings. If—due to the depth of a front setback, a required walkway, or both—there is insufficient area to permit a typical, in-ground landscaping bed between a public entrance and a front lot line, this requirement may be met with trellises, hanging baskets, or planters, any of which shall include plants.
- G. Where feasible, landscaping shall be required adjacent to walkways and other areas intended for pedestrian use.
- H. Existing significant plants, terrain, and other natural features shall be incorporated into the landscaping design and development if such features are required to be retained by other provisions of this Ordinance or if otherwise feasible.

1009.02 MINIMUM AREA STANDARDS

- A. Table 1009-1, *Minimum Landscaped Area*, establishes the minimum percentage of the area of the subject property that shall be landscaped.
 - 1. The minimum landscaped area shall be calculated after subtracting any public dedications from the area of the subject property.
 - 2. Landscaping in adjacent rights-of-way shall not count toward compliance with the minimum landscaped area.
 - 3. Requirements for surface parking and loading area landscaping, screening and buffering, scenic roads landscaping, landscaping strips, and recreational areas and facilities set forth in Section 1009 apply regardless of whether compliance with those requirements results in landscaping a greater percentage of the subject property than is required by Table 1009-1.

Table 1009-1: Minimum Landscaped Area

Zoning District	Minimum Landscaped Area
CC, PMU, RCC, RCO, RTL	10 percent
RTC	<ul style="list-style-type: none"> 15 percent outside Government Camp 10 percent in Government Camp
SCMU	<ul style="list-style-type: none"> 15 percent for developments of triplexes<u>three-family, quadplexes</u>, or multifamily dwellings, including mixed-use developments that include these uses 10 percent for all other developments
BP, C-2, C-3, GI, LI, NC, RC, RI, VCS, VO	15 percent
OA, OC, RCHDR	20 percent
HDR, MR-1, MR-2, MRR, PMD, VA, VTH	25 percent except 20 percent for attached single-family dwelling <u>townhouses</u> in the MR-1 and MR-2 Districts
HR	<ul style="list-style-type: none"> 25 percent for conditional uses 20 percent for attached single-family dwelling<u>townhouses</u> if three or more dwelling units are attached in succession
FF-10, FU-10, R-2.5 through R-30, RA-1, RA-2, RR, RRRF-5, VR-4/5, and VR-5/7	25 percent for conditional uses and for primary-use attached single-family dwellings in the VR-4/5 District if three or more dwelling units are attached in succession
SHD	40 percent

- A minimum of 75 percent of the minimum landscaped area required by Table 1009-1—excluding any area occupied by pedestrian amenities, active recreational areas, or edible gardens—shall be landscaped with native or drought-tolerant plants.

5. Outdoor recreational areas required by Subsection 1009.08(A), as well as outdoor recreational areas in the MRR District, shall count toward the minimum landscaped area required by Table 1009-1, except that impervious surface area exceeding 25 percent of the outdoor recreational area shall be excluded.
6. Edible gardens may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1.
7. Green roofs may comprise a maximum of 25 percent of the minimum landscaped area required by Table 1009-1.
8. Turf lawn may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1. However, this limitation shall not apply to active recreational areas, provided that no other areas of the subject property are planted in turf lawn, and it shall not apply to cemeteries.
9. Pedestrian amenities may comprise a maximum of one-third of the minimum landscaped area required by Table 1009-1. However, no more than 15 percent of the minimum landscaped area required by Table 1009-1 and developed with pedestrian amenities shall have an impervious surface.
10. Area occupied by walls, fences, or trellises constructed to comply with Subsections 1009.03 and 1009.04 shall count toward the minimum landscaped area required by Table 1009-1.
11. In the PMD, MR-1, MR-2, and HDR Districts, the following may comprise a maximum of 20 percent of the minimum landscaped area required by Table 1009-1: interior courtyards, atriums, solar greenhouses, solariums, roof gardens, indoor recreational areas, and other comparable amenities.
12. In the RCHDR and SHD Districts, the minimum landscaped area required by Table 1009-1 shall be met with shared outdoor surface areas, including the following: landscaping, courtyards, pedestrian plazas, areas dedicated for parks, onsite walkways and bikeways, recreational areas and facilities, yards, decks, terraces, patios, and roof gardens. In addition, indoor recreational facilities identified in Subsection 1009.08(B), and over and above the minimum standard set forth in Subsection 1009.08(B), may be counted toward the minimum landscaped area required by Table 1009-1. Also, private outdoor areas may be counted toward meeting the minimum landscaped area required by Table 1009-1, as follows:
 - a. A maximum of 25 percent of the minimum landscaped area required by Table 1009-1 may be comprised of usable private outdoor space, except that the 25-percent cap does not apply to usable private open space facing streets and accessory to residential development.

- b. When living areas face the street, usable balcony space may be applied toward achieving the minimum landscaped area required by Table 1009-1 on a 1:2 ratio (one square foot of credit for every two square feet of balcony space facing the street). The balconies must have non-opaque sides and be designed to incorporate landscaping or other decorative features.
- B. Exceptions: Notwithstanding Table 1009-1:
1. If a commercial, industrial, or institutional development is lawfully nonconforming with regard to compliance with the minimum landscaped area standard, less than 5,000 square feet of building floor space may be added without bringing the subject property into full compliance with the standard, as follows:
 - a. Additions of less than 1,000 square feet of building floor space do not require increased compliance with the minimum landscaped area standard.
 - b. Additions of 1,000 to 1,999 square feet of building floor space require either an additional five percent of the subject property to be landscaped or compliance with Table 1009-1, whichever is less.
 - c. Additions of 2,000 to 4,999 square feet of building floor space require either an additional 10 percent of the subject property to be landscaped or compliance with Table 1009-1, whichever is less.
 - d. If a series of additions occur, the landscaped area shall increase until compliance with Table 1009-1 is reached.
 2. In the RTC District in Government Camp, the minimum landscaped area standard will be waived for lots or tracts with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street, if plaza space that complies with the following standards is provided:
 - a. Plaza space shall be permanent space open to the public.
 - b. Plaza space shall be integrated into the development and be both accessible and visible from Government Camp Loop or Little Trail.
 - c. A minimum of 100 square feet of plaza space shall be provided for developments of up to 1,999 square feet of building floor space, and a minimum of 150 square feet of plaza space shall be provided for developments of 2,000 square feet of building floor space or more. This shall be developed as one contiguous space, except that developments of 5,000 square feet of building floor space or more may develop two separate plazas.

- d. Plaza space surface materials shall consist of textured concrete, concrete mixed with aggregate, rock, rock veneer, pavers, bricks, or wood. Asphalt is prohibited.
- e. A minimum of ten percent of the plaza space area shall be landscaped with planters or hardy native vegetation.
- f. A minimum of three permanent seating spaces shall be provided in the plaza space for developments of up to 1,999 square feet of floor space. One additional permanent seating space shall be provided for each additional 1,000 square feet of floor space. Seating spaces shall be constructed of textured concrete, rock, rock veneer, wood, or wrought iron.
- g. A minimum of one garbage receptacle shall be provided in each plaza, and all plaza space receptacles shall be clad in wood or stone.

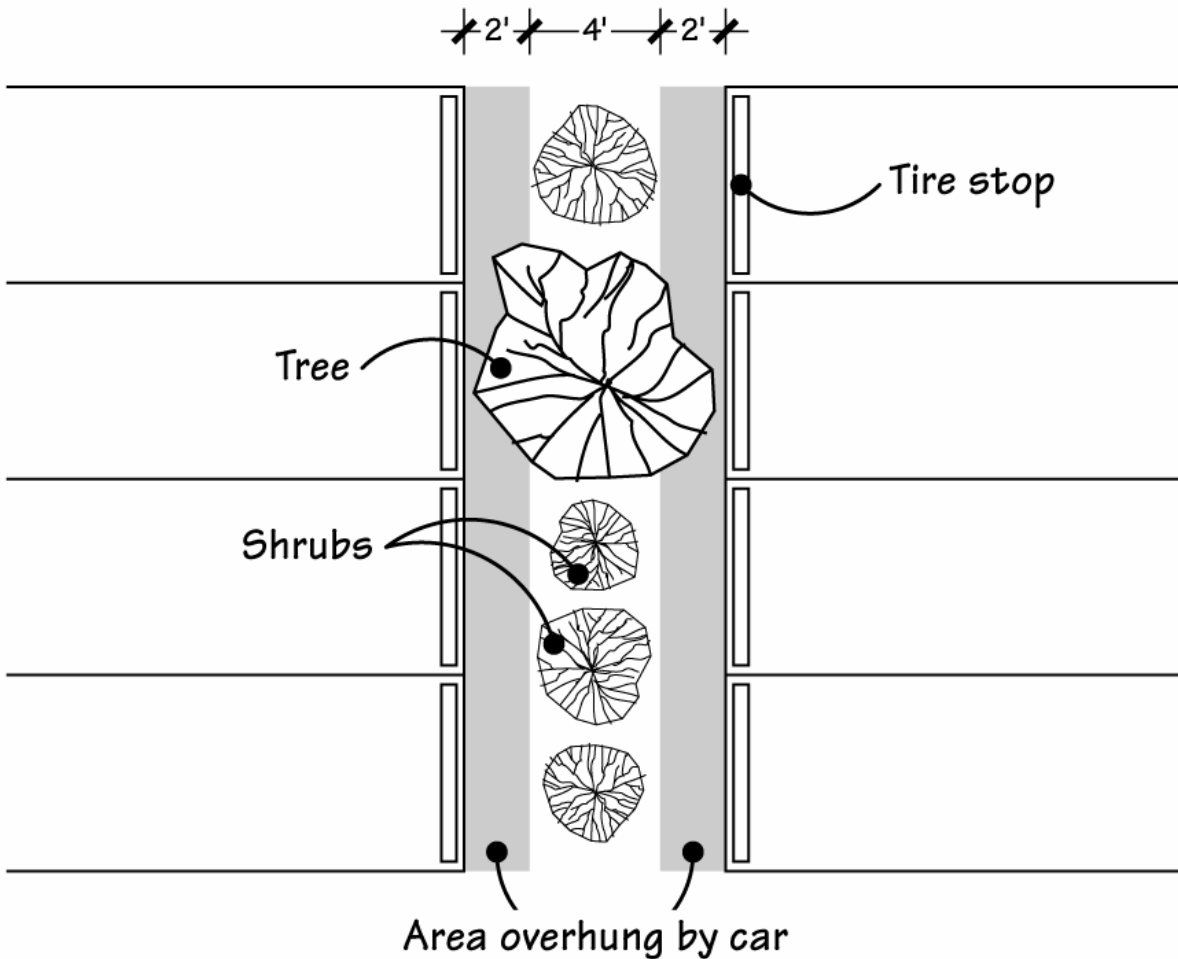
1009.03 SURFACE PARKING AND LOADING AREA LANDSCAPING

Surface parking and loading areas shall be landscaped as follows:

- A. Surface parking areas that include more than 15 parking spaces shall comply with the following landscaping requirements:
 - 1. Twenty-five square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the standard shall be reduced to 20 square feet for each parking space developed entirely with porous pavement.
 - 2. One landscape swale located between two rows of parking spaces, as shown in Figure 1009-1, is required for every six rows of parking spaces, unless all parking spaces are developed entirely with porous pavement. Additional swales beyond the minimum requirement are allowed.
 - a. For the purpose of Subsection 1009.03(A)(2), a “row” of parking spaces is one space deep, meaning that where two spaces abut at their ends, it is considered two “rows”.
 - b. Parking spaces separated by pedestrian or vehicle crossings perpendicular to the row of parking spaces are considered to be part of a single row.
 - c. The first required swale shall be developed for the entire length of the longest row of parking spaces.
 - d. Gaps in a required swale are permitted only to provide for pedestrian and vehicle crossings.

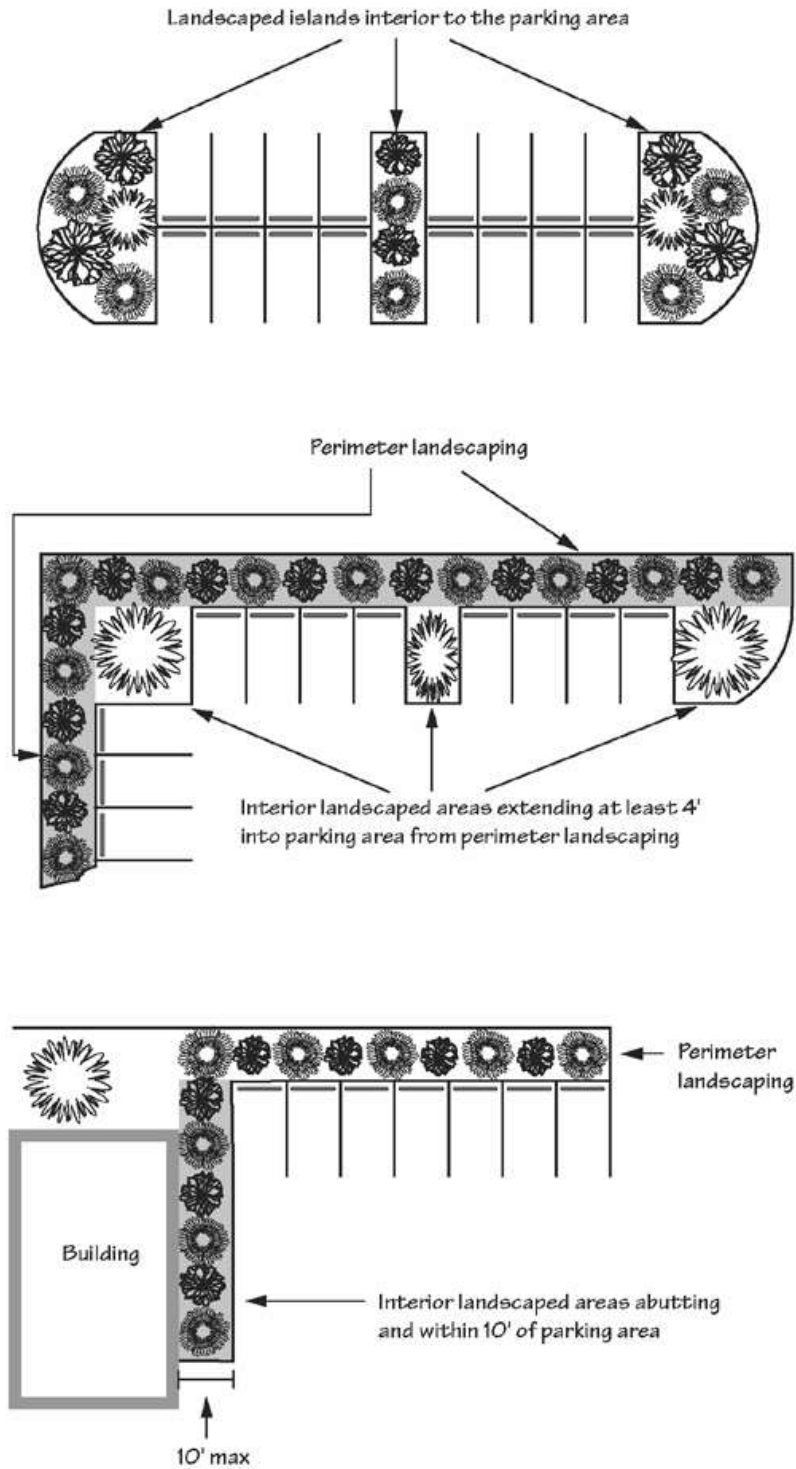
- e. The parking lot shall be graded to allow surface water to flow into a swale. Curbs shall not separate parking spaces from the swale, and gaps between parking space tire stops are required to allow surface water to flow into a swale.
- f. Swales shall be a minimum of four feet wide.
- g. If the front portions of parking spaces are landscaped as allowed by Subsection 1015.02(A)(10), the landscaped portion of the parking space shall be adjacent and in addition to the swale, as shown in Figure 1009-1.
- h. Turf lawn is prohibited in swales.

Figure 1009-1: Parking Lot Swale



3. Interior landscaping not developed as swales pursuant to Subsection 1009.03(A)(2) shall comply with the following standards:
 - a. It shall be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking. See Figure 1009-2.
 - b. It may join perimeter landscaping as long as the interior landscape area extends at least four feet into the parking area from the perimeter landscape line. See Figure 1009-2.
 - c. Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
 - i. The abutting landscaped area must be in addition to required perimeter landscaping;
 - ii. Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
 - iii. The landscaped area is not abutting and parallel to required perimeter landscaping. See Figure 1009-2.
 - d. The interior length and width of landscaped areas shall be a minimum of four feet.

Figure 1009-2: Interior Landscaping



4. Interior landscaped areas, including swales, shall include a minimum of one tree located every eight interior parking spaces, or fraction thereof, except in the OA, VA, VCS, and VO Districts, where a minimum of one tree shall be located every six interior parking spaces.
 - a. Where necessary to accommodate other design considerations, variable spacing of the trees required by Subsection 1009.03(A)(4) is allowed, but in no case shall there be less than one tree planted in every 12 parking spaces.
 - b. The species of trees required shall be determined on the basis of the growth habit and the need to provide maximum shading of surface parking areas.
- B. Perimeter landscaping requirements for surface parking and loading areas adjacent to abutting lots or rights-of-way are as follows:
 1. A landscaping strip with a minimum width of five feet shall be provided adjacent to the perimeter of the surface parking or loading area, except:
 - a. In the OA, VA, VCS, and VO Districts, the minimum width shall be 10 feet;
 - b. In the BP and LI Districts, the minimum width shall be 15 feet abutting a front lot line; and
 - c. In the GI District, the minimum width shall be 10 feet abutting a front lot line.
 2. The required landscaping strips shall comply with the following standards:
 - a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior side of the landscaping strip and shall be 30 inches high instead of three feet high.
 - b. In addition, one tree is required for every 30 linear feet of landscaping strip, or as otherwise required to provide a tree canopy over the landscaping strip.
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
 3. A perimeter landscape strip is not required for a surface parking or loading area adjacent to an abutting lot if one or more interior driveways connect the two lots and if the abutting lot also is developed with a surface parking or loading area adjacent to the shared lot line.

4. Required walkways may cross perimeter landscaping strips.

1009.04 SCREENING AND BUFFERING

A. Screening shall be used to eliminate or reduce the visual impacts of the following:

1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;
2. Storage areas;
3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;
4. Parking lots within or adjacent to an Urban Low Density Residential, VR-5/7, VR-4/5, RA-1, RA-2, RR, RRFF-5, FF-10, FU-10, or HR District; and
5. Any other area or use, as required by this Ordinance.

B. Screening shall be accomplished by the use of sight-obscuring evergreen plantings, vegetated earth berms, masonry walls, sight-obscuring fences, proper siting of disruptive elements, building placement, or other design techniques.

C. Screening shall be required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six feet in height and up to a maximum of 10 feet in height shall be required around the material or equipment.

D. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.

E. Buffering shall be accomplished by one of the following:

1. A landscaping strip with a minimum width of 15 feet and planted with:
 - a. A minimum of one row of deciduous and evergreen trees staggered and spaced a maximum of 30 feet apart;
 - b. A perennial, evergreen planting with sufficient foliage to obscure vision and which will grow to form a continuous hedge a minimum of six feet in height within two years of planting; and
 - c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;

2. A berm with a minimum width of ten feet, a maximum slope of 40 percent on the side away from the area screened from view, and planted with:
 - a. A perennial, evergreen planting with sufficient foliage to obscure vision and which will grow to form a continuous hedge within two years of planting. The minimum combined height of the berm and planting shall be six feet; and
 - b. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;
 3. A landscaping strip with a minimum width of five feet and including:
 - a. A masonry wall or sight-obscuring fence a minimum of six feet in height. The wall or fence is to be placed along the interior side of the landscaping strip;
 - b. Evergreen vines, evergreen trees, or evergreen shrubs, any of which shall be spaced not more than five feet apart; and
 - c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area; or
 4. Another method that provides an adequate buffer considering the nature of the impacts to be mitigated.
- F. Required walkways shall be accommodated, even if such accommodation necessitates a gap in required screening or buffering.

1009.05 SCENIC ROADS

In the RA-1, RA-2, RRF-5, FF-10, FU-10, MRR, and HR Districts, buildings in developments adjacent to roads designated as scenic roads on Comprehensive Plan Map 5-1, *Scenic Roads*, shall be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer zone.

1009.06 LANDSCAPING STRIPS

- A. In the BP and LI Districts, a landscaping strip a minimum of 15 feet wide shall be provided abutting front lot lines.
- B. In the GI District, a landscaping strip a minimum of 10 feet wide shall be provided abutting front lot lines.
- C. In all other zoning districts, except SCMU, a landscaping strip a minimum of five feet wide shall be provided abutting front lot lines. (See Subsection 1005.10(L) for additional SCMU landscaping requirements.)

1. This requirement will be waived or reduced in the NC, PMU, and VCS Districts, which are districts that have no minimum front setback standard, to the extent necessary to accommodate a building with a front setback of less than five feet.
2. If—due to the depth of a front setback and the need to accommodate a required walkway, required pedestrian amenities, or both—there is insufficient area to permit a five-foot-wide landscaping strip, the landscaping strip may be reduced in width or the landscaping requirement may be met with a linear arrangement of trellises, hanging baskets, or planters, any of which shall include plants.

1009.07 FENCES AND WALLS

- A. Fences and walls shall be of a material, color, and design complementary to the development.
- B. In the BP and LI Districts, the minimum front setback for fences and walls is 15 feet.
- C. In the GI District, the minimum front setback for fences and walls is 10 feet.

1009.08 RECREATIONAL AREAS AND FACILITIES

- A. An outdoor recreational area shall be provided in developments of ~~duplexestwo-family~~, ~~triplexesthree-family~~, quadplexes, or multifamily dwellings in the MR-1, MR-2, and HDR Districts, and in developments of ~~triplexesthree-family~~, quadplexes, or multifamily dwellings, including mixed-use developments that include these uses, in the SCMU District, as follows:
 1. A minimum of 200 square feet of usable outdoor recreational space per dwelling unit shall be provided for studio, one- bedroom, and two-bedroom units. The minimum shall be increased to 300 square feet per dwelling unit for units with three or more bedrooms. However, in the SCMU District:
 - a. The requirement shall apply only to the first 20 dwelling units per acre, or prorated equivalent thereof; and
 - b. The amount of required outdoor recreational area may be reduced, to the minimum extent necessary, if—when combined with the minimum landscaping requirements of Subsections 1005.10(L), 1009.03, and 1009.04—full compliance would result in landscaping more than 15 percent of the lot.
 2. Outdoor recreational areas may be designed for passive or active recreation, including edible gardening.
 3. Outdoor recreational areas shall be designed for adequate surveillance

opportunities.

4. Outdoor recreational areas shall be conveniently located and accessible to all dwelling units.
- B. In the SHD and RCHDR Districts, a residential development shall provide at least one of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one additional facility for every additional 120 dwelling units, or portion thereof.
1. An 800-square-foot or larger heated swimming pool;
 2. A minimum 1,000-square-foot exercise room with exercise equipment and mats;
 3. Two handball/racquetball courts;
 4. Whirlpool and sauna or steam bath rooms;
 5. Minimum 1,200-square-foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette;
 6. An 800-square-foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation;
 7. A 400-square-foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc;
 8. 3,000 square feet of hard-surface play area, such as a tennis court, basketball court, or roller-skating area;
 9. 4,200 square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, and horseshoes; and
 10. Any other similar facility.

1009.09 EROSION CONTROL

- A. Graded areas shall be re-vegetated with suitable plants to ensure erosion control.
- B. Netting shall be provided, where necessary, on sloped areas while ground cover is being established.

1009.10 PLANTING AND MAINTENANCE

- A. Impervious weed barriers (e.g, plastic sheeting) are prohibited.

- B. Plants shall not cause a hazard. Plants over walkways, sidewalks, pedestrian pathways, and seating areas shall be pruned to maintain a minimum of eight feet below the lowest hanging branches. Plants over streets, bikeways, accessways, and other vehicular use areas shall be pruned to maintain a minimum of 15 feet below the lowest hanging branches.
- C. Plants shall be of a type that, at maturity, typically does not interfere with above- or below-ground utilities or paved surfaces.
- D. Plants shall be installed to current nursery industry standards.
- E. Plants shall be properly guyed and staked to current nursery industry standards as necessary. Stakes and guys shall not interfere with vehicular or pedestrian traffic, shall be loosened as needed to prevent girdling of trunks, and shall be removed as soon as sufficient trunk strength develops, typically one year after planting.
- F. Landscaping materials shall be guaranteed for a period of one year from the date of installation. The developer shall either submit a signed maintenance contract for the one-year period or provide a performance surety pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, covering the landscape maintenance costs for the one-year period.
- G. Plants shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated shall be sufficiently hardy to thrive under these conditions. Plants shall have vigorous root systems, and be sound, healthy, and free from defects and diseases.
- H. When planted, deciduous trees shall be fully branched, have a minimum caliper of two inches, and have a minimum height of eight feet.
- I. When planted, evergreen trees shall be fully branched, have a minimum height of eight feet, and have only one leader.
- J. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches.
- K. Ground cover shall be planted a maximum of 30 inches on center with a maximum of 30 inches between rows. Rows of plants shall be staggered. Ground cover shall be supplied in minimum four-inch containers, except that the minimum shall be reduced to two and one-quarter inches or equivalent if the ground cover is planted a minimum of 18 inches on center.
- L. Plants shall be spaced so that ground coverage three years after planting is expected to be 90 percent, except where pedestrian amenities, rainwater collection systems, or outdoor recreational areas count as landscaping pursuant to Subsection 1009.02. Areas under tree drip lines count as ground coverage.

- M. Irrigation of plants shall be required, except in wooded areas, wetlands, and in river and stream buffers. The irrigation system shall be automatic, except that hose bibs and manually operated methods of irrigation may be permitted in small landscaped areas close to buildings. Automatic irrigation systems are subject to the following standards:
1. An automatic irrigation controller shall be required for irrigation scheduling.
 2. The system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 3. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
 4. Narrow or irregularly shaped areas, including turf lawn, less than eight feet in width in any direction shall be irrigated with subsurface or low volume irrigation.
 5. Overhead sprinkler irrigation is prohibited within two feet of any impervious surface unless:
 - a. The landscaped area is adjacent to permeable surfacing and no runoff occurs; or
 - b. The adjacent impervious surfaces are designed and constructed to drain entirely to landscaping; or
 - c. The irrigation designer specifies an alternative design or technology that complies with Subsection 1009.10(M)(2).
- N. Appropriate methods of plant care and landscaping maintenance shall be provided by the property owner. Pruning shall be done to current nursery industry standards.
- O. Plants shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable methods.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-276, 10/1/20]

1010 SIGNS

1010.01 PURPOSE

The provisions of Section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

1010.02 GENERAL PROVISIONS

- A. Permits Required: If a sign other than one named in Subsection 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.
- B. Along State Highways: All off-premises signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Oregon Motorists Information Act.
- C. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in Section 1010.
- D. Address Display: The signing program for a multifamily, commercial, or industrial development shall include the display of the street number(s) for the development on the sign or building where it can be seen from adjacent roads and meet fire district standards.
- E. Sign Clearances: A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding and projecting signs.
- F. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.
- G. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning districts in which they are located.
- H. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.
- I. Illuminated Signs:
 - 1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle.
 - 2. The light intensity of an illuminated sign shall conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

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3. Except for an electronic message center sign approved pursuant to Subsection 1010.14, no sign or illuminating devices shall have blinking, flashing, or fluttering lights.
- J. Signs or displays containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.
- K. Moving Signs: No sign, sign structure, or portion thereof, except flags (as per Subsection 1010.12) and temporary displays (as per Subsection 1010.13(B)) shall be designed to rotate, flutter, or appear to move.
- L. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in a safe condition, in compliance with all building and electrical codes, and in conformance with Section 1010, at all times.
- M. Preexisting Signs: Notwithstanding Section 1206, signs and sign structures existing prior to September 12, 1996, which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of Section 1010 shall be subject to the following provisions:
 1. Alterations to a nonconforming sign which reduce or do not increase its noncompliance with the provisions of this Ordinance, including changes in display surface, sign areas, height, and setback, may be allowed subject to review under Subsection 1010.05, and
 2. Failure to use the copy area of a nonconforming sign for purposes permitted under Section 1010 for a period of more than 12 consecutive months shall constitute a "discontinuation of use" as provided under Subsection 1206.02 and such sign shall be removed or modified to satisfy all applicable requirements of Section 1010 and the underlying zoning district.
- N. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.
- O. Sign Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.
- P. Site: For purposes of Section 1010, a "site" shall be the entire "site area" of the development as it is defined in Subsection 601.08(B), and onsite signs shall be those permanent signs which are oriented towards internal circulation roads, driveways, and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways.
- Q. Incidental signs shall not exceed three square feet per side.

1010.03 EXEMPT SIGNS:

- A. The following signs do not require a sign permit, but must meet other provisions of Section 1010:
 - 1. Signs having an area three square feet or less;
 - 2. Signs listed as temporary under Subsection 1010.13; and
 - 3. Government owned or posted signs in the public right-of-way.
- B. The following signs are not regulated by this Ordinance:
 - 1. Incidental signs;
 - 2. Product dispensers, such as beverage, newspaper, and recycling machines;
 - 3. Window signs
 - 4. Signs painted on or attached to a level one mobile vending unit. A level one mobile vending unit is one that complies with Subsection 837.02.

1010.04 PROHIBITED SIGNS:

The following signs and sign characteristics are prohibited:

- A. Temporary signs, except as provided by Subsection 1010.13;
- B. Portable signs, except as provided by Subsection 1010.07(A)(2)(d), 1010.09(C)(2), or 1010.13;
- C. Animated signs, except as provided by Subsection 1010.14;
- D. Roof signs, except integral roof signs in Commercial and Industrial zoning districts;
- E. Signs that obstruct free and clear vision of a traffic sign or signal from intended users, or otherwise constitute a traffic impediment;
- F. Signs imitating or resembling official traffic signs or signals;
- G. Any sign imitating or resembling an official county street or road sign, unless the sign is approved pursuant to Chapter 7.05, *Addressing and Road Naming*, of the Clackamas County Code;
- H. Colored lights which might in any way be confused with or construed to be traffic signals or lights on emergency vehicles;
- I. Strobe lights and signs containing strobe lights;

- J. Any sign that emits sound, odor, or visible matter; and
- K. Multiple reader signs designed to be read as a continued statement.

1010.05 DESIGN REVIEW

The size, materials, design, color, lighting, and location of signs and supporting structures for all permanent signs greater than 60 square feet in area, shall be subject to design review pursuant to Section 1102 and the following criteria:

- A. Design: Signs shall be designed to be compatible with other development on the site, other nearby signs, other elements of street and site furniture, and adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
- B. Scale: The scale of the sign, letter size, and design shall be appropriate for roadway or walkway visibility.

1010.06 RESIDENTIAL SIGNS IN URBAN AND RURAL RESIDENTIAL DISTRICTS AND FUTURE URBAN DISTRICTS

A. Residential Signs in Urban Low Density and Future Urban Districts:

- 1. Shall not exceed three square feet.
- 2. Shall be located inside the dwelling or located flat against the dwelling.
- 3. Only one such sign shall be permitted upon the premises.
- 4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).
- 5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used, except as provided in Subsection 1010.13.

B. Signs in Rural Residential Districts:

- 1. Shall not exceed eight square feet per side or six feet in height.
- 2. Only one such sign shall be permitted upon the premises.
- 3. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.
- 4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).

5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used, except as provided in Subsection 1010.13.
- C. Freestanding signs for multifamily developments or subdivisions:
1. Maximum total sign area: 32 square feet per side.
 2. Maximum number: No more than one freestanding sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
 - a. When an additional sign is located at a major public access point located on a different public road, or
 - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign, or
 - c. In mixed-use developments, a separate monument sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.
 - d. In the case of signs permitted under Subsection 1010.06(C)(2)(a) or (b), neither sign shall exceed the maximum sign size allowed.
 3. Maximum top-of-sign height: Five feet above the finished ground elevation (not including berms or mounds specifically created for the sign).
 4. Setbacks: Behind property line.
- D. MRR District: In the MRR District, permanent identification signs shall be subject to Subsections 1010.09(A)(1) through (5). Signs may be indirectly illuminated and shall be complementary to the unique character of the Mount Hood Community in the use of graphics, symbols, and natural materials. Onsite directional signing shall be sensitive to the needs of tourists. Where these standards conflict with other provisions in Section 1010, except Subsection 1010.15, Subsection 1010.06(D) shall take precedence. Where these standards conflict with Subsection 1010.15, Subsection 1010.15 shall take precedence.
- E. Signs for Produce Stands that are subject to Section 815, *Produce Stands*:
1. Shall not exceed a total of three square feet in area, distributed among any number of signs.
 2. Shall have no illumination.
 3. Shall be attached to, and shall not extend above a roof of, the produce stand.

1010.07 SIGNS IN NATURAL RESOURCE DISTRICTS

A. Commercial signs:

1. Shall not exceed 32 square feet. Signs may be two sided.
2. Freestanding commercial signs:
 - a. Maximum top-of-sign height: Eight feet above finished ground elevation (not including berms or mounds specifically created for the sign).
 - b. Maximum number: The maximum number of signs shall be four.
 - c. Setback: Behind front property line.
 - d. May include portable signs when anchored in accordance with Subsection 1010.13(A)(5).
 - e. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
3. Building commercial signs:
 - a. Maximum number: One
 - b. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

B. Residential signs as per Subsection 1010.06(B).

C. Institutional uses as per Subsection 1010.08.

1010.08 SIGNS FOR SERVICE, RECREATIONAL, INSTITUTIONAL, AND GOVERNMENTAL USES

- A. In residential and natural resource zoning districts, the following standards shall apply to signs for recreational vehicle camping facilities regulated by Section 813, other uses regulated by Section 813 prior to June 1, 2015, and institutional uses.
1. Maximum Area: 32 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.
 2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
 3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises.
 4. Maximum Top-of-Sign Height: Five feet for a freestanding sign.
 5. Setback: Behind front property line.

- B. Notwithstanding Subsection 1010.08(A), in residential and natural resource zoning districts outside the Portland Metropolitan Urban Growth Boundary, the following standards shall apply to signs for governmental uses.
1. Maximum Area: 60 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.
 2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
 3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises, except if the subject property has frontage on two different streets, an additional sign may be permitted under the following conditions:
 - a. If the subject property has a driveway entrance on each street frontage, one freestanding sign may be oriented to each street frontage; or
 - b. If one of the street frontages abuts a state highway, one freestanding sign may be oriented to each street frontage; or
 - c. A second building sign oriented to the second street frontage may be permitted in lieu of a second freestanding sign allowed pursuant to Subsection 1010.08(B)(3)(a) or (b).
 4. Maximum Top-of-Sign Height: 20 feet for a pole sign, five feet for a monument sign.
 5. Setback: Behind front property line.

1010.09 COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Commercial Freestanding Signs:

1. Number: Only one sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless through design review pursuant to Section 1102, the following is determined:
 - a. An additional sign is needed to provide identification of the development at major public access points located on two different public roads, and/or
 - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.
 - c. In mixed use developments a separate freestanding sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.

- d. In the case of signs permitted under Subsection 1010.09(A)(1)(a) or (b), neither sign shall exceed the maximum sign size allowed.
 - e. In the C-3 and RTL Districts, one additional freestanding sign may be allowed on a public, county, or state road when the frontage on that road exceeds 450 feet. In no case shall the number of freestanding signs exceed four for any development. The additional signs shall be a maximum of 60 square feet. This provision for an additional freestanding sign shall not allow an additional sign on any site located on a corner which qualifies for an additional sign by reason of that corner location under Subsection 1010.09(A)(1)(a).
 - f. In the BP, LI, and GI Districts, one sign oriented toward offsite traffic may be provided at each public access point from a county or state road.
2. Maximum top-of-sign height:
 - a. Pole signs: In C-3 and RTL Districts, 25 feet. In all other commercial zoning districts, 20 feet.
 - b. Monument signs: In all commercial zoning districts, six feet. In all industrial zoning districts, five feet.
 3. Maximum Sign Area: 60 square feet. Signs may be two sided. For developments of more than one use included on the same site, a sign area may be increased above this requirement an additional 10 square feet per tenant, up to a maximum of 200 square feet, subject to Subsection 1010.05. Additionally, multiple-tenant signs shall use a common background.
 4. Setbacks: Behind property line.
 5. The sign supporting structure shall not be counted for purposes of determining sign area.
 6. Illumination: Such signs may be internally or externally illuminated, subject to Subsection 1010.02(I).
- B. Commercial Building Signs:
1. Number: The maximum sign area may be distributed among any number of signs.
 2. Maximum size:
 - a. If there is not a freestanding sign on the same site frontage, then one and one-half square feet of sign area per linear footage of the occupant's primary building wall.

- b. If there is a freestanding sign on the same site frontage, then one square foot of sign area per linear footage of the occupant's primary building wall.
 - c. Wall signs based on the sign rights of a primary building wall may be placed on a secondary building wall; they may not be placed onto another primary building wall.
 - d. Each tenant shall be allowed a minimum 32 square feet of building sign area.
 - e. In no case shall a building sign exceed 200 square feet.
3. Design: Building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.
 4. Illumination: Building signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

C. Mobile Vending Unit Signs:

1. The number and area of signs on a mobile vending unit are unrestricted. However, such signs shall be located flat against the unit, and no portion of any sign shall extend above the roof of the unit. These signs may be internally or externally illuminated, provided that any required utility connections for such illumination comply with Section 837.
2. Each mobile vending unit may have one portable menu or sandwich board sign a maximum of six square feet in area. This sign shall be located within 10 feet of the mobile vending unit and shall be located outside the unit only during unit operating hours.

D. Drive-Thru Signs: In addition to signage permitted by Subsections 1010.09(A) or (B), drive-thru window services approved pursuant to Section 827, *Drive-Thru Window Services*, may have any number of drive-thru signs, of any total area.

E. NC District: In the NC District, only drive-thru, projecting, building, or low freestanding or ground-mounted signs, graphics, or symbols shall be used. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(E) shall take precedence.

F. VCS District: In the VCS District, signs shall be subject to the following standards. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(F) shall take precedence.

1. Except for drive-thru signs, signs shall have a maximum of two colors in addition to black and white.

2. Only hanging, building, monument, or drive-thru signs shall be used.
 3. Except for drive-thru signs, signs shall not exceed 24 square feet in size.
- G. VO District: In the VO District, signs shall be subject to the following standards. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(G) shall take precedence.
1. Except for drive-thru signs, signs shall have a maximum of two colors in addition to black and white.
 2. Only hanging, building, monument, or drive-thru signs shall be used.
 3. Hanging signs shall not exceed eight square feet in size, and shall have eight-foot pedestrian clearance.
 4. Monument and building signs that are not drive-thru signs shall not exceed 24 square feet in size.
 5. Except for neon signs and drive-thru signs, all illumination shall be external.
- H. RTC District: In the RTC District, all signs except drive-thru signs shall be complementary to the unique historic character of the Mount Hood corridor in the use of graphics, symbols, lighting, and natural materials. In addition, identification and onsite directional signing shall be sensitive to the needs of tourists. Identification signing may be provided for each distinctive village or area designated in the Mt. Hood Community Plan subject to approval by the State Highway Division and the Design Review Committee. Where these standards conflict with other provisions in Section 1010, except Subsection 1010.15, Subsection 1010.09(H) shall take precedence. Where these standards conflict with Subsection 1010.15, Subsection 1010.15 shall take precedence.
- I. RC District: In the RC District, all signs except drive-thru signs shall be complementary to the historic character and rural scale of the unincorporated community in the use of graphics, symbols, lighting, and natural materials. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(I) shall take precedence.

1010.10 ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS

- A. Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two square feet per tenant, use, or building specifically identified, up to a maximum of 40 square feet.
- B. Directories, including those attached to buildings, that are oriented toward pedestrian circulation areas shall be a maximum of 24 square feet in area, and a maximum of eight feet in top-of-sign height.

- C. An onsite monument sign for an individual building within a development may be allowed as an alternative to a building sign, provided such sign shall:
 - 1. Be located adjacent to the building being identified.
 - 2. Not exceed 12 square feet in area.
 - 3. Not exceed four feet in top-of-sign height.
 - 4. Use materials and colors that are the same, or substantially the same, as those used on the building identified by the sign.
- D. In the CI District, identification signs may be allowed within a perimeter setback area that fronts on a public, county, or state road, and onsite directional signs may be allowed within perimeter setback areas that are adjacent to other site areas.

1010.11 OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS

- A. A temporary permit may be approved, renewable after five years. Criteria for approval:
 - 1. Shall be allowed only in Natural Resource zoning districts.
 - 2. The sign shall provide the actual registered name of a business and directions to the business (e.g., left or right, an arrow, one-quarter mile, etc.).
 - 3. A maximum of three offsite traffic control identification signs are allowed for each business.
 - 4. Maximum distance of business from offsite traffic control identification sign: Five miles.
 - 5. A maximum of two offsite traffic control signs shall be located at any one site.
- B. Development Standards
 - 1. Maximum size: Shall not exceed four square feet per side.
 - 2. Setback: Behind the front property line.
 - 3. Illumination: Offsite traffic control and identification signs shall not be illuminated.

1010.12 FLAGS

Flags are allowed in all zoning districts and, except for drive-thru signs, are subject to the following:

- A. Number: Three flags per site.
- B. Maximum size: No flag shall exceed 40 square feet.
- C. Height: Top of pole supporting flag shall not exceed 35 feet above finished ground elevation (not including berms or mounds specifically created for the sign).
- D. All flags shall be located on one pole.

1010.13 TEMPORARY DISPLAYS AND SIGNS

- A. Temporary signs that are not drive-thru signs may be displayed under the following conditions and limitations:
 - 1. Number: Only one temporary sign shall be displayed for a site.
 - 2. Time Period and Duration: Shall not be displayed for a total time period exceeding 60 days in any calendar year.
 - 3. Size and Height Limits: Same size and height limits as a permanent sign for the same site.
 - 4. Setbacks: Behind front property line.
 - 5. Anchoring: All signs approved under this provision shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
 - 6. Exceptions: No temporary sign shall be allowed under this provision for any business or development which has a changeable copy sign incorporated into its permanent sign.
- B. Temporary displays (pennants, banners, streamers, strings of lights, and beacon lights) that are not drive-thru signs may be displayed according to Subsections 1010.13(A)(2) and (5) and 1010.02(N).

1010.14 CHANGEABLE COPY SIGNS

Electronic message center signs and other changeable copy signs may be incorporated into permanent signs permitted pursuant to Subsections 1010.08 or 1010.09. Except for drive-thru signs, approval shall not be granted unless the following criteria are satisfied:

- A. Only one such sign shall be used in a development.

- B. The changeable copy sign or electronic message center sign shall be included in the maximum sign area allowed under Subsections 1010.09(A)(3) or 1010.09(B)(2), and Subsections 1010.08 (A)(1) or (B)(1), and shall not exceed 80 percent of the total sign area.
- C. The changeable copy sign or electronic message center sign shall be integrated into the design of the sign.
- D. All segments of a message shall be completed within 12 seconds.

1010.15 GOVERNMENT CAMP SIGN STANDARDS

- A. Area of Application: Subsection 1010.15 shall apply to all permanent identification signs for commercial developments in the RTC and MRR Districts in Government Camp and in the HR District on properties with frontage on Government Camp Loop. The purpose of these sign standards is to provide a consistent design theme in the commercial areas.
- B. Conformance: Signs shall comply with the other applicable provisions of Section 1010, except as otherwise provided in Subsection 1010.15. Where there are conflicts, Subsection 1010.15 shall govern. A sign plan must be submitted to the Design Review Committee which shows:
 - 1. Total signage allowed for the proposed sign frontage, face area of existing signage, and face area of proposed signage;
 - 2. The design of the sign and sign support including dimensions, materials, colors, sign copy, lighting, and graphics; and
 - 3. A site plan and building elevation showing placement of existing and proposed signs on the site.
- C. Preexisting Signs: Signs and sign structures existing prior to February 10, 1993, that complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of Section 1010 shall be subject to the provisions of Section 1206 and Subsection 1010.02(M), except:
 - 1. Any permanent sign which is nonconforming in any manner other than individual size shall be brought into conformance with the provisions of this Ordinance prior to any expansion or change in use which requires design review or a conditional use permit. Total signage area of existing and new signs may not exceed the maximum established in these standards. No occupancy permit shall be issued until a sign plan is submitted.
 - 2. Should any permanent nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement costs at the time of damage, it shall be reconstructed or replaced in conformance with these sign standards.

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3. Placement of a new sign where existing signage is greater than the total allowed, or where the new sign will make the total greater, requires removal of an amount of existing signage to keep the total signage area under the limit.
 4. Where a Clackamas County Development Agency incentive program is in effect, all nonconforming signs, except those that are nonconforming in size alone, must be brought into conformance or removed by February 10, 1996.
- D. Design Standards: Signs shall comply with Subsection 1010.05 and the following conditions:
1. Design: Sign design and support structure shall uphold the rustic, mountain environment of Government Camp through a Cascadian design theme.
 2. Materials:
 - a. Signs and support structures are limited to wood or wood exterior, stone, brick, etched or stained glass, wrought iron, or non-shiny metal. Plywood may be used for signs only if it is heavily painted and/or edged to obscure the plywood texture and the surface is sealed to keep it from delaminating.
 - b. Neon signs are permitted inside windows only.
 - c. Plastic may be used only in the letters of sign copy or the portion of a sign with changeable copy.
 - d. Signs in the RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26 or with frontage on U.S. Highway 26 may be constructed of plastic if the design intent is upheld.
 3. Colors: No reflective or fluorescent colors shall be used on signs or support structures.
 4. Lighting: The source of the lighting shall be external and obscured from the pedestrian. Internally lit signs are permitted only where the letters of the copy are illuminated or in RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26, or in signs on U.S. Highway 26 frontage.
 5. Changeable Copy: Electronic message center sign area or changeable copy sign area is limited to no more than 20 percent of total signage allowed.
 6. Scale: Signs shall be kept in scale with pedestrians and buildings.
 7. Placement: Signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.

E. Total Signage Area:

1. Developments less than three acres in size:
 - a. Total signage area shall be determined by the lineal feet of building frontage per street. This shall be a minimum of 30 square feet of signage plus one square foot for every five feet of building frontage greater than 30 lineal feet.
 - b. Buildings two stories or taller may increase the total signage allowed by 50 percent.
 - c. Only frontages on streets shall be used to determine total signage per frontage per development.
 - d. Signage shall not be transferred between frontages.
2. Developments over three acres in size:
 - a. Total signage area shall be determined by lineal street frontage. This shall be a minimum of 30 square feet of signage plus one square foot of signage per five lineal feet of street frontage greater than 30 feet.
 - b. Internal signs not readily visible from the street shall not be subject to total signage area restrictions in Subsection 1010.15(E)(2)(a).
3. Developments with U.S. Highway 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to Oregon Department of Transportation sign regulations. One sign shall be allowed per development per U.S. Highway 26 frontage and will be handled on a case-by-case basis. Signage shall conform to the Government Camp design intent to the degree possible.

F. Types of Signs Permitted:

1. Freestanding or monument signs:
 - a. Shall be situated within setback.
 - b. Shall have a maximum of one ground mounted sign per 50 feet of lineal building frontage.
 - c. Shall have a maximum face area of 24 square feet.
 - d. Shall have a maximum top-of-sign height of 12 feet.
 - e. Shall be on a base or wooden supports; poles are permitted only if integrated into a base. Any metal poles must be free of peeling paint and rust.

2. Building signs:
 - a. Shall have a maximum face area of 24 square feet.
 - b. Shall not extend more than 10 inches from the wall.
 - c. Sign or components shall not exceed top of roofline or extend beyond the face area of the building.
3. Projecting signs:
 - a. Shall not extend more than two feet into the public right-of-way, project farther than five feet from the building, or exceed top of roofline immediately above.
 - b. Shall not exceed one projecting sign per 25 feet of lineal building frontage.
 - c. Shall have a maximum face area of 12 square feet; buildings over two stories may have signs of up to 24 square feet.
 - d. Supporting structure may not exceed sign's height or width by more than two feet or extend higher than roofline.
4. Window signs readily visible from outside the building:
 - a. Shall have a maximum face area of 30 percent of total window area per frontage; maximum sign size per individual window sign is 12 square feet.
 - b. Interior neon window signs readily visible from the street shall not exceed 10 percent of the total window area per street frontage. No more than 20 percent of an individual window should be covered with neon. Neon signs within these limits shall not be counted toward the total signage area.
5. Awning/overhead or walkway covering signs:
 - a. Shall be completely positioned on awning, overhead, or covered walkway.
 - b. Shall have a maximum face area of 24 square feet.

1010.16 SUNNYSIDE VILLAGE SIGN STANDARDS

In the Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, freestanding signs shall be constructed of brick, masonry, wood, or other materials that are compatible with the development. Where these standards conflict with other provisions in Section 1010, Subsection 1010.16 shall take precedence.

1010.17 SCMU DISTRICT SIGN STANDARDS

The following standards shall apply in the SCMU District. Where these standards conflict with other provisions in Section 1010, Subsection 1010.17 shall take precedence.

- A. ~~Attached single family dwellings~~ Townhouses and ~~three family dwelling~~ triplexes shall be subject to Subsection 1010.06(A).
- B. Developments of quadplexes and multifamily dwellings shall be subject to Subsection 1010.06(C).
- C. All other developments, including mixed-use developments, shall be subject to Subsection 1010.09, except:
 - 1. Pole signs, electronic message center signs, and other changeable copy signs are prohibited.
 - 2. Monument signs shall not exceed a height of six feet or an area of 60 square feet, regardless of the number of tenants.
 - 3. Building signs may be projecting signs, and projecting signs shall be subject to the following standards:
 - a. A maximum of one projecting sign per entrance per tenant shall be permitted.
 - b. A projecting sign shall project no more than four feet from the building or one-third the width of an abutting sidewalk or walkway, whichever is less. However, if there is no wall sign on the same building façade, the sign shall project no more than six feet from the building.
 - c. A projecting sign shall not exceed 12 square feet per side, excluding the support brackets. However, if there is not wall sign on the same building façade, the sign shall not exceed 24 square feet per side, excluding the support brackets.

1010.18 FARMERS' MARKET SIGNS

The following sign standards apply to a farmers' market approved pursuant to Section 840, *Farmers' Markets*:

- A. The farmers' market may display 20 square feet of sign area on each street frontage of the tract on which the market is located.
- B. Each farmers' market stall may display 10 square feet of sign area at the stall.
- C. Signs shall be subject to Subsection 1010.13(A)(5).

D. Signs may be displayed only during the hours of farmers' market operation.

1010.19 MULTI-USE DEVELOPMENTS

The following sign standards apply to multi-use developments approved pursuant to Section 844, *Multi-Use Developments*. Where these standards conflict with other provisions in Section 1010, Subsection 1010.19 shall take precedence.

- A. Freestanding Signs: One freestanding sign may be provided on each public road, county road, or state highway from which the development takes access. One additional freestanding sign may be allowed on a public road, county road, or state highway when the frontage on that road exceeds 1,000 feet and two or more major access points are provided. In no case shall the number of freestanding signs exceed four for any multi-use development. The maximum size and height for each freestanding sign shall be determined pursuant to Subsection 1010.05(A)(3).
- B. Building Signs: Individual building tenant identification signs shall be allowed pursuant to Subsection 1010.05(B).
- C. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:
 - 1. No building sign with the same message is facing in the same direction;
 - 2. The sign area does not exceed 30 square feet;
 - 3. The sign does not exceed five feet in height; and
 - 4. Architectural features may be added to the sign structure provided the sign area and height are not increased by more than one-third of the above requirements.
- D. Road Signs: If interior circulation roads are named, directional signs to various uses within the development may be included on the road signs.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

1012 LOT SIZE AND DENSITY

1012.01 APPLICABILITY

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

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

1012.02 MINIMUM LOT SIZE EXCEPTIONS

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

A. Notwithstanding Subsections 1012.02(C) through (F), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres in the FF-10, RA-1, RA-2, RC, RI, and RRFF-5 Districts, except as provided by Subsection 3.07.1130(c) of the Code of the Metropolitan Service District.

BA. Bonus Density: If a smaller lot size is necessary to provide bonus density dwelling units awarded under Subsection 1012.05(E), the minimum lot size standard of the applicable zoning district is waived. Demonstrating compliance with this standard shall not require the proposed development to be a planned unit development or require that townhouses attached single family dwellings be developed in lieu of detached single family dwellings.

CB. Two or More Lawfully Established Dwellings on One Lot of Record: If a lot of record is not large enough to be divided in compliance with the minimum lot size standard of the applicable zoning district, the standard is waived if there are two or more lawfully established dwellings located on one lot of record with a Comprehensive Plan land use plan designation of Low Density Residential, Unincorporated Community Residential, or Rural. At least one of the lawfully established dwellings shall be located on each lot or parcel created pursuant to Subsection 1012.02(BC). Subsection 1012.02(BC) does not apply to the creation of separate lots or parcels for:

- 1. Accessory dwelling units;

2. Accessory historic dwellings:

32. Accessory farm dwellings on a lot of record with a land use plan designation of Rural if the accessory farm dwelling was established after October 4, 2000;

43. Manufactured dwellings and residential trailers established under a temporary permit;

54. Manufactured dwellings and residential trailers established within a manufactured dwelling park or a manufactured home park; ~~and~~

65. Dwellings established as a “replacement” for a historic landmark dwelling, where the continued use of the historic landmark dwelling for residential purposes was permitted as a conditional use in ~~thean~~ HL, HD, or HC overlay zoning district; ~~or-~~

7. Middle housing dwelling units; however, middle housing land divisions are permitted pursuant to Section 1105, Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats.

~~DE.~~ Conditional Use: If the subject property is developed, or approved to be developed, with a conditional use, the minimum lot size standards of the applicable zoning district are waived, provided:

1. If a minimum lot size for the conditional use is established by Section 800, *Special Use Requirements*, it remains applicable.
2. The proposed lot size requires approval pursuant to Section 1203, *Conditional Uses*. However, approval pursuant to Section 1203 does not waive the requirement to also receive approval pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*.
3. The minimum lot size waiver applies only to a lot or parcel developed with the conditional use and not to any other lots or parcels in the proposed subdivision, partition, or replat.
4. A deed restriction limiting development of an undersized lot or parcel to the approved conditional use shall be recorded in conjunction with the recording of the final plat.
5. This lot size exception does not apply in the RA-2 or RR Districts, and the minimum lot size for the lot or parcel developed with the conditional use is two acres in the RRFF-5 and FF-10 Districts. In addition, ~~duplexestwo and three family dwellings~~ in ~~thean~~ R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, or RA-1 District are subject to Subsection 1012.02(F) in lieu of Subsection 1012.02(~~ED~~).

ED. Comprehensive Plan Boundary: If through a Type IV Comprehensive Plan map amendment, a lot of record is divided by a Comprehensive Plan land use plan designation boundary, the lot of record may be partitioned along that boundary (access strips and parcels of less than one acre are excluded). If the boundary separates an Agriculture or Forest designation from an Urban, Unincorporated Community, or Rural designation, or if the boundary separates an Agriculture designation from a Forest designation, the exception to the minimum lot size standards does not apply to any portion of the subject property designated Agriculture or Forest, except to the extent that Subsection 401.08(K) or 406.09(G) also applies.

~~E. Attached Single Family Dwellings: In an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 District, the minimum lot size for a lot or parcel to be developed with an attached single family dwelling is 2,000 square feet, except in a planned unit development where there is no minimum lot size. Notwithstanding this minimum lot size exception, the maximum density standards of Subsection 1012.05 continue to apply.~~

F. ~~Two and Three Family Dwellings Duplexes in the RA-1 District: In ~~the an R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, or~~ RA-1 District, there is no minimum lot size for a lot or parcel to be developed with ~~a two or three family dwelling duplexes~~ pursuant to Section 1203, *Conditional Uses*. However, the maximum density standards of Subsection 1012.07 apply to the entire property proposed for development with ~~two or three family dwellings duplexes~~ prior to the creation of new lots or parcels. ~~This has the effect of implementing an average lot size for a development of two or three family dwellings of two or three times, respectively, the minimum lot area per dwelling unit established by Table 1012-2, except to the extent that Subsections 1012.07(C) and (D) allow a reduction in this average.~~~~

G. Townhouses: In the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District, the minimum lot size standards are waived for townhouses.

H. Middle Housing Land Division: In the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District, the minimum lot size standards are waived for middle housing land divisions approved pursuant to Section 1105, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*.

IG. The minimum lot size standards of the applicable zoning district are waived for a designated nonresidential tract for a private road, open space, or similar support purpose.

~~H. Notwithstanding Subsections 1012.02(B) through (D), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres in the FF-10, RA-1, RA-2, RC, RI, and RRF-5 Districts, except as provided by Subsection 3.07.1130(c) of the Code of the Metropolitan Service District.~~

1012.03 MAXIMUM LOT SIZE

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

- A. A portion of the subject property may be excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-3, *Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts*, or when calculating maximum individual lot size, provided that a master plan for the excluded portion of the subject property demonstrates that the maximum lot size standards can be met for the entire property through future land division.
- B. Unless a master plan is provided pursuant to Subsection 1012.03(A), the maximum size of a lot or parcel created for a dwelling lawfully established prior to being zoned VR-5/7 or VR-4/5 is 15,000 square feet unless the dwelling is in a resource protection area, as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, in which case there is no maximum lot size standard. Such a lot or parcel is excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-3.
- C. Resource protection area, as shown on Comprehensive Plan Map X-SV-1, is excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-3 or when calculating maximum individual lot size.

1012.04 GENERAL DENSITY PROVISIONS

- A. Density is a measurement of the number of dwelling units in relationship to a specified amount of land. In the context of a partition, subdivision, replat, or manufactured home park, density typically relates to potential dwelling units in the form of lots, parcels, or manufactured home park spaces. Density often is expressed as dwelling units per acre; however, this Ordinance implements density standards in many zoning districts by assigning a district land area (DLA), which is the starting point for determining the maximum number of dwelling units allowed on a particular site. In general, the DLA is the minimum lot area required per dwelling unit; however, the DLA is subject to adjustment for density bonuses, restricted area development limitations, and limits on the extent of new road area that must be subtracted. In addition, for a duplex, triplex, quadplex, or cottage cluster in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District, and for accessory dwelling units, DLA is not the minimum lot area required per dwelling unit.
- B. The DLA and the minimum lot size standard applicable to a particular zoning

district are seldom the same. Often this is because the maximum density derived from the DLA standard is calculated over the entire site prior to any platting of new lots or parcels. The minimum lot size standard then typically permits flexibility in determining where on the site the allowed dwelling units will be developed. For example, some lots may be relatively large while others are smaller, or open space tracts may be platted while all lot sizes are relatively small. Regardless of allowed flexible sizing of individual lots or parcels, however, the maximum density allowed for the entire site remains the same.

- C. Except for middle housing land divisions approved pursuant to Section 1105, Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats, if the subject property is currently developed with one or more dwelling units that will be retained, such dwelling units shall be included in demonstrating compliance with the maximum and minimum density standards of Section 1012. Notwithstanding this provision, accessory dwelling units and temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, are not included in demonstrating compliance with the density standards, provided that these dwellings will continue to comply with the requirements for accessory dwelling units or temporary dwellings, respectively.
- D. If a subdivision, partition, or replat is proposed on property currently developed with ~~duplexestwo-family, triplexesthree-family, quadplexes,~~ or multifamily dwellings (or with a current design review approval for such development), maximum and minimum density shall be calculated separately for each proposed lot or parcel, except:
 - 1. In a planned unit development or a development of ~~two-or-three-family dwellingsduplexes~~ approved pursuant to Subsection 1012.07, in which ~~ease~~ maximum and minimum density shall be calculated for the entire property proposed for development prior to the creation of new lots or parcels.
 - 2. Middle housing land divisions approved pursuant to Section 1105 are exempt.
- E. In a zoning district that does not allow new detached single-family dwellings, a lot created for a nonconforming detached single-family dwelling shall not be included in the gross site area used to calculate minimum and maximum density for the remaining lot(s).

1012.05 MAXIMUM DENSITY

If this Ordinance establishes a district land area (DLA) for the applicable zoning district, the proposed development shall be limited to a maximum density. Except as necessary to implement a minimum lot size exception granted pursuant

to Subsection 1012.02 or as established by Subsections 1012.06 ~~and 1012.07~~, maximum density shall be calculated as follows.

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between categories requiring a subtraction, the area of overlap shall be classified in the most restrictive category.
 1. The land area of new county, public, or private roads (NR) in the HR, MRR, Urban Low Density Residential, VR-4/5, VR-5/7, and VTH Districts, except:
 - a. If NR exceeds 15 percent of the GSA, only 15 percent of the GSA shall be subtracted.
 - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval;
 2. In a zoning district other than HR and MRR, any land area of the GSA in the following highly restricted areas (HRA), except that no subtraction shall be made for HRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas:
 - a. Slopes greater than 50 percent;
 - b. Mass movement hazards regulated by Section 1003, *Hazards to Safety*;
 - c. The floodway of the Floodplain Management District regulated by Section 703, *Floodplain Management District*;
 - d. The Willamette River and the required buffer area regulated by Section 705, *Willamette River Greenway*;
 - e. Habitat Conservation Areas regulated by Section 706, *Habitat Conservation Area District (HCAD)*; and
 - f. Water Quality Resource Areas regulated by Section 709, *Water Quality Resource Area District*; and
 3. In a zoning district other than HR and MRR, fifty percent of the land area of any portions of the GSA in the following moderately restricted areas (MRA), except that no subtraction shall be made for MRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas.:

- a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and
 - b. Areas outside the floodway but within the Floodplain Management District regulated by Section 703.
4. In the HR and MRR Districts, any land area of the GSA in the following highly restricted area (HRA). Residential development is prohibited in the HRA.
- a. The Floodplain Management District regulated by Section 703; and
5. In the HR and MRR Districts, 50 percent of the land area of the GSA in the following moderately restricted areas (MRA). Residential development is prohibited in the MRA.
- a. Slopes greater than 25 percent;
 - b. Mass movement hazards regulated by Section 1003; and
 - c. Wetlands and required buffer areas regulated by Subsection 1002.06 or another public agency.
6. In the HR and MRR Districts, although no subtraction is required for stream corridor areas, residential development is prohibited in these areas.
- C. Divide the NSA by the DLA of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of BD are represented by the following formula:
- $$\{GSA - [NR + HRA + (MRA \times 0.5)]\} / DLA = BD^*$$
- * Except in the HR and MRR Districts, HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(2) and (3).
- D. In the MRR District, the calculation in Subsection 1012.05(C) shall be done separately for each proposed unit size category identified in Table 317-3. This requires the applicant to identify the square footage of the NSA that is attributed to each unit size category. The results of each separate calculation shall be added to determine BD.
- E. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:
1. The proposed development shall include a minimum of four dwelling units, excluding accessory dwelling units and temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.

2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 1012-1, *Bonus Density*.
3. In the MRR District, dwelling units allowed through the bonus density provisions shall be developed with the same unit size mixture as provided in the BD. For example, if a development is proposed with a BD of 50 units of 700 square feet and 50 units of 500 square feet, and a bonus density of 10 units is allowed, the 10 bonus units shall include 5 units of 700 square feet and 5 units of 500 square feet.

Table 1012-1: Bonus Density

Bonus Category	Maximum Increase in the HR and Urban Low Density Residential Districts	Maximum Increase in All Other Zoning Districts
Affordable Housing: Dwelling units affordable to households earning equal to or less than 80 percent of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee.	One dwelling unit per affordable dwelling unit up to 5 percent of the base density	One dwelling unit per affordable dwelling unit up to 50 percent of the base density ¹
Mixed-Use Development ² : Multifamily dwelling units developed as part of a mixed-use development, where a minimum of 20 percent of the total floor area on a site is developed for a non-residential use.	Not applicable	One dwelling unit per dwelling unit located in a mixed-use development up to 20 percent of the base density ³
Park Dedication: Land will be dedicated as a park and accepted by a government agency pursuant to Subsection 1011.04.	10 percent of the base density	10 percent of the base density ¹
Habitat Conservation Area: At least 75 percent of the HCA on the subject property will be protected from development by a restrictive covenant or a public dedication.	Not applicable	25 percent of the base density ⁴

MAXIMUM TOTAL INCREASE	15 percent of the base density	60 percent of the base density
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- ¹ Does not apply in the VA, VR-4/5, VR-5/7, or VTH Districts
- ² For the purposes of this provision, mixed-use development means a mix of uses located within a single building or a mix of uses located on a single site.
- ³ May only be applied in the C-3, CC, OC, and RTL Districts
- ⁴ Does not apply in the VR-4/5, VR-5/7, or VTH Districts

F. Any partial figure of one-half or greater shall be rounded up to the next whole number, except partial figures shall be rounded down for a subdivision, partition, or replat of 10 lots or fewer in ~~thean~~ Urban Low Density Residential, VR-4/5, or VR-5/7 District.

G. The result is maximum density, except that the result shall be reduced as necessary to ~~;~~

~~1. c~~ Comply with the minimum lot size standards, if any, of the applicable zoning district, as modified by Subsection 1012.02 ~~;~~

~~2. Ensure that, in an R 2.5 District, the density of the developed portion of the subject property does not exceed one dwelling unit per 2,420 square feet of land area; and~~

~~3. Ensure that, in all other Urban Low Density Residential Districts, the density of the developed portion of the subject property does not exceed one dwelling unit per 3,630 square feet of land area.~~

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

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

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

1012.07 MAXIMUM DENSITY FOR ~~TWO AND THREE FAMILY DWELLINGS~~ DUPLEXES IN THE RA-1 ~~IN URBAN LOW DENSITY RESIDENTIAL~~ DISTRICTS

In the ~~R 5, R 7, R 8.5, R 10, R 15, R 20, R 30, and RA-1~~ Districts, developments of

~~two or three family dwellings duplexes~~ approved pursuant to Section 1203, *Conditional Uses*, shall be limited to a maximum density, which shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area ~~(GSA)~~.
- B. Divide GSA by the minimum lot area per dwelling unit ~~(MLA)~~ of 43,560 square feet ~~the applicable zoning district as shown in Table 1012-2, Minimum Lot Area per Dwelling Unit~~. The result is base density ~~(BD)~~.

Table 1012-2: Minimum Lot Area per Dwelling Unit

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

~~C. Except in the RA-1 District, add any applicable density bonuses to BD. Bonus density shall be allowed pursuant to Subsection 1012.05(E). However, if affordable housing is provided pursuant to Table 1012-1, Bonus Density, but affordability requirements are not specified by a federal, state, or local program as required by Table 1012-1, an affordability covenant or other mechanism to ensure affordability, deemed acceptable by the County, shall instead be attached to the affordable dwelling units.~~

CD. Any partial figure of one-half or greater shall be rounded up to the next whole number, except partial figures shall be rounded down in a subdivision, partition, or replat of 10 lots or fewer.

~~DE~~. The result is maximum density.

1012.08 MINIMUM DENSITY

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

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

manufactured home park where the result shall be multiplied by 50 percent;

3. By 90 percent in the MR-2, HDR, and SHD Districts; or
4. By 50 percent in the VA District.

D. Any partial figure of one-half or greater shall be rounded up to the next whole number.

E. The result is minimum density.

[Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-280, 10/23/21, Amended by Ord. ZDO-277, 1/1/22]

1015 PARKING AND LOADING

1015.01 GENERAL STANDARDS

- A. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06.
- B. Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.
- C. Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1, *Automobile Parking Space Requirements*; ~~1015-2~~, *Minimum Automobile Parking Space Requirements for Dwellings*; ~~1015-23~~, *Minimum Required Bicycle Parking Spaces*; and ~~1015-34~~, *Minimum Required Off-Street Loading Berths* shall be subject to the requirements for the most similar use.
- D. Motor vehicle parking, bicycle parking, and loading areas shall be separated from one another.
- E. Required parking spaces and loading berths shall not be:
 - a. Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(3)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.
 - b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.
 - c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).

1015.02 MOTOR VEHICLE PARKING AREA STANDARDS

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

feet long.

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

B. Parking Minimums: The minimum number of parking spaces listed in Tables

1015-1, *Automobile Parking Space Requirements*, and 1015-2, *Minimum Automobile Parking Space Requirements for Dwellings*, applies unless modified in Subsection 1015.02(D).

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

C. Parking Maximums:

1. Within the UGB, the parking maximums listed for Urban Zone A in Table 1015-1 and Note 4 of Table 1015-2; ~~Urban Zone A~~, apply when an area has 20-minute peak hour transit service within one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit.
2. Within the UGB, areas not meeting the requirements of Subsection 1015.02(C)(1), are subject to the parking maximums listed in Table 1015-1, Urban Zone B.
3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-1:
 - a. Existing parking spaces may be retained, replaced, or eliminated, provided that after the expansion, the total number of remaining spaces complies with the minimum parking space requirement of Table 1015-1 for the entire development; and
 - b. Additional parking spaces are allowed only if required to comply with the minimum parking space requirement of Table 1015-1 for the entire development after the expansion.

Table 1015-1: Automobile Parking Space Requirements¹

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Amusement Parks, Riding Academies, and Camps (per 1000 square feet of serving area)	0.8	None	None
Bank with Drive-in	4.3	5.4	6.5
Bed and Breakfast Residences and Inns	1 for each guest room and 1 for the operator	None	None
Bowling Alleys (per alley)	3	None	None
Child Care Facilities	0.5 In addition, a passenger-loading area shall be provided on the site.	None	None
Dwellings (see Table 1015-2), including:			
Manufactured Dwelling or Single-Family Dwelling in RA-1, RA-2, Urban Low Density Residential, VR-4/5, or VR-5/7 District (per dwelling unit)	1, located behind the front setback line	None	None
HR District (per primary dwelling unit 800 square feet or less or per unit for accessory dwelling units)²	1	None	None
HR District (per primary dwelling unit greater than 800 square feet)²	2	None	None
MRR District, except congregate housing facilities (per 600 square feet of residential building area for primary dwellings or per unit for accessory dwelling units)	1	None	None

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

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

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

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

¹ Parking ~~requirements ratios~~ are ~~expressed as~~ based on number of spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

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

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Table 1015-2: Minimum Automobile Parking Space Requirements for Dwellings¹

<u>Dwelling Type</u>	<u>Zoning District</u>								
	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>VTH</u>	<u>MR-1 & MR-2</u>	<u>SCMU</u>	<u>HR²</u>	<u>MRR</u>	<u>RA-1 & RA-2</u>	<u>All Other Zoning Districts</u>
<u>Accessory Dwelling Unit</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>N/A</u>	<u>N/A</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
<u>Accessory Historic Dwelling</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0</u>	<u>0</u>
<u>Congregate Housing Facility (per resident)</u>	<u>N/A</u>	<u>N/A</u>	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>N/A</u>	<u>0.25</u>	<u>N/A</u>	<u>0.25</u>
<u>Cottage Cluster</u>	<u>1</u>	<u>1</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0</u>
<u>Detached Single-Family Dwelling or Manufactured Dwelling (located on an individual lot)</u>	<u>1, located behind the front setback line</u>	<u>1, located behind the front setback line</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per dwelling unit 800 square feet or less 2 per dwelling unit greater than 800 square feet</u>	<u>1 per 600 square feet of residential building area</u>	<u>1, located behind the front setback line</u>	<u>0</u>
<u>Duplex or Triplex</u>	<u>1³</u>	<u>1³</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>N/A</u>	<u>1 per 600 square feet of residential building area</u>	<u>Duplex in RA-1: 1.5</u> <u>All others: N/A</u>	<u>1.5</u>
<u>Manufactured Dwelling (located in a manufactured dwelling park)</u>	<u>2</u>	<u>N/A</u>	<u>N/A</u>	<u>2, if located in MR-1</u> <u>N/A, if located in MR-2</u>	<u>N/A</u>	<u>N/A</u>	<u>2</u>	<u>N/A</u>	<u>2</u>

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<u>Dwelling Type</u>	<u>Zoning District</u>								
	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>VTH</u>	<u>MR-1 & MR-2</u>	<u>SCMU</u>	<u>HR²</u>	<u>MRR</u>	<u>RA-1 & RA-2</u>	<u>All Other Zoning Districts</u>
<u>Multifamily Dwelling:</u> <u>Per studio/zero-bedroom or one-bedroom dwelling unit</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1</u>	<u>1</u>	<u>N/A</u>	<u>1</u>	<u>N/A</u>	<u>1</u>
<u>Per two-bedroom dwelling unit</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1.25</u>	<u>1.25</u>	<u>N/A</u>	<u>1.25</u>	<u>N/A</u>	<u>1.25</u>
<u>Per three-bedroom dwelling unit</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1.5</u>	<u>1.5</u>	<u>N/A</u>	<u>1.5</u>	<u>N/A</u>	<u>1.5</u>
<u>Quadplex</u>	<u>1³</u>	<u>1³</u>	<u>Same as multifamily dwelling in all other zoning districts</u>	<u>Same as multifamily dwelling</u>	<u>Same as multifamily dwelling</u>	<u>N/A</u>	<u>Same as multifamily dwelling</u>	<u>N/A</u>	<u>Same as multifamily dwelling</u>
<u>Townhouse</u>	<u>1</u>	<u>1</u>	<u>1. located in a garage</u>	<u>2</u>	<u>1⁴</u>	<u>1 per dwelling unit 800 square feet or less</u> <u>2 per dwelling unit greater than 800 square feet</u>	<u>1 per 600 square feet of residential building area</u>	<u>N/A</u>	<u>1⁵</u>

¹ Minimum parking requirement is expressed as number of spaces per dwelling unit, unless otherwise stated. N/A means the dwelling type is not allowed in the applicable zoning district.

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

³ No additional parking spaces shall be required for conversion of a detached single-family dwelling to middle housing.

⁴ The parking exception in Subsection 1015.02(D)(3)(b) does not apply to townhouses. Maximum parking for townhouses in Urban Zone A is two spaces per townhouse.

⁵ In the R-2.5 District, the required parking shall be located behind the front setback line.

D. Exceptions to Parking Requirements:

1. Parking maximums in Table 1015-1 and Note 4 to Table 1015-2 may be increased for the following:
 - a. Parking spaces in parking structures;
 - b. Fleet parking spaces;
 - c. Designated employee carpool spaces;
 - d. User-paid spaces; and
 - e. Parking spaces for vehicles for sale, lease, or rent.
2. Parking minimums in Table 1015-~~12~~ may be reduced by 40 percent for multifamily dwelling units on sites within a one-quarter mile walking distance of a light rail station. Walking distance is measured along public roads, walkways, or accessways.
3. Parking minimums in Tables 1015-1 and 1015-2, or as calculated pursuant to Subsection 1015.02(D)(2), may be reduced for the following:
 - a. The total minimum requirement for parking spaces may be reduced up to 20 percent per use when shared parking is utilized.
 - b. In commercial and industrial zoning districts, available permitted on-street parking spaces on a development's street frontage may be counted toward required parking. To count as an on-street parking space, the space must comply with the minimum dimensions for a parking space established by Subsections 1015.02(A)(2) and (4).
 - c. Motorcycle parking may substitute for required automobile parking spaces as follows:
 - i. Up to five spaces or five percent of required automobile parking, whichever is less, may be utilized.
 - ii. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
 - iii. Each motorcycle space must be at least four feet wide and eight feet deep.
 - d. Electric vehicle charging stations may be installed according to the following standards:

- i. Two spaces or five percent of the minimum required parking spaces, whichever is greater, may be utilized for electric vehicle charging stations and identified exclusively for such use.
 - ii. Additional parking spaces of the minimum required parking may be utilized for electric vehicle charging stations, provided they are not identified exclusively for such use.
 - iii. Any portion of parking spaces provided that are beyond the required minimum number of parking spaces may be utilized for electric vehicle charging stations, regardless of whether they are identified exclusively for such use.
4. A parking cap applies in the SCMU District. The total number of parking spaces provided for nonresidential development (either onsite or offsite) shall not exceed the parking cap, regardless of the number of pre-existing parking spaces. Parking maximums and minimums established by Tables 1015-1 and 1015-2 shall be adjusted to the extent necessary to comply with the parking cap. The parking cap shall be calculated by the following formula:

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

1015.03 BICYCLE PARKING STANDARDS

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

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

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

1. When more than seven bicycle parking spaces are required, a minimum of 50 percent of the spaces shall be covered. All of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, quadplexes,

and multifamily dwellings shall be covered.

2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.
3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.
4. Required bicycle parking spaces shall be illuminated.
5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.
6. Bicycle parking space dimensions and standards:
 - a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.
 - b. An aisle a minimum of five feet wide must be provided for bicycle maneuvering.
 - c. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
 - d. Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if comparable dimensions, maneuvering, and clearance are provided to the user.
 - e. Bicycle racks must accommodate both:
 - i. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
 - ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.
7. The minimum number of bicycle parking spaces listed in Table 1015-~~23~~, *Minimum Required Bicycle Parking Spaces*, are required. If a listed use is located with the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-~~23~~, whichever is greater.
8. Within the UGB, quadplexes not developed pursuant to Section 845, Triplexes, Quadplexes, Townhouses, and Cottage Clusters, and New

multifamily residential, commercial, and institutional developments ~~within~~ **the UGB** shall designate short-term bicycle parking (less than four hours) and long-term bicycle parking (four or more hours) spaces as needed for the development.

Table 1015-~~23~~: Minimum Required Bicycle Parking Spaces

Land Use Category	Minimum Bicycle Parking Spaces ¹
Elementary Schools, Junior High Schools, Middle Schools, Senior High Schools, and Colleges (per classroom)	2 (maximum required spaces – 100)
<u>Quadplexes not approved pursuant to Section 845 and Multifamily Dwellings (per dwelling unit)</u>	0.5
Park-and-Ride Lots, Transit Centers, and Community Parks (per acre)	5
Preschools	4
Residential Care Facilities, Nursing Homes, and Hospitals (per 8 beds)	1
Retail and Commercial including offices and clinics	
Per 2,500 square feet, up to 50,000 square feet	1
Per each additional 5,000 square feet	1
Theaters, Places of Worship, Auditoriums, Dance Halls and other Public Assembly Places (per 40 seats or per 40 persons of design capacity, whichever is greater)	1
Warehouses and industrial buildings without attached offices, automotive service uses such as service stations and tire stores, and businesses selling large items such as major appliances, furniture, cars, or boats (per 10,000 square feet of building area)	1

¹ Minimums outside the UGB are 20 percent of the requirement listed in Table 1015-~~23~~.

1015.04 OFF-STREET LOADING STANDARDS

- A. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.
- B. In cases of expansion of a building or use, that prior to the expansion, does not

meet the minimum loading berth requirements in Table 1015-~~34~~, *Minimum Required Off-Street Loading Berths*, the following provisions shall apply:

1. The minimum number of additional loading berths required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.
 2. If the expansion covers any pre-expansion loading berths, lost loading berths shall be replaced, in addition to any required additional berths.
- C. In the event several uses occupy a single structure or parcel of land and share the same loading berths, the total requirement for off-street loading shall be reduced by up to 25 percent of the sum of the requirements of the several uses computed separately.
- D. The minimum off-street loading berths listed in Table 1015-~~34~~ are required.

Table 1015-34: Minimum Required Off-Street Loading Berths

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

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

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

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

[Added by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-277, 1/1/22]

1021 SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION

1021.01 APPLICABILITY

Section 1021 applies to:

- A. Multifamily dwellings ~~of five dwelling units or more~~; and
- B. Institutional, commercial, and industrial developments.

1021.02 DEFINITIONS

In addition to the definitions in Chapter 10.03, *Solid Waste and Wastes Management*, of the Clackamas County Code the following definitions apply to Section 1021:

- A. Compactor: Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or wastes or recyclable materials.
- B. Container: A receptacle with wheels, one cubic yard or larger in size, used to store solid waste or wastes or recyclable materials, but not a drop box or compactor.
- C. Drop Box: A single container designed for the storage and collection of large volumes of solid waste or wastes or recyclable materials, which is usually 10 cubic yards or larger in size.
- D. Receptacle: A can, cart, container, drop box, compactor, recycling bin, or any other means of containment of solid waste or wastes or recyclable materials.
- E. Enclosure: A structure designed to provide shelter for receptacles.
- F. Recycling Shelter: A pre-manufactured structure designed for containment and storage of recyclable materials.
- G. Recycling and Solid Waste Service Area: An area designed and established for the purpose of satisfying the local collection service franchisee's service requirements.

1021.03 GENERAL STANDARDS

- A. Pads: Compactors, containers, and drop boxes shall be located on a level Portland Cement concrete pad, a minimum four inches thick, at ground level or other location compatible with the local collection service franchisee's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

B. Recycling and Solid Waste Service Areas:

1. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.
2. Recycling service areas shall be located in close proximity to the solid waste container areas and be accessible to the local collection service franchisee's equipment.
3. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water- and insect-resistive material.
4. The location of recycling service areas and method of storage shall be approved by the local fire marshal.
5. Recycling and solid waste service areas shall be at ground level and be accessible to the local collection service franchisee.
6. Recycling and solid waste service areas shall be used only for storing solid waste and recyclable materials.
7. Recycling and solid waste service areas and equipment shall be maintained in a clean and safe condition pursuant to Chapter 10.03, *Solid Waste and Wastes Management*, of the Clackamas County Code.

C. Special Wastes or Recyclable Materials:

1. Hazardous wastes defined in Oregon Revised Statutes 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.
2. Containers used to store cooking oils, grease, or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

1021.04 ENCLOSURE AND GATE STANDARDS

- A. Gate Access: Gates shall be designed to permit sufficient service access for the local collection service franchisee's equipment and personnel.
- B. Gate Swing: The gate swing shall be free of obstructions and have restrainers in the open and closed positions.
- C. Bumper Curb: Enclosures constructed of wood or chain link fencing material shall contain a two- to four-inch high bumper curb at ground level located 12 inches inside the perimeter walls of the enclosure or fencing to prevent damage from container impacts.

- D. Bumper Rail: Enclosures constructed of concrete, brick, and masonry block or similar materials shall contain a bumper curb described in Subsection 1021.04(C) or a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the receptacle.
- E. Obstructions and Accumulations: All areas around the receptacles shall be kept free of obstructions and accumulations of waste matter, grease, oil, water, and standing water.

1021.05 RECEPTACLE STANDARDS

- A. Containers: Enclosures shall be designed consistent with the following standards:
 - 1. Length and width of the service container.
 - 2. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container.
 - 3. A minimum three feet, including pad area, shall be provided in front of each container for maneuverability in depositing solid waste or recyclable materials. In cases where the containers face each other, a minimum four feet shall be provided.
 - 4. Containers two cubic yards or less in size shall be provided with a minimum nine feet of unobstructed overhead or vertical clearance for servicing.
 - 5. Containers greater than two cubic yards in size shall be provided with a minimum 20 feet of unobstructed overhead or vertical clearance for servicing.
- B. Drop Boxes and Compactors:
 - 1. The pad shall be a minimum of 14 feet wide and a minimum of five feet longer than the length of the drop box or compactor.
 - 2. The pad shall be located a minimum of two feet from any perimeter wall or structure.
 - 3. Drop boxes and compactors shall be located a minimum of five feet from any combustible wall, structure, opening, or overhang. This may be reduced to a minimum of two feet provided the pad is located adjacent to a noncombustible wall, structure, opening, or overhang.
 - 4. Loading dock areas shall have a guide rail and bumper stop placed at ground level or at dock level where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.

5. Compactors shall be compatible with the local collection service franchisee's equipment and weight limits prescribed by state and local law.

1021.06 VEHICLE ACCESS

- A. Vehicular access to the front of a container pad, shelter, or enclosure shall be a minimum of 45 feet long and a minimum of 12 feet wide.
- B. Vehicular access to service a drop box or compactor shall include the pad length required in Subsection 1021.06(A) plus a minimum of 65 feet in front of the loading hook placement position.
- C. The vehicular access to a pad or enclosure shall be hard-surfaced consistent with the off-street parking provisions of Section 1015, *Parking and Loading*.
- D. In the absence of an on-site through street or driveway, a cul-de-sac with a minimum 50-foot turning radius shall be provided for vehicle maneuvering at the end of a private dead-end street or driveway. A standard emergency services hammerhead turnaround, consistent with the County's standards for road improvements, may be granted in lieu of the cul-de-sac if the local fire district approves the design.
- E. The grade for access to the pad or enclosure shall not exceed three percent. Exceptions may be granted when compatible with the equipment manufacturer's specifications and consistent with Subsection 1021.08.

1021.07 SIGNS

"No parking" signs shall be placed in a prominent location on the enclosure or shelter and painted on the pavement in front of the enclosure or shelter to provide unobstructed and safe access for servicing receptacles. Signs clearly identifying recycling containers and type of recyclable material shall be posted on each container.

1021.08 MODIFICATIONS

Modifications to the standards of Section 1021 may be permitted when:

- A. The modifications are consistent with the provision of:
 1. Efficient, safe, and convenient siting of recycling and solid waste service areas; and
 2. Efficient, safe, and convenient on-site maneuvering of collection vehicles, equipment, and personnel for servicing recycling and solid waste service areas; and

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- B. Written evidence is provided from the local collection service franchisee that the proposed modifications are compatible with the franchisee's methods of operation.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-268, 10/2/18]

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. Design review is required for:

- A. Development, redevelopment, expansions, and improvements in commercial and industrial zoning districts, except for uses approved through a zone change to NC District;
- B. Development, redevelopment, expansions, and improvements in the following residential zoning districts: HDR, MR-1, MR-2, PMD, RCHDR, SHD, VA, and VTH;
- C. Development, redevelopment, expansions, and improvements in the MRR District, except for ~~the following if they are not part of a condominium development:~~
 - ~~1. d~~ Detached single-family dwellings;
 - ~~2. m~~ Manufactured homes; and
 - ~~3. u~~ Uses accessory to detached single-family dwellings and manufactured homes;
- D. ~~Institutional~~The following uses in the Urban Low Density Residential, VR-4/5, and VR-5/7 Districts: ~~attached single family dwellings, two family dwellings, three family dwellings, condominiums, and institutional uses;~~
- ~~E. The following uses in the VR-4/5 and VR-5/7 Districts: attached single family dwellings, two family dwellings, three family dwellings, and institutional uses;~~
- ~~E~~F. Townhouses and institutionalThe following uses in the HR District: ~~attached single family dwellings, condominiums, and institutional uses;~~ and
- FG. Other uses as required by the Planning Director, the Hearings Officer, or the Board of County Commissioners.

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*;

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- 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.

- 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 RCO District and for the PMU1 site, 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 PMU1 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 RCO or PMU 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.

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[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]

1105 SUBDIVISIONS, PARTITIONS, REPLATS, MIDDLE HOUSING LAND DIVISIONS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS

1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, middle housing land division, condominium plat, or vacation of a recorded plat may be approved, except:

- A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.1107; and
- B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter 97 are exempt from Section 1105.

1105.02 GENERAL SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, ~~AND~~ REPLATS, AND MIDDLE HOUSING LAND DIVISIONS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, ~~or~~ replat, or middle housing land division shall include:

- A. Five copies of a preliminary plat. The preliminary plat shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet. If the preliminary plat is larger than 11 inches by 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on eight-and-one-half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be included on the preliminary plat or by separate attachment:
 - 1. Source of domestic water and location of any existing and proposed wells;
 - 2. Method of wastewater disposal and location of any existing and proposed on-site wastewater treatment systems;
 - 3. Existing and proposed utility lines and facilities;
 - ~~4. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, Lot Size and Density, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;~~
 - 45. Locations, dimensions, and area of each lot, parcel, and tract;

- ~~6.~~ ~~The north-south dimension and front lot line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of Subsection 1017.03 is requested pursuant to Subsection 1017.04. For the purpose of this submittal requirement, north-south dimension and front lot line are defined in Subsection 1017.02;~~
- ~~7~~5. Date the preliminary plat was prepared;
- ~~8~~6. North arrow;
- ~~9~~7. Identification of each lot or parcel by number;
- ~~10~~8. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
- ~~11~~9. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
- ~~12~~10. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;
- ~~13~~11. Contour lines at two-foot intervals if 10 percent slope or less or five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information;
- ~~14~~12. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;
- ~~15~~13. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
- ~~16~~14. Locations and dimensions of all existing and proposed driveways and walkways;
- ~~17~~15. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;
- ~~18~~16. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;
- ~~19~~17. Boundaries and type of restricted areas identified in Subsection 1012.05, as applicable;
- ~~20~~18. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and

~~2119~~ 2119. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to Oregon Revised Statutes 92.090;

- B. Preliminary statements of feasibility required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*;
- C. If the subject property includes land designated Open Space by the Comprehensive Plan, a vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;
- D. If the subject property includes land designated Open Space by the Comprehensive Plan, an existing conditions map of the subject property showing:
 - 1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.
 - 2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
 - 3. Drainage;
 - 4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003, *Hazards to Safety*;
 - 5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
 - 6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photograph, at a scale of not more than one inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
 - 7. Location of any overlay zoning districts regulated by Section 700, *Special Districts*;
 - 8. Noise sources;
 - 9. Sun and wind exposure;

10. Significant views; and

11. Existing structures, impervious surfaces, utilities, landscaping, and easements; and

~~E. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.07, occur in two or more phases pursuant to Subsection 1105.03(C).~~

~~F. A master plan if required pursuant to Section 1012.~~

1105.03 ADDITIONAL SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

An application for a subdivision, partition, or replat shall include the following additional information:

A. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, *Lot Size and Density*, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;

B. The north-south dimension and front-lot-line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of Subsection 1017.03 is requested pursuant to Subsection 1017.04. For the purpose of this submittal requirement, north-south dimension and front lot line are defined in Subsection 1017.02;

C. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.11, occur in two or more phases pursuant to Subsection 1105.05(C); and

D. A master plan if required pursuant to Section 1012.

1105.04 ADDITIONAL SUBMITTAL REQUIREMENTS FOR MIDDLE HOUSING LAND DIVISIONS

An application for a middle housing land division shall include the following additional information:

A. Demonstration that the property to be divided is developed or proposed to be developed with middle housing that complies with the standards applicable to middle housing on or after July 1, 2022. If middle housing development is proposed, a copy of building permit applications and construction plans that have been submitted to or approved by the Building Codes Division shall be included in the application;

B. Locations of the easements necessary for:

1. Locating, accessing, replacing, and servicing all dwelling units;
2. Pedestrian access from each dwelling unit to a private or public road;
3. Any common areas or shared building elements; and
4. Any shared driveways or parking; and

C. Location of each middle housing dwelling unit, any other development on the lot or parcel, and location of all areas to be retained under common ownership.

1105.~~0503~~ APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, *Procedures*. A minor subdivision or a partition requires review as a Type II application pursuant to Section 1307. A replat that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

- A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and Section 1000, *Development Standards*.
- B. In an Urban Low Density Residential District, the applicant may designate the proposed subdivision, partition, or replat as a zero-lot-line development. In a zero-lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.
- C. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following:
 1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, *Lot Size and Density*, for the gross site area included in all such phases.
 2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the entire subdivision.

3. Future phases shall be shown upon the initial and subsequent final plats as a “Tract Reserved for Future Development.”
 4. As deemed necessary by the County or special districts, dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.
- D. A nonprofit, incorporated homeowners association, or an acceptable alternative, shall be required for ownership of, improving, operating, and maintaining common areas and facilities, including, but not limited to, open space, private roads, access drives, parking areas, and recreational uses, and for snow removal and storage in Government Camp.
1. The homeowners association shall continue in perpetuity unless the requirement is modified pursuant to either Section 1309, *Modification*, or the approval of a new land use permit application provided for by this Ordinance.
 2. Membership in the homeowners association shall be mandatory for each lot or parcel owner.
 3. The homeowners association shall be incorporated prior to recording of the final plat.
 4. Acceptable alternatives to a homeowners association may include, but are not limited to, ownership of common areas or facilities by the government or a nonprofit conservation organization.
- E. If the subject property is in a future urban area, as defined by Chapter 4 of the Comprehensive Plan, the location of proposed easements, road dedications, structures, wells, and on-site wastewater treatment systems shall be consistent with the orderly future development of the subject property at urban densities.

1105.0604 ~~ADDITIONAL STANDARDS AND~~ APPROVAL CRITERIA FOR REPLATS

A replat shall be subject to the following additional standards and criteria:

- A. A replat is subject to the minimum and maximum lot size standards of the applicable zoning district, except as follows:
 1. If a lot of record is smaller than the minimum lot size standard, its size may be reduced, provided that it is not in an AG/F, EFU, or TBR District. Notwithstanding this provision, a lot of record that is larger than 3,000 square feet shall not be reduced to less than 3,000 square feet, unless such a reduction complies with the minimum lot size standard of the applicable zoning district.
 2. If a lot of record is larger than the maximum lot size standard, its size may be reduced even if the reduction is not sufficient to comply with the maximum lot size standard.

3. If a lot of record in an AG/F, EFU, or TBR District is smaller than the minimum lot size standard, its size may be reduced subject the following standards and criteria:
 - a. As used in Subsection 1105.064(A)(3), “ground water restricted area”, “high-value farmland”, “high-value forestland”, and “waiver” have the meanings given those terms in ORS 195.300.
 - b. A replat for a lot of record in the AG/F, EFU, or TBR District that is larger than 80 acres may be approved if the adjustment does not reduce the lot of record to less than 80 acres.
 - c. A replat may not be used to:
 - i. Decrease the size of a lot of record that, before the relocation or elimination of a common property line, is smaller than 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if another lot of record affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
 - ii. Decrease the size of a lot of record that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres, if another lot of record affected by the replat would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other lot of record for a dwelling;
 - iv. Allow an area of land used to qualify a lot of record for a dwelling based on an acreage standard to be used to qualify another lot of record for a dwelling if the land use approval would be based on an acreage standard;
 - v. Replat a property line that resulted from a subdivision or partition authorized by a waiver so that any lot of record affected by the property line adjustment is larger than: two acres if the lot of record is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland, or within a ground water restricted area; or five acres if the lot of record is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland, or within a ground water restricted area;
 - vi. Separate a temporary dwelling for care, home occupation, relative farm help dwelling, or processing facility from the lot of record on which the primary residential use or other primary use exists; or

vii. Separate an accessory dwelling in conjunction with farm use approved pursuant to Subsection 401.05(C)(12), except as provided in OAR 660-033-0010(24)(B).

- B. Replats reviewed as a Type II application pursuant to Section 1307, Procedures, shall not be approved, unless:
1. The gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area;
 2. The allowed density is recalculated pursuant to Section 1012, *Lot Size and Density*, on the basis of the gross site area of the original platted area and any additions to the gross site area, and, if applicable, on the basis of the new zoning;
 3. All existing lots or parcels within the plat that are not affected by the replat, including additional lots or parcels that may be created by subdivision or partition under existing zoning, are subtracted from the maximum density of the original plat area in determining allowed density for the replatted portion; and
 4. All open space requirements of the original plat, if applicable, are satisfied by the replatted subdivision or partition, or portion thereof.

1105.07 APPROVAL CRITERIA FOR MIDDLE HOUSING LAND DIVISIONS

A middle housing land division requires review as a Type II-E application pursuant to Section 1307, *Procedures*. A middle housing land division shall be subject to the following standards and criteria:

- A. The property to be divided shall be within the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District and developed or proposed to be developed with middle housing that complies with the standards applicable to middle housing on or after July 1, 2022. Proposed to be developed means that building permits have been submitted for the middle housing dwelling units.
- B. Each middle housing lot shall contain exactly one dwelling unit, except that a tract used as a common area may not contain a dwelling unit.
- C. Buildings or structures on a resulting lot or parcel shall comply with applicable provisions in the Oregon Residential Specialty Code with respect to newly created lot lines.
- D. Each middle housing dwelling unit shall have separate utilities.
- E. Easements shall be provided, as necessary, for each dwelling unit for:

1. Locating, accessing, replacing, and servicing all utilities;
 2. Pedestrian access from each dwelling unit to a private or public road;
 3. Any common areas or shared building elements;
 4. Any shared driveways or parking; and
- F. A homeowners association shall be required pursuant to Subsection 1105.05(D).
- G. Each middle housing lot shall be prohibited from further division and shall be prohibited from development with additional dwelling units, including accessory dwelling units.
- H. The type of middle housing developed on the original lot of record is not altered by a middle housing land division (e.g., a duplex remains a duplex even if it is divided along the common wall).

1105.0805 CONDOMINIUM PLATS

~~If condominium platting is proposed as part of a design review application pursuant to Section 1102, *Design Review*, a separate condominium plat application is not required. Otherwise, a condominium plat requires review as a Type I application pursuant to Section 1307, *Procedures*. A proposed condominium plat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and with Section 1000, *Development Standards*.~~

If detached single-family dwellings are proposed to be developed as condominiums on the same lot of record rather than as part of a subdivision or partition where each detached single-family dwelling is on its own lot or parcel, the development shall be subject to the same standards, criteria, review procedures, and application fee as would apply to a land division of the same property and resulting in the same number of potential detached single-family dwellings. This allowance for condominiums in lieu of the same development on separate lots of record supersedes provisions of this Ordinance that otherwise require each detached single-family dwelling to be on its own lot of record.

1105.0906 APPROVAL PERIOD AND TIME EXTENSION

Except for a middle housing land division:

- A. Approval of a preliminary plat is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.

- B. If a final plat is not recorded within the initial approval period established by Subsection 1105.096(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*, except for a replat reviewed as a Type I application pursuant to Section 1307, which may not be approved for a time extension.
- C. If a phasing plan and schedule are approved pursuant to Subsection 1105.053(C), the following shall apply in lieu of Subsections 1105.096(A) and (B):
1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed four years from the date of the final written decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision.
 2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed two years from the end of the prior phase approval period.
 3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.
 4. If a final plat for any phase is not recorded within the initial approval period for that phase, a two-year time extension for that phase and all subsequent phases may be approved pursuant to Section 1310.
 5. In no case shall a phasing schedule or any time extensions permit the recording of any phase more than 10 years after the date of preliminary plat approval.

1105.10 APPROVAL PERIOD FOR MIDDLE HOUSING LAND DIVISIONS

Approval of a preliminary plat is valid for three 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 three-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.

1105.1107 FINAL PLAT REVIEW

If a preliminary plat is approved, finalizing the approval requires the completion of a final plat, except that a final plat is not required for a partition or partition replat in which all parcels are larger than 80 acres. The applicant shall comply with the following:

- A. The form and content of the final plat shall comply with the County's final decision approving the preliminary plat and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code and Oregon Revised Statutes Chapters 92, 94, 100, and 209.

B. The final plat shall be submitted to the County for review. If a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws shall be submitted to the County with the final plat. If the final plat and, if a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws are consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the application have either been satisfied or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall sign the plat.

C. If a middle housing land division is approved for the lots or parcels included in an approved, unexpired preliminary plat for a subdivision, partition, or replat, then the final plat for the subdivision, partition, or replat and the final plat for the middle housing land division may be combined as a single final plat.

D. If the final plat is for a middle housing land division, it shall contain a notation that the lots shown on the plat were created pursuant to a middle housing land division and may not be further divided.

1105.~~1208~~ VACATIONS OF RECORDED PLATS

A recorded plat, or portion thereof, may be vacated pursuant to Oregon Revised Statutes (ORS) 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes.

1105.~~1309~~ SUBDIVISIONS OF MANUFACTURED DWELLING PARKS AND MOBILE HOME PARKS

The conversion of an existing or approved manufactured dwelling park or mobile home park to a subdivision requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the submittal, review, and platting requirements of Oregon Revised Statutes (ORS) 92.830 through 92.845. Where ORS 92.830 through 92.845 conflict with the provisions of this Ordinance, ORS 92.830 through 92.845 shall take precedence.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

1307 PROCEDURES

1307.01 PURPOSE

Section 1307 is adopted to:

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

1307.02 APPLICABILITY

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

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

1307.03 REVIEW AUTHORITIES

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

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

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

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

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

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

1307.04 REVIEW PROCEDURE TYPES

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

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

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

Table 1307-1: Land Use Permits by Procedure Type

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Accessory Historic Dwelling	I	No	PD	No County-Level Appeal
AG/F District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal
AG/F District, Land Division [pursuant to Subsections 406.09(B) through (G)]	II	No	PD	HO
AG/F District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(3)]	III	No	HO	No County-Level Appeal
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 407-1, <i>Permitted Uses in the AG/F District</i>	II	No	PD	HO
Comprehensive Plan Map Amendment ¹	III or IV	Type III Only	BCC	No County-Level Appeal
Comprehensive Plan Text Amendment	IV	No	BCC	No County-Level Appeal
Conditional Use	III	Yes	HO	No County-Level Appeal

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Condominium Plat ²	I	No	PD	No County-Level Appeal
Conversion of a Manufactured Dwelling Park or a Mobile Home Park to a Subdivision	I	No	PD	No County-Level Appeal
Design Review ³	II	Yes	PD	HO
EFU District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.08(C)]	I	No	PD	No County-Level Appeal
EFU District, Land Division [pursuant to Subsections 401.08(D) through (H)]	II	No	PD	HO
EFU District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(4)]	III	No	HO	No County-Level Appeal
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1, <i>Permitted Uses in the EFU District</i>	II	No	PD	HO
Farmers' Market	II	No	PD	HO
Floodplain Development	II	No	PD	HO
Gathering subject to review under Oregon Revised Statutes 433.763	III	Yes	PC	BCC
Habitat Conservation Area District	See Subsection 706.06	No	See Subsection 706.06	See Subsection 706.06

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Historic Landmark, Historic District, and Historic Corridor, Maintenance	I	No	PD	No County-Level Appeal
Historic Landmark, Historic District, and Historic Corridor, Major Alteration ⁴	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Minor Alteration	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Moving or Demolition ⁴	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, New Construction ⁴	II	Yes	PD	HO
Home Occupation, Major, New, with an Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, New, without an Exception	II	No	PD	HO
Home Occupation, Major, Renewal, with a New Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, Renewal, without a New Exception	II	No	PD	HO
Interpretation, Comprehensive Plan ⁵	II	No	PD	PC
Interpretation, Zoning and Development Ordinance ⁶	II	No	PD	HO

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Marijuana Processing in the AG/F and EFU Districts	II	No	PD	HO
Marijuana Production, if regulated by Section 841, <i>Marijuana Production, Processing, and Retailing</i>	I	No	PD	No County-Level Appeal
Marijuana Retailing	I	No	PD	No County-Level Appeal
Mass Movement Hazard Area Development, Not Reviewed in Another Type II Application [pursuant to Subsection 1003.02]	II	No	PD	HO
<u>Middle Housing Land Division</u>	<u>II-E</u>	<u>Yes</u>	<u>PD</u>	<u>HO</u>
Mineral and Aggregate Overlay District, Extraction Area Permit	I	No	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Impact Area Permit	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Two	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Three	II	Yes	PD	HO
Modification	II	No	PD	HO
Nonconforming Use Alteration, not Required by Law	II	No	PD	HO
Nonconforming Use Verification	II	No	PD	HO

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Open Space, Conflict Resolution for Wetlands and Significant Natural Areas	II	No	PD	HO
Open Space Review	II	No	PD	HO
Partition	II	Yes	PD	HO
Pre-FIRM Structure Reconstruction, Repair, Rehabilitation, Addition, or Other Improvement [pursuant to Subsection 703.06(A)]	I	No	PD	No County-Level Appeal
Principal River Conservation Area	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, Expansion of Existing Use [pursuant to Subsection 712.05(B)]	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, New Use [pursuant to Subsection 712.06]	III	No	HO	No County-Level Appeal
Public Use Airport and Safety Overlay Zones, Use Permitted Subject to Review [pursuant to Subsection 713.05]	III	No	HO	No County-Level Appeal
Property Line Adjustment [except pursuant to Subsection 1107.04]	I	No	PD	No County-Level Appeal
Property Line Adjustment [pursuant to Subsection 1107.04]	II	No	PD	HO
Replat (number of lots or parcels proposed to increase)	II	Yes	PD	HO

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Replat (number of lots or parcels proposed to decrease or remain the same)	I	No	PD	No County-Level Appeal
Sensitive Bird Habitat District, Alteration or Development	II	No	PD	HO
Sewer System Components that Serve Lands Inside an Urban Growth Boundary [pursuant to Tables 316-1, 317-1, 513-1, or 604-1]	II	No	PD	HO
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community [pursuant to Tables 316-1, 317-1, 513-1, or 604-1]	II	No	PD	HO
Sign Permit	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(A)]	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(B)]	II	No	PD	HO
Stream Conservation Area	II	No	PD	HO
Subdivision, Major	III	Yes	HO	No County-Level Appeal
Subdivision, Minor	II	Yes	PD	HO

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
TBR District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal
TBR District, Land Division [pursuant to Subsections 406.09(B) through (G)]	II	No	PD	HO
TBR District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 406-1, <i>Permitted Uses in the TBR District</i>	II	No	PD	HO
Temporary Dwelling for Care	II	No	PD	HO
Temporary Dwelling while Building	I	No	PD	No County-Level Appeal
Temporary Structure for Emergency Shelter	I	No	PD	No County-Level Appeal
Temporary Use Otherwise Prohibited	II	No	PD	HO
Time Extension approved pursuant to Subsection 1310.01(A)	II	No	PD	HO
Time Extension approved pursuant to Subsection 1310.01(B)	I	No	PD	No County-Level Appeal
Variance	II	No	PD	HO
Vested Right Determination	II	No	PD	HO

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Water Quality Resource Area District	See Subsection 709.06	No	See Subsection 709.06	See Subsection 709.06
Willamette River Greenway	II	No	PD	HO
Willamette River Greenway, Timber Harvest [pursuant to Subsection 705.03(I)]	II	No	PD	HO
Wireless Telecommunication Facility, Identified as Type I in Table 835-1, <i>Permitted Wireless Telecommunication Facilities</i> , without an Adjustment	I	No	PD	No County-Level Appeal
Wireless Telecommunication Facility, Identified as Type II in Table 835-1, without an Adjustment	II	No	PD	HO
Wireless Telecommunication Facility, Identified as Type II in Table 835-1, but with an Adjustment	III	No	HO	No County-Level Appeal
Zone Change ⁷	III or IV	Type III Only	HO, Type III BCC, Type IV	No County-Level Appeal
Zoning and Development Ordinance Text Amendment	IV	No	BCC	No County-Level Appeal

Notes to Table 1307-1:

- ¹ The Type III procedure shall be modified to include Planning Commission public hearing and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing. In the case of a Comprehensive Plan amendment related to the designation of a Historic Landmark, Historic District, or Historic Corridor, both the Type III and Type IV procedures shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.
- ² If condominium platting is proposed as part of a design review application, a separate condominium plat application is not required.
- ³ The Type II procedure may be modified, pursuant to Subsection 1102.04(A) or (B), to include Design Review Committee review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.
- ⁴ The Type II procedure shall be modified to include Historic Review Board review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.
- ⁵ The Type II procedure shall be modified to allow the Planning Commission's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.~~1314~~(E)(1).
- ⁶ The Type II procedure shall be modified to allow the Hearings Officer's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.~~1314~~(E)(2).
- ⁷ In the case of a zone change related to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the Type III procedure shall be modified to designate the Board of County Commissioners as the initial decision review authority and to include Historic Review Board review and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing, and the Type IV procedure shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.

- C. Notwithstanding any other provision in Section 1307, except for an application for an interpretation of the Comprehensive Plan, an applicant may choose to process a Type II land use permit application using the Type III procedure, and the Hearings Officer shall be the review authority for the initial decision. The decision of the Hearings Officer shall be the final decision of the County, except for an application for an interpretation of this Ordinance, in which case appeal to the Board of County Commissioners is allowed pursuant to Subsection 1307.~~1314~~(E)(2).

1307.05 PRE-APPLICATION CONFERENCE

- A. Purpose: Pre-application conferences are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- B. Applicability: Table 1307-1, *Land Use Permits by Procedure Type*, identifies the land use permit applications for which pre-application conferences are mandatory. Pre-application conferences are voluntary for all other land use permit applications.
- C. Submittal Requirements: Pre-application conference requests shall include:
1. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
 - a. The names, mailing addresses, and telephone numbers of the applicant(s);
 - b. The address of the subject property, if any, and its assessor's map and tax lot number;
 - c. The size of the subject property;
 - d. The Comprehensive Plan designation and zoning district of the subject property;
 - e. The type of application for which the pre-application conference is requested;
 - f. A brief description of the proposal for which the pre-application conference is requested; and

- g. Signature(s) of the applicant(s), authorizing the filing of the pre-application request.
 2. Additional information necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow County staff to review and comment; and
 3. Payment of the applicable fee, pursuant to Subsection 1307.~~45~~16.
- D. Scheduling: Upon receipt of a complete application, the Planning Director will schedule the pre-application conference. The Planning Director will coordinate the involvement of other County departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- E. Summary: Subsequent to the pre-application conference, the Planning Director will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the County or any other outside agency or service provider on the merits of the proposal.
- F. Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences: A follow-up pre-application conference is required for those mandatory pre-application conferences that have already been held when:
1. A complete application relating to the proposed development has not been submitted within two years of the pre-application conference; or
 2. The proposed use, layout, or design of the proposed development has changed significantly.

1307.06 REVIEW OF MULTIPLE APPLICATIONS

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

- A. One of the applications is a Type III application for a Comprehensive Plan map amendment, in which case the Type III Comprehensive Plan map amendment procedure shall be used;
- B. Multiple land use permit applications are subject to the same procedure type with the same initial decision and appeal review authorities. Applications for an interpretation of this Ordinance are excluded from this consolidation provision; or

- C. The applicant elects to process multiple applications through a consolidated procedure, if such consolidation is consistent with Subsection 1307.04(C).

1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- A. Initiation of Applications: Type I, II, II-E, and III land use permit applications may be initiated by:
 - 1. The owner of the subject property;
 - 2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;
 - 3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority; or
 - 4. If the application is for Comprehensive Plan designation or zoning of a Historic District or Historic Corridor, the owners or contract purchasers of at least 60 percent of the property within the area to be so designated or zoned.
- B. Initiation of Legislative Proposals: Type IV legislative land use proposals may be initiated by the Board of County Commissioners, the Planning Commission, or the Planning Director. However, initiation of a legislative proposal does not obligate the County to further processing of the proposal pursuant to Subsection 1307.~~11~~12, or prevent the County from discontinuing the processing of the proposal at any point prior to decision.
- C. Application Submittal: Type I, II, II-E, and III land use permit applications are subject to the following submittal requirements:
 - 1. The following shall be submitted for an application to be complete:
 - a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
 - i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - ii. The address of the subject property, if any, and its assessor's map and tax lot number;
 - iii. The size of the subject property;
 - iv. The Comprehensive Plan designation and zoning district of the subject property;

- v. The type of application being submitted;
 - vi. A brief description of the proposal; and
 - vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.
- b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each applicable approval criterion and standard and each item on the supplemental application form;
 - c. Any additional information required under this Ordinance for the specific land use permit sought; and
 - d. Payment of the applicable fee, pursuant to Subsection 1307.~~45~~16.
- 2. The Planning Director, at his or her sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the application.
 - 3. Each application, when received by the Planning Director, shall be date-stamped with the date the application was received.
- D. Completeness of a Type I Application: If a Type I application is not complete when submitted, and the applicant does not make it complete within 60 days of submittal, the application is void.
- E. Completeness Review for Type II, II-E, and III Applications: After it is submitted, a Type II, II-E, or III land use permit application shall be reviewed for completeness, as follows:
- 1. Except as otherwise provided under Oregon Revised Statutes 215.427, the Planning Director shall review ~~ana~~ Type II or Type III application for completeness within 30 days of its receipt.
 - 2. The Planning Director shall review a Type II-E application for completeness within 21 days of its receipt.
 - 32. Determination of completeness shall be based upon the submittal requirements of Subsection 1307.07(C)(1) and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the County will make a favorable decision on the application.
 - 43. If an application is determined to be complete, review of the application shall

commence.

54. If an application is determined to be incomplete, written notice shall be provided to the applicant ~~within 30 days of receipt of the application,~~ identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. This written notice shall be provided within 30 days of receipt of a Type II or Type III application and within 21 days of receipt of a Type II-E application. The application shall be deemed complete upon receipt by the Planning Director of:

- a. All of the missing information;
- b. Some of the missing information and written notice from the applicant that no other information will be provided; or
- c. Written notice from the applicant that none of the missing information will be provided.

65. If the application was complete when first submitted, or the applicant submits additional information, as described in Subsection 1307.07(E)(~~54~~), within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

76. On the 181st day after first being submitted, a Type II or III~~the~~ application is void, if the applicant has been notified of the missing information as required under Subsection 1307.07(E)(~~45~~) and has not submitted the missing information or otherwise responded, as provided in Subsection 1307.07(E)(~~45~~).

1307.08 TYPE I MINISTERIAL PROCEDURES

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

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

1307.09 TYPE II ADMINISTRATIVE PROCEDURES

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

A. Notice of Application: Notice of application shall be provided as follows:

1. A minimum of 20 days prior to the issuance of a decision, written notice of application shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners of record, pursuant to Subsection 1307.4617(C), within the noticing distance listed in Table 1307-2, *Noticing Distances for Type II Land Use Permit Applications*, as measured from the subject property and contiguous properties under the same ownership:

Table 1307-2: Noticing Distances for Type II Land Use Permit Applications

Zoning District of Subject Property	Noticing Distance
BP, C-2, C-3, CC, GCOSM, GI, HDR, HR, LI, MR-1, MR-2, MRR, NC, OA, OC, OSM, PMD, PMU, RCC, RCHDR, RCO, RTC, RTL, SCMU, SHD, Urban Low Density Residential, VA, VCS, VO, VR-4/5, VR-5/7, or VTH	300 feet
FF-10, FU-10, RA-1, RA-2, RC, RI, RR, or RRFF-5	500 feet ¹
AG/F, EFU, or TBR	750 feet ¹

Note to Table 1307-2:

¹ If the application is for a nonconforming use verification, nonconforming use alteration, or vested right determination, the noticing distance shall be 2,640 feet (½ mile).

- c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
- d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;

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

B. Decision: The review authority shall consider the record of the application and

approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:

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

1307.10 TYPE II-E ADMINISTRATIVE PROCEDURES

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

A. Notice of Application: Notice of application shall be provided as follows:

1. A minimum of 14 days prior to the issuance of a decision, written notice of application shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners of record, pursuant to Subsection 1307.17(C), within 100 feet, as measured from the subject property and contiguous properties under the same ownership;
 - c. If the application is for a middle housing land division involving a recorded plat, all owners of lots or parcels in the original plat;
 - d. Any active community planning organization that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization;
 - e. Cities, as prescribed in applicable urban growth management agreements;
 - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - g. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
2. At a minimum, notice of application shall include:
 - a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
 - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The name and telephone number of the County staff member to contact where additional information may be obtained;
 - e. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
 - f. A general explanation of when, where, how, and to whom written comments on the application may be submitted;

9. A statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

C. After seven days' notice to the applicant, the Board of County Commissioners, at a regularly scheduled public meeting, may take action to extend the 63-day time period identified in Subsection 1307.10(B) to a date certain for one or more applications for an expedited land division or a middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete.

D. Notice of Decision: A copy of the decision shall be mailed to those identified in Subsection 1307.10(A)(1).

E. Appeal: The review authority's decision is the final decision of the County, unless an appeal is filed pursuant to Subsection 1307.14.

1307.~~10~~11 TYPE III QUASI-JUDICIAL PROCEDURES

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

- A. Notice of Application and Public Hearing: Notice of application and public hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development (DLCD), if required pursuant to Oregon Revised Statutes (ORS) 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
 2. A minimum of 35 days prior to the first evidentiary hearing on the application, a copy of the submitted application shall be mailed to:
 - a. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - b. Cities, as prescribed in applicable urban growth management agreements;
 - c. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - d. The Oregon Department of Agriculture, if the subject property is in the AG/F or EFU District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;

- e. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
 - f. The airport owner and the Oregon Department of Aviation, if required by ORS 197.183, 215.223, or 215.416.
3. A minimum of 20 days prior to the first evidentiary hearing of each review authority on the application, written notice of the application and hearing shall be mailed to:
- a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners of record, pursuant to Subsection 1307.4617(C), within the noticing distance listed in Table 1307-3, *Noticing Distances for Type III Land Use Permit Applications*, as measured from the subject property and contiguous properties under the same ownership:

Table 1307-3: Noticing Distances for Type III Land Use Permit Applications

Zoning District of Subject Property	Noticing Distance
BP, C-2, C-3, CC, GCOSM, GI, HDR, HR, LI, MR-1, MR-2, MRR, NC, OA, OC, OSM, PMD, PMU, RCC, RCHDR, RCO, RTC, RTL, SCMU, SHD, Urban Low Density Residential, VA, VCS, VO, VR-4/5, VR-5/7, or VTH	300 feet
AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRRF-5, or TBR	2,640 feet (½ mile)

- c. If the application is for a zone change to apply the MAO District, all property owners of record, pursuant to Subsection 1307.4617(C), within 1,000 feet from the outer boundary of the proposed impact area under Section 708, *Mineral and Aggregate Overlay District*;
- d. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat;

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- e. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - f. Cities, as prescribed in applicable urban growth management agreements;
 - g. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - h. The Oregon Department of Agriculture, if the subject property is in the AG/F or EFU District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
 - i. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification;
 - j. The airport owner and the Oregon Department of Aviation, if required by ORS 197.183, 215.223, or 215.416; and
 - k. Tenants of a mobile home or manufactured dwelling park, as defined in ORS 446.003, when property that includes all or part of such mobile home or manufactured dwelling park is the subject of an application for a Comprehensive Plan map amendment, zone change, or both. Notice to such tenants shall be mailed no more than 40 days before the first evidentiary hearing.
4. At a minimum, notice of application and hearing shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
 - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. Date, time, and location of the hearing;
 - e. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;
 - f. The name and telephone number of the County staff member to contact where additional information may be obtained;

- g. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
 - h. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a cost established by the Board of County Commissioners;
 - i. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
 - j. A statement that subsequent to the close of the public hearing, a decision will be issued and mailed as required by Subsection 1307.~~1011~~(E).
5. If the application is for a Comprehensive Plan amendment, notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first evidentiary hearing, by publication in a newspaper of general circulation in the County. However, if the application applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.
- C. Public Hearing: A public hearing shall be held before the review authority, for the purpose of receiving testimony regarding the application.
- D. Decision: The review authority shall consider the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
 2. The conditions of approval, if any;
 3. The street address or other easily understood geographical reference to the

subject property;

4. The date the review authority's decision becomes effective, unless appealed; and
5. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal; the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;

E. Notice of Decision: A copy of the decision shall be mailed to:

1. Those identified in Subsections 1307.~~40~~11(A)(3)(a) and (e) through (j);
2. Anyone who provided evidence, argument, or testimony as part of the record;
3. Anyone who made a written request for notice of decision; and
4. DLCD, if required pursuant to ORS 197.615. Procedures for the giving of the required notice to DLCD shall be those established by ORS 197.615 and Oregon Administrative Rules chapter 660, division 18.

F. Appeal: The review authority's decision is the final decision of the County, except as may be provided for interpretation applications pursuant to Subsection 1307.~~13~~14(E). Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

1307.~~11~~12 TYPE IV LEGISLATIVE PROCEDURES

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

A. Notice of Proposal and Public Hearing: Notice of proposal and hearing shall be provided as follows:

1. Notice shall be provided to the Oregon Department of Land Conservation and Development, if required pursuant to Oregon Revised Statutes (ORS) 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules chapter 660, division 18.
2. Notice shall be provided to the Metropolitan Service District, if required pursuant to Section 3.07.820 of the Code of the Metropolitan Service District. Procedures for the giving of the required notice shall be those established by Section 3.07.820 of the Code of the Metropolitan Service District.
3. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, a minimum of 35 days prior to the first public hearing, a copy of

the text, showing proposed additions and deletions, shall be made available to the public for review. All active community planning organizations, hamlets, and villages that are recognized by the County shall be notified when it becomes available.

4. A minimum of 20 days prior to the first public hearing of each review authority on the proposal, written notice of the proposal and hearing shall be mailed to:
 - a. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, all active community planning organizations, hamlets, and villages that are recognized by the County;
 - b. For proposed Comprehensive Plan Land Use Plan map amendments and zone changes, any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - c. Cities, as prescribed in applicable urban growth management agreements; and
 - d. Those special districts and government agencies deemed by the Planning Director to have an interest in the proposal.
 5. At a minimum, notice of proposal and hearing shall include:
 - a. An explanation of the nature of the proposal;
 - b. Date, time, and location of the hearing;
 - c. The name and telephone number of the County staff member to contact where additional information may be obtained; and
 - d. For Comprehensive Plan Land Use Plan map amendments and zone changes, a copy of the proposed map change(s).
 6. Notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first public hearing, by publication in a newspaper of general circulation in the County. However, if the legislative land use proposal applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Proposal Review and Staff Report: The Planning Director shall consider the proposal, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the proposal, comments received to-date, and the relevant issues associated with the proposal. Each staff report shall make a

recommendation to the review authority.

- C. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission, for the purpose of receiving testimony regarding the proposal.
- D. Planning Commission Recommendation: The Planning Commission shall consider the record and may make a recommendation to the Board of County Commissioners to adopt, adopt with modifications, or decline to adopt the proposal. If no recommendation is made by the Planning Commission and no extension is granted by the Board of County Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a recommendation.
- E. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners, for the purpose of receiving testimony regarding the proposal.
- F. Decision: The Board of County Commissioners shall consider the record and may adopt, adopt with modifications, or decline to adopt the proposal; remand the matter back to the Planning Commission for further consideration; or table the matter. The decision of the Board of County Commissioners to adopt or adopt with modifications shall be by ordinance.
- G. Notice of Decision: Notice of decision shall be provided as follows:
 - 1. A maximum of 20 days after the decision is made it shall be submitted to the Oregon Department of Land Conservation and Development (DLCD). Procedures for the giving of the required notice shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.
 - 2. On the same day the decision is submitted to DLCD, the County shall mail, or otherwise deliver, notice to persons who both participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or this Ordinance and requested in writing that the County give notice of the change. The notice shall:
 - a. State how and where the materials described in ORS 197.615(2) may be obtained;
 - b. Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;
 - c. List the locations and times at which the public may review the decision and findings; and

- d. Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.

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

1307.~~4213~~ PUBLIC HEARINGS

Subsection 1307.~~4213~~ applies to public hearings held pursuant to Section 1307, except that only Subsections 1307.~~4213~~(A), (B), (E) through (H), and (J) apply to public hearings in a Type IV proceeding.

- A. Procedure, Generally: Public hearings shall be conducted in accordance with Oregon Revised Statutes (ORS) 197.763, Subsection 1307.12, and any bylaws or rules of procedure adopted by the review authority. Subsection 1307.~~4213~~ authorizes the Hearings Officer, Planning Commission, and Board of County Commissioners to adopt rules of procedure for the conduct of hearings.
- B. Parties: Any interested party shall be entitled to participate in a public hearing.
- C. Order of Proceeding: The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted bylaws or rules of procedure of the review authority, as appropriate.
 1. Jurisdictional Objections: Before receiving the staff report or testimony on the application, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the review authority has the discretion to proceed or terminate the hearing.
 2. Disclosure Statement: The review authority (or individual member thereof), or its designee, shall read the land use disclosure statement, which shall include:
 - a. A list of the applicable substantive criteria, or a reference to the staff report, where a list of the criteria can be found;
 - b. A statement that testimony, argument, and evidence must be directed toward the criteria described in Subsection 1307.~~4213~~(C)(2)(a) or other criteria in the Comprehensive Plan or land use regulation which the person believes to apply to the decision;
 - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues

relating to proposed conditions of approval precludes an action for damages in circuit court.

3. Call for Ex Parte Contacts: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact. If the review authority is the Hearings Officer, they shall declare any ex parte contacts and state for the record the nature and content of the contact.
4. Call for Abstentions: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member must abstain from participation in the hearing due to conflicts of interest. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises. If the review authority is the Hearings Officer, they shall declare any potential conflicts of interest. The Hearings Officer shall state the nature of the conflict, and if the nature of the conflict is such that the Hearings Officer cannot fulfill his or her duty to be a fair and impartial decision maker, the Hearings Officer shall recuse himself or herself from hearing the matter.
5. Staff Report: The Planning Director shall present a report and recommendation concerning the proposal.
6. Presentation of the Application:
 - a. Applicant's case;
 - b. Community planning organizations, hamlets, and villages. Appearance by a representative from any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village, to present the organization's position on the proposal;
 - c. Public testimony; and
 - d. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters that were introduced during the hearing.
7. Close of Hearing: No additional testimony, evidence, or argument shall be accepted after the close of the hearing unless the record is held open by the review authority.

8. Reopened Hearing: The hearing may be reopened by the review authority, prior to decision, to receive additional testimony, evidence, or argument. Notice shall be provided to the same persons who received notice of the original hearing and to anyone who provided evidence, argument, or testimony as part of the record.
9. Deliberations: If the review authority is the Planning Commission or Board of County Commissioners, deliberations shall immediately follow the hearing, except that deliberations may be delayed to a subsequent date and time certain. If the review authority is the Hearings Officer, deliberations will not occur, and the Hearings Officer will instead take the matter under advisement.
10. Remand: The Board of County Commissioners may remand any matter previously considered by the Planning Commission back to the Planning Commission for further review.
11. Recommendation or Decision: When the review authority is the Planning Commission or Board of County Commissioners, the recommendation or decision, as applicable, will be voted on and announced during a public meeting.

D. Ex Parte Contact:

1. The review authority shall not do any of the following:
 - a. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate;
 - b. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with a particular application, unless the parties are afforded an opportunity to contest the material so noted; or
 - c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. Individuals representing the review authority may inspect the site alone but must put the circumstances of the inspection on record.
2. A party may challenge the review authority, or individual member thereof, on the grounds of Subsection 1307.4213(D)(1), or that such individual has a legal conflict of interest as defined by ORS 244.020(1) or ORS 244.120. A challenge and the decision thereon by the review authority shall be entered in the record of the application.
3. While every effort must be made to avoid ex parte contact, no decision of the review authority shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1307.4213(D)(1), if the review authority (or individual member thereof) receiving the contact:

- a. Places on the record the substance of any written or oral ex parte communication concerning the decision or action; and
 - b. Has a public announcement made of the content of the communication, and of the parties' right to rebut the substance of the communication, at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.
4. A communication between County staff and the Historic Review Board, Design Review Committee, Planning Commission, or Board of County Commissioners shall not be considered an ex parte contact for purposes of Subsection 1307.~~4213~~(D)(1).

E. Evidence and Exhibits:

1. All evidence may be received unless excluded by the review authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the approval of the land use permit or legislative land use proposal more or less probable than it would without the evidence. Evidence may be received subject to a later ruling regarding its admissibility.
2. The review authority may exclude cumulative, repetitious, or immaterial evidence, but erroneous admission of evidence by the review authority shall not preclude action by the review authority or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
3. All evidence shall be offered and made a part of the record in the application or legislative proceeding; and, except for matters stipulated to and except as provided in Subsection 1307.~~4213~~(E)(4), no other factual information or evidence shall be considered in the recommendation or decision.
4. The review authority may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within specialized knowledge. Except in a Type IV proceeding, interested parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The review authority may utilize experience, technical competence, and specialized knowledge in evaluation of the evidence presented.
5. All exhibits received shall be marked so as to provide identification upon review. Such exhibits may be returned when the period for review has expired, but shall otherwise be preserved by the Planning Director.

- F. Time Limits: The review authority may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. No person may speak more than once without obtaining permission from the review authority.
- G. Questioning: The review authority (or individual member thereof) or County staff may question any person who testifies. The applicant and other parties to the proceeding shall not have the right to question or cross-examine any person who testifies.
- H. Scope of Testimony: Except in a Type IV proceeding, testimony shall be directed towards the applicable standards and criteria that apply to the proposal. The review authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the review authority may call for those in favor and those in opposition to rise, and the review authority shall note the numbers of such persons for the record.
- I. Continuances and Open Record Periods:
1. All documents or evidence relied upon by the applicant shall be submitted to the County and be made available to the public. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the review authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.
 2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The review authority shall either continue the public hearing, pursuant to Subsection 1307.~~4213~~(I)(2)(a), or leave the record open for additional written evidence, argument, or testimony, pursuant to Subsection 1307.~~4213~~(I)(2)(b).
 - a. If the review authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, argument, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, argument, or testimony for the purpose of responding to the new written evidence. Only one continuance is available of right under Subsection 1307.~~4213~~(I)(2)(a); provided, however, nothing in Subsection 1307.~~4213~~(I)(2)(a) shall restrict the review authority, in its discretion, from granting additional continuances.

- b. If the review authority leaves the record open for additional written evidence, argument, or testimony, the record shall be left open for at least seven days. The review authority may leave the record open for an additional period of at least seven days for any participant to respond to new evidence submitted during the prior open-record period. However, if the review authority has not provided for this additional open-record period, any participant may file a written request with the Planning Director for an opportunity to respond to new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is left open. If such a request is filed, the review authority may reopen the record pursuant to Subsection 1307.~~4213~~(I)(4).
 - c. A continuance or extension granted pursuant to Subsection 1307.~~4213~~(I)(2) shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.
3. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and place certain, in which case notice of the continued hearing shall be given as though it were the initial hearing.
 4. If the record is reopened to admit new evidence, argument, or testimony, any person may raise new issues which relate to the new evidence, argument, testimony, or criteria for decision-making which apply to the matter at issue. Notice of the reopened record shall be provided to any person who presented evidence, argument, or testimony as part of the record prior to the date the record was reopened.
 5. Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.
- J. Record of Hearing:
1. A verbatim record of the proceeding shall be made by written, mechanical, or electronic means, which record need not be transcribed except upon review on the record.
 2. The record of proceedings is comprised of:
 - a. The Comprehensive Plan and this Ordinance, all of which shall be automatically incorporated into the record;

- b. The application or legislative proposal that initiated the proceeding;
- c. All testimony, argument, evidence, and exhibits submitted prior to the close of the record of the proceeding;
- d. Any staff reports submitted prior to the close of the record of the proceeding;
- e. Any electronic presentation used by either staff, applicant, or other participant in the proceeding;
- f. The verbatim record, as provided in Subsection 1307.~~4213~~4213(J)(1);
- g. Minutes, if any, of the hearing;
- h. A verbatim record, as provided in Subsection 1307.~~4213~~4213(J)(1), of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority;
- i. Minutes, if any, of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority; and
- j. The written decision.

1307.~~4314~~4314 APPEALS

Subsection 1307.~~4314~~4314 applies to all appeals processed by the County of decisions issued under Section 1307, except for appeals of Type II-E decisions, which shall be processed pursuant to ORS 197.375. Table 1307-1, *Land Use Permits by Procedure Type*, identifies those land use permit decisions that may be appealed at the County level and the applicable review authority for those appeals.

- A. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business.
- B. Notice of Appeal: Notice of appeal shall be made on a form prescribed by the Planning Director and shall be accompanied by the appeal fee. The notice of appeal shall contain:
 - 1. Identification of the decision sought to be appealed, including its assigned file number, the name of the applicant, and the decision date;
 - 2. The name, mailing address, and telephone number of the appellant;
 - 3. The nature of the decision being appealed and the grounds for appeal; and

4. Signature(s) of the appellant(s), or the duly authorized representative(s) thereof, authorizing the filing of the appeal.
- C. Proper Filing of Notice of Appeal: The failure to file a timely and complete notice of appeal is a jurisdictional defect, and the Planning Director shall not accept a notice of appeal that does not comply with Subsections 1307.~~1314~~(A) and (B). The Planning Director's determination that an appellant has failed to comply with Subsections 1307.~~1314~~(A) and (B) shall be final.
- D. Appeal Procedures; Scope: Appeals are subject to the following procedures:
1. De Novo Review: Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level review authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record of the appeal. For purposes of Subsection 1307.~~1314~~(D)(1), the record of the initial proceeding consists of
 - a. Those items listed in Subsections 1307.~~1213~~(J)(2)(a) through (d) and (j); and
 - b. Those items listed in Subsections 1307.~~1213~~(J)(2)(e) through (i), to the extent that any prior hearing(s) or public meeting(s) were conducted in reaching the decision that is being appealed.
 2. Notice of Public Hearing: Notice of public hearing shall be provided as follows:
 - a. A minimum of 20 days prior to the first evidentiary hearing on the appeal, written notice of the appeal and hearing shall be mailed to:
 - i. Those who were entitled to notice pursuant to Subsection 1307.09(A)(1); however, notwithstanding Table 1307-2, *Noticing Distances for Type II Land Use Permit Applications*, if the subject property is in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRFF-5, or TBR Districts, notice of the public hearing shall be provided to all property owners of record, pursuant to Subsection 1307.~~1617~~(C), within 2,640 feet (½ mile) of the subject property and all contiguous properties under the same ownership;
 - ii. The appellant; and
 - iii. Anyone who previously provided evidence, argument, or testimony as part of the record.
 - b. At a minimum, notice of hearing shall include those elements identified in Subsection 1307.~~1011~~(A)(4), except that 1307.~~1011~~(A)(4)(i) will

reference the appealed decision, rather than the staff report.

3. Public Hearing: A public hearing shall be held before the appeal review authority, for the purpose of receiving testimony regarding the application.
 4. Decision: The appeal review authority shall consider the record and affirm the decision, affirm the decision with additional conditions or modifications, or reverse the decision. The appeal review authority shall issue a written decision in the form of an order, which shall be signed and dated, that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include the elements identified in Subsection 1307.~~1011~~(D)(1) through (5).
 5. Notice of Decision: A copy of the written order shall be mailed to:
 - a. Those identified in Subsection 1307.~~1011~~(E); and
 - b. The appellant.
 6. Appeal: Except where an additional County-level appeal is provided pursuant to Subsection 1307.~~1314~~(E), the appeal review authority's decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.
- E. Review of an Interpretation by the Board of County Commissioners:
1. A second County-level appeal is provided for applications for an interpretation of the Comprehensive Plan, where the Board of County Commissioners shall review the decision of the Planning Commission on appeal. Processing of the appeal shall comply with Subsections 1307.~~1314~~(A) through (D), except that notice of the public hearing shall be given to:
 - a. Those identified in Subsections 1307.09(A)(1)(a), (d) through (f), and (i);
 - b. The appellant;
 - c. Anyone who provided evidence, argument, or testimony as part of the record; and
 - d. Anyone who made a written request for notice of decision.
 2. A second County-level appeal is provided for applications for an interpretation of this Ordinance, where the Board of County Commissioners may choose to review the decision of the Hearings Officer on appeal but is not required to do so.

- a. If the Board of County Commissioners accepts the appeal, processing of the appeal shall comply with Subsections 1307.~~4314~~(A) through (D), except that notice of the public hearing shall be given pursuant to Subsection 1307.~~4314~~(E)(1).
 - b. If the Board of County Commissioners denies a request for review, it shall do so in writing. Notice of the denial shall be given pursuant to Subsection 1307.~~4314~~(E)(1). If the Board of County Commissioners denies a request for review, the decision of the Hearings Officer stands as the final decision of the County. The period for appeal to the Oregon Land Use Board of Appeals commences on the date of mailing of the Board of County Commissioners' denial of review.
- F. Effect of Judicial or Administrative Review: Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the County shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any development permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by County Counsel, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.
- G. Remand from the Land Use Board of Appeals: Except as set forth in Oregon Revised Statutes (ORS) 215.435(4), the County shall take final action on decisions remanded by the Oregon Land Use Board of Appeals within the time frame established by ORS 215.435(1) and (2).

1307.~~4415~~ CONDITIONS OF APPROVAL

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

- A. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no time is set forth, within a reasonable time. Failure to fulfill any conditions within the time limitations provided shall be grounds for the Planning Director to initiate revocation of the approved land use permit pursuant to Subsection 1307.~~4617~~(L).
- B. Conditions shall be imposed to ensure compliance with the standards and approval criteria applicable to the land use permit, or shall be reasonably calculated to fulfill public needs emanating from the proposed land uses as set forth in the application, in the following respects:

1. Protection of the public from the potentially deleterious effects of the proposed use; or
 2. Fulfillment of the need for public services created by the proposed use.
- C. The review authority may find compliance with an applicable approval criterion by imposing conditions necessary to ensure compliance and finding that it is feasible for the conditions to be satisfied. Notwithstanding this provision, where conditions require state agency permits to be obtained, the review authority need only find substantial evidence to demonstrate that the applicant is not precluded from obtaining such state agency permits as a matter of law.
- D. A surety may be required from the applicant, in an amount sufficient to ensure compliance with one or more conditions of approval, subject to Section 1311, *Completion of Improvements, Sureties, and Maintenance*.

1307.~~15~~16 FEES

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

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

1307.~~16~~17 GENERAL PROVISIONS

- A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.

- B. Property Owner's Signature: When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that they are buying the property under contract, the Planning Director and the review authority, if other than the Planning Director, may accept these statements to be true, unless the contrary be proved, and except where otherwise in this Ordinance more definite and complete proof is required. Nothing herein shall prevent the Planning Director or the review authority, if other than the Planning Director, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.
- C. Property Owner Notice: Where notice to property owners of record is required by Section 1307, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal need not be notified of the application, decision, or hearing. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in Section 1307 shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.
- D. Method of Mailing: When mailing is required by Section 1307, first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.
- E. Burden of Proof: Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.
- F. Argument and Evidence: For the purposes of Section 1307:
1. Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by any party. Argument does not include facts.
 2. Evidence means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by any party to be relevant to the proposal.
- G. Withdrawal: Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A

withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.

- H. Final Action Deadline: Except as modified by Oregon Revised Statutes (ORS) 197.365 through 197.380 or by ORS 197.763, the County shall take final action on a land use permit application that is subject to ORS 215.427, including resolution of all County appeals, within the time period specified by ORS 215.427, unless the applicant provides written request for an extension of such period pursuant to ORS 215.427(5).
- I. Effective Date of Decision: The County’s final decision on a Type I, II, II-E, or III land use permit application becomes effective on:
1. The day the final decision is issued, if no appeal at the County level is allowed;
 2. The day after the appeal period expires, if an appeal at the County level is allowed, but no notice of appeal is timely filed;
 3. The day the decision is issued by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County’s final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed; or
 4. The date of mailing of the Board of County Commissioners’ denial of review, pursuant to Subsection 1307.~~13~~14(E)(2)(b).
- J. Reissuing a Decision: The review authority may reissue a Type I, II, II-E, or III decision as a result of a clerical error, a misstatement of facts, or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period, if any, or after the filing of an appeal. Notice of the reissued decision shall be given in the same manner as notice of the original decision. A new appeal period equal to that of the original decision shall be provided from the date of mailing of the amended decision.
- K. Re-filing an Application: If a Type II, II-E, or III land use permit application is denied, or a Type II, II-E, or III land use permit is revoked pursuant to Subsection 1307.~~16~~17(L), an applicant may re-file for consideration of the same or substantially similar application only if:
1. At least two years have passed after either final denial of an application by the County or revocation of a permit; or
 2. The review authority finds that one or more of the following circumstances render inapplicable all of the specific reasons for the denial:

- a. A change, which is material to the application, has occurred in this Ordinance, the Comprehensive Plan, or other applicable law; for the purposes of this provision, “change” includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Section 1308;
- b. A mistake in facts, which was material to the application, was considered by the review authority;
- c. There have been changes in circumstances resulting in new facts material to the application;
- d. A change has occurred in the zoning of the subject property, or adjacent property, that substantially affects the merits of the application; or
- e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application.

L. Revocation of Approval: An approval of a Type II, II-E, or III land use permit may be revoked, as follows:

1. The Planning Director may initiate a public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation.
2. Revocation of approval shall be reviewed using the Type III procedure. The Hearings Officer shall be the review authority, and the decision of the Hearings Officer shall be the final decision of the County.
3. Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.

M. Modifications: Except as permitted pursuant to Section 1309:

1. A modification to an approved Type I, II, II-E, or III land use permit, or conditions thereto, shall be processed as a new application; and
2. A modification to conditions of approval for a Type II, II-E, or III land use permit shall be considered only if one or more of the circumstances identified in Subsection 1307.~~4617~~(K)(2) apply.

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21]