



AGENDA

Revised

*Added Consent Agenda item VI.4

Thursday, May 3, 2018 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2018-30

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

I. BOARD ACTION ITEM *(The following items will be individually discussed by the Board only, followed by Board action.)*

Administration

1. Board Order No. _____ Appointing a Clackamas County Assessor (Don Krupp, County Administrator)
Swearing-in of Tami Little immediately following this item.

II. CITIZEN COMMUNICATION *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the meeting. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

III. READING AND ADOPTION OF PREVIOUSLY APPROVED LAND USE ORDINANCE
(No public testimony on this item)

1. Adoption of ZDO 266, Amendments to the Special use Exceptions and Development Standards Provision of the Comprehensive Plan and the Zoning and Development Ordinance (Nathan Boderman, County Counsel) *Previously approved at the March 21, 2018 land use hearing.*

IV. CONSENT AGENDA *(The following Items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Work Sessions. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

A. Health, Housing & Human Services

1. Approval of Housing and Community Development 2018 Action Plan - Housing & Community Development

B. Department of Transportation & Development

1. Approval of an Intergovernmental Agreement with the City of Molalla for Transfer of Road Authority of S. Lowe Road

2. Board Order No. _____ Acknowledging and Accepting Right-of-Way and Simultaneous Vacation of Otty Street, County Road No. 2447
3. Approval of a Contract with Eagle-Eisner, Inc. for the Borland Road Paving Package -
Procurement

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – *BCC*

D. Technology Services

1. Approval of an Intergovernmental Agreement with the Metro Area Joint CAD System for Fiber Connection
2. Approval of a Service Level Agreement with the CLEAR CREEK Mutual Telephone Company for 2 Dark Fiber Connections

E. Business & Community Services

1. Approval of Clackamas County's 2018 Ten Year Forest Management Plan

V. DEVELOPMENT AGENCY

1. Approval of a Outfall Easement Related to Storm Water Facilities Located on Development Agency Property
2. Approval of Amendment No. 1 to the Disposition Agreement with Oregon Beverage Recycling Cooperative.

VI. WATER ENVIRONMENT SERVICES

(Service District No. 1)

1. Approval of a Service Connection Mortgage in the North Clackamas Service Area for Clackamas County Service District No. 1
2. Approval of Amendment No. 1 to the Agreement between Clackamas County Service District No. 1 and Tribeca Transport LLC, for On-Call Services for the Management of Class B Biosolids and Raw Sludge - *Procurement*
3. Approval of Amendment No. 1 to the Agreement between Water Environment Services and Tribeca Transport LLC, for On-Call Services for the Management of Class B Biosolids and Raw Sludge - *Procurement*
- *4. Approval to Apply for Grants with the Oregon Energy Trust and Portland General Electric for Renewable Energy Infrastructure Construction

VII. COUNTY ADMINISTRATOR UPDATE

VIII. COMMISSIONERS COMMUNICATION

NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.

www.clackamas.us/bcc/business.html



May 3, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Board Order
Appointing a Clackamas County Assessor

Purpose/Outcome	County Assessor Bob Vroman is retiring effective April 30, 2018. ORS 236.210 requires the Board of County Commissioners to appoint a person to perform the duties of the County Assessor.
Dollar Amount and Fiscal Impact	N/A
Funding Source	County Assessor position is funded through the General Fund.
Duration	May 3, 2018 and continuing until a duly elected person is sworn in as County Assessor in January 2019.
Previous Board Action/Review	April 17, 2018, during their Work Session the Board unanimously approved the recommendation to appoint Tami Little, Assessment & Taxation Manager as County Assessor.
Strategic Plan Alignment	<ul style="list-style-type: none">• Build public trust through good government
Contact Person	Don Krupp, County Administrator, (503) 655-8581

Clackamas County Assessor Bob Vroman is retiring, effective April 30, 2018. Bob has served as Clackamas County Assessor, with honor and distinction for the past 11 years.

State law requires the Board of County Commissioners to appoint a County Assessor. The appointee shall hold office until a successor is chosen by election on November 6, 2018 and is sworn in as County Assessor in January 2019.

Bob Vroman has recommended Tami Little, Assessment and Taxation Manager, as County Assessor. Tami Little has been with the Clackamas County Assessor's office for more than 34 years. She has served as Assessment and Taxation Manager since September 2007. Tami meets the necessary qualifications as outlined in ORS 204.016(4) to serve as County Assessor.

During a Work Session on April 17, 2018, the Board of County Commissioners unanimously approved the recommendation from Bob Vroman to appoint Tami Little as County Assessor. County Counsel has reviewed and approved the attached Board Order.

RECOMMENDATION

Staff respectfully recommends the Board approve the order appointing Tami Little as County Assessor effective May 3, 2018 and continuing until a duly elected person is sworn in as County Assessor in January 2019.

Sincerely,

Don Krupp
Clackamas County Administrator

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the Appointment
of a Clackamas County Assessor
to fill a Vacancy

} Order No. _____

Whereas, This matter coming before the Board of County Commissioners for consideration at its regularly scheduled public Business Meeting on Thursday, May 3, 2018, is a request to appoint a County Assessor for Clackamas County; and

Whereas, it appearing to the Board that Bob Vroman, the current County Assessor for Clackamas County has retired effective April 30, 2018; and

Whereas, it further appearing that ORS 236.210 (1) requires the Board of County Commissioners to appoint a person to perform the duties of the County Assessor; and

Whereas, it further appearing that ORS 236.210 (4) requires the person to be appointed to have the necessary qualification to be County Assessor; and

Whereas, ORS 204.016(4) sets forth minimum qualifications for individuals that may be elected or appointed to the office of County Assessor; and

Whereas, it also appearing that Tami Little has served as Assessment & Taxation Manager with the office of County Assessor since September 2007, has been with the office more than 34 years and has the necessary qualification to be County Assessor.

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

1. The Board finds that the appointment of a County Assessor is required by ORS 236.210 (1).
2. The Board finds that Tami Little has the necessary qualification to be County Assessor.
3. The appointment of Tami Little as County Assessor is approved effective May 3, 2018, to continue until that time that a duly elected person is sworn in as Clackamas County Assessor in January 2019.

Dated this 3rd day of May, 2018

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD OREGON CITY, OR 97045

May 3, 2018

Board of County Commissioners
 Clackamas County

Members of the Board:

Stephen L. Madkour
 County Counsel

Kathleen Rastetter
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Shawn Lillegren
Jeffrey D. Munns
 Assistants

Adoption of Zoning and Development Ordinance 266, Amendments to the
 Special Use, Exceptions and Development Standards Provisions of the
Comprehensive Plan and the ZDO

Purpose/Outcome	Amend the Comprehensive Plan and the Zoning and Development Ordinance
Dollar Amount and Fiscal Impact	None
Funding Source	NA
Duration	Indefinitely
Previous Board Action	Board of County Commissioners held a public hearing on March 21, 2018
Strategic Plan Alignment	Build Public Trust Through Good Government
Contact Person	Jennifer Hughes, 503-742-4518
Contract No.	None

BACKGROUND:

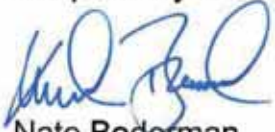
The Planning and Zoning Division is in the midst of an "audit" of the Zoning and Development Ordinance (ZDO). The intent is to complete, by the end of the project, a comprehensive review and proposed amendments for every section of the ZDO. This fourth phase of the work program has focused on provisions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

The amendments proposed for adoption by Ordinance were considered previously by the Board at a public hearing and remain largely unchanged from the drafts included in the Board's public hearing packet. In preparing the final documents for adoption, staff made housekeeping changes for consistency (e.g., standardizing formatting, updating citations). In addition, consistent with the Board's direction at the public hearing, staff removed proposed setback exemption language in ZDO Section 903 for mechanical units such as air conditioner condensers.

RECOMMENDATION:

Staff recommends the Board approve the attached ordinance.

Respectfully submitted,



Nate Boderman
Assistant County Counsel

ORDINANCE NO. ZDO-266

An Ordinance amending Chapters 4, 6, 10 and 11 of the Clackamas County Comprehensive Plan and Sections 102, 106, 202, 315, 316, 317, 401, 406, 407, 510, 511, 512, 513, 601, 602, 604, 707, 817, 822, 827, 903, 904, 1001, 1002, 1005, 1006, 1007, 1009, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1102, 1105, 1107, 1203, 1205 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) and repealing Sections 802, 820, 831, 838, 901, 902, 1008, 1014, and 1019 of the ZDO

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

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

WHEREAS, an on-going process of amendments to the Zoning and Development Ordinance is necessary to clarify provisions and maintain consistency throughout the Ordinance and respond to changes in statutes and public input; and

WHEREAS, amendments to the Comprehensive Plan are necessary to ensure continued consistency between the Comprehensive Plan and the ZDO; and

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

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

WHEREAS, after a duly-noticed public hearing on February 26, 2018, the Clackamas County Planning Commission recommended approval of amendments to the Comprehensive Plan and ZDO; and

WHEREAS, the Board of County Commissioners held a public hearing on March 21, 2018, and orally approved a modified version of the Planning Commission's recommendation; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapters 4, 6, 10 and 11 of the Clackamas County Comprehensive Plan is hereby amended as shown in Exhibit A, hereto attached.

Section 2: Sections 102, 106, 202, 315, 316, 317, 401, 406, 407, 510, 511, 512, 513, 601, 602, 604, 707, 817, 822, 827, 903, 904, 1001, 1002, 1005, 1006, 1007, 1009, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1102, 1105, 1107, 1203, 1205 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) are hereby amended and Sections 802, 820, 831, 838,

901, 902, 1008, 1014, and 1019 of the ZDO are hereby repealed, as shown in Exhibit B, hereto attached.

Section 3: This ordinance shall be effective on May 23, 2018.

ADOPTED this 3rd day of May, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

**Ordinance ZDO-266
Comprehensive Plan Amendments**

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

Editor's Note: No changes are made to the preceding portions of Chapter 4.

Chapter 4: LAND USE

RESIDENTIAL

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

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

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

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

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

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

GOALS

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

4.L. General Residential Policies

- 4.Q.1. Determine permitted uses and the density of development through zoning. Zoning of Residential areas shall be consistent with this Plan. Timing of zoning district application shall be in accord with the orderly development of the County.
- 4.Q.2. Implement dimensional and development standards to address compatibility, function, and aesthetics.
- 4.Q.3. Require dedication of designated Open Space areas where appropriate for purposes of developing the urban park or trails program.
- 4.Q.4. Establish minimum densities to help meet regional and local housing needs.
- 4.Q.5. Allow the Neighborhood Commercial zoning district to implement the Low Density Residential, Medium Density Residential, Medium High Density Residential, and High Density Residential land use plan designations according to the criteria in the Commercial Section of this Chapter.
- 4.Q.6. Require all Medium, Medium High, High, and Special High Density Residential developments to be subject to a design review process.
- 4.Q.7. When necessary, require improvements to existing streets and/or development of new streets to County standards prior to or concurrent with Medium, Medium High, High, and Special High Density Residential development.
- 4.Q.8. In Medium, Medium High, High, and Special High Density Residential areas, require pedestrian access to nearby schools, transit stations, commercial areas, recreational areas, and employment areas to be convenient and improved to standards determined through a design review process.
- 4.Q.9. Develop all Medium, Medium High, High, and Special High Density Residential areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities, underground utilities, and street lighting.

4.R. Low Density Residential Policies

- 4.R.1. The following areas may be designated Low Density Residential if any of the following criteria are met:
 - 4.R.1.1 Areas where a need for this type of housing exists.
 - 4.R.1.2 Areas which are currently developed at low density and where little need exists for redevelopment.
 - 4.R.1.3 Areas where transportation is limited to collectors and local streets.
 - 4.R.1.4 Areas where sensitivity to the natural environment or natural hazards indicates a reduced density.

- 4.R.2. Zoning of Immediate Urban Low Density Residential areas and conversion of Future Urban areas to Immediate Urban Low Density Residential shall include zones of 2,500; 5,000; 7,000; 8,500; 10,000; 15,000; 20,000, and 30,000 square feet (R-2.5 through R-30). The following factors guide the determination of the most appropriate zone:
- 4.R.2.1 Physical site conditions such as soils, slope, and drainage:
- a. Land with soils subject to slippage, compaction or high shrink-swell characteristics shall be zoned for larger lots.
 - b. Land with slopes of:
 - Less than 20 percent shall be considered for the R-2.5 through R-8.5 zoning districts.
 - 20 percent and over shall be considered for the R-10 through R-30 zoning districts.
 - c. Land with hydrological conditions such as flooding, high water table or poor drainage shall be zoned for larger lots.
- 4.R.2.2 Capacity of facilities such as streets, sewers, water, and storm drainage systems.
- 4.R.2.3 Availability of transit: Land within walking distance (approximately one-quarter mile) of a transit stop should be zoned for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.
- 4.R.2.4 Proximity to jobs, shopping, and cultural activities: Areas in proximity to trip generators shall be considered for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.
- 4.R.2.5 Location of 2,500- and 5,000-square-foot lots: Location of 2,500 and 5,000 square foot lots, implemented by the R-2.5 and R-5 zoning districts, may be allowed in Corridor design type areas and where permitted by Community and Design Plans located in Chapter 10.
- 4.R.2.6 Need for neighborhood preservation and variety: Areas that have historically developed on large lots where little vacant land exists should remain zoned consistent with the existing development pattern. Otherwise, unless physical or service problems indicate to the contrary, areas of vacant land shall be zoned for lots of 8,500 square feet or smaller.
- 4.R.2.7 Density average: To achieve an average of 7,500 square feet or less per lot in low density Future Urban areas when conversion to Immediate Urban low density residential occurs, the R-10 zone shall be limited to areas with 20 percent slope and greater. Flexible-lot-size land divisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.
- 4.R.3. Permit transfer of density within a development even if different zoning districts or land use plan designations are involved. Encourage the transfer of dwelling units from hazardous or environmentally sensitive areas to areas which are less

hazardous or less expensive to develop. Resulting density on the developed portion of a given site shall not exceed the density allowed in the next-highest-density residential land use plan designation. Buffering from lower-density adjacent uses shall be considered in the review process.

4.R.4. Establish special development criteria and density standards in the following areas (see Policy 6.0 in the Natural Hazards section of Chapter 3, *Natural Resources and Energy*):

4.R.4.1 On slopes over 20 percent, the following development criteria shall be met:

- a. Avoid major hazard areas
- b. Maintain the stability of the slope
- c. Grade without large or successive pads or terraces and without creating road grades in excess of County standards
- d. Maintain vegetation and natural terrain features to sustain slope stability
- e. Ensure that existing natural rates of run-off and erosion are not exceeded
- f. Protect visually significant slopes, ravines, ridgelines, or rock outcroppings in their natural state

4.R.4.2 In flood hazard areas or wetlands, the following development criteria, as well as the specifications in Chapter 3, shall be met:

- a. Avoid major flood hazard areas
- b. Maintain water quality and the natural function of the area to reduce or absorb flood runoff and to stabilize water flow
- c. Protect wildlife habitats, significant vegetation, and trees
- d. Protect any associated recreational values

4.R.4.3 Density standards in these areas shall be as follows:

- a. Land in the flood fringe and land with slopes over 20 percent shall be allowed to develop at no more than 50 percent of the density of the zone. If these lands are not developed, then up to 100 percent of the density may be transferred to more suitable land within the site, depending upon its characteristics. Density should be reduced as slope increases above 20 percent, with development discouraged on slopes over 35 percent.
- b. Land in the floodway and land on landslides shall not be allowed to develop, except on a lot of record and only after having met the provisions stated in Policies 4.R.4.1 and 4.R.4.2, and other relevant Plan requirements. However, 100 percent of the dwelling units allowed in the zoning district may be transferred to more suitable land within the site.

4.R.5. Ensure adequate provisions for schools, churches, and recreational facilities which are integral parts of all residential neighborhoods. The siting of these facilities shall be subject to conditions ensuring adequate design and safety, particularly with regard to vehicular and pedestrian access.

- 4.R.6. Encourage retention of natural landscape features such as topographic variations, trees, and water areas, and allow variation in housing type and design.
- 4.R.7. Require a site analysis for each development in areas designated as Open Space or where the County has identified the potential for significant impacts. This requirement may be waived in the event all development is transferred to more suitable land outside of areas designated as Open Space.
- 4.R.8. Require roads in land divisions to be County roads and connected directly with an improved County road, state road, or city street. Half streets and private roads may be allowed where appropriate.
- 4.R.9. Develop all land divisions in urban areas with public sewer, public water, drainage controls, pedestrian/bikeway facilities, and underground utilities. Street lighting and street trees may be required. Implementing ordinances shall set standards in which street lighting and street trees will be encouraged or required.
- 4.R.10. Determine the net density in planned unit developments recognizing that up to 15 percent of the gross area is for roadways.
- 4.R.11. Encourage subdivision design to eliminate direct vehicular access from individual lots onto major or minor arterials. Frontage roads should be used wherever possible.
- 4.R.12. Require stub streets in land divisions where necessary to provide access to adjacent property.
- 4.R.13. Develop residential land divisions as planned unit developments whenever one or more of the following criteria apply:
 - 4.R.13.1. Any part of the site is designated Open Space on Map 4-6, *North Urban Area Land Use Plan Map*
 - 4.R.13.2. More than 20 percent of the dwelling units are to be attached or condominiums
 - 4.R.13.3. Sites are large enough to warrant on-site provision of substantial open and/or recreation space
 - 4.R.13.4. A large area is specifically identified by the County as needing greater design flexibility, increased open space, or a wider variety of housing types
- 4.R.14. Require a minimum of 20 percent of the total land area in all planned unit developments to be devoted to open space, ~~or outdoor recreational areas, or school facilities as required by Policy 10.0 in the Public Services section of Chapter 7, Public Facilities and Services.~~ Development for any other uses shall not be allowed. Parkland dedications may be part of the 20-percent open space

requirement.

- 4.R.15. Require provisions for adequate maintenance prior to final plat approval to ensure the designated park area will be a community asset.
- 4.R.16. Allow flexible-lot-size land divisions provided that the average lot size is consistent with the base zone, as adjusted by density bonuses (see the Density Bonus section of Chapter 6, *Housing*).
 - 4.R.16.1. For detached single-family dwellings, the smallest lot size allowable shall be 80 percent of the minimum average lot size allowed by the base density.
 - 4.R.16.2. For attached single-family dwellings, the smallest lot size allowable shall be 2,000 square feet.
 - 4.R.16.3. In planned unit development land divisions, the individual lot size is unrestricted.
- 4.R.17. Allow one accessory dwelling unit per primary dwelling on a lot of record subject to design standards.

4.S. Medium Density Residential Policies

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

pedestrian amenities or amenities that provide opportunities for passive or active recreation within the development are substituted for gross land area.

- 4.S.6. Existing mobile home parks which are designated Medium Density Residential shall not have the designation changed unless a plan for relocation of the existing tenants is submitted and approved. This plan shall demonstrate that existing tenants will be relocated prior to redevelopment of the property.

4.T. Medium High Density Residential Policies

- 4.T.1. The following areas may be designated Medium High Density Residential when the first two and at least one of the remaining criteria are met:
 - 4.T.1.1. Areas where a need for this type of housing exists.
 - 4.T.1.2. Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
 - 4.T.1.3. Areas adjacent to or within walking distance of a significant educational, cultural, recreational, or open space facility or area.
 - 4.T.1.4. Areas located adjacent or in proximity to a designated commercial or industrial area on the Comprehensive Map.
 - 4.T.1.5. Areas within 800 feet of a transit line or transit station or within one-quarter mile of such transit facility if easily accessible due to pedestrian amenities such as sidewalks, pedestrian ways, and streetlights.
- 4.T.2. In Medium High Density Residential zoning districts, provide for reduced density on hazardous land or steep slopes as stipulated in Policy 4.R.4.3.
- 4.T.3. Encourage variations in density on different parts of a large site and promote a variety in housing type, ownership, and design.
- 4.T.4. Require in all Medium High Density Residential developments a minimum of 25 percent of the total gross area to be landscaped, natural, and/or recreational areas.

4.U. High Density Residential Policies

- 4.U.1. The following areas may be designated High Density Residential when at least the first three criteria are met:
 - 4.U.1.1. Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.
 - 4.U.1.2. Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
 - 4.U.1.3. Areas free from known geologic hazards, flooding, or soils subject to slippage.
 - 4.U.1.4. Areas adjacent to permanently protected open space or bodies of water as long

as the above criteria apply.

- 4.U.2. In High Density Residential zoning districts, provide for reduced density on hazardous land or steep slopes as stipulated in Policy 4.R.4.3.
- 4.U.3. Encourage variations in density on different parts of a site and promote a variety of housing type, ownership, and design.
- 4.U.4. If the minimum residential density standard is achieved, allow office, retail, and commercial service uses with limits on floor area and standards to ensure compatibility with residential uses permitted in High Density Residential areas.
- 4.U.5. Allow existing commercial uses to remain or improve in High Density Residential areas as long as such uses are integrated with surrounding development.
- 4.U.6. Require all High Density Residential developments to provide a minimum of 25 percent of the total gross area to be landscaped, natural, and/or recreational areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for passive or active recreation within the development are substituted for gross land area.
- 4.U.7. Encourage understructure parking.

4.V. Special High Density Residential Policies

- 4.V.1. The following areas may be designated Special High Density Residential when all of the criteria are met:
 - 4.V.1.1. Areas located either adjacent or close to employment concentrations in excess of 2,000 employees.
 - 4.V.1.2. Areas within walking distance (approximately one-quarter mile) of a major transit station, and with good access to a major or minor arterial.
 - 4.V.1.3. Areas where impact on adjacent neighborhoods will be minimal.
 - 4.V.1.4. Areas free from known geologic hazards, flooding, or soils subject to slippage.
- 4.V.2. Encourage variations of density on different parts of a site through high-rise construction.
- 4.V.3. If the minimum residential density standard is achieved, allow office, retail, and commercial service uses with limits on floor area and standards to ensure compatibility with residential uses permitted in Special High Density Residential areas.
- 4.V.4. Allow existing commercial uses to remain or improve in Special High Density Residential areas as long as such uses are integrated with surrounding

development.

- 4.V.5. Require all Special High Density Residential developments to provide a minimum of 40 percent of the total gross area to be landscaped, natural, and/or recreation areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for active or passive recreation are substituted for gross land area.
- 4.V.6. Understructure or underground parking may be required.

COMMERCIAL

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

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

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

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

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

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

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

GOALS

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

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

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

4.X. Neighborhood Commercial Policies

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

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

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

4.Y. Community Commercial Policies

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

4.Z. Office Commercial Policies

4.Z.1. The following areas may be designated Office Commercial:

- 4.Z.1.1. Properties or areas currently developed with office commercial uses or committed to such uses, or which are adjacent to properties developed or committed to such uses, and are required in order to protect such uses from incompatible development.
- 4.Z.1.2. Properties offering high visibility from a major highway or arterial which will not draw traffic through single-family neighborhoods.
- 4.Z.1.3. Properties or areas which provide a buffer between residential and commercial or industrial properties.

4.Z.2. Allow, as primary uses, institutional and cultural facilities, high-density housing, and bed and breakfast establishments.

4.Z.3. Allow service commercial uses with limits on the percent of floor area to be occupied.

4.Z.4. Require improvements to streets and/or pedestrian and transit access when necessary prior to or concurrent with development.

4.Z.5. Limit and define access to facilitate efficient and safe traffic movements. Joint access provisions for vehicular and pedestrian movement between developments shall be required when uses are complementary or compatible.

~~4.Z.6 Discourage the use of large semi-trailer trucks while providing for local delivery-sized vehicles.~~

4.Z.~~6~~⁷ Provide for high-quality building and site design through the application of strict development standards.

4.Z.~~7~~⁸ Protect and promote Office Commercial areas for developments which project a positive image.

4.Z.~~8~~⁹ Require sidewalks, drainage controls, underground utilities, and street lighting.

4.AA. Office Apartment Policies

4.AA.1. Areas may be designated Office Apartment when they meet Policy 4.AA.1.1 or 4.AA.1.2:

- 4.AA.1.1. The area to be considered by the land use application is located in a Corridor design type area as defined in the Urban Growth Concept section of this Chapter.

- 4.AA.1.2. The area to be considered by the land use application is located on a Corridor street and the majority of the area is within 150 feet of the Corridor street right-of-way, and meets the following criteria:
 - a. Access to the site will meet transportation safety standards and not cause an unacceptable level of service on the Corridor street; and
 - b. The site can be developed consistent with access management plans that have been prepared for the Corridor street, e.g., Map X-SC-5, and consistent with access management requirements implemented by the Zoning and Development Ordinance and the County Roadway Standards.

- 4.AA.2. Allow multifamily or attached single-family dwelling uses in mixed-use buildings as part of developments that include office uses.

- 4.AA.3. Allow congregate housing facilities and nursing homes as limited uses.

- 4.AA.4. Allow compatible land uses as limited uses with limits on the amount of floor space used by the limited use.

- 4.AA.5. For each Office Apartment site area, a master plan for the entire contiguous site area designated Office Apartment shall be submitted for approval with any land use application. The master plan shall include a plan for consolidation of vehicular accesses for the entire site area. Master plan approval for Office Apartment site areas shall be required prior to allowing development or land divisions.

- 4.AA.6. Development shall comply with the following design requirements:
 - 4.AA.6.1. Developments shall be designed at a pedestrian scale, with pedestrian amenities provided and pedestrian-oriented design used to support non-auto trips to the facility.
 - 4.AA.6.2. Developments shall be designed in a series of low-rise buildings.
 - 4.AA.6.3. Buildings shall be oriented towards streets.
 - 4.AA.6.4. Development shall be integrated with the neighborhood using secondary accesses or, at minimum, pedestrian-only access to adjacent residential areas.
 - 4.AA.6.5. Strict development standards shall be applied to provide for high-quality building and site design.
 - 4.AA.6.6. Sidewalks, drainage controls, underground utilities, and street lighting shall be required.
 - 4.AA.6.7. Improvements to streets and/or pedestrian and transit access shall be required when necessary, prior to, or concurrent with development.

 - 4.AA.6.8. Access shall be limited and defined to facilitate efficient and safe traffic movements. Joint access provisions for vehicular and pedestrian movement between developments shall be required when uses are

complementary or compatible.

4.BB. General Commercial Policies

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

4.CC. Retail Commercial Policies

- 4.CC.1. Provide for retail commercial areas incorporating high standards and an attractive image, to meet regional shopping needs for a wide range of goods and services accessible by transit and automobile in areas such as the Clackamas Town Center.
- 4.CC.2. Provide for development oriented toward mass transit and pedestrian amenities.
- 4.CC.3. The following areas may be designated Retail Commercial when either the first criterion is met or all of the other criteria are met:
 - 4.CC.3.1. Areas having an historical commitment to commercial uses.
 - 4.CC.3.2. Areas necessary to serve the shopping needs of County residents.

- 4.CC.3.3. Areas having access to a street of at least a major arterial classification or to a high capacity transit corridor. Siting should not result in significant traffic increase on local streets serving residential areas.
- 4.CC.3.4. Areas which do not increase an existing commercial strip or create new strips.
- 4.CC.3.5. Areas where adverse effects, such as traffic and noise, will have a minimal effect on adjacent neighborhoods or can be minimized through on-site improvements.
- 4.CC.3.6. Areas near employment centers.

- 4.CC.4. Require improvements to streets and/or transit access when necessary prior to or concurrent with development.

- 4.CC.5. Require sidewalks and bicycle facilities.

- 4.CC.6. Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.

- 4.CC.7. Require curbs, drainage controls, underground utilities, and street lighting.

- 4.CC.8. Allow high-density housing within Retail Commercial areas.

Editor's Note: No changes are made to the remainder of Chapter 4.

Table 4-1: Land Use Plan Designations and Implementing Zoning Districts

Land Use Plan Designation	Land Use Plan Designation Abbreviation	Implementing Zoning District	Implementing Zoning District Abbreviation
Agriculture	AG	Exclusive Farm Use	EFU
Buffer Open Space	BUF	Government Camp Open Space Management	GCOSM
Business Park	BP	Business Park	BP
Campus Industrial	CI	Campus Industrial	CI
Community Commercial	CC	Community Commercial Rural Tourist Commercial	C-2 RTC
Corridor Commercial	COR	Corridor Commercial	CC
Forest	F	Timber Ag/Forest	TBR AG/F
General Commercial	GC	General Commercial	C-3
General Industrial	GI	General Industrial	GI
High Density Residential	HDR	High Density Residential Neighborhood Commercial	HDR NC
Light Industrial	LI	Light Industrial	LI
Low Density Residential	LDR	Hoodland Residential Neighborhood Commercial Urban Low Density Residential R-2.5 Urban Low Density Residential R-5 Urban Low Density Residential R-7 Urban Low Density Residential R-8.5 Urban Low Density Residential R-10 Urban Low Density Residential R-15 Urban Low Density Residential R-20 Urban Low Density Residential R-30	HR NC R-2.5 R-5 R-7 R-8.5 R-10 R-15 R-20 R-30
<u>Major Hazards Open Space¹</u>	<u>MHOS</u>	<u>Various Urban Zoning Districts and Future Urban 10-Acre</u>	<u>Various</u>
Medium Density Residential	MDR	Medium Density Residential Neighborhood Commercial Planned Medium Density	MR-1 NC PMD
Medium High Density Residential	MHDR	Medium High Density Residential Neighborhood Commercial	MR-2 NC
Mountain Recreation	MR	Mountain Recreational Resort	MRR
Office Apartment	OA	Office Apartment	OA
Office Commercial	OC	Office Commercial	OC
Planned Mixed Use	PMU ^{2,3}	Planned Mixed Use	PMU ^{2,3}
Public and Community Use Open Space	PCU	Open Space Management Government Camp Open Space Management	OSM GCOSM
Regional Center Commercial	RCC	Regional Center Commercial	RCC
<u>Regional Center High Density Residential</u>	<u>RCHDR</u>	<u>Regional Center High Density Residential</u>	<u>RCHDR</u>

Table 4-1: Land Use Plan Designations and Implementing Zoning Districts

Land Use Plan Designation	Land Use Plan Designation Abbreviation	Implementing Zoning District	Implementing Zoning District Abbreviation
Regional Center Office	RCO	Regional Center Office	RCO
<u>Resource Protection Open Space¹</u>	<u>RPOS</u>	<u>Various Urban Zoning Districts and Future Urban 10-Acre</u>	<u>Various</u>
Retail Commercial	RTL	Retail Commercial	RTL
Rural	R	Farm Forest 10-Acre Recreational Residential Rural Area Residential 2-Acre Rural Residential Farm Forest 5-Acre	FF-10 RR RA-2 RRFF-5
Rural Commercial	RC	Rural Commercial	RC
Rural Industrial	RI	Rural Industrial	RI
Small Lot Single Family	SMLSF	Village Small Lot Residential	VR-4/5
Special High Density Residential	SHD	Special High Density Residential	SHD
Standard Lot Single Family	STLSF	Village Standard Lot Residential	VR-5/7
Station Community Mixed Use	SCMU	Station Community Mixed Use	SCMU
Unincorporated Community Residential	UCR	Rural Area Residential 1-Acre	RA-1
Village Apartment	VA	Village Apartment	VA
Village Community Service	VCS	Village Community Service	VCS
Village Office	VO	Village Office	VO
Village Townhouse	VTH	Village Townhouse	VTH
Various ³²	Various ³²	Future Urban 10-Acre	FU-10

Notes to Table 4-1:

¹ The Major Hazards Open Space and Resource Protection Open Space designations are overlay designations, applying in addition to one of the base urban designations.

²⁴ Planned Mixed Use sites are further designated by, and zoned with, a number, e.g., PMU-1.

³² The FU-10 zoning district may be applied to future urban land, as provided for in the Urbanization section of this Chapter.

Chapter 6: HOUSING

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

ISSUES

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

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

SUMMARY OF FINDINGS AND CONCLUSIONS

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

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2. Projected population growth is expected to be slower than the County experienced in the 1970s, faster than the 1980s. From 1970 to 1978 the average annual growth rate was 3.8 percent per year, and from 1980 to 1987 it was .76 percent. The forecast for planning purposes is 1.6 percent per year from 1987 to 2010.
3. The northwest urban area has the potential of being the most energy-efficient and cost-effective location for growth in the County.
4. Since 1980, 30 percent of the new dwelling units built in the entire County have been multifamily units, including duplexes. In the northwest urban area, 41 percent of new units have been multifamily.
5. It is forecast that 26 percent of the new dwelling units built in the next 20 years in the entire County, and 32 percent of the new units built in the northwest urban area, will be multifamily.
6. Lack of affordable housing continues to be a problem, especially severe for households headed by the young, elderly, single parents, or handicapped individuals.
7. The County has a shortage of special living environments for the developmentally disabled and chronically mentally ill, a particularly pressing need as the de-institutionalization movement continues to accelerate and homes must be found in communities for previously institutionalized residents. (Note: The County social services agency does not identify a particular shortage of special housing for their elderly clients at this time (1990).
8. There are few condominiums in unincorporated areas.
9. The *Clackamas County 2017 Point-in-Time Count of Homeless Individuals* identified 2,293 homeless individuals. Despite an increase in available housing dedicated to unsheltered or unstably housed individuals, the 2017 count represents an increase of 10.7% over 2013.

HOUSING GOALS

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

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

6.A Housing Choice Policies

- 6.A.1 Encourage development that will provide a range of choices in housing type, density, and price and rent level throughout the urban areas of the County.
- 6.A.2 Provide for manufactured home park development.
- 6.A.3 Encourage new condominiums of all types, densities, and price ranges but discourage conversion of existing rental units.
- 6.A.4 Encourage an adequate number and variety of rental units including those that allow children.
- 6.A.5 Develop detailed community plans when appropriate to ensure that both housing choice and neighborhood quality and livability goals are attained.
- 6.A.6 Encourage a diversity of housing types and densities in planned unit developments.
- 6.A.7 Encourage a wide range of housing alternatives for the elderly or handicapped.

6.B Affordable Housing Policies

- 6.B.1 Encourage development of affordable housing (including public subsidized housing) to produce a range of housing prices and rent ranges commensurate with the range of the County's household incomes.
- 6.B.2 Encourage the development of low- and moderate-income housing with good access to employment opportunities.
- 6.B.3 Encourage diversified, affordable housing opportunities for the elderly or handicapped.

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- 6.B.4 Support the regional Housing Opportunity Plan (HOP), the County's Community Development Block Grant program, and the County's Public Housing Program as a means to provide more low- and moderate-income housing.
- 6.B.5 Pursue subsidies to provide affordable housing for low- and moderate-income households including the elderly and the handicapped.
- 6.B.6 Encourage more affordable housing by:
 - 6.B.6.1 Providing for higher-density, single-family development by planning for smaller-lot developments, implemented by the R-2.5 to R-8.5, VR-4/5, VR-5/7, and VTH zoning districts;
 - 6.B.6.2 Providing for increased capacity for multifamily development at six density levels: Medium, Medium High, High, Special High, Regional Center High, and Village Apartment;
 - 6.B.6.3 Allowing alternative road and improvement standards where appropriate (see the policies in the Roadways section of Chapter 5, *Transportation System Plan*);
 - 6.B.6.4 Allowing reduced utility and roadway costs through flexible lotting patterns in subdivisions and planned unit developments;
 - 6.B.6.5 Allowing density transfers from hard-to-develop sites in planned developments;
 - 6.B.6.6 Providing expedient, efficient design review, building permit, zoning, and subdivision processes;
 - 6.B.6.7 Encouraging growth in areas where public services can be economically provided;
 - 6.B.6.8 Encouraging common-wall construction;
 - 6.B.6.9 Encouraging more condominiums and manufactured dwellings;
 - 6.B.6.10 Emphasizing planned developments resulting in less expensive lots;
 - 6.B.6.11 Continuing to allow single-family dwellings to be built on lots of record down to 3,000 square feet (or smaller in zoning districts that permit the platting of smaller lots); and

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- 6.B.6.12 Continuing to allow prefabricated housing that meets the Uniform Building Code on individual lots of record within the Portland Metropolitan Urban Growth Boundary.
- 6.B.7 Give priority for relocation into public housing to low-income residents displaced by development of property to commercial, industrial, or multifamily use.
- 6.B.8 Encourage continuation of existing manufactured dwelling parks.
- 6.B.9 Give every new subdivision of 20 lots or more a density bonus of one lot for every lot reserved for assisted housing to provide an adequate amount of dispersion of assisted housing (see Policy 6.H.1).
- 6.B.10 Develop and support a full spectrum of shelter and housing options (e.g., emergency shelters, transitional shelters, and public housing) that assist individuals in moving from houselessness to stable, long-term housing solutions.

6.C Neighborhood Quality Policies

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

6.D Urban Infill Policies

- 6.D.1 Make use of existing urban service capacities without damaging the character of existing low-density neighborhoods by:
 - 6.D.1.1 Providing higher-density residential land use plan designations.
 - 6.D.1.2 Locating higher-density land use plan designations at locations that have minimum impact on existing low-density neighborhoods.
 - 6.D.1.3 Encouraging development within Immediate Urban Areas where services are available (see the Immediate Urban Policies section in Chapter 4, *Land Use*).

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- 6.D.1.4 Allowing greater flexibility for two- and three-family dwellings (see Policies 6.F.1 through 6.F.5).
- 6.D.1.5 Establishing a transportation policy that encourages investments to improve the existing system prior to making investments in new roads (see the policies in the Roadways section of Chapter 5).
- 6.D.1.6 Protecting existing neighborhoods by designating compatible land uses in existing low-density neighborhoods. (see the Low Density Residential Policies section in Chapter 4).
- 6.D.1.7 Encouraging shared access when developing flag lots.
- 6.D.1.8 Facilitating development on hillsides within the limits of public safety and land suitability. (see the Natural Hazards section of Chapter 3, *Natural Resources and Energy*; and the Low Density Residential Policies and Open Space sections of Chapter 4.)
- 6.D.1.9 Allowing density transfers from hazard areas to more suitable sites.
- ~~6.D.1.10 Allowing the use of half-street or private common access drives where appropriate but not exceeding access to more than seven lots.~~
- 6.D.1.10⁴ Allowing ~~flexibility in~~waivers of residential setback requirements pursuant to adopted criteria.
- ~~6.D.1.12 Allowing waivers of sidewalk and curb requirements along existing road frontage where not in conflict with Chapter 5.~~
- 6.D.1.11³ Protecting the privacy of existing residences by buffer requirements where appropriate.

6.E Multifamily Residential Policies

- 6.E.1 Encourage multifamily residential development consistent with the needs and desire of County residents. (Multifamily residential refers to all development in Village Apartment and Medium, Medium High, High, Special High, and Regional Center High Density residential land use designations.)
- 6.E.2 Require design review approval for all multiple-family development.

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6.E.3 Design review will address the following:

- 6.E.3.1 Energy efficiency and conservation
- 6.E.3.2 Access to transit
- 6.E.3.3 Crime prevention including natural surveillance of public areas by residents
- 6.E.3.4 Open space, including recreation areas and children's play areas
- 6.E.3.5 Privacy considerations, including private entries, patios, and fencing
- 6.E.3.6 Noise abatement
- 6.E.3.7 Shared parking to reduce paved areas
- 6.E.3.8 Accessibility of parking to units
- 6.E.3.9 Pedestrian/bicycle facilities on and off site
- 6.E.3.10 Minimization of impervious ground cover
- 6.E.3.11 Retention of natural areas and features such as major trees
- 6.E.3.12 Landscaping
- 6.E.3.13 Screened parking areas

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

6.F Low Density Residential Common-Wall Units Policies

6.F.1 Encourage attached single-family dwellings and two- and three-family dwellings ~~common-wall dwelling units. (Common-wall refers to all attached dwelling units allowed in Low Density Residential land use plan designations.)~~

6.F.2 Allow, as an outright permitted use, a maximum of 20 percent of the primary dwelling units in all new subdivisions, except planned unit

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developments, ~~up to 20 percent of the units to be attached single-family dwelling~~~~common-wall construction.~~

6.F.3 Allow, as an outright permitted use, all primary dwelling units in planned unit developments to be attached single-family dwelling~~common-wall units in planned unit developments.~~

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

6.G Manufactured Dwelling Policies

6.G.1 Support the provision of needed manufactured dwelling sites throughout the County.

6.G.2 Allow new manufactured home parks as a primary use in Medium Density Residential zoning districts, but not in designated commercial, industrial, or higher-density multifamily areas.

6.G.3 Permit a mobile home in lieu of a single-family dwelling in future urban, future urban study, unincorporated community, rural, agriculture, and forest areas and in unincorporated communities, except Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village.

6.G.4 Permit a manufactured home in lieu of a single-family dwelling. Require compliance with design standards for such manufactured homes in immediate urban areas and in the unincorporated communities of Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village.

6.G.5 Existing manufactured dwelling parks shall not redevelop unless a plan for relocation of the existing tenants is submitted and approved prior to redevelopment.

6.H Density Bonus Policy

6.H.1 Allow density bonuses in Low, Medium, Medium High, and High Density Residential land use plan designations where special performance criteria have been met.

**Chapter 10: COMMUNITY PLANS
AND DESIGN PLANS**

MOUNT HOOD COMMUNITY PLAN

The Mt. Hood area is unique, and the policies of the Mt. Hood Community Plan recognize this character. The economy of the community is dependent upon the conservation of the environment, which creates the setting so attractive to both residents and visitors. The Mt. Hood Community Plan, in conjunction with the rest of the Comprehensive Plan, provides the guidelines to assure reasonable development potential consistent with the need for environmental conservation.

The rest of the Comprehensive Plan is applicable to the Mt. Hood area; however, the Mt. Hood Community Plan takes precedence where conflicts exist.

The Mt. Hood Community Plan contains some policies that are in addition to, or different from, the rest of the Comprehensive Plan in four subject areas: Land Use, Public Facilities, Transportation, and Planning Process.

LAND USE

In the Mt. Hood area, the Forest, Agriculture, Rural, Rural Commercial, Urban Low Density Residential, Community Commercial, and Open Space land use plan designations are applicable. Additionally, the Mountain Recreation designation may be applied. All land designated Urban in the Mt. Hood area is Immediate Urban. The three village areas of Government Camp, Rhododendron, and Wemme/Welches are recognized for their separate character and individual environment.

VILLAGE AREAS

1.0 Government Camp

- 1.1 The Government Camp Village is identified as an Urban Unincorporated Community in compliance with Chapter 660, Division 22 of the Oregon Administrative Rules (OARs).
- 1.2 Provide for a high intensity development character.
- 1.3 Development of US Forest Service lands may occur only if it complies with the US Forest Service regulations. Upon completion of a land transfer to private ownership, development of these lands may occur only if it complies with the provisions of this Plan.

[10-MH-1]

- 1.4 Provide for pedestrian circulation and access within the business center.
- 1.5 Require new commercial or residential development of more than three units to provide a plan for snow removal and stockpiling.
- 1.6 Require one on-site parking space for each single-family residence developed on a lot of record existing prior to the adoption of this provision.
- 1.7 Require all new residential development of more than three units to provide covered parking.

2.0 Rhododendron

- 2.1 Provide for a development character of low intensity.

3.0 Wemme/Welches

- 3.1 Provide for a development character of medium intensity.
- 3.2 Encourage development of recreational-resort facilities to provide accommodations for the users of the area's recreational amenities.
- 3.3 Encourage development of a shuttle bus system to provide access to the ski areas.

RESIDENTIAL

- 1.0 Property may be zoned Recreational Residential in areas designated Rural within the Mount Hood Community Plan, when all of the following criteria are met:
 - a. Parcels are generally two acres or smaller,
 - b. The area is significantly affected by development, and
 - c. There are no natural hazards and the topography and soils conditions are well-suited for the location of homes.
- 2.0 Allow density bonuses within the Low Density Residential and Mountain Recreation designations pursuant to Chapter 6, *Housing*, and the Zoning and Development Ordinance. In the Mountain Recreation designation, units allowed through the density bonus provisions shall be developed with the same unit size mixture as provided in the base density for the

[10-MH-2]

development. For example, if a development is proposed with a mixture of 50 units of 700 square feet each, and 50 units of 500 square feet each, and a bonus density of 10 units is allowed—the ten units shall include five units of 700 square feet each, and five units of 500 square feet.

- 3.0 The Low Density Residential land use plan designation may be applied within the Mt. Hood urban area, according to the policies for designation stated in Chapter 4, *Land Use*.
- 4.0 Implement the Low Density Residential designation by application of only the Hoodland Residential (HR) zone, which shall allow a maximum density of four units per acre.
- 5.0 The Mountain Recreation areas provide overnight housing for the users of the recreational facilities in the Mt. Hood area, in addition to providing for a variety in housing types at a density higher than allowed in the Low Density Residential areas. Uses allowed include multifamily dwellings, resort housing, and motels.
 - 5.1 The Mountain Recreation designation may be applied within the Mt. Hood urban area, when all of the following criteria are met:
 - a. The land is located within a village district,
 - b. Public sewer and a State-approved water system are available and adequate to support the development potential of this designation, and
 - c. The pattern and character of development within the area would not be adversely affected by uses allowed by this designation.
 - 5.2 Recognize the unique character of individual village districts by varying density according to the village.
 - a. In Wemme/Welches and Rhododendron, encourage a variety of housing types and individual unit sizes by calculating density based on floor area, according to the following development level chart:

[10-MH-3]

Floor Area per unit in sq. ft.	No. of units per acre at development levels	
	Wemme/Welches	Rhododendron
1200+	6	4
1000-1199	7	5
800-999	8	6
600-799	10	8
400-599	14	12
200-399	32	22

- b. In Government Camp, allow a density of 22 units per acre.
- 5.3 Allow incidental commercial uses within a development in the Mountain Recreation area, as a limited use.
- 5.4 Implement the Mountain Recreation designation with the Mountain Recreational Resort zone.
- 6.0 Establish density standards for fragile or hazardous areas within the Mt. Hood urban area as follows:
 - a. Land within the 100-year floodplain shall be excluded from land area calculations; there is no density credit allowed for this area.
 - b. Except as modified by policy 6.1, identified land movement areas, wetlands, and slopes over 25 percent shall not be developed; 50 percent of the density allowed by zoning may be transferred to an unrestricted area within the development.
 - c. Except as modified by policy 6.1, development shall not occur within stream corridor areas; 100 percent of the density allowed by zoning may be transferred to an unrestricted area.
- 6.1 Notwithstanding Policy 6.0, one single-family dwelling may be developed on a lot of record, provided that such development is otherwise consistent with the provisions of the Comprehensive Plan and the Zoning and Development Ordinance. The policies stated in Policy 6.0 apply only to residential development; all other development shall be controlled by other provisions of the Comprehensive Plan and by the Zoning and Development Ordinance.
- 7.0 Implement dimensional and development standards to address compatibility, function, and aesthetics.

[10-MH-4]

COMMERCIAL

- 1.0 The Community Commercial land use plan designation may be applied in the Mt. Hood urban area, according to the criteria for designation stated in Chapter 4, *Land Use*.
 - 1.1 Implement the Community Commercial designation by application of only the Rural Tourist Commercial (RTC) zoning district.
 - 1.2 Apply the density standards of Policy 5.2(a) of the Residential section to resort accommodations in Community Commercial areas in Wemme/Welches and Rhododendron, and allow 50 units per acre in Government Camp.
- 2.0 The Rural Commercial land use plan designation may be applied outside of the Mt. Hood urban area, according to the criteria for designation stated in Chapter 4.
- 3.0 The Neighborhood Commercial zone shall not be applied in the Mt. Hood area.
- 4.0 Implement dimensional and development standards to address compatibility, function, and aesthetics.

OPEN SPACE

- 1.0 All areas within the 100-year floodplain, wetlands, and slopes exceeding 25 percent in the Mt. Hood area shall be designated Resource Protection Open Space. See Maps X-MH-1, X-MH-2, and X-MH-3.
- 2.0 For the Government Camp Urban Unincorporated Community, there are two Open Space designations that are implemented through the Government Camp Open Space Management District: (1) Public and Community Use, and (2) Buffer areas.
 - 2.1 Designate Public and Community Use areas for utility facilities and public and private recreation uses and structures, including ski facilities, ice skating arenas, and indoor and other outdoor athletic and sport training facilities.
 - 2.2 Designate buffer areas as open to maintain the area's environmental character and residential privacy. Development shall be minimized in these areas to the fullest possible extent.

[10-MH-5]

- 3.0 Open space uses shall not substantially contribute to vehicular trip generations.

PUBLIC FACILITIES

- 1.0 Prohibit lot divisions or development requiring subsurface disposal systems, within the Mt. Hood urban area, except for:
- a. Remodeling or additions to existing development, when such remodeling would not require any alteration or expansion of the subsurface disposal system, or
 - b. Parcels with unique topographic or other natural features which make sewer extension impractical.
- 2.0 Ensure that subsurface sewage disposal systems in non-urban areas are allowed only when lot sizes give maximum assurance that no failures will occur that could require annexation to the Hoodland Service District.
- 3.0 Extension of sanitary sewer service to lands outside an unincorporated community boundary may be allowed in the Hoodland Service District or Government Camp Sanitary District boundary only under the following circumstances:
- a. The property is located within an acknowledged unincorporated community boundary or the sanitary sewer line extension is the only practicable alternative to resolve a health hazard as defined by the State of Oregon; or
 - b. The sanitary sewer extension provides service to an existing, committed nonforest public use area, such as Timberline Lodge and its related facilities, Silcox Hut, or a Boy Scout lodging facility provided: (1) these uses are approved as an exception to Statewide Planning Goal 4; and (2) the extension is approved as an exception to Statewide Planning Goal 11.
- 4.0 The Government Camp Water System Master Plan, dated July 2000, shall be acknowledged as the water element of the Government Camp Facilities Plan.
- 5.0 The Government Camp Sanitary District Wastewater Facilities Plan, dated October 1995, shall be acknowledged as the sanitary sewer element of the Government Camp Facilities Plan.

[10-MH-6]

- 6.0 The County shall acknowledge periodic updates of the sanitary sewer, water and transportation elements of the Government Camp Facilities Plan.
- 7.0 Review of development applications shall be coordinated with all service agencies to ensure facility service capacity is available to new developments.

TRANSPORTATION

The development of the transportation system shall be in accordance with the following policies.

- 1.0 Encourage intersection improvements at the following intersections with US 26:
 - A. East Brightwood Loop
 - B. East Lolo Pass Road
 - C. East Welches Road
 - D. Highway 35
 - E. Entrance to Multorpor Ski Bowl facilities
 - F. Government Camp Loop
- 2.0 Encourage development of a loop road south of US 26 in Government Camp. The loop would complete access from the west to the east side of Government Camp, and would improve access to the Multorpor/Ski Bowl facilities. Interchanges should be developed at the intersections with US 26.
- 3.0 Recognize the *Villages at Mt. Hood Pedestrian and Bikeway Implementation Plan* as the guiding document for the development of a connected multi-modal system within the Villages of Mt Hood, as established pursuant to Clackamas County Code, Chapter 2.10.
- 4.0 Cooperate with the Oregon Department of Transportation (ODOT) to maintain a reasonable level of service and safety on US 26, in the Mt. Hood Corridor.
 - 4.1 Limit access to US 26, and encourage shared access where access to US 26 is necessary.

[10-MH-7]

- 4.2 Focus access management strategies on areas where access points are not defined and where driveways can be consolidated with new development or redevelopment according to the *Villages at Mt. Hood Pedestrian and Bikeway Implementation Plan*.
- 4.3 Encourage redesign of older platted areas along US 26, to reduce the number of access points.
- 4.4 Encourage the development of alternatives to automobile transportation to ski facilities, to reduce parking needs at ski areas and to reduce congestion on US 26. Individual developers and existing resort facilities should be encouraged to provide shuttle systems or other facilities such as an aerial tram between Government Camp and Timberline Lodge.
- 4.5 Coordinate with the community and ODOT to refine the design and location of safe and convenient pedestrian and bicycle crossings across US 26, enhanced with rapid flashing beacons or other safety measures and/or signals as identified in the *Villages at Mt. Hood Pedestrian and Bikeway Implementation Plan* and Tables 5-3a-d and Map 5-11b.
- 4.6 Support the design and construction of a multi-use path adjacent to US 26 connecting Wildwood Recreation Site to E. Salmon River Road according to the *Villages at Mt. Hood Pedestrian and Bikeway Implementation Plan*.
- 5.0 Cooperate with ODOT to provide a rest area and information center between Sleepy Hollow and Zigzag.
- 6.0 Encourage development of a community-wide network of pedestrian trails.
 - 6.1 Ensure continued public access to recreation trails shown on Map X-MH-5 and located within the Government Camp Urban Unincorporated Community boundary. Provisions may be made through appropriate legal documents, and may include requirements such as retaining conservation easements on these lands.
 - 6.2 Encourage the efficient connection of Forest Service trails located outside the Government Camp Urban Unincorporated Community Boundary to trail systems located within the boundary, to provide an integrated network of walkways, bikeways, and trails.

[10-MH-8]

- 6.3 Support connections to destinations and to Forest Service and Bureau of Land Management trails as part of an integrated network of pedestrian and bicycle facilities.
- 7.0 Support development and installation of gateway signs that identify the entrances of the Villages at Mt. Hood.
- 8.0 Promote active transportation by providing wayfinding signs including signs to an existing underpass and "bike hubs" – areas of secure and sheltered parking, benches, bike tools, and/or other amenities – to maximize investment in existing and new transportation facilities that accommodate multimodal travel and tourism in the Villages at Mt. Hood.
- 9.0 Support continuation and/or expansion of a shuttle bus system providing access to the Villages at Mt. Hood and ski areas.
- 10.0 Enhance existing and planned transit facilities and services by providing supportive facilities and features such as park and ride facilities and wayfinding signs in the Villages at Mt. Hood.
- 11.0 Support the development of pedestrian and bikeway connections along Huckleberry Drive, Woodsey Way and Learning Lane in order to provide safe routes to schools.

PLANNING PROCESS

- 1.0 The statements of issues and alternatives and the inventories and data of the 1976 Mt. Hood Community Plan, the 1976 Mt. Hood Planning Unit Draft Environmental Statement, 1989 Government Camp Village Revitalization Plan and Report, 1999 Government Camp Village Design Incentives Plan, 1980 Summit Ski Area Expansion Environmental Assessment Report, 1981 Multorpor Ski Bowl Master Plan, 1995 Government Camp Sanitary District Wastewater Facility Plan, 2000 Government Camp Water System Master Plan, 2000 Rural Transportation System Plan, Mt. Hood Corridor Plan-Final Environmental Impact Statement, and the revisions and additions to these documents are adopted as background reports for the policies and designations of the Mt. Hood Community Plan.
- 2.0 The *Villages at Mt. Hood Pedestrian and Bikeway Implementation Plan* is adopted as a background report for the policies and designations of the Mount Hood Community Plan.

[10-MH-9]

[10-MH-10]

SUNNYSIDE VILLAGE PLAN

INTRODUCTION

The Sunnyside Road area of Clackamas County east of I-205 to 152nd Avenue has seen rapid residential growth during the past 10 years. This growth has raised several issues. A lack of parks, open space, and transit, as well as pedestrian and bicycle facilities, has been identified by many residents of the area. Also absent are a variety of housing types and range in housing prices. Along with these concerns, recent State land use and transportation planning rules now require the County to implement development techniques to reduce per capita vehicle miles traveled. These requirements are intended to manage growth by increasing urban densities to facilitate transit usage, preserving open spaces, and integrating land uses with the transportation network, thus improving overall livability.

The Sunnyside Village Plan was developed through an extensive citizen involvement effort to address these issues. With the recent construction of the Sieben sewer line, development will soon occur in the last large undeveloped urban area of Clackamas County.

The focus of this plan is to address the issues described above through several planning and design elements. These elements include land use mix, density, street patterns, pedestrian circulation, open space, and architectural character, all directed towards the creation of a sense of community.

The remainder of the Comprehensive Plan is applicable to the Sunnyside Village; however, the Sunnyside Village Plan takes precedence where conflicts exist. The Sunnyside Village Plan contains policies which are in addition to, or different than, the remainder of the Comprehensive Plan, in five subject areas: Land Use, Public Facilities, Transportation, Parks and Open Space, and Planning Process.

GOALS

- Provide a strong sense of place through community design.
- Ensure the efficient use of land and urban services.
- Provide a mix of housing types and price ranges to accommodate neighborhood diversity.
- Ensure adequate parks and the protection of sensitive natural areas.

[10-SV-1]

- Provide the opportunity for jobs and services within the village to reduce trip lengths.
- Integrate land use and transportation to encourage transit, bicycle and pedestrian use.
- Provide a transportation network that emphasizes connections within the village.

POLICIES

I. Residential

- 1.0 Ensure a range of densities, which promotes an efficient use of the land and a variety of housing choices. For purposes of calculating individual lot sizes, areas within Resource Protection areas shall not be included.
 - a. The Standard Lot Single Family land use plan designation shall include a density between a minimum of six units per acre and a maximum of nine units per acre.
 - b. The Small Lot Single Family land use plan designation shall include a density between a minimum of nine units per acre and a maximum of 11 units per acre.
 - c. The Village Townhouse land use plan designation shall include a density between a minimum of 15 units per acre and a maximum of 22 units per acre.
 - d. The Village Apartment land use plan designation shall include a density between a minimum of 18 units per acre and a maximum of 30 units per acre.
- 2.0 All residential development including front doors and porches shall be oriented towards the street and have reduced setbacks.
- 3.0 Garages, driveways, and off-street parking areas shall be at a scale that is subordinate to the residence.
- 4.0 Building location and design shall consider pedestrian-scale orientation.
- 5.0 Provide opportunity for accessory dwelling units within the Standard Lot Single Family, Small Lot Single Family, and Village Townhouse designated areas. Density calculations shall not include accessory dwelling units.

- 6.0 Ensure higher residential densities close to the village core through the following locational criteria.
- a. The Standard Lot Single Family land use plan designation shall be located on the periphery of the village.
 - b. The Small Lot Single Family land use plan designation shall be located between the Standard Lot Single Family designation and the Village Townhouse and Village Apartment designations.
 - c. The Village Townhouse and Village Apartment land use plan designations shall be located adjacent to, or within a convenient walking distance of, the village core.

II. Village Office

- 1.0 The Village Office land use plan designation shall be adjacent to Sunnyside Road and 142nd Avenue and shall be within a convenient walking distance of the village core.
- 2.0 Ensure that development is designed to human scale in a series of low-rise buildings.
- 3.0 Require that office development is oriented towards the primary streets and the adjacent apartment and townhouse uses to better integrate with the neighborhood.
- 4.0 Provide incentives for employees to carpool, use transit, bike, or walk.

III. Village Community Service

- 1.0 The Village Community Service land use plan designation shall be applied as shown on Map X-SV-1.

IV. Resource Protection Area

- 1.0 Apply a Resource Protection designation to all land that is within high voltage power line easements.
- 2.0 Allow development within Resource Protection areas not to exceed one dwelling unit per net acre.
- 3.0 Allow the transfer of density from the Resource Protection area to more suitable building areas on the site. Transfer of density shall not exceed the next highest land use category, e.g., Small Lot Single Family to Village Townhouse.

[10-SV-3]

V. Parks

The Sunnyside Village Plan provides for the acquisition, development, and maintenance of six neighborhood parks.

- 1.0 Provide a level of parks to adequately serve the demands of the village.
- 2.0 Provide parks that are equitably distributed and accessible throughout the village as depicted on Map X-SV-4.
- 3.0 Develop a mechanism to acquire these sites either through dedications or fee in lieu of dedication.
- 4.0 Parks depicted on Map X-SV-4 may be altered in their location and dimensions during the development review process. Modifying park location shall occur only when it can be shown that access, topographic conditions, the need to accommodate lotting patterns and site planning, or extreme engineering costs make the depicted location impractical to develop. Park sizes are shown as minimums.
- 5.0 Park 6, as depicted on Map X-SV-4, shall be split proportionally based upon the lot sizes of the two parcels that the park is to be located on.
- 6.0 All park land acquisitions shall be immediately included within the North Clackamas Parks and Recreation District (NCPRD) park land inventory. NCPRD will be responsible for development and maintenance of these parks. NCPRD will also be responsible for maintaining the center landscaped portion of the Village Circle north of the Village Green.
- 7.0 A connector or higher level street shall be located along one side of Park 2.

VI. Roads

The Sunnyside Village Plan provides for the integration of land use and the transportation network.

- 1.0 All new developments shall build streets in the locations depicted on Map X-SV-1.

- 2.0 Streets depicted as connectors (with or without bikeway) on Map X-SV-3 may be altered in their location during the development review process. Modifying these streets must occur only when it can be shown that due to wetlands, topographic conditions, resource areas, the need to accommodate lotting patterns and site planning, or extreme engineering costs make the depicted street impractical to develop.
- 3.0 Alleys shall be allowed in all residential zoning districts.
- 4.0 All alleys shall be private streets and shall be constructed as depicted in Figure X-SV-6.
- 5.0 All public streets within the Sunnyside Village shall be constructed to the street standards depicted in Figures X-SV-1 through X-SV-5.
- 6.0 Orient local streets whenever practical so that at least 50 percent of the lots face north/south taking advantage of solar access.
- 7.0 All street intersections that do not connect with Sunnyside Road, 142nd Avenue, or 152nd Avenue shall be constructed to the standards depicted in Figure X-SV-7.
- 8.0 The traffic circle north of the Village Green shall comply with the design standards depicted in Figure X-SV-8.
- ~~9.0 The precise location of Summers Lane to 142nd Avenue shall be defined during preliminary engineering. The feasibility of partial alignment through the existing Portland General Electric easement shall be considered.~~
- 940.0 Develop a mechanism to pay for the cost of half-street improvements of all connector and local streets adjacent to Parks 3, 4 and 5 and the east/west connector road adjacent to the south property line of the school on 152nd Avenue, as depicted on Map X-SV-4.
- 1044.0 Reimbursements of costs for the realignment of 152nd Drive shall be granted to the extent that they are eligible under the Transportation System Development Charge ordinance. For properties with frontage along 152nd Drive, adjacent to the proposed realignment of 152nd Drive, the applicant's share of costs associated with the realignment of 152nd Drive shall be limited to the dedication of required on-site right-of-way for the realignment of 152nd Drive as a collector street, and the guarantee of financing for the required on-site improvements, to collector-street standards, according to the requirements of the County Engineer.

1142.0 The County will develop a list of transportation projects for the village based on a comprehensive transportation analysis for the entire Sunnyside area. The County will seek additional funding for those projects as well as improvements to 142nd Avenue, 152nd Avenue, and Sunnyside Road.

1243.0 An analysis of the present alignment of 147th and its connection to Sunnyside Road shall be considered. This project should be included in the County's Capital Improvement Plan as a "high priority" safety project.

VII. Trails and Pedestrian Connections

1.0 All pedestrian accessways and trails shall be constructed to standards established by the North Clackamas Parks and Recreation District (NCPRD) at the time of development.

2.0 All pedestrian accessways and trails identified on Map X-SV-1 shall be either dedicated or an easement be granted to NCPRD.

3.0 NCPRD shall be responsible for the ongoing maintenance of all pedestrian accessways and trails.

VIII. Amendments to Village Boundary

The Sunnyside Village boundary may be amended to include property within the Sunnyside Village boundary when all of the following criteria are met:

1.0 The property is contiguous to the Sunnyside Village boundary.

2.0 The property is designated by Metro as an urban reserve or the property is located within the Portland Metropolitan Urban Growth Boundary.

3.0 The property has been under the same continuous ownership as adjacent land within the Sunnyside Village boundary since prior to adoption of the Sunnyside Village boundary by the Clackamas County Board of County Commissioners on August 26, 1993.

4.0 The public sewer system serving land within the Sunnyside Village boundary is available to serve the property by gravity flow and is adequate to support the development potential of the property. In addition, the surface water requirements of Clackamas County Service District #1 shall be met.

5.0 The public water system serving land within the Sunnyside Village boundary is available and adequate to support the development potential of the property.

- 6.0 The transportation facilities and roadway network within the Sunnyside Village boundary are either available or acknowledged by the County, through an approved master plan, as available in the future and are adequate to support the development potential of the property.
- 7.0 When property is proposed to be annexed, a neighborhood park site, shall be (or has been) adequately and proportionately increased in size within the existing Sunnyside Village boundary or a new park(s) designated according to Subsection 1011.06(C) of the Zoning and Development Ordinance within the property proposed to be annexed to the Sunnyside Village to compensate for the inclusion of the property within the Sunnyside Village boundary.
- 8.0 The proposed extended boundary shall not extend beyond a major topographical break such as a ravine, steep hillside, stream corridor, etc. The determination of the topographical break shall be determined by the County Department of Transportation and Development.

[10-SV-8]

SUNNYSIDE CORRIDOR COMMUNITY PLAN

The Sunnyside Corridor Community Plan Area is one of the most rapidly urbanizing areas of Clackamas County. Most of the development has occurred in the last 20 years, and there is capacity for additional growth. The Sunnyside Village area has developed rapidly since adoption of the Sunnyside Village Plan in 1993, and has provided many lessons about integrating land use and transportation, mixing uses, and accommodating higher density housing types. New planning rules affect the ways the remaining areas must be planned. These include:

- The Region 2040 Urban Growth Management Functional Plan. Sunnyside Road was identified by regional planning efforts as appropriate for designation as a Corridor design type. Corridors are planned to be areas featuring a high-quality pedestrian environment, convenient access to transit, and higher employment concentrations and housing densities than surrounding areas. In order to support high-quality transit service, they are planned to be developed at densities that are somewhat higher than today (2000). Typical new development would include attached single-family dwellings, and one- to three-story office, multifamily, and retail buildings.
- The National Marine Fisheries Service has listed several runs of Chinook Salmon and Steelhead in the Clackamas River as "threatened" under the Endangered Species Act. The Region 2040 Urban Growth Management Functional Plan, and the County water quality plans are responding to the listings. The listings may require additional protection of riparian corridors and area streams.

In addition, the recently completed Environmental Assessment for widening Sunnyside Road identifies opportunities and limits for the types of development that are feasible and prudent in the area. The Sunnyside Corridor Community Plan is designed to support the transportation improvements planned for Sunnyside Road by limiting land uses and thus traffic generation on Sunnyside Road, limiting accesses on Sunnyside Road, and increasing the connectivity within the neighborhood so that local trips won't have to use Sunnyside Road.

The Sunnyside Corridor Community Plan is designed to promote an urban form that will support alternative modes of transportation, such as walking, bicycling, and transit. Permitted land uses, the transportation network, and development standards are all designed to support alternative modes as well as auto use, and create a development pattern conducive to face-to-face community interaction. Designations for employment and higher density housing are located to support adopted public policy for the development of the regional transportation system.

[10-SC-1]

The Sunnyside Corridor Community Plan is designed to focus the most intense development in two "development nodes" centered on 122nd Avenue and Sunnyside Road and on 132nd Avenue and Sunnyside Road. 122nd Avenue and 132nd Avenue must be improved to support the levels of traffic projected. There are three schools in the vicinity of 132nd Avenue, and it is heavily used by school children. A street design to promote safety, convenience, and comfort is of utmost importance.

The remainder of the Comprehensive Plan applies to the Sunnyside Corridor Community Plan Area. The Sunnyside Corridor Community Plan describes the goals and policies that are specific to the Sunnyside Corridor Community Plan Area. The Sunnyside Corridor Community Plan takes precedence where conflicts exist between it and the remainder of the Comprehensive Plan.

The Sunnyside Corridor Community Plan applies to the area shown on Map X-SC-1, from 117th Avenue to the western boundaries of the Sunnyside Village. The primary focus of the Plan is the area immediately adjacent to Sunnyside Road and other areas with vacant and redevelopable land, especially the future urban areas east of 132nd Avenue.

GOALS

- Ensure the efficient use of land and urban services.
- Provide a mix of housing types, densities and price ranges to accommodate the diverse housing needs of the projected population.
- Encourage jobs and services along the Sunnyside Corridor to be concentrated at major intersections.
- Provide a transportation network that emphasizes an interconnection of streets, alleys and pedestrian ways that encourage transit, bicycle and pedestrian trips and provide opportunities for neighborhood circulation that avoids having to use Sunnyside Road.
- Reduce access points along Sunnyside Road.
- Facilitate development of sub-regional storm drainage detention and sediment control facilities that enhance water quality in area streams and provide adequate storm water detention.
- Provide adequate infrastructure.

[10-SC-2]

- Provide for joint-use public facilities to reduce the land area committed to public uses.
- Protect the character of existing neighborhoods.

POLICIES

I. LAND USE

- 1.0 Map X-SC-2 illustrates the land use plan designations for the Sunnyside Corridor Community Plan Area. The following designations may be allowed: Low Density Residential, Medium High Density Residential, Office Apartment, Community Commercial, and Public and Community Use. Policies directing the application of these land use plan designations are located in Chapter 4. In addition, policies establishing special standards for these designations when applied in the Sunnyside Corridor Community Plan Area are set out in Policies 2.0 to 5.0, below.
- 2.0 The Corridor design type, as defined in Chapter 4, shall be applied along Sunnyside Road from approximately 117th Avenue to 138th Avenue. The Corridor design type location shall be defined within the Sunnyside Corridor Community Plan Area as development nodes, which are delineated on Map X-SC-1.
- 2.2 The development nodes will contain concentrations of higher intensity development, separated by Office Apartment or Low Density Residential uses.
- 2.3 Corridor Policies 4.I.1.1 through 4.I.1.5 of the Urban Growth Concept section of Chapter 4 shall be applicable to the development nodes.
- 2.4 The development nodes will include a complementary mix of land uses. The following uses are expected to be found in the Corridor design type area: retail, services, offices, schools, religious facilities, community facilities, and multifamily residential. The following land use plan designations may be located within the development nodes: Community Commercial, Office Apartment, Medium High Density Residential and Low Density Residential.
- 2.5 The Corridor design type development nodes shall not be expanded to include additional land area.

Residential

- 3.0 Residential land use plan designations shall be allowed in the Sunnyside Corridor Community Plan Area to provide for a variety of housing choices that are compatible with the character of the area, support current and projected demographics and ensure a range of densities to promote an efficient use of the land and urban services.
- 3.1 The Low Density Residential designation shall be applied in many locations in the Sunnyside Corridor Community Plan Area, including locations on Sunnyside Road between development nodes. R-7 zoning shall be applied to areas designated Low Density Residential that are located east of 132nd Avenue, south of Sunnyside Road and west of the Sunnyside Village.

Commercial

- 4.0 The Office Apartment land use plan designation shall be applied in the Sunnyside Corridor Community Plan Area to provide for employment and limited housing uses. The Office Apartment designation shall be applied as depicted on Map X-SC-2 and may be applied in other locations when the Chapter 4 criteria for designation of Office Apartment areas are met.
- 5.0 The Community Commercial land use plan designation shall be allowed only on the south side of Sunnyside Road within the development node at the intersection of 122nd Avenue. This designation is provided to meet the retail needs of the Sunnyside Corridor Community Plan Area.

II. STREETS, ALLEYS AND PEDESTRIAN CONNECTIONS

- 1.0 Integrate land use with the transportation network in the Sunnyside Corridor Community Plan.
- 2.0 All new developments shall provide streets, vehicular connections and pedestrian connections as shown on the Map X-SC-3 and Map 5-4a.
- 2.1 New streets and connections identified on Map X-SC-3 as "location determined" may be modified only when it can be shown that the depicted street or connection is impractical to develop due to wetlands, topographic conditions, resource protection, or pre-existing lotting patterns.

- 2.2 The precise location for new streets and connections depicted as "location flexible" will be determined during the development review process.
- 3.0 In addition to the vehicular and pedestrian connections required on Map X-SC-3, safe and convenient pedestrian connections shall be used to enhance access between residential and commercial developments, public facilities, activity centers, and streets when public streets are not feasible.
 - 3.1 A system of pedestrian connections shall be provided from subdivisions and multifamily developments to the following commercial or public facilities: existing or planned transit facility, school, park, outdoor activity area, plaza, day care center, children's play area, library, church, or similar facility; and
 - 3.2 Pedestrian access shall be provided from a dead-end street, cul-de-sac, or mid-block where the block is longer than 330 feet; and
 - 3.3 Commercial developments shall be integrated with the neighborhood. If direct pedestrian access is not provided between commercial developments and adjacent residential areas via public streets and sidewalks, additional pedestrian and bicycle access shall be provided.
- 4.0 132nd Avenue south of Sunnyside Road shall be constructed to the street standards as depicted in Figure X-SC-1.
 - 4.1 No new residential driveway accesses shall be allowed on 132nd Avenue south of Sunnyside Road.
 - 4.2 The fronts or sides of primary dwelling units shall be oriented to 132nd Avenue. Back yards shall not line 132nd Avenue.
 - 4.3 Facades facing 132nd Avenue shall not consist of a blank wall.
- 5.0 New local streets and new connector streets shall comply with the following design standards:
 - 5.1 Orient local streets whenever practical so that at least 50 percent of the lots front north or south to take advantage of solar access.

[10-SC-5]

5.2 Provide on-street parking, landscape strips between sidewalk and street, sidewalks on both sides of the street, street trees, and short pedestrian crossing distances at intersections. Figure X-SC-2 illustrates a typical street cross section.

~~6.0 Street trees listed as prohibited in Section 1007 of the Zoning and Development Ordinance shall not be approved as street trees in the Sunnyside Corridor Community Plan Area.~~

67.0 Provide vehicular and/or pedestrian connections between residential developments, public facilities, neighborhood services, and the collector and arterial street system.

78.0 Alleys shall be allowed in all residential zoning districts. All alleys shall be private streets and shall be constructed as depicted in Figure X-SC-3.

89.0 Access controls on Sunnyside Road shall be consistent with the preliminary design for Sunnyside Road as shown in the Sunnyside Road Environmental Assessment or more detailed design and engineering work undertaken for Sunnyside Road. In addition, the following shall be applied:

89.1 Consolidate driveways to the targets shown on Map X-SC-5, Access Management Targets for Sunnyside Road.

89.2 Whenever possible, driveway accesses shall be consolidated as development and re-development occurs. Temporary accesses may be allowed when Office Apartment sites develop incrementally, but only if a master plan has been approved demonstrating how and when further driveway consolidation shall occur.

89.3 To maintain the flow of traffic on Sunnyside Road, driveways may be restricted to right-in, right-out only.

89.4 Office Apartment and Commercial developments shall minimize vehicular access to Sunnyside Road, with primary access provided on side streets whenever possible.

III. NATURAL RESOURCE PROTECTION

1.0 Restrict development of natural resource areas, including: slopes greater than 20 percent, confirmed landslide hazard areas, flood hazard areas, stream buffers, wetlands, and significant natural areas.

- 2.0 Except in stream corridor and wetland buffers, residential development may be allowed within restricted areas when it is consistent with the policies in the Natural Hazards section of Chapter 3 and the Open Space and Floodplains section of Chapter 4.
- 3.0 Allow the transfer of residential development density from restricted areas to other areas on the site, subject to the following standards:
 - 3.1 Resulting density on the developed portion of a Low Density Residential site shall not exceed 15 dwelling units per acre.
 - 3.2 If the density on the developed portion of the site exceeds the next highest residential land use plan designation, buffering from adjacent low-density residential uses shall be considered in the development review process.

IV. PARKS, OPEN SPACE, AND RECREATION TRAILS

- 1.0 Provide parks that are equitably distributed and accessible from throughout the Sunnyside Corridor Community Plan Area.
- 2.0 Facilitate park and recreation and storm water detention and treatment providers to cooperate in the development of facilities that meet the needs of both agencies.
- 3.0 At the time of site development, trails shown on Map X-SC-6 shall be constructed to standards established by the North Clackamas Parks and Recreation District (NCPRD).
- 4.0 Map X-SC-6 depicts the general location of a trail that will connect to an adjacent trail in the Sunnyside Village. The final location of this trail will be determined as development occurs.
- 5.0 All designated trails identified on Map X-SC-6 shall be either dedicated to, or granted as an easement to, NCPRD, which will be responsible for their maintenance.

Editor's Note: No changes are made to the other community and design plans in Chapter 10.

Chapter 11: THE PLANNING PROCESS

The purpose of Clackamas County's comprehensive planning process is to establish a framework for land use decisions that will meet the needs of County residents; recognize the County's interrelationships with its cities, surrounding counties, the region, and the state; and ensure that changing priorities and circumstances can be met. Coordination with other governmental agencies and refinement of this Plan and County ordinances is essential to achieve this end.

ISSUES

1. Coordination with cities, special districts and federal, state and regional agencies
2. Compatibility of County planning programs with those of other jurisdictions and agencies
3. Relationship of changing circumstances to County plans and ordinances
4. Implementation of County goals and policies
5. Public and private costs
6. Administration of ordinances and programs

SUMMARY OF FINDINGS AND CONCLUSIONS

1. Comprehensive planning in Oregon is mandated by the State. The 1973 Legislature adopted Senate Bill 100 (ORA Chapter 197) which established the Land Conservation and Development Commission (LCDC) and directed the commission to adopt Statewide Planning Goals and Guidelines. LCDC Goals and Guidelines were adopted in December 1974, and became effective January 1, 1975.

The Statewide Planning Goals require Clackamas County to:

- a. Provide opportunity for citizen involvement
- b. Establish a land use planning process and policy framework
- c. Preserve and maintain agricultural lands
- d. Conserve forest lands for forest uses
- e. Conserve open space and protect natural and scenic resources

- f. Maintain and improve the quality of our air, water and land resources
 - g. Protect life and property from natural disasters and hazards
 - h. Satisfy the recreation needs of the citizens of the state and visitors
 - i. Diversify and improve the economy of the state
 - j. Provide for the housing needs of the citizens
 - k. Plan and develop a timely, orderly, and efficient arrangement of public facilities and services
 - l. Provide and encourage a safe, convenient, and economic transportation system
 - m. Conserve energy
 - n. Provide an orderly and efficient transition from rural to urban land use
 - o. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of the Willamette Greenway
2. LCDC adopted 19 statewide goals, of which the 15 listed above apply to Clackamas County. The remaining goals (16-19) apply only to Oregon's coastal areas.
 3. This Plan satisfies requirements and goals of the Land Conservation and Development Commission. The 15 goals that apply to Clackamas County are addressed within various chapters of the Plan, some as individual topic areas, and others covered in more than one chapter.
 4. Metro is responsible for coordinating land use planning activities of the jurisdictions within its district, including:
 - a. Coordinating local plan review for consistency with statewide goals and guidelines within the Metro jurisdiction. Plans of jurisdictions outside the district are reviewed by the County.
 - b. Requiring, local plans be consistent with the Metro Land Use Framework Element, the Region 2040 Urban Growth Management Functional Plan and Statewide Planning Goals.
 - c. Requiring amendments to the Plan in a timely manner consistent

with regional goals and objectives and/or functional elements.

5. More than 150 different federal and state agencies, local governments, and special purpose districts provide services and are involved in planning or engage in activities which directly affect the scope and direction of the County's Plan. Agency boundaries seldom coincide.
6. Interagency coordination is necessary to assure that the activities of the agencies reinforce each other and this Plan.
7. Area-wide management of problems is needed for transportation, air and water quality, housing and solid waste.
8. The County contains 15 cities, all of which have adopted or intend to adopt, comprehensive plans, which may include land outside their boundaries.
9. The County contains over 100 special districts, which provide services to unincorporated areas.

CITY, SPECIAL DISTRICT AND AGENCY COORDINATION

Clackamas County recognizes that many activities and problems spill across political boundaries, making coordination with special districts, cities, and state and federal agencies essential.

GOALS

- Provide a coordinated approach to problems which transcend local government and special purpose district boundaries or responsibilities.
- Coordinate various agency capital improvement programs with the County's Comprehensive Plan.
- Direct the activities of the various agencies toward implementation of this Plan.
- Establish specific areas adjacent to city boundaries within which the County will coordinate land use actions with the individual city, and within which formal plan agreement will be sought.

POLICIES

- 1.0 Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.
- 2.0 Request state and regional governments, cities and special districts to inform the County of needs which should be addressed in the County's planning program.
- 3.0 Encourage and assist Metro in developing and updating its regional database.
- 4.0 Actively participate with Metro in identifying regional needs and priorities and implementing functional plans.
- 5.0 Continue to assist its citizens in contacting and communicating with other governmental agencies.
- 6.0 Adopt Urban Growth Management Agreements with each city and offer to sign such agreements with all special districts.

- 7.0 Apply this Plan to unincorporated dual interest areas, except those areas where the County has adopted city plan designations in accordance with an urban growth management agreement. Such agreements may provide that the County will not plan or zone dual interest areas at urban densities prior to their annexation by a city. After annexation to a city, this Plan will continue to apply, in accordance with the provisions of ORS 215.130, until the city applies its own land use plan and/or zoning designation. The County will revise Urban Growth Management Agreements to ensure that all agreements include provisions consistent with ORS 215.130.
- 8.0 Notify the parties to Urban Growth Management Agreements of proposed land use actions and Plan amendments and encourage participation in formulating and evaluating the proposals. Request necessary technical assistance in assessing impacts on the area and enter all formal comments into the public record.
- 9.0 Ensure consistency between city and County plans. Any conflicts shall be stated in an Urban Growth Management Agreement, and resolution of these conflicts will occur through the Plan amendment process.
- 10.0 Engage the public in development of intergovernmental agreements.

AMENDMENTS AND IMPLEMENTATION

Clackamas County citizens need a Comprehensive Plan that will meet and guide changing needs and circumstances for the physical and economic growth within the County. The adoption of the Comprehensive Plan is not an end in itself. The Plan must be implemented by governmental or citizen action. It must be kept current through periodic review and appropriate revision.

GOALS

- Ensure that policies in this Plan are implemented.
- Establish Plan review and revision procedures that include provisions for participation by citizens and affected governmental units.
- Ensure an adequate factual base for decisions and actions.

POLICIES

- 1.0 Ensure that the Comprehensive Plan and County ordinances meet the goals of LCDC, the Region 2040 Urban Growth Management Functional Plan and the Metro Framework Plan.
- 2.0 Ensure that the Comprehensive Plan is regularly reviewed and revised.
 - 2.1 Establish administrative and organizational procedures to ensure adequate monitoring of population, vacant lands, transportation systems, public facility capacities, and environmental and economic changes, including a computerized data retrieval system.
 - 2.2 Maintain the adopted citizen involvement program to provide a means for the public to express their views on County or community needs, changes and improvements.
 - 2.3 Periodically reassess goals, general policies and implementation, as well as the database and alternatives on which this Plan is based.
 - 2.4 Formally review the Comprehensive Plan at periodic intervals.
- 3.0 Amend the Comprehensive Plan pursuant to the following procedures and guidelines.

- 3.1 Allow initiation of a map amendment only by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner of the property for which a change is requested.
 - 3.2 Allow initiation of a text amendment only by the Board of County Commissioners, the Planning Commission, or the Planning Director.
 - 3.3 Consider all proposed Comprehensive Plan amendments at advertised public hearings before the Planning Commission and the Board of County Commissioners, in accordance with state law and County requirements.
 - 3.4 For quasi-judicial amendments, provide notice of application and public hearing to nearby property owners and the applicable Community Planning Organization a minimum of 20 days prior to the first scheduled public hearing. Provide a copy of the application to the applicable Community Planning Organization a minimum of 35 days prior to the first scheduled public hearing. For legislative amendments, provide notice of proposal and public hearing to all active and recognized Community Planning Organizations a minimum of 20 days prior to the first scheduled public hearing. ~~and~~ Ensure that the proposal is available for review; a minimum of 35 days prior to the first scheduled public hearing.
 - 3.5 Provide the opportunity for the Department of Land Conservation and Development and Metro to review and comment on proposed legislative amendments, pursuant to the applicable provisions of state law and the Metro Code.
 - 3.6 Recognize the Board of County Commissioners as the decision making body for ~~quasi-judicial and legislative Plan~~ amendments, but provide for the Planning Commission to make recommendations to the Board on these amendments, except in the case of a Plan amendment to designate an historic resource, in which case the Historic Review Board shall be the recommending body.
- 4.0 Coordinate the Plan with regional policies by allowing the acknowledged Plan to be "opened" periodically for amendments that specifically consider compliance with regional goals and objectives and functional elements.

- 4.1 "Open" the Plan, each of its elements, and the implementing ordinances for amendments that consider compliance with the goals and objectives and functional plans of Metro on a periodic basis.
- 4.2 Recognize that this provision is not to be construed as waiving any legal rights that the County may have to challenge the legality of a regional goal, objective or plan revision.
- 5.0 Authorize the Planning Director to make the initial decision on any questions of interpretation or applicability of this Plan. Provide for the initial decision to be appealed to the Planning Commission and for the Planning Commission's decision to be appealed to the Board of County Commissioners.
- 6.0 Implement this Plan through appropriate ordinances and action.
 - 6.1 Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan.
 - 6.2 Apply zoning in a timely manner that is consistent with this Plan.
 - 6.3 Require all zoning and subdivision ordinances to be consistent with the intent of, and based on, this Plan.
 - 6.4 Require all actions of the County on conditional uses, variances, and zone changes, ~~design review, and all other planning actions~~ to be consistent with the intent of this Plan.
- 7.0 Consider the development and adoption of Plan amendments to meet special needs within specific neighborhoods or communities.
 - 7.1 Develop when necessary detailed plans for areas of significant new development or redevelopment, Rural Communities, additional rural areas or areas of transition from rural to urban areas.
 - 7.2 Develop appropriate community plans to implement housing, transportation and park policies where necessary at the community level.
- 8.0 Provide public facilities and services appropriate for urban and nonurban designations through participation with regional agencies, cities and special districts in studies to determine needs, service areas and jurisdictional responsibility.

- 8.1 Include opportunities for appropriate citizen participation in all facilities and service plans and implementation decisions.
- 9.0 Pursue, as deemed appropriate, enactment or amendment of state statutes and regulations to facilitate opportunities for achieving the goals of this Plan.
- 10.0 Develop public financing systems that are more capable of providing the revenues needed to finance the public improvements needed to implement this Plan.
 - 10.1 Actively pursue funding possibilities including public/private partnerships, federal or state grants, real estate transfer tax, and tax increment financing to realize practical application and benefit of this Plan's policies.
 - 10.2 Pursue annual development of a Capital Improvement Program for the coming fiscal year, the next five years, and the long-term outlook.
 - 10.3 Coordinate with federal, state and regional governments to maximize their contributions to County projects.
 - 10.4 Evaluate the use of a systems development charge based on the development's impact to help alleviate its impact on transportation facilities, open space and other publicly financed facilities.
- 11.0 Ensure maximum public benefit from the policy directions in this Plan and the provisions in implementing ordinances by continuing to promote public information/education on land use opportunities and constraints.
- 12.0 Continue to administer state agency regulations at the local level in those cases where doing so will improve service to the people of the County. State programs that currently lend themselves to County administration include soil tests for septic tank suitability.

Ordinance ZDO-266
Zoning and Development Ordinance Amendments

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

102 PURPOSE AND SCOPE

102.01 PURPOSE

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

102.02 CONFORMANCE REQUIRED

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

102.03 VIOLATIONS AND ENFORCEMENT

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

102.04 INTERPRETATION

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

102.05 SAVING CLAUSE

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

102.06 ~~CONFLICTS~~CONFLICTING ORDINANCES

All other zoning ordinances or regulations, by whatever authority resolved or ordained, are herewith superseded and all such previous zoning ordinances or regulations are replaced. If standards in this Ordinance conflict with one another to the extent that it is not possible for a use or development to comply with both, or all,

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of the conflicting standards, the conflicts shall be resolved by giving precedence as follows, in descending order of importance:

- A. Standards required for an overlay zoning district in Section 700, *Special Districts*;
- B. Standards required in Section 800, *Special Use Requirements*;
- C. Standards required in Chapter 10 of the Comprehensive Plan for a community or design plan area;
- D. Standards required in the section of this Ordinance that regulates the underlying zoning district in which the subject property is located; and
- E. Standards required in Section 1000, *Development Standards*.

[Amended by Ord. ZDO-235, 5/14/12]

106 AUTHORIZATIONS OF SIMILAR USES

106.01 PURPOSE AND APPLICABILITY

Section 106 is adopted to provide standards, criteria, and procedures under which an authorization of a similar use may be approved.

A. The sections of this Ordinance that regulate individual zoning districts identify the uses permitted in those districts. In some cases addition, those sections also provide that an authorization of a similar use may be approved to allow a use that is not identified as permitted. In the absence of such a provision, Section 106 does not apply.

~~A. In the following zoning districts, uses similar to one or more of the listed uses for that zoning district may be authorized: PMD, NC, C-2, RCC, RTL, CC, C-3, PMU, SCMU, OA, OC, RCO, VCS, VO, RTC, RC, CI, BP, LI, GI, and RI Districts;~~

~~B. In the following zoning districts, uses similar to one or more of the listed limited uses for that zoning district may be authorized as a limited use: HDR, SHD, RCHDR, and MRR Districts;~~

~~C. Tables 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*, and 317-1, *Permitted Uses in the MRR and HR Districts*, identify instances where uses similar to a listed conditional use may be authorized as a conditional use; and~~

~~D. Conditional uses similar to one or more of the listed conditional uses for the Historic Landmark, Historic District, and Historic Corridor overlay zoning district may be authorized.~~

B. An authorization of a similar use is not a site-specific application, but rather it is a use-specific application. The decision on an application for authorization of a similar use is applicable to all land in the zoning district for which the request was made and is applicable only to the use described in the application.

C. If an application for an authorization of a similar use is approved, the proposed use shall be subject to the same approval criteria, review process, dimensional standards, and development standards as the use to which it is found to be most similar pursuant to Subsection 106.02(A), (B), (C), or (D).

106.02 APPROVAL CRITERIA PROCESS AND STANDARDS

An aAuthorization of a similar use requires review as an interpretation pursuant to Section 1308, *Interpretation*, and shall be subject to the following standards and criteria:

~~A. Authorization of a similar use is a type of interpretation application processed pursuant to Section 1308, *Interpretation*.~~

A. In the following zoning districts, the proposed use must be similar to one or more of the listed permitted uses in that same zoning district: BP, C-2, C-3, CC, CI, GI, LI, NC, OA, OC, PMD, PMU, RC, RCC, RCO, RI, RTC, RTL, SCMU, and VCS Districts.

B. In the following zoning districts, the proposed use must be similar to one or more of the listed permitted limited uses in that same zoning district: HDR, MRR, RCHDR, and SHD Districts.

C. In zoning districts regulated by Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*, or 317-1, *Permitted Uses in the MRR and HR Districts*, the proposed use must be similar to one or more uses that are:

1. Listed permitted conditional uses in that same zoning district; and
2. Identified by the applicable table as eligible to be the basis of an authorization of similar use.

D. In the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the proposed use must be similar to one or more of the listed permitted conditional uses in that overlay zoning district.

~~EB. A use may not be authorized as a similar use if it is specifically listed as prohibited in the applicable zoning district. "Specifically-listed" does not include general references to prohibited uses, such as "uses of structures and land not specifically allowed."~~

~~EC. A use may not be authorized as a similar use if it is specifically listed as a special use regulated by a Section 800, *Special Use Requirements*.~~

~~D. Similarity to a "preexisting" use may not serve as the basis for authorization of a similar use, even in zoning districts where "preexisting" uses are specifically listed as a primary, accessory, limited, or conditional use.~~

~~E. If a use is found to be similar to a primary, accessory, limited, or conditional use, it shall be subject to the same approval criteria, review process, dimensional standards, and development standards as the use to which it is found to be most similar.~~

[Added by Ord. ZDO-235, 5/14/12; 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-254, 1/4/16]

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.

ADULT BUSINESS: ~~A range of commercial activities characterized by live, closed circuit, or reproduced material which has an emphasis on nudity and/or specified sexual activity. Such businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, and adult paraphernalia shops, as defined below, and other establishments which feature any combination of activity or merchandise described below which collectively account for 25 percent, or more, of the establishment's activity or merchandise. These definitions shall not be construed to allow uses or activities which are unlawful under State criminal laws.~~

~~"Adult bookstore" is an establishment having as 25 percent or more of its merchandise for sale, rent, or viewing on the premises, such items as books, magazines, other publications, films, video tapes or video discs which are distinguished by their emphasis on specified sexual activities, as defined in this ordinance.~~

~~"Adult theater" is an establishment used for more than 25 percent of showtime for presenting material (either live, closed circuit, or prerecorded) for observation by patrons therein which has as a dominant theme an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.~~

~~"Adult arcade" is an establishment offering viewing booths or rooms for one or more persons in which 25 percent, or more, of the material presented (either live, closed circuit, or reproduced) is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.~~

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~~"Adult cabaret" is an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually, or in groups, where the exhibition material presented is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.~~

~~"Adult paraphernalia shop" is an establishment having as 25 percent or more of its merchandise objects which stimulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activities, as defined in this ordinance.~~

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.

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

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

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

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

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

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

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

"Bed and Breakfast Residence" provides overnight accommodations plus breakfast and occasional family-style meals for guests, in an operator- or owner-occupied dwelling that provides up to five rooms on an occasional or regular basis. Income derived from the bed and breakfast activity may represent a primary source of income. Bed and breakfast residences are subject to Section 832, and all requirements of the underlying district.

"Bed and Breakfast Inn" provides accommodations plus breakfast on a daily or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLACKAMAS REGIONAL CENTER AREA: The Clackamas Regional Center Area identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors,*

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and Station Community, excluding the portion in the City of Happy Valley.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRIP IRRIGATION:—Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour.

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.

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

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

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

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

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

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

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

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

DWELLING UNIT, ACCESSORY: A dwelling unit located on the same lot of record as a primary dwelling. The primary dwelling may be an attached or detached single-family dwelling, 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.

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

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

FAMILY DAYCARE PROVIDER: A daycare provider who regularly provides daycare to 16 or fewer children, or as amended by ORS 329657A.440, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of daycare to more than 16 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters shall constitute the operation of a "daycare facility" and shall be subject to the requirements of this Ordinance for daycare facilities.

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

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

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

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 ~~square-footage of building floor area (in square feet) to the square-footage of the 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 .50:1, or .5.

~~**FRATERNITY OR SORORITY HOUSE:** A building occupied by and maintained exclusively for students affiliated with a school or college.~~

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*.

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

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

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

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

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

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

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

- 1A. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R 355, App. A and B);
- 2B. Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R 302, Table 302.4);
- 3C. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R Section 372.65);
- 4D. 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
- 5E. 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

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architectural periods or styles typical of the history of the County and which improvements constitute a distinct section of the County that has been designated a cultural resource district pursuant to this ordinance.

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

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

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

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

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

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

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

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construction and operation.

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

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

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

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

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

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

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

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

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

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

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perennials, or trees.

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

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

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

LOT AREA OR LOT SIZE: The total surfacehorizontal 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 with access limited to, and frontage on, a state, County, public or private road and also with frontage on an intersecting private road or access drive is not a corner lot for the purpose of determining setbacks provided that the lot does not take access onto the latter abutting private road or access drive. In such a case, the frontage on the latter private road or access drive shall be treated as a side lot line. 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 ~~"lot depth" is the~~ mean horizontal distance between the front lot line and the rear lot line of a lot.

~~**LOT, DOUBLE FRONTAGE:** A lot with street frontage along two opposite boundaries. See also "LOT, REVERSE FRONTAGE" AND "LOT, THROUGH".~~

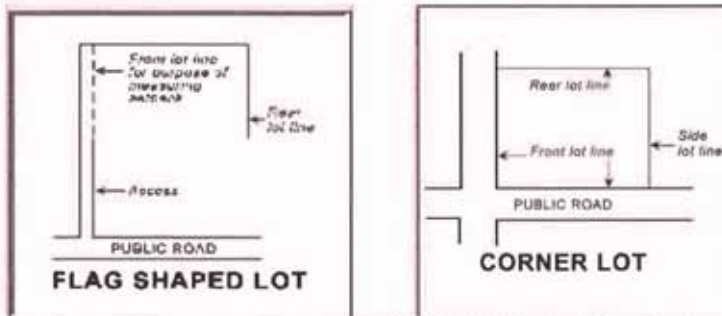
LOT, FLAG: A lot that has access to a road by means of a narrow strip of lot or easement.

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

1. ~~Except as otherwise provided in Subsection 903.087 of this Ordinance,~~ the front lot line of a flag lot, ~~for the purpose of determining setbacks,~~ 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 following illustration for flag-shaped lot.)

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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.



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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 in the case of a corner lot, the rear lot line shall be any one of the boundary lines opposite the front lot lines. Any other opposite boundary line shall be a side lot line. (See Figure 202-2 illustration above for corner lot).
2. In the case of a triangular-shaped lot; has there shall be no rear lot line for setback purposes.
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:

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1A. 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.

2B. A unit of land created solely to establish a separate tax account, or for mortgage purposes, that does not conform to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed, tax account or contract creating it was signed by the parties to the deed or contract, unless it is sold under the foreclosure provisions of Chapter 88 of the Oregon Revised Statutes.

~~LOT, REVERSE FRONTAGE: A double-frontage lot for which the boundary along one of the streets is established as the rear lot line. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other feature which shall preclude access. See also "LOT, DOUBLE FRONTAGE" AND "LOT, REVERSE FRONTAGE".~~

~~LOT, THROUGH: A lot, other than corner lots, that has street frontage abut on two or more non-intersecting streets. A lot may be both a corner lot and a through lot. See also "LOT, DOUBLE FRONTAGE" AND "LOT, REVERSE FRONTAGE".~~

~~LOT WIDTH: The "lot width" is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.~~

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

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

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

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

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

MANUFACTURED HOME: A structure constructed on or after June 15, 1976, for a movement on the public highways that has sleeping, cooking and plumbing facilities,

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that is designed, intended to be and/or being used for human occupancy by a family for residential purposes, and constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

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

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

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

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

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

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

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

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

MILL SITE, ABANDONED OR DIMINISHED: A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after

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January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.

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

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

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

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

~~**MULTI-USE DEVELOPMENT:** A Multi-Use Development is a development which includes a number of distinct categories of uses, one or more of which is not allowed as a primary or accessory use in the underlying zoning district. Multi-Use Developments are allowed as conditional uses subject to the procedures and standards set forth in Section 1016 of this Ordinance.~~

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.

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

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

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

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

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

OVERHEAD SPRINKLER IRRIGATION SYSTEMS: ~~The application of irrigation systems that deliver~~ water for irrigation 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 structure~~ having at least two levels ~~that are~~ which is designed and used for parking vehicles, or a ~~building structure~~ having one level of covered parking area under an open space or recreational use. A one-level

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surface parking area, garage, or carport ~~shall not be considered is not~~ a "parking structure" ~~for purposes of this Ordinance.~~

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, ~~or~~ gazebos, water features, drinking fountains, sculpture, outside seating areas, ~~landscape~~ planters, trellises, and street furniture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 junk-yard.

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, JUNK-YARD: A location on which solid wastes are separated, collected, and/or stored pending resale.

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

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

~~**SCREENING:** Sight-obscuring fence, or sight-obscuring planting.~~

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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., i.e. 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.

SIGHT-OBSCURING FENCE: Any fence or wall which conceals or makes indistinct any object viewed through such fence or wall.

SIGHT-OBSCURING PLANTING: A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six feet within 30 months after planting.

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,

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freestanding signs, wall signs, roof signs, logo signs, and signs on the following: marquees, awnings, canopies, street clocks and furniture and includes the surface upon which the presentation or representation is displayed.

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

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

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

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

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

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

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

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

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

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

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

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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

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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 SENSING DEVICE OR SOIL MOISTURE SENSOR: A device that measures the amount of water in the soil. The device ~~may~~ also suspend ~~and~~ initiates ~~an~~ irrigation events.

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

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

SOLID WASTE: Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to: garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are

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immobile and/or inoperable; manufactured dwellings or residential trailers which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms "solid waste" or "waste" do not include:

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

~~**SPECIFIED SEXUAL ACTIVITIES:** Real or simulated acts of human sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochism abuse (as defined on ORS 167.060), sodomy, or the exhibition of human sexual organs in a stimulated state, or the characterization thereof in printed form. This definition shall not be construed to allow uses or activities which are unlawful under State criminal laws.~~

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

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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 1002.045(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~~ ~~division of property~~ creating 11 or more lots in the same calendar year.

SUBDIVISION, MINOR: A ~~subdivision~~ ~~division of property~~ 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

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include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads.

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

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

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

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

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

SUSTAINABILITY: *Using, developing, and protecting resources in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic, and community needs.*

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

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

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

TRANSIT STOP: Any posted bus or light rail stop.

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

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. ~~For an underground structure to be a "dwelling unit", access must be provided to outdoor space at floor level (within two feet of elevation) equal to at least 20 percent of the square footage of the enclosed, covered area of the structure.~~

~~Underground structures must meet all appropriate Uniform Building Code regulations and the requirements of the subject zoning district, except as provided in Section 904 of this Ordinance.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YARD: The open space, on a lot, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

YARD, FRONT: Any yard abutting a state highway, County road, public road, private road, or access drive, except as modified by Subsections 903.01 and 903.07 of this Ordinance.

YARD, REAR: Any yard abutting a rear lot line.

YARD, SIDE: Any yard abutting a side lot line.

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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]

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, ~~*Authorization of Similar Uses*~~.

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.

~~5.6.~~ "X" means the use is prohibited.

~~6.7.~~ 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*.

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 ¹	A ¹	A ¹	A ¹	X	A ¹	A ¹	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 daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance <u>and property management</u> 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	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
antennas and receivers, transit amenities, trellises, and utility service equipment											
Bed and Breakfast Inns , subject to Section 832	C	X	C	X	X	P	P	P	X	L ³² ,C ⁴ ₃	L ²⁴
Bed and Breakfast Residences , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
Bus Shelters , subject to Section 823	A	A	A	A	P	A	A	A	A	A	X
Cemeteries , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
Civic and Cultural Facilities , including art galleries, libraries , museums, and visitor centers	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³² ,C ⁴ ₃	L ²⁴
Churches , subject to Section 804	C	C	C	CPU DX	CX	C ⁷	C ⁷	C	CP UD X	C	C
<u>Community Halls</u>	CPU D	CPUD	CPU D	CPU D	CPU D	CP UD	CP UD	CPU D	CP UD	CPU D	CPU D
Congregate Housing Facilities	X	X	X	P	P	P	P	P	P	P	P
Daycare Facilities , subject to Section 807	C	C	C	C	C	C	C	L ⁵ ,C	C	L ³² ,C ⁴ ₃	L ²⁴
Daycare Services, Adult	C	C	C	C	C	C	C	L ⁵ ,C	C	L ³² ,C ⁴ ₃	L ²⁴
Dwellings, Attached Single-Family , subject to Section 838	p ^{7,8,9}	P ^{87,910} ,C ⁸ 7,1011	P	P	X	P ¹¹	P ¹¹	X	X	X	X
Dwellings, Clustered Single-Family	X	X	X	X	P	X	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR- 5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Dwellings, Detached Single-Family	P ⁸⁷	P ⁸⁷	X	X	X	X	X	X	X	X	X
Dwellings, Multifamily	X	X	X	P ¹²	P	P	P	P	P	P	P
Dwellings, Three-Family	C ¹³⁷	C ¹³⁷	X	P	P	P	P	P	P	X	X
Dwellings, Two-Family	C ¹³⁷	C ¹³⁷	X	P	P	P	P	P	P	X	X
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C ⁴³	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 ³² ,C ⁴ ₃	L ²⁴
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L ⁵ ,C	X	L ^{32,131} ₄ ,C	L ²⁴ ,C
Fraternal Organization Lodges	C ¹⁵¹⁴	X	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵ ₁₄	C ¹⁵ ₁₄	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵¹⁴
Government Uses , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ¹⁵¹⁴	X	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵ ₁₄	C ¹⁵ ₁₄	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵¹⁴
Guest Houses or Studios , subject to Section 833	A	X	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
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹⁶¹⁵	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 ¹⁷¹⁶	L ² ,C
Hydroelectric Facilities , subject to Section 829	C	X	C	X	X	C	C	C	X	C	X
Libraries	<u>CPU</u> <u>D</u>	<u>CPUD</u>	<u>CPU</u> <u>D</u>	<u>CPU</u> <u>D</u>	<u>CPU</u> <u>D</u>	<u>CP</u> <u>UD</u>	<u>CP</u> <u>UD</u>	<u>L⁵,C⁶</u> <u>CPU</u> <u>D</u>	<u>CP</u> <u>UD</u>	<u>L²,C³</u> <u>CPU</u> <u>D</u>	<u>L⁴,CP</u> <u>UD</u>
Livestock , subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
Manufactured Home 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 ⁸⁷	P ⁸⁷	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

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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
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments , subject to Section 1016	C	X	X	X	X	C	X	C	X	C	X
Nursing Homes , subject to Section 810	C	C	C	P	P	P	P	P	P	P	P
Offices , including accounting services, administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³² ₃ ,C ⁴	L ²⁴
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 ³² ₃ ,C ⁴	L ²⁴
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

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
Produce Stands , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
Public Utility Facilities ¹⁸¹⁷	C ¹⁵¹⁴	X	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵¹⁴ ₁₄	C ¹⁵¹⁴ ₁₄	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵¹⁴
Radio and Television Studios , excluding transmission towers	X	X	X	X	X	X	X	X	X	L ³² ₃ , C ⁴	X
Radio and Television Transmission and Receiving Towers and Earth Stations ¹⁹¹⁸	C ¹⁵¹⁴	X	C ¹⁵¹⁴	X	X	C ¹⁵¹⁴ ₁₄	C ¹⁵¹⁴ ₁₄	C ¹⁵¹⁴	X	C ¹⁵¹⁴	C ¹⁵¹⁴
Recreational Vehicle Camping Facilities , subject to Section 813	X	X	X	X	X	C ¹⁵¹⁴ ₁₄	C ¹⁵¹⁴ ₁₄	C ¹⁵¹⁴	X	X	X
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 ²⁰¹⁹	P ²⁴²⁰	P ²⁴²⁰	P ²⁴²⁰	P ²²²¹	P ²²²¹	P ²²²¹ ₁	P ²²²¹ ₁	P ²²²¹	P ²²²¹ ₁	P ²²²¹	P ²²²¹

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
Recreational Uses, Government-Owned Golf Courses ²⁰¹⁹	P ²¹²⁰	X	P ²¹²⁰	X	C ⁺⁵¹⁴	P ²²² ₁	P ²²² ₁	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	C ⁺⁵¹⁴
Recreational Uses , including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools ²⁰¹⁹	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	C ⁺⁵ ₁₄	C ⁺⁵ ₁₄	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	C ⁺⁵¹⁴
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	<u>CPU</u> <u>D²²</u> X	<u>CPUD²²</u> X	<u>CPU</u> <u>D²²</u> X	<u>CPU</u> <u>D²²</u> X	<u>CPU</u> <u>D²²</u> X	<u>CP</u> <u>UD</u> <u>22</u> X	<u>CP</u> <u>UD</u> <u>22</u> X	L ⁵ ,C ⁶ ₃ <u>CPU</u> <u>D²²</u>	<u>CP</u> <u>UD</u> <u>22</u> X	L ³² ,C ⁴ <u>3,CPU</u> <u>D²²</u>	L ²⁴ ,C <u>PUD²</u> <u>2</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
Schools , subject to Section 805	C	C	C	<u>CPU</u> <u>DX</u>	<u>CPU</u> <u>DX</u>	C	C	L ^{5,23,24} C ^{6,23,24} <u>CPU</u> <u>D</u>	<u>CP</u> <u>UD</u> <u>X</u>	L ^{32,23,24} C ^{43,23,24} <u>CPU</u> <u>D</u>	L ^{24,23,24} <u>CPU</u> <u>D</u>
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 ³² ,C ⁴ ₃	L ²⁴
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 ⁴³	X
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	<u>CPU</u> <u>D22X</u>	<u>CPUD²²</u> <u>X</u>	<u>CPU</u> <u>D22X</u>	<u>CPU</u> <u>D22X</u>	<u>CPU</u> <u>D22X</u>	<u>CP</u> <u>UD</u> <u>22X</u>	<u>CP</u> <u>UD</u> <u>22X</u>	L ⁵ ,C ⁶ <u>CPU</u> <u>D²²</u>	<u>CP</u> <u>UD</u> <u>22X</u>	L ³² ,C ⁴ ₃ , <u>CPU</u> <u>D²²</u>	L ²⁴ , <u>C</u> <u>PUD²</u> ₂
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 ³² ,C ⁴ ₃	L ²⁴

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	
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 ⁴¹	X	
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstery, and veterinary	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³² ,C ⁴ ₃	L ²⁴	
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.	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	L ⁵ ,C ⁶ ₃ <u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	L ³² ,C ⁴ ₃ <u>CPUD²²</u> D²² X	L ²⁴ ,C <u>PUD²</u> 2
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	L ⁵ ,C ⁶ ₃ <u>CPUD²²</u> D²² X	<u>CPUD²²</u> D²² X	L ³² ,C ⁴ ₃ <u>CPUD²²</u> D²² X	L ²⁴ ,C <u>PUD²</u> 2	
Signs , subject to Section 1010	A ²⁵²⁴	A ²⁵²⁴	A ²⁵²⁴	A ²⁵²⁴	A ²⁵²⁴	A ²⁵ 24	A ²⁵ 24	A ²⁵²⁴	A ²⁵ 24	A ²⁵²⁴	A ²⁵²⁴	
Telephone Exchanges	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	C ¹⁵ 14	C ¹⁵ 14	C ⁺⁵¹⁴	X	C ⁺⁵¹⁴	C ⁺⁵¹⁴	
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	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C	C	C	C	C	C	C	C	C	C

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

- 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. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.

³ 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 ~~total~~-building floor area occupied by all limited uses shall not exceed 15 percent of the ~~total~~-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.

⁴ 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.

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 ~~total~~-building floor area occupied by all limited uses shall not exceed 10 percent of the ~~total~~-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 ~~total~~-building floor area occupied by all limited uses, and by all conditional uses that are subject to Note ~~6 to Table 315-1~~, shall not exceed 10 percent of the ~~total~~-building floor area occupied by primary uses.

- ~~7~~—This use is limited to alteration or expansion of a church lawfully established prior to July 14, 1980. The use shall not extend beyond the property that was under the ownership of, or occupied by, the preexisting church and associated facilities prior to July 14, 1980.
- ~~78~~ Except as limited by ~~Note 1(b) to Table 315-2 Subsection 902.02~~ or as allowed by Subsection 315.05(A) or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: attached single-family dwelling—if permitted by Note ~~8, 9, or 10 to Table 315-1~~—detached single-family dwelling, or manufactured home. The development of two- and three-family dwellings is subject to Subsection 1012.07, and, if a lot of record is also to be developed with a single-family dwelling or manufactured home, the entire development is subject to Section 1012, Lot Size and Density.
- ~~89~~ 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.
- ~~910~~ 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.
- ~~1011~~ Attached single-family dwellings that do not comply with Note ~~910 to Table 315-1~~ are a conditional use.
- ~~11~~ For an attached single-family dwelling, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats, new lots or parcels are proposed for attached single-family dwellings. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.
- ~~1212~~ Multifamily dwellings are limited to those containing four dwelling units.
- ~~13~~ ~~Two- and three-family dwellings are subject to Section 802, Two- and Three-Family Dwellings.~~
- ~~1314~~ Only indoor facilities are permitted.
- ~~1415~~ Uses similar to this use may be authorized pursuant to Section 106.
- ~~1516~~ 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 315-1.

¹⁶⁴⁷ Hotels in the SHD District are limited to a maximum of 80 units per gross acre.

¹⁷⁴⁸ Public utility facilities shall not include shops, garages, or general administrative offices.

¹⁸⁴⁹ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

¹⁹²⁰ This use may include concessions, restrooms, maintenance facilities, and similar support uses.

²⁰²¹ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

²¹²² Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

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.

²³ Only commercial schools are permitted, and such -

²⁴ ~~s~~ Schools are not subject to Section 805, *Schools*.

²⁴²⁵ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

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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, *Minimum Side and Rear Yard Depths for Certain Accessory Buildings in the Urban Low Density Residential Districts*; 315-34, *Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-45, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*; and in Subsections 315.04(C) and (D)~~. As used in Tables 315-2 through 315-45, numbers in superscript correspond to the notes that follow each table.
- B. Modifications: ~~Modifications to~~ The standards in Tables 315-2 through 315-45 ~~are established~~ may be modified pursuant to by Sections 800, *Special Use Requirements*; 902, *Lot Size Exceptions*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1013, *Planned Unit Developments*; 1014, *Design Standards for Land Divisions*; 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~~ may be modified pursuant to Sections 903, *Setback Exceptions*; and 904, *Other Exceptions*.
- C. ~~Exceptions in the Urban Low Density Residential Districts: In the Urban Low Density Residential Districts, exceptions apply to the dimensional standards of Table 315-2 as follows:~~
- ~~1. Maximum lot coverage does not apply to swimming pools.~~
 - ~~2. Maximum lot coverage is 50 percent for a lot of record that is 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.~~
 - ~~3. For a detached single family dwelling, minimum rear yard depth is 10 feet and there is no minimum side yard depth from one side lot line if:

 - ~~a. The dwelling is developed on 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; and~~
 - ~~b. The portion of the dwelling sited within the minimum yard depth area ordinarily required by Table 315-2 does not block solar access to an existing window or solar energy system located on the adjacent properties.~~~~
 - ~~4. The minimum front yard depth for an accessory swimming pool shall be 10 feet. The minimum side and rear yard depths for an accessory swimming pool shall be three feet.~~
 - ~~5. The minimum yard depths shown in Table 315-3 apply to accessory buildings that comply with the following criteria:~~

- ~~a. The accessory building shall be located behind the building line of the main building; and~~
 - ~~b. The accessory building shall be detached from any other building.~~
- ~~6. An accessory building that is larger than 500 square feet in area and does not share a common wall with the primary dwelling shall be subject to the following standards:~~
 - ~~a. The maximum building height shall be 20 feet or the height of the primary dwelling, whichever is greater.~~
 - ~~b. The square footage shall not exceed that of the ground floor of the primary dwelling and any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage).~~
- ~~D. Exceptions in the MR-1 District: In the MR-1 District, the following exceptions apply to the dimensional standards of Table 315-5:~~
 - ~~1. Maximum lot coverage does not apply to swimming pools.~~
 - ~~2. The minimum front yard depth for an accessory swimming pool shall be 10 feet. The minimum side and rear yard depths for an accessory swimming pool shall be five feet, unless the side or rear lot line abuts a VR-4/5, VR-5/7, or Urban Low Density Residential District, in which case the minimum yard depth shall be 15 feet from the abutting lot line.~~
 - ~~3. The minimum yard depths shown in Table 315-3 apply, where indicated by Note 1 to Table 315-3, to accessory buildings that comply with the following criteria:~~
 - ~~a. The accessory building shall be located behind the building line of the main building, if the side or rear yard depth is less than three feet; and~~
 - ~~b. The accessory building shall be detached from any other building.~~

Table 315-2: Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts¹

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
<u>District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size^{1,2}</u>	2,500/ <u>2,000</u> square feet	5,000 ³ / <u>4,000</u> square feet	7,000 ³ / <u>5,600</u> square feet	8,500 ³ / <u>6,800</u> square feet	10,000 ³ / <u>8,000</u> square feet	15,000 ³ / <u>12,000</u> square feet	20,000 ³ / <u>16,000</u> square feet	30,000 ³ / <u>24,000</u> square feet
Maximum Lot Coverage	<u>50 percent⁴</u>		40 percent ^{4,5}					
Maximum Building Height	<u>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</u> <u>All other buildings: 35 feet</u>							
Minimum Front <u>Setback Yard Depth</u>	15 feet, except 20 feet to garage and carport motor vehicle entries ⁶							
Minimum Rear <u>Setback Yard Depth</u>	20 feet ^{6,7,8,9}							
Minimum Side <u>Setback Yard Depth</u>	5 feet ^{6,7,8,9}							

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Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
<p><u>Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling</u></p>	<p><u>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)</u></p>							
<p><u>Building Design Standards for Single-Family Dwellings and Manufactured Homes¹⁰</u></p>	<p><u>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).</u></p>							

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Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
<u>Building Design Standards for Buildings Accessory to a Single-Family Dwelling or Manufactured Home</u>	<p><u>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.</u></p> <p><u>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.</u></p>							

¹ ~~Refer to Subsections 315.04(B) and (C) and Table 315-3 for modifications and exceptions.~~

¹² ~~The minimum lot size standards, as modified pursuant to Sections 800, *Special Use Requirements*; 902, *Lot Size Exceptions*; 1013, *Planned Unit Developments*; 1014, *Design Standards for Land Divisions*; 1107, *Property Line Adjustments*; and 1205, *Variances*, apply as established by Sections 1012 and 1107 to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except: as limited by~~

~~a. Minimum lot size standards of Section 800 apply; and Subsection 902.02.~~

~~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 district land area standard applies pursuant to Section 1012.~~

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.~~

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- 4 Maximum lot coverage in a planned unit development is 65 percent.
- 5 Outside a planned unit development, maximum lot coverage is 50 percent for a lot of record that is:
 - a. 6,000 square feet or less in area, was created prior to the application of an Urban Low Density Residential District to the subject lot of record, and is developed with a detached single-family dwelling; or
 - b. Developed with an attached single-family dwelling.
- 6 For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet, and the minimum side and rear setbacks are three feet.
- 7 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. In a zero-lot-line development, approved pursuant to Subsection 1105.03(B), there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-2.
- 8 The following exceptions apply to a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record:
 - a. The minimum rear setback for a detached single-family dwelling is 10 feet.
 - b. The minimum side setback for a detached single-family dwelling is a total of five feet (e.g., five feet from one side lot line and zero from the other, three feet from one side lot line and two feet from the other) except that if the subject lot of record has more than two side lot lines, the minimum side setback from each of the additional side lot lines is five feet.
- 9 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:

Table 315-3: Minimum Side and Rear Yard Depths for Certain Accessory Buildings in the Urban Low Density Residential Districts

Building Area	Building Height			
	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet and ≤ 15 feet	> 15 feet

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≤ 100 square feet	None ¹	3 feet side and rear ¹	5 feet side and rear	5 feet side, 10 feet rear
> 100 square feet and ≤ 200 square feet	3 feet side and rear ¹	3 feet side and rear ¹	5 feet side and rear	5 feet side, 10 feet rear
> 200 square feet and ≤ to 500 square feet	5 feet side and rear ²	5 feet side and rear ²	5 feet side and rear ²	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

¹—~~This standard applies in the MR-1 District also.~~

²—~~The accessory building shall be separated from other buildings by a minimum of three feet.~~

¹⁰ These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.

Table 315-34: Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts

Standard	VR-5/7	VR-4/5	VTH
General Standards			
<u>District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size¹</u>	5,000/ <u>4,000</u> square feet	4,000/ <u>2,000</u> square feet	2,000/ <u>2,000</u> square feet ^{2,3}
Maximum Lot Size ¹	7,000 square feet ^{3,4}	5,000 square feet ^{3,5}	3,000 square feet ^{2,6,4}
Maximum Lot Coverage	50 percent ⁷		65 percent
<u>Maximum Height for Fences and Sight-Obscuring Plantings</u>	<u>6 feet at or behind the building line of the main building; 4 feet forward of the building line of the main building</u>		
<u>Maximum Driveway Width</u>	<u>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}</u>		<u>See Subsection 1005.12(B)(4).</u>
<u>Minimum Percentage of Lots in a Subdivision that Shall have Alley Motor Vehicle Access Only</u>	<u>50 percent of lots with frontage on an alley⁷</u>		<u>Not Applicable</u>
<u>Garage/Carport Design for Primary Dwellings</u>	<u>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}</u>	<u>All garages and carports shall be recessed.^{7,9}</u>	<u>See Subsection 1005.12(B).</u>
<u>Standards for Primary Dwellings</u>			

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Standard	VR-5/7	VR-4/5	VTH
Maximum Building Height for Primary Dwellings	35 feet ⁸		
Maximum Height for Fences and Sight-Obseuring Plantings	6 feet at or behind the building line of the main building; 4 feet forward of the building line of the main building		
Minimum Front Setback Yard Depth for Primary Dwellings ⁵	10 feet for a dwelling with a recessed garage; 19½ feet to the garage door/ <u>carport motor vehicle entry</u> for a dwelling with a non-recessed garage/ <u>carport</u> ^{6,8,9,10,11,12}	10 feet for a dwelling with a recessed garage; 19½ feet to the garage door for a dwelling with a non-recessed garage ^{6,7,11,12}	10 feet ^{7,8,9,10,13,14,15}
Maximum Front Setback Yard Depth for Primary Dwellings ⁵	18 feet for a dwelling with a recessed garage; 20½ feet to the garage door/ <u>carport motor vehicle entry</u> for a dwelling with a non-recessed garage/ <u>carport</u> ^{14,12,13,8,9,10,11,16,17,18}	18 feet for a dwelling with a recessed garage; 20½ feet to the garage door for a dwelling with a non-recessed garage ^{14,12,13,7,11,16,17,18}	18 feet ^{7,8,13}
Minimum Rear Setback Yard Depth for Primary Dwellings ⁵	15 feet ^{7,8,11,19}		15 feet ¹⁹
Minimum Side Setback Yard Depth for Primary Dwellings ⁵	0 on one side; 5 feet on all other sides ^{7,8,11,19}		5 feet ^{7,14,19,20}

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Standard	VR-5/7	VR-4/5	VTH
<p><u>Building Design Standards</u>^{7,8}</p>	<ul style="list-style-type: none"> • <u>Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall.</u> • <u>Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.</u> • <u>Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.</u> • <u>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.</u> • <u>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.</u> 		<p style="text-align: center;"><u>See Subsections 1005.04(F) and 1005.12(A).</u></p>
<p><u>Accessory Building Standards for Buildings Accessory to a Dwelling</u></p>			
<p>Maximum Number of Accessory Buildings <u>per Lot of Record</u></p>	<p>Two</p>		
<p>Minimum Separation Distance Between an Accessory Building and any other Building <u>on the Same Lot of Record</u></p>	<p>3 feet</p>		
<p>Maximum Building Height⁺⁵</p>	<p>25 feet or the building height of the primary dwelling, whichever is less²¹</p>		

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Standard	VR-5/7	VR-4/5	VTH
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 <u>Setback-Yard Depth</u> ⁵	Greater than or equal to the front setbackyard depth of the front -facade of the primary dwelling (not including porches, <u>patios</u> , bays, garages, and architectural features) ^{168,22}		
<u>Exterior Building Materials</u>	<u>Buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling.</u> ⁸		
<u>Accessory-Building-Minimum Rear and Side SetbackDepth Standards for Buildings Accessory to a Primary Dwellingin the VR-4/5, VR-5/7, and VTH Districts</u> ^{59,19}			
Building Height			
<u>Building Area</u>	<u>Building Height</u>		
Building Area	≤ 8 feet	> 8 feet and ≤ 20 feet	> 20 feet

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Standard	VR-5/7	VR-4/5	VTH
≤ 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 ^{1,723}	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 ^{1,723}
> 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 ^{1,723}		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 ^{1,723,482,4}

- ¹ ~~The minimum and maximum lot size standards, as modified pursuant to Sections 800, Special-Use Requirements; 902, Lot-Size-Exceptions; 1013, Planned-Unit-Developments; 1014, Design-Standards-for-Land-Divisions; 1107, Property-Line-Adjustments; and 1205, Variances, apply as established by Sections 1012 and 1107 to subdivisions, partitions, and property-line adjustments.~~ Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except ~~as limited by~~ minimum lot size standards of Section 800 ~~apply and Subsection 902.02.~~
- ² The minimum and maximum lot size standards apply only to lots ~~or parcels for developed~~ with attached single-family dwellings.
- ³ ~~The maximum lot size standard applies only to lots or parcels for single-family dwellings or manufactured homes.~~
- 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.~~

- ~~3~~ The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use shall be 3,000 square feet.
- ~~4~~ The maximum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use shall be 5,000 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.
- ~~8~~ Development on lots in the plat of Sieben Creek Estates (plat no. 3039) is not required to comply with this standard.
- ~~9~~ A recessed garage or carport is a garage or carport with a front setback to the garage door or carport motor vehicle entry that is a minimum of five feet greater (i.e., farther from the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- ~~10~~ A non-recessed garage or carport shall have a front setback to the garage door or carport motor vehicle entry that is a maximum of five feet less (i.e., closer to the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- ~~115~~ In the VR-4/5 and VR-5/7 Districts, the minimum and maximum setback-yard depth standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*.
- ~~126~~ A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.
- ~~7~~ The yard depth standards of the VR-4/5 District shall apply to detached single-family dwellings that are nonconforming uses, as well as to buildings that are accessory to such dwellings.
- ~~138~~ For the purposes of the minimum and maximum front yard depth standards, frontage on an designated accessway shall be considered a front lot line.
- ~~149~~ On a corner lot, the minimum setback depth from one front lot line yard is shall be eight feet, provided that the lot line yard abuts a road with a functional classification of local or connector.
- ~~1510~~ Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback yard depth.
- ~~1614~~ If a public utility easement precludes compliance with the maximum front setback yard depth standard, the maximum shall be as close to the front lot line as possible.
- ~~1712~~ Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback yard depth standard.
- ~~1813~~ If a lot has more than one front lot line, compliance with the maximum front setback yard depth standard is required from only two intersecting front lot lines.

- ¹⁹ In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-3.
- ²⁰¹⁴ ~~For the purposes of the minimum side yard depth standard, F~~ frontage on a pedestrian connection shall be considered a side lot line.
- ²¹⁴⁵ The maximum building height standard applies only to accessory buildings larger than 100 square feet.
- ²²⁴⁶ ~~Except as modified by Subsection 315.05(N), A~~ garages in the VR-4/5, VR-5-7, and VTH Districts ~~may be required to be recessed, as defined by Note 10, in order to~~ shall comply with the standard for garage/carport design for primary dwellings ~~Subsection 315.05(K); 315.05(L), or 1005.12(B), respectively.~~
- ²³⁴⁷ ~~Frontage on a pedestrian connection shall be considered a side lot line~~ If a rear or side lot line abuts a pedestrian pathway, sidewalk, or accessway, and the minimum setback yard depth is shall be five feet.
- ²⁴⁴⁸ 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 yard.

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Table 315-45: 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 Dwelling Units per Net Acre	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 101230 ¹
Minimum Site Area	Not Applicable	Not Applicable	Not Applicable	1-acre ^{2,3,4}	Not Applicable	3-acres ^{2,3,5}	3-acres ^{2,3,5}
Minimum Lot Size	None	None ⁶¹	None ⁷²	None ^{8,9}	None	None ^{10,11}	None ^{10,11}
Minimum Front Setback Yard Depth	<u>1525</u> feet, except 20 feet to garage and carport motor vehicle entries	<u>1520</u> feet, except 20 feet to garage and carport motor vehicle entries ^{123,4}	<u>1520</u> feet, except 20 feet to garage and carport motor vehicle entries ¹²⁴	15 feet ¹²⁵	10 feet ^{136,147}	15 feet ¹²	5 feet ^{12,158}
Maximum Front Setback Yard Depth	See Subsections 1005.03(E) and (H).None	See Subsections 1005.03(E) and (H).None	See Subsections 1005.03(E) and (H).None	See Subsections 1005.03(E) and (H).None	18 feet ¹³⁶	See Subsections 1005.03(E) and (H).None	20 feet ^{12,158,162}
Minimum Rear Setback Yard Depth	30 feet ¹⁷¹⁰	20 feet ^{125,10,11,12}	20 feet ^{125,10}	See Subsection 1018.1012 ¹²⁵	None ^{136,147}	See Subsection 1018.1012 ¹²	See Subsection 1018.1012 ^{12,1813}

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Minimum Side Setback Yard Depth	30 feet ^{17,10}	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. ^{17,5,10,11,12,14,15,19}	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. ^{17,5,10,14,15,19}	See Subsection 1018.10+2 ^{17,5}	None	See Subsection 1018.10+2 ¹⁷	See Subsection 1018.10+2 ^{17,20,16}
Maximum Lot Coverage	None	50-percent ²¹	50-percent	50-percent	50-percent	None	None
Maximum Building Height	None	None	None	None	45 feet ²²	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1018.10+2	20 feet between multifamily dwellings	See Subsection 1018.10+2	See Subsection 1018.10+2

¹—~~Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).~~

²—~~Minimum site area means minimum gross site area, including land dedicated for roadway purposes. Site area means one of the following:~~

- ~~• A single tax lot, or two or more contiguous tax lots under the same ownership; or~~
- ~~• Two or more contiguous tax lots under separate ownership, provided that:

 - ~~▪ All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and~~
 - ~~▪ All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project; or the group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County-approved development plan for the site area.~~~~

- ~~3—Primary and accessory uses may be established on site areas smaller than the minimum site area standard, if the site area is physically separated from all other undeveloped or underdeveloped properties in the subject zoning district.~~
- ~~4—The minimum site area standard applies to high density developments.~~
- ~~5—The minimum site area standard applies to developments combining primary, accessory, and limited uses.~~
- ~~16 The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is shall be 3,630 square feet.~~
- ~~27 The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is shall be 2,4203,000 square feet.~~
- ~~8—If a lot is created for a detached single-family dwelling classified as a nonconforming use, the minimum lot size for the other lot(s) created by the land division shall be one acre.~~
- ~~9—If a lot less than one acre in size results from a property line adjustment, it may not be developed unless combined with other property as provided under Note 2 to Table 315-5.~~
- ~~10—If a lot is created for a detached single-family dwelling classified as a nonconforming use, the minimum lot size for the other lot(s) created by the land division shall be three acres.~~
- ~~11—If a lot less than three acres in size results from a property line adjustment, it may not be developed unless combined with other property as provided under Note 2 to Table 315-5.~~
- ~~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 an attached single-family dwelling, the minimum front setback from one front lot line is 10 feet, except that the minimum shall be 20 feet to garage and carport motor vehicle entries.~~
- ~~5+2 The minimum setbackyard depth standards of Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, as modified by Subsection 315.04(C), apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.~~
- ~~6+3 If the front or rear lot line abuts Sunnyside Road, the minimum yard setbackdepth shall be 65 feet from the centerline of Sunnyside Road, and the maximum yard setbackdepth shall be 75 feet from the centerline of Sunnyside Road.~~
- ~~7+4 Awnings, porches, and bays may extend a maximum of six feet into the minimum setbackyard depth.~~

- ⁸⁴⁵ For dwelling and structures accessory to dwellings~~buildings used exclusively for residential purposes~~, the minimum front setback~~yard depth~~ shall be 15 feet, and there shall be no maximum setback~~yard depth~~. However, Note 8 does not apply to mixed-use buildings that include dwellings or to structures accessory to such mixed-use buildings.
- ²⁴⁶ The maximum setback~~yard depth~~ 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.
- ¹² The minimum rear and side setback standards for an accessory building are based on the building area and height, as follows:

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

⁴⁷ ~~The minimum yard depth standard applies only from lot lines that are on the perimeter of the project.~~

- ¹³¹⁸ If the rear lot lineyard abuts ~~an OSM District or~~ a residential zoning district other than HDR, SHD, or RCHDR, the minimum rear setbackyard depth ~~is~~ shall be 20 feet.
- ¹⁴¹⁹ If the side lot lineyard abuts an Urban Low Density Residential, VR-5/7, or VR-4/5 District, the minimum side setbackyard depth for a two-story building ~~is~~ shall be 10 feet.
- ¹⁵ The minimum side setback for an attached single-family dwelling is five feet from any side lot line where two attached single-family dwellings do not share a common wall.
- ¹⁶²⁰ If the side lot lineyard abuts ~~an OSM District or~~ a residential zoning district other than HDR, SHD, or RCHDR, the minimum side setbackyard depth ~~is~~ shall be 15 feet.
- ²¹ ~~Maximum lot coverage does not apply to swimming pools.~~
- ²² ~~The maximum height of tower elements shall be 60 feet, provided that such elements do not have a footprint exceeding 400 square feet.~~

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. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.~~
- C. Structure and Façade Design in the Urban Low Density Residential Districts: ~~In the Urban Low Density Residential Districts, single-family dwellings and manufactured homes, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If the single-family dwelling or manufactured home is located on a corner lot, the features shall be visible from the road from which the dwelling takes access.~~
- ~~1. A covered porch at least two feet deep;~~
 - ~~2. An entry area recessed at least two feet from the exterior wall to the door;~~
 - ~~3. A bay or bow window (not flush with the siding);~~
 - ~~4. An offset on the building face of at least 16 inches from one exterior wall surface to the other;~~
 - ~~5. A dormer;~~
 - ~~6. A gable;~~
 - ~~7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls;~~
 - ~~8. A roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other;~~
 - ~~9. An attached garage;~~
 - ~~10. Orientation of the long axis and front door to the street;~~
 - ~~11. A cupola;~~
 - ~~12. A tile, shake, or composition roof; and~~

13. Horizontal lap siding.

- ~~D. Shipping Containers: Freight shipping containers used as accessory buildings shall be located behind the building line of the main building, and the exterior shall be painted similar in color to that of the main building.~~
- ~~E. Metal Accessory Buildings in the Urban Low Density Residential Districts: In the Urban Low Density Residential Districts, metal accessory 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.~~
- ~~F. Recreational Facilities in the SHD and RCHDR Districts: In the SHD and RCHDR Districts, a residential development shall provide a 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/raquetball 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, as determined by the Planning Director.~~
- ~~G. Parks in the VR-4/5 and VR-5/7 Districts: Streets, public paths, or open space shall abut the entire perimeter of all parks. In no case shall the rear of a building face a park. Street alignments and lot design shall ensure that building fronts or~~

~~sides face parks, with building sides acceptable along not more than one-third of a park's perimeter.~~

BH. ~~Resource Protection Areas in the VR 4/5 and VR 5/7 Districts: On lots recorded after November 29, 1995, D~~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 Subsections ~~1002.02 and~~ 1002.03~~4~~ 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. ~~Shared D~~driveways ~~are encouraged and~~ shall be designed to be as narrow as possible, consistent with the requirements of the fire district.

~~1. Single-Family Dwellings in the VR-4/5 and VR-5/7 Districts: In the VR-4/5 and VR-5/7 Districts, the following standards apply to attached single-family dwellings and detached single-family dwellings:~~

- ~~1. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way shall not consist of a blank wall.~~
- ~~2. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.~~
- ~~3. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.~~
- ~~4. The following standards shall apply in all subdivisions that receive final plat approval after November 29, 1995:~~
 - ~~a. If a lot has frontage on a local or connector street or a private street which meets local or connector street design standards, then the primary entry shall be accessed directly from and visible from one of those streets.~~
 - ~~b. A minimum of 50 percent of the single-family dwellings shall have porches. A covered porch or patio shall be placed immediately adjacent to the primary entry. The porch shall have a minimum net depth of six feet and a minimum net width of 10 feet.~~

- ~~J. Driveways in the VR-4/5 and VR-5/7 Districts: The following standards apply in the VR-4/5 and VR-5/7 Districts:~~
- ~~1. Driveways shall not exceed a width of 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.~~
 - ~~2. For subdivisions that receive final plat approval after November 29, 1995, a minimum of 50 percent of lots developed on alleys shall have alley access only.~~
- ~~K. Garages in the VR-4/5 District: In the VR-4/5 District, all garages shall have a front yard depth to the garage door that is a minimum of five feet greater than the front yard depth to the front façade of the primary dwelling (not including porches, bays, and architectural features).~~
- ~~L. Garages in the VR-5/7 District: In the VR-5/7 District, a minimum of 50 percent of the primary dwellings in a development shall have a garage with a front yard depth to the garage door that is a minimum of five feet greater than the front yard depth to the front façade of the primary dwelling (not including porches, bays, and architectural features). The remaining 50 percent of the primary dwellings in a development may have a garage with a front yard depth to the garage door that is a maximum of five feet less than the front yard depth to the front façade of the primary dwelling (not including porches, bays, and architectural features).~~
- ~~M. Accessory Structures in the VR-4/5, VR-5/7, and VTH Districts: In the VR-4/5, VR-5/7, and VTH Districts, accessory buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling.~~
- ~~N. Exemptions in the VR-4/5 and VR-5/7 Districts:~~
- ~~1. Neither the dimensional standards for primary dwellings in the VR-4/5 and VR-5/7 Districts listed in Table 315-4, nor the requirements of Subsections 315.05(G) through (M), apply to new homes developed in subdivisions which have received final plat approval prior to August 26, 1993, if there are homes developed or under construction on existing lots within the subdivision.~~
 - ~~2. In the VR-4/5 District, new homes developed within subdivisions which have received preliminary plat approval prior to August 26, 1993, may comply with Subsection 315.05(L) in lieu of Subsection 315.05(K).~~

[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]

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.
 - 4.5. "X" means the use is prohibited.
 - 5.6. Numbers in superscript correspond to the notes that follow Table 316-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Subsection 316.05, *Development Standard*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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 daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A
Accessory Kitchens	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹
Aircraft Land Uses	X	X	X	C	C	C
Aircraft Landing Areas	X	C	C ²	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

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Bus Shelters , subject to Section 823	P	P	P	P	P	P
Campgrounds	C	C	C	C	C	C
Cemeteries , subject to Section 808	C	C	X	C	C	C
Churches , subject to Section 804	C	C	C	C	C	C ³
Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses⁴	X	X	X	C	C	X
Community Halls	<u>CPUD</u>	<u>CPUD</u>	<u>CPUD</u>	<u>CPUD</u>	<u>CPUD</u>	<u>X⁵</u>
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 Facilities , subject to Section 807	C	C	C	C	C	C ⁵⁶
Daycare Services, Adult	C	C	C	C	C	C ⁶⁷
Dwellings, Detached Single-Family	P ⁷⁸	P ⁷⁸	P ⁷⁸	P ⁷⁸	P ⁷⁸	P ⁷⁸
Dwellings, Two-Family , subject to Section 802	C ⁷⁸	X	X	X	X	X
Energy Source Development	X	X	C	X	X	X
Farmers' Markets , subject to Section 840	A	A	A	A	A	A
Farm Uses, including⁴:						
Raising, harvesting, and selling crops	P	P	P ⁸⁹	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X ⁹¹⁰	P	X ⁹¹⁰	P	P	P
Dairying and the sale of dairy products	X ⁹¹⁰	P	X ⁹¹⁰	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X ⁹¹⁰	P	X ⁹¹⁰	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
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 ⁸⁹	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 ⁹¹⁰	P	X ⁹¹⁰	P	P	P
Growing cultured Christmas trees	P	P	P ⁸⁹	P	P	P
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 ¹⁰¹¹	P ¹⁰¹¹	P	P ¹⁰¹¹	P ¹⁰¹¹	P ¹⁰¹¹
Fraternal Organization Lodges	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²
Government Uses , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²
Guest Houses and Studios , subject to Section 833	A	A	A	A	A	A
Guest Ranches and Lodges	X	X	C	X	X	X
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹²¹³	A	A	A	A	A	A
Home Occupations to Host Events , subject to Section 806	C	C	C	C	C	C
Hydroelectric Facilities , subject to Section 829	C	C	C	C	C	C
Kennels	C ¹³¹⁴	C ¹³¹⁴	X	C ¹³¹⁴	C ¹³¹⁴	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	X ⁵

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Livestock, subject to Section 821	P	X ⁹¹⁰	A	X ⁹¹⁰	X ⁹¹⁰	X ⁹¹⁰
Manufactured Dwellings, subject to Section 824	P ⁷⁸	P ⁷⁸	P ⁷⁸	P ⁷⁸	P ⁷⁸	P ⁷⁸
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
Produce Stands	A ⁴⁴¹⁵	A ⁴⁴¹⁵	A ⁴⁴¹⁵	A ⁴⁴¹⁵	A ⁴⁴¹⁵	A ^{4415,4516}
Public Utility Facilities	C ^{4412,4617}	C ^{4412,4617}	C ^{4412,4617}	C ^{4412,4617}	C ^{4412,4617}	C ^{4412,4617}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{4412,4718}	C ^{4412,4718}	C ^{4412,4718}	C ^{4412,4718}	C ^{4412,4718}	C ^{4412,4718}
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 ⁴⁸¹⁹	C ⁴⁴¹²	C ^{4412,4920}	C ⁴⁴¹²	C ^{4412,4920}	C ^{4412,4920}	C ^{4412,4920}

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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 ¹⁸¹⁹	P ²⁰²¹	P ²⁰²¹	P ²⁰²¹	P	P	P
Recreational Uses, Government-Owned Golf Courses ¹⁸¹⁹	P ²⁰²¹	P ²⁰²¹	P ²⁰²¹	P	P	P
Recreational Vehicle Camping Facilities , subject to Section 813	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	C ¹¹¹²	X

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<u>Retailing</u> —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 ₂₂	X	X	X	X	X
Sanitary Landfills and Debris Fills , subject to Section 819	X	X	X	C	C	X
Schools , subject to Section 805	C ²¹²³	C ²¹²³	C	C ²¹²³	C ²¹²³	C ²²²⁴
<u>Services, Commercial—Food and Beverage</u> , including catering and eating and drinking establishments	CPUD ₂₂	X	X	X	X	X
<u>Services, Commercial—Personal and Convenience</u> , 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 ₂₂	X	X	X	X	X
<u>Services, Commercial—Studios</u> of the following types: art, craft, dance, music, and photography	CPUD ₂₂	X	X	X	X	X
Signs , subject to Section 1010	A ²³²⁵	A ²³²⁵	A ²³²⁵	A ²³²⁵	A ²³²⁵	A ²³²⁵

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Surface Mining , subject to Section 818	X	X	X	C	C	X
Telephone Exchanges	C ¹⁺¹²	C ¹⁺¹²	C ¹⁺¹²	C ¹⁺¹²	C ¹⁺¹²	C ¹⁺¹²
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	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04 and 835.05(A)(2) and (3), subject to Section 835	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C	C	C	C	C

- 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 Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue, etc.) only.
- ³ This use is limited to alteration or expansion of a lawfully established church.
- ⁴ 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.
- ⁵ Even though it is prohibited in this category, this use is included in the “government use” category.

- ⁶⁵ This use is limited to alteration or expansion of a lawfully established daycare facility.
- ⁷⁶ This use is limited to alteration or expansion of a lawfully established adult daycare service.
- ⁸⁷ Except as limited by Note 1(b) to Table 316-2 Subsection 902.02 or as allowed by Section 1204, Temporary Permits, each lot of record may be developed with only one of the following: detached single-family dwelling, two-family dwelling (only if approved as a conditional use in the RA-1 District ~~pursuant to Section 802~~), or manufactured dwelling.
- ⁹⁸ This use is permitted only on lots larger than five acres.
- ¹⁰⁹ In the RA-2, RRRF-5, FF-10, and FU-10 Districts ~~Depending on the specific zoning district,~~ livestock is ~~either~~ permitted as described under the use category of "farm uses." In the RA-1 and RR Districts, livestock ~~or~~ is permitted as described under the use category of "livestock."
- ¹¹⁴⁰ For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02~~3~~ regarding a development restriction that may apply if excessive tree removal occurs.
- ¹²⁴⁴ Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- ¹³⁴² 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.
- ¹⁴⁴³ The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- ¹⁵⁴⁴ A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- ¹⁶⁴⁵ 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.
- ¹⁷⁴⁶ Public utility facilities shall not include shops, garages, or general administrative offices.
- ¹⁸⁴⁷ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹⁹⁴⁸ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ²⁰⁴⁹ 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.

^{21/24} Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

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 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.

^{23/24} Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's Metro-Region-2040 Growth Concept Map.

^{24/22} This use is limited to alteration or expansion of a lawfully established school.

^{25/23} Temporary signs regulated under Subsection 1010.13(A) are a primary use.

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~~ ~~may be modified pursuant to~~ Sections 800, *Special Use Requirements*; ~~902, Lot Size Exceptions~~; 903, *Setback Exceptions*; ~~904, Other Exceptions~~; ~~1012, Lot Size and Density~~; ~~1013, Planned Unit Developments~~; ~~1014, Design Standards for Land Divisions~~; 1107, *Property Line Adjustments*; and 1205, *Variances*.

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 ^{3,3}	2 acres	<u>25 acres, provided that the minimum average lot size of all lots or parcels in a subdivision, partition, or replat is 5 acres^{2,3,4,5,6}</u>	10 acres ^{2,3,4,7}	10 acres ^{3,4}
Minimum Front Setback Yard Depth	30 feet ⁸	30 feet ⁸	15 feet, except 20 feet to garage and carport motor vehicle entries ^{4,9}	30 feet ⁸	30 feet ⁸	30 feet
Minimum Rear Setback Yard Depth	30 feet ^{5,10,11}	30 feet ^{6,10,12}	15 feet ¹⁰	30 feet ^{6,10,12}	30 feet ^{6,10,12}	30 feet ^{6,12}
Minimum Side Setback Yard Depth	10 feet ^{7,10,13}	10 feet ¹⁰	5 feet ¹⁰	10 feet ¹⁰	10 feet ¹⁰	10 feet

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Standard	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Maximum Lot Coverage	None	None	40 percent	None	None	None
Minimum Building Separation above 3,500 Square Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

- ¹ The minimum lot size standards, ~~as modified pursuant to Sections 800, Special Use Requirements; 902, Lot Size Exceptions; 1013, Planned Unit Developments; 1014, Design Standards for Land Divisions; 1107, Property Line Adjustments; and 1205, Variances,~~ apply ~~as established by Sections 1012 and 1107 to subdivisions, partitions, and property line adjustments.~~ Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except: ~~as limited by~~
- a. ~~Minimum lot size standards of Section 800 apply; and Subsection 902.02.~~
 - b. ~~A lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development in the RA-1 District or pursuant to Subsection 1012.02(B), (D), or (F).~~
- ² ~~In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a two-family dwelling, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.~~
- ³² ~~The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivisions, or partitions, and Type II replats, but not to Type I replats or a property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.~~
- ⁴³ ~~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.
- ⁹⁴ For a corner lot located above 3,500 feet in elevation, ~~one of the minimum front setbacks~~~~depth of one of the front yards~~ ~~is~~ shall be 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.
- ¹¹⁵ The minimum rear ~~setback~~~~yard depth~~ for an accessory building shall be five feet except as established by Note 10.
- ¹²⁶ The minimum rear ~~setback~~~~yard depth~~ for an accessory building shall be 10 feet except as established by Note 10.
- ¹³⁷ The minimum side ~~setback~~~~yard depth~~ for an accessory building shall be five feet except as established by Note 10.

316.05 — DEVELOPMENT STANDARD

~~Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.~~

[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]

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.
 - 5-6. "X" means the use is prohibited.
 - 6-7. Numbers in superscript correspond to the notes that follow Table 317-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 317.04, *Dimensional Standards*; Subsection 317.05, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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 daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
Accessory Dwelling Units , subject to Section 839	X	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 , subject to Section 823	P	P
Campgrounds	C	C
Churches , subject to Section 804	C	C
Civic and Cultural Facilities , including art galleries, libraries , museums, and visitor centers	L ²	X
Community Halls	<u>CPUD</u>	<u>CPUD</u>
Congregate Housing Facilities	P	X
Daycare Facilities , subject to Section 807	C	C
Daycare Services, Adult	C	C
Dwellings, Attached Single-Family , subject to Section 838	P ³	P ^{3,4}
Dwellings, Detached Single-Family	P ³	P ³
Dwellings, Multifamily	P	X
Dwellings, Three Family	P	X
Dwellings, Two-Family	P	X
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 specifically listed <u>elsewhere in this table</u> as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ⁵	C ⁵
Guest Houses and Studios , subject to Section 833	X	A
Guest Ranches and Lodges	X	C

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Use	MRR	HR
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 , subject to Section 829	C	C
Libraries	<u>L²</u> <u>CPUD</u>	<u>CPUD</u>
Livestock , subject to Section 821	A	A
Manufactured Homes , subject to Section 824	P ³	P ³
Manufactured Home Parks , subject to Section 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 1016	C	C
Nursing Homes , subject to Section 810	P	C
Parking Structures	A	X
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
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

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Use	MRR	HR
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 , <u>CPUD¹⁵</u>	<u>CPUD¹⁵</u> X
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ² , <u>CPUD¹⁵</u>	<u>CPUD¹⁵</u> X
Services, Commercial—Maintenance and Repair , of any of the following: bicycles and sporting goods	L ² , <u>CPUD¹⁵</u>	<u>CPUD¹⁵</u> 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.	L ² , <u>CPUD¹⁵</u>	<u>CPUD¹⁵</u> X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	L ² , <u>CPUD¹⁵</u>	<u>CPUD¹⁵</u> X
Schools , subject to Section 805	C	C
Signs , subject to Section 1010	A ¹⁵¹⁶	A ¹⁵¹⁶
Surface Mining , subject to Section 818	X	X
Telephone Exchanges	C ⁵	C ⁵
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	P
Wireless Telecommunication Facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C

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~~**limited** by Subsection ~~317.05902.02~~ or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: attached single-family dwelling, detached single-family dwelling, or manufactured home.

4 Attached single-family dwellings are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.

5 Uses similar to this may be authorized pursuant to Section 106, *Authorization of Similar Uses*.

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

7 Also permitted are associated convention facilities.

8 A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.

9 Only level three and four mobile vending units are permitted.

10 Public utility facilities shall not include shops, garages, or general administrative offices.

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

12 This use may include concessions, restrooms, maintenance facilities, and similar support uses.

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

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

15 The use is subject to the following standards and criteria:

- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.

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

¹⁶¹⁵ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the MRR and HR Districts are listed in Table 317-2, *Dimensional and Building Design Standards in the MRR and HR Districts*. As used in Table 317-2, numbers in superscript correspond to the notes that follow the table.
- B. Modifications: ~~Modifications to~~ The standards in Table 317-2 are established by ~~may be modified pursuant to~~ Sections 800, *Special Use Requirements*; ~~Section 902, Lot Size Exceptions~~; ~~Section 903, Setback Exceptions~~; ~~Section 904, Height~~ *Other Exceptions*; ~~1012, Lot Size and Density~~; ~~Section 1013, Planned Unit Developments~~; ~~Section 1107, Property Line Adjustments~~; and ~~Section 1205, Variances~~.

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

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012, Density	See Section 1012 Table 317-3	10,890 square feet
Minimum Front Yard Setback Depth	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 Yard Setback Depth	10 feet ^{3,4,5,6}	15 feet ^{3,4}
Minimum Side Yard Setback Depth	10 feet ^{3,4,5,6}	5 feet ^{3,4}
Maximum Lot Coverage	None	40 percent ⁷
Maximum Building Height	40 feet ^{6,7,8,9}	40 feet ^{6,8}
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 ^{8,10}	4,000 square feet, except 8,000 square feet in Government Camp¹⁰ Not Applicable
<u>Building Design Standards for Single-Family Dwellings and Manufactured Homes¹¹</u>	<u>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).</u>	

- ¹ In Government Camp, the minimum front ~~setback~~~~yard depth~~ ~~is shall be~~ 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~~~~depth of one of the front yards~~ ~~is shall be~~ 10 feet, except 20 feet to garage and carport motor vehicle entries.
- ~~³ The minimum rear and side yard depth 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.~~
- ~~³⁴ If the lot lineyard abuts a national forest, there is shall be no minimum yard setback depth. 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, ~~or 4, or 6 to Table 317-2~~, if a rear ~~lot lineyard~~ or a side ~~lot lineyard~~ 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 ~~yard setback depth~~ standard for a building ~~is shall be~~ based on the height of that building, as follows:

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

- ~~⁶ The minimum rear and side setback standards applicable in the HR District apply to detached single-family dwellings and manufactured homes, as well as to structures that are accessory to such detached single-family dwellings and manufactured homes. The minimum side setback standard applicable in the HR District applies to attached single-family dwellings, as well as to structures that are accessory to such attached single-family dwellings.~~
- ~~⁷ Maximum lot coverage is 50 percent for a lot of record that is developed with an attached single-family dwelling.~~

- 86 The maximum building height may be increased to 50 feet to accommodate understructure parking.
- 97 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.
- 108 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

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

317.05 DEVELOPMENT STANDARDS

The following development standards apply:

- ~~A. 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 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. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.~~
- ~~C. Structure and Façade Design: Single-family dwellings and manufactured homes, except temporary dwellings approved pursuant to Section 1204, Temporary Permits, shall include at least three of the following features visible to the road. If the single-family dwelling or manufactured home is located on a corner lot, the features shall be visible from the road from which the single-family dwelling or manufactured home takes access:~~
- ~~1. A covered porch at least two feet deep;~~
 - ~~2. An entry area recessed at least two feet from the exterior wall to the door;~~
 - ~~3. A bay or bow window (not flush with the siding);~~
 - ~~4. An offset on the building face of at least 16 inches from one exterior wall surface to the other;~~
 - ~~5. A dormer;~~
 - ~~6. A gable;~~
 - ~~7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls;~~
 - ~~8. A roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other;~~
 - ~~9. An attached garage;~~
 - ~~10. Orientation of the long axis and front door to the street;~~
 - ~~11. A cupola;~~
 - ~~12. A tile, shake, or composition roof; and~~
 - ~~13. Horizontal lap siding.~~

~~D. Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and on slopes greater than 25 percent. However, a single-family dwelling or manufactured home may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012, *Density*.~~

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

401 EXCLUSIVE FARM USE DISTRICT (EFU)

401.01 PURPOSE

Section 401 is adopted to implement the policies of the Comprehensive Plan for Agriculture areas.

401.02 APPLICABILITY

Section 401 applies to land in the Exclusive Farm Use (EFU) District.

401.03 DEFINITIONS

Unless specifically defined in Subsection 401.03 or in Section 202, *Definitions*, words or phrases used in Section 401 shall be interpreted to give them the same meaning as they have in common usage and to give Section 401 its most reasonable application.

- A. Accessory Farm Dwelling: Includes all types of residential dwellings allowed by the applicable state building code and the number of dwelling units is determined by a land use decision.
- B. Agricultural Land: As defined in Oregon Administrative Rules (OAR) 660-33-0020.
- C. Commercial Farm: A farm unit with all of the following characteristics:
 - 1. The land is used for the primary purpose of obtaining a profit in money from farm use;
 - 2. The net income derived from farm products is significant; and
 - 3. Products from the farm unit contribute substantially to the agricultural economy, to agricultural processors, and to farm markets.
- D. Date of Creation and Existence: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- E. Dwelling: Unless otherwise provided in Section 401, a dwelling is a detached single-family dwelling or a manufactured dwelling.
- F. Farm Operator: A person who resides on and actively manages a "farm unit".

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- G. Farm Stand: A structure located on a part of the farm operation owned by the farm operator that is designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.
- H. Farm Unit: The contiguous and noncontiguous tracts within the County or a contiguous county held in common ownership and used by the farm operator for farm use.
- I. Farm Use: As defined in Oregon Revised Statutes (ORS) 215.203.
- J. Fee-based Activity to Promote the Sale of Farm Crops or Livestock: A common farm-dependent accessory activity directly related to the sale of farm crops or livestock sold at the farm stand, such as, but not limited to, hay rides, corn mazes, and educational how-to-farm workshops, but not including activities with no direct relationship to the farm crops or livestock sold at the farm stand, such as, but not limited to, quilting classes, dance lessons, jewelry making, or crafts that are only intended to bring customers to the farm stand.
- K. Golf Course: As defined in OAR 660-033-0130(20).
- L. High Value Farmland: As defined in ORS 215.710 and OAR 660-033-0020(8).
- M. Irrigated: Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.
- N. Low Value Farmland: All land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8).
- O. Noncommercial Farm: A parcel where all or part of the land is used for production of farm products for use or consumption by the owners or residents of the property, or which provides insignificant income.

- P. Owner: For purposes of a Lot of Record Dwelling, owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.
- Q. Ownership: Holding fee title to a lot of record, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. Ownership shall include all contiguous lots of record meeting this definition.
- R. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
- S. Relative: For purposes of a Temporary Dwelling for Care, relative means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin.
- T. Tract: One or more contiguous lots of record under the same ownership, including lots of record divided by a county or public road, or contiguous at a common point. Lots of record divided by a state highway are not considered contiguous.

401.04 USES PERMITTED

Uses permitted in the EFU District are listed in Table 401-1, *Permitted Uses in the EFU District*.

A. As used in Table 401-1:

1. "A" means the use is allowed.
2. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.
3. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
4. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.
5. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

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6. The “Subject To” column identifies any specific provisions of Subsection 401.05 to which the use is subject.
 7. “N” means not applicable.
 8. “*NA1” means the use is not allowed except as set forth in Subsection 401.05(J)(1).
 9. “*NA2” means the use is not allowed except as set forth in Subsection 401.05(J)(1) or 401.05(J)(2) and (3).
 10. “HV” means High Value Farmland.
 11. “LV” means Low Value Farmland.
 12. Numbers in superscript correspond to the notes that follow Table 401-1.
- B. Permitted uses are subject to the applicable provisions of Subsection 401.07, *Dimensional Standards*; Subsection 401.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 401-1: Permitted Uses in the EFU District

	HV	LV	Use	Subject To
FARM AND FOREST USES	A	A	Propagation or harvesting of a forest product.	
	A	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	A	Other buildings customarily provided in conjunction with farm use.	
	TYPE II	TYPE II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141. Marijuana processing is subject to Section 841. ¹	401.05(B)(1)
	C	C	A facility for the primary processing of forest products.	401.05(B)(2)
NATURAL RESOURCE USES	HV	LV	Use	Subject To
	A	A	Creation of, restoration of, or enhancement of wetlands.	
	TYPE II	TYPE II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1)
RESIDENTIAL USES	HV	LV	Use	Subject To
	A	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	A	Alteration, restoration, or replacement of a lawfully established dwelling, subject to OAR 660-033-0130(8) excluding (d).	401.05(A)(3) & (C)(1)
	TYPE II	TYPE II	Alteration, restoration, or replacement of a lawfully established dwelling, subject to OAR 660-033-0130(8)(d).	401.05(A)(3) & (C)(2)

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	HV	LV	Use	Subject To
RESIDENTIAL USES (cont.)	TYPE II	TYPE II	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property and listed on the National Register of Historic Places. ²	401.05(A)(3)
	N	TYPE II	Lot of Record Dwelling on Low Value Farmland.	401.05(A)(2), (3), (4) & (C)(3)
	TYPE II	N	Lot of Record Dwelling on Class III or IV High Value Farmland.	401.05(A)(2), (3), (4) & (C)(4)
	TYPE III	N	Lot of Record Dwelling on Class I or II High Value Farmland.	401.05(A)(2), (3), (4) & (C)(5)
	TYPE II	N	Dwelling customarily provided in conjunction with a farm use on High Value Farmland. ²	401.05(A)(3) & (C)(6)
	N	TYPE II	Dwelling customarily provided in conjunction with a farm use on Low Value Farmland. ²	401.05(A)(3) & (C)(7)
	TYPE II	TYPE II	Dwelling customarily provided in conjunction with a commercial dairy farm.	401.05(A)(3) & (C)(8)
	N	TYPE II	160 acre test for a dwelling. ²	401.05(A)(3), (4) & (C)(9)
	N	TYPE II	Capability test for a dwelling. ²	401.05(A)(3), (4) & (C)(10)
	TYPE II	TYPE II	A single-family dwelling not provided in conjunction with farm use; a nonfarm dwelling.	401.05(A)(3), (4) & (C)(11)
	TYPE II	TYPE II	Accessory farmworker dwelling for a relative. ²	401.05(A)(3) & (C)(12)
	TYPE II	TYPE II	Accessory farmworker dwelling for year-round and seasonal farm workers. ²	401.05(A)(3) & (C)(13)
	TYPE II	TYPE II	Dwelling on Low or High Value Farmland to be operated by a different farm operator on at least 80 acres. ²	401.05(A)(3) & (C)(14)
	TYPE II	TYPE II	Temporary dwelling for care, subject to Subsection 1204.043.	401.05(A)(1), (3) & (C)(15)
	TYPE II	TYPE II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings.	401.05(A)(1) & (3)
	TYPE II	TYPE II	Residential home or facility as defined in ORS 197.660, in existing dwellings.	401.05(A)(1) & (3)
	COMMERCIAL USES	HV	LV	Use
A		A	Family daycare provider.	
A		A	Dog training classes.	401.05(D)(8)
A		A	Dog testing trials.	401.05(D)(9)
TYPE I		TYPE I	A license for a winery to carry out the first six of 18-day agri-tourism and other commercial events, subject to ORS 215.237 and 215.452(6)(a)	
TYPE II		TYPE II	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(o). ³	
TYPE II		TYPE II	Home occupations, subject to Section 822.	401.05(A)(1) & (D)(1)
TYPE II		TYPE II	A landscape contracting business.	401.05(A)(1) & (D)(2)
TYPE II	TYPE II	Agri-tourism single event.	401.05(A)(1) & (D)(3)	

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	HV	LV	Use	Subject To
COMMERCIAL USES (cont.)	TYPE II	TYPE II	Agri-tourism for up to 6 events or activities.	401.05(A)(1) & (D)(4)
	TYPE II	TYPE II	A winery as described in and subject to ORS 215.452 or 215.453, whichever is applicable, but not a restaurant open more than 25 days per calendar year.	
	TYPE II	TYPE II	A bed and breakfast facility as a home occupation in association with a winery, subject to ORS 215.448, as provided in ORS 215.452 or 215.453, whichever is applicable.	401.05(A)(1) & (D)(5)
	TYPE II	TYPE II	A large winery with a restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or; agri-tourism or other commercial events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.	401.05(A)(1)
	TYPE II	TYPE II	Winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to ORS 215.237 and 215.452(6)(c).	
	C	C	Home occupation to host events, subject to Section 806.	401.05(A)(1) & (D)(1)
	C	C	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel that exceeds the standards of ORS 215.203(2)(b)(K) or Subsection 401.05(B)(1). ⁴	401.05(A)(1)
	C	C	Agri-tourism additional events not to exceed 18 events on a minimum of 80 acres.	401.05(A)(1) & (D)(6)
	C	C	An aerial fireworks display business.	401.05(A)(1) & (D)(7)
	C	C	Commercial dog boarding kennels.	401.05(A)(1)
	C	C	Dog training classes or testing trials that cannot be established under Subsection 401.05(D)(8) or (9).	401.05(A)(1)
	HV	LV	Use	Subject To
MINERAL, AGGREGATE, OIL, AND GAS USES	A	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	A	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	C	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (E)(1) & (E)(1)(a)

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MINERAL, AGGREGATE, OIL, AND GAS USES (cont.)	C	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (E)(1)(b)
	C	C	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (E)(1) & (E)(1)(c)
	C	C	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 401.	401.05(A)(1), (E)(1) & (E)(1)(d)
	HV	LV	Use	Subject To
TRANSPORTATION USES	A	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	TYPE II	Parking of no more than seven log trucks, subject to ORS 215.311	401.05(A)(1)
	TYPE II	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	401.05(A)(1)
	TYPE II	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	401.05(A)(1)
	TYPE II	TYPE II	Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	401.05(A)(1)
	C	C	Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401.	401.05(F)(1)
	C	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) & (F)(2)
	C	C	Transportation improvements on rural lands, subject to OAR 660-012-0065.	

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	HV	LV	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	A	A	Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
	A	A	Solar energy system as an accessory use.	
	A	A	Rainwater collection systems as an accessory use.	
	A	A	Electric vehicle charging stations for residents and their non-paying guests.	
	A	A	Meteorological towers.	
	A	A	Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility, subject to Subsection 835.04(A).	
	A	A	Placement of telecommunication antennas with associated equipment on an existing utility pole, subject to Subsection 835.04(B).	
	A	A	Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of-way provided the written consent of all adjacent property owners has been obtained; and/or the property to be served by the utility.	
	TYPE II	TYPE II	Wind energy power production systems as an accessory use.	401.05(G)(1)
	TYPE II	TYPE II	Essential public communication services, as defined in Subsection 835.03(D). The use is subject to ORS 215.275, if it includes a transmission tower less than or equal to 200 feet in height.	
	TYPE II	TYPE II	Collocation of wireless telecommunication facilities as identified in Subsection 835.05(A)(2), subject to Subsection 835.05(A), provided such facilities include a transmission tower that is over 200 feet in height.	
	TYPE II	TYPE II	Utility facilities necessary for public service, including wireless telecommunication facilities not otherwise provided for in Section 401, associated transmission lines subject to ORS 215.283(1)(c)(A) or (B) and 215.276, and wetland waste water treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.	401.05(G)(2)
	TYPE II	N	Composting operations and facilities on high value farmland.	401.05(A)(1) & (G)(3)
	N	TYPE II	Composting operations and facilities on low value farmland.	401.05(A)(1) & (G)(4)
*NA1	C	Composting operations and facilities, subject to Section 834.	401.05(A)(1) & (G)(5)	
C	C	Transmission towers over 200 feet in height, except as otherwise provided in Section 401 for essential	401.05(A)(1)	

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			public communication services. Towers supporting wireless telecommunication facilities are subject to Section 835.	
	C	C	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind or photovoltaic solar power generation facilities.	401.05(A)(1) & (G)(6)
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES (cont.)	C	C	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(37).	401.05(A)(1)
	C	C	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(38).	401.05(A)(1)
	*NA1	C	A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation.	401.05(A)(1)
	HV	LV	Use	Subject To
PARKS, PUBLIC, AND QUASI-PUBLIC USES	A	A	Land application of reclaimed water, agricultural process or industrial process water, or biosolids for agricultural, horticultural, or forest production, or for irrigation in connection with a use allowed in the EFU zoning district, subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468(B).095.	
	A	A	Onsite filming and activities accessory to onsite filming for 45 days or less.	
	TYPE II	TYPE II	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.	401.05(H)(1)
	TYPE II	TYPE II	Public parks and playgrounds.	401.05(A)(1), (5) & (H)(2)
	TYPE II	TYPE II	Fire service facilities providing rural fire protection services.	
	TYPE II	TYPE II	Community centers.	401.05(A)(1), (5) & (H)(3)
	TYPE II	TYPE II	Living history museum.	401.05(A)(1), (5) & (H)(4)
	TYPE II	TYPE II	Firearms training facility as provided in ORS 197.770(2).	401.05(A)(5)
	TYPE II	TYPE II	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.	401.05(A)(1)
	TYPE II	TYPE II	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison	401.05(A)(1)

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			supervision, but not including a correctional facility as defined under ORS 162.135.	
	*NA1	TYPE II	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education.	401.05(A)(5)
PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)	C	C	Operations for the extraction and bottling of water.	401.05(A)(1)
	C	C	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.	401.05(A)(1)
	*NA2	C	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.	401.05(A)(1) & (5)
	*NA1	C	Private parks, playgrounds, hunting and fishing preserves, and campgrounds.	401.05(A)(1), (5) & (H)(5)
	*NA1	C	Golf courses.	401.05(A)(1), (5) & (H)(6)
	HV	LV	Use	Subject To
OUTDOOR GATHERINGS	A	A	An outdoor mass gathering or other gathering described in ORS 197.015(10)(d).	401.05(I)(1)
	TYPE III G	TYPE III C	Any outdoor gathering subject to review of the Planning Commission under ORS 433.763.	401.05(I)(2)

- 1 The processing, compounding, or conversion of marijuana into cannabinoid extracts is prohibited.
- 2 Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475B.370.)
- 3 A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See ORS 475B.370.)
- 4 A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See ORS 475B.370.)

401.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 401-1. The applicability of a specific criterion to a listed use is established by Table 401-1.

A. General Criteria

1. Uses may be approved only where such uses:
 - a. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

- b. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
2. The Natural Resources Conservation Service (NRCS) Web Soil Survey for Clackamas County shall be used to determine the soil classification and soil rating for a specific lot of record for a dwelling, with the following exception:
 - a. For purposes of evaluating a Lot of Record Dwelling application on high value farmland, the applicant may submit a report from a professional soils classifier whose credentials are acceptable to the Oregon Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and submits a statement from the Oregon Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.
3. The landowner for the dwelling shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
4. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.
5. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - a. Any enclosed structures or group of enclosed structures described in Subsection 401.05(A)(5) within a tract must be separated by at least one-half mile. For purposes of Subsection 401.05(A)(5), "tract" means a tract as defined by Subsection 401.03(U) that was in existence as of June 17, 2010.
 - b. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of Subsection 401.05(A)(5).

B. Farm and Forest Uses

1. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038 shall be located on a farm that provides at least one-quarter of the farm crops processed at the facility. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage, or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility. Any division of a lot of record that separates a processing facility or establishment from the farm operation on which it is located is prohibited.
2. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in Subsection 401.05(B)(2), means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in Subsection 401.05(B)(2) means timber grown upon a tract where the primary processing facility is located.

C. Residential Uses

1. A lawfully established dwelling may be altered, restored, or replaced if substantial evidence is provided that shows:
 - a. The dwelling to be altered, restored, or replaced has:
 - i. Intact exterior walls and roof structure;
 - ii. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - iii. Interior wiring for interior lights; and
 - iv. A heating system; and
 - b. The dwelling was assessed as a dwelling for at least the previous five property tax years or less; and

- c. Replacement dwellings that currently have the features described in (1)(a) and assessment in (1)(b) above may be sited on any part of the same lot or parcel.
 - d. The dwelling to be replaced must, by building permit, be removed, demolished or converted to an allowable nonresidential use:
 - i. Within one year from the certified occupancy of the new dwelling;
or
 - ii. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the dwelling to be replaced must be removed within 90 days from the date a replacement permit is issued; and
 - iii. If a dwelling is removed to another off-site location, the applicant must obtain approval for the new location.
 - e. A replacement dwelling must comply with applicable building, plumbing, sanitation and other requirements relating to health and safety and to setbacks at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - f. The owner of the dwelling to be replaced shall record in the deed records of the parcel that the replaced dwelling has been removed, demolished or converted.
 - g. If the dwelling to be replaced is located on a portion of the parcel that is not zoned EFU, the owner may place the new dwelling on EFU land but must record in the deed records an irrevocable deed statement prohibiting the siting of another dwelling on the non EFU portion of the parcel.
2. Separately from Subsection 401.05(C)(1), a lawfully established dwelling may be altered, restored, or replaced if, when a land use application permit is submitted and substantial evidence is provided that shows:
- a. The dwelling to be altered, restored, or replaced formerly had:
 - i. Intact exterior walls and roof structure;
 - ii. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - iii. Interior wiring for interior lights; and

- iv. A heating system; and
 - b. Under this subsection a replacement dwelling permit is a land use decision which is not subject to expiration. The replacement dwelling must have been assessed as a dwelling until the value of the dwelling was eliminated and if the value was eliminated it must be as a result of either of the following circumstances:
 - i. The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration of the dwelling; or
 - ii. The applicant establishes the dwelling was improperly removed from the tax rolls. "Improperly removed" means the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
 - c. The following siting standards shall apply when the dwelling qualifies for replacement under this subsection the replacement dwelling must be sited on the same parcel:
 - i. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another boundary of the parcel; and
 - ii. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 - d. The dwelling to be replaced is also subject to Subsections 401.05(C)(1)(d) through (g).
3. Lot of Record Dwelling when determined to be located on Low Value Farmland, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
 - b. The lot of record has been under the continuous ownership of the present owner who either,
 - i. Acquired the lot of record prior to January 1, 1985, or

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- ii. Acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985.
 - c. The tract on which the dwelling will be sited does not include a dwelling;
 - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
 - e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan, this Ordinance and other provisions of law.
 - f. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership shall remain in common ownership as long as the dwelling remains as approved.
 - g. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or can be adequately mitigated. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife (ODFW) suggests to the County that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet.
4. Lot of Record Dwelling when determined to be located on High Value Farmland consisting predominantly of Class III and IV Soil, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
 - b. The lot of record has been under the continuous ownership of the present owner who either,
 - i. Acquired the lot of record prior to January 1, 1985, or
 - ii. Acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985.

- c. The tract on which the dwelling will be sited does not include a dwelling.
 - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
 - e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan, this Ordinance and other provisions of law.
 - f. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership land shall remain in common ownership as long as the dwelling remains as approved.
 - g. The tract is no more than 21 acres.
 - h. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or, the tract is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.
 - i. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or the impacts can be adequately mitigated so as not to interfere. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. ODFW suggests to the County that in the absence of impact mitigation measures, winter range is seriously considered impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet.
5. Lot of Record Dwelling when determined to be located on High Value Farmland consisting predominantly of Prime, Unique, Class I or II Soils, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
 - b. The lot of record has been under the continuous ownership of the present owner who either,

- i. Acquired the lot of record prior to January 1, 1985, or
 - ii. Acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985.
- c. The tract on which the dwelling will be sited does not include a dwelling;
- d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
- e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan, this Ordinance and other provisions of law.
- f. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership land shall remain in common ownership as long as the dwelling remains as approved.
- g. The lot of record cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. Extraordinary circumstances include very steep slopes, deep ravines, rivers, streams, roads, railroads or utility lines or other similar natural or physical barriers that by themselves or in combination, separate the subject property from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use.
- h. The dwelling will not materially alter the stability of the overall land use pattern in the area.
- i. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or can be adequately mitigated. (Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. ODFW suggests to the County that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet).

6. Dwelling in conjunction with a farm use on High Value Farm Land: A primary farm dwelling for the farm operator may be allowed subject to the following criteria:
 - a. The subject tract is currently employed in farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years;
 - b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.
 - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use or for mixed farm/forest use owned by the farm or ranch operator or on the farm or ranch operation.
 - d. The lot of record on which the dwelling will be sited was lawfully created;
 - e. The dwelling will be occupied by a person or persons who produced the commodities which generated the income;
 - f. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross annual income attributed to the tract.
 - g. Only gross income from land owned, not leased or rented, shall be counted.
 - h. Gross farm income earned from a lot of record which has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may not be used.
 - i. Only a lot of record zoned for farm use in Clackamas County or a contiguous county may be used to meet the gross income requirements.
 - j. An irrevocable deed restriction shall be recorded with the County Clerk's Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, accessory relative farm dwellings, temporary hardship dwelling or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used again to qualify any other parcel for a primary farm dwelling.

7. Dwelling in conjunction with a farm use on Low Value Farmland: A primary farm dwelling for the farm operator may be allowed on low value farmland subject to the following criteria:
 - a. The subject tract is currently employed in farm use on which the farm operator earned at least \$32,500 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years;
 - b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.
 - c. Except as permitted in Subsection 401.05(C)(13), there is no other dwelling on the subject tract;
 - d. The lot of record on which the dwelling will be sited was lawfully created;
 - e. The dwelling will be occupied by a person or persons who produced the commodities which generated the income;
 - f. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - g. Only gross income from land owned, not leased or rented, shall be counted.
 - h. Gross farm income earned from a lot of record which has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may not be used.
 - i. Only lots of record zoned for farm use in Clackamas County or a contiguous county may be used to meet the gross income requirements.
 - j. An irrevocable deed restriction shall be recorded with the County Clerk's Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, accessory relative farm dwellings, temporary hardship dwelling or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used to qualify any other parcel for a primary farm dwelling.
8. A dwelling customarily provided in conjunction with a commercial dairy farm, which is a dairy operation that owns a sufficient number of

producing dairy animals capable of earning the gross annual income as required by Subsection 401.05(C)(6)(a) or 401.05(C)(7)(a), whichever is applicable, from the sale of fluid milk, if;

- a. The subject tract will be employed as a commercial dairy; and
 - b. The dwelling is sited on the same lot of record as the buildings required by the commercial dairy; and
 - c. Except for a replacement of a lawfully established dwelling, there is no other dwelling on the subject tract; and
 - d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and
 - e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 - f. The Oregon Department of Agriculture has approved the following:
 - i. A permit for a “confined animal feeding operation” under ORS 468B.050 and 468B.200 to 468B.230; and
 - ii. A Producer License for the sale of dairy products under ORS 621.072.
9. 160 Acre Test, subject to the following criteria:
- a. The parcel on which the dwelling will be located is at least 160 acres.
 - b. The subject tract is currently employed in a farm use.
 - c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock at a commercial scale.
 - d. Except as permitted in Subsection 401.05(C)(13), there is no other dwelling on the subject tract; or
10. Capability Test, subject to the following criteria:

- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
 - b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.
 - c. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection 401.05(C)(10)(a).
 - d. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in Subsection 401.05(C)(10)(a).
 - e. The subject lot of record on which the dwelling is proposed is not less than 10 acres.
 - f. Except as permitted in Subsection 401.05(C)(13), there is no other dwelling on the subject tract.
 - g. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - h. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection 401.05(C)(10)(d).
11. Dwelling not in Conjunction with a Farm Use: A dwelling for a nonfarm use may be allowed subject to the following criteria:
- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - b. The dwelling will be sited on a lot of record that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils;

- c. The dwelling will be sited on a lot of record lawfully created before January 1, 1993.
- d. The dwelling shall not materially alter the stability of the overall land use pattern of the area. The County shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots of record in the area similarly situated, subject to:
 - i. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a "distinct agricultural area" based on topography, soils types, land use pattern, or the type of farm operations or practices that distinguish it from other adjacent agricultural areas. Findings shall describe the study area, its boundaries, and the location of the subject parcel with this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area; and to the extent OAR 660-033-0130(4)(a)(D)(ii) is applicable.
 - ii. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture, or grazing lands), the number, location, and type of existing dwellings (farms, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections 401.05(C)(3) through (5) and (11), including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area, including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings.
 - iii. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of

tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

- e. The dwelling shall comply with such other conditions as the County considers necessary.
 - f. Prior to Planning Director approval for issuance of a building or manufactured dwelling permit, the applicant shall notify the County Assessor that the lot of record is no longer being used for farmland and; request the County Assessor to disqualify the lot of record for special assessment under ORS 308.370, 308.765, 321.257 to 321.381, 321.730 or 321.815 and; pay any additional tax imposed upon disqualification from special assessment. A lot of record that has been disqualified pursuant to Subsection 401.05(C)(11)(f) shall not requalify for special assessment unless, when combined with another contiguous lot of record, it constitutes a qualifying parcel.
12. Accessory Farm Dwelling – Relative: A relative farm help dwelling for a relative of the farm operator may be allowed subject to the following criteria:
- a. A relative farm help dwelling shall be located on the same lot of record as the dwelling of the farm operator and must be on real property used for farm use;
 - b. The accessory farm dwelling shall be located on a lawfully created lot of record;
 - c. The accessory farm dwelling shall be occupied by child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin, of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation, such as planting, harvesting, marketing or caring for livestock, is required by the farm operator.
 - d. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decision about such things as planting, harvesting, feeding and marketing.
 - e. The size, type, and intensity of the farm operation shall be used to evaluate the need for the dwelling.

- f. The net income derived from the farm products shall be significant and products from the farm unit shall contribute substantially to the agricultural economy, to agricultural processors and farm markets.
 - g. There are no other dwellings on the lot of record that are vacant or currently occupied by persons not working on the subject farm unit that could reasonably be used as an accessory farm dwelling.
 - h. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days.
 - i. Any lot of record land division or property line adjustment which results in the location of any accessory farm dwelling on a lot of record separate from the farm use property for which it has been established is prohibited.
13. Accessory Farmworker Dwellings – Year-round and Seasonal Farm Workers: An accessory farm dwelling for a nonrelative, and their immediate family unless otherwise specified, of the farm operator may be allowed subject to the following criteria:
- a. The accessory farm dwelling shall be occupied by a person or persons who will be principally engaged in the farm use of the land and on other commercial farms in the area, whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator on the farm unit.
 - b. The accessory farm dwelling shall be located on a lawfully created lot of record;
 - c. The accessory farm dwelling shall be located:
 - i. On the same lot of record as the primary farm dwelling; or
 - ii. On the same tract as the primary farm dwelling when the lot of record on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots of record in the tract; or
 - iii. On a lot of record on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured

dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot of record is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to Section 401; or

- iv. On any lot of record, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under Subsection 401.05(C)(13)(c)(iv) shall be removed, demolished, or converted to a nonresidential use when farm worker housing is no longer required.
- v. On a lot of record on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot of record at least the size of the applicable minimum lot size and the lot of record complies with the gross farm income requirements of Subsection 401.05(C)(13)(f)(i) or 401.05(C)(13)(f)(ii), whichever is applicable.
- d. There are no other dwellings on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.
- e. All multi-unit accessory dwellings shall be consistent with the intent of the Legislative Assembly as provided in ORS 215.243.
- f. The primary farm dwelling to which the proposed dwelling would be accessory shall meet one of the following:
 - i. On Low Value Farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned the lower of at least \$32,500 in gross annual income from the sale of farm products or at least the midpoint of the median income range of gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon, in each of the last two years or three of the last five years or in an average of three of the last five years, or

- ii. On land identified as High Value Farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years.
- g. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- h. Only gross annual income from land owned, not leased or rented, shall be counted.
- i. Any proposed land division or property line adjustment of a lot of record for an accessory farm dwelling approved pursuant to Subsection 401.05(C)(13) shall not be approved. If it is determined that an accessory farm dwelling satisfies the requirements for a dwelling in conjunction with a farm use under Subsection 401.05(C)(6) or (7), a parcel may be created consistent with the minimum parcel size requirements in Subsection 401.07(A).
- j. An accessory farm dwelling approved pursuant to Subsection 401.05(C)(13) shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 401.05(C)(11).
- k. At any time the dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days.
- l. "Farmworker", means an individual who, for an agreed remuneration or rate of pay, performs labor, temporarily or on a continuing basis, for a person in the production of farm products, planting, cultivating or harvesting of seasonal agricultural crops; or forestation or reforestation of land, including but not limited to planting, transplanting, tubing, precommercial thinning and thinning of trees or seedlings, the clearing, piling and disposal of brush and slash and other related activities.
- m. "Farmworker Housing", means housing limited to occupancy by farmworkers and their immediate families, and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.

- n. "Relative", for the purposes of Subsection 401.05(C)(13), means an ancestor, lineal descendant, or whole or half sibling of the owner or operator or the spouse of the owner or operator.
 - o. "Farmworker Housing Owner", means a person that owns farmworker housing. It does not mean a person whose interest in the farmworker housing is that of a holder of a security interest in the housing.
14. Dwelling in conjunction with a farm use on Low or High Value Farmland, whichever is applicable: A primary farm dwelling for the farm operator may be allowed subject to the following criteria:
- a. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income as provided in 401.05(C)(6)(a) or 401.05(C)(7)(a), whichever is applicable, in each of the last five years or four of the last seven years.
 - b. The subject parcel on which the dwelling will be located is:
 - i. Currently employed for the farm use, that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income as provided in 401.05(C)(6)(a) or 401.05(C)(7)(a); and
 - ii. The parcel is at least 80 acres.
 - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
 - d. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income as provided in Ssubsection 401.05(C)(14)(a).
 - e. In determining the gross income the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - f. Only gross income from land owned, not leased or rented, shall be counted.
15. One manufactured dwelling, residential trailer, or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. A temporary residence approved under Subsection 401.05(C)(15) is not eligible for replacement under Subsection

401.05(C)(1) and (2) as a permanent dwelling. On-site sewage disposal system review and removal requirements through the Septic and Onsite Wastewater Program also apply.

D. Commercial Uses

1. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zoning district and shall not be used as justification for a zone change.
2. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
3. A single agri-tourism or other commercial event or activity in a calendar year that is personal to the applicant and is not transferrable by sale of the tract, subject to ORS 215.239, 215.283(4)(a), and (6) and the following:
 - a. Agri-tourism events shall not include any mass gatherings or other outdoor gatherings; and
 - b. Agri-tourism events shall be “incidental and subordinate” to existing farm use on the tract. Incidental and subordinate means that the event or activity is strictly secondary and ancillary to on-site commercial farm uses or the commercial agricultural enterprises in the area in terms of income generated, area occupied, and off-site impacts; and
 - c. “Agri-tourism”, means a commercial event or activity that is logically, physically, and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture.
4. Agri-tourism for up to six events or other commercial events or activities in a calendar year that is personal to the applicant and is not transferrable by sale of the tract, subject to ORS 215.239, 215.283(4)(c), and (6) and the following:
 - a. Agri-tourism events shall not include any mass gatherings or other outdoor gatherings; and
 - b. Agri-tourism events shall be “incidental and subordinate” to existing farm use on the tract. Incidental and subordinate means that the event or activity is strictly secondary and ancillary to on-site commercial farm uses or the commercial agricultural enterprises in the area in terms of income generated, area occupied, and off-site impacts; and

- c. "Agri-tourism", means a commercial event or activity that is logically, physically, and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture.
5. A winery bed and breakfast facility as provided for in ORS 215.452 and 215.453 as a home occupation subject to ORS 215.448, on the same tract as a winery and in association with the winery, and the following:
 - a. May prepare and serve two meals per day to registered guests of the bed and breakfast facility; and
 - b. Meals may be served at the bed and breakfast facility or at the winery.
6. Up to 18 agri-tourism or other commercial events or activities in a calendar year, on a minimum 80 acre lot of record, subject to ORS 215.239, 215.283(4)(d), (5), and (6) and the following:
 - a. Agri-tourism events shall not include any mass gatherings or other outdoor gatherings, and
 - b. Agri-tourism events shall be "incidental and subordinate" to existing farm use on the tract. Incidental and subordinate means that the event or activity is strictly secondary and ancillary to on-site commercial farm uses or the commercial agricultural enterprises in the area in terms of income generated, area occupied, and off-site impacts; and
 - c. "Agri-tourism", means a commercial event or activity that is logically, physically and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture.
7. An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks.
 - a. As part of the conditional use approval process, for the purpose of verifying the existence, continuity, and nature of the business, representatives of the business may apply to the County and submit evidence including, but not limited to, sworn affidavits or other documentary evidence that the business qualifies. Alteration, restoration, or replacement of an aerial fireworks display business may be altered, restored, or replaced pursuant to Section 1206.
8. Dog training classes, which may be conducted outdoors or in preexisting farm buildings that existed on January 1, 2013, when:

- a. The number of dogs participating in training does not exceed 10 dogs per training class; and
 - b. The number of training classes to be held on-site does not exceed six per day.
9. Dog testing trials, which may be conducted outdoors or in preexisting farm buildings that existed on January 1, 2013, when:
- a. The number of dogs participating in a testing trial does not exceed 60; and
 - b. The number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

E. Mineral, Aggregate, Oil, and Gas Uses

1. Mineral, Aggregate, Oil and Gas Uses: Pursuant to ORS 215.298 a land use permit is required for mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A permit for mining of aggregate shall be issued only for a site included on an inventory acknowledged in the Comprehensive Plan for the following:
 - a. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources, subject to ORS 215.298.
 - b. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement; and
 - i. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
 - c. Processing of other mineral resources and other subsurface resources.
 - d. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 401.

F. Transportation Uses

1. Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401 may be established, subject to the adoption of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.
2. A personal-use airport means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

G. Utility and Solid Waste Disposal Facility Uses

1. Wind energy power production systems as an accessory use, provided:
 - a. The system is not a commercial power generating facility;
 - b. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;
 - c. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;
 - d. The system is prohibited if tower lighting for aviation safety is required;
 - e. The system will be located outside an urban growth boundary on a minimum of one acre;
 - f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;
 - g. The system is set back a distance not less than the tower height plus one blade from all property lines; and

- h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.
2. A utility facility necessary for public service may be established as provided in ORS 215.275 and 215.276. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided. An associated transmission line for a utility facility is subject to OAR 660-033-0130(16)(b).
3. Composting operations and facilities allowed on high-value farmland, subject to the following:
 - a. Composting operations and facilities on high value farmland must:
 - i. Compost only on-farm produced compostable materials; or
 - ii. Compost only off-site materials and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract; or
 - iii. Compost any off-site materials with on-farm produced compostables and use all on site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract; and
 - iv. Be an accepted farming practice in conjunction with and auxiliary to farm use on the subject tract; meaning that if off-site materials are added to on-farm produced compostables, the total amount of compost generated by the operation or facility does not exceed the amount of compost reasonably anticipated to be used on the subject tract; and
 - v. Limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; and
 - vi. Meet the performance and permitting requirements of the Department of Environmental Quality (DEQ) under OAR 340-093-0050 and 340-096-0060.b. Excess compost from operations and facilities on high value farmland may only be sold or transported if:
 - i. The operation or facility does not use off-site materials; and

- ii. It is sold or transported to neighboring farm operations within two and one-half miles of the subject tract; and
 - iii. It is sold or transported in bulk loads of not less than one unit (7.5 cubic yards) in size that are transported in one vehicle.
- 4. Composting operations and facilities allowed on low-value farmland that constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, subject to Subsection 401.05(G)(3).
- 5. Composting operations and facilities allowed on low value farmland that do not constitute accepted farming practices and are not in conjunction with and auxiliary to an on-site farm use on the subject tract shall be subject to Section 834.
- 6. Commercial utility facilities for the purpose of generating power for public use by sale, but not including wind power or photovoltaic solar power generation. A power generation facility shall not preclude more than 12 acres on High Value Farmland, or more than 20 acres on Low Value Farmland, from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rule 660, Division 4; and
 - a. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) (a private campground) or other statute or rule when the project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 401.05(A)(1) and shall have no effect on the original approval.

H. Parks, Public, and Quasi-public Uses

- 1. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under Subsection 401.05(H)(1). The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under Subsection 401.05(H)(1). An owner of property used for the purpose authorized in Subsection 401.05(H)(1) may charge a person operating the use on the property rent for the property. An

operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in Subsection 401.05(H)(1), "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.

2. Public parks including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable. A public park may be established consistent with the provisions of ORS 195.120.
3. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A community center authorized under Subsection 401.05(H)(3) may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
4. "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in Subsection 401.05(H)(4), a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.
5. Private parks, playgrounds, hunting and fishing preserves, and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

- a. Except on a lot of record contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
 - b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
 - c. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle.
 - d. Separate sewer, water, or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by Subsection 401.05(H)(6)(g).
 - e. Campgrounds authorized by Subsection 401.05(H)(6) shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
 - f. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - g. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in Subsection 401.05(H)(6), "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.
6. Golf courses, on land determined not to be high value farmland, as defined in ORS 195.300, subject to OAR 660-033-0130(20).

I. Outdoor Gatherings

1. An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period. Agri-tourism and other commercial events or activities may not be permitted as mass gatherings under ORS 215.283(4).
2. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period is

subject to review by the Planning Commission under the provisions of ORS 433.763. Outdoor gatherings may not include agri-tourism events or activities.

J. Nonconforming Uses

1. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 401.05(A)(1) and OAR 660-033-0130(20), but shall not be expanded to contain more than 36 total holes.
2. In addition to and not in lieu of the authority in Section 1206 to continue, alter, restore, or replace a nonconforming use, schools as formerly allowed pursuant to ORS 215.283(1)(a), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:
 - a. The requirements of Subsection 401.05(J)(3); and
 - b. Conditional approval as provided in Subsection 401.05(A)(1).
3. A nonconforming use described in Subsection 401.05(J)(2) may be expanded if:
 - a. The use was established on or before January 1, 2009; and
 - b. The expansion occurs on:
 - i. The lot of record on which the use was established on or before January 1, 2009; or
 - ii. A lot of record that is contiguous to the lot of record described in Subsection 401.05(J)(3)(b)(i) and that was owned by the applicant on January 1, 2009.

401.06 PROHIBITED USES

Uses of structures and land not specifically permitted are prohibited.

401.07 DIMENSIONAL STANDARDS

- A. Minimum Lot Size: New lots of record shall be a minimum of 80 acres in size, except as provided in Subsection 401.09 ~~or as modified by Section 902~~. For the purpose of complying with the minimum lot size standard, lots of record ~~with street frontage that front~~ on ~~existing~~ County or public roads

rights-of-way may include the land area between the front lotproperty line and the centerlinemiddle of the County or public road right-of-way.

- B. Minimum Front Yard-Setback: 30 feet.
- C. Minimum Side Yard-Setback: 10 feet.
- D. Minimum Rear Yard-Setback: 30 feet; however, accessory buildingsstructures shall have a minimum rear yard-setback of 10 feet.
- E. ModificationsExeptions: Modifications to the dDimensional standards are established bysubject to modification pursuant to Sections 800, Special Uses; 903, Setback Exceptions; 1107, Property Line Adjustments; and 1205, Variances900.
- F. ~~Variances: The requirements of Subsections 401.07(B) through (D) may be modified pursuant to Section 1205.~~

401.08 DEVELOPMENT STANDARDS

- A. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

401.09 LAND DIVISIONS

- A. Land divisions that are prohibited under OAR 660-033-0100(8) and (9):
 1. A land division that separates a temporary dwelling for care, relative farm help dwelling, home occupation or processing facility from a parcel on which the primary residential or other primary use exists is prohibited.
 2. A land division of a parcel created before January 1, 1993, on which a nonfarm dwelling was approved is prohibited.
- B. Land divisions are permitted, if consistent with one of the following options and Subsections 1105.01(A) and 1105.07Oregon Revised Statutes (ORS) Chapter 92. A land division pursuant to Subsection 401.09(C) shall require review of a Type I application pursuant to Section 1307, Procedures. A land division pursuant to Subsection 401.09(D), (E), (F), (G), or (H) shall require review of a Type II application pursuant to Section 1307.
- C. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved, if each new lot of record is a minimum of 80 acres in size, as established by Subsection 401.07(A).
- D. Nonfarm Use Land Divisions: A land division creating parcels less than 80 acres in size may be approved for a fire service facility and for nonfarm uses, except dwellings, set out in ORS 215.283(2), if the parcel for the fire service

facility or nonfarm use is not larger than the minimum size necessary for the use.

- E. Nonfarm Dwelling Land Divisions: Lots of record less than 80 acres in size may be approved, subject to the following criteria:
1. The originating lot of record is at least 80 acres, and is not stocked to the requirements under ORS 527.610 to 527.770;
 2. The lot of record is composed of at least 95% Class VI through Class VIII agricultural soils, and composed of at least 95% soils not capable of producing 50 cubic feet per acre per year of wood fiber;
 3. The new lot of record for a dwelling will not be smaller than 20 acres; and
 4. No new lot of record may be created until the criteria in Subsections 401.05(C)(11)(a), (b), (d), (e), and (f) for a dwelling are satisfied.
- F. Parks/Open Space/Land Conservation Land Divisions: A land division for a provider of public parks or open space, or a not-for-profit land conservation organization, may be approved subject to ORS 215.263(10) and Subsection 401.05(A)(1). In addition, the owner of any parcel not containing a dwelling shall sign and record in the County deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
- G. Historic Property Land Divisions: A land division may be approved to create a parcel with an existing dwelling to be used for historic property that meets the requirements of a Replacement Dwelling under Subsection 401.05(C)(1)(a) and the dwelling has been listed in county inventory as described in ORS 358.480.
- H. Land Divisions Along an Urban Growth Boundary: A division of a lot of record may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned ~~EFU for agricultural uses~~ and is smaller than ~~80 acres the minimum parcel size~~, subject to the following criteria provided that:
- a. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.
 - b. If the parcel does not contain a dwelling, the parcel is:
 - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120 ~~for state and local parks;~~

- ii. May not be considered in approving or denying an application for any other dwelling; and
- iii. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

c. The owner of any parcel not containing a dwelling shall sign and record in the County deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

401.10 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for any use requiring review of a Type I, II, or III application shall include an accurate site plan drawn to scale on eight-and-one-half-inch by 11-inch or eight-and-one-half-inch by 14-inch paper, showing the subject property and proposal. In addition, applications for farm dwellings requiring a justification of income shall include tax forms, farm receipts, or other appropriate documentation demonstrating the income produced from the subject property.

401.11 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of a Type I, II, or III application is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented. "Implemented" means:
 - 1. For a land division, the final plat shall be recorded with the County Clerk. If a final plat is not required under Oregon Revised Statutes Chapter 92, deeds with the legal descriptions of the new parcels shall be recorded with the County Clerk; or
 - 2. For all other applications, a building or manufactured dwelling placement permit for a new primary structure that was the subject of the application shall be obtained and maintained. If no building or manufactured dwelling placement permit is required, all other necessary County development permits shall be obtained and maintained.
- B. Time Extension: If the approval of a Type I, II, or III application is not implemented within the initial approval period established by Subsection 401.11(A), a two-year time extension may be approved pursuant to Section 1310.

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- C. Subsections 401.11(A) and (B) do not apply to home occupations or conditional uses, which shall be subject to any applicable approval period and time extension provisions of Sections 822 or 1203, respectively.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-241, 1/1/13; Amended by Ord. ZDO-247, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-264, 8/22/17]

406 TIMBER DISTRICT (TBR)

406.01 PURPOSE

Section 406 is adopted to implement the policies of the Comprehensive Plan for Forest and Agriculture areas.

406.02 APPLICABILITY

Section 406 applies to land in the Timber (TBR) District.

406.03 DEFINITIONS

Unless specifically defined in Subsection 406.03 or in Section 202, *Definitions*, words or phrases used in Section 406 shall be interpreted to give them the same meaning as they have in common usage and to give Section 406 its most reasonable application.

- A. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. Cubic Foot Per Acre: As defined in Oregon Administrative Rules (OAR) 660-006-0005(3).
- C. Cubic Foot Per Tract Per Year: As defined in OAR 660-006-0005(4).
- D. Date of Creation and Existence: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- E. Dwelling: Unless otherwise provided in Section 406, a dwelling is a detached single-family dwelling or a manufactured dwelling.
- F. Firearms Training Facility: An indoor facility only, that provides training courses and issues certifications required for law enforcement personnel, by the Oregon Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting, and safety.
- G. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in Oregon Revised Statutes (ORS) 527.620(6).
- H. Navigation: References an instrument within a waterway or flightway that assists in traveling to a destination for water vessels and aircraft.

- I. Owner: For purposes of a Lot of Record Dwelling, “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.
- J. Ownership: Holding fee title to a lot of record, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. Ownership shall include all contiguous lots of record meeting this definition.
- K. Primary Processing of Forest Products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
- L. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, hiking, or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
- M. Relative: For purposes of a Temporary Dwelling for Care, “relative” means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the owner.
- N. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed one year.
- O. Tract: One or more contiguous lots of record under the same ownership, including lots of record divided by a County or public road, or land contiguous at a common point. Lots of record divided by a state highway are not considered contiguous.

406.04 USES PERMITTED

Uses permitted in the TBR District are listed in Table 406-1, *Permitted Uses in the TBR District*.

- A. As used in Table 406-1:
 - 1. “A” means the use is allowed.

2. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.

3. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*

43. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

54. The "Subject To" column identifies any specific provisions of Subsection 406.05 to which the use is subject.

B. Permitted uses are subject to the applicable provisions of Subsection 406.07, *Dimensional Standards*; Subsection 406.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 406-1: Permitted Uses in the TBR District

	Type	Use	Subject To
FARM AND FOREST USES	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 ³ regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if a primary farm or forest use exists.	
	TYPE II	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1), (6) & (B)(2)
	C	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (6)
	C	Log scaling and weigh stations.	406.05(A)(1) & (6)

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	Type	Use	Subject To
NATURAL RESOURCE USES	A	Uninhabitable structures accessory to fish and wildlife enhancement.	
	C	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)
	Type	Use	Subject To
RESIDENTIAL USES	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05(D)(1)
	TYPE II	Forest Lot of Record Dwelling.	406.05(A)(3), (4), (5) & (D)(2)
	TYPE II	Forest Template Test Dwelling.	406.05(A)(3), (4), (5) & (D)(3)
	TYPE II	160 Acre Forest Dwelling.	406.05(A)(3), (4), (5) & (D)(4)
	TYPE II	200 Acre Noncontiguous Tract Forest Dwelling	406.05(A)(3), (4), (5) & (D)(5)
	TYPE II	Caretaker residences for public parks and public fish hatcheries.	406.05(A)(2) & (5)
	TYPE II	Temporary forest labor camp, subject to Subsection 1204.01, for a period not to exceed one year.	
	TYPE II	Temporary dwelling for care, subject to Subsection 1204.043.	406.05(A)(1), (2) & (D)(6)
	Type	Use	Subject To
COMMERCIAL USES	A	Family daycare provider.	
	TYPE II	Home occupation, subject to Section 822.	406.05(A)(1), (2), (5) & (E)(1)
	C	Home occupation to host events, subject to Section 806.	406.05(A)(1), (2), (5) & (E)(1)
	C	Home occupation for canine skills training, subject to Section 836.	406.05(A)(1), (2) (5) & (E)(1)
	C	Private accommodations for fishing on a temporary basis.	406.05(A)(1), (2), (5) & (E)(2)
	C	Private seasonal accommodations for fee based hunting.	406.05(A)(1), (5) & (E)(3)
	Type	Use	Subject To
MINERAL, AGGREGATE, OIL, AND GAS USES	A	Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries.	
	C	Mining and processing of oil, gas, or other subsurface resources.	406.05(A)(1), (6) & (F)(1)
	C	Exploration for and production of geothermal, gas, and oil.	406.05(A)(1), (6) & (F)(2)

	Type	Use	Subject To
TRANSPORTATION USES	A	Widening of roads within existing rights-of-way in conformance with Chapter 5 of the Comprehensive Plan.	
	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Parking of up to seven dump trucks and seven trailers, subject to ORS 215.311.	406.05(A)(1)
	C	Aids to navigation and aviation.	406.05(A)(1) & (6)
	C	Expansion of existing airports.	406.05(A)(1)
	C	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
	C	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	406.05(A)(1) & (G)(1)
	Type	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	A	Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility, subject to Subsection 835.04(A).	
	A	Placement of telecommunication antennas with associated equipment on an existing utility pole, subject to Subsection 835.04(B).	
	A	Essential public communication services, subject to Subsection 835.04(C).	

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UTILITY AND SOLID WASTE DISPOSAL FACILITY USES (cont.)	A	Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.	
	A	Water intake facilities, canals and distribution lines for farm irrigation and ponds.	
	A	Solar energy systems as an accessory use.	
	A	Rainwater collection systems as an accessory use.	
	A	Electric vehicle charging stations for residents and their nonpaying guests.	
	A	Meteorological towers.	
	TYPE II	Wind energy power production systems as an accessory use.	406.05(H)(1)
	TYPE II	Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility that exceed Subsection 835.04(A), subject to Subsection 835.05(A).	
	TYPE II	Placement of telecommunication antennas with associated equipment on replacement utility pole that exceeds the replaced pole by no more than 20 feet, subject to Subsection 835.05(A).	
	C	Wireless telecommunication facilities listed in Subsection 835.06, subject to Section 835.	
	C	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (6)
	C	Reservoirs and water impoundments.	406.05(A)(1), (2) & (5)
	C	A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation. A composting facility is subject to Section 834.	406.05(A)(1) & (6)
	C	Commercial utility facilities for the purpose of generating power.	406.05(A)(1), (6) & (H)(2)
	C	New electric transmission lines.	406.05(A)(1) & (H)(3)
C	Television, microwave, and radio communication facilities.	406.05(A)(1), (6) & (H)(4)	

	Type	Use	Subject To
PARKS AND PUBLIC/QUASI-PUBLIC USES	A	Private hunting and fishing operations without any lodging accommodations.	
	A	Towers and fire stations for forest fire protection.	
	C	Fire stations for rural fire protection.	406.05(A)(1) & (6)
	C	Youth camps on 40 acres or more, subject to OAR 660-006-0031.	406.05(A)(1) & (3)
	C	Cemeteries.	406.05(A)(1) & (6)
	C	Firearms training facility as provided in ORS 197.770(2).	406.05(A)(1) & (6)
	C	Private parks and campgrounds.	406.05(A)(1), (2), (6) & (I)(1)
	C	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.	406.05(A)(1) & (6)
	Type	Use	Subject To
OUTDOOR GATHERINGS	A	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	406.05(J)(1)
	<u>TYPE III G</u>	An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	406.05(A)(1) & (J)(2)

406.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 406-1. The applicability of a specific criterion to a listed use is established by Table 406-1.

A. General Criteria

1. The use may be allowed provided that:
 - a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
 - b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
2. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.
3. The landowner for the dwelling shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or

cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.
5. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
6. A land division for the use may be approved pursuant to Subsection 406.09(D).

B. Farm and Forest Uses

1. Temporary portable facility for the primary processing of forest products grown on-site, subject to Subsection 1204.01, for a period not to exceed one year.
2. Permanent facility for the primary processing of forest products that is:
 - a. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and
 - b. Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses.

C. Natural Resource Uses

1. Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.

D. Residential Uses

1. Alteration, restoration, or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

- c. Has interior wiring for interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, is removed, demolished, or—if not a manufactured dwelling or residential trailer—converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling.
2. Lot of Record Dwelling, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
 - b. The lot of record on which the dwelling will be sited was acquired by the present owner:
 - i. Prior to January 1, 1985; or
 - ii. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 - c. The tract on which the dwelling will be sited does not include a dwelling.
 - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
 - e. The property is not capable of producing 5,000 cubic feet per year of commercial tree species.
 - f. The property is located within 1,500 feet of a public road, as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be a BLM road, or a USFS road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and the landowners adjacent to the road, a local government, or a state agency.
 - g. The proposed dwelling is not prohibited by this Ordinance or the Comprehensive Plan, or any other provisions of law.
 - h. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of adjacent common ownership land shall

remain in common ownership as long as the dwelling remains as approved.

- i. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(2).
3. Forest Template Dwelling, subject to the following criteria:
- a. The tract on which the dwelling will be sited does not include a dwelling.
 - b. No dwellings are allowed on other lots of record that make up the tract.
 - c. A deed restriction shall be recorded with the County Clerk stating no other lots of record that make up the tract may have a dwelling.
 - d. The lot of record upon which the dwelling is to be located was lawfully created.
 - e. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(3).
 - f. The lot of record upon which the dwelling will be sited shall pass a template test, conducted as follows:
 - i. A 160 acre square template shall be centered upon the subject tract. The template may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the subject tract, and, to the maximum extent possible, have its length aligned with the road or perennial stream.
 - ii. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the Natural Resources Conservation Service (NRCS) Internet Soils Survey of:
 - A) Less than 50 cubic feet per acre per year of wood fiber production, at least part of a minimum of three lots of record shall fall within the template, and a minimum of three lawfully established dwellings shall exist on the lots within the template area; or
 - B) 50 – 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of seven lots of record shall fall

within the template, and a minimum of four lawfully established dwellings shall exist on the lots within the template area; or

C) Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of five lawfully established dwellings shall exist on the lots within the template area.

iii. The following types of lots of record and dwellings shall not be counted toward satisfying the minimum number of lots of record or dwellings required pursuant to Subsection 406.05(D)(3)(~~fd~~)(ii) to pass a template test:

A) Lots of record larger than 80 acres;

B) Lots of record created on or after January 1, 1993;

C) Dwellings on lots of record larger than 80 acres;

D) Dwellings constructed on or after January 1, 1993;

E) Lots of record or dwellings located within an urban growth boundary;

F) Temporary dwellings; and

G) The subject property.

iv. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of one of the dwellings required by Subsection 406.05(D)(3)(~~fd~~)(ii) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on which the dwelling will be sited, a minimum of one of the dwellings required by Subsection 406.05(D)(3)(~~fd~~)(ii) shall be located on the same side of the road as the proposed dwelling.

4. 160 Acre Minimum Forest Dwelling, subject to the following criteria:

a. The tract on which the dwelling is to be sited is at least 160 acres.

b. The tract on which the dwelling will be sited does not include a dwelling.

- c. The lot of record upon which the dwelling is to be located was lawfully created.
 - d. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(4).
5. 200 Acre Noncontiguous Dwelling, subject to the following criteria:
- a. The tract on which the dwelling will be sited does not include a dwelling;
 - b. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of two or more tracts that total 200 acres or more;
 - c. The owner submits proof of an irrevocable deed restriction, recorded in the deed records of the county, for the tracts in the 200 acres. The deed restriction shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural and forest lands;
 - d. None of the lots of record or tracts used to total 200 acres may already contain a dwelling.
 - e. All lots of record or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest;
 - f. The lot of record upon which the dwelling is to be located was lawfully created;
 - g. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(5).
6. One manufactured dwelling, residential trailer, or recreational vehicle may be used for care in conjunction with an existing dwelling for the term of a health hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. A temporary residence approved under Subsection 406.05(D)(6) is not eligible for replacement under Subsection 406.05(D)(1) as a permanent dwelling. On-site sewage disposal system review and removal requirements through the Septic and Onsite Wastewater Program also apply.

E. Commercial Uses

1. The home occupation shall not unreasonably interfere with other uses permitted in the zoning district in which the subject property is located and shall not be used as justification for a zone change.
2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to the following:
 - a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - b. Only minor incidental and accessory retail sales are permitted; and
 - c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - d. Accommodations must be located within one-quarter mile of fish bearing Class I waters.
3. Private seasonal accommodations for fee hunting operations may be allowed subject to the following:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - b. Only minor incidental and accessory retail sales are permitted; and
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

F. Mineral, Aggregate, Oil, and Gas Uses

1. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;
2. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a well head;

G. Transportation Uses

1. Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance, with:

- a. The adoption of an exception to the goal related to forest lands and to any other applicable goal with which the facility or improvement does not comply; or
- b. Compliance with ORS 215.296 for those uses identified by rule of the Oregon Land Conservation and Development Commission as provided in Section 3, Chapter 529, Oregon Laws 1993.

H. Utility and Solid Waste Disposal Facility Uses

1. Wind energy power production systems as an accessory use, provided:
 - a. The system is not a commercial power generating facility;
 - b. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;
 - c. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;
 - d. The system is prohibited if tower lighting for aviation safety is required;
 - e. The system will be located outside an urban growth boundary on a minimum of one acre;
 - f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;
 - g. The system is set back a distance not less than the tower height plus one blade from all property lines; and
 - h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.
2. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829.

3. New electric transmission lines with right-of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
4. Television, microwave, and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower.

I. Parks, Public, and Quasi-Public Uses

1. Private parks and campgrounds: Campgrounds in private parks shall only be those allowed by Subsection 406.05(I)(1). A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground, subject to the following:
 - a. Except on a lot of record contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
 - b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
 - c. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle.
 - d. Separate sewer, water, or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by Subsection 406.05(I)(1)(g).
 - e. Campgrounds authorized by Subsection 406.05(I)(1) shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
 - f. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - g. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in Subsection

406.05(I)(1), "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.

J. Outdoor Gatherings

1. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, subject to ORS 433.735 through 433.760.
2. An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces, shall be subject to review by the Planning Commission under the provisions of ORS 433.763.

406.06 PROHIBITED USES

- A. Uses of structures and land not specifically permitted are prohibited.
- B. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use may not be converted to another use.

406.07 DIMENSIONAL STANDARDS

- A. Minimum Lot Size: New lots of record shall be a minimum of 80 acres in size, except as provided in Subsection 406.09 ~~or as modified by Section 902~~. For the purpose of complying with the minimum lot size standard, lots of record ~~with street frontage~~ ~~that front~~ on ~~existing~~ County or public roads ~~rights-of-way~~ may include the land area between the front ~~lot~~ ~~property~~ line and the ~~centerline~~ ~~middle~~ of the ~~County or public~~ road right-of-way.
- B. Minimum Front ~~Yard~~ Setback: 30 feet.
- C. Minimum Side ~~Yard~~ Setback: 10 feet.
- D. Minimum Rear ~~Yard~~ Setback: 30 feet; however, accessory ~~buildings~~ ~~structures~~ shall have a minimum rear yard setback of 10 feet.
- E. Modifications ~~Exceptions~~: Modifications to d ~~Dimensional standards are established by~~ ~~subject to modification pursuant to Sections 800, Special Uses; 903, Setback Exceptions; 1107, Property Line Adjustments; and 1205, Variances~~ ~~900~~.
- F. ~~Variances~~: ~~The requirements of Subsections 406.07(B) through (D) may be modified pursuant to Section 1205.~~

406.08 DEVELOPMENT STANDARDS

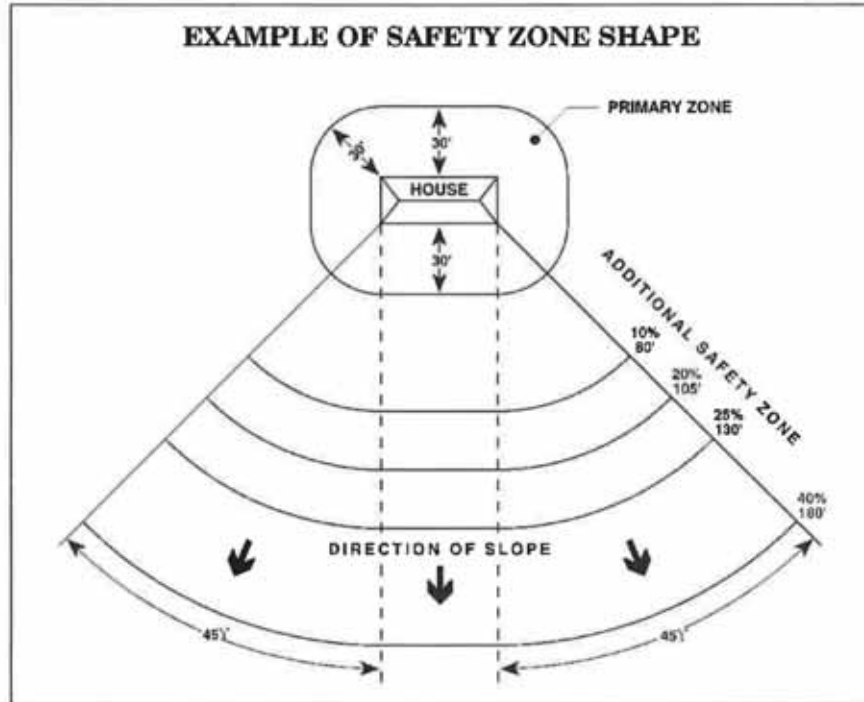
A. Fire-Siting Standards for New Structures: Fuel-free break standards shall be provided surrounding any new structure approved after April 28, 1992 pursuant to a land use application, as follows:

1. A primary fuel-free break area shall be maintained surrounding any new structure, including any new dwelling.
 - a. The primary safety zone is a fire fuel break extending a minimum distance around structures. The minimum distance is established by Table 406-2 and Figure 406-1. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the structure. As slope increases, the primary safety zone shall increase away from the structure and down the slope at a 45-degree angle from the structure, in accordance with Table 406-2 and Figure 406-1:

Table 406-2: Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Figure 406-1: Example of Primary Safety Zone



2. For any new dwelling, a secondary fuel-free break area shall be cleared and maintained on land surrounding the dwelling that is owned or controlled by the owner.
 - a. The secondary fuel-free break extends around the primary safety zone required pursuant to Subsection 406.08(A)(1). The goal of the secondary fuel-free break shall be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel-free break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. The minimum width of the secondary fuel-free break shall be the lesser of:
 - i. 100 feet; or
 - ii. The distance from the dwelling to the edge of land surrounding the dwelling that is owned or controlled by the owner.
3. Structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705, respectively. Structures shall be sited so that a primary safety zone can be completed around the structure outside of the river or stream corridor setback/buffer area. The area within the river or stream

setback/buffer area shall be exempt from the secondary fuel-free break area requirements.

4. The fuel-free break standards shall be completed and approved prior to issuance of any septic, building, or manufactured dwelling permits. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner.

B. Additional Fire-Siting Standards for New Dwellings: The following fire-siting standards shall apply to any new dwelling approved pursuant to a land use application based on standards in effect on or after February 5, 1990.

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, an alternative means for protecting the dwelling from fire hazards shall be provided. The means selected may include a fire sprinkling system, onsite equipment and water storage, or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. The dwelling shall have a fire retardant roof.
3. The dwelling shall not be sited on a slope of greater than 40 percent.
4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

C. Compatibility Siting Standards: The following compatibility siting standards shall apply to any new structure, including any new dwelling, approved pursuant to a land use application based on standards in effect on or after April 28, 1994.

1. Structures shall be sited on the subject property so that:

- a. They have the least impact on nearby or adjoining forest or agricultural lands;
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - c. The amount of forest lands used to site access roads, service corridors, and structures is minimized; and
 - d. The risks associated with wildfire are minimized.
2. Siting criteria satisfying Subsection 406.08(C)(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the subject property least suited for growing trees.
- D. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's (OWRD) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR Chapter 629). Evidence of a domestic water supply means:
- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - b. A water use permit issued by the OWRD for the use described in the application; or
 - c. Verification from the OWRD that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.
- E. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

406.09 LAND DIVISIONS

Land divisions are permitted, if consistent with one of the following options and Subsections 1105.01(A) and 1105.07~~Oregon Revised Statutes Chapter 92~~. A land division pursuant to Subsection 406.09(A) shall require review of a Type I application pursuant to Section 1307, Procedures. A land division pursuant to Subsection 406.09(B), (C), (D), (E), (F) or (G) shall require review of a Type II application pursuant to Section 1307.

- A. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved if each new lot of record is a minimum of 80 acres in size, as established by Subsection 406.07(A).
- B. Multiple Dwelling Land Divisions: A lot of record may be divided subject to Subsection 406.05(A)(2) and the following provisions:
1. At least two lawfully established dwellings existed on the lot of record prior to November 4, 1993;
 2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.05(D)(1);
 3. Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size;
 4. At least one of the existing dwellings is located on each lot or parcel created under this provision;
 5. The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director indicating the land is no longer subject to the statewide planning goals for lands zoned for Forest use;
 6. A lot of record may not be divided under this provision if an existing dwelling on the lot of record was approved through:
 - a. A statute, an administrative rule, or a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot of record; or
 - b. A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Goal 4 (*Forest Lands*);
 7. Existing structures shall comply with the minimum setback standards of Subsections 406.07(B) through (D) from new property lines; and
 8. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- C. Homestead Dwelling Land Division: A land division may be approved for the establishment of a parcel for an existing dwelling, -subject to the following criteria:

1. The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
 2. The dwelling existed prior to June 1, 1995;
 3. The remaining parcel, not containing the existing dwelling, is:
 - a. At least 80 acres; or
 - b. The remaining parcel, not containing the existing dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres;
 4. The remaining parcel, not containing the existing dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal;
 5. The landowner shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the existing dwelling, has been recorded with the County Clerk. The restriction shall state that the parcel is not entitled to a dwelling unless subsequently authorized by law or goal and shall be irrevocable unless a statement of release is signed by the Planning Director that the law or goal has changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural or forest land; and
 6. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- D. Conditional Use Divisions: A land division creating parcels less than 80 acres in size may be approved for a conditional use to which Subsection 406.05(A)(6) is applicable, subject to the following criteria:
1. The parcel created for the conditional use shall be the minimum size necessary for the use;
 2. Either the conditional use was approved pursuant to Subsections 406.05(A)(1) and (2), or—for those uses not subject to Subsections 406.05(A)(1) and (2)—compliance with Subsections 406.05(A)(1) and (2) shall be demonstrated; and
 3. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

- E. Parks/Open Space/Land Conservation Divisions: A land division for a provider of public parks or open space, or a not-for-profit land conservation organization, may be approved subject to ORS 215.783. In addition, the landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. Forest Practice Divisions: A land division creating parcels less than 80 acres in size may be approved, subject to the following criteria:
1. The division will facilitate a forest practice as defined in ORS 527.620;
 2. There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;
 3. Parcels created pursuant to Subsection 406.09(F):
 - a. Are not eligible for siting of a new dwelling;
 - b. May not serve as the justification for the siting of a future dwelling on other lots of record;
 - c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - d. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - i. Facilitate an exchange of lands involving a governmental agency; or
 - ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
 - e. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- G. Land Divisions Along an Urban Growth Boundary: A division of a lot of record may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned ~~TBR or AG/F for forest use or mixed farm and forest use~~ and is smaller than ~~80 acres the minimum parcel size, subject to the following criteria provided that:~~

1. If the parcel contains a dwelling, ~~the parcel~~ must be large enough to support continued residential use.
2. If the parcel does not contain a dwelling, ~~the parcel~~:
 - a. ~~It is~~ not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b. ~~It may~~ not be considered in approving or denying an application for any other dwelling;
 - c. ~~It may~~ not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and
 - d. The owner of the parcel shall record with the county clerk and irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

406.10 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for any use requiring review of a Type I or II application shall include an accurate site plan drawn to scale on eight-and-one-half-inch by 11-inch or eight-and-one-half-inch by 14-inch paper, showing the subject property and proposal.

406.11 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of a Type I or II application is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented. "Implemented" means:
 1. For a land division, the final plat shall be recorded with the County Clerk. If a final plat is not required under Oregon Revised Statutes Chapter 92, deeds with the legal descriptions of the new parcels shall be recorded with the County Clerk; or
 2. For all other applications, a building or manufactured dwelling placement permit for a new primary structure that was the subject of the application shall be obtained and maintained. If no building or manufactured dwelling placement permit is required, all other necessary County development permits shall be obtained and maintained.

- B. Time Extension: If the approval of a Type I or II application is not implemented within the initial approval period established by Subsection 406.11(A), a two-year time extension may be approved pursuant to Section 1310.
- C. Subsections 406.11(A) and (B) do not apply to home occupations or conditional uses, which shall be subject to any applicable approval period and time extension provisions of Sections 822 or 1203, respectively.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-247, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17]

407 AG/FOREST DISTRICT (AG/F)

407.01 PURPOSE

Section 407 is adopted to implement the policies of the Comprehensive Plan for Forest and Agriculture areas.

407.02 APPLICABILITY

Section 407 applies to land in the Ag/Forest (AG/F) District.

407.03 DEFINITIONS

The definitions set forth in Subsections 401.03 and 406.03 apply to Section 407. Unless specifically defined in Subsection 401.03, Subsection 406.03, or Section 202, *Definitions*, words or phrases used in Section 407 shall be interpreted to give them the same meaning as they have in common usage and to give Section 407 its most reasonable application.

407.04 USES PERMITTED

Uses permitted in the **AG/FAg/Forest** District are listed in Table 407-1, *Permitted Uses in the AG/F District*.

A. As used in Table 407-1:

1. "A" means the use is allowed.
2. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.
3. "Type II" means the use requires review of a Type II application pursuant to Section 1307, *Procedures*.
4. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.
5. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
6. The "Subject To" column identifies any specific provisions of Subsection 401.05 or 406.05 to which the use is subject.
7. Numbers in superscript correspond to the notes that follow Table 407-1.

B. Permitted uses are subject to the applicable provisions of Subsection 406.07, *Dimensional Standards*; Subsection 406.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 407-1: Permitted Uses in the AG/F District

	Type	Use	Subject To
FARM AND FOREST USES	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.023 regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if the primary farm or forest use exists.	
	TYPE II	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)
	TYPE II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141. Marijuana processing is subject to Section 841. ¹	401.05(B)(1)
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1), (6) & (B)(2)
	C	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (6)
	C	Log scaling and weigh stations.	406.05(A)(1) & (6)
	Type	Use	Subject To
NATURAL RESOURCE USES	A	Uninhabitable structures accessory to fish and wildlife enhancement.	
	A	Creation of, restoration of, or enhancement of wetlands.	
	TYPE II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1)
	C	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)
	Type	Use	Subject To
RESIDENTIAL USES	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05(D)(1)

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	Type	Use	Subject To
<u>RESIDENTIAL USES (cont.)</u>	TYPE II	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property and listed on the National Register of Historic Places. ²	401.05(A)(3)
	TYPE II	Forest Lot of Record Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(2)
	TYPE II	Agricultural Lot of Record Dwelling on Low Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(3)
	TYPE II	Agricultural Lot of Record Dwelling on Class III or IV High Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(4)
	TYPE III	Agricultural Lot of Record Dwelling on Class I or II High Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(5)
	TYPE II	Agricultural Dwelling in conjunction with a farm use on High Value Farmland that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(6)
	TYPE II	Agricultural Dwelling in conjunction with a farm use on Low Value Farmland on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(7)
	TYPE II	Agricultural Dwelling customarily provided in conjunction with a commercial dairy farm on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (C)(8)
	TYPE II	Agricultural 160 acre test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3), (4) & (C)(9)
	TYPE II	Agricultural Capability test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3), (4) & (C)(10)
	TYPE II	Agricultural Nonfarm dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3), (4) & (C)(11)
	TYPE II	Agricultural Accessory farmworker dwelling for a relative on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(12)
	TYPE II	Agricultural Accessory farmworker dwelling for year-round and seasonal farm workers on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(13)
	TYPE II	Agricultural Dwelling on Low or High Value Farmland to be owned and operated by a different farm operator on at least 80 acres.	401.05(A)(3) & (C)(14)
	TYPE II	Forest Template Test Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(3)
	TYPE II	160 Acre Forest Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(4)
	TYPE II	200 Acre Noncontiguous Tract Forest Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(5)
	TYPE II	Caretaker residences for public parks and public fish hatcheries.	406.05(A)(2) & (5)

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RESIDENTIAL USES (cont.)	TYPE II	Temporary forest labor camp, subject to Subsection 1204.01, for a period not to exceed one year.	
	TYPE II	Temporary dwelling for care, subject to Subsection 1204.043.	406.05(A)(1), (2) & (D)(6)
	TYPE II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings.	401.05(A)(1) & (3)
	TYPE II	Residential home or facility as defined in ORS 197.660, in existing dwellings.	401.05(A)(1) & (3)
Type		Use	Subject To
COMMERCIAL USES	A	Family daycare provider.	
	A	Dog training classes.	401.05(D)(8)
	A	Dog testing trials.	401.05(D)(9)
	TYPE I	A license for a winery to carry out the first six of 18-day agri-tourism and other commercial events, subject to ORS 215.237 and 215.452(6)(a).	
	TYPE II	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(o). ³	
	TYPE II	Home occupation, subject to Section 822.	406.05(A)(1), (2), (5) & (E)(1)
	TYPE II	A landscape contracting business.	401.05(A)(1) & (D)(2)
	TYPE II	Agri-tourism single event.	401.05(A)(1) & (D)(3)
	TYPE II	Agri-tourism for up to 6 events or activities.	401.05(A)(1) & (D)(4)
	TYPE II	A winery as described in and subject to ORS 215.452 or 215.453, whichever is applicable, but not a restaurant open more than 25 days per calendar year.	
	TYPE II	A bed and breakfast facility as a home occupation in association with a winery, subject to ORS 215.448, as provided in ORS 215.452 or 215.453, whichever is applicable.	401.05(A)(1) & (D)(5)
	TYPE II	A large winery with a restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or; agri-tourism or other commercial events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.	401.05(A)(1)
	TYPE II	Winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to ORS 215.237 and 215.452(6)(c).	
	C	Home occupation to host events, subject to Section 806.	406.05(A)(1), (2), (5) & (E)(1)
	C	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel that exceeds the standards of ORS 215.203(2)(b)(K) or Subsection 401.05(B)(1). ⁴	401.05(A)(1)
	C	Agri-tourism additional events not to exceed 18 events on a minimum of 80 acres.	401.05(A)(1) & (D)(6)
C	Private accommodations for fishing on a temporary basis.	406.05(A)(1), (2), (5) & (E)(2)	

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<u>COMMERCIAL USES (cont.)</u>	C	Private seasonal accommodations for fee based hunting.	406.05(A)(1), (5) & (E)(3)	
	C	An aerial fireworks display business.	401.05(A)(1) & (D)(7)	
	C	Commercial dog boarding kennels.	401.05(A)(1)	
	C	Dog training classes or testing trials that cannot be established under Subsection 401.05(D)(8) or (9).	401.05(A)(1)	
<u>MINERAL, AGGREGATE, OIL, AND GAS USES</u>		Type	Use	Subject To
	A	Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries.		
	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).		
	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).		
	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (E)(1) & (E)(1)(a)	
	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (E)(1)(b)	
	C	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (E)(1) & (E)(1)(c)	
	C	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 407.	401.05(A)(1), (E)(1) & (E)(1)(d)	
	C	Mining and processing of oil, gas, or other subsurface resources.	406.05(A)(1), (6) & (F)(1)	
	C	Exploration for and production of geothermal, gas, and oil.	406.05(A)(1), (6) & (F)(2)	

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	Type	Use	Subject To
TRANSPORTATION USES	A	Widening of roads within existing rights-of-way in conformance with Chapter 5 of the Comprehensive Plan.	
	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	Parking of up to seven dump trucks and seven trailers, subject to ORS 215.311.	406.05(A)(1)
	TYPE II	Parking of no more than seven log trucks, subject to ORS 215.311.	401.05(A)(1)
	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	406.05(A)(1)
	C	Aids to navigation and aviation.	406.05(A)(1) & (6)
	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) & (F)(2)
	C	Expansion of existing airports.	406.05(A)(1)
	C	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
	C	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	401.05(F)(1)

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	Type	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	A	Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility, subject to Subsection 835.04(A).	
	A	Placement of telecommunication antennas with associated equipment on an existing utility pole, subject to Subsection 835.04(B).	
	A	Essential public communication services, subject to Subsection 835.04(C).	
	A	Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.	
	A	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
	A	Water intake facilities, canals and distribution lines for farm irrigation and ponds.	
	A	Solar energy systems as an accessory use.	
	A	Rainwater collection systems as an accessory use.	
	A	Electric vehicle charging stations for residents and their non-paying guests.	
	A	Meteorological towers.	
	TYPE II	Wind energy power production systems as an accessory use.	406.05(H)(1)
	TYPE II	Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility that exceed Subsection 835.04(A), subject to Subsection 835.05(A).	
	TYPE II	Placement of telecommunication antennas with associated equipment on replacement utility pole that exceeds the replaced pole by no more than 20 feet, subject to Subsection 835.05(A).	
	TYPE II	Composting operations and facilities on high value farmland.	401.05(A)(1) & (G)(3)
	C	Wireless telecommunication facilities listed in Subsection 835.06, subject to Section 835.	406.05(A)(1)
	C	Composting facilities on low value farmland.	401.05(A)(1) & (G)(4)
	C	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (6)
	C	Reservoirs and water impoundments.	406.05(A)(1),(2) & (6)
	C	A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation.	406.05(A)(1) & (6)
	C	Commercial utility facilities for the purpose of generating power.	406.05(A)(1), (6) & (H)(2)
C	New electric transmission lines.	406.05(A)(1) & (H)(3)	
C	Television, microwave, and radio communication facilities.	406.05(A)(1), (6) & (H)(4)	

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	Type	Use	Subject To
PARKS, PUBLIC, AND QUASI-PUBLIC USES	A	Private hunting and fishing operations without any lodging accommodations.	
	A	Towers and fire stations for forest fire protection.	
	A	Land application of reclaimed water, agricultural process or industrial process water, or biosolids for agricultural, horticultural, or forest production, or for irrigation in connection with a use allowed in the EFU zoning district, subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468(B).095.	
	A	Onsite filming and activities accessory to onsite filming for 45 days or less.	
	TYPE II	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.	401.05(H)(1)
	TYPE II	Community centers.	401.05(A)(1), (5)&(H)(3)
	TYPE II	Living history museum.	401.05(A)(1), (5)&(H)(4)
	TYPE II	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.	401.05(A)(1)
	TYPE II	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.	401.05(A)(1)
	TYPE II	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education.	401.05(A)(5)
	TYPE II	Fire service facilities providing rural fire protection services.	
	C	Operations for extraction and bottling of water.	401.05(A)(1)
	C	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.	401.05(A)(1)
	C	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.	401.05(A)(1) & (5)
	C	Golf courses.	401.05(A)(1), (5)&(H)(6)

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PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)	C	Youth camps on 40 acres or more, subject to OAR 660-006-0031.	406.05(A)(1) & (3)
	C	Cemeteries.	406.05(A)(1) & (6)
	C	Firearms training facility as provided in ORS 197.770(2).	406.05(A)(1) & (6)
	C	Private parks and campgrounds.	406.05(A)(1),(2),(6) & (I)(1)
	C	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.	406.05(A)(1) & (6)
	Type	Use	Subject To
OUTDOOR GATHERINGS	A	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	406.05(J)(1)
	TYPE III C	An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	406.05(A)(1) & (J)(2)

- 1 The processing, compounding, or conversion of marijuana into cannabinoid extracts is prohibited.
- 2 Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475B.370.)
- 3 A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See ORS 475B.370.)
- 4 A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See ORS 475B.370.)

407.05 PROHIBITED USES

A. Uses of structures and land not specifically permitted are prohibited.

B. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use may not be converted to another use.

407.06 DIMENSIONAL STANDARDS

Subsection 406.07, which establishes dimensional standards in the TBR Timber District, shall apply in the AG/FAg/Forest District.

407.07 DEVELOPMENT STANDARDS

Subsection 406.08, which establishes development standards in the TBR Timber District, shall apply in the AG/FAg/Forest District.

407.08 LAND DIVISIONS

Subsection 406.09, which establishes land division standards in the ~~TBR~~Timber District, shall apply in the AG/FAg/Forest District.

407.09 SUBMITTAL REQUIREMENTS

Subsection 406.10, which establishes submittal requirements in the ~~TBR~~Timber District, shall apply in the AG/FAg/Forest District.

407.10 APPROVAL PERIOD AND TIME EXTENSION

Subsection 406.11, which establishes approval period and time extension standards in the ~~TBR~~Timber District, shall apply in the AG/FAg/Forest District.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-241, 1/1/13; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-247, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-264, 8/22/17]

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 (GC), 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 ~~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. "S" means the use may be authorized only pursuant to Section 106; however, identifying a use as "S" does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.

6. "X" means the use is prohibited.
 7. Numbers in superscript correspond to the notes that follow Table 510-1.
- B. If a use is identified in Table 510-1 as prohibited, it is prohibited even if it also falls within a broader use description that is permitted in the applicable zoning district. For example, a car wash may be prohibited even if commercial services in general are permitted.
 - C. If a use is included in more than one use description in Table 510-1, the more specific listing applies. For example, if a car wash is a conditional use, but commercial services in general are a primary use, the car wash shall be reviewed as a conditional use. Notwithstanding this provision, a use may be included in two of the following categories because it is allowed with fewer restrictions in one category than another: primary, accessory, limited, and conditional. In that case, the use may be approved in either category, to the extent that it complies with the respective approval criteria. For example, daycare facilities may be permitted as a limited use with a maximum building floor area and as a conditional use without a maximum building floor area.
 - D. Permitted uses are subject to the applicable provisions of Subsection 510.04, *Dimensional Standards*, Subsection 510.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

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 daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance 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, churches, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts ⁴	C	P	P,C ⁵	P	P	P	P	P	S	P,C ⁵	P,C ⁵
Bed and Breakfast Residences and Inns , subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
Bus Shelters , subject to Section 823	A	A	P	P	P	P	P	P	A	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Civic and Cultural Facilities , including art galleries, libraries , museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
Congregate Housing Facilities	X	X	P ^{6,7}	P ⁸	P ⁸	P ⁸	P	P	L	P ⁸	P ^{6,7}
Daycare Facilities, subject to Section 807	P	P	P	P	P	P	P	P	P	L ⁹ ,C	L ¹⁰ ,C
Daycare Services, Adult	P	P	P	P	P	P	P	P	P	L ⁹ ,C	L ¹⁰ ,C
Drive-Thru Window Services , subject to Section 827	C	A	A ¹¹	A	A	A	A ¹²	X	X	A ¹²	A ¹²
Dwellings, Attached Single-Family	X	A	X	A	X	A	P	P	L ¹³	X	X
Dwellings, Detached Single-Family	A	A	X	A	X	A	X	X	X	X	X
Dwellings, Multifamily	X	X	P ⁶	P ⁸	P ⁸	P ⁸	P	P	L ¹⁴	P ⁸	P ⁶
Dwellings, Three-Family	X	X	X	P	P	P	P	P	L ¹⁴	P ⁸	X
Dwellings, Two-Family	X	A	X	P	P	P	P	P	L ¹⁴	P ⁸	X
Electric Vehicle Charging Stations	A,C	P	A	A,C	P	P	A	A	A	A	A
Employee Amenities , such as including cafeterias, clinics, daycare facilities ¹⁵ , fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A ¹⁶	A ¹⁶	A ¹⁶
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17,18}	S	C ^{17,19}	L ^{10,17}
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 ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17,18}	L ^{17,20}	C ¹⁷	L ^{17,21}

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
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 ²²	C	C	C	X	X	X	C ²²	C ²²
Helistops	X	X	C ²²	C	C	C	C	C	X	C ²²	C ²²
Home Occupations , subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
Hospitals , subject to Section 809	X	X	X	X	X	X	X	X	X	C	C
Hotels	P	P	P	P	P	P	P	P ¹⁸	S	L ^{9,23} ,C ²³	P ²³
Hydroelectric Facilities , subject to Section 829	X	C	X	C	X	C	X	X	X	X	X
Libraries	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Manufacturing , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	S ²⁴	S ²⁵	S	S	P	P	S	p ^{26,27}	S	P ²⁸	S
Marijuana Processing	X	X	X	X	p ²⁹	p ²⁹	X	p ^{26,29}	X	p ^{28,29}	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 ¹⁸	X	P ¹⁹	L ¹⁰
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 ³⁰	A ³⁰	A ³⁰
Motels	P	P	P	P	P	P	P	P ¹⁸	S	L ^{9,31} ,C ³¹	L ¹⁰
Multi-Use Developments , subject to Section 1016	X	X	X	X	X	C	X	X	X	C	X
Nursing Homes , subject to Section 810	X	X	X	X	X	X	P	P	L	X	X

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU¹	SCMU	OA^{2,3}	OC	RCO
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
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 ³²	A
Parking Structures	X	A ³³	p ³²	p ³²	P	P	A	A	A ³³	p ³²	p ³²

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
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 ³⁴	C ³⁴	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
Radio and Television Transmission and Receiving Towers and Earth Stations ³⁵	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

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
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 ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17,18}	S	C ¹⁷	L ^{17,21}
Recyclable Drop-Off Sites , subject to Section 819	A	A	X	X	A	A	X	X	X	X	X
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 ²⁸	P	P ³⁶	P ³⁶	P ²⁸
Retailing —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P ¹⁸	S	C ¹⁹	L 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, 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 ¹⁸	<u>L^{20,37}</u> ,S	<u>L^{9,37}</u> ,C ¹⁹	L ¹⁰

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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: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C ¹⁹	L ¹⁰
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
Schools ^{17,18}	P ^{18,19}	P ^{18,19}	P	P	P	P	P	P	L ^{10,40}	P	P
Service Stations , subject to Section 820	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 ¹⁸	S	C ¹⁹	L ¹⁰
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 ¹⁹	L ¹⁰

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	P	P	P	P	P	P	P	P ¹⁸	L ²⁰	L ⁹ , C ⁴⁰⁺¹	L ^{10,42}
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 ¹⁸	S	C ¹⁹	L ¹⁰
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 ¹⁹	L ¹⁰
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, upholstery, and veterinary	P	P	P	P	P	P	P	P ¹⁸	S	C ¹⁹	L ¹⁰

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, <u>and</u> tanning salons, and video rental . Also permitted are incidental retail sales of products related to the service provided.	P	P	P	P	P	P	P	P ¹⁸	L ²⁰	L ⁹	L ¹⁰
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
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 ¹⁸	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 ²⁶	P	P	P
Signs , subject to Section 1010	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³	A ⁴⁴³

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
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
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	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.04, subject to Section 835	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.05, subject to Section 835	P	P	P	P	P	P	P	X	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	X	X	X	X	X	X	X	X	X	X

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). ~~Limited uses may be allowed as part of a development when developed concurrently with, or after, the primary use(s).~~

⁴ Churches are not subject to Section 804, *Churches*.

- 5 An assembly facility with a maximum capacity of more than 500 people is a conditional use.
- 6 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.
- 7 A congregate housing facility shall have a minimum of four dwelling units.
- 8 Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the HDR District. With the exception of compliance with the maximum density standard, this requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.
- 9 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.
- 10 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. However, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:~~
 - a. ~~The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.~~
 - b. ~~If the primary use in the same development is an office use, as defined in Note 26 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.~~
 - c. ~~If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.~~
 - d. ~~The eating and drinking establishment shall be developed concurrently with or after a primary use is developed on the site.~~
- 11 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*.
- 12 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.
- 13 Attached single-family dwellings, subject to the density standards of the VTH District, may be developed in the same building as a primary use.

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- 14 Two-family, three-family and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.
- 15 Daycare facilities as an employee amenity are not subject to Section 807.
- 16 Employee amenities shall be located in the same structure as the use to which they are accessory.
- 17 Only indoor facilities are permitted.
- 18 A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 18 ~~to Table 510-1~~ shall not exceed 40,000 square feet in a single building.
- 19 The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 19 ~~to Table 510-1~~, shall be 20 percent of the building floor area of primary uses in the same development.
- 20 An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 20 ~~to Table 510-1~~, shall be 10 percent of the total building floor area in the same development.
- 21 The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:
- a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
 - i. The minimum FAR for the office use shall be 0.75; and
 - ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.
 - b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.
 - c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use ~~is developed on the site~~.
- 22 This use is permitted only in conjunction with a primary or another conditional use.
- 23 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.
- 24 In the NC District, sign production is a conditional use.
- 25 In the C-2 District, sign production is a permitted use.

- 26 These uses are permitted with a maximum of 10,000 square feet of building floor area per building, if part of a mixed-use development and if the combined building floor area of the use, and any other uses subject to Note 26 ~~of Table 510-1~~, does not exceed 25 percent of the building floor area of the mixed-use development.
- 27 Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.
- 28 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.
- 29 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.
- 30 Only level one mobile vending units are permitted.
- 31 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.
- 32 The parking ~~structure~~ is permitted to serve only developments located in the same zoning district as the subject property.
- 33 This use is limited to understructure parking.
- 34 Only substations are permitted.
- 35 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 36 No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.
- 37 Only retailing of videos is permitted as a limited use. All other retailing in this use category requires review pursuant to Section 106 in the OA District and is a conditional use, subject to Note 19, in the OC District.
- 3738 Schools are not subject to Section 805, *Schools*.
- 3839 Only commercial schools are permitted.
- 3940 Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- 4041 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;

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- 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.

⁴² Notwithstanding Note 10, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:

- a. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.
- b. If the primary use in the same development is an office use, as defined in Note 26 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
- c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
- d. The eating and drinking establishment shall be developed concurrently with, or after, a primary use.

⁴²⁴⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

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 t~~The standards of Table 510-2 ~~are established by~~may be modified pursuant to Sections 800, *Special Use Requirements*; ~~Section 902, Lot Size Exceptions~~; Section 903, *Setback Exceptions*; ~~Section 904, Height~~*Other Exceptions*; ~~1012, Lot Size and Density~~; ~~Section 1013, Planned Unit Developments~~; ~~Section 1107, Property Line Adjustments~~; and ~~Section 1205, Variances~~. As used in Table 510-2, numbers in superscript correspond to the notes that follow Table 510-2.

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 ^{2,3,4}	None	None	PMU1: None PMU2: 2 acres PMU3: 3 acres PMU4: ½ acre PMU5: 10 acres PMU6: 5 acres	½ acre ^{2,45}	None	1 acre ^{2,3,4}	2½ acres ^{2,3}
Minimum Street Frontage	None	None	None	None	None	None	None	100 feet ⁶⁵	None	None	None
Maximum Front Setback, Yard Depth	20 feet ⁷⁶	20 feet ⁷⁶	20 feet ^{8,97}	20 feet ⁷⁶	20 feet ⁷⁶	20 feet ⁷⁶	20 feet ^{7,8,9,10}	See Subsection 1005.10	20 feet ⁷⁶	20 feet ⁷⁶	20 feet ^{8,97}

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Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Front Setback ¹⁴⁹ Yard Depth	0	15 feet	5 feet ¹⁴⁹	15 feet	15 feet	15 feet	None	See Subsection 1005.10	10 feet	15 feet	5 feet ¹⁴⁹
Minimum Rear Setback ¹⁵⁰ Yard Depth	0	0 ¹⁵¹⁰	0 ¹⁵¹¹	0 ¹⁵¹²	0 ¹⁵¹²	0 ¹⁵¹²	0 ^{8,10,12}	See Subsection 1005.10	10 feet ¹⁵¹ 3	10 feet ¹⁶¹¹	0 ¹⁷¹⁴
Minimum Side Setback ¹⁸¹ Yard Depth	0	0 ¹⁸¹⁵	0 ¹⁸¹⁵	0 ¹⁹¹⁶	0 ¹⁹¹⁶	0 ¹⁹¹⁶	0 ^{108,1518}	See Subsection 1005.10	6 feet ²⁰¹ 2	10 feet ²¹¹⁸	0 ¹⁸¹⁵
Maximum Building Height	35 feet	None ²²¹ 9	None	None	None	None	None	None	45 feet	None ²³² 0	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development ²⁴² 1	None	None	None	None, except as set forth in Table 510-3 ₂	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 ^{24,2521, 22, 2326}

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Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None; except as set forth in Subsection 510.05(1)(1)	None	None	None	None
Minimum Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use ^{372d}	None	None	None	See None; except as set forth in Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development ^{372d}	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use or with a limited use other than a fitness facility or a freestanding restaurant ^{372d}

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 lot size standard applies to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, an undersized lot of record may be developed with primary, accessory, and limited uses, provided that the lot of record is physically separated from all other undeveloped or underdeveloped properties in the same zoning district as the subject property. In addition, contiguous undersized lots of record may be aggregated for development purposes, if such aggregation results in land area equal to or greater than the minimum lot size. Alternatively, contiguous undersized lots of record may be aggregated for development purposes, if such aggregation satisfies the requirement to demonstrate that the undersized site is physically separated from all other undeveloped or underdeveloped properties in the same zoning district as the subject property.~~
- 45 The minimum is 2,000 square feet for a lot developed only with an attached single-family dwelling and uses accessory to that dwelling.
- 56 The minimum street frontage standard applies only to subdivisions, partitions, and property line adjustments. The minimum for a lot of record on the outer radius of a curved street or the circular end of a cul-de-sac is 35 feet measured on the arc. The minimum for a lot of record developed only with an attached single-family dwelling, and uses accessory to that dwelling, shall be 20 feet. A lot of record with frontage on more than one street shall meet the minimum on each street.
- 67 The maximum front ~~setback~~ depth standard applies only if required by Subsection 1005.03(H)(L). However, see Subsection 1005.03(E) for a related standard.
- 78 The maximum front ~~setback~~ depth standard shall be met for all buildings except freestanding parking structures, except as set forth in Note 8 to Table 510-2. 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 ~~yard~~, the standard must be met for only one. A private

road used to satisfy the maximum front ~~setbackyard depth~~ standard must comply with ~~the standards in~~ Subsection 1005.08(G). The maximum front ~~setbackyard depth~~ from Main Streets identified on Comprehensive Plan Map X-CRC-3 is 10 feet.

~~9—The maximum front yard depth may be exceeded to the minimum extent necessary to accommodate pedestrian amenities. Freestanding parking structures are exempt from the maximum front yard depth, except from Main Streets identified on Comprehensive Plan Map X-CRC-3.~~

~~810~~ In lieu of complying with the standard, an applicant for design review on a site of 25 acres or larger may ~~propose~~ submit for approval alternate ~~setbackyard depth~~ standards, ~~which will be reviewed as part of the application.~~ The ~~alternate~~ alternative 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.

~~911~~ There is no minimum ~~setbackyard depth~~ from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.

~~1012~~ If the rear ~~lot lineyard~~ abuts a residential ~~or OSM~~ zoning district, the minimum shall be 15 feet.

~~1113~~ If the rear ~~lot lineyard~~ abuts a residential ~~or OSM~~ zoning district, the minimum shall be 35 feet.

~~1214~~ If the rear ~~lot lineyard~~ abuts a residential ~~or OSM~~ 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.

~~1315~~ If the rear ~~lot lineyard~~ 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 yard abuts a residential zoning district, the minimum shall be 35 feet.

~~1417~~ If the rear ~~lot lineyard~~ abuts a residential ~~or OSM~~ 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.

- ¹⁵¹⁸ If the side lot lineyard abuts a residential ~~or OSM~~-zoning district, the minimum shall be 15 feet.
- ¹⁶¹⁹ If the side lot lineyard abuts a residential ~~or OSM~~-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.
- ¹⁷²⁰ If the side lot lineyard 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.
- ¹⁸²¹ If the side lot lineyard abuts a residential zoning district, the minimum shall be 35 feet.
- ¹⁹²² If the subject property abuts a residential ~~or OSM~~-zoning district, the maximum building height shall be 35 feet.
- ²⁰²³ 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.
- ²¹²⁴ Floor area ratio shall be calculated pursuant to Subsection 1005.03(~~KR~~).
- ²²²⁵ With ~~an approved~~ 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.
- ²³²⁶ 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.
- ²⁴²⁷ Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

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.

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	
<u>Preserve Phillips Creek and enhance Phillips Creek Greenway</u>	
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(KR). 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(KR)
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).
Land Uses & Areas Required	PMU6

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Phase one, minimum FAR	0.3, calculated pursuant to Subsection 1005.03(R)
Subsequent phases, minimum FAR	0.6, calculated pursuant to Subsection 1005.03(R)
Dwelling units, minimum number	395

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 FacilitiesUses, 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, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Congregate Housing Facilities, Multifamily Dwellings, and Nursing Homes. However, nursing homes are excluded from the minimum residential density standard.

~~H. PMU1 Standards: In the PMU District, the following standards apply to site PMU1:~~

- ~~1. May expand the existing mall with retail or other uses;~~
- ~~2. Preserve Phillips Creek and enhance Phillips Creek Greenway;~~
- ~~3. Accommodate and provide proportionate share of streetscape improvements on Monterey Avenue, 82nd Avenue, Sunnyside Road, and the internal circulation network; and~~
- ~~4. Coordinate internal circulation network with the street and transit system.~~

~~I. PMU6 Standards: In the PMU District, the following standards apply to site PMU6:~~

- ~~1. Exclusively retail uses larger than 40,000 square feet of gross leasable ground floor area per building or business shall be prohibited, unless it can be otherwise demonstrated through the master planning process that desired levels of transportation connectivity will be provided.~~
- ~~2. The master plan shall contain a minimum of 10 percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:~~

- a. ~~The open space area shall be shown on the master plan and recorded by final plat or separate instrument; and~~
 - b. ~~If approved by the County, the open space shall be conveyed in accordance with one of the following methods:
 - i. ~~By dedication to the County as publicly owned and maintained open space. Open space proposed for dedication to the County must be acceptable to the County with regard to the size, shape, location, improvement, and environmental condition; or~~
 - ii. ~~By leasing or conveying title (including beneficial ownership) to a corporation, homeowners association, or other legal entity, with the County retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the County.~~~~
3. ~~As part of the master plan review required pursuant to Subsection 102.03(B)(1), a construction phasing plan shall demonstrate that the order in which buildings identified in the master plan will be constructed complies with the following:~~
- a. ~~Nonresidential buildings may be constructed prior to construction of dwelling units provided that the total floor area of nonresidential buildings constructed (excluding parking structures) does not exceed 50 percent of the total nonresidential floor area approved in the master plan (excluding parking structures).~~
 - b. ~~The remaining nonresidential buildings may only be constructed after construction of dwelling units is underway. The ratio of constructed dwelling units to the minimum number of dwelling units required shall equal or exceed the ratio of constructed nonresidential floor area (excluding parking structures) to the total nonresidential floor area approved in the master plan (excluding parking structures). For the purposes of Subsection 510.05(1)(3)(b), "constructed dwelling units" shall mean that, at a minimum, building permits have been issued and the framing inspection by the County Building Codes Division has been approved.~~
 - e. ~~The County may approve a construction phasing plan that does not meet the standards in Subsections 510.05(1)(3)(a) and (b) where the applicant demonstrates that the orderly development of the property would be furthered by allowing construction of a greater percentage of nonresidential floor area.~~

~~4. Monterey Avenue shall be constructed between SE Stevens Road and SE Bob Schumacher Road at the functional road classification of Collector, with a median planted with street trees and ground cover.~~

~~HJ.~~ 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, *Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments*, or as an accessory use to an attached single-family dwelling, are prohibited.

~~IK.~~ 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.

~~JL.~~ Outdoor Storage and Display in the OC District: In the OC District, outdoor storage or display of materials or products is prohibited.

~~KM.~~ Outdoor Sales, Storage, and Display in the RCO District: In the RCO District, outdoor sales, storage, or display of materials or products is prohibited.

~~LN.~~ 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.

~~O.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.

[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]

511 VILLAGE COMMUNITY SERVICE DISTRICT (VCS)

511.01 PURPOSE

Section 511 is adopted to implement the policies of the Comprehensive Plan for Village Community Service areas.

511.02 APPLICABILITY

Section 511 applies to land in the Village Community Service (VCS) District.

511.03 USES PERMITTED

Uses permitted in the VCS District are listed in Table 511-1, *Permitted Uses in the VCS District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 511-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 511-1.

B. Permitted uses are subject to the applicable provisions of Subsection 511.04, *Dimensional Standards*, Subsection 511.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

Table 511-1: Permitted Uses in the VCS District

Use	VCS
Accessory Uses, Customarily Permitted, such as including bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
Assembly Facilities , including auditoriums, community centers, and senior centers	P
Athletic Clubs	C
Bus Shelters , subject to Section 823	A

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Use	VCS
Civic and Cultural Facilities , including art galleries, libraries , and museums	P ¹ ,C ²
Community Gardens	P
Daycare Facilities , subject to Section 807	P
Daycare Services, Adult	P
Electric Vehicle Charging Stations	A
Employee Amenities , including cafeterias, clinics, daycare facilities ³ , fitness facilities, lounges, and recreational facilities	A ⁴
Farmers' Markets , subject to Section 840	P
Government Uses , including fire stations, police stations, and post offices	P
<u>Libraries</u>	<u>P</u>
Marijuana Processing	X
Marijuana Production	X
Marijuana Retailing	X
Marijuana Wholesaling	X
Offices , including developer sales offices and professional offices	C
Offices , including government offices and utility offices	P
Pedestrian Amenities	P
Public Recreation Facilities	P
Recyclable Drop-off Sites , subject to Section 819	A
Schools	P
Signs , subject to Section 1010	A ⁵
Telecommuting Support Services , including photocopying centers with fax and computer facilities	P
Temporary Buildings for Uses Incidental to Construction Work , provided that such buildings shall be removed upon completion or abandonment of the construction work	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
Utility Carrier Cabinets , subject to Section 830	P
Wireless Telecommunication Facilities Listed in Subsections 835.04 and 835.05 , subject to Section 835	P

Use	VCS
Wireless Telecommunication Facilities Listed in Subsection 835.06(A), subject to Section 835	C

Notes to Table 511-1:

- ¹ ~~Libraries and Museums~~ are a primary use.
- ² Art galleries are a conditional use.
- ³ Daycare facilities as an employee amenity are not subject to Section 807.
- ⁴ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ⁵ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

511.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VCS District. ~~Modifications to the dimensional standards are established by Sections 800, Special Use Requirements; 903, Setback Exceptions; 904, Height Exceptions; 1107, Property Line Adjustments; and 1205, Variances.~~

- A. ~~Setback Yard Depth~~: The ~~setback yard depth~~ from ~~lot lines abutting Oregon Trail Drive and Hines Drive~~ ~~the east-west collector road and the diagonal connector roads~~ shall be zero. ~~The m~~Minimum ~~setback yard depth~~ from ~~all other~~ lot lines ~~abutting residential areas~~ shall be five feet.
- B. ~~Maximum Building Height~~: Maximum building height shall be 35 feet, ~~except that the maximum height of tower elements shall be 60 feet, provided that such elements do not have a footprint exceeding 400 square feet.~~

511.05 DEVELOPMENT STANDARD

All primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

[Added by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16]

512 VILLAGE OFFICE DISTRICT (VO)

512.01 PURPOSE

Section 512 is adopted to implement the policies of the Comprehensive Plan for Village Office areas.

512.02 APPLICABILITY

Section 512 applies to land in the Village Office (VO) District.

512.03 USES PERMITTED

Uses permitted in the VO District are listed in Table 512-1, *Permitted Uses in the VO District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 512-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "X" means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 512-1.

B. Permitted uses are subject to the applicable provisions of Subsection 512.04, *Dimensional Standards*, Subsection 512.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

Table 512-1: Permitted Uses in the VO District

Use	VO
Accessory Uses, Customarily Permitted, such as including bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
Assembly Facilities , including auditoriums, churches, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	C ^{2,3}

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Use	VO
Bus Shelters , subject to Section 823	A
Civic and Cultural Facilities , including art galleries, libraries , and museums	C ²
Daycare Facilities , subject to Section 807	L ^{4,5} ,C ⁶
Daycare Services, Adult	L ^{4,7} ,C ⁶
Educational Institutes	C ¹
Electric Vehicle Charging Stations	A
Employee Amenities , including cafeterias, clinics, daycare facilities ⁸ , fitness facilities, lounges, and recreational facilities	A ⁹
Farmers' Markets , subject to Section 840	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	C
<u>Libraries</u>	<u>C²</u>
Manufacturing , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	P ¹⁰
Marijuana Processing	P ^{10,11}
Marijuana Production	X
Marijuana Retailing	X
Marijuana Wholesaling	X
Mobile Vending Units, Level One , subject to Section 837	A
Offices , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P
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
Pedestrian Amenities	P
Radio and Television Studios , excluding transmission towers	C ¹

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Use	VO
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.	C
Recyclable Drop-off Sites , subject to Section 819	A
Research Facilities and Laboratories , including medical laboratories, medical research, product design and testing, and product research and development	P ¹²
Services, Business , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ⁴
Services, Information , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	P
Signs , subject to Section 1010	A ¹³
Studios of the following types: art, dance, and music	C ¹
Temporary Buildings for Uses Incidental to Construction Work , provided that such buildings shall be removed upon completion or abandonment of the construction work	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
Trade Schools. Trade schools provide training in occupational skills. These facilities also may be referred to as technical schools, vocational schools, and career schools.	C ¹
Utility Carrier Cabinets , subject to Section 830	P
Wireless Telecommunication Facilities Listed in Subsections 835.04 and 835.05 , subject to Section 835	P

Notes to Table 512-1:

- ¹ This use is permitted only if there is no opportunity to locate it on land zoned Village Commercial District prior to annexation to the City of Happy Valley.
- ² This use is permitted only if there is no opportunity to locate it either in the VCS District or on land zoned VCS prior to annexation to the City of Happy Valley.

- 3 An assembly facility shall have a maximum capacity of 500 people.
- 4 The maximum building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.
- 5 The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 children.
- 6 The use shall be located in the southern half of the VO District and shall be oriented toward the adjacent residential neighborhood.
- 7 The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 adults.
- 8 Daycare facilities as an employee amenity are not subject to Section 807.
- 9 Employee amenities shall be located in the same structure as the use to which they are accessory.
- 10 This use is allowed only if it has physical and operational requirements that are similar to those of other primary uses allowed in the VO District.
- 11 The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.
- 12 No operation shall be conducted, or equipment used, that would create any of the following: hazards, noxious conditions, or offensive conditions.
- 13 Temporary signs regulated under Subsection 1010.13(A) are a primary use.

512.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VO District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

- A. Maximum Front ~~Setback Yard Depth~~: The maximum front ~~setback yard depth~~ shall be 50 feet from the centerline of 142nd Avenue, 75 feet from the centerline of Sunnyside Road, and 10 feet from lot lines abutting any other road. The maximum front ~~setback yard depth~~ may be exceeded to the minimum extent necessary to accommodate proposed pedestrian amenities.
- B. Minimum Front ~~Setback Yard Depth~~: The minimum front ~~setback yard depth~~ shall be 40 feet from the centerline of 142nd Avenue, 65 feet from the centerline of Sunnyside Road, and five feet from lot lines abutting any other road. Awnings or other overhangs may extend a maximum of four feet into the minimum front yard depth.

- C. ~~Rear Setback Yard Depth~~: The maximum and minimum front setback yard depth standards for lot lines yards abutting 142nd Avenue and Sunnyside Road shall apply even if a lot line abutting 142nd Avenue or Sunnyside Road is designated as a rear lot line pursuant to the definition of rear lot line in Section 202, Definitions Subsection 903.01(A).
- D. Maximum Building Height: Maximum building height shall be 45 feet, ~~except that the maximum height of tower elements shall be 60 feet, provided that such elements do not have a footprint exceeding 400 square feet.~~

512.05 DEVELOPMENT STANDARD

Primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

[Added by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16]

513 RURAL TOURIST COMMERCIAL (RTC) AND RURAL COMMERCIAL (RC) DISTRICTS

513.01 PURPOSE

Section 513 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas regulated by the Mount Hood Community Plan and for Rural Commercial areas.

513.02 APPLICABILITY

Section 513 applies to land in the Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts.

513.03 USES PERMITTED

- A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- B. As used in Table 513-1:
 1. "P" means the use is a primary use.
 2. "A" means the use is an accessory use.
 3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
 4. "S" means the use may be authorized only pursuant to Section 106; however, identifying a use as "S" does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
 5. "X" means the use is prohibited.
 6. Numbers in superscript correspond to the notes that follow Table 513-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; ~~Subsection 513.05, *Development Standard*~~; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 513-1: Permitted Uses in the RTC and RC Districts

Use	RTC	RC
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 daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance <u>and property management</u> 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
Assembly Facilities , including auditoriums, churches ¹ , community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	P	P,C ²
Bed and Breakfast Inns , subject to Section 832	P	P
Bed and Breakfast Residences , subject to Section 832	P	P
Bus Shelters , subject to Section 823	P	P
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	P	P
Contractors, Logging	P	P
Daycare Facilities , subject to Section 807	P	P
Daycare Services, Adult	P	P
Drive-Thru Window Services , subject to Section 827	X	A
Dwellings, Detached Single-Family	P ³ ,A	A
Electric Vehicle Charging Stations	P	P
Employee Amenities , including cafeterias, clinics, daycare facilities ⁴ , fitness facilities, lounges, and recreational facilities	A	A
Entertainment Facilities , including arcades, billiard halls, and movie theaters	P	P
Farmers’ Markets , subject to Section 840	P	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	P	P
Government Uses , including fire stations, police stations, and post offices	P	P
Government Uses , unless such a use is <u>specifically-listed elsewhere in this table</u> as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C

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Use	RTC	RC
Home Occupations , including bed and breakfast homestays, subject to Section 822	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels	P ⁵	S ⁶
Hydroelectric Facilities , subject to Section 829	C	C
Marijuana Processing	X	X
Marijuana Production	X	X
Marijuana Retailing , subject to Section 841	P ⁷	P ⁷
Marijuana Wholesaling	P ⁸	P ⁸
Mobile Vending Units , subject to Section 837	P	P
Motels	P ⁵	S ⁶
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
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
Parking Lots	A	A
Parking Structures, Community	P ⁹	X
Pedestrian Amenities	P	P
Public Utility Facilities	S	C
Radio and Television Transmission and Receiving Towers and Earth Stations	S ¹⁰	C ¹⁰
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 ¹¹	C	C
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 ¹¹	P	P

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Use	RTC	RC
Recreational Uses, Government-Owned Golf Courses ¹¹	P	P
Recreational Vehicle Camping Facilities , subject to Section 813	P	X
Recycling Centers , subject to Section 819	C	C
Recyclable Drop-Off Sites , subject to Section 819	A	A
Resort Accommodations	P ⁵¹²	S ⁶
Retailing —whether by sale, lease, or rent—of any of the following new or used products: Class I, III, and IV all-terrain vehicles, as defined by Oregon Revised Statutes Chapter 801; motorcycles; and snowmobiles	S	P
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
Retailing —whether by sale, lease, or rent—of any of the following new or used products: animal feed, building materials, farm equipment, forestry equipment, and livestock supplies	P	P
Schools ¹²¹³	P	P,C ^{2,1314}
Service Stations , subject to Section 820	P	P
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	P
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	P ⁴¹⁵	P ⁴¹⁵
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
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	P	P
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; and recreational vehicles	S	P
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstery, and veterinary	P	P

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Use	RTC	RC
Services, Commercial—Mini-Storage/Self-Storage Facilities	C ⁴⁵¹⁶	C
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
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	C
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; and recreational vehicles	S	C
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	P	P
Signs , subject to Section 1010	A ⁴⁶¹⁷	A ⁴⁶¹⁷
Telephone Exchanges	S	C
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
Theme Parks and Amusement Parks	C	S
Transfer Stations , subject to Section 819	C	C
Transit Park-and-Rides	P	P
Utility Carrier Cabinets , subject to Section 830	P	P
Wholesaling —whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04 and 835.05, subject to Section 835	P	P

¹ Churches are not subject to Section 804, *Churches*.

² A church, fraternal organization lodge, or school is a conditional use if the building floor space exceeds 4,000 square feet.

³ On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.

⁴ Daycare facilities as an employee amenity are not subject to Section 807, *Daycare Facilities*.

- ⁵ 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.
- ~~⁵ A hotel, motel, or resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre or 100 units in total, whichever is less. A hotel, motel, or resort accommodations development in Rhododendron shall be limited to a maximum number of units per acre calculated pursuant to Table 1012-2, or 35 units in total, whichever is less. A hotel, motel, or resort accommodations development in Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 1012-2.~~
- ⁶ If a hotel, ~~or motel, or resort accommodations development~~ is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).
- ⁷ Marijuana retailing is permitted only inside an unincorporated community.
- ⁸ Marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 4,000 square feet of building floor space may be used for all activities associated with marijuana wholesaling on a lot of record.
- ⁹ Parking structures are permitted only in Government Camp and only if they are consistent with ~~an adopted~~ community parking plan adopted by the Board of County Commissioners.
- ¹⁰ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹¹ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ¹² A resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre. A resort accommodations development in Rhododendron or Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 317-3, District Land Area Standards in the MRR District, but is not subject to Section 1012, Lot Size and Density.
- ¹³~~12~~ Schools are not subject to Section 805, *Schools*.
- ¹⁴~~13~~ Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's Metro-Region 2040 Growth Concept Map.
- ¹⁵~~14~~ Drive-in eating and drinking establishments~~restaurants~~ are prohibited.
- ¹⁶~~15~~ No outside storage shall be permitted.
- ¹⁷~~16~~ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

513.04 DIMENSIONAL STANDARDS

- A. **General:** Dimensional standards applicable in the RTC and RC Districts are listed in Tables 513-2, *Dimensional Standards in the RTC and RC Districts, Except in Government Camp*, and 513-3, *Dimensional Standards in Government Camp*. As used in Tables 513-2 and 513-3, numbers in superscript correspond to the notes that follow the tables.
- B. **Modifications:** ~~Modifications to the~~ standards in Tables 513-2 and 513-3 are established by ~~may be modified pursuant to~~ Sections 800, *Special Use Requirements*; ~~Section~~ 903, *Setback Exceptions*; ~~Section~~ 904, *Height* ~~Other Exceptions~~; ~~Section~~ 1013, *Planned Unit Developments*; ~~Section~~ 1107, *Property Line Adjustments*; and ~~Section~~ 1205, *Variances*.

Table 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp

Standard	RTC	RC
Minimum Lot Size	None	None ¹
Minimum Front Setback <u>Yard Depth</u>	25 feet ²	30 feet ²
Minimum Rear Setback <u>Yard Depth</u>	10 feet ^{2,3,4,5}	10 feet ^{4,6}
Minimum Side Setback <u>Yard Depth</u>	10 feet ^{2,3,4,5}	10 feet ^{4,6}
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet⁷	4,000 square feet^{7,8}
<u>Maximum Building Floor Space per Commercial Use in an Unincorporated Community</u>	<u>4,000 square feet⁷</u>	
Maximum Building Floor Space per Commercial Use outside an Unincorporated Community	Not Applicable	3,000 square feet ^{8,9}
<u>Maximum Building Floor Space per Industrial Use in an Unincorporated Community</u>	<u>40,000 square feet⁹</u>	

- 1 The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- 2 ~~In a planned unit development, the minimum front setback is 20 feet.~~
- 3~~3~~ If the ~~lot line~~yard abuts a national forest, there ~~is~~shall be no minimum ~~setback~~yard depth. ~~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~~3~~ If the ~~rear lot line~~yard abuts an RR or HR District, the minimum ~~is~~shall be 20 feet ~~except as established by Note 3 or 4.~~
- 6~~4~~ If the ~~rear lot line~~yard abuts a residential zoning district, the minimum ~~is~~shall be 20 feet ~~except as established by Note 3 or 4.~~
- 5~~5~~ ~~If the side yard abuts an RR or HR District, the minimum shall be 20 feet.~~
- 6~~6~~ ~~If the side yard abuts a residential zoning district, the minimum shall be 20 feet.~~
- 7 No maximum applies to hotels; ~~and motels; and resort accommodations; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.~~
- 8~~8~~ ~~A lawfully established commercial use that existed on December 20, 2001, and serves the community or the travel needs of people passing through the area, may expand to occupy a maximum of 4,000 square feet of building floor space or 50 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.~~
- 8~~9~~ A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- 9~~9~~ ~~No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.~~

Table 513-3: Dimensional Standards in Government Camp

Standard	RTC
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Minimum Front SetbackYard-Depth unless the Front Lot LineYard abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front SetbackYard-Depth if the Front Lot LineYard abuts Government Camp Loop	4 feet ¹
Maximum Front SetbackYard-Depth if the Front Lot LineYard abuts Government Camp Loop	10 feet ²
Minimum Rear SetbackYard-Depth	10 feet ^{3,4,5}
Minimum Side SetbackYard-Depth	None
Maximum Building Height	70 feet ^{5,6}
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	8,000 square feet ^{6,7}
<u>Maximum Building Floor Space per Industrial Use</u>	<u>60,000 square feet⁸</u>

- ¹ There ~~is shall be~~ no minimum front setback for building cantilevers with a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway. Structures less than 10 feet from the front lot line shall be designed to include measures to protect the public and vehicles from snow slide incidents.
- ² The maximum front ~~setbackyard-depth-standard~~ may be exceeded to the minimum extent necessary to accommodate public plaza space. Detached single-family dwellings are exempt from complying with the maximum front ~~setbackyard-depth-standard~~.
- ³ If the rear ~~lot lineyard~~ abuts a national forest, there ~~is shall be~~ no minimum rear setbackyard depth. If Note 3 and Note 4 conflict, Note 3 prevails.
- ⁴ In a planned unit development, there is no minimum rear setback except from rear lot lines on the perimeter of the final plat.
- ^{5,4} If the rear ~~lot lineyard~~ abuts an HR District, the minimum rear setback is shall be 20 feet except as established by Note 3 or 4.
- ^{6,5} The maximum building height may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.

- ⁷⁶ No maximum applies to hotels, and motels, and resort accommodations; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- ⁸ No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

~~513.05 — DEVELOPMENT STANDARD~~

~~Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.~~

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

601 CAMPUS INDUSTRIAL DISTRICT (CI)

601.01 PURPOSE

Section 601 is adopted to implement the policies of the Comprehensive Plan for Campus Industrial areas.

601.02 APPLICABILITY

Section 601 applies to land in the Campus Industrial (CI) District.

601.03 USES PERMITTED

Uses permitted in the CI district are listed in Table 601-1, *Permitted Uses in the CI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 601-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 601-1.

B. Permitted uses are subject to the applicable provisions of Subsection 601.04, *Dimensional Standards*, Subsection 601.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

Table 601-1: Permitted Uses in the CI District

<u>Use</u>	<u>CI</u>
<u>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 daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property</u>	<u>A</u>

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<u>Use</u>	<u>CI</u>
<u>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</u>	
<u>Bed and Breakfast Inns, subject to Section 832</u>	<u>L¹, C</u>
<u>Bed and Breakfast Residences, subject to Section 832</u>	<u>L¹, C</u>
<u>Blueprinting, Bookbinding, Graphic and Photographic Reproduction, Photo Processing, Printing, and Publishing</u>	<u>P</u>
<u>Bus Shelters, subject to Section 823</u>	<u>A</u>
<u>Central Mail Room and Self-Service Postal and Banking Facilities, Newsstands, and Products Information and Display Areas</u>	<u>A²</u>
<u>Congregate Housing Facilities</u>	<u>P³</u>
<u>Daycare Facilities, subject to Section 807</u>	<u>A,L¹, C</u>
<u>Daycare Services, Adult</u>	<u>A,L¹, C</u>
<u>Dwellings, Multifamily</u>	<u>P³</u>
<u>Dwellings, Three-Family</u>	<u>P³</u>
<u>Dwellings, Two-Family</u>	<u>P³</u>
<u>Employee Amenities, including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities</u>	<u>A²</u>
<u>Experimental, Film, or Testing Laboratories</u>	<u>P⁴</u>
<u>Farmers’ Markets, subject to Section 840</u>	<u>P</u>
<u>Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations</u>	<u>L¹, C</u>
<u>Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs</u>	<u>L¹,P⁵, C</u>
<u>Fraternal Organization Lodges</u>	<u>C</u>
<u>Government Uses that exceed a primary or accessory use</u>	<u>C</u>
<u>Heliports</u>	<u>C</u>
<u>Hydroelectric Facilities, subject to Section 829</u>	<u>C</u>
<u>Libraries</u>	<u>C</u>

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<u>Use</u>	<u>CI</u>
<u>Manufacturing Products from, or Otherwise Processing, Previously Prepared Materials⁶</u>	<u>P</u>
<u>Marijuana Processing</u>	<u>X</u>
<u>Marijuana Production</u>	<u>X</u>
<u>Marijuana Retailing</u>	<u>X</u>
<u>Marijuana Wholesaling</u>	<u>X</u>
<u>Mobile Vending Units, subject to Section 837</u>	<u>A⁷,L¹,C</u>
<u>Multi-Use Developments, subject to Section 1016</u>	<u>C</u>
<u>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</u>	<u>P⁸</u>
<u>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</u>	<u>L¹, C</u>
<u>Parking Structures</u>	<u>A</u>
<u>Pedestrian Amenities</u>	<u>P</u>
<u>Public Utility Facilities</u>	<u>C⁹</u>
<u>Radio and Television Transmission and Receiving Towers and Earth Stations</u>	<u>C¹⁰</u>
<u>Recreational Uses, including playgrounds, sports courts, and swimming pools</u>	<u>P⁵</u>
<u>Recreational Uses, including boat moorages, country clubs, equine facilities, golf courses, gymnastics facilities, lodges, parks, and swimming pools¹¹</u>	<u>C</u>
<u>Recreational Vehicle Camping Facilities, subject to Section 813</u>	<u>C</u>
<u>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</u>	<u>L¹, C</u>

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<u>Use</u>	<u>CI</u>
<u>supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos</u>	
<u>Retailing—whether by sale, lease, or rent—of any new or used product not specifically listed elsewhere in this table</u>	<u>C¹</u>
<u>Schools¹²</u>	<u>P</u>
<u>Services, Commercial—any service not specifically listed elsewhere in this table</u>	<u>C¹</u>
<u>Services, Commercial—Food and Beverage, including catering and eating and drinking establishments</u>	<u>L^{1,13}, C¹³</u>
<u>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.</u>	<u>L¹, C</u>
<u>Services, Commercial—Veterinary</u>	<u>L¹, C</u>
<u>Signs, subject to Section 1010</u>	<u>A¹⁴</u>
<u>Telephone Exchanges</u>	<u>C</u>
<u>Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work</u>	<u>A</u>
<u>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</u>	<u>A</u>
<u>Utility Carrier Cabinets, subject to Section 830</u>	<u>P</u>
<u>Warehouse and Storage Structures provided in conjunction with a primary use</u>	<u>A</u>
<u>Wireless Telecommunication Facilities, subject to Section 835</u>	<u>P</u>

¹ The use is permitted subject to the following criteria:

- a. The building floor area occupied by all uses subject to Note 1 shall not exceed 10 percent of the building floor area occupied by primary uses.
- b. The use shall be located, arranged, and integrated within the development to serve primarily the shopping and service needs of residents and employees of the CI District.
- c. The use shall not be of a type or intensity that produces odor, smoke, fumes, noise, glare, heat, or vibration that are incompatible with associated primary uses in the area.

² These uses shall be located in the same structure as the use to which they are accessory.

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- ³ Congregate housing facilities, multifamily dwellings, three-family dwellings, and two-family dwellings may occupy no more than 75 percent of the building floor area of a development. Accessory uses are not counted toward the 75-percent maximum. In addition, no more than 25 percent of the gross site area may be developed with exclusively residential uses and associated accessory and limited uses. This 25-percent limit does not apply to mixed-use buildings that combine residential uses and other primary uses. The entire gross site area is used to calculate maximum density permitted pursuant to Section 1012, *Lot Size and Density*. The 75-percent maximum building floor area standard may be waived if a substantial mix of primary uses has been established within the CI District to the extent that the following primary-use categories are represented: business/industrial (blueprinting, bookbinding, graphic and photographic reproduction, photo processing, printing, publishing, laboratories, manufacturing, offices, or schools); residential (congregate housing facilities, multifamily dwellings, three-family dwellings, or two-family dwellings); and recreational (fitness facilities or recreational uses). Alternatively, the standard may be modified or waived if:
- a. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in the CI District; and
 - b. The proposed use and location of the use are compatible with, and complementary to, existing or proposed developments in the CI District.
- ⁴ No operation shall be conducted or equipment used that would create hazards or noxious or offensive conditions.
- ⁵ The use shall be developed to serve primarily the recreational needs of residents and employees of the CI District.
- ⁶ The use is permitted subject to the following criteria:
- a. The use shall be employee-intensive, providing approximately 15 or more jobs for every developed acre of land.
 - b. The use shall not be of a type or intensity that produces odor, smoke, fumes, noise, glare, heat, or vibration that are incompatible with other primary uses allowed in the CI District.
 - c. The physical and operational requirements of the use, including type of structure used and volume of heavy truck traffic generated, shall be similar to other industrial and office uses allowed in the CI District.
- ⁷ Level one mobile vending units are accessory uses. All other mobile vending units are limited or conditional uses.
- ⁸ Offices with 50 or more employees may occupy up to 100 percent of the building floor area of the development. Offices with fewer employees may occupy no more than 70 percent of the building floor area of the development. Accessory uses are not counted toward the 70-percent maximum. The 70-percent maximum building floor area standard may be waived if a substantial mix of primary uses has been established within the CI District to the extent that

the following primary-use categories are represented: business/industrial (blueprinting, bookbinding, graphic and photographic reproduction, photo processing, printing, publishing, laboratories, manufacturing, offices, or schools); residential (congregate housing facilities, multifamily dwellings, three-family dwellings, or two-family dwellings); and recreational (fitness facilities or recreational uses). Alternatively, the standard may be modified or waived if:

- a. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in the CI District; and
- b. The proposed use and location of the use are compatible with, and complementary to, existing or proposed developments in the CI District.

⁹ Public utility facilities shall not include shops or garages.

¹⁰ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

¹¹ This use may include concessions, restrooms, maintenance facilities, and similar support uses.

¹² Only trade or community schools primarily serving the business community within the area are permitted.

¹³ Drive-in eating and drinking establishments and drive-thru window service are prohibited.

¹⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

601.03 — PRIMARY USES

A. The following business and industrial uses may occupy up to 100 percent of the total floor area of the development:

1. Experimental, film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, and/or noxious or offensive conditions.

2. Industries which manufacture products from, or otherwise process, previously prepared materials which satisfy the following conditions:

a. The use is employee-intensive, providing approximately 15 or more jobs for every developed acre of land.

b. The use is not of a type or intensity which produces odor, smoke, fumes, noise, glare, heat or vibrations which are incompatible with other primary uses allowed in this district.

- e. ~~The physical and operational requirements of the use, including type of structure used and volume of heavy truck traffic generated, are similar to other industrial and office uses allowed in this district.~~
- 3. ~~Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing.~~
- 4. ~~Trade or community schools primarily serving the business community within the area.~~
- 5. ~~Corporate headquarters or regional offices with 50 or more employees.~~
- B. ~~Offices, except corporate headquarters or regional offices allowed under Subsection 601.03(A) and those offices specified as limited uses under Subsection 601.05, may occupy up to 70 percent of the total floor area of the development.~~
- C. ~~High Density Residential uses, subject to Section 315, may occupy up to 75 percent of the total floor area of the development. Density and land area used for this use shall be subject to the limits specified under Subsection 601.08(F), except as provided under Subsection 601.08(G).~~
- D. ~~Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playgrounds, and other similar uses, developed to serve primarily the recreational needs of residents and employees of the district, may occupy up to 100 percent of the floor area of the development.~~
- E. ~~Utility carrier cabinets, subject to Section 830.~~
- F. ~~Wireless telecommunication facilities, subject to Section 835.~~
- G. ~~Farmers' markets, subject to Section 840.~~

601.04 — ACCESSORY USES

The following are permitted as accessory uses in the CI District:

- A. ~~Uses and structures customarily accessory and incidental to a primary use;~~
- A. ~~Employee lounges and dining rooms, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and products information and display areas which are included within the primary use structures;~~
- B. ~~Warehouse or storage structures provided in conjunction with a primary use under Subsection 601.03 on the same site;~~

- ~~C. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary use within the same development;~~
- ~~D. Parking structures;~~
- ~~E. Bus shelters, subject to Section 823;~~
- ~~F. Signs, subject to Section 1010;~~
- ~~G. Bicycle racks, pedestrian amenities, and transit amenities;~~
- ~~H. Rental and development information offices;~~
- ~~I. Handyman and maintenance services in association with primary, accessory or limited uses in the development;~~
- ~~J. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;~~
- ~~K. Self-service laundry facilities;~~
- ~~L. Solar energy systems;~~
- ~~M. Rainwater collection systems;~~
- ~~N. Electric vehicle charging stations;~~
- ~~O. Temporary buildings for uses incidental to construction. Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~P. Daycare facilities, subject to Section 807; and~~
- ~~Q. Level one mobile vending units, subject to Section 837.~~

601.05 — LIMITED USES

- ~~A. The following retail and service commercial uses may be permitted on a limited basis as part of the development of the CI District when developed concurrently with or after the primary uses, subject to Subsection 601.05(B):~~
 - ~~1. The following neighborhood commercial uses:~~
 - ~~a. Apparel stores and dressmaking shops;~~
 - ~~b. Bakery shops;~~

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- e.—Catering establishments;
- d.—Confectionery stores;
- e.—Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service;
- f.—Drug stores;
- g.—Fabric and dry goods stores;
- h.—Florist and gift shops;
- i.—Grocery and produce stores;
- j.—Hardware and garden supplies;
- k.—Meat and fish markets;
- l.—Barber and beauty shops;
- m.—Clothes pressing, alterations, and tailoring shops;
- n.—Daycare facilities and other adult or child care facilities, operated during the daytime, subject to Section 807;
- o.—Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;
- p.—Exercise and tanning studios;
- q.—Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs;
- r.—Photo finishing;
- s.—Shoe repair;
- t.—Veterinarian services and pet supplies;
- u.—Video rental stores;
- v.—Bed and breakfast residences and inns, subject to Section 832;
- w.—Preexisting retail or service commercial uses; and
- x.—Mobile vending units, subject to Section 837;

- ~~2.—Banks;~~
 - ~~3.—Clinics for doctors, dentists, chiropractors, naturopathic and counseling treatment personnel, and other health services; and~~
 - ~~4.—Bars and cocktail lounges in conjunction with a restaurant.~~
- ~~B.—Limitations and conditions on the development of the limited uses itemized above shall be as follows:~~
- ~~1.—The total combined floor area occupied by all limited uses shall not exceed 10 percent of the total floor area occupied by primary uses.~~
 - ~~2.—All limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of residents and employees of the district.~~
 - ~~3.—Uses shall not be of a type or intensity that produce odor, smoke, fumes, noise, glare, heat or vibrations, which are incompatible with associated primary uses in the area.~~

~~601.06 — CONDITIONAL USES~~

~~The following are conditional uses in the CI District, approval of which is subject to Section 1203, *Conditional Uses*:~~

- ~~A.—Conversion of multifamily dwellings into condominiums;~~
- ~~B.—The following uses that exceed a primary or accessory use:~~
 - ~~1.—Recreational areas, uses, and facilities, including country clubs, lodges, fraternal organizations, swimming pools, gymnastics facilities, golf courses, equine facilities, boat moorages, parks, and concessions;~~
 - ~~2.—City, county, state, federal, service district, and municipal corporation uses or buildings;~~
 - ~~3.—Telephone exchanges and public utility structures without shops, garages, or general administrative offices;~~
 - ~~4.—Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; and~~
 - ~~5.—Recreational vehicle camping facilities, subject to Section 813;~~
- ~~C.—Hydroelectric facilities, subject to Section 829;~~

~~D. Heliports;~~

~~E. Retail and service commercial uses not included as limited use under Subsection 601.05(A), subject to the additional limitations and conditions of Subsection 601.05(B);~~

~~F. Uses listed as limited uses in Subsection 601.05(A) on a site separate from a primary use, when:~~

~~1. The site is physically separated from all other undeveloped or underdeveloped properties in the district; or~~

~~2. The site is not physically separated from other undeveloped or underdeveloped sites, but the applicant demonstrates;~~

~~a. The site is located on a primary access or frontage road, served or planned to be served, by public transit;~~

~~b. There is no alternative site in the area for the proposed use;~~

~~c. It is not possible to develop the proposed use in conjunction with a primary use;~~

~~G. Development of a primary use listed in Subsection 601.03 and its associated accessory and limited uses, on a lot or site area which is smaller than the minimum area requirement for the use, and which is not physically separated from all other undeveloped or underdeveloped properties in this district, may be approved when the applicant demonstrates the following:~~

~~1. The proposed lot size is not smaller than half the minimum lot size for the use;~~

~~2. It is not possible to develop the site in conjunction with an adjacent lot or lots, as provided under Subsection 601.08(B);~~

~~3. The purposes set forth under Subsection 601.08(A) are addressed and satisfied in the proposed use and design of the development; and~~

~~H. Multi-use developments, subject to Section 1016;~~

601.07 — PROHIBITED USES

~~Uses of structures and land not specifically permitted in Section 601 shall be prohibited in the CI District, except as provided in Section 106, *Authorization of Similar Uses*. Marijuana production, marijuana processing, marijuana wholesaling, and marijuana retailing are prohibited in the CI District.~~

601.048 DIMENSIONAL STANDARDS

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- A. General: Dimensional standards applicable in the CI District are listed in Table 601-2, *Dimensional Standards in the CI District*. As used in Table 601-2, numbers in superscript correspond to the notes that follow Table 601-2.
- B. Modifications: Modifications to the standards of Table 601-2 are established by Sections 800, *Special Use Requirements*; 1107, *Property Line Adjustments*; and 1205, *Variances*. The following dimensional standards apply in the CI District.

Table 601-2: Dimensional Standards in the CI District

<u>Standard</u>	<u>CI</u>
<u>District Land Area for Calculating Density Pursuant to Section 1012</u>	<u>1,742 square feet</u>
<u>Minimum Street Frontage</u>	<u>50 feet</u>
<u>Maximum Front Setback</u>	<u>See Subsections 1005.03(E) and (H).</u>
<u>Minimum Front Setback</u>	<u>15 feet</u>
<u>Minimum Rear Setback</u>	<u>15 feet</u>
<u>Minimum Side Setback</u>	<u>15 feet</u>
<u>Maximum Lot Coverage</u>	<u>55 percent</u>

A. Purpose: The dimensional standards are intended to:

1. Encourage coordinated development, and the most efficient and maximum use of the CI District;
2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;
3. Provide for a compatible mix of uses supportive of public transportation facilities;
4. Provide for the protection of adjacent properties; and
5. Provide for open space and outdoor activity areas.

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~~B. Site Area Requirements: A "site area" for purposes of Section 601 shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:~~

- ~~1. A single tax lot, or two or more contiguous tax lots, under the same ownership.~~
- ~~2. Two or more contiguous tax lots under separate ownership, provided that:
 - ~~a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and~~
 - ~~a. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or~~
 - ~~b. The group shall record, in the office of the County Clerk, a contract in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County approved development plan for the site area.~~~~

~~C. Minimum Site Area:~~

- ~~1. Developments which include uses under at least two of the primary use categories under Subsection 601.03(A) through (D) shall require a minimum site area of three acres.~~
- ~~2. Developments which include only uses under Subsection 601.03(A) and accessory uses shall require a minimum site area of two acres.~~
- ~~3. Developments which include only uses under Subsection 601.03(D) shall require a minimum site area of one acre.~~

~~D. Undersized Lots: Any primary use under Subsection 601.03, and its associated accessory and limited uses, may be established on a lot smaller than the minimum site area that is physically separated from all other underdeveloped properties in this district, or that is approved as a conditional use under Subsection 601.06(G). However, any lot less than two acres in size resulting from a property line adjustment is not buildable, except for recreational uses under Subsection 601.03(D) on a lot a minimum of one acre in size, unless combined with other property as provided under Subsection 601.08(B).~~

~~E. Floor Area Ratio: The maximum floor area for all primary and conditional uses within a site area shall not exceed the net site area multiplied by one (1:1 ratio).~~

~~F. Floor Area Requirements: Any primary use or combination of primary uses under Subsections 601.03(A) through (D) may be allowed within a development at floor~~

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area percentages, excluding accessory uses, not exceeding those illustrated in Table 601-1.

Table 601-1: Floor area limitations for primary use categories under Subsection 601.03

A	B	C	D
100 percent	70 percent	75 percent	100 percent

1. Land area and density for residential uses shall be as follows:

- a. No more than 25 percent of a site area may be developed with exclusively high-density residential uses, and associated accessory and limited uses.
- a. The entire site, or any portion thereof, may be developed with mixed-use structures which combine housing and other primary uses allowed in this district.
- b. The entire area may be used to calculate the allowed density under the district land area standard for the HDR District and Section 1012, subject to the floor area limitation of this district.

2. Limited Uses: Only primary use floor area may be included for purposes of calculating the allowed limited-use floor area for a development.

G. Exceptions to Floor Area Requirements: The requirements under Subsection 601.08(F) may be modified or waived subject to compliance with Subsections 601.08(G)(1) through (3), or Subsection 601.08(G)(4):

- 1. The modification or waiver is consistent with the purposes under Subsection 601.08(A); and
- 2. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in this district; and
- 3. The proposed use, and location of the use, is compatible with, and complementary to existing or proposed developments within the district area; or
- 4. A substantial mix of primary uses has been established within the immediate district area to the extent that all primary use categories under Subsections 601.03(A) through (D) are represented.

H. Maximum Lot Coverage: 55 percent.

~~I. Minimum Perimeter Setback: 15 feet.~~

- ~~1. The following uses may be allowed within a perimeter setback area that fronts on a public, county, or state road:
 - a. Landscaping;
 - b. Bikeways, trails, pedestrian walks and plazas;
 - c. Access driveways; and
 - d. Bus shelters and other pedestrian amenities;~~
- ~~2. The following uses may be allowed within perimeter setback areas that are adjacent to other site areas:
 - a. Landscaping;
 - b. Bikeways, trails, pedestrian walks, patios, courts;
 - c. Coordinated joint-use circulation drives, parking, loading, recreational activity areas, plazas, and
 - d. Coordinated joint-use structures.~~

~~J. Minimum Street Frontage: 50 feet.~~

~~K. Exceptions to Dimensional Standards: The requirements of Subsection 601.08 are not subject to modification pursuant to Sections 903, *Setback Exceptions*, and 904, *Other Exceptions*. However, the requirements for lot coverage, perimeter setback, and street frontage may be modified pursuant to Section 1205, *Variancees*.~~

601.059 DEVELOPMENT STANDARDS

The following development standards apply ~~in the CI District:~~

- ~~A. Condominiums: Dwellings permitted in the CI District may be platted as condominiums.~~
- ~~A. General: Development is subject to the applicable provisions of Sections 1000, *Development Standards*, and 1100, *Development Review Process*.~~
- B. Outdoor Storage: No outdoor storage of materials shall be allowed.

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[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16]

602 BUSINESS PARK (BP), LIGHT INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI) DISTRICTS

602.01 PURPOSE

Section 602 is adopted to implement the policies of the Comprehensive Plan for Business Park, Light Industrial, and General Industrial areas.

602.02 APPLICABILITY

Section 602 applies to land in the Business Park (BP), Light Industrial (LI), and General Industrial (GI) Districts.

602.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 602-1, *Permitted Uses in the BP, LI, and GI Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 602-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 602-1.

B. Permitted uses are subject to the applicable provisions of Subsection 602.04, *Dimensional Standards*, Subsection 602.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

Table 602-1: Permitted Uses in the BP, LI, and GI Districts

Use	BP	LI	GI
<u>Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, television antennas and receivers, transit amenities, trellises, and utility service equipment</u>	<u>A</u>	<u>A</u>	<u>A</u>
Accessory Uses permitted in the R-5 through R-30 Districts, except accessory dwelling units, listed in Table 315-1, Permitted Uses in the Urban Residential Zoning Districts, provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A	A	A
Arenas, Exhibition Halls, and Stadiums	C ¹	C ¹	C ¹
Bus Shelters, subject to Section 823	A	A	A
Cogeneration Facilities	A	A	A
Composting Facilities, subject to Section 834	X	C	C
Construction and Maintenance Contractors, <u>This category includes including</u> contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P	P	P
Electric Vehicle Charging Stations	A	A	A
Electrical Power Production Facilities	X	X	C
Employee Amenities, such as <u>cafeterias</u> , clinics, daycare facilities ² , <u>fitness facilities</u> , lounges, cafeterias , and recreational facilities	A	A	A
Farmers' Markets, subject to Section 840	P	P	P
Government and Special District Uses, unless such a use is listed elsewhere in this table as a primary or accessory use	C^{2,3}	C^{2,3}	C^{2,3}

Use	BP	LI	GI
<p>Heavy Truck and Heavy Equipment Uses, including<i>This category includes</i> sales, rental, storage, repair, and servicing of heavy trucks such as dump trucks, moving trucks, and truck tractors; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; and large cargo trailers such as semitrailers. Sales, rental, storage, repair, and servicing of passenger vehicles, recreational vehicles, and boats are excluded from this category.</p>	X	P	P
<p>Heliports</p>	C	C	C
<p>Indoor Recreational Facilities This category includes indoor facilities for such sports as dance, gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category but are included in the “retail and professional services that cater to daily customers/retail commercial uses” category.</p>	P ⁺	P ⁺	P ⁺
<p>Industrial Trade Schools, This category includes including training facilities whose primary purpose is to provide training to meet industrial needs. These facilities also may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.</p>	P	P	P
<p>Information Services, This category includes including establishments engaged in producing and distributing information; providing the means to transmit or distribute these products, as well as data or communications; and processing data. Examples include publishing industries such as book, periodical, and software publishing; computer systems design; internet web search services; internet service providers; radio, television, motion picture, and recording studios; computer data storage services; optical scanning and imaging services; and financial transaction processing such as credit card transaction and payroll processing services. These businesses primarily serve other industries or deliver their products to the end user through means other than on-site pickup by the customer. Few general public customer visits per day are generated.</p>	P	P	P

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Use	BP	LI	GI
<p>Large-Scale Laundry, Dry-Cleaning, and Carpet-Cleaning Plants</p> <p>These businesses primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p>Level One Mobile Vending Units, subject to Section 837</p>	A	A	A
<p>Manufacturing,</p> <p><i>This category includes including</i> establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.</p>	P	P	P
<p>Marijuana Processing</p>	P ⁴	P ⁴	P ⁴
<p>Marijuana Production</p>	P ⁴	P ⁴	P ⁴
<p>Marijuana Retailing</p>	X	X	X
<p>Marijuana Wholesaling</p>	P ⁴	P ⁴	P ⁴
<p>Miscellaneous Industrial Uses,</p> <p><i>This category includes including</i> wrecking and salvage of building materials, equipment, and vehicles; tire retreading and recapping; and petroleum, coal, or other fuel storage, refining, reclaiming, distribution, and wholesale trade. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	X	X	P
<p>Offices,</p> <p><i>This category includes including</i> administrative and corporate offices and call centers. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p>Outdoor Display of Products, subject to Subsection 602.05(B)(1) or (C)(1), provided that such display is associated with a permitted use</p>	X	C	A

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Use	BP	LI	GI
Outdoor Entertainment Facilities , including amusement parks, circuses, carnivals, drive-in theatres, and racetracks for automobiles, dogs, horses, and motorcycles	X	X	C
Outdoor Storage Areas <u>L</u> arger than <u>A</u> llowed by Subsection 602.05(B)(2)(a), provided that such storage is associated with a permitted use	X	C	A
Parking, Storage, Repair, and Servicing of Fleet Vehicles	A	A	A
Parking Structures	A	A	A
Pedestrian Amenities	<u>AP</u>	<u>AP</u>	<u>AP</u>
Public Utility Facilities	C	C	C
Radio and Television Transmission and Receiving Towers and Earth Stations , provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C	C	C
Rainwater Collection Systems	A	A	A
<u>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: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category but are included in the “retail and professional services that cater to daily customers/retail commercial uses” category.</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>
Recycling Centers and Transfer Stations , subject to Section 819	X	C	P
Repair and Servicing Uses , <u>This category includes including</u> large-scale repair and servicing of equipment, machinery, and other products. Examples include authorized service centers, welding shops and machine shops. Products are received from and returned to customers primarily by shipping or pickup/delivery by employees of the business. Few general public customer visits per day are generated.	P	P	P

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Use	BP	LI	GI
<p>Research Facilities and Laboratories,</p> <p><i>This category includes including</i> product research and development, product design and testing, medical research, and medical laboratories. Medical laboratories in this category primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p>Retail and Professional Services that Cater to Daily Customers/Retail Commercial Uses,</p> <p><i>This category includes including</i> the sale of goods and services to the general public. Examples of retail and professional services that cater to daily customers include rental and storage of passenger vehicles, recreational vehicles, and boats; health and fitness clubs; daycare facilities; and financial, insurance, real estate, legal, medical, and dental offices. <i>Auto repairing, overhauling, painting, washing, body and fender work, and reconditioning are excluded.</i> Examples of retail commercial uses include sales of passenger vehicles, recreational vehicles, and boats; stores; and restaurants. Sales of motor vehicle fuels are excluded from this category.</p>	p ^{5,6,7}	p ^{5,6,7}	A ⁸
<p>Retail Services, including as follows:- auto repairing, overhauling, painting, washing, body and fender work, and reconditioning</p>	X	X	C
<p>Satellite Dishes</p>	A	A	A
<p>Signs, subject to Section 1010</p>	A ⁹	A ⁹	A ⁹
<p>Solar Energy Systems</p>	A	A	A
<p>Surface Mining, subject to Section 818</p>	X	C	C ¹⁰
<p>Telephone Exchanges</p>	C	C	C
<p>Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work.</p>	A	A	A
<p>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</p>	A	A	A
<p>Towing Establishments, and Including Storage of Towed Vehicles</p>	X	P	P

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Use	BP	LI	GI
Transitional Shelter Communities , subject to Section 842 ^{H11}	X	C	C
<p>Transportation Uses,</p> <p>This category includes<u>including</u> the transportation of cargo using motor vehicles or rail spurs, and may include loading docks, and parking of cargo transport vehicles. Examples include freight terminals, parcel delivery services, moving companies, and parking facilities for long-haul trucks. These uses often are associated with warehousing facilities. This category also included<u>includes</u> are parking, storage, repair, and servicing of fleet vehicles used for the transport of people. Examples include ambulance services and mass transit and school bus fleet facilities. This category also included<u>includes</u> are commercial motor vehicle fueling services, such as cardlock fueling stations; however, motor vehicle fueling stations that cater to the general public are excluded<u>prohibited</u>.</p>	X	P	P
Utility Carrier Cabinets , subject to Section 830	P	P	P
Warehouse Event Retail Sales	A ^{H12}	A ^{H12}	A ^{H12}
<p>Warehousing and Distribution,</p> <p>This category includes<u>including</u> establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage/self-storage facilities are excluded<u>not included in this category</u>.</p>	A	P	P
<p>Wholesale Trade,</p> <p>This category includes<u>including</u> establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.</p>	P	P	P
Wireless Telecommunication Facilities , subject to Section 835	P	P	P

Notes to Table 602-1:

- ¹ In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, places of assembly shall not exceed 20,000 square feet.
- ² ~~Daycare facilities as an employee amenity are not subject to Section 807, *Daycare Facilities*.~~
- ² ~~A government or special district use is a conditional use only if the proposed use does not also fall within one of the categories identified as a primary or accessory use in the applicable zoning district.~~
- ³ In Regionally Significant Industrial Areas (RSIAs) identified on Comprehensive Plan Map IV-8, parks—intended to serve people other than those working or residing in the RSIA—and schools are prohibited.
- ⁴ Notwithstanding Subsection 602.05, marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.
- ⁵ Notwithstanding other provisions of Section 602 that may permit outdoor display, storage, or processing, these uses shall be conducted entirely within a building, except the following are permitted: outdoor seating areas associated with a restaurant, outdoor play areas associated with a daycare facility, and similar outdoor amenities. Drive-thru window service facilities are prohibited.
- ⁶ In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet, and the total building floor area of all such uses in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-use limit is 5,000 square feet of building floor area. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.
- ⁷ Lots of record created on or after September 9, 2013, shall be subject to Note 7 to Table 602-1 in lieu of Note 6 to Table 602-1. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 5,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. In all cases, the total building floor area of all such uses on the same lot of record

shall not exceed 20,000 square feet or 25 percent of the building floor area on the lot of record, whichever is less. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

⁸ This use is limited to indoor areas for retail display and retail sales of products manufactured by the same business occupying the premises, as well as related products. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area for such retail display and retail sales shall not exceed 3,000 square feet per business, and the total building floor area of all such retail display and retail sales areas in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-business limit is 5,000 square feet of building floor area.

⁹ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

¹⁰ Aggregate batch plant operations are a primary use in the GI District.

¹¹ ~~Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of:~~

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

¹² Warehouse event retail sales are permitted if the products being sold at the event sale are manufactured, warehoused, or distributed as a primary use on the subject property; no more than one event sale occurs each calendar month; a single event sale lasts a maximum of three consecutive days, which shall be Friday, Saturday, Sunday, or Monday; and the event sales occur indoors.

~~¹² Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of:~~

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

602.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the BP, LI, and GI Districts are listed in Table 602-2, *Dimensional Standards in the BP, LI, and GI Districts*. As

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used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.

B. Modifications: Modifications to (The standards of Table 602-2 are established by Sections 800, *Special Use Requirements*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and not subject to modification under Section 903, *Setback-Exceptions*, but may be modified pursuant to Section 1205, *Variances*.

A. As used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.

Table 602-2: Dimensional Standards in the BP, LI, and GI Districts

Standard	BP	LI	GI
Minimum Lot Size ¹	3 acres	1 acre ²	1 acre ²
Maximum Front Yard Depth	20 feet ³	None	None
Maximum Front Yard Setback	See Subsections 1005.03(E) and (H).		
Minimum Front Setback Yard Depth	20 feet ^{4,3}	20 feet ^{4,3}	20 feet ^{4,3}
Minimum Rear Setback Yard Depth, if the rear yard abuts an industrial zoning district	0 ^{3,4}	0 ^{3,4}	0 ^{3,4,5}
Minimum Rear Yard Depth, if the rear yard abuts a commercial or mixed-use zoning district	15 feet ⁴	15 feet ⁴	15 feet ^{4,5}
Minimum Rear Yard Depth, if the rear yard abuts a residential, natural resource, or Open Space Management zoning district	35 feet ⁴	35 feet ⁴	35 feet ^{4,5}
Minimum Side Yard Depth, if the side yard abuts an industrial zoning district	0 ^{4,3,6}	0 ^{4,3,6}	0 ^{4,3,4,5,6}

Standard	BP	LI	GI
Minimum Side Yard Depth, if the side yard abuts a commercial or mixed-use zoning district	15-feet ⁴	15-feet ⁴	15-feet ^{4,5}
Minimum Side Yard Depth, if the side yard abuts a residential, natural resource, or Open Space Management zoning district	35-feet ⁴	35-feet ⁴	35-feet ^{4,5}

Notes to Table 602-2:

- ¹ The minimum lot size standards apply as established by Sections 1012 and 1107 applies to subdivisions, partitions, and property line adjustments, except that no minimum lot size standard applies to a lot that is developed with a dwelling that is a nonconforming use. Notwithstanding the minimum lot size standard, a lot of record may be developed, subject to other applicable standards of this Ordinance except minimum lot size standards of Section 800 apply.
- ² The minimum lot size may be reduced to 20,000 square feet, subject to design review approval pursuant to Section 1102, *Design Review*, of the overall development plan for the entire lot of record, including access, circulation, parking, landscaping, and proposed building locations.
- ³ ~~The maximum front yard depth standard applies, if required by Subsection 1005.03(L), except that this standard does not apply to dwellings that are nonconforming uses, or to structures that are accessory to such dwellings.~~
- ³⁴ The minimum setback yard depth requirements of Table 315-2, *Dimensional Standards in the Urban Low Density Residential Districts*, as modified by Subsection 315.04(C), apply to dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.
- ⁴ Except as established by Notes 3 and 5, if the rear lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the rear lot line abuts a natural resource or residential zoning district, the minimum setback is 35 feet.
- ⁵ The minimum setback yard depth for a silo, tower, or other specialized storage or processing structure (unless such structure is enclosed in a building) is 35 feet for structures 35 feet or less in height. An additional five feet of setback yard depth is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height. These greater setback yard depth standards do not apply if the lot line yard abuts an LI or GI District.

⁶ Except as established by Notes 3 and 5, if the side lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the side lot line abuts a residential or natural resource zoning district, the minimum setback is 35 feet.

602.05 DEVELOPMENT STANDARDS

The following development standards apply in the BP, LI, and GI Districts.

- A. Outdoor Operations in the BP District: In the operation of a primary use in the BP District:
 - 1. All display areas shall be located within a building. No outdoor display areas shall be allowed.
 - 2. No outdoor storage of materials or products shall be allowed.
 - 3. No outdoor processes shall be employed in the operation of the business.
 - 4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

- B. Outdoor Operations in the LI District: In the operation of a primary use in the LI District:
 - 1. All display of products shall be located within an enclosed building. No outdoor display areas shall be allowed. Notwithstanding these limitations, outdoor display of finished products may be permitted as a conditional use, as established by Table 602-1 and provided that, at a minimum, outdoor display areas and items on display shall:
 - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
 - b. Be located a minimum of 15 feet from the front lot line(s);
 - c. Be maintained to project an organized and neat appearance at all times; and
 - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
 - 2. Limited outdoor storage areas shall be allowed, subject to the following criteria:
 - a. Except as permitted as a conditional use, as established by Table 602-1, outdoor storage may occupy an area no greater than the area of the ground floor of the building(s) on the same premises.

- b. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front lot lines.
 - c. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.034(B) and 1009.06.
 - d. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except for large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence.
 - e. Outdoor storage areas shall not be used to store waste or recyclable materials.
3. No outdoor processes shall be employed in the operation of the business.
 4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

C. Outdoor Operations in the GI District: In the operation of a primary use in the GI District:

1. Outdoor display of finished products is permitted, provided that outdoor display areas and items on display shall:
 - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
 - b. Be located a minimum of 10 feet from the front lot line(s);
 - c. Be maintained to project an organized and neat appearance at all times; and
 - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
2. Outdoor storage and processing are permitted, subject to the following standards:
 - a. Outdoor storage and processing areas shall be located a minimum of 20 feet from the front lot line(s), a minimum of 15 feet from side or rear lot lines that abut a commercial ~~or mixed-use~~ zoning district, and a minimum of 35 feet from side or rear lot lines that abut a residential ~~or~~; natural resource, ~~or Open-Space-Management~~ zoning district.
 - b. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height and a maximum of 10 feet in height.

Fencing shall be located behind the landscaping strips required by Subsections 1009.034(B) and 1009.06. Outdoor processing areas shall be buffered pursuant to Subsections 1009.045(D) through (F).

- c. Equipment, stockpiles of materials, and other items located within outdoor storage and processing areas shall be maintained in an orderly fashion.
- d. Waste materials (by-products that are not further processed or recycled on-premise) shall not accumulate in outdoor storage and processing areas for more than two weeks, except that waste materials from water treatment facilities or surface water retention facilities may accumulate for such longer period as necessitated by Best Management Practices for the facility.
- e. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters.

~~D. — Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-267, 8/28/17]

604 RURAL INDUSTRIAL DISTRICT (RI)

604.01 PURPOSE

Section 604 is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas.

604.02 APPLICABILITY

Section 604 applies to land in the Rural Industrial (RI) District.

604.03 USES PERMITTED

Uses permitted in the RI District are listed in Table 604-1, *Permitted Uses in the RI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 604-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 604-1.

B. Permitted uses are subject to the applicable provisions of Subsection 604.04, *Dimensional Standards*, ~~Subsection 604.05, *Development Standards*~~, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

Table 604-1: Permitted Uses in the RI District

Use	RI
<u>Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, television antennas and receivers, transit amenities, trellises, and utility service equipment</u>	A
Accessory Uses permitted in the RA-2 District listed in Table 316-1, Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts , provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A
Animal Slaughtering and Rendering, Distillation of Bones, and Leather Tanning	C
Auto Wrecking Yards and Junkyards , subject to Section 817	C
Bus Shelters , subject to Section 823	A
Cogeneration Facilities	A
Composting Facilities , subject to Section 834	C
Construction and Maintenance Contractors , <i>This category includes including</i> contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P
Dwellings	A
Electric Vehicle Charging Stations	A
Employee Amenities , such as <u>cafeterias</u> , clinics, daycare facilities ¹ , <u>fitness facilities</u> , lounges, cafeterias , and recreational facilities	A
Farmers' Markets , subject to Section 840	P
Fraternal Organization Lodges	C
Government and Special District Uses , unless such a use is listed elsewhere in this table as a primary or accessory use	C ⁺
Heliports	C

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Use	RI
Hosting of <u>W</u> weddings, <u>F</u> family <u>R</u> reunions, <u>C</u> lass <u>R</u> reunions, <u>C</u> ompany <u>P</u> picnics, and <u>S</u> imilar <u>E</u> vents	C
Incineration and Reduction of Offal, Dead Animals, and Solid Waste	C
Indoor-Recreational-Facilities This category includes indoor facilities for such sports as dance, gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.	P
Lawfully Established Industrial Uses that existed on December 20, 2001, and are not otherwise listed in Table 604-1	P
Level One Mobile Vending Units, subject to Section 837	A
Light Metal and Fiberglass Fabrication	P
Manufacturing, This category includes <u>including</u> establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing <u>are include</u> alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	p ²
Manufacturing, <u>T</u>ransportation, <u>D</u>istribution, <u>W</u>arehousing, and <u>W</u>holesale <u>T</u>rade of the <u>F</u>ollowing: <u>E</u>xplosive <u>M</u>aterials and <u>D</u>evices, <u>F</u>fertilizer, <u>N</u>atural <u>G</u>as, <u>P</u>esticides, <u>P</u>etroleum, and <u>P</u>etroleum <u>P</u>roducts	C
Marijuana Processing	P ³
Marijuana Production	P ³
Marijuana Retailing	X
Marijuana Wholesaling	P ³
Offices	A
Ornamental and Horticultural Nurseries	P
Parking, Storage, Repair, and Servicing of Fleet Vehicles	A
Pedestrian Amenities	<u>PA</u>
<u>Plant Nurseries</u>	<u>P</u>

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Use	RI
Private commercial, nonecommercial, or nonprofit recreational areas, uses, and facilities, including country clubs, lodges, fraternal organizations, swimming pools, gymnastics facilities, golf courses, equine facilities, boat moorages, parks, and concessions	G
Public Utility Facilities without Sshops, Ggarages, or Ggeneral Aadministrative Ooffices:	C
Radio and Television Transmission and Receiving Towers and Earth Stations , provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C
Rainwater Collection Systems	A
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: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category.	P
Recreational Uses, including boat moorages, community gardens, country clubs, equine facilities, golf courses, gymnastics facilities, horse trails, lodges, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails⁴	C
Recyclable Drop-off Sites , subject to Section 819	A
Recycling Centers and Transfer Stations , subject to Section 819	C
Repair and Refinishing of Furniture and Household Goods	P
Repair of Motor Vehicles	P
Retail Sales of Lumber and Building Materials	P
Retail Sales of Pproducts that are Mmanufactured on the Ssubject Pproperty, Ddistributed from the Ssubject Pproperty, Wwarehoused on the Ssubject Pproperty, or Ssold on a Wwholesale Bbasis from the Ssubject Pproperty	A
Sales, Rental, Storage, Repair, and Servicing of Eequipment and Mmaterials Aassociated with Ffarm and Fforest Uuses, Rroad Mmaintenance, Mmineral Eextraction, and Cconstruction	P
Satellite Dishes	A
Sheet Metal and Machine Shops	P
Signs , subject to Section 1010	A ⁴⁵
Small Power Production Facilities , provided that if it is a hydroelectric facility, it shall be subject to Section 829	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RI
Solar Energy Systems	A
Surface Mining, subject to Section 818	C
Telephone Exchanges	C
Temporary Buildings for <u>Uses</u> <u>Incidental</u> to <u>Construction</u> <u>Work</u> , <u>provided that</u> <u>Such</u> buildings shall be removed upon completion or abandonment of the construction work.	A
Temporary Storage within an <u>Enclosed</u> <u>Structure</u> of <u>Source-Separated</u> <u>Recyclable/Reusable</u> <u>Materials</u> <u>Generated</u> and/or <u>Used</u> <u>On-site</u> <u>Prior</u> to <u>On-site</u> <u>Reuse</u> or <u>Removal</u> by the <u>Generator</u> or <u>Licensed</u> or <u>Franchised</u> <u>Collector</u> to a <u>User</u> or <u>Broker</u>	A
Upholstery Shops	P
Utility Carrier Cabinets, subject to Section 830	P
Veterinary Hospitals	P
Warehousing and Distribution, This category includes including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. This category Included includes are the transportation and distribution of cargo using motor vehicles or rail spurs, and may include loading docks, and parking of cargo transport vehicles. Mini-storage facilities are not included in this category.	p ²
Wholesale Trade, This category includes including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.	p ²
Wireless Telecommunication Facilities, subject to Section 835	P

Notes to Table 604-1:

¹ ~~Daycare facilities as an employee amenity are not subject to Section 807, Daycare Facilities.~~

[†] ~~A government or special district use is a conditional use only if the proposed use does not also fall within one of the categories identified as a primary or accessory use.~~

- ² Manufacturing, transportation, distribution, warehousing, and wholesale trade of certain products are conditional uses, when specifically listed as such in Table 604-1.
- ³ Marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.
- ⁴ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ⁵⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

604.04 DIMENSIONAL STANDARDS

A. General: The following Dimensional standards applicable in the RI District are listed in Table 604-2, Dimensional Standards in the RI District. As used in Table 604-2, numbers in superscript correspond to the notes that follow Table 604-2.

B. Modifications: Modifications to the standards in Table 604-2 are established by Sections 800, Special Use Requirements; 903, Setback Exceptions; 1107, Property Line Adjustments; and 1205, Variances.

Table 604-2: Dimensional Standards in the RI District

<u>Standard</u>	<u>RI</u>
<u>Minimum Lot Size</u>	<u>None¹</u>
<u>Minimum Front Setback</u>	<u>30 feet</u>
<u>Minimum Rear Setback</u>	<u>0^{2,3}</u>
<u>Minimum Side Setback</u>	<u>0^{2,3}</u>
<u>Maximum Building Floor Space per Commercial Use in an Unincorporated Community</u>	<u>4,000 square feet⁴</u>
<u>Maximum Building Floor Space per Industrial Use in an Unincorporated Community</u>	<u>40,000 square feet⁵</u>
<u>Maximum Building Floor Space per Industrial Use outside an</u>	<u>39,500 square feet⁶</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Unincorporated Community</u>	
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- ¹ The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- ² If the lot line abuts a residential zoning district, the minimum is 30 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 40 feet. If the lot line abuts a commercial zoning district, the minimum shall be 10 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 20 feet.
- ³ Notwithstanding Note 2, the minimum rear and side setback standards applicable in the RA-2 District apply to dwellings that are nonconforming uses, as well as to uses that are accessory to such dwellings.
- ⁴ 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.
- ⁵ No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.
- ⁶ No maximum applies to the primary processing of raw material produced in rural areas, or uses sited on abandoned or diminished mill sites. Also, any lawfully established industrial use that existed on December 20, 2001, may expand to occupy a maximum of 40,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
 - A. Minimum Front Yard Depth: The minimum front yard depth is 30 feet.
 - B. Minimum Rear Yard Depth: The minimum rear yard depth is 30 feet if the rear yard abuts a residential zoning district and 10 feet if the rear yard abuts a commercial zoning district. In either case, an additional five feet of yard depth is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height.
 - C. Minimum Side Yard Depth: The minimum side yard depth is 30 feet if the side yard abuts a residential zoning district and 10 feet if the side yard abuts a commercial zoning district. In either case, an additional five feet of yard depth is

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required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height.

- D. Nonconforming Dwellings: Notwithstanding Subsections 604.04(B) and (C), the minimum rear and side yard depth standards applicable in the RA-2 District apply to dwellings that are nonconforming uses, as well as to uses that are accessory to such dwellings.
- E. Minimum Lot Size: There is no minimum lot size standard, except within the Portland Metropolitan Urban Growth Boundary, where the minimum lot size is 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- F. Maximum Building Floor Space:
1. For an industrial use within an unincorporated community, the maximum building floor space per use shall be 40,000 square feet, except that no limit shall apply to:
 - a. Uses authorized under Statewide Planning Goals 3 and 4;
 - b. Expansion of a use that existed on December 5, 1994;
 - c. Uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a);
 - d. New uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and
 - e. Uses sited on abandoned or diminished mill sites.
 2. For an industrial use outside an unincorporated community, the maximum building floor space per use shall be 39,500 square feet, except:
 - a. No limit shall apply to the primary processing of raw material produced in rural areas or to uses sited on abandoned or diminished mill sites.
 - a. A lawfully established use that existed on December 20, 2001 may expand to occupy a maximum of 40,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- G. Modifications: The minimum yard depth standards are subject to modification under Section 903, *Setback Exceptions*, and may be modified pursuant to Section 1205, *Variances*.

604.05 — DEVELOPMENT STANDARD

~~Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16]

707 HISTORIC LANDMARK (HL), HISTORIC DISTRICT (HD), AND HISTORIC CORRIDOR (HC)

707.01 PURPOSE

Section 707 is adopted to:

- A. Implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors;
- B. Promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources;
- C. Provide for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the County that reflect special elements of the County's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage;
- D. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas;
- E. Encourage public knowledge, understanding and appreciation of the County's history and culture;
- F. Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;
- G. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the County;
- H. Preserve diverse architectural styles reflecting phases of the County's history; and encourage complimentary design and construction impacting cultural resources;
- I. Enhance property values and increase economic and financial benefits to the County and its inhabitants;
- J. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and
- K. Integrate the management of cultural resources and relevant data into public and private land management and development processes.

707.02 APPLICABILITY

- A. Section 707 applies to designated Historic Landmarks, Historic Districts, and Historic Corridors.

B. Historic Landmark: A site, structure, or object may be zoned Historic Landmark if it is listed on the National Register of Historic Places, or if it is rated as significant under the County's procedure for evaluating historic resources under the specific architectural, environmental, and historic association criteria. A site or structure must receive a minimum of 40 points under the following criteria to be considered for Historic Landmark status:

1. Architectural Significance

- a. It is an early (50 years or older), or exceptional, example of a particular architectural style, building type, or convention. (up to 10 points)
- b. It possesses a high quality of composition, detailing, and craftsmanship. (up to 4 points)
- c. It is a good, or early, example of a particular material or method of construction. (up to 4 points)
- d. It retains, with little or no change, its original design features, materials, and character. (up to 7 points)
- e. It is the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction. (up to 10 points)

2. Environmental Significance

- a. It is a conspicuous visual landmark in the neighborhood or community. (up to 10 points)
- b. It is well-located considering the current land use surrounding the property, which contributes to the integrity of the pertinent historic period. (up to 4 points)
- c. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, viewsheds and natural features. (up to 10 points)
- d. It is an important or critical element in establishing or contributing to the continuity or character of the street, neighborhood, or community. (up to 7 points)

3. Historical Significance

- a. It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation. (up to 10 points)
- b. It is associated with an event that has made a significant contribution to the community, state, or nation. (up to 10 points)
- c. It is associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation. (up to 10 points)
- d. It possesses the potential for providing information of a prehistoric or historic nature. (up to 10 points)

C. Historic District: Criteria for designation of a Historic District on the County zoning and Comprehensive Plan maps are as follows:

1. The area is listed as a National Register Historic District; or
2. The area includes a significant concentration or linkage of sites, buildings, structures, objects or landscapes which are unified visually by style, plan, or physical development and distinguished by association with historic periods, events, people, or cultural trends; and
3. The area is of sufficient size and scope, and the component parts are cohesive enough to adequately represent, demonstrate, or commemorate the significant historic period, event, people, or trend; and
4. A substantial number of the component parts within the area are exceptionally well preserved.

D. Historic Corridor: Property designated as a Historic Corridor on the County zoning and Comprehensive Plan maps shall satisfy one or both of the following criteria:

1. The property, site, trail, roadway, or rail corridor is associated with events that have made a significant contribution to the broad patterns of our history or are likely to yield additional information in the future, categorized under one or more of the following theme areas:
 - a. archeology and prehistory;
 - b. exploration;
 - c. western migration;

- d. settlement;
 - e. agriculture;
 - f. commerce and industry;
 - g. transportation technology;
 - h. government, politics, and military activities; and
 - i. culture.
2. The property or site is necessary to provide for the continuity of, or future use of, the historic trail, roadway, or rail corridor.

E. Contributing Resource:

1. Criteria for designation of a site, object, structure, or landscape feature as a contributing resource are as follows:
 - a. The resource is or, at the time the designation becomes effective, will be within a Historic District or Historic Corridor; and
 - b. The resource is 50 years old or older, may have received alterations, but retains its overall physical integrity, or is of special architectural or environmental or cultural significance; and
 - c. The resource contributes to the integrity of the Historic District or Historic Corridor; and
 - d. The resource does not merit landmark designation; and
 - e. The resource is compatible with landmarks in the district or corridor considering overall proportions, scale, architectural detail and materials.
2. Contributing resources shall be identified upon the creation of a Historic District or Historic Corridor and a list shall be created containing the same information for each resource as is required for landmarks.

707.03 BARLOW ROAD HISTORIC CORRIDOR

- A. Intent: Subsection 707.03 is intended to provide for the preservation and protection of the Barlow Road Historic Corridor. The intent is to preserve the privacy of private property owners along the Barlow Road Historic Corridor. There is no intent by the County to condemn private property now or in the future.

- B. The Barlow Road Historic Corridor is defined by the Barlow Road Background Report and Management Plan maps and shown on Comprehensive Plan Map 3-2. Within the corridor, the following provisions shall apply:
1. The Barlow Road Historic Corridor is defined as a 40-foot-wide historic corridor as shown on the Clackamas County assessor maps, identified through the Barlow Road Survey Project 1991-1992, and adopted through the historic corridor designation process within the provisions of Section 707. In the Government Camp area, north of Highway 26, the historic corridor width is 20 feet.
 2. Third priority property segments shall be allowed to develop for primary uses allowed in the underlying zoning district. Significant development shall be reviewed as described in Subsection 707.03(B)(3). Where physical evidence of the Barlow Road exists, property owners are encouraged to preserve the evidence.
 3. The Historic Review Board shall review and make recommendations pertaining to proposed significant development within the historic corridor. Significant development shall include: zone change, conditional use, and subdivision applications; commercial, industrial, and multifamily development applications; and mining and gravel extraction. The recommendation shall be made to the review authority, identified pursuant to Table 1307-1, for the significant development. A site analysis shall be submitted for any significant development by the applicant indicating potential impacts to the historic corridor. To the maximum practicable extent, the historic corridor shall be protected as open space. Where physical evidence of the Barlow Road exists, such as wagon ruts, such evidence shall not be disturbed by development unless it is shown that the property cannot be developed if the historic corridor is preserved.
 4. Where road segments include portions of a County road, the Historic Review Board shall review and make recommendations to the County about any proposed right-of-way expansion or realignment to ensure that original features of the Barlow Road are retained where possible.
 5. Where State Highways are aligned with the Barlow Road Historic Corridor, proposed right-of-way expansion or realignment will be reviewed as outlined under Subsection 707.067, when historic resource sites identified in the Clackamas County Cultural Resources Inventory, Barlow Road Survey Project or other identified potential sites may be impacted.

6. Within the Highest and Secondary Priority Barlow Road Historic Corridor as defined on the Clackamas County assessor maps, the following activities are prohibited: structural development, mining, highway or road building, cultivation, utility line/pipeline development, vehicular use, and other uses which would cause major surface disturbance to the road remains. Limited disturbance to the corridor shall be allowed when necessary to service the underlying use, such as sewer and utility lines.

Where the corridor has been used by vehicles, continued use is allowed. Maintaining driveways by repairing the driving surface is allowed. All attempts to preserve the historic road contour should be made when undergoing maintenance activities.

Where Highest and Secondary priority road segments include portions of a County or State road, the Historic Review Board shall review any proposed right-of-way expansion or realignment. To the maximum practicable extent, the Barlow Road alignment and historic landscape should be retained.

A variance application can be made to allow development in rare cases under Subsection 1205.02.

Normal maintenance activities are allowed such as clearing brush and fallen trees from the historic corridor and removing other objects foreign to the route.

~~707.04 — INTERIM PROTECTION MEASURES FOR STRUCTURES LISTED ON THE CLACKAMAS COUNTY CULTURAL RESOURCES INVENTORY~~

- ~~A. Intent: Subsection 707.04 is intended to provide interim protection measures for structures listed on the Clackamas County Cultural Resources Inventory. After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks within each study area or Inventoried Book, the interim protection measures will cease to apply.~~
- ~~B. Cultural Resource Inventory Properties: Review of significant development shall occur for any property listed on the Clackamas County Cultural Resources Inventory as per provisions set forth in Section 707. Significant development includes: zone change, conditional use, and subdivision applications; commercial, industrial, and multifamily development applications; and demolition permit applications.~~

707.045 USES PERMITTED

A. Primary Uses: A Historic Landmark or properties within a Historic District or Historic Corridor may be used for any use which is allowed in the underlying zoning district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of Section 707.

B. Conditional Uses: In urban and rural zoning districts, uses listed in Subsection 707.045(B)(2), which are not otherwise allowed in the underlying zoning district, are conditional uses, approval of which is subject to Section 1203, *Conditional Use*

1. In addition, the following criteria apply:

- a. The use will preserve or improve a resource which would probably not be preserved or improved otherwise;
- b. The use will not require the extension or development of urban services in rural areas;
- c. The use will not adversely affect surrounding natural resource uses; and
- d. The use will utilize existing structures rather than new structures, except where new structures are determined by the Historic Review Board to be in the best interest of preserving the historic resource. All structures of any form or size, including new structures, shall satisfy Subsection 707.067.

2. The following conditional uses may be permitted. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

- a. Art and music studios;
- b. Galleries;
- c. Offices;
- d. Craft shops;
- e. Bed and breakfast residences and inns, subject to Section 832;
- f. Gift shops;
- g. Museums;

- h. Catering services;
- i. Book stores;
- j. Boutiques;
- k. Restaurants;
- l. Antique shops;
- m. Community centers for civic or cultural events; and
- n. In the RA-1 District, replacement of a historic landmark dwelling with an additional dwelling on the same site and continued use of the existing dwelling for residential purposes, provided:
 - i. The existing dwelling is listed individually on the National Register of Historic Places or on state and local registers as a Historic Landmark;
 - ii. The existing dwelling is maintained under an approved plan for rehabilitation (e.g. Secretary of Interior guidelines); and
 - iii. There is a recorded deed recognition statement with the County that the additional dwelling is authorized only for the duration of the historic resource and to inform subsequent purchasers.

707.056 HISTORIC REVIEW BOARD

A Historic Review Board shall be established pursuant to Subsection 1307.03 and shall have the following responsibilities:

- A. Carry out the duties described for it in Section 707 and otherwise assist the Board of County Commissioners on historic preservation matters;
- B. Review and make recommendations on proposals to alter the exterior of a Historic Landmark or primary, secondary, or contributing structure within a Historic District or Historic Corridor, subject to Subsection 707.067;
- C. Review and make recommendations on all proposed new construction within a Historic District or Corridor, or on property on which a Historic Landmark is located, subject to Subsection 707.067;
- D. Review and make recommendations on all applications referred by the Board of County Commissioners, Hearings Officer, Planning Commission, or Design Review Committee;

- E. Review and make recommendations on all applications for zoning of a Historic Landmark, a Historic District, or a Historic Corridor, subject to Subsections 707.02 and 707.067;
- F. Review and make recommendations on all requests for moving or demolition of a Historic Landmark, subject to Subsection 707.067;
- G. Review and make recommendations to the Hearings Officer on all conditional use applications under Subsection 707.045(B);
- H. Review and make recommendations on all partitions and subdivisions of designated properties, subject to Subsection 707.067;
- I. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places;
- J. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs;
- K. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the County;
- L. Ensure that information on inventoried historic properties is updated and maintained; and
- M. Continue to add to the Clackamas County Cultural Resources Inventory when appropriate.

707.067 THE REVIEW PROCESS

Subsection 707.067 applies to all Historic Landmarks, properties within Historic Districts and Historic Corridors, and contributing resources therein.

- A. Designation and Zoning: Comprehensive Plan designation and zoning of a Historic Landmark, Historic District, or Historic Corridor shall be subject to the procedures identified in Section 1307 for Comprehensive Plan amendments and zone changes, respectively. In addition:
 - 1. The Historic Review Board shall evaluate proposed designation and zoning of a Historic Landmark, Historic District, or Historic Corridor and shall make a recommendation to the Board of County Commissioners.

2. Pending Permits: No building permit for altering or moving any proposed Historic Landmark or any building within an area proposed for designation as a Historic Landmark, Historic District, or Historic Corridor, shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building affected by a pending public hearing or appeal under Subsection 707.067(A) shall be a violation of this Ordinance.

B. Application Requirements:

In addition to the submittal requirements identified in Subsection 1307.07(C), applications for alteration and development shall include:

1. A written description of the boundaries of the proposed Historic District, if applicable, or the location of the site;
2. A map illustrating the boundaries of the proposed Historic District, if applicable, or the location of the site;
3. A list of exterior materials pertinent to the application request;
4. Drawings of elevations of affected structure(s):
 - a. Drawings shall indicate dimensions and be to scale.
 - b. Photographs may be used in lieu of drawings for small projects.
5. Floor plans of affected structure(s); and
6. Site plan showing relationship of structure(s) to roadways, parking areas, access drives, landscape features, plant materials, fences, and other pertinent elements, drawn to scale.

C. Alteration and Development:

1. Maintenance: The normal responsibilities of the property owner to care, repair, and replace with like materials shall be reviewed as a Type I application pursuant to Section 1307. Normal maintenance may include but not be limited to:
 - a. Painting and related preparation of the structure. Original paint colors or colors appropriate to the historic period should be used on Historic Landmark buildings;
 - b. Repair and/or replacement of roofing materials with the same kind of roof materials existing;

- c. Grounds care and maintenance required or the permitted use on the property;
 - d. Replacement of fences, shrubs, or other yard fixtures or landscaping with like type and/or style;
 - e. Existing materials may be replaced in kind for a small portion of either building or grounds because of damage or decay of materials; and
 - f. Installation and maintenance of irrigation systems.
2. Minor Alterations: Minor alterations shall be reviewed as Type II applications pursuant to Section 1307. In addition, the review authority may consult with the Historic Review Board, or any member thereof, in applying the provisions of Subsection 707.067(C)(2). An alteration shall be considered minor when the result of the proposed action is to restore portions of the exterior to the original historic appearance while performing repairs, such as:
- a. Addition of gutters and downspouts;
 - b. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation;
 - c. Change in material to match original type of material on the structure or grounds;
 - d. Change in type of roof material in character with the original roofing material; and
 - e. Replacement of storm windows or doors.
3. Major Alterations: Major alterations shall be reviewed as Type II applications pursuant to Section 1307. Approval of an application for a major alteration shall be subject to the following criteria for rehabilitation:
- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finished, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the least damaging or gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property, including historic plant materials, and its environment would be unimpaired.
4. New Construction: Applications for proposed structures on a Historic Landmark site, or within a Historic District or Historic Corridor shall be reviewed as Type II applications pursuant to Section 1307. Approval of an application shall be subject to the following criteria:
- a. The design of the proposed structure is compatible with the design of the landmark building(s) on the site or in the district or corridor considering scale, style, height, and architectural detail, materials, and colors.

- b. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the district or corridor, considering setbacks, distances between structures, location of entrances, and similar siting considerations.
 - c. Changes to yard areas including planters, fences, ponds, walkways and landscape materials should be compatible with the overall historic setting.
 - d. Scale of commercial use: Individual permitted uses shall be of a scale appropriate to serve properties surrounding the historic overlay.
5. Maximum Building Floor SpaceArea: Commercial uses approved pursuant to Subsection 707.04(B)(2) are subject to the following standards:
- a. ~~For a commercial use within~~ In an unincorporated community other than Government Camp, the maximum building floor spacearea per commercial use shall be 4,000 square feet except that no maximum applies to uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
 - b. In Government Camp, the maximum building floor space per commercial use shall be 8,000 square feet except that no maximum applies to uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. However, a lawfully established use that existed on December 20, 2001, and serves the community or the travel needs of people passing through the area, may expand to occupy a maximum of 4,000 square feet of building floor area or 50 percent more building floor area than was occupied by the use on December 20, 2001, whichever is greater.
 - ~~cb.~~ For a commercial use in a non-urban area ~~Outside both an~~ unincorporated community and an urban growth boundary, the maximum building floor area per commercial use shall be 3,000 square feet. However, a lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor spacearea or 25 percent more building floor spacearea than was occupied by the use on December 20, 2001, whichever is greater.
 - ~~e.~~ Preexisting Commercial Uses: Lawfully established commercial uses that are located on land with a Comprehensive Plan designation of Unincorporated Community Residential or Rural, existed on December 20, 2001, and are not otherwise provided for in the underlying zoning district or this overlay zone shall not be nonconforming uses and are allowed outright.

6. Partitions and Subdivisions: The Historic Review Board shall review and make recommendations on proposed partitions or subdivisions of sites designated as a Historic Landmark site or located within a Historic District or Historic Corridor. The recommendation shall be made to the review authority, identified pursuant to Table 1307-1, for the partition or subdivision application. Review of proposed subdivisions or partitions shall be subject to the following criteria:
 - a. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the landmark.
 - b. The partition or subdivision allows adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels.
 - c. Yard and landscaped areas including large trees and shrubs associated with the Historic Landmark structure shall be retained with the structure whenever possible.
7. Modifications to Certain Regulations: Regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of off-street parking spaces required, and regulations prescribing setbacks may be modified, if the modifications:
 - a. Are necessary to preserve the historic character, appearance or integrity of the proposed Historic Landmark, Historic District or Historic Corridor; and
 - b. Are in accordance with the purposes of the zoning and sign regulations.
- D. Moving or Demolition of a Historic Landmark or Contributing Resource: No building identified as a primary, secondary, or contributing structure within a Historic District or Corridor, or designated as a Historic Landmark, shall be intentionally moved or demolished, unless approval is granted pursuant to Subsection 707.067(D). Moving or demolition of a Historic Landmark or Contributing Resource shall be reviewed as a Type II application pursuant to Section 1307. In addition:
 1. The applicant shall prepare and submit a plan for preservation of the Historic Landmark prior to filing an application for moving or demolition.
 - a. The preservation plan shall include a narrative describing how the applicant will accomplish the following:
 - i. Advertise the resource in local, regional, and historic preservation

- newspapers of general circulation in the area once per week during the pre-application period and shall provide evidence of such advertising;
- ii. Give public notice by placing a sign on the subject property informing the public of intended action which will remove or demolish the structure and including the County department and telephone number to call for further information. The sign shall remain on the subject property until a permit is issued.;
 - iii. Prepare and make available information related to the history and sale of the subject property to all who inquire;
 - iv. Provide information regarding the proposed use for the Historic Landmark site; and
 - v. Keep a record of the parties who have expressed an interest in purchasing or relocating the structure. To ensure that an adequate effort has been made to secure a relocation site, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.
- b. Following receipt of the preservation plan, the Planning Director shall issue a media release to local and state newspapers of general circulation in the County. The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed moving or demolition, and the possible options for preserving the Historic Landmark.
2. Approval of an application to move a Historic Landmark or contributing resource shall be subject to the following criteria:
- a. Relocation is the only alternative for preservation of the Historic Landmark or contributing resource;
 - b. The proposed relocation site will not greatly reduce the historical and/or architectural significance of the Historic Landmark or contributing resource; the site is a contextually appropriate setting; it is within the County and preferably within the neighborhood within which it is currently located;
 - c. The designated resource cannot reasonably be used in conjunction with the proposed use;
 - d. The continued location of the landmark or contributing resource on the proposed development site precludes development on the site which would provide a greater community benefit;

- e. The designated landmark or contributing resource is structurally capable of relocation;
 - f. If the landmark or contributing resource is relocated within the County, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within 90 days of relocation to the County for designation as a Historic Landmark, to be protected under the provisions of Section 707;
 - g. The loss of the landmark or contributing resource will not affect the integrity of the Historic District or Historic Corridor; and
 - h. Adequate effort has been made to seek a relocation site within the Historic District or Corridor.
3. The review authority for an application to demolish a Historic Landmark or contributing resource within a Historic District or Historic Corridor shall consider the following:
- a. All plans, drawings, and photographs submitted by the applicant;
 - b. Information presented at the public hearing concerning the proposed work; proposal;
 - c. The Comprehensive Plan;
 - d. The purposes of Section 707 as set forth in Subsection 707.01;
 - e. The criteria used in the original designation of the Historic Landmark, Historic District, or Historic Corridor in which the property under consideration is situated;
 - f. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area;
 - g. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value;
 - h. Whether suspension of the proposed demolition will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to

the intent and purposes of Section 707; and

- i. When applicable, the findings of the building official in determining the status of the subject building as a dangerous building under County Code Chapter 9.01, *Uniform Code for the Abatement of Dangerous Buildings*, and the feasibility of correcting the deficiencies to meet the requirements of the building official rather than demolishing the building.
4. The application may be approved in consideration of Subsections 707.067(D)(2) and (3).
5. The application may be suspended, if, in the interest of preserving historic values for public benefit, the building should not be moved or demolished.
6. If the application is suspended, the written decision shall be transmitted to the building official along with a request that the enforcement of any applicable Notice and Order of the building official be stayed during the pendency of an appeal, or for a period of not more than 60 days from the date of the suspension decision. During this stay of moving or demolition, the following actions may be taken:
 - a. The building official may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.
 - b. The applicant may be required to continue to carry out the pre-application plan activities through the entire stay of moving or demolition.
 - c. The Historic Review Board may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects.
 - i. If the Historic Review Board determines that there are reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to 30 additional days per extension, not to exceed a total of 120 days from the date of the decision suspending the application.
 - ii. If the Historic Review Board determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a Notice and Order of the building official, then, at the end of the suspension period, the Planning Director may issue a permit for moving or demolition, subject to all other applicable regulations.

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7. When moving or demolition is imminent, whether by direct approval or if efforts during the pre-application preservation plan and suspension period are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the County by the applicant:
 - a. Floor plans to scale of the structure(s) and related structures;
 - b. Site plan to scale showing surrounding roadways, landscaping, natural features, structure(s), and related structures;
 - c. Drawings to scale or photographs of all exterior elevations;
 - d. Photographs of architectural detail not shown in elevation photographs;
and
 - e. The Historic Preservation League of Oregon or local preservation group to be given opportunity to salvage and record the resource.
8. A moving or demolition permit for a landmark found to comply with Subsection 707.067(D) shall not be issued until all development permit applications for the new use or development have been approved by the County.

[Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

~~802 TWO AND THREE-FAMILY DWELLINGS~~

~~802.01 APPLICATION OF SECTION~~

~~This section shall apply to new two- and three-family dwellings and to conversions of existing single-family dwellings into two-family dwellings in Urban Low-Density Residential, and RA-1 zoning districts.~~

~~802.02 CONDITIONAL STANDARDS~~

~~The following conditional standards shall apply:~~

~~A. Number of Dwelling Units: The number of dwelling units (DU) allowed on a subject property shall be determined by the following method, except as modified by Subsection 802.02(A)(3):~~

- ~~1. Calculate the land area of the subject property. The result is the gross site area (GSA).~~
- ~~2. Divide the gross site area (GSA) by the Minimum Lot Area Per Dwelling Unit (MLA) of the applicable zoning district as shown in Table 1. The result is the number of dwelling units (DU) allowed. The calculation is represented by the following formula: $(GSA / MLA) = DU$.~~

Table 1

Zoning District	Minimum Lot Area (MLA) 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 (1 acre)

~~3. Add Applicable Bonus Units: In Urban Low-Density Residential (ULDR) zoning districts bonus units shall be allowed subject to the following criteria:~~

- ~~a. The proposed development shall include a minimum of 4 dwelling units.~~

b. ~~The bonus unit categories and corresponding maximum increases to the base number of units are as follows:~~

i. ~~Affordable Housing. Living units qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.~~

a. ~~One bonus unit is allowed per affordable unit provided up to 5% of the number of dwelling units allowed by Section 802.02(A)(2).~~

b. ~~If affordability requirements are not specified by a federal, state, or local program, an affordability covenant or other mechanism to ensure affordability, deemed acceptable by the County, shall be attached to the affordable units.~~

ii. ~~Park Dedication. Improved site area is dedicated as a park and accepted by the County or other public agency pursuant to Section 1011.~~

a. ~~The maximum increase in bonus units via park dedication is 10% of the number of dwelling units allowed by Section 802.02(A)(2).~~

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

5. ~~The result is maximum number of units allowed.~~

6. ~~Developments approved under Section 802 are exempt from minimum lot-size requirements.~~

B. ~~Minimum Offstreet Parking: 1-1/2 spaces per dwelling unit.~~

C. ~~Landscaping: A minimum of 25 percent of the lot area shall be developed as landscaped or recreational areas.~~

817 AUTO WRECKING YARDS AND JUNKYARDS

817.01 ~~CONDITIONAL~~ STANDARDS

The following standards apply to auto wrecking yards and junkyards in zoning districts where these uses are permitted and are identified as being subject to Section 817:

- A. ~~Minimum Lot Size: 1 acre~~
- B. ~~Minimum Street Frontage: 100 feet~~
- C. ~~Minimum Lot Depth: 125 feet~~
- D. ~~Minimum Building Setbacks: If the building is located outside of a sight-obscuring fence, the minimum front yard setback shall be 30 feet and the minimum rear and side yard setbacks shall be 25 feet.~~
- AE. Fences:
- ~~1. A sight-obscuring fence shall be constructed to completely enclose the auto wrecking or junkyard.~~
1. The fence shall be painted one color, constructed of uniform materials, and kept in good repair. It shall be the responsibility of the occupant to maintain the fence.
2. The front yard fence shall have a minimum structure height of the fence shall be 6 feet. However, when the front yard abuts a state highway, the fence shall have a minimum height of 8 feet.
- ~~3. The side yard fence shall have a minimum height of 6 feet.~~
3. The minimum front setback for the front yard fence shall be a minimum setback of 25 feet.
- BF. Storage of Vehicles:
- ~~1. All storage shall be within the fenced area, and:~~
1. At no time shall any items, including vehicles, shall not be piled higher than the fence.
- ~~G. Vector Control: Scrap tires shall not be stored outside for a period exceeding 30 days.~~

820 — SERVICE STATIONS

820.01 — CONDITIONAL STANDARDS

- A. — Location: No service station at which gasoline or any other motor vehicle fuel is sold shall be located closer than 200 feet from any school, public playground, church, or institution for dependents or children.
- B. — Dimensional Standards:
1. — No structure shall be erected closer than 32 feet from the centerline of any public, county, or state road.
 2. — Minimum Front Yard Setback:
 - a. — Signs, gasoline pumps, pump islands, and enclosed buildings, excluding attached or detached canopies: 15 feet.
 - b. — Attached or detached canopies: 2 feet.
 3. — Minimum Street Frontage: 100 feet.
 4. — Minimum Lot Depth: 60 feet.
 5. — Minimum Lot Size: 12,000 square feet.
- C. — Outdoor Storage: Storage of materials on the site shall be screened.
- D. — Lighting: All outside lighting shall be arranged and shielded so as not to shine into adjacent residential areas and to prevent any undue glare or reflection and any nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or property. All lighting used shall be erected only on the same premises with the use.
- E. — Additional Requirements: Service stations in Rural Commercial zoning districts shall comply with the following requirements:
1. — No vehicle may be parked on the premises and offered for sale, lease, or rent.
 2. — Automotive repair and lubricating operations shall be conducted within the service station building.
 3. — Signs shall not cause any glare or reflection of light on other property or buildings.

[Amended by Ord. ZDO-224, 5/31/11]

822 HOME OCCUPATIONS

822.01 PURPOSE

Section 822 is adopted to:

- A. Encourage economic development in the County by promoting home occupations;
- B. Reduce vehicle miles traveled by providing opportunities for people to work from their homes;
- C. Recognize the differences between residential communities, and provide standards for home occupations consistent with these differences;
- D. Ensure the compatibility of home occupations with other uses permitted in the underlying zoning district;
- E. Maintain and preserve the character of the community and residential neighborhoods; and
- F. Mitigate noise, traffic, and other possible negative effects of home occupations.

822.02 DEFINITIONS

Unless specifically defined in Subsection 822.02, words or phrases used in Section 822 shall be interpreted to give them the same meaning as they have in common usage and to give Section 822 its most reasonable application.

- A. Abutting Properties: Properties that are contiguous to the property on which the home occupation is proposed, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.
- B. Accessory Space: Any building space, other than the dwelling unit, that is used for the home occupation, including, but not limited to, an attached garage, detached garage, or pole building. Accessory space does not include manufactured dwellings, residential trailers, or recreational vehicles.
- C. Employee: Any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.

- D. Home Occupation: An occupation or business activity ~~that~~^{which} results in a product or service; ~~and~~ is conducted, in whole or in part, in a dwelling unit, ~~and/or~~ an accessory building normally associated with primary uses allowed in the ~~applicable underlying zoning district, or both; is conducted by at least one resident of the dwelling unit; and is clearly subordinate to the residential use of the subject property.~~ Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.
- E. Incidental Use: The use of no more than 25 percent of the floor area of a structure or 500 square feet, whichever is less.
- F. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, lives full-time in a dwelling unit on the subject property, and is responsible for strategic decisions and day-to-day operations of the home occupation.
- G. Property: A lot of record.
- H. Vehicle: Any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, detached trailer, or a truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for this use through a home occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.
- I. Vehicle Trip: A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.

822.03 LEVEL ONE MINOR HOME OCCUPATIONS

No land use permit is required for a Level 1 Minor Home Occupation, which shall comply with the following standards:

- A. Employees: No persons other than residents of the dwelling unit in which the home occupation is located shall be employees of the home occupation.
- B. Building Space: The home occupation shall be conducted in a dwelling unit, but is limited to incidental use thereof. In addition, incidental use of accessory space is allowed for storage purposes only.

- C. Noise, Vibration, Glare, Fumes, and Odors: The home occupation shall not create noise, vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
- D. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- E. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.03. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- F. Signs: Signs shall be permitted pursuant to Section 1010.
- G. Traffic: The home occupation shall not generate more than 10 vehicle trips per day.
- H. Parking: Parking associated with the home occupation shall be regulated as follows:
1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
 2. The maximum number of customer or client vehicles that are associated with the home occupation and located on the subject property shall not exceed two at any time.
 3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. Parcel post, United Parcel Service, or similar in-town delivery services shall be limited to no more than one delivery per day.
 4. Two parking spaces for customers/clients shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. The minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.
- I. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. Marijuana production;
 2. Marijuana processing;

3. Marijuana wholesaling; and
4. Marijuana retailing.

822.04 LEVEL TWO MAJOR HOME OCCUPATIONS

A Level Two Major Home Occupation requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. Location: The home occupation shall be located on a property where the majority of abutting properties are equal to or less than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.
- B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.
- C. Employees: The home occupation shall have no more than five employees.
- D. Building Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. A maximum of 500 square feet of accessory space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.
- E. Noise: Noise shall be regulated as follows:
 1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.
 - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(E)(1).
 - b. Subsection 822.04(E)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.

2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.
- F. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
 - G. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
 - H. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
 - I. Signs: Signs shall be permitted pursuant to Section 1010.
 - J. Traffic: The home occupation shall not generate more than 20 vehicle trips per day.
 - K. Parking: Parking associated with the home occupation shall be regulated as follows:
 1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
 2. The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee vehicles and customer/client vehicles.
 3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks.

4. Parking spaces needed for employees or customers/clients of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.
- L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.
- M. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
 2. Towing and vehicle storage business;
 3. Any other use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame;
 4. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less;
 5. Marijuana production;
 6. Marijuana processing;
 7. Marijuana wholesaling; and
 8. Marijuana retailing.
- N. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.

- O. If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.

822.05 LEVEL THREE MAJOR HOME OCCUPATIONS

A Level Three Major Home Occupation requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. Location: The home occupation shall be located on a property where a minimum of 50 percent of abutting properties are greater than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.
- B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.
- C. Employees: The home occupation shall have no more than five employees.
- D. Building Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. A maximum of 1,500 square feet of accessory space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.
- E. Noise: Noise shall be regulated as follows:
1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise that is detectable to normal sensory perception off the subject property.
 - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.05(E)(1).
 - b. Subsection 822.05(E)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.

2. A noise study may be required to demonstrate compliance with the noise standards. If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.
- F. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
 - G. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
 - H. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.05. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
 - I. Signs: Signs shall be permitted pursuant to Section 1010.
 - J. Traffic: The home occupation shall not generate more than 30 vehicle trips per day.
 - K. Parking: Parking associated with the home occupation shall be regulated as follows:
 1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
 2. The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property.
 3. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight of 11,000 pounds.

4. Parking spaces needed for employees or customers/clients of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.
- L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.
- M. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair;
 2. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less;
 3. Marijuana production;
 4. Marijuana processing;
 5. Marijuana wholesaling; and
 6. Marijuana retailing.
- N. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.
- O. If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.

822.06 EXCEPTIONS

- A. An exception to any of the standards identified in Subsections 822.04(C) through (L), 822.04(M)(1) through (4), 822.05(C) through (L), or 822.05(M)(1) and (2) requires review as a Type III application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The subject property shall take direct vehicular access to a road with a functional classification of collector, minor or major arterial, or freeway/expressway as identified on Comprehensive Plan Map 5-4a, *Road Functional Classification, Urban*, or 5-4b, *Road Functional Classification, Rural*.
 2. The use shall remain compatible with the area. The following factors shall be considered when determining if a use is compatible with the area:
 - a. The number of standards identified in Subsections 822.04(C) through (M) or 822.05(C) through (M) that will be exceeded; it is presumed that the more standards exceeded, the more difficult it will be to demonstrate compatibility;
 - b. The character of the neighborhood, including such factors as the presence of other similar uses, proximity of other dwellings, the level of surrounding traffic, the size of accessory buildings, background noise levels, and other outside storage uses;
 - c. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example, driveway or road improvements);
 - d. Potential environmental impacts, including effects on air and water quality; and
 - e. Provision of adequate and safe access to public, County, or state roads.
 3. Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.032(BF), 1006.046(B), and 1006.068(C) (except as set forth in Subsection 1006.079), and 1007.079 is required.
- B. Notwithstanding Subsection 822.06(A):
1. Maximum accessory space for the home occupation shall not exceed 3,000 square feet; and
 2. If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.

822.07 PREEXISTING HOME OCCUPATIONS

Home occupations legally established prior to April 22, 2010, which complied with all provisions of this Ordinance then in effect, including appropriate permits if required, are exempt from the requirements of Section 822. Those preexisting home occupations that were subject to annual permit review shall be reviewed for compliance with the standards in effect at the time of their establishment, on the same schedule as home occupations established under the current provisions of Section 822. Home occupations established prior to the requirement for permit application and review are not subject to automatic review, but must continue to comply with the standards in effect at the time of their establishment. Preexisting home occupations may not be transferred to another operator or be enlarged without satisfying all the requirements of Section 822.

822.08 APPROVAL PERIOD AND RENEWALS

- A. A major home occupation permit is valid for three years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.
- B. A major home occupation permit may be renewed an unlimited number of times. Renewals also shall be valid for three years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.
- C. A renewal of a major home occupation permit, including one for a home occupation with one or more previously approved exceptions under Subsection 822.06, requires review as a Type II application pursuant to Section 1307, *Procedures*. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal requires review as a Type III application pursuant to Section 1307.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16]

827 DRIVE-THRU WINDOW SERVICES

827.01 APPLICABILITY

Section 827 applies to drive-thru window services.

827.02 CONDITIONAL STANDARDS

Approval of a drive-thru window service shall not be granted unless the applicant, by addressing the criteria below and submitting a traffic study, demonstrates that the proposed development:

- A. Shall not conflict with the implementation of adopted area plans or standards. This criterion does not apply in the RC District;
- B. Shall not limit or preclude the development of pedestrian-oriented or transit-supportive uses, or adversely impact such uses on adjacent properties. This criterion does not apply in the RC District;
- C. Shall create minimal conflict with pedestrian access to the building from adjacent sites or from the road;
- D. Shall not attract vehicle traffic into existing or proposed pedestrian and transit service areas; and
- E. Shall not create offsite congestion due to undersized site or lack of onsite vehicle storage area commensurate with the estimated volume of traffic to be generated.

827.03 CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS

- A. In the Clackamas Regional Center Area ~~shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center, Corridors, and Station Community~~, but outside the Clackamas Regional Center ~~itself boundary shown on the same map~~, drive-thru window service facilities shall be subject to the following standards:
 - 1. When drive-thru window service facilities are oriented toward front lot linesyards or street corners, pedestrian areas shall be buffered from the noise and exhaust of drive-thru vehicles.
 - 2. When building entrances are separated from sidewalks by drive-thru window service facilities, special design features may be required to ensure safe, direct, and convenient crossings and to screen pedestrian areas from drive-thru window service facilities. These may include different paving types, raised elevation, warning signs, landscaping, walls, bollards, or other similar methods.

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- B. Inside the Clackamas Regional Center ~~boundary shown on Comprehensive Plan Map X-CRC-1~~, internal driveways are prohibited between the building and street to which building entrances are oriented.

[Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

~~831 — ADULT BUSINESS (12/19/84)~~

~~831.01 — PURPOSE~~

~~The provisions of this section are intended to ameliorate the blighting and decay-producing social effects upon residential neighborhoods, and increases in crime associated with adult businesses, as defined in the Ordinance, without intending to impose upon such businesses a restriction of the communication they offer or the right of patrons to have access to such communication.~~

~~831.02 — STANDARDS~~

~~A. — Locational Standards: All adult businesses shall satisfy the following setback and separation requirements:~~

- ~~1. — No adult business shall be located within a distance of 200 feet from any residential single family or multifamily district, or school in an Open Space Management district. This distance shall be measured from the edge of the building, or portion thereof, housing the adult business which is closest to the boundary of any of the above districts.~~
- ~~2. — No adult business shall be located within a distance of 300 feet from any existing or previously approved adult business. This distance shall be measured from the edge of the building, or portion thereof, housing an adult business which is closest to the edge of a building, or portion thereof, of any other adult business.~~

~~B. — Advertising Regulations:~~

- ~~1. — Signing of an adult business shall be subject to all applicable provisions of Section 1010.~~
- ~~2. — No adult business shall cause to be placed or maintained in such a location as can be viewed by persons on any street or sidewalk outside the premises any sign, photographic, pictorial or other graphic representation(s) that depict in whole or in part, or any page, poster or other printed matter bearing a verbal description or narrative account of, the following:
 - ~~a. — Obscene matter, as defined by ORS 167.089, or~~
 - ~~b. — Specified sexual activity, as defined in this Ordinance.~~~~

~~C. — Lighting: All parking areas and entrances shall be well illuminated.~~

838 — ATTACHED SINGLE-FAMILY DWELLINGS

838.01 — APPLICABILITY

Section 838 applies to attached single-family dwellings.

838.02 — GENERAL STANDARDS

Attached single-family dwellings shall comply with the following standards:

- A. ~~Minimum Side Yard Depth:~~ No minimum side yard depth shall be required from any side lot line where two attached single-family dwellings share a common wall. The minimum side yard depth shall be five feet from any side lot line where two attached single-family dwellings do not share a common wall.
- B. ~~Building Design Standards:~~ Attached single-family dwellings shall comply with Subsection 1005.04(F). However, where Subsections 1005.12(A) and (B) apply and Subsection 1005.04(F) conflicts with Subsections 1005.12(A) and (B), Subsections 1005.12(A) and (B) shall take precedence.

838.03 — STANDARDS IN THE URBAN LOW-DENSITY RESIDENTIAL DISTRICTS

In the Urban Low-Density Residential Districts, attached single-family dwellings shall comply with the following standards:

- A. ~~Street Frontage:~~ The minimum street frontage for each lot of record developed with an attached single-family dwelling shall be 25 feet.
- B. ~~Maximum Lot Coverage:~~ The maximum lot coverage for a lot of record developed with an attached single-family dwelling shall be 50 percent.
- C. ~~Roofs:~~ 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.

838.04 — STANDARDS IN THE VR-4/5 AND VR-5/7 DISTRICTS

In the VR-4/5 and VR-5/7 Districts, attached single-family dwellings shall comply with the following standards:

- A. ~~VTH District Standards:~~ 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*—attached single-family dwellings shall comply with the following standards, if more than two attached single-family dwellings are attached in succession:
 - 1. ~~Subsections 838.05(A) and (B) shall apply in lieu of Subsections 315.05(H) through (K);~~

2. ~~The dimensional standards for the VTH District, as set forth in Table 315-4, shall apply in lieu of the dimensional standards for the VR-4/5 District, as set forth in Table 315-4; and~~
3. ~~The minimum landscaping area shall be 25 percent of the lot area.~~

838.05 — STANDARDS IN THE VTH DISTRICT

~~In the VTH District, attached single-family dwellings shall comply with the following standards:~~

- A. ~~Configuration: Attached single-family dwellings shall orient to and line streets with a series of attached "rowhouse" units.~~
- B. ~~Site and Building Design: Attached single-family dwellings shall comply with Subsections 1005.12(A) and (B).~~

838.06 — STANDARDS IN THE MR-1 AND MR-2 DISTRICTS

~~In the MR-1 and MR-2 Districts, attached single-family dwellings shall comply with the following standards:~~

- A. ~~Minimum Lot Size: In the MR-1 District, the minimum lot size shall be 3,630 square feet. In the MR-2 District, the minimum lot size shall be 2,420 square feet.~~
- B. ~~Minimum Front Yard Depth: On corner lots, the minimum front yard depth shall be 20 feet from one front lot line and 10 feet from the other front lot line, except that the minimum shall be 20 feet from any front lot line from which motor vehicle access is taken.~~
- C. ~~Maximum Lot Coverage: The maximum lot coverage for a lot of record developed with an attached single-family dwelling shall be 65 percent.~~
- D. ~~Maximum Building Height: The maximum building height shall be 35 feet.~~
- E. ~~Minimum Landscaping Area: The minimum landscaping area shall be 20 percent of each lot of record.~~

838.07 — STANDARDS IN THE HR DISTRICT

~~In the HR District, attached single-family dwellings shall comply with the following standards:~~

- A. ~~Minimum Rear Yard Depth: The minimum rear yard depth shall be 20 feet. However, no minimum rear yard depth is required from a rear lot line that abuts a national forest.~~

~~B. Maximum Lot Coverage: The maximum lot coverage for a lot of record developed with an attached single-family dwelling shall be 50 percent.~~

~~C. Maximum Building Height: The maximum building height shall be 35 feet.~~

~~D. Minimum Landscaping Area: The minimum landscaping area shall be 20 percent for the development of attached single-family dwellings, if three or more dwelling units are attached to one another.~~

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

901 — GENERAL PROVISIONS

901.01 — PENDING APPLICATION FOR BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction size or designated use of any development, building structures or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance. If such building permits become void and/or a new building permit is necessary, the proposed construction shall conform with the zoning regulations.

901.02 — ACCESS AND EGRESS

Every use of property shall hereafter have defined points of access and egress on any street. Such defined points of access shall be approved at the time of issuance of a building permit.

901.03 — UNSAFE BUILDING

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

901.04 — BASEMENT DWELLING

Structures consisting of a basement only shall not be used as a dwelling in any district.

901.05 — CONVERSION OF BUILDINGS

The conversion of the use or occupancy of any building, or the conversion of any dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a district in which a new building of similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction and use in such district.

901.06 — SIGHT OBSCURING FENCE OR PLANTING

The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the Planning Director, or his designate.

~~902 — LOT SIZE EXCEPTIONS~~~~902.01 — MINIMUM LOT SIZE EXCEPTIONS~~

- ~~A. Minimum lot size exceptions do not apply within the Portland Metropolitan Urban Growth Boundary in the following zones: RA-1, RA-2, RREF-5, FF-10, RC, and RI.~~
- ~~B. The subdividing and partitioning of land shall comply with the minimum lot size provisions of the applicable zoning district, except under the following circumstances:~~
- ~~1. Bonus Density: A smaller lot size is necessary to provide bonus density dwelling units awarded under Section 1012, *Density*.~~
 - ~~2. Planned Unit Developments and Flexible Lot Size Developments: The smaller lots are within a planned unit development as provided under Section 1013, *Planned Unit Developments*, or a flexible lot size development as provided under Subsection 1014.04(B).~~
 - ~~3. Two or More Lawfully Established Dwellings on One Lot of Record: The smaller lot size is necessary to allow separate ownership of each of two or more lawfully established dwellings located on one lot of record with a Comprehensive Plan designation of Low Density Residential, Unincorporated Community Residential, or Rural. The number of separate lots created under this provision shall not exceed the number of lawfully established dwellings located on the lot prior to the division. This provision shall not apply to the creation of separate lots for accessory dwellings established on a lot with a Comprehensive Plan designation of Agriculture, Forest, or Rural, or for accessory dwelling units or guest houses, or for manufactured dwellings and residential trailers established under a temporary permit or within a manufactured dwelling park, or for dwellings established as a "replacement" for a historic landmark dwelling, where the continued use of the historic landmark dwelling for residential purposes was permitted as a conditional use in an HL, HD, or HC overlay zoning district.~~
 - ~~4. Conditional Use: The smaller lot size is for a conditional use, and the proposed lot satisfies the lot size and other special use requirements for the use, as specified in this Ordinance.~~
 - ~~5. Comprehensive Plan Boundary: When through a legislative zone change, a lot of record is divided by a Comprehensive Plan (Plan) boundary, the lot of record may be divided along the Plan boundary (access strips and parcels of less than one acre are excluded), provided:~~

- a. ~~The Plan boundary divides an Urban Plan designation from a Rural, Agriculture, or Forest Plan designation, or the Plan boundary divides a Rural Plan designation from an Agriculture or Forest Plan designation; and~~
- b. ~~A lot of record, created pursuant to Subsection 902.01(B)(5), with an Agriculture or Forest Plan designation shall not be less than 80 acres.~~

~~902.02 — MINIMUM LOT SIZE~~

~~No dwelling shall be built on a lot of record containing less than 3,000 square feet in area unless otherwise permitted in the applicable zoning district.~~

[Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-252, 6/1/15]

903 SETBACK EXCEPTIONS

903.01 APPLICABILITY

Section 903 applies in all zoning districts except the BP, CI, GI, HDR, LI, RCHDR, and SHD Districts.

903.01—REVERSE FRONTAGE, DOUBLE FRONTAGE, AND THROUGH LOTS

Structures on reverse frontage, double frontage, and through lots shall comply with the front yard setback from both streets, except that on a reverse frontage lot, the lot line abutting one of the streets shall be designated as the rear lot line as provided in Section 202, Definitions.

903.02 ~~MINIMUM FRONT SETBACK YARD~~ MODIFICATIONS

A. The minimum front setback standard is reduced if one or both lots adjoining the subject lot, and with frontage on the same road as the subject lot, are developed with structures, other than accessory structures, whose front setback from that fronting road is lawfully nonconforming.

1. For the purpose of Subsection 903.02(A):

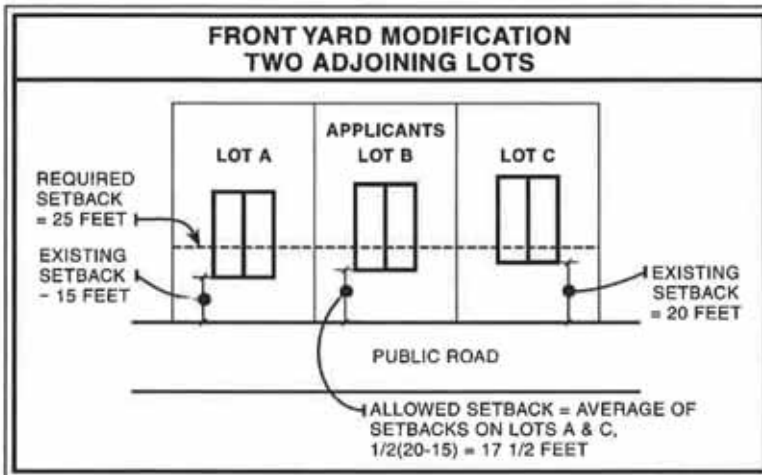
a. Lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.

The purpose of this section is to provide for flexibility in administering the front yard setback regulations of this Ordinance in specific situations. The front yard of a lot may be modified to present a continuous appearance when adjoining lots on the same side of the street have front yards less than required. This applies to adjoining lots with nonconforming front yards which existed before the district was adopted.

b. If the adjoining lot is a flag lot, that lot is excluded, and the next lot is included when referring to adjoining lots.

The following exceptions to the front yard requirements for a lot are authorized in all districts:

2A. If there are dwellings or structures other than accessory structures on both adjoining lots qualify under Subsection 903.02(A) on the same side of the street with front yards less than the required setback, then the minimum front yard setbacks for the subject lot shall not be less than the average of the setbacks on the two adjoining lots. (See Figure 903-1 illustration for front yard modification, two adjoining lots).



Commented [H31]: The illustration is amended as follows: number it as Figure 903-1; change title to Front Setback Modification - Two Adjoining Lots; add an apostrophe to applicant's; delete public; change allowed to minimum; change 20-15 to 20+15

3B. If only there is a primary-use structure on one adjoining lot qualifies under Subsection 903.02(A) on the same side of the street with a front yard less than the required setback, then the minimum front setback yard for the subject lot shall not be less than the average of the setback that would be required setback without an exception and the setback on the adjoining lot with the nonconforming setback.

C. Front yards on corner lots shall not be less than the average of the setback of the front yard on the adjoining lot on the same street and the required setback.

D. In no case shall signs be considered as structures for the purpose of front yard modifications. When a building setback is modified under these provisions, the setback for the sign provided in conjunction with the building may be modified to the same extent as the modified building setback.

903.03 ADDITIONS TO EXISTING STRUCTURES

B. The minimum front setback standard is reduced for additions to an existing structure if the existing structure has a lawfully nonconforming front setback, subject to the following criteria. For the purpose of Subsection 903.02(B), lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.

When a structure exists at the time when a zone is adopted that would not be allowed in that zone by reasons of setback restrictions, additions to this structure not conforming to the front yard setbacks shall be allowed, provided:

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1. The minimum front setback for the addition is equal to the front setback of the existing structure; and

A. The setback distance will not be decreased by the addition;

B. The addition conforms to all other provisions of the zoning district; and

2C. The total floor area of all additions made pursuant to this provision shall not exceed greater than 40 percent of the square footage on the ground floor level area of the original legally nonconforming existing structure. Only the floor area of the portion of the addition that is located closer to the front lot line than the current minimum setback standard counts toward the 40-percent maximum.

903.034 PUBLIC DEDICATIONS

Minimum setback standards/restrictions of this Ordinance shall do not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures that do not comply with the minimum front setback shall be allowed pursuant/subject to Subsection 903.02(B)903.03.

903.045 REAR AND SIDE SETBACK EXEMPTIONSUSES EXEMPT FROM SETBACK REQUIREMENTS

The following structures are exempt from minimum rear and side setback standards. Setback limitations stipulated elsewhere in this Ordinance shall not apply to:

A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state, or municipal corporation;

B.A. The side and rear yards of U)underground structures, except: there is no exemption

1. Where the perimeter wall of the structure is above finished grade/the natural elevation of the adjacent ground, in which case the setback provisions of the applicable zoning district and Subsection 903.06(C) shall apply. or for

2. All openings into the structure, including doors, windows, skylights, plumbing, intake vents, and exhaust vents, shall meet the minimum setbacks of the applicable zoning district;

C. Entryway approval pursuant to Section 4016;

D.B. The side and rear yards of G)ground-mounted solar energy systems extending less than six feet above finished grade; and

E.C. The side and rear yards of R)rainwater collection facilities extending less than six feet above finished grade.

903.056 PROJECTIONS INTO REQUIRED ~~SETBACKS~~YARDS

Architectural features and certain structures may project into ~~minimum setbacks~~required yards, as follows:

- A. Architectural features may project ~~a maximum of~~into the required yard not more than one-third the distance of the ~~minimum setback requirement~~, and ~~a maximum of~~not exceeding 40 inches into a ~~minimum front setback~~any required yard adjoining a street right-of-way.
- B. Open, unenclosed fire escapes may project a ~~maximum of~~distance not exceeding ~~four feet~~48 inches.
- C. ~~An uncovered porch, deck, terrace, patio, or underground structure extending no more than two and one-half feet above the finished grade may extend within three feet of a side lot line or within 10 feet of a front or rear lot line.~~

903.06 ~~DECKS AND SIMILAR STRUCTURES~~

~~Unless the subject zoning district provides for a lesser setback, the minimum setbacks for a deck, patio, porch, terrace, or underground structure are 10 feet from front and rear lot lines and three feet from side lot lines, provided:~~

- A. ~~The structure shall not be covered; and~~
- B. ~~The structure shall not extend more than 30 inches above finished grade.~~

903.07 ~~FENCES AND WALLS~~

~~Minimum setback standards do not apply to fences or walls unless the standard explicitly refers to fences or walls.~~

903.087 FLAG LOTS

~~On flag lots, (The location of side, rear, and front lot lines and yards may be modified, for the purpose of determining the minimum setbacks, during the review of a partition, subdivision, variance, or building permit application to allow flexibility in the placement of structures on flag lots if:~~

- A. It is not possible to extend a ~~motor vehicle access~~an easement to serve additional properties due to physical conditions such as topographic barriers or existing structures; or
- B. It is not necessary to extend a ~~motor vehicle access~~an easement to serve additional ~~properties~~property because such properties are already fully developed or have access from other existing roads or easements.

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[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

904 ~~OTHER HEIGHT~~ EXCEPTIONS

904.01 ~~HEIGHT LIMITS~~

A. ~~Maximum building and structure height standards established by limitations stipulated elsewhere in this Ordinance shall not apply to:~~

1. ~~Barns, silos, and other farm buildings or structures on farms; church spires; belfries; clock towers; cupolas and domes; monuments; water towers; fire and hose towers; observation towers; transmission towers; amateur (Ham) radio antennas and towers; windmills; chimneys; smokestacks; flag poles; radio and television transmission and receiving towers; masts and antennae; and solar collection apparatus. Notwithstanding this provision, maximum height standards established by Section 835, *Wireless Telecommunication Facilities*, continue to apply.~~

904.02 ~~STREET FRONTAGE~~

A. ~~Street frontage requirements stipulated elsewhere in this Ordinance shall not apply to:~~

1. ~~Lots on cul-de-sacs: A lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty-five (35) feet in an industrial or commercial district, measured on the arc.~~

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~~shall apply 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 ~~shall~~ 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~~2~~, *Hillsides*;
 - 2. Subsection 1002.04~~5~~, *River and Stream Corridors*;
 - 3. Subsection 1002.05~~6~~, *Deer and Elk Winter Range*;
 - 4. Subsection 1002.06~~7~~, *Mount Hood Resource Protection Open Space*;
 - 5. Subsection 1002.07~~8~~, *Significant Natural Areas*;
 - 6. Section 1003, *Hazards to Safety*;
 - 7. Section 1004, *Historic Protection*;

8. Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal/Sanitary Sewer, Surface Water Management, and Erosion Control/Utilities-Concurrency*;
9. Subsection 1007.0406, *Pedestrian and Bicycle Facilities*; and
10. Subsection 1007.0810, *Fee in Lieu of Construction*; and
11. Subsection 1008.03, *General Standards*.

C. Subsection 1001.03 applies to all development.

1001.03 GENERAL STANDARDS

- A. Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.
- B. Buildings consisting of only a basement shall not be used as a dwelling.

1001.02 CONFLICTS

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

- ~~A. Standards required in Section 700 for an overlay zoning district;~~
- ~~B. Standards required in Section 800 for a special use;~~
- ~~C. Standards required in Chapter 10 of the Comprehensive Plan for a community or design plan area;~~
- ~~D. Standards required in the section of this Ordinance that regulates the underlying zoning district in which the subject property is located; and~~
- ~~E. Standards required in Section 1000. If conflicts arise in the application of the various standards in Section 1000, identification and resolution of such conflicts shall be a function of the development review process set forth in Section 1100, where applicable.~~

1001.03 OTHER CODES

~~Development shall be subject to the following codes, which are hereby incorporated into this Ordinance:~~

- ~~A. Oregon Specialty Codes, including: Structural, Residential, Mechanical, Plumbing, Electrical, Manufactured Dwelling Installation, Energy Efficiency, and Solar~~

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~~Installation;~~

~~B. Oregon Fire Code;~~

~~C. Chapter 9.01 of the Clackamas County Code, *Uniform Code for the Abatement of Dangerous Buildings*;~~

~~D. Chapter 9.02 of the Clackamas County Code, *Application and Enforcement of the Clackamas County Building Code*;~~

~~E. Chapter 9.03 of the Clackamas County Code, *Excavation and Grading*;~~

~~F. The Clackamas County Roadway Standards; and~~

~~G. Any other code adopted by the Board of County Commissioners.~~

[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]

1002 PROTECTION OF NATURAL FEATURES

~~1002.01~~ **PURPOSE**

~~Section 1002 is adopted to implement the policies of the Comprehensive Plan for the protection of natural features.~~

1002.01~~2~~ 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~~.
 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.

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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~~2~~(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~~~~storm drainage~~ and erosion control shall be approved pursuant to Subsection ~~1006.06~~~~1008.02~~.
 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 1002.012(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 1002.012(B) is not implemented within the initial approval period established by Subsection 1002.012(C), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.

1002.023 DEVELOPMENT RESTRICTION FOLLOWING EXCESSIVE TREE REMOVAL

Subsection 1002.023 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 1002.023(A), words or phrases used in Subsection 1002.023 shall be interpreted to have the same meaning as they have in common usage and to give Subsection 1002.023 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 1002.023(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, a subdivision, a partition, or a conditional use, the application will be denied. ~~(This restriction applies to a conditional use under Section 1203, but not to a greenway conditional use under Section 705.)~~
 - D. Exception to Development Restriction: Notwithstanding Subsection 1002.023(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.

1002.034 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 1007.024(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 1011.023(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.

1002.045 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.

1002.0~~5~~⁶ 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.

1002.0~~6~~⁷ 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 1011.034; 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.

1002.078 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 1011.034.

1002.08 SIGNIFICANT LANDFORMS AND VEGETATION

Institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling 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.

[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]

1005 SUSTAINABLE 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 ~~shall apply~~ to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling. Subsections 1005.04 (F) and 1005.1209 also ~~shall apply~~ to attached single-family dwellings. Subsection 1005.1209 also ~~shall apply~~ to developments of a single two- or three-family dwelling.

1005.03 GENERAL SITE DESIGN STANDARDS

The following site design standards apply~~Development shall be subject to the following standards:~~

- 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. Cluster and modulate building masses to minimize disturbance of existing significant landforms and vegetation. Through the design review process, minimum front yard depths may be reduced or waived to minimize disturbance of natural landforms or vegetation. If a yard depth reduction is granted, a program for protection of those landforms and vegetation during construction, and for long-term maintenance, shall be provided.~~

~~C. Incorporate existing significant plants, terrain or other natural features into the landscape design and development.~~

~~D.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.

~~E.C.~~ _____ Minimum yard depths may be reduced by up to 50 percent as needed to allow improved solar access—as demonstrated by technical standards set forth in Section 1018 or by other credible evidence—when solar panels or other active or passive solar use is incorporated into the building plan.

~~F.D.~~ _____ A continuous, interconnected on-site walkway system meeting the following standards shall be provided.

1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.
2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children's play areas and plazas.
3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.
4. Walkways shall be constructed with a well-drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.
5. Standards for walkways through vehicular areas:
 - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.
 - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.
 - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or

greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.

- d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.
 - e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.
6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.
- a. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.
 - b. Notwithstanding the remainder of Subsection 1005.03(DF)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.

G-E. _____ Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front yard depth line.

1. If the minimum front yard depth standard is less than 20 feet, the front yard depth may be increased to 20 feet provided pedestrian amenities are developed within the yard.
2. Primary building entrances for buildings used to comply with Subsection 1005.03(EG), shall:
 - a. Face the street;
 - b. Be located at an angle facing both the street and a parking lot; or
 - c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.
3. If a development has frontage on more than one street, Subsection 1005.03(EG) must be met on only one frontage, as follows:

- a. If one of the streets is a major transit street, the standard shall be met on that street.
- b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.
- c. If neither 1005.03(EG)(3)(a) or (b) applies, then the standard shall be met on the longest frontage.

~~H.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.

~~I.~~ Onsite vehicular circulation aisles for multifamily, mixed-use, commercial, institutional and industrial developments shall be a maximum of 24 feet in width, unless additional width is required by the County Roadway Standards or in areas designed for truck circulation.

~~J.~~ Inside the UGB:

- ~~1.~~ The development shall have no more than the minimum number of driveways allowed by the Department of Transportation and Development on all arterial and collector streets.
- ~~2.~~ For properties having more than one street frontage, driveways shall be located on the street with the lowest functional classification, if feasible.
- ~~3.~~ Driveways shall be no wider than the minimum width allowed by the County Roadway Standards. However, 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.
- ~~4.~~ 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.

~~K.G.~~ ____ New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.

1. A private street used to meet the standards in Subsection 1005.03(GK) 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.

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3. The public entrance orientation requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

~~L.H.~~ L.H. New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.

1. For the purpose of Subsection 1005.03(~~H.L.~~ H.L.), 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.

~~M. Development in Centers, Station Communities or along 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 is subject to the following standards:~~

- ~~1. Site plans shall illustrate potential future development on the site, including: additional buildings, expansions of proposed buildings, locations of understructure or structured parking, and circulation and connections to adjacent uses. For Corridor Streets, this shall apply to the depth of the multifamily, mixed-use, commercial or industrial zoning.~~
- ~~2. The site shall be developed to accommodate the potential future development illustrated.~~

~~N. In the NC District, circulation facilities, architectural features, signing, and landscaping shall be designed to achieve pedestrian scale. Walkways and pedestrian spaces shall be separated from automobile and truck circulation, parking, and loading whenever possible.~~

~~O. In the C-2 District, buildings within a single and adjacent developments shall be clustered and oriented to provide usable open areas such as pedestrian plazas, courtyards, and entryways. Also, a pedestrian environment shall be provided which encourages walking between stores and offices by providing safety, easy visual orientation, and careful location of attractions to walking shoppers within and between developments.~~

IP. In the PMU District, there shall be no vehicular parking or circulation within the front yard setback.

JQ. In the OC District:

~~1. The design and siting of structures shall:~~

~~a. 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; and~~

~~b. When more than one primary use is to be included in a development, require structures and uses to be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways and plazas, recreation areas, transit-related facilities, and day and night surveillance.~~

~~2. The design of parking and circulation shall discourage the use of large semitrailers, while providing for local delivery-sized vehicles.~~

~~3. Landscaping and pedestrian area design shall include benches, lighting, and occasional waste receptacles in entrance courtyards and along walkways or malls.~~

KR. 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.

1005.04 BUILDING DESIGN

- A. The following standards apply to building facades visible from a public or private street or accessway and to all building façades where the primary entrance is located.
1. Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.
 2. Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.
 3. Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters or modulating building masses.
 4. Utilize human scale, and proportion and rhythm in the design and placement of architectural features.
 5. Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.

6. When uses between ground-level spaces and upper stories differ, provide differentiation through use of bays or balconies for upper stories, and awnings, canopies, trim and other similar treatments for lower levels.

B. Requirements for building entries:

1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.
2. Commercial, mixed-use and institutional buildings sited to comply with 1005.03(EG) shall have public entries that face streets and are open to the public during all business hours.

C. The street-facing façade of commercial, mixed-use and institutional buildings sited to comply with 1005.03(EG) shall meet the following requirements:

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

D. Requirements for roof design:

1. For buildings with pitched roofs:
 - a. Eaves shall overhang at least 24 inches.
 - b. Roof vents shall be placed on the roof plane opposite the primary street.
2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

E. Requirements for exterior building materials:

1. Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood's intended visual identity.

2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
 3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.
 4. Notwithstanding Subsection 1005.04(E)(3) metal may be approved as an exterior building material through design review pursuant to Section 1102 for specific high-image surfaces, canopies, awnings, doors, screening of roof-mounted fixtures, or other architectural features.
- F. Additional building design requirements for multifamily dwellings, two- and three-family dwellings, and attached single-family dwellings:
1. Façades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.
 2. Windows shall be frequent and coordinate with bays and balconies.
 3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.
 4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities. In Urban Low Density Residential Districts, the roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
 5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas shall be completely enclosed and easily accessible to respective dwelling units.
- G. Requirements to increase safety and surveillance:
1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.
 2. Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.
 3. Locate parking and automobile circulation areas to permit easy police patrol.

4. Design landscaping to allow for surveillance opportunities.

~~5. Addresses shall be clearly marked. Addresses for complexes shall be visible from the street, and addresses of individual businesses and dwelling units shall be clearly marked at a pedestrian scale within the development.~~

~~6.5.~~ Locate mail boxes where they are easily visible and accessible.

~~7.6.~~ Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of ~~30 inches~~ ~~three feet~~ in height.

~~8.7.~~ Locate play areas for clear parental monitoring.

H. Solar access requirements:

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

I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.04(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*; X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community*; X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area*. The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

1. Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.
2. Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.
3. Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.

4. Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings. Loading areas shall be located to the side or rear of buildings unless topography, natural features, rail service, or other requirements of this Ordinance dictate front-yard loading bays.
 5. In industrial zoning districts, site areas used for vehicular operations, outdoor storage, and outdoor processing to minimize the impacts on adjacent dissimilar uses.
 6. Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.
 7. In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.
 8. In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.
 9. In open space or scenic areas, use natural color tones, lines and materials which blend with the natural features of the site or site background.
- J. Requirements for screening mechanical equipment:
1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.
 2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that blocks at least 80% of the view.
 3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.04(J)(1) or (2).
- K. Requirements for specialized structures in industrial zoning districts:

1. In the GI District, silos, towers, and other specialized storage or processing structures, including metal-sided structures, are permitted as part of a primary use only if such structures are enclosed in a building that complies with the other applicable standards of Subsection 1005.04, or if such structures have the following characteristics:
 - a. Provide windows and canopies, awnings, wood or masonry siding, or other exterior treatment to highlight accessory office areas within the same building, when applicable;
 - b. Use exterior colors which blend with the landscape, such as brown, green, tan, or, in the case of tall structures, such as silos or towers, use light colors that blend with the sky; and
 - c. Do not use bright colors, white, or multiple colors, except as specifically approved pursuant to Section 1102 for trim, accents, or to provide visual interest to equipment or structures that are unique to the particular use.
 2. In the BP and LI Districts, silos, towers, and other specialized storage or processing structures are prohibited unless they are enclosed in a building that complies with the other applicable standards of Subsection 1005.04, or unless they are approved as part of a conditional use.
- L. Facades in the OA District: In the OA District, facades are subject to the following standards:
1. Building facades facing public streets shall be designed with windows and entries or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, accessway, or a residential area.
 2. Arcades are encouraged along public street rights-of-way or along walkways within the complex of buildings.
 3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.

1005.05 OUTDOOR LIGHTING

- A. Outdoor lighting devices:
1. Shall be architecturally integrated with the character of the associated structures, site design and landscape.
 2. Shall not direct light skyward.

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

B. The following are exempt from Subsection 1005.05(A):

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

1005.06 ADDITIONAL REQUIREMENTS

~~In addition to the requirements listed in Subsections 1005.03 through 1005.05,~~ Development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.

- A. Install a solar energy system in the development.
- B. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:
 1. Modulate building masses to maximize solar access.
 2. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites, as demonstrated by technical standards set forth in Section 1018 or by other credible evidence.
 3. Locate buildings to maximize windbreaks.
 4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.

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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.
- ~~Y. For developments not in Centers, Station Communities or along Corridor Streets site plans shall illustrate potential future buildings and potential future expansions of proposed buildings, locations of understructure or structured parking, and circulation and connections to adjacent uses. Lay out and develop the site to accommodate future additional buildings, circulation and structured parking.~~

1005.07 MODIFICATIONS

Modification of any standard identified in Subsections 1005.03 and 1005.04 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.

1005.08 CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS

Subsection 1005.08 applies in the Clackamas Regional Center Area, including the Regional Center and the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.08 shall take precedence.

- A. Clackamas Regional Center Area Design Plan: Development is subject to the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.
- B. Urban Design Elements: New development is subject to the urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*. The urban design elements are described in the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.
 - 1. Urban design elements provided in a development may be used to reduce gross site area for calculating minimum density requirements in Subsection 1012.08, and to meet minimum landscaping requirements in Section 1009, *Landscaping*.
 - 2. For phased development approved through a master plan, requirements for the urban design elements may be roughly proportional to the amount of the master planned approved development being developed in any one phase.
- C. Parking Structure Orientation: Entrances for ground-level retail uses in parking structures located within 20 feet of a street shall be oriented to a street.
- D. Corner Lot Buildings:
 - 1. A corner lot is a lot, parcel, tax lot, or land area created by a lease agreement at the intersection of two streets.
 - 2. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
 - 3. Development on lots at a Gateway intersection as shown on Comprehensive Plan Map X-CRC-3, and Comprehensive Plan Figure X-CRC-7, *Clackamas Regional Center Area Design Plan Gateway Intersection (Boulevard and*

Main Street), shall be designed to accommodate future Gateway improvements.

- E. Building Setbacks from Private Streets: Where a setback from a private street, as defined in Subsection 1005.08(G), is required by the standards of the applicable zoning district, the setback shall be measured from the back edge of the sidewalk.
- F. Parking Structures: If a parking structure, including understructure parking, abuts a street, appropriate features shall be provided to create a transition between the parking structure, or the entrance to understructure parking, and the abutting street. Examples of appropriate features include, but are not limited to, landscape planters and trellises, awnings, canopies, building ornamentation, and art. As used in Subsection 1005.08(F), a parking structure “abuts a street” if no other building is sited between the parking structure and the street.
- G. Private Streets: Private streets used to meet the structure orientation and/or yard depth standards shall include:
 - 1. Sidewalks or raised walking surfaces on both sides;
 - 2. Curbs;
 - 3. Street trees, pursuant to Subsection 1007.08; and
 - 4. Pedestrian-scale lighting.
 - 5. Private streets may also provide on-street parking and at-grade loading zones, as applicable.
- H. Internal Streets:
 - 1. Internal streets may be required to connect to adjacent properties to increase connectivity and provide grid patterns that allow for future development.
 - 2. Internal streets shall be designed to allow for future development when applicable.
 - 3. Development shall provide, when applicable, direct street and pedestrian connections between developments and schools, parks, open space, shopping areas, employment areas, and transit stops.
 - ~~4. To provide connectivity, existing platted roads within proposed developments shall not be vacated unless similar access is provided on the site.~~
- I. New development shall not be sited such that it precludes the construction of the new walkways, or eliminates the existing walkways, that are shown on Comprehensive Plan Map X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, or identified in the *Clackamas Regional Center*

Pedestrian/Bicycle Plan adopted by reference in Appendix A of the Comprehensive Plan, unless an alternative walkway location that provides a similar connection is established. An alternative walkway location shall not be deemed “similar” to a planned or existing location unless:

1. It provides comparably safe, direct, and convenient pedestrian access to significant destinations, such as transit facilities, major employers, multifamily dwelling complexes, and retail and service establishments; and
2. It fulfills a comparable function in terms of filling gaps in the pedestrian circulation system planned for the Clackamas Regional Center Area.

1005.09 REGIONAL CENTER DESIGN STANDARDS

Subsection 1005.09 applies in the Regional Center, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.09 shall take precedence.

- A. Freestanding parking structures located within 20 feet of pedestrian facilities, including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use may include:
 1. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
 2. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; and
 3. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with seating, plazas, outdoor eating areas, and drinking fountains.
- B. New buildings shall have at least one public entrance oriented to a street. Private streets used to meet this standard shall include the elements identified in Subsection 1005.08(G).
- C. Pedestrian amenities are required between the building and the front lot line. The following guidelines apply to pedestrian amenities used to meet this requirement:
 1. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.

2. Pedestrian areas must include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with seating; and drinking fountains.

D. In the RCHDR District, pedestrian amenities are required in the front yard setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.

E. Internal streets and driveways are prohibited between buildings and the street to which building entrances are oriented.

1005.10 FULLER ROAD STATION COMMUNITY DIMENSIONAL AND DESIGN STANDARDS

Subsection 1005.10 applies in the Fuller Road Station Community, as shown on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.10 shall take precedence. If the text of Subsection 1005.10 is unclear as applied to a specific development, Figures 1005-1 through 1005-11, as applicable, may be used to resolve the ambiguity.

A. Subsections 1005.10(B) through (M) do not apply in Sectors 1 and 2, as shown on Map 1005-1, until:

1. One or more additional stories are to be added to one or more existing buildings that are more than 150 feet from 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 1005.10(A)(1), the additional square footage will be counted toward the total of 40,000 square feet.

- e. If a building is damaged or destroyed, regardless of the cause, and the building is restored or replaced, the square footage of the restored or new building that is constructed inside the previous building footprint will not be counted toward the total of 40,000 square feet, provided that restoration or replacement lawfully commences within three years of the occurrence of the damage or destruction. "Lawfully commenced" shall have the meaning given in Subsection 1206.03(B). However, if the new building has more stories than the previous building, Subsections 1005.10(B) through (M) will become applicable, if required pursuant to Subsection 1005.10(A)(1).
3. Subsections 1005.10(A)(1) and (2) apply separately to Sectors 1 and 2, meaning that compliance with Subsections 1005.10(B) through (M) will not be required in Sector 1 or 2 until that particular sector exceeds the development threshold established by Subsection 1005.10(A)(1) or (2).
 4. Prior to the point at which Subsections 1005.10(B) through (M) become applicable, new development in Sectors 1 and 2 shall not be sited such that it:
 - a. Precludes establishment of the "conceptual street grid" identified on Map 1005-2, or eliminates or reduces existing elements of that grid. All streets shown on the grid are planned to be Type D.; or
 - b. Precludes establishment of a connection, with a Type D street cross section, between a signalized intersection at 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 1005.10(F)(3), the locations of required new streets are shown on Map 1005-1, or will be determined pursuant to Subsection 1005.10(F)(2). New streets shown on Map 1005-1 are intended to create blocks with a perimeter no greater than 2,200 feet. Exact location of these new streets may vary up to 50 feet, provided the maximum block perimeter standard is met and provided that the new streets create the connections/intersections shown on Map 1005-1.
2. In addition to the mapped streets (existing and new) illustrated on Map 1005-1, a through-block connection is required for any block face longer than 450 feet. (See Figure 1005-2.)
 - a. "Block face" means the curb to curb distance between any two streets, including Type E pedestrian/bicycle connections.
 - b. These additional connections shall:
 - i. Have a Type D street cross section or a Type E pedestrian/bicycle connection cross section;
 - ii. Be located no closer than 100 feet to an adjacent street intersection, whether existing or planned; and
 - iii. Align with other existing or planned streets or Type E pedestrian/bicycle connections where possible.
3. Subsections 1005.10(F)(1) and (2) do not apply in Sectors 1 and 2 shown on Map 1005-1. Instead, compliance with either Subsection 1005.10(F)(3)(a) or Subsections 1005.10(F)(3)(b) and(c) is required.
 - a. Development shall not occur until a connection with a Type D street cross section is constructed between a signalized intersection at 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 1005.10(F)(4).
 - b. In lieu of compliance with Subsection 1005.10(F)(3)(a), development shall not occur until an alternative connectivity plan is approved for Sectors 1 and 2 shown on Map 1005-1. This connectivity plan shall:

- i. Connect the on-site transportation system to the existing and planned facilities shown on Map 1005-1;
 - ii. Provide pedestrian, bicycle, and motor vehicle circulation that meets the needs of future residents and visitors;
 - iii. Emphasize pedestrian mobility and accessibility, demonstrating an effective and convenient system of pedestrian walkways leading through the subject site;
 - iv. Provide for bicycle connections and efficient motor vehicle movements through the site;
 - v. Except where precluded by existing development, existing interests in real property, natural features, or topography, provide for block faces that do not exceed 450 feet between any two streets;
 - vi. Include a minimum of three street connections to 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 1005.10(F)(4). Frontage shall be determined based on the approved connectivity plan.

4. Streets and Type E pedestrian/bicycle connections shall be designed in conformance with the design standards shown in Comprehensive Plan Figures X-CRC-8 through X-CRC-11, unless an alternative design is required pursuant to the Clackamas County Roadway Standards or to accommodate fire access, necessary truck circulation, or other engineering factors. An alternative design shall not change the designated street type for purposes of applying the building frontage and landscape screening regulations. Cross section designs for SE Johnson Creek Boulevard and SE 82nd Avenue shall be determined by Clackamas County and the Oregon Department of Transportation.

G. **Building Frontage Types:** Four building frontage types are established, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Subsection 1005.10(G) applies to existing or future Type A, B, C, and D streets, regardless of whether they are shown on Map 1005-1. Table 1005-1 establishes which building frontage types are permitted on each street type. Figure 1005-3 summarizes the four building frontage types.

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

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

1. Buildings, except parking structures, located wholly or partially within 40 feet of a Type A, B, C or D street are required to comply with the standards for a building frontage type permitted on the applicable street type.
2. The entire length of street frontage designated on Map 1005-1 as “building frontage required,” or “required retail opportunity area,” excluding walkway

cuts with a maximum width of eight feet and driveway cuts, shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type.

- a. Except along Otty Road, where the building frontage requirement extends the entire length of the street, the “building frontage required” designation extends a distance of 60 feet from the street intersection, and the “required retail opportunity area” designation extends a distance of 100 feet from the street intersection. The beginning point for measurement is the outside edge of the right-of-way, or in the case of a private street, the outside edge of the improved street surface, including any landscape strip or sidewalk.
3. A minimum of 50 percent of the length of street frontage not designated as “building frontage required” or “required retail opportunity area” shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type. The 50-percent building frontage requirement is calculated for each lot individually, rather than in the aggregate for an entire street.
 - a. If part of the street frontage is designated as “building frontage required” or “required retail opportunity area,” buildings developed pursuant to Subsection 1005.10(G)(2) may be counted toward meeting the 50-percent requirement for the entire street frontage.
 4. If a lot has street frontage on more than one street:
 - a. Compliance with Subsection 1005.10(G)(2) is required for all street frontage designated as “building frontage required” or “required retail opportunity area.”
 - b. Compliance with Subsection 1005.10(G)(3) is required for only one street frontage, unless one of the frontages is on Otty Road, in which case compliance with Subsection 1005.10(G)(3) is not required.
 5. Lots developed solely with parks and open space uses are exempt from Subsection 1005.10(G)(2) and (3).
- H. Landscape Building Frontage Type: Landscape Building Frontage, which is permitted on Type A Streets, shall comply with the following standards (see Figure 1005-4):
1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of 10 feet and a maximum of 15 feet.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear

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zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.

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

- a. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
 - b. If a fence or wall is within the front yard setback as provided in Subsection 1005.10(H)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
6. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing facade area.
7. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.
- I. Linear Building Frontage Type: Linear Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-5):
1. Front Yard Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
 - b. The front yard setback area, if any, shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
 - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
 - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
 - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
 - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
 - i. The fence or wall shall be a maximum of three feet high.

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

- b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
 - c. If a fence or wall is within the front yard setback as provided in Subsection 1005.10(I)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
8. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing façade area.
9. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.
- J. Forecourt Building Frontage Type: Forecourt Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-6):
- 1. Front Yard Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback. Except for the portion of the façade located behind a recessed courtyard, as required by Subsection 1005.10(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:

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- 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 1005.10(I).
 4. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.
 5. Ground Floor Construction Type: In areas designated “required retail opportunity area” on Map 1005-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.
 6. Primary Building Entrances: Primary building entrances shall face the street or the courtyard and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.
 - a. Primary building entrances facing the street shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
 - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
 7. Windows: Transparent ground-floor windows shall be provided along a minimum of 50 percent of the ground-floor, courtyard-facing façade area. See the Linear Building Frontage Type for window requirements for the street-facing façade.
 8. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design

review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

9. Fences: Fences and walls are permitted in the courtyard setback area, subject to the following standards:
 - a. The fence or wall shall be a maximum of three feet high.
 - b. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
 - c. A wall shall be wood, masonry, concrete, or a combination thereof.
 - d. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
 - e. A minimum of one pedestrian opening per courtyard street frontage shall be provided in the fence or wall. Required pedestrian openings shall be a minimum of five feet wide.

- K. Porch/Stoop/Terrace Building Frontage Type: Porch/Stoop/Terrace Building Frontage, which is permitted on Type B, C, and D Streets, shall comply with the following standards (see Figure 1005-7):
 1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of five feet and a maximum of 15 feet. Entry thresholds, including roofs over the thresholds and steps to the thresholds, may extend to the front property line.
 - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
 - b. The front yard setback area shall be landscaped with plants. Hardscaping is permitted only to provide access to the threshold and shall consist of masonry pavers or concrete.
 - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
 - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:

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- i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
 - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
 - i. The fence or wall shall be a maximum of three feet high.
 - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
 - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
 - iv. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).
2. Entry Threshold: An entry threshold, such as a porch, stoop, terrace, patio, or light court, is required and shall comply with the following standards:
 - a. The entry threshold shall have a minimum depth of five feet from the street-facing building façade to the front of the threshold.
 - b. The entry threshold height shall be no more than six feet above finished grade. An additional threshold may be provided to access a lower level and shall be no more than five feet below finished grade.
 - c. The entry threshold may be covered by a roof no larger than the threshold.
3. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 10 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance. Each ground-floor dwelling unit, if any, shall have an individual entrance that complies with this requirement.
4. Windows: Transparent windows shall be provided along a minimum of 20 percent of the street-facing façade area. Windows shall be vertically oriented, but vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.
5. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

- L. Landscape Screening Types: Street frontage not developed with a building compliant with one of the four building types established by Subsections 1005.10(H) through (K), a walkway cut with a maximum width of eight feet, or a driveway cut, shall be developed with one of three landscape screening types, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Table 1005-2 establishes which landscape screening types are permitted on each street type. Figure 1005-8 summarizes the three landscape screening types. If the subject property abuts an existing or future Type A, B, C, or D Street -- regardless of whether it is shown on Map 1005-1— compliance is required with the standards for a landscape screening type permitted on the applicable street type.

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

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

1. **Low Wall and Trellis Landscape Screening Type:** Low Wall and Trellis Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-9):
 - a. The low wall and the support structure for the trellis shall be set back a maximum of five feet from the front lot line. The trellis itself may extend to the front lot line, or may overhang an abutting sidewalk or walkway if permitted by the County Engineering Division.
 - b. Any area between the back edge of the sidewalk or walkway and the low wall shall be planted with ground cover or shrubs, or paved with masonry pavers or stamped concrete. Shrubs at maturity shall not exceed the height of the low wall.
 - c. The underside of the trellis portion of a Low Wall and Trellis shall be a minimum of eight feet above grade and a maximum of 13½ feet above grade.
 - d. The trellis shall be heavy timber or steel (or a similar metal) and shall consist of an open structure with no decking or awning material. The trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 30 feet on center.

- e. The low wall portion of a Low Wall and Trellis shall be a minimum of 18 inches high and a maximum of three feet high (30 inches if it is between a parking lot and a street) and have a minimum depth of 16 inches. The low wall shall be wood, masonry, concrete, or a combination thereof.
 - f. Surface parking and loading areas shall be set back a minimum of five feet from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this setback area, in lieu of trees ordinarily required pursuant to Section 1009 for perimeter surface parking and loading area landscaping. Climbing plants shall be planted at each support column.
 - g. Openings in the Low Wall and Trellis Screening are permitted for plazas that comply with Subsection 1005.10(M).
2. Urban Fence or Wall Screening Type: Urban Fence or Wall Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-10):
- a. The fence or wall shall be set back a maximum of five feet from the front lot line.
 - b. Any area between the back edge of the sidewalk or walkway and the fence or wall shall be paved with masonry pavers or stamped concrete.
 - c. The fence or wall shall be a minimum of two feet high and a maximum of three feet high (30 inches if it is between a parking lot and a street).
 - d. A fence shall be wrought iron, steel, or a similar material and shall be dark in color. Chain-link fences are prohibited. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).
 - e. A wall shall be wood, masonry, concrete, or a combination thereof.
 - f. Surface parking and loading areas shall be set back a minimum of five feet from the Urban Fence or Wall. This area shall be landscaped as follows:
 - i. One large tree is required a minimum of every 30 linear feet, except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards.
 - ii. A minimum of six shrubs is required every 30 linear feet along the fence or wall. The minimum shrub height at maturity shall be the same as the height of the fence or wall, and the maximum shall be six feet.

- iii. Ground cover plants must fully cover any remaining area at maturity.
 - g. Openings in the Urban Fence or Wall Screening are permitted for plazas that comply with Subsection 1005.10(M).
3. Landscaped Setback Screening Type: Landscaped Setback Screening, which is permitted on Type A, B, and C Streets, shall include a landscape strip a minimum of 10 feet wide adjacent to the property line. This area shall be landscaped as follows (see Figure 1005-11):
- a. A continuous row of shrubs shall be planted at the inside edge of the landscape strip. The shrubs shall be a minimum of three feet high (maximum 30 inches between a parking lot and a street), and shall be mostly opaque year round.
 - b. One large tree is required a minimum of every 30 linear feet except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards. The required shrub row may be interrupted with a gap of up to two feet wide, in order to accommodate each tree.
 - c. Ground cover plants must fully cover any remaining area at maturity.
 - d. A three-foot-high masonry wall (30 inches between a parking lot and a street) may be substituted for the shrub row, but the trees and groundcover plants are still required.
 - e. Openings in the Landscaped Setback Screening are permitted for plazas that comply with Subsection 1005.10(M).
- M. Plazas: Openings in required landscape screening are permitted for plazas, subject to the following standards:
1. The plaza shall be permanent space open to the public.
 2. The plaza shall be integrated in the development and be accessible from and visible from the street(s) upon which it fronts.
 3. The plaza shall be surfaced with masonry pavers or stamped concrete.
 4. Ten percent of the total plaza area shall be landscaped. Landscape planters may count toward this requirement.
 5. If the plaza abuts a surface parking or loading area, it shall be separated from that area by a landscape strip that complies with Subsection 1009.04(B).

1005.11 PMU DISTRICT STANDARDS

Subsection 1005.11 applies in the PMU District. Where these standards conflict with other provisions of Section 1000, Subsection 1005.11 shall take precedence.

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

1. An internal circulation system shall include a network of public, private, and internal streets subject to Subsection 1005.08(G) through (I). Private streets shall function like local streets, with curbs, sidewalks, or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county, or public streets. This internal street network shall create developable sites defined by streets.

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

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

B. Building Siting and Design:

1. New buildings shall have at least one public entrance oriented to a state, county, public, or private street.
2. Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building façade facing the street the building is oriented to. Entrances and windows on the street-side facade shall not be blocked, or entrances locked during operation hours. Additional major entrances may also be allowed facing minor streets and parking areas.
3. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
4. First floor windows or display cases are required on building facades facing and adjacent to public and private streets, plazas, walkways, and pedestrian areas. Windows and doorways shall not be blocked or entrances locked during operation hours.
5. Parking structures located within 20 feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use include, but are not limited to:

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- 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.

~~D. PMU1 shall comply with the following additional specific requirements:~~

- ~~1. Preserve Phillips Creek and enhance Phillips Creek Greenway;~~
- ~~2. Accommodate and provide proportionate share of streetscape improvements on Monterey Avenue, 82nd Avenue, Sunnyside Road, and the internal circulation network; and~~
- ~~3. Coordinate internal circulation network with the street and transit system.~~

~~E. PMU6 shall comply with the following additional specific requirements:~~

- ~~1. The master plan approved pursuant to Subsection 1102.02(B)(2) shall contain a minimum of 10 percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:
 - ~~a. The open space area shall be shown on the master plan and recorded by final plat or separate instrument; and~~
 - ~~b. If approved by the County, the open space shall be conveyed in accordance with one of the following methods:
 - ~~i. By dedication to the County as publicly owned and maintained open~~~~~~

~~space. Open space proposed for dedication to the County must be acceptable to the County with regard to the size, shape, location, improvement, and environmental condition; or~~
~~ii. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners association, or other legal entity, with the County retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the County.~~

1005.12 SUNNYSIDE VILLAGE STANDARDS

Subsection 1005.12 applies in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.12 shall take precedence.

A. Primary Dwellings in the VTH District: In the VTH District, the following standards apply to primary dwellings:

1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.
2. Porches are required for each unit and shall be located immediately adjacent to the primary entry. Porches shall cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of six feet.
3. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way or designated accessway shall not consist of a blank wall.
4. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.
5. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.
6. Attached single-family dwellings shall orient to and line streets with a series of attached "rowhouse" units.

B. Garages and Driveways in the VTH District: In the VTH District, the following standards apply:

1. A detached garage may be placed at the rear of a lot.
2. A front-access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front facade (not including porches, bays, and architectural features) and a minimum of 20 feet from the street right-of-way.

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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: ~~In the VA District, no direct access is permitted onto Sunnyside Road.~~ 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. Each VCS area adjacent to the village green shall be permitted one curb cut on the east-west collector road and one on the diagonal connector road. Curb cuts shall not exceed a width of 20 feet at the road right-of-way.~~

12. 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.

23. 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 dwellings, to better integrate with the neighborhood.
3. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.

J. Facades in the VCS District: In the VCS District, facades are subject to the following standards:

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

- K. Facades in the VO District: In the VO District, facades are subject to the following standards:
1. Building facades shall be designed with windows, entries, or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, an accessway, or a residential area.
 2. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.
 3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.
 4. There shall be no more than six feet of blank non-window wall space in every 25 feet of frontage. Windows shall be coordinated with bays and balconies. Square or vertical proportions are preferred. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.
 5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.
 6. Arcades may be used along public street rights-of-way or along walkways within the complex of buildings.
- L. Roofs in the VCS and VO Districts: In the VCS and VO Districts, hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas.
- M. Building Materials in the VCS and VO Districts: In the VCS and VO Districts, exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, or similar material. Sheet metal, cinder block, and T1-11 are prohibited as exterior wall material.

1005.13 GOVERNMENT CAMP STANDARDS

Subsection 1005.13 applies in Government Camp. Where these standards conflict with other provisions in Section 1000, Subsection 1005.13 shall take precedence.

- A. MRR District: In the MRR District, the following standards shall apply to commercial developments.
1. Exterior Building Materials: Primary and accessory structures shall use wood, stone, stone veneer, or stucco for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock

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vener, or textured concrete base shall be provided around building exteriors visible from roadways. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.

2. Roofing Materials: No composition shingles or galvanized or corrugated metal roofs are allowed.
 3. Design: Building design shall meet the design intent of mountain architecture as described in the Government Camp Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style".
- B. RTC District: In the RTC District, the following standards shall apply to all new development and, where reasonable, to remodels.
1. Main Entrance Siting: Properties with street frontage on Government Camp Loop shall locate the main entrance and pedestrian amenities on Government Camp Loop.
 2. Walkways: Walkways parallel to Government Camp Loop are not required; however, if a walkway is extended from the existing 10-foot-wide sidewalk fronting Government Camp Loop, it shall be constructed of materials consistent with the existing 10-foot-wide sidewalk. Covered walkways may be provided along the building frontage of development on properties with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street. When a covered walkway is constructed, it shall be a permanent structure at a minimum of 8 feet in width and attached to the building, shall not project beyond the lot lines, and shall be consistent with the building design and materials and existing 10-foot-wide sidewalk fronting Government Camp Loop. A covered walkway shall extend along the entire frontage of the building.
 3. Exterior Building Materials: Building and accessory structures shall use wood, stone, stone veneer, or stucco for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors with street frontage. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.
 4. Roofing Materials: No non-architectural composition shingles or galvanized or corrugated metal roofs are allowed.
 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".

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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 and 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]

1006 UTILITIES, STREET LIGHTS, WATER SUPPLY, SEWAGE DISPOSAL, SANITARY SEWER, SURFACE WATER MANAGEMENT, AND EROSION CONTROL UTILITIES CONCURRENCY

~~1006.01~~ PURPOSE

- ~~A. To provide adequate services and facilities appropriate to the scale and type of development concurrently with the development it is intended to serve.~~
- ~~B. Implement the groundwater protection provisions of the Comprehensive Plan.~~
- ~~C. Assure that developments that rely on groundwater have sufficient water available to serve the proposed uses.~~
- ~~D. Allow an assessment of the impact that a proposed development to be served by well(s) may have on the sustainability of the affected aquifer.~~
- ~~E. This ordinance is not intended to act as a guarantee that a property owner will locate an adequate water supply, that a water supply will continue to provide adequate water, or that a water supply will be exempt from further regulation.~~
- ~~F. Support and encourage sustainable development in the planning and provision of utility services and infrastructure.~~

1006.01~~2~~ 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 districts for surface water management regulatory authority.
- B. All development that which 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.
- ~~C. Street lights shall be required for all development inside the Portland Metropolitan urban growth boundary.~~
 - ~~1. Street lighting shall be installed pursuant to the requirements of the County Service District No. 5 and the company serving the development. In every instance, a street light shall be installed where a new road intersects the~~

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~~County right of way and, in the case of subdivisions, at every intersection within the subdivision.~~

~~2. Areas outside County Service District No. 5 shall annex to the district through petition to the district.~~

D. Easements shall be provided along lot~~property~~ lines as deemed necessary by the County~~Department of Transportation and Development~~, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. ~~Such easements shall be designated on the final plat of all subdivision, and on the final map of all partitions.~~

~~E. 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.~~

~~F. 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.~~

~~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.~~

~~G. 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 ORS 537.665 have been properly abandoned.~~

~~H. A final plat for any partition or subdivision in a Sensitive Groundwater Area relying on an exempt use well or wells shall contain the following notation:~~

~~*"The property herein described is situated in a "Sensitive Groundwater Area" based on regulatory action by the State of Oregon. The availability of groundwater may be limited, and if a long-term decline in water supply occurs the property owner may need to find an alternate source.*~~

Clackamas County is not responsible for deepening or replacing wells that fail to produce an adequate supply of groundwater, or that are subject to regulatory action by the State of Oregon."

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 STANDARDS INSIDE THE PORTLAND METROPOLITAN URBAN GROWTH BOUNDARY AND MOUNT HOOD URBAN AREA.

- 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.
 - 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 standardsprovisions of this section apply insidewithin the Portland Metropolitan Urban Ggrowth Bboundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag VillageMount Hood urban area:
- 1A. 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 AuthorityDivision.
- 2B. 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.
- 3C. New public water systems shall not be created unless formed pursuant to ORS Chapters 264, 450, or 451.
- 4D. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.

1006.04—DEFINITIONS

Unless specifically defined in Subsection 1006.04 or in Section 202, words or phrases used in Section 1006 shall be interpreted to give them the same meaning as they have in common usage and to give Section 1006 its most reasonable application.

- A. "Aquifer" means a layer of rock or alluvial deposit which holds water.
- B. "Development permit" means any county partition or subdivision approval; approval of commercial, institutional or industrial development; or residential building or manufactured dwelling placement permit, including any land-use decision, as defined in ORS 197.015, required by this ordinance to be made prior to issuance of the residential building or manufactured dwelling placement permit.
- C. "Exempt use well" means a well from which groundwater is used as defined in ORS 537.545(1) as amended.
- D. "Groundwater" means 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.

- E. ~~“Permitted well” means 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.~~
- F. ~~“Sensitive Groundwater Area” means 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.~~
- G. ~~“Unreasonably interfere” means a proposed development will result in one or more senior ground water appropriators being unable to obtain either the permitted or the customary quantity of ground water, 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.~~

~~1006.05—WATER SUPPLY STANDARDS OUTSIDE THE PORTLAND METROPOLITAN URBAN GROWTH BOUNDARY AND MOUNT HOOD URBAN AREA~~

~~F. The following standards provisions of this section apply outside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village the Mount Hood urban area;~~

~~1A. Applicants for any development permit 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.~~

~~2B. All subdivisions outside of the Portland Metropolitan Urban Growth Boundary proposing to a use an exempt-use well or wells and all land divisions, and new industrial, commercial, or institutional development located within a sSensitive gGroundwater area and proposing to use an exempt-use well or wells must affirmatively demonstrate that:~~

~~a1. That-Tthe subject aquifer is capable of sustaining the proposed development with sufficient potable water.~~

~~b2. That-Tthe 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.~~

~~c3. That~~ The proposed development is not likely to contribute to the overdraft of the affected aquifer.

~~3C.~~ Unless waived by the Planning Director, an applicant for any proposed development subject to Subsection ~~1006.03(F)(2)+006.05(B)~~ 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(F)(2)+006.05(B)(1) through (3)~~. Study findings, maps, and conclusions shall be presented in a clear and understandable report.

~~a4.~~ A hydrogeologic review report shall include sufficient evidence and analysis to demonstrate compliance with Subsection ~~1006.03(F)(2)+006.05(B)~~, and at a minimum, shall include the following information:

~~ia.~~ A map showing all lots and parcels within at least one-quarter mile of the proposed development;

~~iib.~~ 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;

~~iiie.~~ 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;

~~ivd.~~ 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;

~~ve.~~ Identification of aquifers in the area of the subject property;

~~vif.~~ Compilation and review of available geologic and hydrogeologic studies of the review area;

~~viig.~~ Compilation and evaluation of available well deepening and replacement well information in the review area;

- viiih. 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;
- ixi. 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
- xj. Interpretation of the information gathered for Subsections 1006.03(F)(3)(a)(i) through (ix)+006.05(C)(1)(a) through (i), including preparation of geologic and hydrogeologic maps and cross sections necessary to support and/or illustrate the interpretation.

b2. A hydrogeologic review shall conclude that there is sufficient information to demonstrate compliance with Subsection 1006.03(F)(2)+006.05(B), and may need to be based on draw down tests or other physical measurements where necessary.

c3. 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:

- ia. Gray water use;
- iib. Water conserving appliances and fixtures;
- iiie. Landscaping with drought resistant plants; or
- ivd. Rainwater harvest and/or the use of cisterns.

To be deemed enforceable, any conservation or reuse measure must be approved by County Counsel.

4D. All reviews and plans required by Subsection 1006.03(F)+006.05 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.

5E. Outside of sSensitive gGroundwater aAreas, 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(F)(2)+006.05(B).

6F. 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.

~~7G.~~ 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.

~~8H.~~ For a majorany subdivision ~~of 11 lots or more~~, all lots shall be served by a single public or community water source.

1006.046 ~~PUBLIC SANITARY SEWER~~ SERVICE STANDARDS

- A. All development ~~that~~which has a need for ~~public/private~~ sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development. ~~Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.~~
- B. Approval of a development that requires ~~public~~ 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).

1006.057 ~~SUBSURFACE SEWAGE DISPOSAL~~ STANDARDS

- A. All development proposing subsurface sewage disposal shall receive approval for the system from the ~~Clackamas County Water Environment Services, Soils Section~~ prior to submittal of a land use application ~~to the County~~ for development. Said systems shall be installed pursuant to Oregon Revised Statutes ORS 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 Clackamas County, WES, Soils Section.~~

- B. ~~Inside~~Within the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village~~the Mount Hood urban area~~, all land divisions or other development requiring 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 urbanizable;
 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.

1006.068 SURFACE WATER MANAGEMENT AND EROSION CONTROL STANDARDS

The following surface water management and erosion control standards apply:

- A. ~~All developments shall provide for P~~positive drainage and adequate conveyance of ~~storm and~~ surface water ~~runoff shall be provided~~ from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point ~~and shall~~;
- ~~B1. Comply with T~~the requirements of ~~any special districts with~~the surface water management regulatory ~~authority apply jurisdiction; or. If the County is the~~ surface water management regulatory authority,
- ~~2. the surface water management requirements of~~The requirements of Section 1008, ~~Storm Drainage, and the Clackamas County Roadway Standards apply in areas~~ not under the jurisdiction of a surface water management regulatory authority.
- ~~B. Installation of stormwater management and conveyance facilities shall be~~ coordinated with the extension of necessary water and sanitary sewer services.
- 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~~~~service provider~~ may require a preliminary ~~surface~~~~storm~~ water management plan ~~and report~~, ~~storm drainage report~~, natural resource assessment, and buffer analysis prior to signing the preliminary statement of feasibility.
- ~~2. In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the County Department of Transportation and Development, Engineering Division.~~
- ~~3.2.~~ 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, reseeding, 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.

1006.079 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+1006.02, 1006.06, and 1006.08 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 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.

~~1006.10 — ADMINISTRATION~~

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A. ~~For subdivisions, partitions, and commercial, industrial, and institutional developments, the provisions of Section 1006 shall be applied during the development review process.~~

[Amended by Ord. ZDO-252, 6/1/15]

1007 ROADS AND CONNECTIVITY

1007.01 — PURPOSE

Section 1007 is adopted to:

- A. Provide for safe, efficient, convenient, and economical movement of vehicles, freight, transit, bicycles, and pedestrians on a balanced and sustainable transportation system network;
- B. Implement the provisions of Chapters 5 and 10 of the Comprehensive Plan pertaining to the design and construction of necessary transportation system improvements required in conjunction with new development;
- C. Protect public safety through functional, efficiently designed improvements addressing the impact of new development upon the roadway system;
- D. Support sustainable development by efficient utilization of land and resources;
- E. Facilitate and encourage the use of non-auto modes of transportation, such as transit, walking, and bicycling;
- F. Provide a highly interconnected transportation system with suitable access and route choices for pedestrians, bicyclists, and drivers;
- G. Support improved public health by providing safe and attractive pedestrian and bicycle facilities;
- H. Reduce vehicle miles traveled;
- I. Create walkable centers, corridors, and neighborhoods with pedestrian, bicycle, and vehicular connections within and between destinations;
- J. Reduce impacts from the transportation system on vegetation, natural features, neighborhoods, and public facilities; and
- K. Recognize and support the importance of streets and streetscapes as an ubiquitous aspect of the public realm in our landscape, and build streets that support and enhance community interaction.

1007.02 — APPLICABILITY

Section 1007 applies to the design of new and reconstructed transportation improvements in public rights-of-way, private roads, and accessways required through development permit approvals that are subject to Section 1007.

1007.013 GENERAL PROVISIONS

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- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.
- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- C. New developments shall have access points connecting with existing private, public, county, or state roads.
 1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (*Regional Transportation Functional Plan*); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.
 2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, *Potentially Buildable Residential Sites > 5 Acres in UGB*, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.013(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. Access to state highways shall require a road approach permit issued by the Oregon Department of Transportation pursuant to Oregon Revised Statutes Chapter 374.~~
- ~~67. 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.

1007.024 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 1007.046;
 3. Transit amenities as specified in Subsection 1007.057; and
 4. Street trees as specified in Subsection 1007.068.
- ~~G. Within public and county rights-of-way, the following uses may be permitted, subject to compliance with the Clackamas County Roadway Standards:~~
- ~~1. Solar energy systems owned and operated by a public entity or utility;~~
 - ~~2. Electric vehicle charging stations owned and operated by a public entity or utility; and~~
 - ~~3. On-street parking within the UGB.~~

1007.035 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 1007.024(D).

1007.046 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 1007.046 for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.
- D. Requirement for Sidewalk Construction: Within the UGB, sidewalks shall be constructed, as required in Subsection 1007.046(F), for two-family dwellings, detached single-family dwellings, attached single-family dwellings where two

dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.

- E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.
- F. Sidewalk Location: Sidewalks required by Subsection 1007.046(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 1007.024(B)(3).
 2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed; and
 3. Local or collector road street frontage(s) of a lot upon which a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but
 - a. The requirement shall be waived if the dwelling is a replacement for one destroyed by an unplanned fire or natural disaster; and
 - b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.
- G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:

1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;
 2. No sidewalk exists adjacent to the site;
 3. Redevelopment potential along the road is limited; or
 4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.
- H. Sidewalk and Pedestrian Pathway Width: Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, *Minimum Sidewalk and Pedestrian Pathway Width*, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

Table 1007-1: Minimum Sidewalk and Pedestrian Pathway Width

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

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

4. Uses located in the Campus Industrial, Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.

5. In Sunnyside Village, notwithstanding Table 1007-1 and Comprehensive Plan Figures X-SV-1, *Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes* and X-SV-2, *Sunnyside Village Plan Connector Street with Planting Strips*, a connector street requires nine-foot-wide sidewalks if commercial/retail is adjacent to the site.

I. Accessways: Accessways shall comply with the following standards:

1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length.
2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, church, 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, ~~as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*~~, hereinafter referred to as Sunnyside Village. Where

these standards conflict with Subsection 1007.046(I), Subsection 1007.046(J) shall take precedence.

1. A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, church, 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 1007.046(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.

1007.057 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.

1007.068 STREET TREES

- A. Within the Portland Metropolitan Urban Growth Boundary, street trees are required on all road frontage—except frontage on private roads or access drives—for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:
1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.
 2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development. ~~Trees listed in Table 1007-2, Prohibited Street Trees, shall not be planted as street trees.~~
 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.

~~Table 1007-2: Prohibited Street Trees~~

Scientific Name	Common Name	Reason for Prohibition
Acer macrophyllum	Big-leaf Maple	Leaves block drainage; Roots buckle sidewalks

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Scientific Name	Common Name	Reason for Prohibition
Acer-negundo	Box-Elder	Insect-prone; Weak-wood
Acer-saccharinum	Silver-Maple	Shallow-roots; Weak-wood
Aesculus-hippocastanum	Common-Horsechestnut	Messy-fruits
Betulus-species	Birches	Insect-prone; Weak-wood
Carya-species	Hickories	Fruits-cause-litter-and-safety-problems
Catalpa-species	Catalpas	Seed-pods-cause-litter-problem
Corylus-species	Filberts	Fruits-cause-litter-and-safety-problems
Crataegus-species	Hawthorns	Thorns; Fruits-cause-litter-and-safety-problems
Fraxinus-species	Ashes	Seed-pods-cause-litter-problem
Gleditsia-triacanthos	Honey-Locust (species, does not include horticultural-variants)	Seed-pods-cause-litter-problem
Juglans-species	Walnuts	Fruits-cause-litter-problem
Morus-species	Mulberries	Fruits-cause-litter-and-safety-problems
Populus-species	Poplars	Shallow-roots; Weak-wood
Robinia-species	Locusts	Weak-wood; Suckers
Salix-Species	Willows	Shallow-roots; Weak-wood
Ulmus-fulva	Slippery-Elm	Insect-prone; Shallow-roots; Weak-wood
Ulmus-pumila	Siberian-Elm	Shallow-roots; Weak-wood

- B. Street trees required for developments in the Clackamas Regional Center Area, ~~as identified on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community,~~ 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)~~~~1700.03(C)~~ and ~~1005.09(B)~~~~1700.04(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~~8~~(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 ~~the Sunnyside Village Community Plan area, as identified on Comprehensive Plan Map X-SV-1, Sunnyside Village~~

~~Plan Land Use Plan Map~~, along both sides of all connector and local streets, and as set forth in Subsection 1007.~~0911~~. 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.~~079~~ TRANSPORTATION FACILITIES CONCURRENCY

~~A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrently with the new development it is required to serve or, within a reasonable period of time following the approval of new development.~~

~~B.A.~~ Subsection 1007.~~079~~ shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.

~~C.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

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- 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.

D.C. As used in Subsection 1007.079(BE), 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*.

E.D. For the purpose of calculating capacity as required by Subsections 1007.079(BE) and (CE), 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.

F.E. As used in Subsection 1007.079(BC), 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 1007.079(EF)(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 1007.079(EF)(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 1007.079(EF)(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.

G-F. As used in Subsection 1007.079(~~EF~~), 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 1007.079(~~CD~~).
 - 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.

GH. Notwithstanding Subsections 1007.079(~~DE~~) and (~~FG~~)(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 1007.079(~~BE~~), 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.~~0810~~ FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007; located within the Portland Metropolitan Urban Growth Boundary (UGB) and required for a partition, a two- or three-family dwelling (where no more than one such dwelling is proposed), an attached or detached single-family dwelling, or a manufactured dwelling; the developer may elect to pay a fee in lieu of construction as follows.

- A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local, connector, or collector road that is not identified on Comprehensive Plan Map 5-3, *Essential Pedestrian Network*, and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or
- B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map 5-3; payment of

the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met:

1. The improvements are included in the Five-Year Capital Improvement Program;
2. The improvements are located on a road where significant topographical or natural feature constraints exist; or
3. The improvements are located on a local, connector, or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements.

C. The amount of the fee in lieu of construction is established by separate order of the Board of County Commissioners.

~~C. For a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling, the fee in lieu of construction shall be \$25.00 per lineal foot of frontage. The fee shall be adjusted annually to account for the change in construction costs according to the Engineering News-Record (ENR) Northwest (Seattle, Washington) Construction Cost Index. The annual adjustment shall be made in January on the date that the ENR publishes its first index of the year.~~

~~D. For a partition, a three-family dwelling, or an attached single-family dwelling where three or more dwelling units are attached to one another, the fee in lieu of construction shall be equal to the estimated cost of constructing the required frontage improvements and shall be calculated as follows:~~

- ~~1. A frontage improvement cost construction estimate acceptable to the Department of Transportation and Development shall be completed by an engineer who is registered by the State of Oregon.~~
- ~~2. The elements to be considered when calculating the fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, curb, sidewalk, and retaining wall.~~

DE. 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.~~0944~~ 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.~~0944~~ shall take precedence.

~~A. Connector streets with bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four-to-five-foot-wide planting strips, two four-foot-wide bike lanes, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 61 to 63 feet, depending on the planting strip width. If commercial/retail are adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-1, Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes.)~~

~~B. Connector streets without bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four-to-five-foot-wide planting strips, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 53 to 55 feet, depending on the planting strip width. If commercial/retail is adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-2, Sunnyside Village Plan Connector Street with Planting Strips.)~~

~~AC. Local streets shall include two eight-to-nine-foot-wide travel lanes, two six-inch-wide standard curbs, one eight-foot-wide parking strip, two five-foot-wide sidewalks, and two four-foot-wide tree planting strips. The right-of-way width shall be 43 to 45 feet. (See Comprehensive Plan Figure X-SV-5, Sunnyside Village Plan Local Street with Planting Strips.)~~

Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.

~~BD. 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.~~

~~CE. New street connections and private access driveways should be located along arterial and collector roadways within Sunnyside Village to provide safe and efficient traffic operations. 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. ~~The removal and/or consolidation of existing private driveways on arterial and collector streets should be investigated as redevelopment of properties occurs.~~

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.

DF. 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.

EG. Alleys shall be private streets with rights-of-way of 16 feet. (See Comprehensive Plan Figure X-SV-6, *Sunnyside Village Plan Alleys*.)

FH. 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.

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

~~**J.** For properties with frontage along 152nd Drive, adjacent to the proposed realignment of 152nd Drive, the applicant's share of costs associated with the realignment of 152nd Drive shall be limited to the dedication of required on-site~~

~~right-of-way for the realignment of 152nd Drive as a collector street, and the guarantee of financing for the required on-site improvements, to collector street standards, according to the requirements of the County Engineering Division.~~

1007.~~1012~~ 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.~~

~~1007.13 — TRAFFIC MANAGEMENT PLANS~~

~~In the OA and VO Districts, a traffic management plan shall be submitted with each development application. The plan shall address, but is not limited to, the following traffic management mechanisms:~~

- ~~A. Physical site controls on existing traffic;~~
- ~~B. P.M. peak hour existing traffic limitations;~~
- ~~C. Traffic monitoring;~~
- ~~D. Restrictions on the number of parking spaces;~~
- ~~E. Transportation/transit information center;~~
- ~~F. Flextime, staggered working hours; and~~
- ~~G. Carpool and vanpool spaces and similar ride share programs.~~

[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]

~~1008 — STORM DRAINAGE (3/24/05)~~

~~1008.01 — PURPOSE~~

~~————— To minimize the amount of stormwater runoff resulting from development utilizing nonstructural controls where possible, maintain and improve water quality, prevent and/or reduce soil erosion, prevent structural and environmental damage.~~

~~1008.02 — PLAN FOR STORM DRAINAGE AND EROSION CONTROL~~

~~A. A storm drainage and erosion control plan will be required for all significant residential, commercial, industrial and recreational development. This requirement includes all proposals in or immediately adjacent to an area of Open Space on the Comprehensive Plan Map, in or adjacent to an identified Major Hazard area and in areas of or adjacent to an area having an historic localized flooding problem resulting from storm drainage. The plan shall contain at a minimum:~~

- ~~1. The methods to be used to minimize the amount of runoff siltation, and pollution created from the development both during and after construction. Site specific considerations may be incorporated. The plan shall be consistent with the specific drainage basin or subbasin plan.~~
- ~~2. An analysis of source controls as an alternative method to control stormwater runoff, such as detention and storage techniques.~~
- ~~3. Statement of consistency with County stormwater improvement standards and Comprehensive Plan.~~

~~B. The County may require that the applicant design and construct a drainage system which will insure that offsite impacts caused by that development can be mitigated.~~

~~C. Facilities developed onsite may be used to implement a basinwide or subbasin drainage management plan, if necessary.~~

~~1008.03 — GENERAL STANDARDS~~

~~A. All development shall be planned, designed, constructed and maintained to:~~

- ~~1. Protect and preserve existing natural drainage channels to the maximum practicable extent (see Section 1002);~~
- ~~2. Protect development from flood hazards;~~

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- ~~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. Assure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading;~~
 - ~~5. Assure 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;~~
 - ~~6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;~~
 - ~~7. Avoid placement of surface detention or retention facilities in road right-of-way.~~
- ~~B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the water course to be bridged or spanned;~~
- ~~C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the County or a utility district. This does not imply maintenance by the County. (4/12/82)~~
- ~~D. Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized. (4/12/82)~~
- ~~E. Prior to acceptance of a storm sewer system by the County, the storm sewers shall be flushed and inspected by the County. All costs shall be borne by the developer. (10/11/82)~~

~~1008.04—SPECIFIC STANDARDS~~

- ~~A. Siting, sizing and development of drainage control facilities shall be consistent with accepted engineering practices. Basin or subbasin plans previously adopted by the County shall guide the development of drainage control facilities except when such plans are superseded by new basin or subbasin plans, or when such plans are in conflict with the following provisions, or other provisions of Section 1008:~~

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1. ~~Drainage detention ponds constructed in the drainage channel shall be planned for a ten (10) year frequency storm at full basin development. Detention ponds located outside the channel shall be planned for at least a twenty-five (25) year frequency storm at full site development. This requirement may be reduced by staff when site conditions, such as terrain or geologic hazard, limit development of detention ponds, and when other drainage control methods appropriate to the site are provided.~~

2. ~~The rate of release or outflow from a detention facility shall not exceed the rate of runoff from the undeveloped site during a five (5) year frequency storm. This may be accomplished with an adjustable flow valve or a system of orifices or other appropriate mechanism accommodating a five (5) year outflow. Each facility constructed in the channel shall provide an overflow which will allow volumes exceeding a ten (10) year frequency storm to spill. Each facility constructed outside the channel shall provide an overflow which will allow volume exceeding a twenty-five (25) year frequency storm to spill.~~

3. ~~In all residential development, except Special High Density (Residential), slope of the edges of a retention or detention pond shall not exceed 1:3. Maximum depth should not exceed three (3) feet. Adequate security measures must be provided to prevent a safety hazard. Drainage must be designed to prevent water ponding unless a year-around pond is incorporated in the site design.~~

4. ~~For commercial, industrial and Special High Density (Residential) development, maximum side slope of drainage facilities shall not exceed 1:1. Shallower slopes may be required as appropriate to maintain slope stability.~~

~~Access for maintenance equipment shall be provided. Depth should not exceed twelve (12) feet. The burden of justification increases with depth of the facility. Detention or retention facilities must be integrated with the site design. Adequate security measures must be provided to prevent a safety hazard. Drainage facilities must be designed to prevent water ponding unless a year-around pond is incorporated in the site design.~~

5. ~~Detention facilities may be allowed in conjunction with parking lots or commercial or industrial rooftops. Underground detention pipes are discouraged in areas of high groundwater.~~

6. ~~Rooftop detention is generally not acceptable on residential structures. Rooftop detention must not exceed bearing characteristics of the structure or soils. An emergency overflow shall be provided.~~

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7. ~~Parking lot detention is acceptable if water depth does not exceed twelve (12) inches at the deepest point. Asphalt surfaces to be inundated shall be minimized. A minimum slope of one (1) percent must be provided.~~
8. ~~All outflow shall be conveyed to the nearest natural drainageway. The developer or property owner (including maintenance association if appropriate) shall be responsible for construction and maintenance of the facility. An adequate surety bond for construction may be required.~~

~~B. Flow Alteration~~

1. ~~Natural drainage pattern shall not be substantially altered at the periphery of the site.~~
2. ~~Greatly accelerated release of stored water is prohibited. Flow shall not be diverted to lands which have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.~~

~~1008.05 — In addition to the above requirements, the following shall apply to land developments within the Tualatin River basin: (9-12-91)~~

~~A. Erosion Control Plan (9/12/91)~~

~~For land development, all preliminary plats, site plans, permits, and public works projects shall include an erosion control plan containing methods and/or interim facilities to be constructed or used concurrently with land development and to be operated during construction to control the discharge of sediment in the stormwater runoff. The erosion control plan shall utilize:~~

1. ~~Protection techniques to control soil erosion and sediment transport to less than one (1) ton per acre per year, as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent methods. The erosion control plan shall include temporary sedimentation basins or other sediment control devices when, because of steep slopes or other site-specific considerations, other onsite sediment control methods will not likely keep the sediment transport to less than one (1) ton per acre per year. Any sediment basins constructed shall be sized using 1.5 feet minimum sediment storage depth plus 2.0 feet storage depth above for a settlement zone. The storage capacity of the basin shall be sized to store all of the sediment that is likely to be transported and collected during construction while the erosion potential exists. When the erosion potential has been removed, the sediment basin, or other sediment control facilities, can be removed and the site restored as per the final site plan. All sediment basins shall be constructed with an emergency overflow to prevent erosion or failure of the containment dike, or~~

- ~~2. A soil erosion control matrix derived from and consistent with the universal soil loss equation approved by Clackamas County.~~

~~B. Water Quality Control Facilities (9/12/91)~~

~~All plats, site plans, building permits, or public works projects, (see paragraph 5 of this subsection for exceptions) require permanent stormwater quality control facilities to control phosphorus loadings associated with stormwater runoff from the development site. Permanent stormwater quality control facilities for phosphorus shall meet the following requirements:~~

- ~~1. Stormwater quality control facilities shall be required to be constructed to remove 65 percent of the phosphorus from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.~~
- ~~2. The stormwater quality control facilities shall be designed to meet the removal efficiency specified in paragraph 1 of this subsection for a mean summertime storm event totaling 0.36 inches of precipitation with an average return period of 96 hours.~~
- ~~3. Stormwater quality control facilities required by this subsection shall be approved only if the following are met:~~
 - ~~a) For developments larger than one acre, the plat or site plan shall include plans and a certification prepared by an Oregon registered professional engineer, or registered professional in erosion control, that the proposed stormwater control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorus required by paragraph 1 of this subsection.~~
 - ~~b) A financial assurance, or equivalent security, shall be provided by the developer that assures that the stormwater control facilities are constructed according to the plans established in the plat or site plan approval.~~
 - ~~c) Each permanent stormwater quality control facility shall file with the County an operation and maintenance plan for the stormwater quality control facility. The operation and maintenance plan shall allow for public or private ownership, operations, and maintenance of individual permanent stormwater quality control facilities.~~

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4. ~~An exception may be granted to subsection B of this section in exchange for a onetime in-lieu fee. The fee will be an option when, because of the size of the development, topography, or other factors, the County determines that the construction of onsite permanent stormwater treatment systems is impracticable or undesirable.~~
- a) ~~The in-lieu fee shall be based upon a reasonable estimate of the current prorated cost for the County to provide stormwater quality control facilities for the land development being assessed the fee. Estimated costs shall include costs associated with offsite land and rights-of-way acquisition, design, construction, and construction inspection.~~
5. ~~The following are not required to comply with paragraphs 1-4 of this subsection:~~
- a) ~~Single and two-family dwellings on existing lots of record. (3/24/05)~~
- b) ~~Sewer lines, water lines, utilities, or other land development that will not directly increase nonpoint source pollution once construction has been completed and the site is either restored to or not altered from its approximate original condition.~~

C. ~~Definitions (9/12/91)~~

~~"Land Development" refers to any human-induced change to improved or unimproved real estate, including but not limited to construction, installation, or expansion of a building or other structure, land division, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation, or clearing.~~

~~"Erosion Control Plan" shall be a plan containing a list of best management practices to be applied during construction to control and limit soil erosion.~~

~~"Public Works Project" means any land development conducted or financed by a local, state, or federal government body.~~

~~"Stormwater Quality Control Facility" refers to any structure or drainageway that is designed, constructed, and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement. It may also include, but not be limited to, existing features such as wetlands, water quality swales, and ponds which are maintained as stormwater quality control facilities.~~

~~"In-lieu fee" means a fee collected by a jurisdiction in lieu of requiring construction of onsite stormwater quality control facilities.~~

1009 LANDSCAPING

~~1009.01~~ ~~PURPOSE~~

~~Section 1009 is adopted to:~~

- ~~A. Promote sustainable development practices, including energy efficiency, water conservation, reduced use of pesticides and synthetic fertilizers, and onsite storm water containment;~~
- ~~B. Support clean air and water, wildlife habitat, greenhouse gas reduction, and the retention of existing natural features;~~
- ~~C. Create compatibility between adjacent land uses, with particular emphasis on mitigating off-site impacts to residential areas;~~
- ~~D. Provide outdoor recreational space in residential developments;~~
- ~~E. Encourage the planting of edible gardens;~~
- ~~F. Create an attractive, safe, and functional pedestrian environment;~~
- ~~G. Facilitate the safe and efficient movement of traffic through parking lots; and~~
- ~~H. Enhance the appearance of development.~~

1009.01~~2~~ 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~~2~~(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~~property 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, ~~except that this requirement will be waived where buildings are not set back from the front property line. 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.

1009.023 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~~landscaping percentage 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~~landscaping percentage.
 - 3. Requirements for surface parking and loading area landscaping, screening and

buffering, scenic roads landscaping, landscaping strips, and outdoor 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 site than is required by Table 1009-1.

4. ~~Notwithstanding Subsection 1009.03(A), additions to a commercial, industrial, or institutional development which does not currently comply with the minimum landscaping percentage standard, shall require additional landscaping area, as follows:~~
- ~~a. Structural additions of 1,000 to 1,999 square feet: An additional five percent of the subject property, but no more than the percentage required by Table 1009-1;~~
 - ~~b. Structural additions of 2,000 to 4,999 square feet: An additional 10 percent of the subject property, but no more than the percentage required by Table 1009-1;~~
 - ~~c. Structural additions of 5,000 square feet or more: The percentage required by Table 1009-1; and~~
 - ~~d. Where successive structural additions occur at different times, the required landscaping percentage shall increase until total conformance is reached.~~

Table 1009-1: Minimum Landscaped Area

Zoning District	Minimum Landscaped Area
CC, PMU, RCC, RCO, RTL, RCO, RCC, PMU, CC, SCMU¹	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 three-family or multifamily dwellings, including <u>mixed-use developments that include these uses</u> • 10 percent for all other developments
NC, BP, C-2, C-3, RTC², RC, BP, LI, GI, LI, NC, RC, RI, VCS, VO	15 percent
OA, OC, OA, RCHDR	20 percent

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CMR-1, HDR, PMD, MRR, MR-1, MR-2, MRR, PMD, CH, VA, VTH, VA	25 percent except 20 percent for attached single-family dwellings in the MR-1 and MR-2 Districts
HR	<ul style="list-style-type: none"> • 25 percent for the development of conditional uses • <u>20 percent for attached single-family dwellings if three or more dwelling units are attached in succession</u>
FF-10, FU-10, R-2.5 through R-30, RR, RA-1, RA-2, RR, RRF-5, FF-10, HR, FU-10, VR-4/5, and VR-5/7	25 percent for the development of conditional uses <u>and for primary-use attached single-family dwellings in the VR-4/5 District if three or more dwelling units are attached in succession</u>
SHD	40 percent

- ¹~~In the SCMU District, the minimum shall be 15 percent for developments of three-family or multifamily dwellings, including mixed-use developments that include these uses.~~
- ²~~In Government Camp, the minimum shall be 10 percent, except that there shall be no minimum for properties with frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street, where public plazas are provided in compliance with Subsection 1009.12(A).~~

4B. 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.

5C. Outdoor recreational areas required by Subsection 1009.089(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.

6D. Edible gardens may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1.

7E. Green roofs may comprise a maximum of 25 percent of the minimum landscaped area required by Table 1009-1.

8F. 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.

9G. 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.

~~1.~~ In the Clackamas Regional Center Area, as identified on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center, Corridors, and Station Community, pedestrian amenities used to meet the minimum landscaped area required by Table 1009-1 shall comply with the following standards:

~~a.~~ 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.

~~b.~~ Pedestrian areas shall 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.

10H. Area occupied by walls, fences, or trellises constructed to comply with Subsections 1009.034 and 1009.045 shall count toward the minimum landscaped area required by Table 1009-1.

11I. 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.

12J. 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; and shared yards, decks, terraces, patios, and roof gardens. In addition, indoor recreational facilities identified in Subsection 1009.08(B)315.05(F), and over and above the minimum standard set forth in Subsection 1009.08(B)315.05(F), may be counted toward the minimum landscaped area required by Table 1009-1.

~~K.~~ In the RCHDR District, the minimum landscaped area 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; and yards, decks, terraces, patios,

~~and roof gardens. In addition, indoor recreational facilities identified in Subsection 315.05(F), and over and above the minimum standard set forth in Subsection 315.05(F), 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:~~

- ~~a1.~~ 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.
- ~~b2.~~ 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.

1009.034 SURFACE PARKING AND LOADING AREA LANDSCAPING

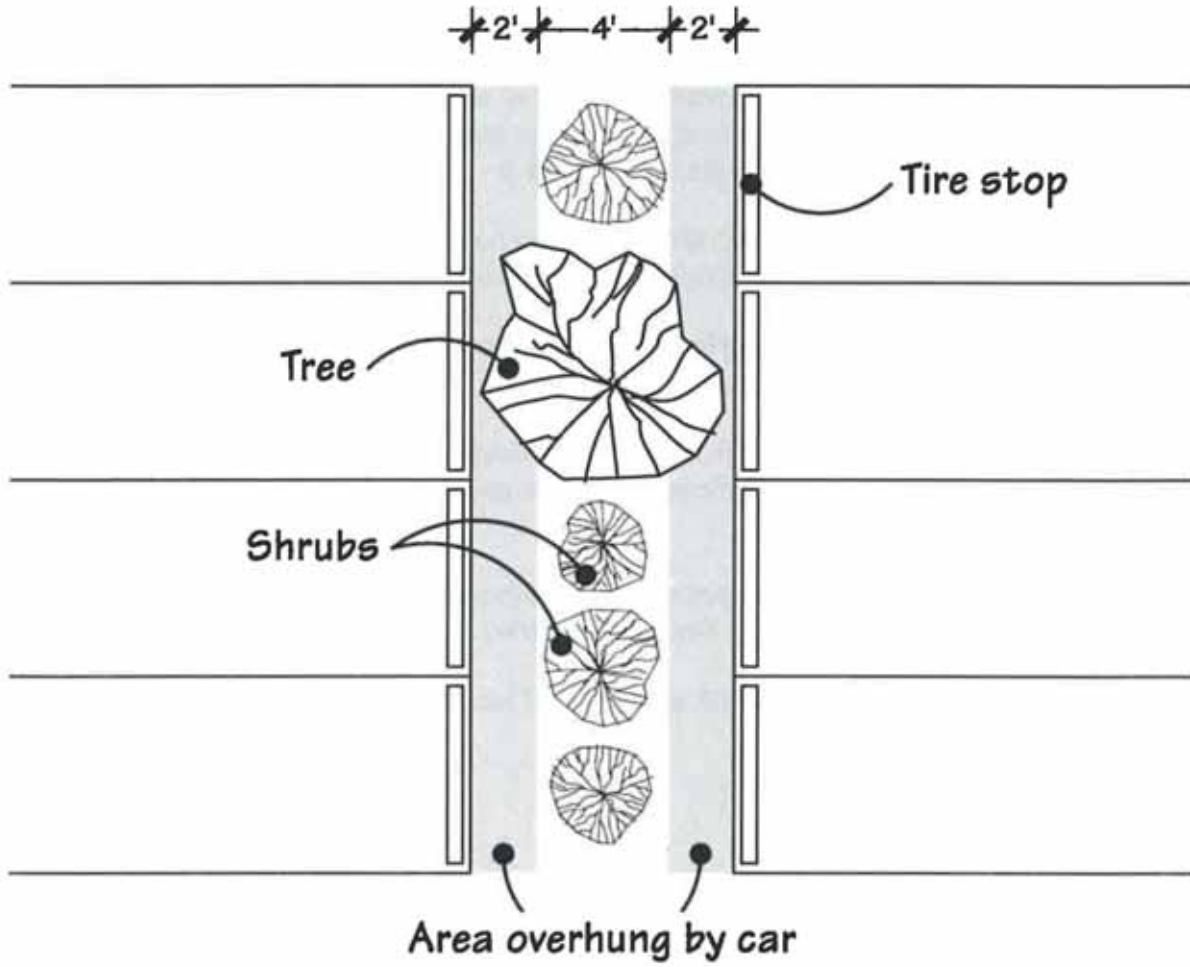
Surface parking and loading areas shall be landscaped as follows:

- 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 1009.034(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”.

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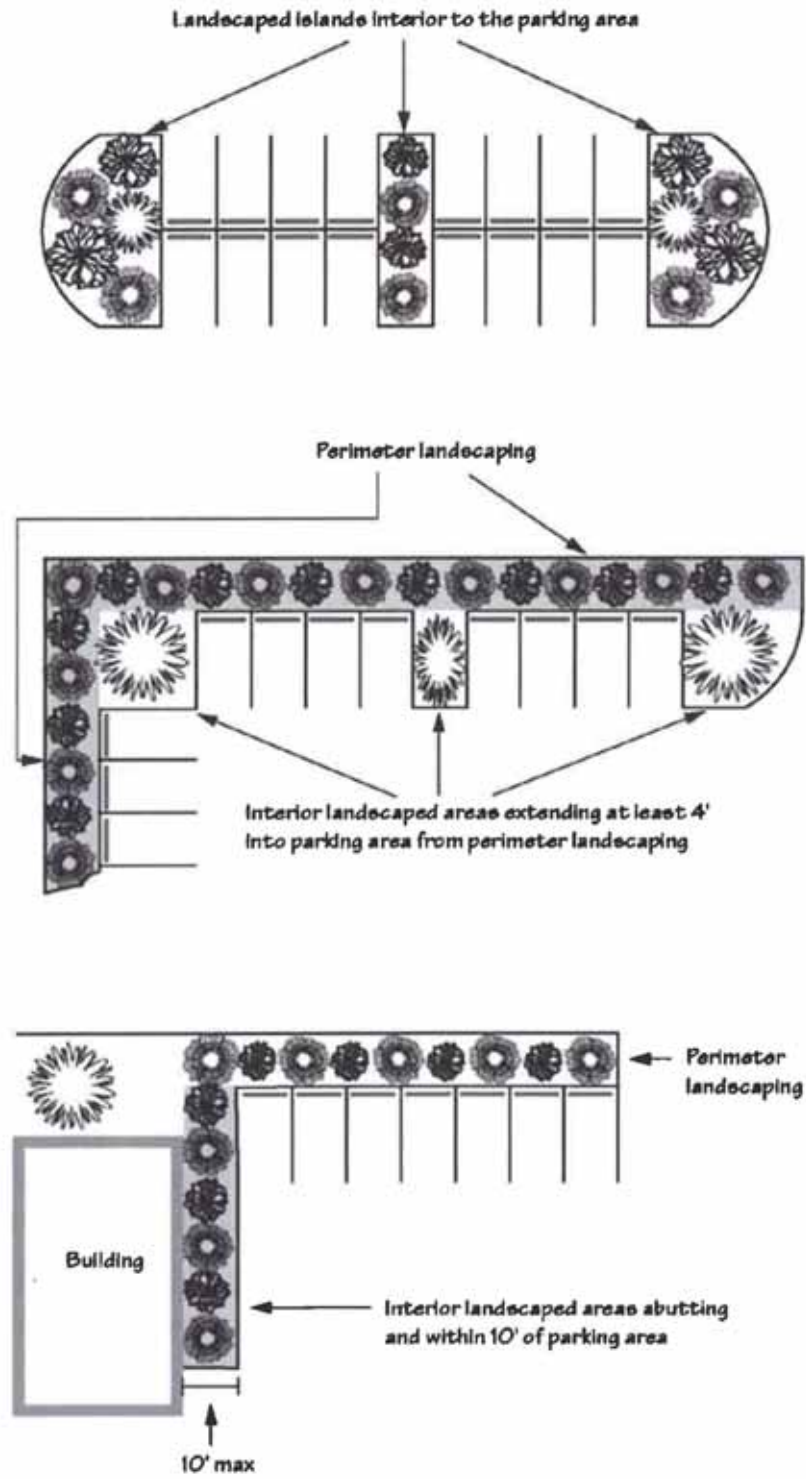
- b. Parking spaces separated by pedestrian or vehicle crossings perpendicular to the row of parking spaces are considered to be part of a single row.
- c. The first required swale shall be developed for the entire length of the longest row of parking spaces.
- d. Gaps in a required swale are permitted 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 1015.024(~~AB~~)(~~1011~~), 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 1009.034(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



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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 1009.034(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/properties 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 ~~a~~ 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 lotproperty if one or more interior driveways connect the two lotsproperties and if the abutting lotproperty also is developed with a surface parking or loading area adjacent to the shared lotproperty line.
4. Required walkways may cross perimeter landscaping strips.

1009.045 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 materials (generally evergreens), vegetated earth berms, masonry walls, sight-obscuring fences, ~~trellises~~, 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 ~~the~~ 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~~At least one row of deciduous and evergreen trees staggered and spaced ~~a maximum of~~not more than 30 feet apart;

- b. ~~A perennial, evergreen planting with sufficient foliage to obscure vision and At least one row of evergreen shrubs, spaced not more than five feet apart,~~ which will grow to form a continuous hedge ~~a minimum of six at least five~~ feet in height within ~~two one~~ 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 dense perennial, evergreen planting hedge 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 not less than six five~~ feet in height. The wall or fence is to be placed along the interior side of the landscaping strip;
 - b. ~~An evergreen hedge, 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.

1009.056 SCENIC ROADS

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

1009.067 LANDSCAPING STRIPS ~~IN INDUSTRIAL ZONING DISTRICTS~~

- A. In the BP and LI Districts, a landscaping strip a minimum of 15 feet wide shall be provided ~~abutting along~~ front lot lines.

- B. In the GI District, a landscaping strip a minimum of 10 feet wide shall be provided ~~abutting along~~ 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.

1009.078 FENCES AND WALLS

- A. Fences and walls shall be of a material, color, and design complementary to the development.
- BA. In the CI District, ~~periphery fences and walls are prohibited except as follows shall not be allowed.~~ Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences or walls may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, such as vehicle storage areas or drainage detention facilities. Fences or walls shall not be located where they impede pedestrian or bicycle circulation through or between ~~development site areas.~~
- CB. In the BP and LI Districts, ~~the street perimeter fences or walls and guard posts shall meet a minimum front setback for fences and walls is of 15 feet and shall be of a material, color, and design complementary to the development and to adjoining properties and public access roads.~~
- C. ~~In the LI District, street perimeter fences or walls shall meet a minimum setback of 15 feet from the front lot line.~~
- D. In the GI District, ~~the street perimeter fences or walls shall meet a minimum front setback for fences and walls is of 10 feet from the front lot line.~~

1009.089 OUTDOOR RECREATIONAL AREAS AND FACILITIES

- A. An outdoor recreational area shall be provided in developments of two-family, three-family, or multifamily dwellings in the MR-1, MR-2, and HDR Districts, and in developments of three-family or multifamily dwellings, including mixed-

use developments that include these uses, in the SCMU District, as follows:

1A. 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:

a1. The requirement shall apply only to the first 20 dwelling units per acre, or prorated equivalent thereof; and

b2. 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), 1009.034, and 1009.045—full compliance would result in landscaping more than 15 percent of the lot.

2B. Outdoor recreational areas may be designed for passive or active recreation, including edible gardening.

3C. Outdoor recreational areas shall be designed for adequate surveillance opportunities.

4D. 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.~~0910~~ 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.~~1011~~ 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 ~~wires~~ 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 ~~in writing by the developer~~ for a period of one year from the date of installation. ~~A copy of the guarantee shall be furnished to the County by the developer.~~ The developer ~~also~~ shall either submit a signed maintenance contract for the one-year period; or provide a performance surety/financial guarantee pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, covering the landscape maintenance costs for during the one-year guarantee 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, ~~and~~ 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 1009.023. Areas under ~~tree~~ drip lines ~~of trees~~ 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.
 - ~~1.2.~~ The ~~irrigation~~ 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.
 - ~~2.3.~~ In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
 - ~~3.4.~~ 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.
 - ~~4.5.~~ Overhead sprinkler irrigation ~~is prohibited~~ shall not be permitted within two feet of any ~~impervious non-permeable~~ surface ~~unless.~~ Allowable irrigation within the two-foot setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

- a. The landscaped area is adjacent to permeable surfacing and no runoff occurs; or
 - b. The adjacent ~~impervious non-permeable~~ surfaces are designed and constructed to drain entirely to landscaping; or
 - c. The irrigation designer specifies an alternative design or technology that complies with, and clearly demonstrates strict adherence to Subsection 1009.10H(M)(2).
 - ~~d. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling.~~
- 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.

~~1009.12 — GOVERNMENT CAMP RTC DISTRICT STANDARDS~~

~~Subsection 1009.12 applies in Government Camp in the RTC District. Where these standards conflict with other provisions in Section 1000, *Development Standards*, Subsection 1009.12 shall take precedence.~~

~~A. Landscaping and Plaza Space: Development with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street may provide a combination of landscaping and onsite public plaza space. Plaza space shall be permanent space open to the public. The plaza space shall be integrated into the development and be both accessible and visible from Government Camp Loop or Little Trail where there is no frontage on Government Camp Loop. The following requirements shall apply along Government Camp Loop from Wy'East Trail to Olive Street and along Little Trail from Olive Street to Church Street, if plazas are established to comply with the landscaping requirements.~~

- ~~1. Square footage required: A minimum of 100 square feet of plaza space may be provided for developments with up to 1,999 square feet. Developments 2,000 square feet and larger may provide a minimum of 150 square feet. This shall be developed as one contiguous space. Developments 5,000 square feet and larger may develop the plaza as two separate plazas.~~
- ~~2. Plaza surface materials: Surface materials shall consist of textured concrete, concrete mixed with aggregate, rock, rock veneer, pavers, bricks, or wood. No asphalt is permitted.~~

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- ~~3. Plaza landscaping: Ten percent of the total plaza area shall be landscaped with planters and/or hardy native vegetation.~~
- ~~4. Seating: A minimum of three permanent adult seating spaces shall be provided in the plaza for developments with up to 1,999 square feet of floor area. One additional seating space shall be provided for each 1,000 square feet of development. Seating spaces shall be constructed of wood, wrought iron, rock, rock veneer, or textured concrete.~~
- ~~5. Garbage receptacles: At least one garbage receptacle shall be provided in the plaza. Receptacles shall be clad in wood or stone.~~

[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]

1011 OPEN SPACE AND PARKS

~~1011.01~~ **PURPOSE**

~~Section 1011 is adopted to:~~

- ~~A. Preserve a network of open space resources within the urban area;~~
- ~~B. Protect sensitive or hazardous open space resources from incompatible development; and~~
- ~~C. Provide land that meets the open space and recreation needs of the people.~~

~~1011.01~~² **AREA OF APPLICATION**

- A. Section 1011 applies to areas generally indicated as Open Space on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*, or on the Mt. Hood Community Plan Map when one or more of the following open space resources is present:
 - 1. Willamette River Greenway;
 - 2. Distinctive urban forests;
 - 3. Hillside of more than 20 percent slope;
 - 4. Areas of confirmed land movement hazard;
 - 5. Areas of severe erosion or unstable soil;
 - 6. Areas of high visual sensitivity;
 - 7. Significant natural areas; and
 - 8. Other distinctive or unique natural areas, or areas of serious natural hazard.
- B. Section 1011 also applies to areas generally indicated as Open Space on the Mt. Hood Community Plan Map when one or more of the following open space resources is present:
 - 1. Bodies of water, such as rivers, lakes, or lagoons;
 - 2. Special flood hazard areas, as defined in Section 703, *Floodplain Management District*;
 - 3. Land within 100 feet of mean low water of all major rivers and 50 feet of other perennial streams; and

4. Wetlands, including recharge areas.

C. Open space regulated pursuant to Subsection 1011.012(A) or (B) shall be categorized as follows:

1. "High-priority" open space ~~is shall be the following:~~

- a. Land or water necessary to assure a continuous network of open space (e.g., stream corridor, forested hillside);
- b. Land over 35 percent slope;
- c. Confirmed land movement hazard areas;
- d. Areas judged to have severe erosion potential due to soil type, geologic structure, and vegetation;
- e. Bodies of water such as rivers, lakes, or lagoons;
- f. Wetlands; and
- g. Significant natural areas.

2. "Second-priority" open space ~~is shall be the following:~~

- a. Land greater than 20 percent slope and less than 35 percent slope;
- b. Distinctive urban forests;
- c. Land within a special flood hazard area, as defined in Section 703, or within 25-year flood limits where special flood hazard areas have not been designated;
- d. Land used as a recharge area for wetlands; and
- e. Areas of high visual sensitivity.

D. In addition, Subsection 1011.056 applies in Sunnyside Village, ~~as identified on Comprehensive Plan Map X-SV-1, Sunnyside Village Plan, Land Use Plan Map, hereinafter referred to as Sunnyside Village.~~

1011.023 DEVELOPMENT STANDARDS AND LIMITATIONS

A. Site planning and development shall avoid disturbance of identified open space resources, except as provided in Subsections 1011.023(B) and (C). Full use should be made of density transfers pursuant to Section 1012, *Lot Size and Density*, siting of structures and roads, and other appropriate means of designing the development around the open space.

- B. "High-priority" open space shall be preserved outright, except:
1. Development on hillsides over 35 percent slope shall be subject to Subsection 1002.012(B).
 2. Commercial or industrial developments affecting wetlands or significant natural areas may be allowed, subject to Subsection 1011.034 and when permitted by the U.S. Army Corps of Engineers and the Oregon ~~Department~~Division of State Lands.
- C. "Second-priority" open space shall be preserved to the maximum extent possible making full use, as necessary, of techniques which reduce the need for land coverage, and disturbance of open space features. Various site plan and development options shall be identified and applied on a case-by-case basis pursuant to ~~the open-space review process under~~ Section 1103, *Open Space Review*. Site plan and development techniques may include but are not limited to:
1. Multistory construction;
 2. Elevated pole structures;
 3. Understructure parking;
 4. Reduction of parking requirements as provided under Subsection 1015.024(D)(2)(a) and (b);
 5. Clustering of buildings;
 6. Minimized driveway areas, use of shared driveways and loading areas;
 7. Reduction of road widths or use of one-way roads to accommodate terrain or other features; and
 8. Siting of buildings to maximize transit and pedestrian orientation.
- D. Satisfying the ~~requirement for~~ open space ~~requirement~~ in commercial ~~and~~ industrial ~~zoning districts~~developments may count for up to 60 percent of the ~~minimum~~ landscaped area standard in Table 1009-1, *Minimum Landscaped Area requirement*. Satisfying the open space requirement in residential ~~zoning districts~~developments may count for ~~all of the 20-percent open-space requirement in planned unit developments and~~ up to 80 percent of the ~~minimum landscaped area standard in Table 1009-1~~multifamily landscape requirements, including up to 80 percent of any outdoor recreational area required by Subsection 1009.08-space. (~~See Subsection 1009.03 for landscape requirements.~~)
- E. All open space requirements of Section 1011 shall be met using one or more of the following options:

1. Dedication to the public;
2. Placement under a legally responsible group, such as a homeowner's association;
3. Preservation through conservation easements but maintained by individual land owners; or
4. Some other suitable mechanism acceptable to the County.

1011.0~~3~~⁴ CONFLICT RESOLUTION FOR WETLANDS AND SIGNIFICANT NATURAL AREAS

High-priority open space wetlands and significant natural areas shall not be disturbed unless approved through review as a Type II application pursuant to Section 1307, *Procedures*, for a specific commercial or industrial development plan. Approval shall not be granted unless the following social, economic, energy, and appropriate environmental considerations are addressed and satisfied:

- A. Social: The proposed development would not result in the loss of a rare, irreplaceable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.
- B. Economic:
 1. The wetland or significant natural area must be disturbed for reasonable use of the site and, if not disturbed, the applicant would be substantially damaged.
 2. The use proposed is a benefit to the community and meets a substantial public need or provides for a public good which clearly outweighs retention of the wetland or significant natural area.
- C. Energy:
 1. Disturbance of the open space will not require public costs, including maintenance, due to secondary impacts, or exacerbate existing conditions.
 2. The development, as proposed, supports the Comprehensive Plan policies for energy efficient land use considering such things as transportation costs, efficient utilization of urban services, area self-sufficiency, and retention of natural features which create microclimates conducive to energy efficiency.
- D. Environmental: Disturbance of the wetland or significant natural area is minimized, as provided under Subsection 1011.0~~2~~³(C), and the review process and conditions of development pursuant to Section 1103, *Open Space Review*, and the following ~~specific~~ conditions are satisfied:

1. Wetlands:
 - a. The wetland can be altered without substantial adverse impact upon the character of the area, and function of the wetland.
 - b. The wetland does not support rare or endangered species.
 - c. Elimination, alteration, or relocation does not significantly alter water movement, including normal levels or rates of runoff into and from wetlands.
 - d. The proposed use or alteration of the wetland is approved by the U.S. Army Corps of Engineers and the Oregon Department~~Division~~ of State Lands.
2. Significant Natural Areas: A study conducted by a person or persons with expertise related to the natural features of the site identified by the County shall be required. The study shall include:
 - a. An evaluation of the sensitivity or fragility of the elements of the natural area to be affected, including types of activity, development, or alteration which is likely and unlikely to disturb or destroy those elements;
 - b. An evaluation of the preservation value of the natural area, or portion thereof, to be disturbed or destroyed by the proposed development, addressing status, need for representation, diversity, naturalness, viability, defensibility, and security;
 - c. An evaluation of the proposed development, and alternative development proposals, as they relate to the fragility and/or preservation value of the natural area identified under Subsection 1011.034(D)(2)(a) and (b); and
 - d. Findings to support the following:
 - i. The proposed development will not disturb the significant feature(s) of the site identified by the County; or
 - ii. The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the natural area on or adjacent to the site; and
 - iii. The site is suitable for the type of development proposed from a geologic standpoint. This may require an engineering geologic study.

1011.045 PARK AND EASEMENT DEDICATIONS

- A. The standards and requirements of Section 1011 shall be applied whenever land is to be dedicated for a park, recreation area, or easement.
- B. The park classifications and standards of Policies 1.1 through 1.5 in the Parks and Recreation section of Chapter 9, *Open Space, Parks, and Historic Sites*, of the Comprehensive Plan shall be followed in the dedication and development of parks and recreation areas.

1011.05 SUNNYSIDE VILLAGE PARK DESIGN STANDARD

In Sunnyside Village, streets, accessways, public trails, or open space shall abut the entire perimeter of all parks. Park design, street alignments, and lot or parcel design shall ensure that building fronts or sides—not building rears—face parks, with building sides acceptable along not more than one-third of a park’s perimeter.

~~1011.06—SUNNYSIDE VILLAGE PARK PROVISIONS~~

~~A. Purpose and Applicability~~

- ~~1.—Subsection 1011.06 applies to the development of property in Sunnyside Village.~~
- ~~2.—The purpose of Subsection 1011.06 is to provide a minimum level of public parks to adequately serve the demands of the Sunnyside Village community. It will ensure that future growth contributes its fair share to the cost of new parks. This cost is for park acquisition and park road frontage construction only and does not include park development, operations, or maintenance costs.~~
- ~~3.—The park dedication or fee in lieu of dedication is incurred upon the application for a building permit or land use permit.~~
- ~~4.—The existence of public parks has substantial benefits to proximate development. These benefits include aesthetic, recreational, and environmental benefits to the neighborhood. Actual use of these parks will be by residents and employees of businesses.~~
- ~~5.—The park dedication or fee in lieu of dedication is not intended to be a tax on property as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section.~~

~~B. General Provisions~~

- ~~1.—The public interest, convenience, health, welfare, and safety require that a~~

minimum of two and one-half acres for each 1,000 persons residing or employed within Sunnyside Village be devoted to local parks as identified in Comprehensive Plan Table IX-1.

2. An applicant for a land use permit shall dedicate land for park purposes, if the site has been identified as a park site on Comprehensive Plan Map X-SV-4, *Sunnyside Village Plan, Park Locations & Sizes*. Park sizes represented on Map X-SV-4 are minimum park sizes.
3. Modifying park location shall occur only when it can be shown that access, topographic conditions, or extreme engineering costs make the depicted location impractical to develop as a park.
4. Land dedications shall be conveyed by plat and deed to the North Clackamas Parks and Recreation District (NCPRD). All dedications shall be platted with the final plat adjacent to the designated park site or by alternate arrangement specified in a recordable agreement as determined by the Planning Director.
5. The development and maintenance of these parks will be the responsibility of NCPRD. NCPRD also will be responsible for maintaining the landscaped center island of the traffic circle north of the village green.
6. Prior to issuance of a residential building permit, the applicant shall pay a fee in lieu of dedication for park acquisition. The fee shall be calculated pursuant to Subsection 1011.06(C)(2)(a).
7. Prior to issuance of a residential building permit, the applicant shall pay a fee for park road frontage construction. This fee shall be used for the construction of the connector roads and local roads adjacent to parks 3, 4, and 5 as depicted on Comprehensive Plan Map X-SV-4. The fee shall be calculated pursuant to Subsection 1011.06(C)(3).
8. Prior to issuance of a nonresidential building permit, the applicant shall pay a fee in lieu of dedication for park acquisition. The fee shall be calculated pursuant to Subsection 1011.06(C)(2)(b).

C. Park Dedication or Fees in Lieu of Dedication

1. Parkland Dedication per Dwelling Unit: The amount of parkland to be dedicated shall be calculated by the following formula.

$$\frac{\text{Net Acres of Parkland}}{\text{Required}} = \frac{\text{Number of Dwelling Units}}{\text{of Dwelling Units}} \times \frac{\text{Persons per Dwelling Unit}}{\text{Persons per Dwelling Unit}} \times .0025 \text{ Net Acre Per Person}$$

- a. The number of dwelling units shall be the number of units reflected on the

~~final plat.~~

~~b.—The number of persons per dwelling unit shall be based on the latest United States Census data.~~

Table 1011-1: Persons Per Dwelling Unit By Dwelling Unit Type

Dwelling Unit Type	Detached Single-Family Dwelling	Attached Single-Family Dwelling	Multifamily Dwelling Unit	Accessory Dwelling Unit
Persons Per Dwelling Unit	3.04	2.27	2.03	1

Source: Metro, computed from the 1980 United States Census

~~c.—Ownership of identified parkland, which is located on property under review for a development permit, shall be transferred to NCPRD. Compensation will be provided at the time of transfer based upon an appraisal representing fair market value.~~

2.—Fee in Lieu of Dedication

~~a.—Residential Development: Parkland value per acre shall be based upon the average appraised value of all designated park sites. The parkland fee in lieu of dedication shall be calculated by the following formula. Persons per dwelling unit shall be calculated pursuant to Subsection 1011.06(C)(1)(b).~~

$$\frac{\text{Parkland Fee per Dwelling Unit} (-)}{\text{Parkland Value per Acre}} = \frac{\text{Persons per Dwelling Unit} (X)}{\text{Parkland Value per Acre} (X)} \times \frac{\text{Persons per Dwelling Unit} (X)}{\text{Persons per Dwelling Unit} (X)} \times .0025 \text{ Acre per Person}$$

~~b.—Nonresidential Development: Parkland value per acre shall be based upon the average appraised value of all designated park sites. Nonresidential development shall be required to pay a fee in lieu of dedication. The fee shall be calculated by the following formula. The number of employees per nonresidential use shall be determined by the “study of employment density” completed by Metro in 1990 or any updated version of this study. If from the information provided in this study an employee figure cannot be obtained, then the Planning Director shall determine the number of employees based upon similar uses in the County to the extent possible.~~

$$\frac{\text{Parkland Fee per Dwelling Unit} (-)}{\text{Parkland Value per Acre} (X)} = \frac{\text{Number of Employees} (X)}{\text{Parkland Value per Acre} (X)} \times \frac{\text{Number of Employees} (X)}{\text{Number of Employees} (X)} \times .0025 \text{ Acre per Person}$$

~~Employee~~ _____ ~~Acre~~ _____ ~~Employee~~

- ~~3. Park Road Frontage and Utilities Construction Fee: The park road frontage construction fee shall be calculated by the following formula:~~

$$X = ([A / B] / C) \times D$$

~~a. As used in the formula:~~

~~i. X = Park road frontage construction fee per dwelling unit.~~

~~ii. A = Cost of all connector and local roads adjacent to all parks, as well as the utilities in these park roads.~~

~~iii. B = 2 (i.e. half street improvement).~~

~~iv. C = Estimated population of Sunnyside Village at build-out.~~

~~v. D = Persons per dwelling unit (from most recent United States Census) calculated pursuant to Subsection 1011.06(C)(1)(b).~~

~~b. Reimbursement to Developers for Half-Street Improvements Adjacent to Parks: When a developer completes construction of roads and utilities adjacent to a park as per County requirements, the developer shall be reimbursed according to the fee schedule for local and connector roads. This rate may be changed at a rate commensurate with a change in construction costs.~~

~~4. All fees shall be rounded to the nearest dollar.~~

~~D. Refund of Fees Paid: If a residential building permit encompassing fee-paying development expires or is revoked, the fee payer shall be entitled to a refund of the fee.~~

~~E. Exemptions: The following shall be exempt from park dedication and fee in lieu of dedication:~~

~~1. Remodeling, expansion, or replacement of an existing dwelling, provided that the number of dwelling units is not increased.~~

~~2. Construction of accessory buildings and structures not creating additional dwelling units.~~

~~3. The issuance of a temporary permit for a manufactured dwelling.~~

~~4. Any land use permit that does not result in the creation of a new lot, excluding~~

~~design review approvals pursuant to Section 1102.~~

~~F. Records:~~

- ~~1. Fees Collected: The County shall maintain accurate records of each park fee imposed, including the following:
 - ~~a. Name, address, and telephone number of applicant or fee payer;~~
 - ~~b. Amount and method of payment;~~
 - ~~c. Date of payment; and~~
 - ~~d. Building permit number.~~~~
- ~~2. Fee Account Funds Expended: The County shall maintain accurate records of all fee funds expended, including the following:
 - ~~1. Name and location of park;~~
 - ~~2. Legal description, area, and sketch of parent tract; and the number and type of dwelling units;~~
 - ~~3. Amount and date of each fee for sub-parcels of the parent tract together with the legal description, area, and sketch of said sub-parcel;~~
 - ~~4. Development application file number for which contributions have been approved; and~~
 - ~~5. Amount and date of refunds paid by the County.~~~~

~~G. Fee Accounts~~

- ~~1. To ensure that fees collected will benefit fee-paying developments, all park acquisition fees described in Subsections 1011.06(B)(6) and (8) shall be deposited in the Park Acquisition Fund of Sunnyside Village. This fund shall be maintained by the County Finance Department and with fees accountable by the County Finance Department, NCPRD, and the County Planning and Zoning Division.~~
- ~~2. To ensure that fees collected will benefit fee-paying developments, all park road frontage construction fees described in Subsection 1011.06(B)(7) shall be deposited in the Park Road Frontage Construction Fund of Sunnyside Village. This fund shall be maintained by the County Finance Department and with fees accountable by the County Finance Department and the County Planning and Zoning Division.~~

- ~~3. All fees collected by the County shall be promptly deposited into the accounts identified in Subsections 1011.06(G)(1) and (2).~~
- ~~4. Fees, including any accrued interest, not encumbered in any fiscal period, shall be retained in the funds into the next fiscal period except as provided by the refund provisions of Subsection 1011.06.~~
- ~~5. Fees may be used only for parkland acquisition and park road frontage construction in Sunnyside Village.~~
- ~~6. The provisions of Subsection 1011.06 will sunset at the time all designated parkland has been acquired and all park acquisition and road frontage fees for all building permits in Sunnyside Village have been collected. Any residual money will be transferred to the NCPRD park development account. This residual may be utilized only for park development in Sunnyside Village.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

1012 LOT SIZE AND DENSITY**1012.01 PURPOSE**

This section is adopted to:

- A. Ensure that the density of development is properly related to natural features, public facilities and services, adjacent land uses, and applicable zoning;
- B. Encourage transferring density and development from any restricted portions of a site to other usable areas of the site;
- C. Provide density bonuses for affordable housing and public recreation amenities;
- D. Provide criteria for calculating maximum and minimum density; and
- E. Ensure that available urban land is used to the maximum extent, consistent with infrastructure availability and limitations.

1012.012 APPLICABILITY

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

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

In zoning districts listed in Table 1012-1, this section shall apply to the following administrative actions: subdivisions, partitions, and design review for condominiums, manufactured dwelling parks, manufactured home parks, two-family dwellings, three-family dwellings, or multifamily dwellings, except for:

- A. Two and three-family dwellings approved pursuant to Section 802; and
- B. Subdivisions and partitions approved pursuant to Subsections 902.01(B)(3) through (5).

1012.02 MINIMUM LOT SIZE EXCEPTIONS

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

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

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

1. Accessory dwelling units;
2. Accessory farm dwellings on a lot of record with a land use plan designation of Rural if the accessory farm dwelling was established after October 4, 2000;
3. Manufactured dwellings and residential trailers established under a temporary permit;
4. Manufactured dwellings and residential trailers established within a manufactured dwelling park or a manufactured home park; and
5. Dwellings established as a "replacement" for a historic landmark dwelling, where the continued use of the historic landmark dwelling for residential purposes was permitted as a conditional use in an HL, HD, or HC overlay zoning district.

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

1. If a minimum lot size for the conditional use is established by Section 800, *Special Use Requirements*, it remains applicable.

2. The proposed lot size requires approval pursuant to Section 1203, *Conditional Uses*. However, approval pursuant to Section 1203 does not waive the requirement to also receive approval pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*.
 3. The minimum lot size waiver applies only to a lot or parcel developed with the conditional use and not to any other lots or parcels in the proposed subdivision, partition, or replat.
 4. A deed restriction limiting development of an undersized lot or parcel to the approved conditional use shall be recorded in conjunction with the recording of the final plat.
 5. This lot size exception does not apply in the RA-2 or RR Districts, and the minimum lot size for the lot or parcel developed with the conditional use is two acres in the RFF-5 and FF-10 Districts. In addition, two- and three-family dwellings in an R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, or RA-1 District are subject to Subsection 1012.02(F) in lieu of Subsection 1012.02(C).
- D. Comprehensive Plan Boundary: If through a Type IV Comprehensive Plan map amendment, a lot of record is divided by a Comprehensive Plan land use plan designation boundary, the lot of record may be partitioned along that boundary (access strips and parcels of less than one acre are excluded). If the boundary separates an Agriculture or Forest designation from an Urban, Unincorporated Community, or Rural designation, the exception to the minimum lot size standards does not apply to the portion of the subject property designated Agriculture or Forest, except to the extent that Subsection 401.09(H) or 406.09(G) also applies.
- E. Attached Single-Family Dwellings: In an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 District, the minimum lot size for a lot or parcel to be developed with an attached single-family dwelling is 2,000 square feet, except in a planned unit development where there is no minimum lot size. Notwithstanding this minimum lot size exception, the maximum density standards of Subsection 1012.05 continue to apply.
- F. Two- and Three-Family Dwellings: In an R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, or RA-1 District, there is no minimum lot size for a lot or parcel to be developed with a two- or three-family dwelling pursuant to Section 1203, *Conditional Uses*. However, the maximum density standards of Subsection 1012.07 apply to the entire property proposed for development with two- or three-family dwellings prior to the creation of new lots or parcels. This has the effect of implementing an average lot size for a development of two- or three-family dwellings of two or three times, respectively, the minimum lot area per dwelling unit established by Table 1012-2, except to the extent that Subsections 1012.07(C) and (D) allow a reduction in this average.

- G. The minimum lot size standards of the applicable zoning district are waived for a designated nonresidential tract for a private road, open space, or similar support purpose.
- H. Notwithstanding Subsections 1012.02(B) through (D), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres in the FF-10, RA-1, RA-2, RC, RI, and RRFF-5 Districts, except as provided by Subsection 3.07.1130(c) of the Code of the Metropolitan Service District.

1012.03 MAXIMUM LOT SIZE

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

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

1012.043 DEFINITION AND GENERAL DENSITY PROVISIONS

- A. Density is a measurement of the number of dwelling units in relationship to a specified amount of land. In the context of a partition, subdivision, replat, or manufactured home park, density typically relates to potential dwelling units in the form of lots, parcels, or manufactured home park spaces. Density often is expressed as dwelling units per acre; however, this Ordinance implements density standards in many zoning districts by assigning a district land area (DLA), which is the starting point for determining the maximum number of

dwelling units allowed on a particular site. In general, the DLA is the minimum lot area required per dwelling unit; however, the DLA is subject to adjustment for density bonuses, restricted area development limitations, and limits on the extent of new road area that must be subtracted.

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

A. Density is:

1. The number of dwelling units in a condominium, two-family, three-family, or multifamily development;
2. The number of spaces in a manufactured dwelling park or a manufactured home park; or
3. The number of single-family dwelling lots in a subdivision or partition.

CB. 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 1012this section. 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.

DC. If a subdivision, ~~or~~ partition, or replat is proposed on property currently developed with two-family, three-family, or multifamily dwellings (or with a current design review approval for such development), maximum and minimum density shall be calculated separately for each proposed lot or parcel, except in a planned unit development or a development of two- or three- family dwellings approved pursuant to Subsection 1012.07, in which case maximum and minimum density shall be calculated for the entire property proposed for development prior to the creation of new lots or parcels.

ED. 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).

1012.04 — DISTRICT LAND AREA REQUIREMENTS

District land area is the minimum land area required per primary dwelling unit. The district land area for each zoning district is identified in Tables 1012-1 and 1012-2, except as may be modified by a variance approved pursuant to Section 1205.

Table 1012-1

Zoning District	District Land Area (in square feet)
SHD District	726
HDR District	1,742
MR-2 District	2,420
MR-1 District	3,630
PMD District	3,630
R-2.5 District	2,500
R-5 District	5,000
R-7 District	7,000
R-8.5 District	8,500
R-10 District	10,000
R-15 District	15,000
R-20 District	20,000
R-30 District	30,000
VA District	1,500
VTH District	2,000
VR-4/5 District	4,000
VR-5/7 District	5,000
MRR District in Government Camp	1,980
MRR District in Wemme/Welches and Rhododendron	See Table 1012-2
HR District	10,890
RR District	87,120

Table 1012-2

Dwelling Unit Size (in square feet)	District Land Area in MRR District in	District Land Area in MRR District in
--	--	--

	Wemme/Welches (in square feet)	Rhododendron (in square feet)
1200+	7,260	10,890
1000-1199	6,223	8,712
800-999	5,445	7,260
600-799	4,356	5,445
400-599	3,111	3,630
Less than 400	1,361	1,980

1012.05 MAXIMUM DENSITY

If this Ordinance establishes a district land area (DLA) for the applicable zoning district, the proposed developments 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 in the MRR, HR, and RR Districts, maximum density shall be calculated as follows. Exceptions that apply in the VA, VTH, VR-4/5, and VR-5/7 Districts are established by Subsection 1012.06. Subsection 1012.07 establishes the process to be used in the MRR, HR, and RR Districts.

- 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. Land dedicated for park sites pursuant to Comprehensive Plan Map X-SV-4 and Subsection 1011.06;~~
 - 12. 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. ~~Regardless of the actual land area of If NR, exceeds no more than 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;
 - c. ~~No subtraction shall be made for new access drives.~~
 - d. ~~No subtraction shall be made for NR in the following zoning districts: SHD, HDR, MR-2, MR-1, PMD, and VA.~~

23. 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
34. 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. ~~In the event of an overlap between HRA and MRA, the area of overlap shall be classified as HRA:~~
- 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 net result by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of BD base density 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)(23) and (34). Table 1012-3 summarizes the percentages of HRA and MRA that are included in calculating BD.

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.

Table 1012-3

Restricted Area	Percentage of Area Included in Calculating BD When Area is Developed	Percentage of Area Included in Calculating BD When Density is Transferred
Slopes greater than 50 percent	0	100
Mass movement hazards regulated by Section 1003	0	100
The floodway of the Floodplain Management District regulated by Section 703	0	100
The Willamette River and the required buffer area regulated by Section 705	0	100
Habitat Conservation Areas regulated by Section 706	0	100

Restricted Area	Percentage of Area Included in Calculating BD When Area is Developed	Percentage of Area Included in Calculating BD When Density is Transferred
Water Quality Resource Areas regulated by Section 709	0	100
Slopes equal to or greater than 20 percent and less than or equal to 50 percent	50	100
Areas outside the floodway but within the Floodplain Management District regulated by Section 703	50	100

ED. 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 1012-14, 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 1012-14: Bonus Density

Bonus Category	Maximum Increase in the <u>ULDR and HR and Urban Low Density Residential Districts</u>	Maximum Increase in the <u>HDRPMD, MR-1, MR-2, HDR, and MRR, and PMD Districts</u>

Affordable Housing: Dwelling Living units qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.	One dwelling unit per affordable dwelling unit up to 5 percent of the base density	One dwelling unit per affordable dwelling unit up to 8 percent of the base density
Park Dedication: Land Improved site area will be dedicated as a park and accepted by a government the County or other public agency pursuant to Subsection 1011.04.	10 percent of the base density	10 percent of the base density
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; This bonus density provision is also applicable in the SHD and VA Districts.
MAXIMUM TOTAL INCREASE	15 percent of the base density	43 percent of the base density

~~FE.~~ 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 in the case of~~ a subdivision, ~~or partition, or replat~~ of 10 lots or fewer in an Urban Low Density Residential, VR-4/5, or VR-5/7 District, ~~in which case partial figures shall be rounded down.~~

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

1. Comply with the minimum lot size ~~standards, if any, of the applicable zoning district, as modified by Subsection 1012.02~~requirements of ~~Section 1013 or 1014, as applicable;~~
2. Ensure that, in an R-2.5 District, the density of the developed portion of the ~~subject property~~site area does not exceed ~~the density allowed in the MR-2 District of~~ 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~~site area does not exceed ~~the density allowed in the MR-1 District of~~ one dwelling unit per 3,630 square feet of land area.

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

In the VA, VTH, VR-4/5, and VR-5/7 Districts, maximum density shall be calculated pursuant to Subsection 1012.05, except if any restricted areas, as

identified in Subsections 1012.05(B)(2) and (3), are to be developed, in which case:

A. A district land area of one acre shall apply to the restricted areas proposed for development, and such areas shall not be developed at a density greater than one dwelling unit per acre.

~~B. Density shall not be transferred from outside restricted areas into restricted areas.~~

~~C. The calculations required under Subsection 1012.05 shall be completed twice, once for the gross site area of restricted areas to be developed and once for the gross site area of the remainder of the subject property.~~

BD. The steps identified in Subsections 1012.05(B)(~~23~~) and (~~34~~) shall be omitted when completing the calculations for the restricted areas to be developed.

~~E. Partial figures resulting from the calculations for the restricted areas to be developed shall be rounded down.~~

~~1012.07~~ — MAXIMUM DENSITY IN THE MRR, HR, AND RR DISTRICTS

~~In the MRR, HR, and RR Districts, developments 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. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between restricted area categories, the area of overlap shall be classified in the most restrictive category:~~

~~1. The land area of new county, public, or private roads (NR), except:~~

~~a. Regardless of the actual land area of NR, no more than 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.~~

~~c. No subtraction shall be made for new access drives;~~

~~2. Any land area of the GSA in the following highly restricted area (HRA):~~

a. ~~The Floodplain Management District regulated by Section 703;~~

3. ~~Fifty percent of the land area of the GSA in the following moderately restricted areas (MRA), except in the RR District, where the subtraction shall be 50 percent of any land area of the MRA that will remain undeveloped and 100 percent of any land area of the MRA that will be developed:~~

a. ~~Slopes greater than 25 percent;~~

b. ~~Mass movement hazards regulated by Section 1003; and~~

c. ~~Wetlands and required buffer areas regulated by Subsection 1002.07 or another public agency; and~~

4. ~~In the RR District, any land area of the GSA that is in a river or stream corridor (SC) and will be developed.~~

C. ~~In the RR and HR Districts, divide the NSA by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are generally represented by the following formula. However, as provided in Subsections 1012.07(B)(3) and (4), the subtraction for MRA may be increased above the 50 percent level and SC may be inapplicable.~~

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

D. ~~In the MRR District, the calculation in Subsection 1012.07(C) shall be done separately for each proposed unit size category identified in Table 1012-2. 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.~~

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 1012-4.~~

3. ~~In an 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.

- F. In an MRR or HR District, any partial figure of one-half or greater shall be rounded up to the next whole number.
- G. The result is maximum density.

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

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

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

Table 1012-2: Minimum Lot Area per Dwelling Unit

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

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

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

E. The result is maximum density.

1012.08 MINIMUM DENSITY

A minimum density standard applies in the Urban Low Density Residential, HDRPMD, MR-1, MR-2, PMDHDR, 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. ~~The land area of~~ New county, public, or private roads and strips of land dedicated adjacent to existing road rights-of-way ~~(NR)~~;
 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 (WORAD); 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, dDivide by the district land area of the applicable zoning district and multiply the result:-

~~D. 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~~comply with the minimum density standard~~ 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.

~~E.D.~~ Any partial figure of one-half or greater shall be rounded up to the next whole number.

~~F.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]

1013 PLANNED UNIT DEVELOPMENTS

~~1013.01~~ — PURPOSE

Section 1013 is adopted to:

- ~~A. Encourage a creative approach in the development of land and an efficient, aesthetic, and desirable use of open area, while maintaining the same population density permitted in the zoning district in which the project is located;~~
- ~~B. Allow flexibility in design, placement of buildings, use of open space, circulation facilities, and off-street parking areas;~~
- ~~C. Utilize the potential of sites characterized by special features of geography, topography, size, and shape; and~~
- ~~D. Allow a mixture of densities between zoning districts when more than one district is included in the development.~~

~~1013.01~~² APPLICABILITY

~~Section 1013 applies to subdivisions, partitions, and replats as follows:~~

- ~~A. A subdivision, partition, or replat may be developed as a p~~Planned unit developments may be established in residential, commercial, ~~and~~or industrial zoning districts, ~~except on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purpose of Section 1013. Notwithstanding the preceding statement, planned unit developments are not permitted in the FU-10 District.~~
- ~~B. Developments on property i~~n an Urban Low Density Residential, MRR, or HR District, ~~a subdivision, partition, or Type II replat~~ shall be developed as ~~a~~ planned unit developments ~~if when at least one of the following criteria applies:~~
 - ~~1. — The subject property site is larger than one acre and at least 10 percent of more of the subject property site is designated Open Space on Comprehensive Plan Map IV-6, North Urban Area Land Use Plan Map; X-MH-1, Resource Protection Open Space; X-MH-2, Resource Protection Open Space; X-MH-3, Resource Protection Open Space; or X-MH-5, Government Camp Village Plan Resource Protection Open Space; or~~
 - ~~2. The proposed development includes attached single-family dwellings on more than 20 percent of the proposed lots. Developments in the R-2.5 District are exempt.~~

~~1013.03~~ — PRIMARY USES

~~A. Uses listed as primary uses in the zoning district in which the development is located.~~

1013.024 ACCESSORY USES

The following accessory uses are permitted in a planned unit development. As used in Subsection 1013.02, accessory use means a subordinate use, the function of which is clearly incidental to that of the main use(s) in the planned unit development.

~~A. Recreational uses facilities, such as including, but not limited to, bicycle trails, golf courses, nature preserves, playgrounds, recreation rooms, swimming pools, tennis courts, walking trails, and wildlife sanctuaries swimming pools, and playgrounds; and~~

~~B. Open space uses, including, but not limited to, nature trails, bird sanctuaries, and nature conservatories;~~

~~BC. Offices, other buildings, and facilities required for:~~

~~1. The operation, administration, and maintenance of theany planned unit development; and for~~

~~2. Recreational uses permitted pursuant to Subsection 1013.02(A) purposes, such as golf courses, recreation rooms;; and~~

~~3. Vehicle parking and storage established pursuant to Subsection 1013.03(D) areas; and~~

~~D. Bus shelters, subject to Section 823.~~

~~1013.05~~—CONDITIONAL USES

~~A. In a residential zoning district, the following are conditional uses, approval of which is subject to Section 1203:~~

~~1. Churches, subject to Section 804;~~

~~2. Schools, subject to Section 805;~~

~~3. Libraries;~~

~~4. Community halls;~~

~~5. Convenience establishments of a commercial and service nature, including stores, laundry and dry cleaning agencies and establishments, beauty shops, barber shops, and convenience grocery stores (but specifically excluding gas stations, repair garages, and drive-through eating and drinking establishments)~~

~~provided:~~

- ~~a.—Such convenience establishments shall be an integral part of the general plan of development for the planned unit development and provide facilities related to the needs of the prospective residents.~~
- ~~b.—Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of one-half acre per 100 dwelling units.~~
- ~~e.—Such convenience establishments shall be located, designed, and operated to efficiently serve frequent trade and service needs of persons residing in the planned unit development and not persons residing elsewhere.~~
- ~~d.—Such convenience establishments shall not, by reason of their location, construction, manner or hour of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the zoning district or create traffic congestion or hazards to vehicular or pedestrian traffic.~~
- ~~e.—Such convenience establishments are prohibited unless existing as a part of a planned unit development of a minimum of 100 dwelling units. No building permit for any convenience establishment shall be issued until a minimum of 100 dwelling units are constructed within a development.~~

1013.036 DIMENSIONAL AND DEVELOPMENT STANDARDS

~~A. General: If the standards of Section 1013 conflict with other provisions in Section 1000, *Development Standards*, Section 1013 shall take precedence.~~

~~B.A. Natural or Unique Features Site Adaptation: To the maximum extent ~~feasible~~possible, the plan and design of the planned unit development shall ensure~~assure~~ that natural or unique features of the land and environment are preserved.~~

~~C. Lot Arrangement: All lots within the development shall have reasonable access to open space or recreation areas.~~

~~D. Minimum Lot Size:~~

- ~~1.—Designated nonresidential tracts are exempt from the specified minimum lot size.~~
- ~~2.—The maximum density permitted under Section 1012, *Density*, shall not be exceeded.~~

3. ~~Minimum lot sizes for each zoning district apply as follows. There is no minimum lot size where none is specified. Notwithstanding the remainder of Subsection 1013.06(D)(3), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres in the following zoning districts: RA-1, RA-2, RRFF-5, FF-10, RC, and R1.~~

~~a. VTH District: 2,000 square feet~~

~~b. VR-4/5 District: 2,000 square feet~~

~~c. VR-5/7 District: 4,000 square feet~~

~~d. RR, RA-2, RRFF-5, and FF-10 Districts: Two acres, except that the minimum lot size in the RRFF-5 and FF-10 Districts within the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy shall be five acres.~~

E.B. Maximum Number of Lots: In the RA-2, RR, RRFF-5, and FF-10 Districts, the number of residential lots in a planned unit development shall not exceed 10.

F.C. Open Space:

1. A minimum of 20 percent of the gross site area shall be platted as one or more open space tracts.
2. Open space tracts may include recreational uses permitted pursuant to Subsection 1013.02(A), bicycle trails, or walking pedestrian trails; natural or landscaped buffer areas; ~~covered bus shelters stops;~~ and significant natural vegetation or landscape features; ~~and community recreation facilities, such as tennis courts, recreation buildings, or swimming pools.~~
3. Open space tracts shall not include:
 - a. Parking areas or driveways, except those serving areas in conjunction with recreational uses permitted pursuant to Subsection 1013.03(C)(2) facilities; or
 - b. Roads roadways.
- ~~4. Filling or placement of debris within the open space area is prohibited, unless specifically authorized by the Planning Director.~~
- ~~5. Private vehicle access easements serving neighboring properties are prohibited within the open space area.~~
- ~~46. The PUD Developments shall be designed so that no lot or parcel dwelling unit is located more than 1000 feet from an open space tract area.~~

5. All lots or parcels within the PUD shall have reasonable access to at least one open space tract.
6. Each individual open space tract areas shall should be large enough for recreational use to be usable unless the open space is intended to protect significant natural features from impacts associated with use or development. As a guideline, a minimum of 5,000 square feet is suggested.
7. The open space restrictions shall continue in perpetuity, unless the restrictions are modified pursuant to either Section 1309, Modification, or the approval of a new land use permit application provided for by this Ordinance.
8. Prior to final plat approval, all improvements associated with the open space, such as recreation centers, swimming pools, and tennis courts, shall be constructed or a surety shall be provided to the County pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance.

G. Community Services:

1. The County may request the dedication of proposed open space land which is reasonably suited for use as a County or North Clackamas Parks and Recreation District (NCPRD) park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the County or NCPRD to maintain such parks.
2. Planned unit developments of 250 lots or dwelling units shall be required to dedicate land for school uses when determined necessary to meet the needs of the school district. This dedicated land may be calculated as part of the required open space.

H. Minimum Yard Requirements:

1. Perimeter Yard Depths: Yard depths from lot lines on the perimeter of the plat shall be the same as are required in the applicable zoning district.
2. Minimum Side Yard Depth: None.
3. Minimum Front Yard Depth: 20 feet, except where the applicable zoning district permits a smaller front yard depth.
4. Minimum Rear Yard Depth: None.

- I. Maximum Lot Coverage: In the Urban Low Density Residential Districts, the maximum lot coverage shall be 65 percent.

DJ. Parking:

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- ~~1. A minimum of two off-street parking spaces per dwelling unit shall be provided.~~
- ~~2. Off-street parking may be provided on each lot or in parking areas in proximity to the dwelling units they serve.~~
- ~~3. The following Guest parking may be required after consideration of street type, width, traffic volume, transit amenities, and pedestrian circulation: guest parking for dwellings and sufficient parking space for storage of residents' recreational vehicles.~~
- ~~14. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, recreational vehicle parking shall be located so as to be compatible with the surrounding development. If located on the perimeter of the PUD development, it shall be screened from adjacent properties.~~
2. Off-street parking may be provided on each lot or parcel or in parking areas in proximity to the dwellings they serve, provided that such common parking areas shall be developed on a platted tract designated for parking.

EK. Homeowners Association: A homeowners association, or acceptable alternative, is required pursuant to Subsection 1105.03(D).

- ~~1. A nonprofit incorporated homeowners association, or an alternative acceptable to the Office of County Counsel, shall be required if other satisfactory arrangements, such as a County service district, have not been made for ownership of, improving, operating, and maintaining common facilities, including open space, roads, drives, service and parking areas, and recreation areas, and for snow removal and storage. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the Office of County Counsel:~~
 - ~~a. A homeowners association shall be incorporated prior to approval and recording of the final plat, or any portion thereof.~~
 - ~~b. Membership shall be mandatory for each home buyer and any successive buyer.~~
 - ~~c. The open space restrictions and homeowners association shall continue in perpetuity, unless the planned unit development approval is modified pursuant to Section 1309, or a new application provided for by this Ordinance is filed and approved.~~
 - ~~d. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.~~
 - ~~e. Homeowners shall pay their pro rata share of the cost, or the assessment~~

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~~levied by the association shall become a lien on the property.~~

~~f.—The homeowners association shall be able to adjust the assessment to meet changes needed.~~

~~2.—An alternative to a homeowners association may include deed restrictions or conservation easements when the County determines such will protect the purpose of this Ordinance and be in the public's interest.~~

~~1013.07—REVIEW PROCEDURE~~

~~A.—Planned unit developments are subject to review pursuant to Section 1105, Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats.~~

[Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15]

1014 — DESIGN STANDARDS FOR LAND DIVISIONS

1014.01 — PURPOSE

Section 1014 is adopted to ensure that land divisions occur in an orderly, efficient, sustainable, and cost-effective manner, while preserving the livability of the County.

1014.02 — APPLICABILITY

Section 1014 applies to subdivisions and partitions:

- A. ~~1014.03 — GENERAL DESIGN STANDARDS~~ Every lot or parcel shall abut or have adequate access to a County, public, or private road or access drive and shall conform to the minimum frontage requirement of the applicable zoning district, unless a variance to these standards is approved.
- B. Lots or parcels shall be designed, when appropriate, to allow for the future re-division of the property and a master plan depicting potential future lot or parcel configurations shall be provided when any proposed lot or parcel is of sufficient size to be re-divided without exceeding the base density of the parent lot or parcel.
- C. Residential lots that have street frontage along two opposite boundaries shall be prohibited, except:
 - 1. For reverse frontage lots necessary to separate residential development from arterial streets;
 - 2. To overcome specific disadvantages of topography, orientation, or parent lot or parcel configuration, as necessary to permit compliance with the minimum density standard required under Section 1012; or
 - 3. Where alleys are provided for rear-loaded lot or parcel layouts.
- D. Developments with reverse frontage lots or parcels shall have a restriction in favor of the County at least one foot wide along the lot or parcel lines abutting the arterial street, across which there shall be no access. Alternatively, there shall be a note on the final plat stating that direct access to the arterial street will not be allowed.

1014.04 — MINIMUM AND MAXIMUM LOT SIZE

- A. Lots and parcels in subdivisions and partitions shall comply with the minimum and maximum lot size standards of the applicable zoning district, unless a planned unit development is approved pursuant to Section 1013, *Planned Unit Developments*, or except as provided in Subsections 1014.04(B) through (F). In any case, the overall density of the subdivision or partition shall comply with Section 1012, *Density*.

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~~B. Flexible lot-size developments are permitted in the following zoning districts and with the following minimum lot or parcel sizes:~~

- ~~1. R-2.5 District: The smallest lot or parcel size permitted is 2,000 square feet, except that perimeter lots or parcels adjacent to an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 District shall be a minimum of 2,500 square feet.~~
- ~~2. R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts: The smallest lot or parcel size permitted is 80 percent of the minimum lot or parcel size specified in the applicable zoning district for detached single-family dwellings and 2,000 square feet for attached single-family dwellings.~~
- ~~3. VR-5/7 District: The smallest lot or parcel size permitted is 4,000 square feet.~~
- ~~4. VR-4/5 District: The smallest lot or parcel size permitted is 2,000 square feet.~~
- ~~5. MR-1 and MR-2 Districts for Attached Single-Family Dwellings: The smallest lot or parcel size permitted is 1,800 square feet.~~
- ~~6. RRF-5 District outside the Portland Metropolitan Urban Growth Boundary and outside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy: The smallest lot or parcel size permitted is two acres, and the average lot size shall be no less than five acres.~~

~~C. In the VTH District, except as provided in Subsection 1013.06(D)(3)(a), each lot or parcel for an attached single-family dwelling shall have a minimum size of 2,000 square feet and a maximum size of 3,000 square feet, or each lot or parcel for an attached single-family dwelling shall have a minimum size of 2,000 square feet and the average size of all lots or parcels for attached single-family dwellings shall not exceed 2,500 square feet.~~

- ~~D. Except as provided in Subsections 1013.06(D)(3)(b), 1014.04(B)(4), and 1014.04(F), each lot or parcel in the VR-4/5 District shall be no smaller than 4,000 square feet and no larger than 5,000 square feet, or each lot or parcel shall be a minimum of 4,000 square feet and the average size of all lots or parcels shall not exceed 5,000 square feet.~~
- ~~E. Except as provided in Subsections 1013.06(D)(3)(e), 1014.04(B)(3) and 1014.04(F), each lot or parcel in the VR-5/7 District shall be no smaller than 5,000 square feet and no larger than 7,000 square feet, or each lot or parcel shall be a minimum of 5,000 square feet and the average size of all lots or parcels shall not exceed 6,500 square feet.~~
- ~~F. The following are exceptions to the lot and parcel size requirements of Subsections 1014.04(D) and (E):~~
- ~~1. A portion of a property may be left capable of further division if a master plan is provided demonstrating that the remaining property can be developed consistent with applicable standards. Any area included within the master plan shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1014.04(D) and (E).~~
 - ~~2. The maximum size of a lot or parcel created for a preexisting dwelling shall be 15,000 square feet when the lot or parcel is not intended to be divided further in the future and no master plan has been prepared. Such a lot shall not be included for purposes of calculating allowable lot or parcel size pursuant to Subsections 1014.04(D) and (E). No maximum lot or parcel size shall apply to preexisting dwellings in a Resource Protection Area, as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*.~~
 - ~~3. Resource Protection Area, as shown on Comprehensive Plan Map X-SV-1, shall not be included in the lot or parcel size calculations required pursuant to Subsections 1014.04(D) and (E). Instead, density transfer may be used pursuant to Section 1012 or Resource Protection Area may be developed at a density of one dwelling unit per acre.~~
 - ~~4. The maximum individual and maximum average lot size standards apply only to lots or parcels for single-family dwellings and manufactured homes.~~

~~1014.05 — ZERO LOT LINE DEVELOPMENTS~~

~~Within Urban Low Density Residential zoning districts, subdivisions and partitions may be designed to allow the construction of single-family dwellings, manufactured homes, and accessory structures with zero setback from the side or rear lot line, provided that:~~

- ~~A. The final approved plat includes a diagram, approved by the County Building Codes Division, indicating the buildable area of each lot; and~~
- ~~B. Minimum yard setbacks from lot lines on the perimeter of the subdivision or partition shall be the same as are otherwise required in the applicable zoning district.~~

~~1014.06 — FUTURE URBAN AREAS~~

~~If the subject property is a Future Urban Area, as defined by Chapter 4 of the Comprehensive Plan, a subdivision or partition shall be approved only if the proposed locations of improvements, including easements, dedications, structures, wells, and on-site sewage disposal systems, are consistent with the orderly future development of the subject property at appropriate urban densities.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

1015 PARKING AND LOADING~~1015.01—PURPOSE~~

~~Section 1015 is adopted to:~~

- ~~A. Provide safe, efficient, and functional parking areas for automobiles and bicycles, and adequate loading areas for service vehicles;~~
- ~~B. Provide parking and loading areas that complement the design of the development, the street, and the community, and support planned urban form in urban areas;~~
- ~~C. Minimize disturbance of soils, impervious surfaces, and other negative environmental impacts of parking and loading areas; and~~
- ~~D. Implement Title 4 of the Regional Transportation Functional Plan.~~

~~1015.02—APPLICABILITY~~

~~If there is a conflict between Section 1015 and the Clackamas County Roadway Standards, Section 1015 shall govern.~~

~~1015.013 GENERAL STANDARDS PROVISIONS~~

~~A. The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. When any parking area for the parking of three or more cars is to be established, the standards set forth herein shall apply.~~

AB. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required ~~for to reduce~~ surface water management runoff pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06, as determined by the Department of Transportation and Development.

BC. Outside the UGB, ~~all~~ areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.

CD. Parking and loading requirements for ~~types of~~ uses and structures not specifically listed in Tables 1015-12, *Automobile Parking Space Requirements*; 1015-24, *Minimum Required Bicycle Parking Spaces*; and 1015-35, *Minimum Required Off-Street Loading Berths*, ~~or specified in other Sections of this Ordinance~~, shall be subject to the requirements for the most similar use, ~~as determined by the Planning Director.~~

D. Motor vehicle parking, bicycle parking, and loading areas shall be separated from one another.

E. Required parking spaces and loading berths shall not be:

- a. Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(2)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.
- b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.
- c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).

1015.024 MOTOR VEHICLE/AUTOMOBILE PARKING AREA STANDARDS

~~A. Off-street parking areas shall be provided in defined areas of the subject property and shall meet the following requirements for location of the parking area on the site:~~

- ~~1. 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 the vehicles.~~
- ~~2. Automobile parking areas shall be separated from bicycle parking areas and from loading areas to the extent possible.~~
- ~~3. Commercial or recreational vehicle storage areas shall be located in areas that are farther from building entrances than parking spaces for customers and employees.~~

AB. 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.
- ~~1. Parking areas must meet the requirements of the Americans with Disabilities Act.~~
2. Except for parallel parking spaces, the minimum size for all standard 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.

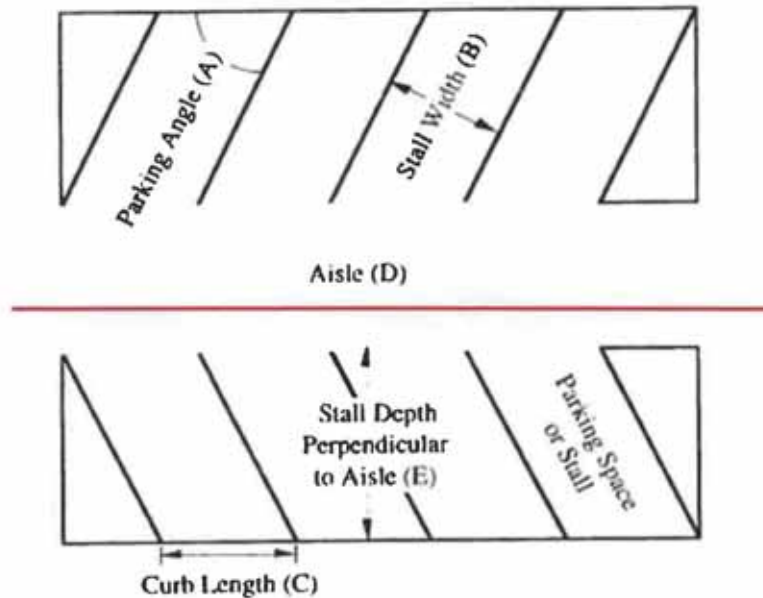
3. A minimum of 25 percent of required parking spaces shall be no larger than 8.5 feet wide and 16 feet long.

43. Parking areas shall comply with mMinimum dimensions for curb length, stall depth, and parking lot aisles width established by the Clackamas County Roadway Standards; these dimensions are based on the parking space orientation (e.g., 45-degree, 90-degree), length, and width of the spaces as follows:

Table 1015-1: Minimum Parking Space and Aisle Dimensions

Parking Space Orientation (A)	Curb Length (C)	Stall Depth (E)	One-Way Aisle (D)	Two-Way Aisle (D)
Parallel	22 feet	8 feet	12 feet	20 feet
30-degree angle	17 feet	15 feet	12 feet	20 feet
45-degree angle	12 feet	17 feet	12 feet	20 feet
60-degree angle	9.75 feet	17.5 feet	16 feet	20 feet
90-degree angle	8.5 feet	16 feet	24 feet	24 feet

Figure 1015-1: Parking Dimension Factors



- ~~54.~~ Double-loaded, ninety-degree angle parking bays shall be utilized where possible.
- ~~5.~~ A maximum of 50 percent of the parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long, with the following exceptions:
- ~~a.~~ Outside the Portland Metropolitan Urban Growth Boundary (UGB), more than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long.
 - ~~b.~~ For retail uses such as building supply stores, furniture stores, and other stores selling bulky items, more than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long.
 - ~~c.~~ More than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long, when the applicant demonstrates that a higher ratio of over-sized vehicles are found in parking areas of similar developments and uses.
 - ~~d.~~ More than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long, when porous pavement is used for all parking spaces.
6. A minimum of one parking space or five percent, but at least one space, of the required parking 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.~~ Required backing and maneuvering areas for on-site automobile parking spaces shall be located entirely onsite.
- ~~78.~~ 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.
- ~~89.~~ Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.
- ~~940.~~ 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.

~~1011.~~ 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 1009.034(B)(1).

~~12. Required parking spaces shall not be used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering it useless for parking.~~

~~C. Uses located on transit service lines and that have days and hours of operation not in conflict with weekday use (e.g. churches, fraternal organizations, or nighttime amusements) may be required under Subsection 1007.07, to allow a portion of their parking area to be used for a park-and-ride lot.~~

BD. Parking Minimums: The minimum number of parking spaces listed in Table 1015-12, *Automobile Parking Space Requirements*, applies unless modified in Subsection 1015.024(DF).

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 1015-12, 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.

~~e. The maximum number of parking spaces allowed for the entire development after the expansion shall be based on Table 1015-2.~~

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.

- ~~3. Parking spaces fulfilling the minimum requirement for a specified use shall not be rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.03(F)(2)(a) for shared parking.~~
- ~~4. The conducting of any business activity, except for temporary uses (e.g., Farmers' Markets), shall not be permitted to occupy any of the required parking spaces.~~

CE. Parking Maximums:

- 1. Within the UGB, the parking maximums listed in Table 1015-~~12~~, 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 1015.024(~~CE~~)(1), are subject to the parking maximums listed in Table 1015-~~12~~, Urban Zone B.
- 3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-~~12~~:
 - 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-~~12~~ 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-~~12~~ for the entire development after the expansion.

Table 1015-~~12~~: Automobile Parking Space Requirements^{1*}

~~*—Parking ratios are based on spaces per 1,000 square feet of gross leasable area, unless otherwise stated.~~

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

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Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Bowling Alleys (per alley)	3	None	None
Daycare Facilities	0.5 In addition, a passenger-loading area shall be provided on the site.	None	None
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
Dwellings, including			
Single-Family Dwelling or Manufactured Dwelling in Urban Low Density Residential, VR-4/5, VR-5/7, RA-1, or RA-2 District, except in a Planned Unit Development (per dwelling unit)	1, located behind the front yard setback line	None	None
Planned Unit Development (per dwelling unit)	2	None	None
Hoodland Residential District (per dwelling unit 800 square feet or less) ²⁺	1	None	None
Hoodland Residential District (per dwelling unit greater than 800 square feet) ²⁺	2	None	None
Mountain Recreational Resort District, except congregate housing facilities (per 600 square feet of residential building area)	1	None	None
Attached Single-Family Dwelling in Medium or Medium High Density Residential District (per dwelling unit)	2	None	None
Attached Single-Family Dwelling in Station Community Mixed Use District (SCMU) District (per dwelling unit)	1 onsite	2 onsite	NA

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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 Village Townhouse District (per dwelling unit)	1, located in a garage	None	None
Two- and Three-Family Dwellings (per dwelling unit)	1.5	None	None
Manufactured Dwelling Park (per dwelling unit)	2	None	None
Multifamily Dwelling (per one-bedroom dwelling unit)	1.25	None	None
Multifamily Dwelling (per two-bedroom dwelling unit)	1.5	None	None
Multifamily Dwelling (per three-bedroom dwelling unit)	1.75	None	None
Congregate Housing Facilities (per resident)	0.25	None	None
Accessory Dwelling Units (per dwelling unit)	1, located behind the front yard setback line	None	None
Restaurants: Fast Food with drive-thru window service	9.0	12.4	14.9
Restaurants: With no drive-thru window service, Taverns	15.0	19.1	23
Retail/Commercial, including shopping centers	4.1, except in the Clackamas Regional Center Area, 3.0	5.1	6.2
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

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Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Schools: Elementary and Junior High Schools (per school)	15, or 2 per classroom, whichever is less	None	None
Service Stations (per employee at peak employment period)	1	None	None
Sports Clubs/Recreation Facilities	4.3	5.4	6.5
Surface Mining	On-site vehicular parking for employeecs, 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 ratios are based on spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

² On land above 3,500 ~~feet in-foot~~ elevation, covered parking shall be provided for structures containing three or more dwelling units.

DF. Exceptions to Parking Requirements:

1. Parking maximums in Table 1015-12 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; and
 - ~~f. Structured parking.~~
2. Parking minimums in Table 1015-12 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 as follows: 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).
 - ~~i. All on-street parking spaces may count towards required parking in the following zoning districts: Neighborhood Commercial, Community Commercial, General Commercial, Office Commercial, Retail Commercial, Campus Industrial, Light Industrial, General Industrial, Business Park, Village Office, Village Commercial, Regional Center Office, Regional Center Commercial, Corridor Commercial, and Station Community Mixed Use District.~~
 - ~~ii. In Office Apartment and Planned Mixed Use zoning districts, each on-street parking space may count towards one-half a required parking space.~~
 - ~~iii. All on-street parking spaces may count towards required parking in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, Government Camp Village Plan, Land Use Plan & Boundary, on Government Camp Loop between Wy'East Trail and Church Street and on Little Trail between Olive Street and Church Street. Corner lots with such street frontage also may count parking spaces on the intersecting street.~~

- ~~iv. In the SCMU District, on-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street parking spaces are prohibited.~~
- ~~v. In the SCMU District, Table 1015-3, On-Street Parking Curb Length in SCMU District, establishes the minimum uninterrupted curb length that constitutes one on-street parking space:~~

Table 1015-3: On-Street Parking Curb Length in SCMU District

Parking Space Orientation	Minimum Length of Uninterrupted Curb per Parking Space
Parallel	22 feet
45-Degree Angle	12 feet
60-Degree Angle	12 feet
90-Degree Angle	12 feet

- c. Motorcycle parking may substitute for required automobile vehicle 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. Existing parking may be converted to take advantage of this provision.~~
 - ~~iv.iii.~~ Each motorcycle space must be at least four feet wide and eight feet deep.
- d. Electric vehicle charging stations may be installed according to the following standards:
 - i. Two spaces or five percent of the minimum required parking spaces, whichever is greater, may be utilized for electric vehicle charging stations and identified exclusively for such use.

- ii. Additional parking spaces of the minimum required parking may be utilized for electric vehicle charging stations, provided they are not identified exclusively for such use.
 - iii. Any portion of parking spaces provided that are beyond the required minimum number of parking spaces may be utilized for electric vehicle charging stations, regardless of whether they are identified exclusively for such use.
3. A parking cap applies in the SCMU District. The total number of parking spaces provided for nonresidential development (either onsite or offsite) shall not exceed the parking cap, regardless of the number of pre-existing parking spaces. Parking maximums and minimums established by Table 1015-~~12~~ shall be adjusted to the extent necessary to comply with the parking cap. The parking cap shall be calculated by the following formula:

$\text{Parking Cap} = \text{Gross Acres of the Development Site} \times 67 \text{ Parking Spaces}$
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1015.03~~5~~ 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 areas shall be separated from automobile parking.~~
- ~~4.3.~~ Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.
- ~~5.4.~~ 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.
- ~~6.5.~~ 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 ~~(100 percent)~~ of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, and multifamily dwellings shall be covered.

2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.
3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.
4. Required bicycle parking spaces shall be illuminated.
5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.
6. Bicycle parking space dimensions and standards:
 - a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.
 - b. An aisle a minimum of five feet wide for bicycle maneuvering 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, ~~through design review pursuant to Section 1102, it is determined that~~ 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 1015-24, *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 1015-2, whichever is greater.
8. ~~Notwithstanding Table 1015-4, all listed uses located within the Portland Metropolitan Urban Growth Boundary (UGB) shall have a minimum of two bicycle parking spaces.~~

89. 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 1015-24: 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)
Multifamily Dwellings (per dwelling unit)	0.5
Park-and-Ride Lots, Transit Centers, and Community Parks (per acre)	5
Preschools	4
Residential Care Facilities, Nursing Homes, and Hospitals (per 8 beds)	1
Retail and Commercial including offices and clinics	
Per 2,500 square feet, up to 50,000 square feet	1
Per each additional 5,000 square feet	1
Theaters, Places of Worship, Auditoriums, Dance Halls and other Public Assembly Places (per 40 seats or per 40 persons of design capacity, whichever is greater)	1
Warehouses and industrial buildings without attached offices, automotive service uses such as service stations and tire stores, and businesses selling large items such as major appliances, furniture, cars, or boats (per 10,000 square feet of building area)	1

^{1*} Minimums outside the UGB are 20 percent of the requirement listed in Table 1015-24.

1015.046 OFF-STREET LOADING STANDARDS

A. Loading areas shall meet the following off-street locational requirements:

A1. 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.

~~2. Loading areas shall be separated from vehicle and bicycle parking areas.~~

~~3. In the BP District, 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.~~

~~4. In the RTC District in Government Camp, loading and delivery shall not be located on Government Camp Loop unless there is no other access.~~

~~B. Loading berths fulfilling the minimum requirement for a specified use shall not be rented, leased, or assigned to any other person or organization, except as provided for under shared loading berths in Subsection 1015.06(F).~~

~~C. The conducting of any business activity, except for permitted temporary uses (e.g., Farmers' Markets), shall not occupy any of the minimum required loading berths.~~

~~D. No required loading berth shall be used for storing or accumulating goods or a commercial or recreational vehicle, camper, or boat, rendering it useless for loading operations.~~

BE. 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-~~35~~, *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.

CF. 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.

DG. The minimum off-street loading berths listed in Table 1015-~~35~~ are required.

Table 1015-35: 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]

1016 MULTI-USE DEVELOPMENT

1016.01 PURPOSE

Section 1016 is adopted to:

- A. Implement the goals and policies of the Comprehensive Plan for multi-use developments;
- B. Accommodate and encourage innovation and design excellence in the development of multi-use centers containing a mixture of different uses in close proximity;
- C. Ensure functionally coordinated, aesthetically pleasing, and cohesive site planning and design that maximizes the benefits of multi-use to all individual components of the development;
- D. Ensure compatibility of multi-use developments with the surrounding area and minimize off-site impacts associated with the development;
- E. Provide for the development of sites that, because of their strategic location, can be developed to a higher and better land use development pattern than would otherwise be allowed in the zoning districts in which the sites are located;
- F. Provide focal points for various levels of transportation service (roads, transit, etc.) that can better serve areas of mixed uses and higher concentrations of development;
- G. Recognize the need for a higher level of economic activity, development and employment that multi-use developments generally provide in a community;
- H. Accommodate the changing land use and economic dynamics of the region, including the decentralization of many businesses and services into subregional centers to better serve their clients;
- I. Recognize and accommodate the need to provide for cultural, social, and entertainment interests of the larger community;
- J. Recognize the increasing importance of tourism on the economy of the County, and provide for a variety of attractions and tourist-related services to increase the County's share of this market; and
- K. Facilitate the economic objectives of the Comprehensive Plan, and other adopted County plans.

1016.02 APPLICABILITY

Section 1016 applies to multi-use developments. Multi-use developments are conditional uses in the zoning districts where they are permitted. The provisions of Section 1016 shall be applied as part of the conditional use review process under Section 1203 and, if required, the design review process under Section 1102.

1016.03 APPROVAL CRITERIA

Approval of a multi-use development shall be subject to the following criteria:

- A. Multi-use developments are listed as a conditional use in the zoning district in which the site is located.
- B. The subject property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided to accommodate the development of the subject property.
- C. The site is suited to and desirable for a mix of different categories of use, one or more of which is not allowed outright in the subject zoning district, considering location, size, shape, access, topography, transportation networks existing or planned for the area, visibility, natural features, and existence of improvements and uses which support the higher intensity use of the subject property associated with multi-use developments.
- D. The use of the site for a multi-use development will not substantially limit, impair, or preclude the use of surrounding properties for uses allowed in the zoning district(s) in which the surrounding properties are located.

1016.04 DETERMINATION OF USES

The following provisions shall determine the uses allowed in a multi-use development.

- A. Use Selection: Uses shall be selected from those categories (or subcategories) of uses which are required, permitted, or limited in the subject zoning district, as specified in Table 1016-1, *Determination of Use Chart*.
- B. Required Uses: Required uses shall be included at the minimum percent of floor area or land area specified in Table 1016-1.
- C. Limited Uses: The total area occupied by limited uses shall not exceed the maximum percent of floor area or land area specified in Table 1016-1.
- D. Permitted Uses: Permitted uses may occupy the floor area or land area that remains after subtracting the required and limited use area.

- E. Residential District/Limited Uses: In low density residential zoning districts, at least one-half of the proposed residential units shall be constructed prior to the introduction of limited uses into the development. In multifamily zoning districts, limited uses located within the same building as dwelling units may be developed concurrently provided the maximum allowed percent of developed floor area for limited uses is not exceeded at any time.
- F. Residential Districts/Required Uses: In residential zoning districts, the total land area may be used to calculate the base density, as provided under Section 1012, for the underlying zoning district. At least 80 percent of the base density in the MR-1 and HDR Districts, and 50 percent of the base density in the SHD District shall be provided in the development. Residential units may be clustered to provide for limited uses and preserve natural features or protect restricted areas. However, the density on any acre of land shall not exceed that allowed in the next highest residential Comprehensive Plan category.
- G. Commercial/Industrial Phased Developments: In commercial or industrial zoning district phased developments, the floor area/land area developed for limited uses in each phase shall not exceed the floor area/land area developed for other uses in that phase. An increase in the ratio of limited to other uses may be proposed and approved for any phase when other protection measures are used, such as binding development agreements, bonding, or other suitable controls over the total development percentages.
- H. Minimum Mix: In commercial and industrial zoning districts, the multi-use development shall include uses from at least three of the primary use categories under Subsection 1016.05.

1016.05 USE CATEGORIES

Uses listed under the following use categories may be included in a multi-use development when allowed in the subject zoning district pursuant to Table 1016-1, *Determination of Use Chart*, subject to Subsection 1016.04.

A. Office/Manufacturing:

- 1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturers' representatives, corporate facilities; medical and dental, chiropractic, counseling, and other similar services and clinics; insurance, real estate, travel agencies and membership organization headquarters; studios for artists, photographers, writers, radio and television broadcasting (but not transmission towers).

2. Research and development operations and testing laboratories; manufacturing and assembly of medical equipment, communications equipment, electronic components, measuring and analyzing instruments; printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting and photo finishing; and similar uses, except those prohibited under Subsection 1016.07, provided that no operation shall be conducted or equipment or chemicals used which would create a hazard or offensive noise, odor, vibration, smoke, dust, or other similar condition.

B. Hospitality/Public Use:

1. Hotels, motels, guest lodges and associated convention facilities; gift shops, newsstands and eating and drinking establishments located within the same building with a motel, hotel, or public use facility; tourist facilities and information services.
2. Health, recreation and exercise facilities, including health clubs, swimming pools, spas, tennis, racquetball, handball courts, golf courses and driving ranges and similar uses.
3. Large scale public use facilities such as auditoriums for live entertainment, operas, concerts and plays; convention facilities not part of a hotel or motel; indoor or outdoor stadia and arenas, spectator sport and multi-use facilities, such as coliseums or domes; exhibition halls, galleries and museums; movie theaters; other public use gathering places of similar nature.
4. A "destination restaurant" may be allowed as a "hospitality" use in the CI and OC Districts. A "destination restaurant," for purposes of this Ordinance, is a "full menu establishment" (as defined by the U.S. Census Bureau) with no drive-through service, which satisfies five of the criteria listed below. On sites 40 acres or larger, up to two restaurants meeting four of the seven criteria listed below may be allowed as a "hospitality" use.
 - a. Has a minimum seating capacity of 75;
 - b. Specializes in gourmet, ethnic, or specialty cuisine;
 - c. Includes banquet facilities and services;
 - d. Provides live entertainment at least two nights a week;
 - e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
 - f. Has an OLCC license to serve beer and wine;

- g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

C. Commercial:

1. The following neighborhood retail and service commercial uses which primarily serve the tenants and/or residents of the multi-use development and the immediate surrounding area:
 - a. Apparel stores and dressmaking shops;
 - b. Bakery shops;
 - c. Catering establishments;
 - d. Confectionery stores;
 - e. Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service;
 - f. Drug stores;
 - g. Fabric and dry goods stores;
 - h. Florist and gift shops;
 - i. Grocery and produce stores;
 - j. Hardware and garden supplies;
 - k. Meat and fish markets;
 - l. Barber and beauty shops;
 - m. Clothes pressing, alterations, and tailoring shops;
 - n. Daycare facilities and other adult or child care facilities, operated during the daytime, subject to Section 807, *Daycare Facilities*;
 - o. Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;
 - p. Exercise and tanning studios;
 - q. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs;

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- r. Photo finishing;
 - s. Shoe repair;
 - t. Veterinarian services and pet supplies;
 - u. Video rental stores;
 - v. Bed and breakfast residences and inns, subject to Section 832, *Bed and Breakfast Residences and Inns*;
 - w. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835, *Wireless Telecommunication Facilities*;
 - x. Preexisting retail or service commercial uses; and
 - y. Mobile vending units, subject to Section 837, *Mobile Vending Units*.
- 2. Commercial amusement uses such as bowling alleys, game rooms, billiard and pool halls, miniature golf, roller or ice skating rinks, and similar uses, but not those included in Category B, or prohibited under Subsection 1016.07.
 - 3. All retail and service commercial uses except those included under Subsection 1016.05(C)(4); eating and drinking establishments except those qualifying as "hospitality" uses under Subsection 1016.05(B); banks, credit unions, and financial institutions.
 - 4. Sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, trailers, manufactured dwellings, farm or construction equipment and other heavy machinery; lumber yards, fuel yards, carpentry or sheet metal shops; mini-storage and vehicle storage facilities, moving equipment rental; funeral parlors; gasoline service stations.
- D. Residential:
- 1. Low density residential zoning district primary uses, as specified in the underlying zoning district (i.e., R-7 through R-30 Districts and HR District).
 - 2. MR-1 District primary uses, subject to Section 315.
 - 3. HDR District primary uses, subject to Section 315.
 - 4. SHD District primary uses, subject to Section 315.
 - 5. MRR District primary uses, subject to Section 317.
- E. Educational: Colleges, universities or graduate centers; business, trade and craft schools; specialty schools in the arts, music, counseling, etc.; and rehabilitation and worker training/retraining centers and facilities.

1016.06 ACCESSORY USES

The following uses may be provided in conjunction with any category of use, or uses, approved for the multi-use development.

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- B. Transit stations, bus shelters, bike racks, pedestrian amenities, and transit amenities.
- C. Parking structures.
- D. Utility carrier cabinets.
- E. Solar energy systems.
- F. Cogeneration facilities.
- G. Radio and television earth stations and dishes.
- H. Daycare facilities associated with a principal use.
- I. Cafeterias, delicatessens, and other such facilities provided for employees of a principal use.
- J. Recycling collection containers, provided all materials are presorted, no processing occurs on-site, and all materials are stored within an enclosed structure or area between pickup days.
- K. Private recreational facilities as part of a multifamily residential complex.
- L. Helistops.
- M. Rainwater collection systems.
- N. Electric vehicle charging stations.
- O. Other uses and structures customarily accessory and incidental to a primary use.

1016.07 PROHIBITED USES

The following uses shall be prohibited in a multi-use development.

- A. New dwellings, manufactured dwellings, and manufactured dwelling parks, except as permitted within low density or medium density residential districts;
- B. Outdoor storage of materials or products;

- C. Drive-thru window service, except those associated with a bank, credit union, or other financial institution, subject to Section 827, *Drive-Thru Window Service*; and
- D. Industrial uses listed in Table 602-1, *Permitted Uses in the BP, LI, and GI Districts*, as conditional uses in the GI District, except as specifically allowed under Subsection 1016.05.

1016.08 DIMENSIONAL STANDARDS

A. The dimensional standards are intended to:

- 1. Provide for and encourage coordinated development and the most efficient use of property within a multi-use development.
- 2. Ensure adequate structure separation for light, air, fire safety and protection of all uses and structures within the development, and between the development and uses and structures on adjacent properties.
- 3. Protect adjacent properties and uses from incompatible uses, and provide adequate buffering and transitioning between different uses within the development.
- 4. Ensure an attractive appearance through the use of open spaces, setbacks, landscaping and pedestrian amenities, plazas, buffering, and retention of significant natural features.
- 5. Ensure adequate access to property and minimum traffic conflicts and impacts.

B. A multi-use development shall comply with the following dimensional requirements:

- 1. Minimum Site Area: ~~For purposes of this section, "site area" shall be as defined in Note 2 to Table 315-5, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts.*~~
 - a. R-7 through R-30 Districts: 30 acres
 - b. HR District: 30 acres
 - c. MR-1 District: 10 acres
 - d. MRR District: 10 acres
 - e. HDR District: Five acres
 - f. SHD District: Five acres

- g. C-3 District: One acre
 - h. OC District: 10 acres
 - i. CI District: 20 acres
 - j. OSM District: 20 acres
 - k. A site area less than the above requirements may be allowed when such site is physically separated from all other undeveloped or underdeveloped properties in the subject zoning district. Minimum site area means minimum gross site area, including land dedicated for roadway purposes. Site area means a single tax lot, or two or more contiguous tax lots under the same ownership; or site area means two or more contiguous tax lots under separate ownership, provided that
 - i. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and
 - ii. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project; or the group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County-approved development plan for the site area.
2. Minimum front yard setbacks:
 - a. From major periphery roads: 25 feet.
 - b. From interior access driveways and circulation roads: 10 feet.
 3. Minimum side and rear setbacks: 15 feet.
 4. Minimum building separation: The minimum separation between a multifamily residential use located in a separate building on the same site, or on an adjacent site, and any building housing another category of use shall be 50 feet. However, this shall not preclude the mixing of multifamily residential with other categories of use within one building.
 5. Minimum site area street frontage: 200 feet, except in the C-3 District, the minimum street frontage shall be 100 feet.
 6. Maximum building height: Same as subject zoning district.

7. Minimum landscaping/open space area requirements: The minimum landscaped area standards under Table 1009-1, *Minimum Landscaped Area*, shall be modified as follows:
 - a. In the C-3 District, a minimum of 20 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 15 percent for any phase when the applicant demonstrates how the minimum 20-percent requirement will be satisfied.
 - b. In the R-7 through R-30, MR-1, HDR, SHD, MRR, HR, OSM, CI, and OC Districts, a minimum of 25 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 20 percent for any phase when the applicant demonstrates how the minimum 25-percent requirement will be satisfied.

- C. Exceptions to Dimensional Requirements: The requirements of this subsection are not subject to modification pursuant to Section 900. However, except for minimum landscape provisions, these requirements may be reduced up to 20 percent through design review pursuant to Section 1102 when such modification is consistent with the purposes under Subsections 1016.01 and 1016.08(A). The effect of the proposed modification on the natural features of the site and on the use and preservation of solar access shall be considered when applicable. Proposed modifications that exceed 20 percent of the requirement shall be subject to Section 1205, *Variance*.

1016.09 DEVELOPMENT STANDARDS

A multi-use development shall comply with Section 1000, *Development Standards*. In addition, the following standards and objectives shall apply:

- A. Site Planning and Design: The overall site plan and siting of individual uses and buildings within a multi-use development shall address the following objectives:
 1. Identity: To create a stimulating environment through the siting of various uses, the use and articulation of open spaces, structure scale, design and texture, and the provision of pedestrian level amenities to produce a strong "sense of place."
 2. Pedestrian Circulation: To provide pedestrian access and movement through the site in a manner that maximizes foot traffic exposure to goods and services, and minimizes conflicts with vehicle circulation areas.
 3. Transit: To maximize the use of mass transit services through the provision of transit and pedestrian facilities and amenities in cooperation with the regional transit provider.

4. **Parking:** To minimize the visual impact of parking areas. This may be accomplished through the use of: landscaping techniques; the incorporation of parking structures, as provided under Subsection 1016.09(D); the siting of uses to maximize the "shared parking" provisions of Section 1015; or a combination of these methods.
 5. **Access/Circulation:** To minimize the number of access points onto the site from adjacent roads and provide for traffic circulation between on-site uses, as appropriate.
 6. **Visual Access/Traffic Impacts:** To maximize visibility and access for uses most dependent upon impulse shopping, or off-the-street business while minimizing traffic impacts on other uses within the development.
 7. **Natural Features:** To protect the aesthetic and location advantages provided by the terrain and natural features of the site and minimize the alteration thereof as far as practicable.
 8. **Impacts:** To minimize negative impacts of proposed uses on adjacent properties and uses and ensure the livability of residential areas of the site, when applicable.
- B. **Building Design:** In addition to the provisions of Section 1005, *Sustainable Site and Building Design*, a multi-use development shall require:
1. Buildings and structures to be designed using materials, architectural styling and features, pedestrian plazas and amenities, and color, texture and scale of architectural elements to produce a mix of complimentary styles which are in scale with each other and demonstrate comparable excellence in design and implementation.
 2. Buildings housing retail commercial uses shall provide ample window area oriented toward pedestrian walkways or plazas, and, when single-story construction is used, shall incorporate design techniques and elements to enhance the scale of the building(s).
- C. **Landscaping/Open Space:** The minimum percent of landscaping/open space required shall be as specified under Subsection 1016.08(B)(7). In addition to the requirements under Section 1009, *Landscaping*, the design and development of open space and landscaping in a multi-use development shall:
1. Include street trees and parking area trees which are in scale with the development.
 2. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.

3. Provide pleasing transitions between uses, soften and buffer utility and loading areas, visually break up parking areas into identifiable subareas, and provide pleasing textures and variety, particularly next to buildings, along walkways, and within plazas.
4. Include open spaces and plazas which are in scale with the development, invite activity appropriate to adjoining uses, and incorporate plant materials, seating, waste receptacles, lighting, and a focal element such as a fountain, sculpture, mural, or other visual art object.

D. Parking and Circulation: In addition to the standards of Section 1015, *Parking and Loading*, the County may require parking structures to serve intensive uses. Factors to be considered include:

1. Topography and other physical characteristics of the site;
2. Effects on distinctive natural features of the site;
3. Effects on surface drainage and associated facilities;
4. Effect on the capacity of the site to absorb the parking and traffic impacts of the intensive use(s);
5. Effects on the quality of the overall site design in addressing the objectives under Subsection 1016.09(A); and
6. The benefits associated with structure parking, such as the increase in development intensity and provision of open space amenities, and the ability or inability of such benefits to recoup the added expense associated with such facilities.

E. Identification/Signing: The provisions of Section 1010, *Signs*, shall be modified as follows:

1. Signing Master Plan: Applications for multi-use developments shall include a comprehensive signing plan which shall include:
 - a. Elevations illustrating the major sign and sign types;
 - b. Maps and drawings indicating location of all proposed signs;
 - c. Descriptions of sizes and heights of signs; and
 - d. Description of how the proposed signing plan satisfies the criteria set forth in this Ordinance pertaining to size, design, placement, height, and number of signs.

2. Standards: The signing master plan shall be reviewed under Section 1010, except as specifically provided below:
 - a. Freestanding Signs: One freestanding identification sign may be provided on each public, County or State road from which the development takes access. One additional freestanding sign may be allowed on a public, County or State road when the frontage on that road exceeds 1,000 feet, and two or more major access points are provided. In no case shall the number of freestanding signs exceed four for any multi-use development. The maximum size and height for each freestanding sign shall be determined pursuant to Subsection 1010.05(A)(3).
 - b. On-Building Signs: Individual on-building tenant identification signs shall be allowed under the provisions of Subsection 1010.05(B).
 - c. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:
 - i. No on-building sign with the same message is facing in the same direction;
 - ii. The sign area does not exceed 30 square feet;
 - iii. The sign does not exceed five feet in height; and
 - iv. Architectural features may be added to the sign structure provided the total sign size and height are not increased by more than one-third of the above requirements.
 3. Addresses/Road Signs: Street addresses shall be clearly displayed on or in front of each separate building or commercial tenant space. Interior circulation roads may be required to be named. Such names shall be subject to County approval. Signs identifying roads within the development shall be installed and maintained by the developer or management association. Directional signs to various uses within the development may be included on the road signs.
- F. Management Association/Easements: The County may require the formation of a management association or other suitable mechanism approved by the County to assure that the following maintenance and liability duties are adequately addressed:
1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.

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2. To provide and maintain cross-easements between uses and parcels within the development for parking, circulation, drainage facilities, utilities, and similar elements shared in common.
3. To adopt and enforce restrictions on the use of open space, landscaping, plazas, and service areas, malls, and other public access areas of the site.
4. To maintain liability insurance and pay local taxes, unless other legally binding mechanism is provided.
5. To assess and collect from members their pro rata share of the cost associated with the responsibilities herein described. The association shall be able to adjust the assessment to meet changes as needed.
6. To make revisions to the bylaws as necessary, subject to County review and approval, when the County determines that such changes protect the intent and purpose of this ordinance and are in the public's interest.

Table 1016-1: Determination of Use Chart

DISTRICTS	RESIDENTIAL					COMMERCIAL		INDUSTRIAL	
	LDR	MR-1	HDR	SHD	MRR	C-3	OC	CI	OSM
Minimum Site Area*	30 ac	10 ac	5 ac	5 ac	10 ac	1 ac	10 ac	20 ac	20 ac
Minimum % <u>R</u> la or fa required	80% la	70% fa	50% fa	50% fa	70% fa	N/A	N/A	60% fa	70% la
Minimum % bd required		80% bd	80% bd	50% fa					
Maximum % (L) la or fa allowed	20% la	15% fa	20% fa	25% fa	20% fa	N/A	35% fa	35% fa	30% la
CATEGORY A									
1. Offices	(L)	P	P	P	P	P	P	<u>R</u>	(L)
2. High Tech	X	X	X	X	X	P	P	<u>R</u>	X
CATEGORY B									
1. Hospitality	X	P	P	P	P	P	P	P	(L)
2. Health/Recreation	(L)	P	P	P	P	P	P	P	<u>R</u>
3. Public Use/Cultural	X	P	P	P	P	P	P	P	(L)
CATEGORY C									
1. Neighborhood Commercial	(L)	(L)	(L)	(L)	(L)	P	(L)	(L)	(L)
2. Commercial Amusement	X	X	(L)	(L)	(L)	P	(L)	(L)	(L)
3. Retail/Service	X	X	X	(L)	X	P	(L)	(L)	X
4. Strip/Auto	X	X	X	X	X	P	X	X	X
CATEGORY D									
1. Residential (District Density)	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	MR-1 to HDR	HDR	HDR	X
CATEGORY E									
1. Education	(L)	P	P	P	P	P	P	P	(L)

Table 1016-1: Determination of Use Chart

SYMBOL KEY:

P	Permitted Use
<u>R</u>	Required Use (See minimum % required)
la	Land Area
bd	Base Density
(L)	Limited Use (See maximum % allowed)
X	Prohibited Use
fa	Floor Area
*	See Subsections 1016.08(B)(1)(k) and 1016.08(C) for exceptions

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

1017 SOLAR ACCESS FOR NEW DEVELOPMENT

1017.01 PURPOSE

The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

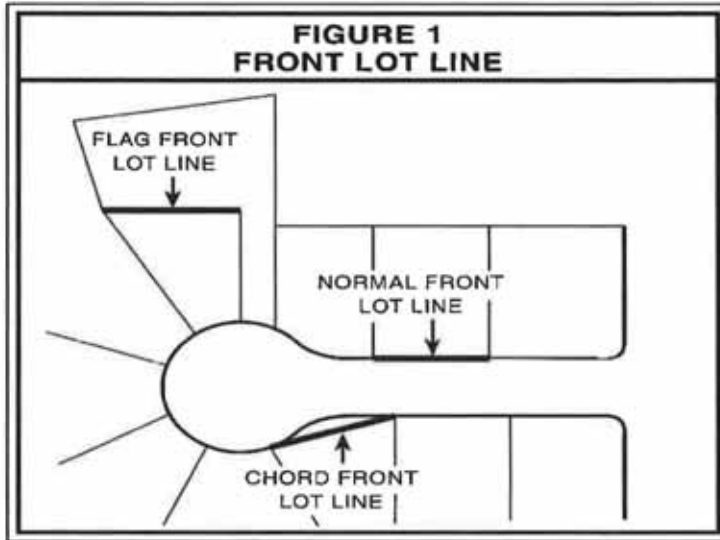
1017.012 APPLICABILITY APPLICATION OF SECTION

Section 1017 applies to subdivisions, partitions, and Type II replats. The solar design standard in Subsection 1017.04 shall apply to applications for a development to create lots in the VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts/zones and for dwellings in any zone, except to the extent the Planning Director finds the applicant has shown that one or more of the conditions listed in Subsections 1017.05 and 1017.06 exist, and exemptions or adjustments provided for therein are warranted.

1017.023 DEFINITIONS

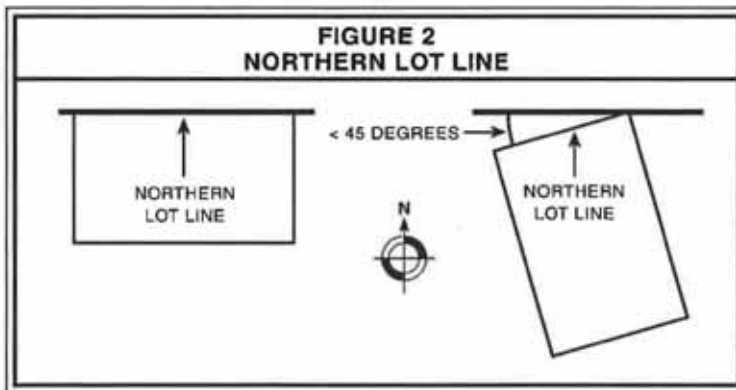
Words and terms used in Sections 1017, ~~and 1018, and 1019~~ are defined as follows:

- A. **CROWN COVER:** The area within the drip line or perimeter of the foliage of a tree.
- ~~B. DEVELOPMENT:~~ Any short plat, partition, subdivision, or planned unit development created under the County's land division or zoning regulations.
- ~~C. B.~~ **EXEMPT TREE OR VEGETATION:** The full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; and any vegetation listed as exempt on a plat map, or a document recorded with the plat, ~~or a solar access permit.~~
- ~~D. C.~~ **FRONT LOT LINE:** ~~For the purposes of the solar access regulations, A~~ a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).

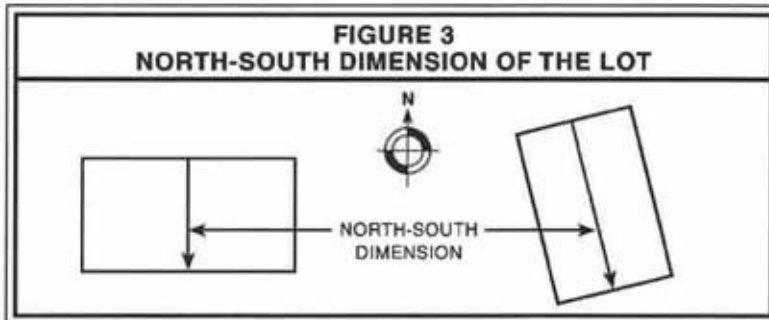


F.D. NONEXEMPT TREE OR VEGETATION: Vegetation that is not exempt.

F.E. NORTHERN LOT LINE: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line.



G.F. NORTH-SOUTH DIMENSION: The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).

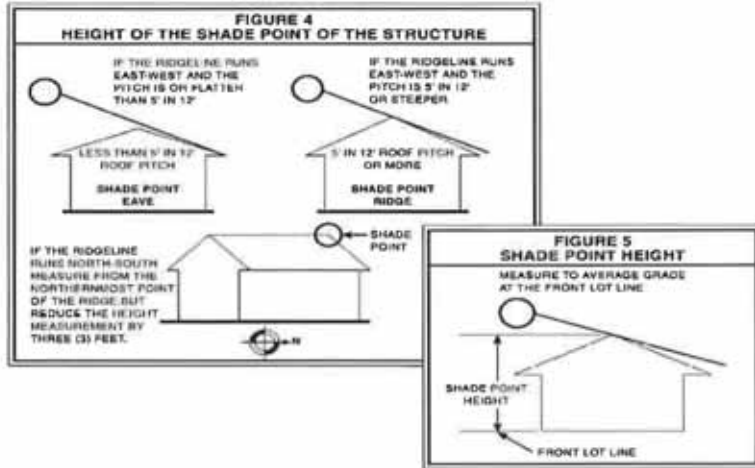


H.G. PROTECTED SOLAR BUILDING LINE: A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or nonexempt trees (see Figure 10).

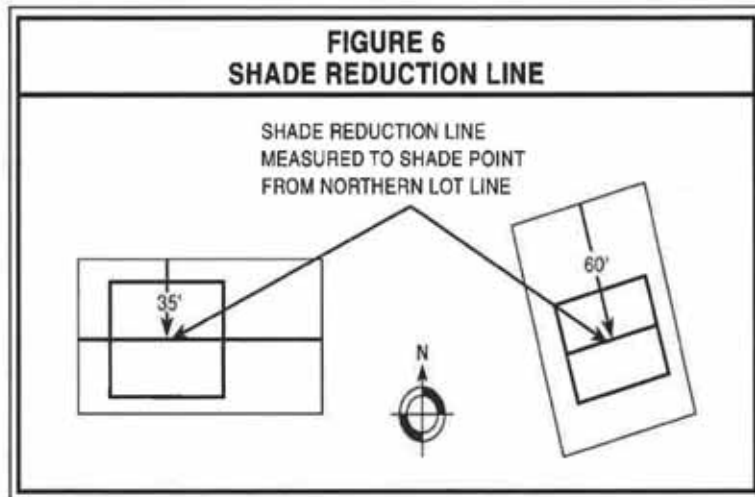
H.H. SHADE: A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

H.I. SHADE POINT: The part of a structure or nonexempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south, except a shadow cause by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eaves of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

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K.J. **SHADE REDUCTION LINE:** A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).



L.K. **SHADOW PATTERN:** A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 11+2).

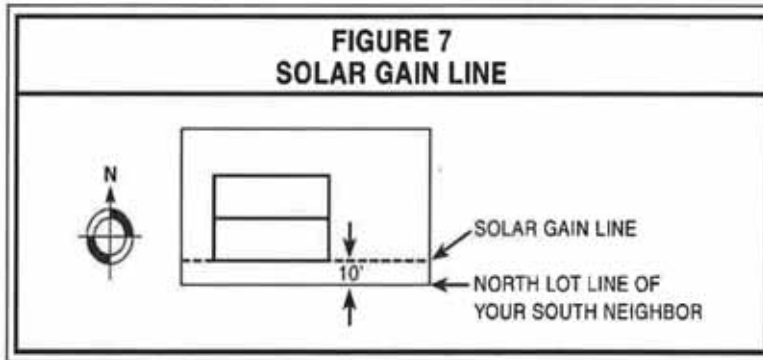
CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

M. SOLAR ACCESS HEIGHT LIMIT: A series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a Solar Access Permit (see Figure 11).

N. SOLAR ACCESS PERMIT: A document issued by the County that describes the maximum height that nonexempt vegetation is allowed to grow on lots to which a solar access permit applies.

Q.L. SOLAR FEATURE: A device or combination of devices or elements that use or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. Examples of a solar feature include a solar greenhouse, a solar hot water heater, or a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature ~~for purposes of this ordinance.~~

P.M. SOLAR GAIN LINE: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.



Q.N. SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.

R.O. SUNCHART: One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director (?). The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

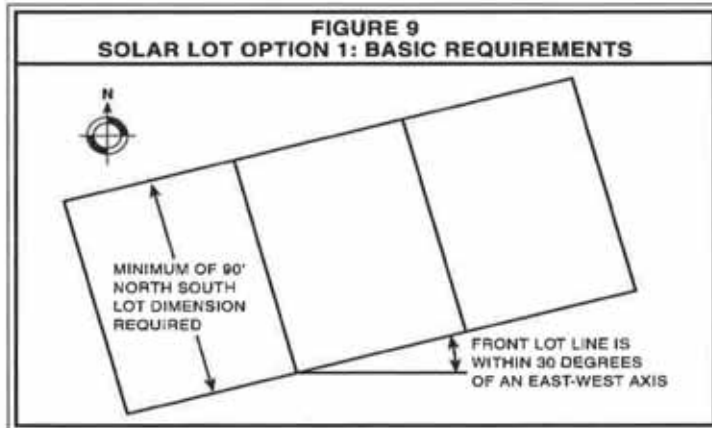
S.P. UNDEVELOPABLE AREA: An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

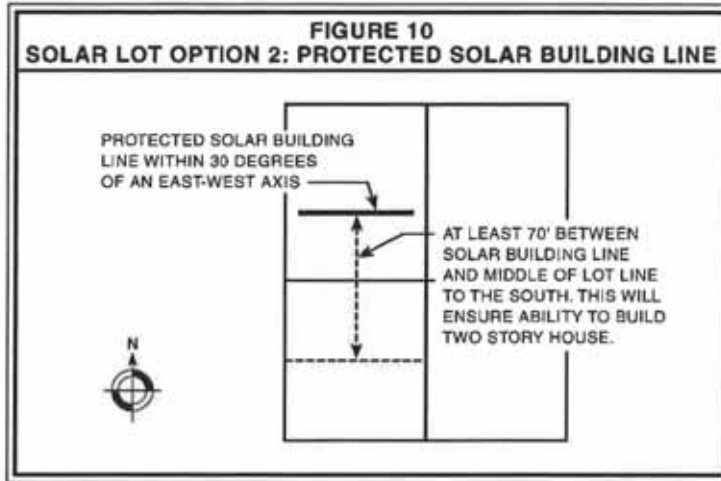
1017.034 DESIGN STANDARD

At least 80 percent of the lots in a development ~~subject to this ordinance~~ shall comply with one or more of the options in this subsection.

A. Basic Requirement: (See Figure 9). A lot complies with Subsection 1017.034 if it

1. Has a north-south dimension of 90 feet or more; and





2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
- B. Protected Solar Building Line Option: (See Figure 10). In the alternative, a lot complies with Subsection 1017.034 if a solar building line is used to protect solar access as follows:
1. A protected solar building line for the lot to the north is designated on the plat or documents recorded with the plat; and
 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and
 3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
 4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or nonexempt vegetation.
- C. Performance Option: In the alternative, a lot complies with Subsection 1017.034 if:
1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from the shade of structures and nonexempt trees; or

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2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of south and protected from the shade of structures and nonexempt trees.

1017.045 EXEMPTIONS FROM DESIGN STANDARD

A development is exempt from Subsection 1017.034 if ~~the Planning Director finds the applicant has shown that~~ one or more of the following conditions apply to the site. A development is partially exempt from Subsection 1017.034 ~~if to the extent the Planning Director finds the applicant has shown that~~ one or more of the following conditions apply to a corresponding portion of the site.

If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 1017.034.

- A. Slopes: The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- B. Off-site Shade: The site, or a portion of the site for which the exemption is sought, is within the shadow of off-site features such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.
 1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
 2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
 3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
 4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

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- C. On-site Shade: The site, or a portion of the site for which the exemption is requested:
1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or
 2. Contains nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.
 3. Compliance with Subsection 1017.034 would prevent the development from meeting the minimum density provisions in Section 1012, *Lot Size and Density*.

1017.056 ADJUSTMENT TO DESIGN STANDARD

The ~~Planning Director shall reduce the~~ percentage of lots that must comply with Subsection 1017.034 ~~shall be reduced~~ to the minimum extent necessary if ~~he/she finds the applicant has shown that~~ one or more of the following site characteristics apply:

- A. **Density and Cost:** If the design standard in Subsection 1017.034 is applied, either the resulting density is less than that proposed, the minimum density is less than that required in Section 1012, *Lot Size and Density*, or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 1017.034 would reduce density or increase per-lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development.
1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor.
 2. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or ~~this Ordinance~~ *development ordinance*, that prevents

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given streets or lots from being oriented for solar access, and it will exist after the site is developed.

3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
 4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
- B. Development Amenities: If the design standard in Subsection 1017.034 is applied to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 1017.034 is relevant to whether a significant development amenity is lost or impaired.
- C. Existing Shade: Nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, have a crown cover over at least 80 percent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of nonexempt trees on the site or using an aerial photograph.
1. Shade from nonexempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and the trees do not need to be removed for a driveway or other development.
 2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, the shade is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

1017.067 PROTECTION FROM FUTURE SHADE

Structures and nonexempt vegetation ~~shall~~ must comply with ~~the Solar-Balance-Point Ordinance for existing lots (Section 1018), Solar Balance Point/Infill~~, if located on a lot that is subject to the solar design standard in Subsection 1017.034 or if located on a lot south of and adjoining a lot that complies with Subsection 1017.034.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 1017.067. The County shall be made

1017-10

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a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.

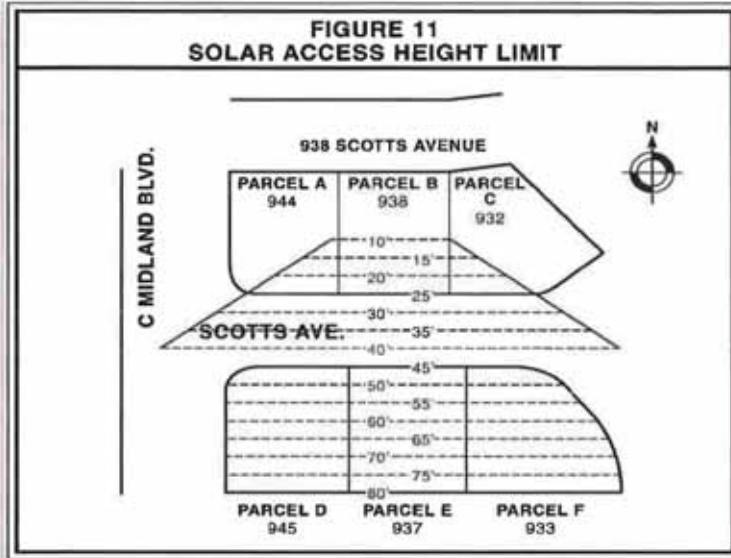
1017.078 ~~SUBMITTAL REQUIREMENTS~~APPLICATION

An application for approval of a development subject to ~~Section 1017~~this ordinance shall include:

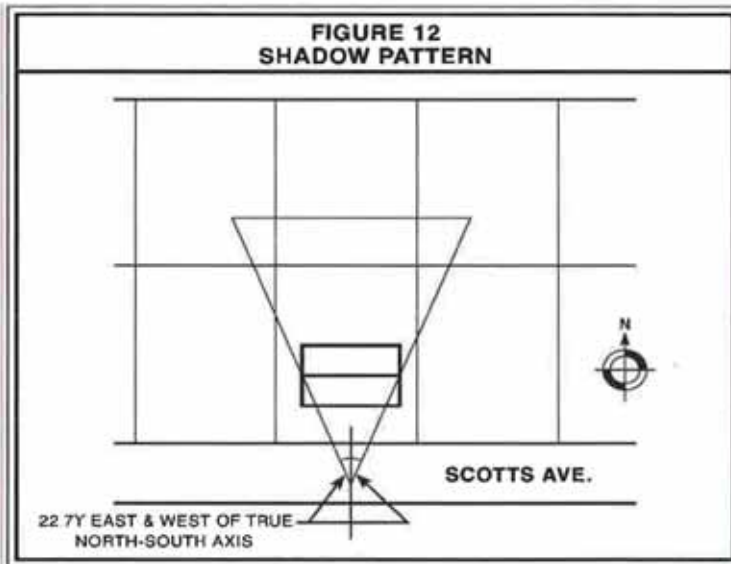
- A. Maps and text sufficient to show the development complies with the solar design standard of Subsection 1017.034, except for lots for which an exemption or adjustment from Subsection 1017.034 is requested, including at least:
1. The north-south lot dimension and front lot line orientation of each proposed lot.
 2. Protected solar building lines and relevant building site restrictions, if applicable.
 3. For the purpose of identifying trees exempt from Subsection 1017.067, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter, and species, and stating that they are to be retained and are exempt.
 4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Subsection 1017.034 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsection 1017.045 and 1017.056, respectively.

~~1017.09~~—REVIEW PROCESS

~~Review of new developments for compliance with these standards shall be a part of the review process stipulated in Section 1105, Subdivisions, Partitions, Replats, Condominium Plats, and Variations of Recorded Plats.~~



Commented [HJ1]: This figure is repealed.



Commented [HJ2]: This figure is renumbered as Figure 11.

[Amended by Ord. ZDO-253, 6/1/15]

1018 SOLAR BALANCE POINT/INFILL

~~1018.01~~ **PURPOSE**

~~Section 1018 is adopted to promote the use of solar energy, to minimize the shading of structures by structures and accessory structures, and, where applicable, to minimize the shading of structures by trees.~~

~~1018.02~~ **1018.01 APPLICABILITY**

Section 1018 applies to an application for a building permit for all structures in VR-4/5, VR-5/7, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts and all detached single-family dwellings in any zoning district, except to the extent that one or more of the conditions listed in Subsections 1018.056 and 1018.067 exists, and exemptions or adjustments provided for therein are warranted. In addition, nonexempt vegetation planted on lots subject to Subsection 1017.067 shall comply with the shade point height standards as provided in Subsections 1018.045 and 1018.056. In addition, Subsection 1018.1011 shall apply to development in the HDR, SHD, and RCHDR Districts.

~~1018.03~~ **1018.02 DEFINITIONS**

Words and terms used in Section 1018 shall be as defined under Subsection 1017.023.

~~1018.04~~ **1018.03 SOLAR SITE PLAN REQUIRED**

An applicant for a building permit for a structure subject to Section 1018 shall submit a site plan that shows the maximum shade point height allowed under Subsection 1018.045 and the allowed shade on the proposed structure's solar features as provided in Subsection 1018.078. If applicable, the site plan also shall show the solar balance point for the structure as provided in Subsection 1018.089.

~~1018.05~~ **1018.04 MAXIMUM SHADE POINT HEIGHT STANDARD**

The height of the shade point shall comply with either A or B below.

- A. Basic Requirement: The height of the shade point shall be less than or equal to the height specified in Table 1018-1 or computed using the following formula. If necessary, interpolate between the five-foot dimensions listed in Table 1018-1.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension of more than 90 feet shall use a value of 90 feet for this section.

Adjustment to shade point height on sloped lots: The maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table 1018-1 for each foot that the average grade at the north property line exceeds the average grade at the south property line.

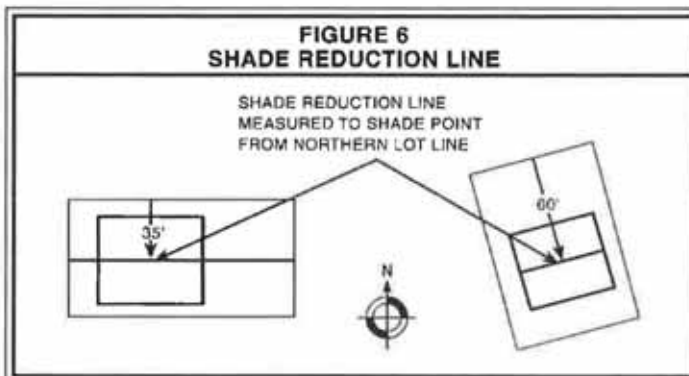
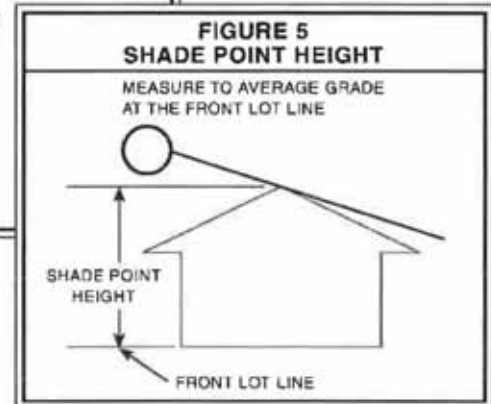
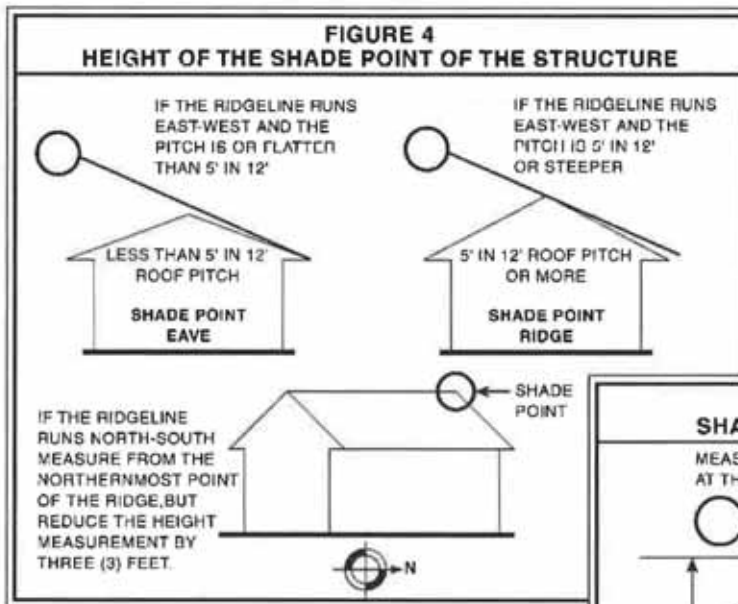


Table 1018-1: Maximum Permitted Shade Point Height (in feet)

Length of Shade Reduction Line	North-South Lot Dimension (in feet)										
	90+	85	80	75	70	65	60	55	50	45	40
70	40	41	42	43	44						
65	38	39	40	41	42	43					
60	36	37	38	39	40	41	42				
55	34	35	36	37	38	39	40	41			
50	32	33	34	35	36	37	38	39	40		
45	30	31	32	33	34	35	36	37	38	39	
40	28	29	30	31	32	33	34	35	36	37	38
35	26	27	28	29	30	31	32	33	34	35	36
30	24	25	26	27	28	29	30	31	32	33	34
25	22	23	24	25	26	27	28	29	30	31	32
20	20	21	22	23	24	25	26	27	28	29	30
15	18	19	20	21	22	23	24	25	26	27	28
10	16	17	18	19	20	21	22	23	24	25	26
5	14	15	16	17	18	19	20	21	22	23	24

- B. Performance Option: The proposed structure or applicable nonexempt vegetation will shade not more than 20 percent of the south-facing glazing of an existing habitable structure(s), or, where applicable, the proposed structure or nonexempt vegetation will comply with Subsection 1017.034(B) or 1017.034(C). If Subsection 1017.034(B) is used, nonexempt trees and the shade point of structures shall be set back from the protected solar building line two and one-half feet for every one foot of height of the structure or of the mature height of nonexempt vegetation over two feet.

1018.056 EXEMPTIONS FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD

A proposed structure or nonexempt vegetation shall be exempt from Subsections 1018.034 and 1018.045, if one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Exempt Lot: When created, the lot was subject to Section 1017, *Solar Access Ordinance for New Development*, and was not subject to Subsection 1017.067.
- B. Preexisting Shade: The structure or affected nonexempt vegetation will shade an area that is shaded by one or more of the following:
 1. An existing or approved building or structure;

2. A topographic feature;
 3. A nonexempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
- C. Slope: The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- D. Insignificant Benefit: The proposed structure or nonexempt vegetation shades one or more of the following:
1. An undevelopable area; or
 2. The wall of an unheated space, such as a typical garage; or
 3. Less than 20 square feet of south-facing glazing.
- E. Public Improvement: The proposed structure is a publicly owned improvement.

1018.07 ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD

The maximum permitted height of the shade point determined using Subsection 1018.045 shall be increased to the extent that one or more of the following conditions exists, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Physical Conditions: Physical conditions preclude development of the site in a manner that complies with Subsection 1018.045, due to such things as a lot size less than 3,000 square feet, unstable or wet soils, a drainageway, public or private easement, or a right-of-way.
- B. Conflict Between Maximum Shade Point Height and Allowed Shade on Solar Feature Standards: A proposed structure may be sited to meet the solar balance point standard described in Subsection 1018.089 or be sited as near to the solar balance point as allowed by Subsection 1018.089 if:
1. When the proposed structure is sited to meet the maximum shade point height standard determined using Subsection 1018.045, its solar feature will potentially be shaded as determined using Subsection 1018.078; and

2. The application includes a form provided by the County that:
 - a. Releases the applicant from complying with Subsection 1018.045 and agrees that the proposed structure may shade an area otherwise protected by Subsection 1018.045;
 - b. Releases the County from liability for damages resulting from the adjustment; and
 - c. Is signed by the owner(s) of the property(ies) that would be shaded by the proposed structure more than allowed by the provisions of Subsection 1018.045.

Before the County issues a permit for a proposed structure for which an adjustment has been granted pursuant to Subsection 1018.067(B), the applicant shall file the form provided for in Subsection 1018.067(B)(2), in the office of the County Recorder with the deeds to the affected properties.

1018.08 ANALYSIS OF ALLOWED SHADE ON SOLAR FEATURE

- A. The applicant is exempt from Subsection 1018.078 if the lot(s) south of and adjoining the applicant's property is exempt from Subsection 1018.045.
- B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or nonexempt trees on the lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from the adjacent lot(s) to the south to use in calculating the maximum shade height at the north property line:
 1. Existing structure(s) or nonexempt trees; or
 2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table 1018-2. If the lot(s) to the south can be further divided, the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zoning district.

Table 1018-2

North-South Lot Dimension of Adjacent Lot(s) to the South	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed Shade Height at the North Property Line of Adjacent Lot(s) to the South	12	12	12	13	14	15	16	17	18	19	20	21	22

- C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection 1018.078(B) by using the following formula or Table 1018-3.

$$SFSH = SH(SGL/2.5)$$

Where: SFSH = The allowed shadow height on the solar feature (see Figure 8)

SH = The height of the shade at the northern lot line of the lot(s) to the south as determined in Subsection 1018.078(B)

SGL = The solar gain line (the distance from the solar feature to the northern lot line of the adjacent lot(s) to the south)

Table 1018-2 may be used to determine (SH) in the above formula.

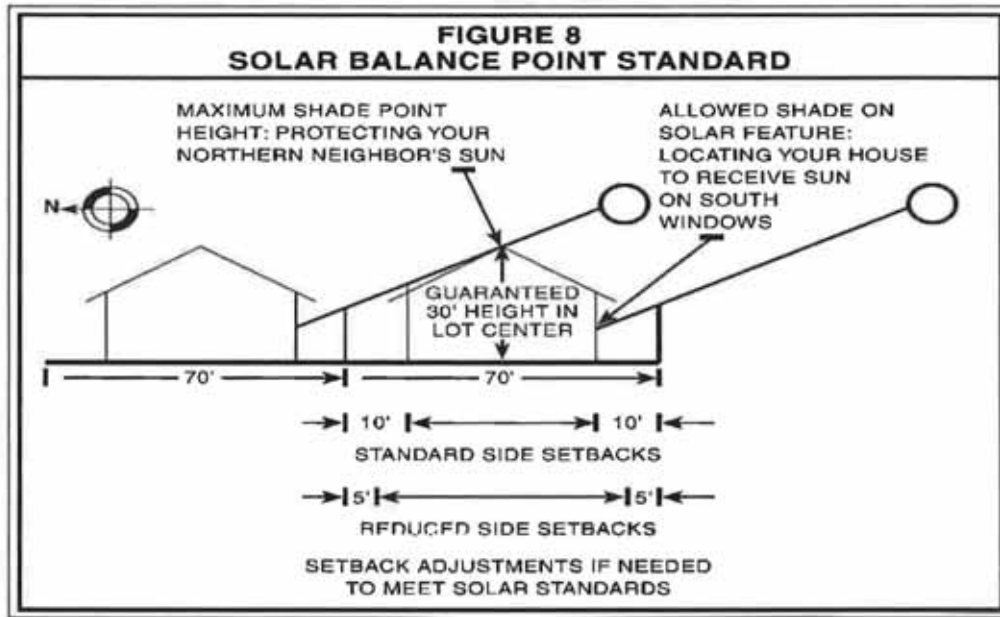
Table 1018-3: Maximum Permitted Height of Shadow at Solar Feature (in feet)

Distance from Solar Gain Line to Lot Line (in feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (in feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

E. If the allowed shade height on the solar feature calculated in Subsection 1018.078(D) is higher than the lowest height of the solar feature calculated in Subsection 1018.078(C), the applicant shall be encouraged to consider any changes to the structure design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

1017.089 SOLAR BALANCE POINT

If a structure does not comply with the maximum shade point height standard in Subsection 1018.045 and the allowed shade on a solar feature standard in Subsection 1018.078, the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where the location of a structure would be the same for complying with both of these standards.



1018.0910

YARD SETBACK ADJUSTMENT

~~The County shall grant~~ An adjustment shall be granted to the side, front, and/or rear yard setback requirement(s) by up to 50 percent, if necessary to build a proposed structure so it complies with either the shade point height standard in Subsection 1018.045, the allowed shade on a solar feature standard in Subsection 1018.078, or the solar balance point standard in Subsection 1018.089 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of Section 1018. The following are permitted yard setback adjustments:

A. In R-7 and R-8.5 Districts:

1. A front yard setback may be reduced to not less than 10 feet.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than three feet.

B. In R-10, R-15, and R-20 Districts:

1. A front yard setback may be reduced to not less than 15 feet.
2. A rear yard setback may be reduced to not less than 15 feet.
- ~~3. A side yard setback may be reduced to not less than five feet.~~

1018.1011 MINIMUM AND MAXIMUM SEPARATION DISTANCE IN THE HDR, SHD, AND RCHDR DISTRICTS

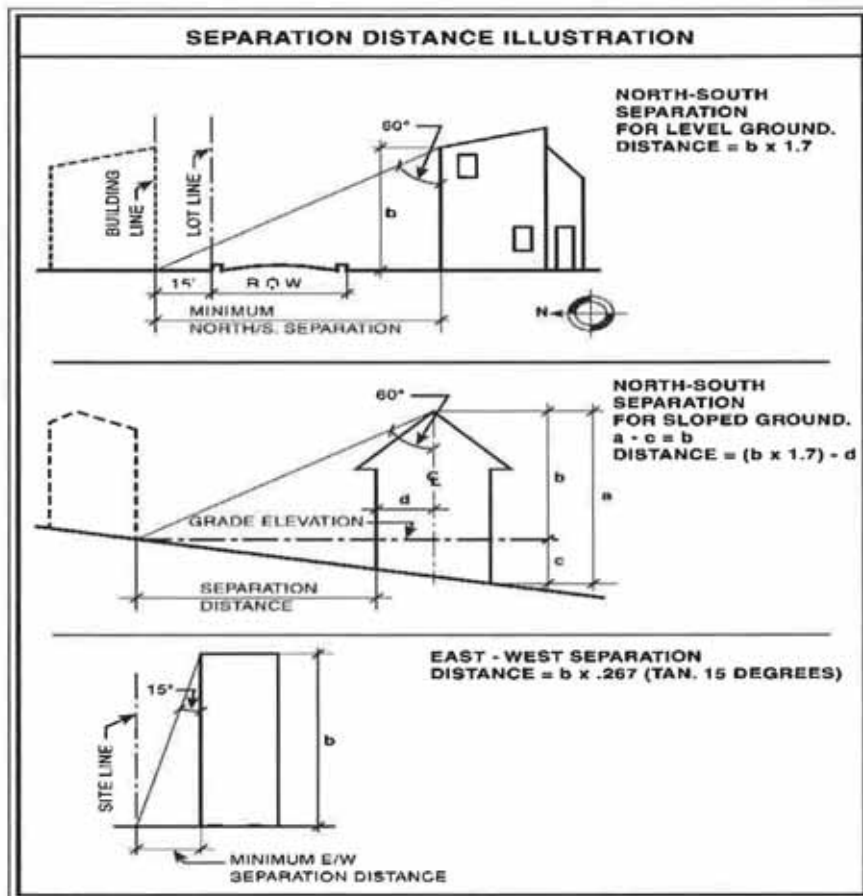
The following standards apply in the HDR, SDH, and RCHDR Districts:

- A. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 1018-1.) This provision shall be modified as follows:
1. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.
 2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.
 3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 1018.1011(B), that area may be included in the required separation distance.
- B. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
1. Documentation and a map of the easement is submitted with the development plans for the site areas in question;
 2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; and
 3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.
- C. Minimum East-West Separation: The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, County or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 1018-1.)

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

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

Figure 1018-1: Separation Distance Illustration



- E. Exceptions: The standards of Subsection 1018.1044 are not subject to modification pursuant to Sections 903, *Setback Exceptions*, and 904, *Height/Other Exceptions*. However, these standards may be modified through design review pursuant to Section 1102, *Design Review*. Approval shall not be granted unless the modification requested is necessary to allow development of primary uses at densities allowed for the site area.

[Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

~~1019 — SOLAR ACCESS PERMIT ORDINANCE~~

~~1019.01 — PURPOSE~~

~~This ordinance authorizes the owners of certain properties to apply for a County permit that prohibits shade caused by certain vegetation on neighboring properties from being cast on a solar feature(s) on the property of a permittee.~~

~~1019.02 — APPLICATION OF SECTION~~

~~An owner of property, including a government, agency, or firm, may apply for and/or be subject to a solar access permit for a solar feature(s) if that property is in a VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 zone, or will be developed with a dwelling. The County's decision whether or not to grant a solar access permit is intended to be ministerial.~~

~~1019.03 — DEFINITIONS~~

~~Words and terms used in Section 1019 shall be defined as provided under Subsection 1017.03, except that vegetation lawfully planted prior to the establishment of the solar feature upon which the solar access permit is based shall be considered exempt vegetation. Other vegetation covered by the definition of "exempt vegetation" in Subsection 1017.03 is also exempt under Section 1019.~~

~~{Amended by Ord. ZDO-224, 5/31/11}~~

~~1019.04 — APPROVAL STANDARDS FOR A SOLAR ACCESS PERMIT~~

~~The Planning Director shall approve an application for a solar access permit if:~~

- ~~A. — The application is complete;~~
- ~~B. — The information in the application is accurate; and~~
- ~~C. — The applicant shows that nonexempt vegetation on his/her property does not shade the solar feature(s).~~

~~1019.05 — DUTIES CREATED BY SOLAR ACCESS PERMIT~~

~~A. — A party to whom the County grants a solar access permit shall:~~

- ~~1. — File the permit in the office of the County Recorder with the deeds to the properties affected by it and pay the fees for such filing;~~
- ~~2. — Install the solar feature in a timely manner as provided in Subsection 1019.09; and~~
- ~~3. — Maintain nonexempt vegetation on the site so it does not shade the solar feature.~~

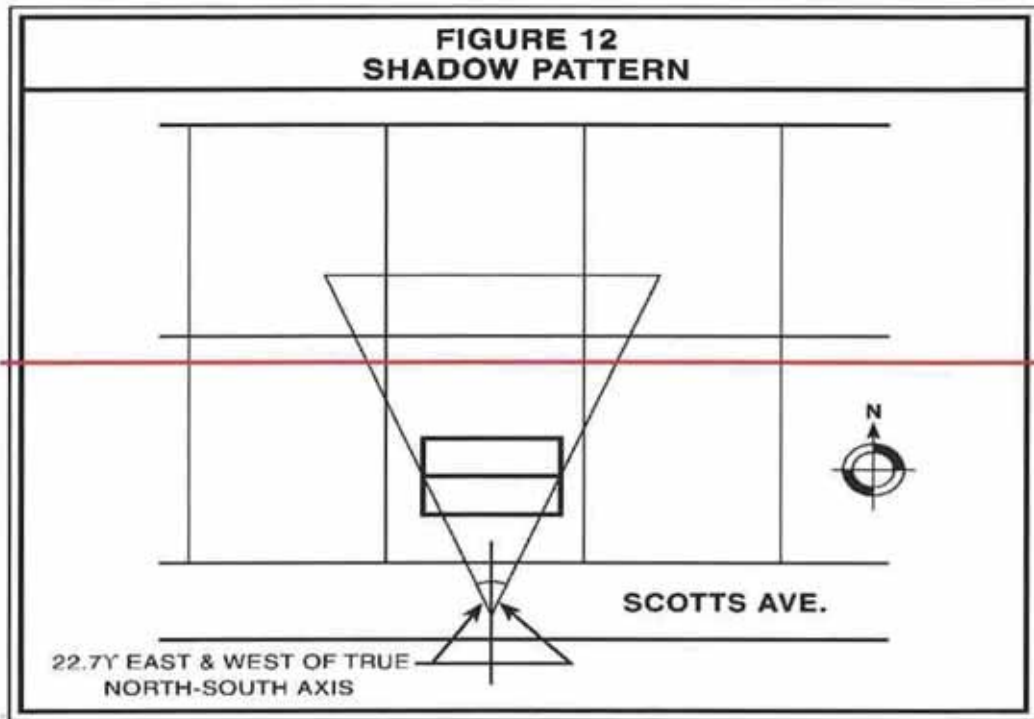
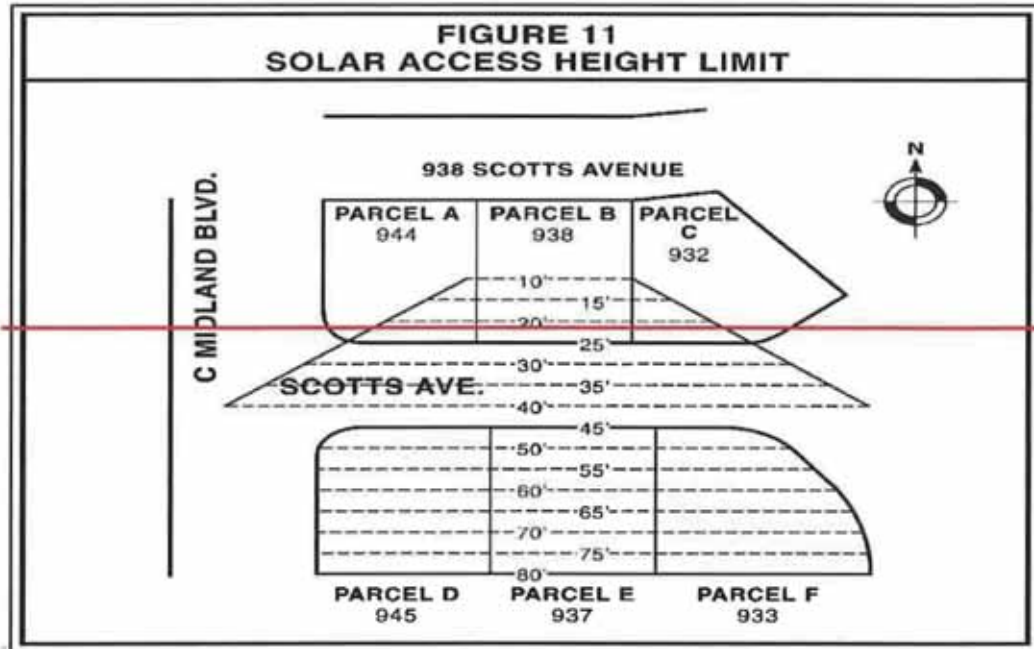
- B. — ~~An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping nonexempt vegetation from exceeding the solar access height limit.~~

~~1019.06 APPLICATION CONTENTS~~

~~An application for a solar access permit shall contain the following:~~

- A. — ~~Legal Description: A legal description of the applicant's lot and a legal description, owners' names, and owners' addresses for lots all or a portion of which are within 150 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The records of the County shall be used to determine who owns property for purposes of an application. Persons whose names and addresses are not on record at the time an application is filed need not be listed. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may have been affected.~~
- B. — ~~Site Plan: A scaled plan of the applicant's property showing:~~
- ~~1. Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature(s).~~
 - ~~2. The approximate height above grade of the solar feature(s), its location, and its orientation relative to true south.~~
- C. — ~~Other: A scaled plan of the properties listed in Subsection 1019.06A, above, showing:~~
- ~~1. Their approximate dimensions; and~~
 - ~~2. The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.~~
- D. — ~~Solar Access Height Limit: For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a Solar Access Permit (see Figure 11). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five-foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south.~~

~~Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow nonexempt vegetation on that lot whose height causes no more shade on the benefited property than could be caused by a structure that complies with the Solar Balance Point Ordinance (Section 1018) for existing lots.~~



E. — Fee: A fee as required by the Planning Division.

F. — Verification Form: If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted, verifying that

~~the vegetation shown on the plan submitted pursuant to Subsection 1019.05C, above, accurately represents vegetation in the ground on the date of the application. The County shall provide a form for that purpose. The signed statements provided for therein are permitted but not required for a complete application.~~

~~1019.07—APPLICATION REVIEW PROCESS~~

- ~~A. Preapplication Conference: Unless waived by the Planning Director, prior to filing an application for a solar access permit, an applicant or applicant's representative shall meet with the Planning Director or designate to discuss the proposal and the requirements for an application. If a meeting is held, the Planning Director or designate shall convey a written summary of the meeting to the applicant by mail within 5 calendar days of the meeting. The applicant may file an application containing the information required in Subsection 1019.06, above, after the preapplication meeting is held or waived.~~
- ~~B. Preliminary Review: Within 7 calendar days after an application is filed, the Planning Director or designate shall determine whether the application is complete and, if it is not complete, notify the applicant in writing, specifying what is required to make it complete.~~
- ~~C. Tentative Decision: Within 14 calendar days after the Planning Director decides an application for a solar access permit is complete, the Planning Director or his/her designate shall issue a written decision tentatively approving or denying the request, together with reasons therefor, based on the standards in Subsection 1019.04.~~
- ~~1. If the tentative decision is to deny the permit, the Planning Director shall mail a copy of the decision to the applicant.~~
 - ~~2. If the tentative decision is to approve the permit and the owners of all affected properties did verify the accuracy of the plot plan as permitted under Subsection 1019.06F, the Planning Director shall mail a copy of the decision to the applicant and affected parties.~~
 - ~~3. If the tentative decision is to approve the permit and the owners of all affected properties did not verify the accuracy of the plot plan as permitted under Subsection 1019.06F, the Planning Division shall mail a copy of the tentative decision to the applicant and to the owners of affected properties who did not sign the verification statement pursuant to Subsection 1019.06F. The notice shall include the plot plans required in Subsections 1019.06B and C, above, the proposed solar access height limits, and the duties created by the permit. The notice shall request recipients to verify that the plot plan shows all nonexempt vegetation on the recipient's property and to send the Planning Division comments in writing within 14 calendar days after the tentative decision is mailed if the recipient believes~~

~~the applicant's plot plan is inaccurate.~~

- ~~D. — Final Decision: Within 28 days after notice of a tentative decision is mailed to affected parties, the Planning Division shall consider responses received from affected parties and/or conduct an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and issue a final decision. The Planning Division shall send a copy of the permit and solar access height limits to the owners of each property affected by the permit.~~
- ~~E. — Recording of Solar Access Height Limits: If the application is approved, the applicant shall file the permit and associated solar access height limits in the office of the County Recorder with the deeds to the properties affected by it before the permit is effective.~~

~~1019.08 — PERMIT ENFORCEMENT PROCESS~~

- ~~A. — Enforcement Request: A solar access permittee may request the County to enforce the solar access permit by providing the following information to the Planning Division:~~
- ~~1. A copy of the solar access permit and the plot plans submitted with the permit; and~~
 - ~~2. The legal description of the lot(s) on which alleged nonexempt vegetation is situated, the address of the owner(s) of that property, and a sealed site plan of the lot(s) showing the nonexempt vegetation; and~~
 - ~~3. Evidence the vegetation violates the solar access permit, such as a sunchart photograph, shadow pattern, and/or photographs.~~
- ~~B. — Enforcement Process: If the Planning Director determines the request for enforcement is complete, he or she shall initiate an enforcement action.~~

~~1019.09 — EXPIRATION AND EXTENSION OF A SOLAR ACCESS PERMIT~~

- ~~A. — Expiration: Every permit issued by the Planning Division under the provisions of this ordinance shall expire if the construction of the solar feature(s) protected by such a permit is not commenced within 180 days from the date of such permit, or if the construction of the solar feature(s) protected by such a permit is suspended or abandoned at any time after the work is commenced for period of 180 days. The Planning Director shall terminate the permit by filing the notice of expiration in the office of the County Recorder with the deeds to the affected properties.~~

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~~B. — Extension: Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this subsection for good and satisfactory reasons. The Planning Division may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.~~

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: ~~VTH, PMD, MR-1, MR-2, HDR, MR-1, MR-2, PMDVA, SHD, RCHDR, SHD, VA, and VTHMRR~~;
- C. Development, redevelopment, expansions, and improvements in the MRR District, except for the following if they are not part of a condominium development:
 - 1. Detached single-family dwellings;
 - 2. Manufactured homes; and
 - 3. Uses accessory to detached single-family dwellings and manufactured homes;
- ~~DC.~~ The following uses in the Urban Low Density Residential Districts: attached single-family dwellings, two-family dwellings, three-family dwellings, and 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;
- ~~FD.~~ The following uses: Attached single-family dwellings in the HR District if three or more dwelling units are attached to one another; attached single-family dwellings, condominiums, and institutional uses; and
- ~~E.~~ Master plans required pursuant to Subsection 1102.03; and
- ~~GF.~~ 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*;
- C. Preliminary statements of feasibility, if required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal/Sanitary-Sewer, Surface Water Management, and Erosion Control/Utilities-Concurrence*;
- 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 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;
 - 5. Natural features, such as rivers, streams, wetlands/Marsh or wetland areas, underground springs, wildlife habitat ~~areas~~, ~~and surface features such as~~ earth mounds, and large rock outcroppings;
 - 6. ~~Location of W~~ 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. ~~Location of any O~~ overlay zoning districts regulated by Section 700, *Special Districts*;

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8. Noise sources;
9. Sun and wind exposure;
10. Significant views; ~~and~~
11. ~~Existing~~ 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; ~~location and dimensions of~~ parking and loading areas, including dimensions and number of individual parking and loading spaces and drive aisles; ~~bikeways;~~ bicycle racks; ~~sidewalks;~~ 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; ~~and~~
 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/landscape development plan, drawn to a scale of not less than one inch equals 50 feet, showing~~which shall include~~ 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 ~~(i.e. underground sprinklers or hose bibs);~~
 5. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and

6. Open space ~~and/or~~ 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.

~~L. In addition to the requirements of Subsection 1102.02(H), the proposed site plan submitted with an application for design review in the PMU District shall include the following:~~

- ~~1. The specific location (footprints) of buildings, orientation, setbacks, and pedestrian amenities provided with buildings;~~
- ~~2. Specific square feet or number of units for each use, floor area ratios or site coverage, as required in Table 510-3, *Site-Specific Requirements for the PMU District*;~~
- ~~3. Transportation improvements necessary to meet the conditions of the approved master plan for the subject property;~~
- ~~4. Parking areas, parking ratios, number of spaces, dimensions, and circulation for structure parking;~~
- ~~5. Location of public amenities, including the urban design elements required on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*;~~
- ~~6. Specific internal traffic circulation improvements for all modes of transportation to accommodate projected traffic needs based on the traffic impact study; and~~
- ~~7. Public facilities and private utilities needs and location.~~

1102.03 APPROVAL CRITERIA

Design review requires review as a Type II application pursuant to Section 1307, *Procedures*, ~~—except that design review of a master plan in the PMU District requires review as a Type III application pursuant to Section 1307—~~ 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 PMU site. The master plan shall demonstrate that it is feasible to achieve full compliance with a future phase of development that is not reliant upon adding additional stories to existing or proposed structures or demolishing structures built after the RCO or PMU District was applied to the subject property.

B. ~~Master plan approval shall be required as follows:~~

~~1. In the PMU District, a master plan shall be required for the entire property for which development is proposed and shall address the applicable standards of this Ordinance. The master plan shall include:~~

~~a. Estimated square feet or number of units of required uses, and density (floor area ratio or units per acre);~~

~~b. General location of buildings, density (floor area ratio or units per acre), number of stories;~~

~~c. Proposed phasing of the development. Each phase shall demonstrate compliance with the requirements of the PMU District;~~

~~d. A traffic impact study;~~

~~e. Proposed transportation improvements, consistent with the Clackamas Regional Center Area Design Plan, including:~~

~~i. Traffic impacts of development on the overall street system based on the traffic impact study;~~

~~ii. Private streets, as to be use to meet building orientation requirements; and~~

~~iii. Phasing of streets in coordination with phased development;~~

~~f. Parking ratios for surface parking, total number of parking spaces, type; if structured, location and feasibility (dimensions);~~

~~g. Open space and significant natural features to be protected, including designated greenways, wetlands, creeks and streams, riparian habitat, and wooded areas;~~

~~h. Existing or proposed parks; and~~

~~i. A development narrative that demonstrates compliance with the requirements of the PMU District and with the traffic impact study.~~

~~C2. As part of design review of~~ Upon application for development of any portion of the OA District, ~~the applicant shall submit a master plan shall be required pursuant to Sections 1000 and 1100 for the subject property and site area consisting of all contiguous tax lots with a Comprehensive Plan land use designation of Office Apartment, to ensure compliance with this Ordinance. 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.~~

- ~~3. Upon application for development of any portion of the VO District, the applicant shall submit a master plan for the entire VO District, to ensure compliance with this Ordinance.~~
- ~~4. In the Clackamas Regional Center Area, as shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community, a master plan for sites capable of future development shall be submitted with the design review application for the first phase of development. However, in the RCO District, this requirement is limited to sites larger than two and one-half acres that are capable of future development. The master plan shall address the applicable standards of this Ordinance, and should include:

 - ~~a. General location of all proposed uses and improvements;~~
 - ~~b. General building dimensions, number of stories, square footage of commercial uses, and number of dwelling units of residential uses;~~
 - ~~c. Internal circulation, including that for auto, transit, pedestrian, and freight service;~~
 - ~~d. Transportation connections to the external street system, including off-site circulation and site access;~~
 - ~~e. Open space and natural features to be protected;~~
 - ~~f. Urban design elements shown on Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements, that are required on the subject property;~~
 - ~~g. A demonstration that proposed street layout will accommodate future growth; and~~
 - ~~h. General location of public facilities and private utilities.~~~~

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. ~~Except as set forth in Subsection 1102.05(B),~~ 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. Approval of design review for a master plan in the PMU District is valid for 10 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 ten-year period, the approval shall be implemented, or the approval will become void. Implemented means all necessary County development permits shall be obtained and maintained for the development contemplated by the approved master plan.~~

BC. 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.

~~D. If the approval of a master plan in the PMU District is not implemented within the initial approval period established by Subsection 1102.05(B), a five-year time extension may be approved pursuant to Section 1310.~~

[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]

1105 SUBDIVISIONS, PARTITIONS, REPLATS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS

1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, condominium plat, or vacation of a recorded plat may be approved, except:

- A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.07; and
- B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter 97 are exempt from Section 1105.

1105.02 SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, or replat shall include:

- A. Five copies of a preliminary plat ~~for the proposed subdivision, partition, or replat~~. The preliminary plat shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet. If the preliminary plat is larger than 11 inches by 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on eight-and-one-half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be included on the preliminary plat or by separate attachment:
 - 1. Source of domestic water and location of any existing and proposed wells;
 - 2. Method of wastewater disposal and location of any existing and proposed on-site wastewater treatment systems;
 - 3. Existing and proposed utility lines and facilities;
 - 4. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, *Lot Size and Density*, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;
 - 5. Locations, dimensions, and area of each lot, parcel, and tract;
 - 6. Date the preliminary plat was prepared;

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7. North arrow;
 8. Identification of each lot or parcel by number;
 9. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
 10. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
 11. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;
 12. 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;
 13. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;
 14. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
 15. Locations and dimensions of all existing and proposed driveways and walkways;
 16. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;
 17. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;
 18. Boundaries and type of restricted areas identified in Subsection 1012.05-~~of~~ ~~1012.07~~, as applicable;
 19. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and
 20. 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~~Sanitary Sewer~~, Surface Water Management, and Erosion Control~~Utilities Concurrence~~;

- C. ~~If the subject property~~~~For a proposed subdivision or partition that~~ 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~~~~For a proposed subdivision or partition that~~ 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(CD).

F. A master plan if required pursuant to Section 1012.

1105.03 APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, *Procedures*. A minor subdivision or a partition requires review as a Type II application pursuant to Section 1307. A replat that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

- A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and Section 1000, *Development Standards*.

B. In an Urban Low Density Residential District, the applicant may designate the proposed subdivision, partition, or replat as a zero-lot-line development. In a zero-lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.

~~B. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Chapters 11.01 and 11.02 of the County Code.~~

~~C. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Oregon Revised Statutes Chapters 92 and 209.~~

CD. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following:

1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, *Lot Size and Density*, for the gross site area included in all such phases.
2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the entire subdivision.

3. Future phases shall be shown upon the initial and subsequent final plats as a "Tract Reserved for Future Development."
4. As deemed necessary by the County or special districts, dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.

D. A nonprofit, incorporated homeowners association, or an acceptable alternative, shall be required for ownership of, improving, operating, and maintaining common areas and facilities, including, but not limited to, open space, private roads, access drives, parking areas, and recreational uses, and for snow removal and storage in Government Camp.

1. The homeowners association shall continue in perpetuity unless the requirement is modified pursuant to either Section 1309, *Modification*, or the approval of a new land use permit application provided for by this Ordinance.
2. Membership in the homeowners association shall be mandatory for each lot or parcel owner.
3. The homeowners association shall be incorporated prior to recording of the final plat.
4. Acceptable alternatives to a homeowners association may include, but are not limited to, ownership of common areas or facilities by the government or a nonprofit conservation organization.

E. If the subject property is in a future urban area, as defined by Chapter 4 of the Comprehensive Plan, the location of proposed easements, road dedications, structures, wells, and on-site wastewater treatment systems shall be consistent with the orderly future development of the subject property at urban densities.

1105.04 ADDITIONAL APPROVAL CRITERIA FOR REPLATS

The number of lots or parcels in the replatted area shall not exceed the number previously approved for the area, unless:

- A. The gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area;
- B. The allowed density is recalculated pursuant to Section 1012, *Lot Size and Density*, on the basis of the gross site area of the original platted area and any additions to the gross site area, and, if applicable, on the basis of the new zoning;
- C. All existing lots or parcels within the plat that are not affected by the replat, including additional lots or parcels that may be created by subdivision or partition

under existing zoning, are subtracted from the maximum density of the original plat area in determining allowed density for the replatted portion; and

- D. All open space requirements of the original plat, if applicable, are satisfied by the replatted subdivision or partition, or portion thereof.

1105.05 CONDOMINIUM PLATS

If condominium platting is proposed as part of a design review application pursuant to Section 1102, *Design Review*, a separate condominium plat application is not required. Otherwise, a condominium plat requires review as a Type I application pursuant to Section 1307, *Procedures*. ~~A condominium plat shall be subject to the following standards and criteria:~~

~~A. The 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*.~~

~~B. The proposed condominium plat shall comply with the applicable provisions of Oregon Revised Statutes Chapter 100.~~

~~C. If a proposed condominium plat is approved, finalizing the condominium plat requires the completion of a final plat.~~

~~1. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the condominium plat application have either been completed or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall signify approval by signing the plat.~~

~~2. Unless waived by the County Surveyor, after Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements:~~

~~a. County Assessor;~~

~~b. County Surveyor; and~~

~~e. County Road Official.~~

~~3. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent plat records of the County.~~

1105.06 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a preliminary plat ~~for a subdivision, partition, replat, or condominium~~ is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.
- B. If a final plat is not recorded within the initial approval period established by Subsection 1105.06(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. If a phasing plan and schedule are approved pursuant to Subsection 1105.03(~~CD~~), the following shall apply in lieu of Subsections 1105.06(A) and (B):
 - 1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed four years from the date of the final written decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision.
 - 2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed two years from the end of the prior phase approval period.
 - 3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.
 - 4. If a final plat for any phase is not recorded within the initial approval period for that phase, a two-year time extension for that phase and all subsequent phases may be approved pursuant to Section 1310.
 - 5. In no case shall a phasing schedule or any time extensions permit the recording of any phase more than 10 years after the date of preliminary plat approval.

1105.07 FINAL PLAT REVIEW

If a preliminary plat ~~for a subdivision, partition, or replat~~ is approved, finalizing the ~~approval~~~~subdivision, partition, or replat~~ 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~~~~subdivision or partition application~~ and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code, and Oregon Revised Statutes (~~ORS~~) Chapters 92, 94, 100, and ORS 209.250.

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- ~~B. Unless waived by the County Surveyor, the final plat shall contain, at a minimum, the following information:~~
- ~~1. The lines and names of all streets and other public ways, parks, playgrounds, and easements dedicated to the public or granted for the use of the owners within the plat and to whom the easement will be conveyed;~~
 - ~~2. The length and bearings of all straight lines, curves, radii, arcs, and the semi-tangents of all curves;~~
 - ~~3. All dimensions along the lot lines of each lot or parcel, to the nearest hundredth of a foot, with the true bearings and any other data necessary for the location of any lot line in the field;~~
 - ~~4. Suitable primary control points, approved by the County Surveyor, and description and ties to these control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred;~~
 - ~~5. The location and complete physical descriptions of all permanent monuments found or set, including full physical descriptions of Public Land Survey Corners (monument and accessories) shown on the plat. Record references for the found monuments shall be cited;~~
 - ~~6. The plat numbers and, if applicable, names of all platted subdivisions, partitions, condominiums, and cemeteries, and the legal numbers and names of all roads adjacent to the plat;~~
 - ~~7. The date(s) monuments were set (so identified), the date(s) the final plat was prepared (so identified), a north arrow, and graphical and engineering scales;~~
 - ~~8. The boundary of the divided land, with the bearings, curves, and distances marked, as determined by a field survey made by an Oregon registered professional land surveyor, and to close with a linear error of closure of not more than one foot in 10,000 feet. In addition, the survey shall be performed with the reference to the Federal Geodetic Control Committee guidelines for third-order class II;~~
 - ~~9. Any easements or notes required by the County or other public service providers and the locations, widths, and purposes of all existing easements of record, including instrument numbers; and~~
 - ~~10. Open space and common ownerships shall be labeled on the final plat as tracts. Labeling of tracts shall be alphabetical beginning with the letter "A", and no missing letters shall be allowed. The ownership, purpose, use, and maintenance of tracts shall be identified on the plat.~~
- ~~D. All Homeowners Association Agreements, Articles, and Bylaws, and other similar items required or proposed shall be submitted with the final plat for~~

~~review by the Planning Director, the Office of County Counsel, and the County Surveyor (if the County Surveyor so requests).~~

- ~~1. The Planning Director shall not approve the final plat until the Homeowners Association Agreement, Articles, and Bylaws are approved by the County.~~
- ~~2. The Homeowners Association Agreement, Articles, and Bylaws shall be consistent with ORS Chapters 92 and 94, if appropriate.~~
- ~~3. A certificate of formation of a nonprofit corporation, with a state seal, for the Homeowners Association shall be submitted with the final plat for review by the Planning Director.~~
- ~~4. After Planning Director approval, signed and notarized original documents of the Homeowners Association Agreement, Articles, and Bylaws and the certificate of formation described in Subsection 1105.07(D)(3) shall be submitted for recording at the same time as the final plat is submitted to the County Clerk. The final plat shall contain references to such documents.~~

BE. The final plat shall be submitted to the County Planning Director 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 subdivision, partition, or replat application have either been satisfied or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall signify approval by signing the plat.

~~F. Unless waived by the County Surveyor, after Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements:~~

- ~~1. County Assessor;~~
- ~~2. County Surveyor;~~
- ~~3. Board of County Commissioners; and~~
- ~~4. County Road Official.~~

~~G. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent plat records of the County.~~

1105.08 VACATIONS OF RECORDED PLATS ~~OR PORTIONS THEREOF~~

~~A. The County may initiate proceedings to vacate public property. 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.~~

~~B. The property owner may initiate vacation proceedings of public or private property by filing with the Planning Director an application that includes the following:~~

- ~~1. A description of the property proposed to be vacated, including any recorded legal descriptions or recorded plat;~~
- ~~2. A recent title report on each property proposed to be vacated that was prepared under the criteria of the County Surveyor;~~
- ~~3. A statement of the reasons for requesting that the plat, or portions thereof, be vacated;~~
- ~~4. The complete names, addresses, and phone numbers of all persons holding any recorded right, title, or interest in or to each property proposed to be vacated;~~
- ~~5. The complete names, addresses, and phone numbers of all persons owning any improvements being constructed on any public property proposed to be vacated;~~
- ~~6. The complete names, addresses, and phone numbers of all persons owning any real property abutting any public property proposed to be vacated; and~~
- ~~7. If the petition is for vacation of property that will be redivided in any manner, a preliminary subdivision or partition plat showing the proposed redivision.~~

~~C. Approval of a plat vacation shall be granted only if the vacation is in the public interest. The determination of whether a vacation is in the public interest shall include, but not necessarily be limited to, the following findings:~~

- ~~1. Will not result in the vacation of public roads necessary to serve the area or adjacent properties;~~
- ~~2. Will not interfere with the need to provide public facilities such as sewer and water; and~~
- ~~3. Will not jeopardize the potential for development of other properties pursuant to the Comprehensive Plan designation for the area.~~

~~D. Plat vacations shall be reviewed by the Planning Director if the proceedings for vacation were initiated by a petition that contains the notarized signatures of owners and contract purchasers of 100 percent of property proposed to be vacated and abutting any public property proposed to be vacated. The petition must indicate the owners' and contract purchasers' approval of the proposed vacation.~~

- ~~E.—Except as provided in Subsection 1105.08(D), plat vacations shall be reviewed by the Hearings Officer at a hearing conducted pursuant to Section 1307, *Procedures*.~~
- ~~F.—After considering vacation proceedings pursuant to Subsection 1105.08(D) or 1105.08(E), the Planning Director or Hearings Officer, respectively, shall issue a report and recommendation to the Board of County Commissioners for approving or denying the vacation of property. The report shall include an assessment of whether the vacation is in the public interest as required by Subsection 1105.08(C). Notice of the Planning Director's or Hearings Officer's recommendation shall be provided pursuant to Subsection 1307.09(A)(1) or 1307.10(E), respectively.~~
- ~~G.—The Board of County Commissioners shall consider the Planning Director's or Hearings Officer's recommendation to approve or deny the proposed vacation. If the Board of County Commissioners approves the proposed vacation, the Board Order shall:~~
- ~~1.—State that the plat, or portion thereof, is vacated;~~
 - ~~1.—Describe the exact location of each property to be vacated using a description prepared by and bearing the seal and original signature of an Oregon registered professional land surveyor or other appropriate means of description; and~~
 - ~~2.—Authorize the County Surveyor to mark the vacation on the plat filed with the County Surveyor.~~
- ~~H.—The Board Order vacating a plat, or portion thereof, shall be recorded with the County Clerk and certified copies of the recorded order shall be filed with the County Surveyor and the County Assessor. The order shall become effective upon recording.~~

1105.09 SUBDIVISIONS OF MANUFACTURED DWELLING PARKS AND MOBILE HOME PARKS

The conversion of an existing or approved manufactured dwelling park or mobile home park to a subdivision requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the submittal, review, and platting requirements of Oregon Revised Statutes (ORS) 92.830 through 92.845. Where ORS 92.830 through 92.845 conflict with the provisions of this Ordinance, ORS 92.830 through 92.845 shall take precedence.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15]

1107 PROPERTY LINE ADJUSTMENTS

1107.01 PURPOSE AND APPLICABILITY

Section 1107 is adopted to provide standards, criteria, and procedures under which a property line adjustment may be approved.

1107.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a property line adjustment shall include a tentative plan for the proposed property line adjustment. The plan shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet and shall include the following information:

- A. Lot line dimensions and size in square feet or acres of the two lots of record that are the subject of the application;
- B. Identification of the area(s) proposed to be adjusted from one lot of record to the other;
- C. North arrow;
- D. Adjacent roads (noting whether public or private), including road names and road rights-of-way or easement widths;
- E. Locations and dimensions of existing and proposed driveways;
- F. Location of wells or name of water district;
- G. Location of on-site wastewater treatment systems or name of sanitary sewer district;
- H. Easements, including widths and types, labeled as existing or proposed, specifically noting whom they serve; and
- I. Existing structures and the distance from each structure to existing and proposed lot lines.

1107.03 GENERAL APPROVAL CRITERIA

A property line adjustment requires review as a Type I application pursuant to Section 1307, *Procedures*, except that an application filed pursuant to Subsection 1107.04(C)(2)(b), 1107.04(C)(2)(c), or 1107.04(D)(3) requires review as a Type II application pursuant to Section 1307. A property line adjustment shall be subject to the following standards and criteria:

- A. A property line adjustment is subject to the minimum and maximum lot size standards of the applicable zoning district, ~~as may be modified pursuant to Subsection 1013.06(D) or 1014.04~~, except as follows:
1. If a lot of record is smaller than the minimum lot size standard, ~~as may be modified pursuant to Subsection 1013.06(D) or 1014.04~~, its size may be reduced, provided that it is not in an EFU, TBR, or AG/F 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; ~~as may be modified pursuant to Subsection 1013.06(D) or 1014.04~~.
 2. If a lot of record is larger than the maximum lot size standard, ~~as modified by Subsection 1014.04~~, 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 EFU, TBR, or AG/F District is smaller than the minimum lot size standard, its size may be reduced subject to Subsection 1107.04.
- B. Subsequent subdivision or partition (or development of dwelling units subject to Section 1012, *Lot Size and Density*) of a lot of record that was the subject of a property line adjustment shall be limited as follows:
1. A property line adjustment shall not be used to later permit development that exceeds the maximum density established by Section 1012. In calculating density, all lots or parcels (or dwelling units subject to Section 1012) within both lots of record that were the subject of the property line adjustment shall be included.
 2. In ~~the RA-1, RRF-5 and FF-10 Districts~~ ~~a zoning district not subject to Section 1012~~, ~~where averaging of lot sizes may be permitted pursuant to Table 316-2, Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts~~, a property line adjustment shall not be used to later permit a subdivision or partition that reduces the minimum average lot size below the minimum average lot size standard. In calculating the minimum average lot size, all lots or parcels within both lots of record that were the subject of the property line adjustment shall be included.
- C. A property line adjustment is subject to the minimum setbackyard depth standards of the applicable zoning district, except that if a lawfully established nonconforming setbackyard depth exists, the property line adjustment may be approved if it does not reduce that depth. Prior to Planning Director approval of the final property line adjustment record of survey map required pursuant to Subsection 1107.06, setbackyard depths from the proposed relocated property line for all existing structures on the subject property shall be verified by a site plan prepared and stamped by an Oregon registered professional land surveyor. If

no structures exist, the surveyor may submit a stamped letter so stating.

- D. A property line adjustment is prohibited between lots of record separated by a Comprehensive Plan land use plan designation boundary, as identified on Comprehensive Plan Map IV-3, *Lake Oswego Land Use Plan Map*, IV-4, *West Linn Land Use Plan Map*, IV-5, *Oregon City Land Use Plan Map*, IV-6, *North Urban Area Land Use Plan Map*, or IV-7, *Non-Urban Area Land Use Plan*, and *Mt. Hood Corridor Land Use Plan*, if the boundary separates an Urban, Unincorporated Community, or Rural Plan designation from an Agriculture or Forest Plan designation, except an adjustment may be granted when it results in an increase in the size of the lot of record with the Agriculture or Forest Plan designation. However, ~~approval of~~ such an adjustment shall not ~~be used to result in a reconfigured a~~ lot of record, the effect of which is to qualify the lot of record for a land division pursuant to Subsection 1012.02(D)902.01(B)(5).
- E. A property line adjustment is prohibited between lots of record separated by the Portland Metropolitan Urban Growth Boundary or the unincorporated community boundary of Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, or Zigzag Village.
- F. A property line adjustment shall not result in the adjustment of a dwelling from one lot of record to the other unless the lot of record receiving the dwelling otherwise complies with all applicable standards of this Ordinance for the siting of a dwelling.
- ~~G. A property line adjustment shall comply with Oregon Revised Statutes Chapter 92.~~

1107.04 EFU, TBR, AND AG/F DISTRICT APPROVAL CRITERIA

In addition to the standards and criteria in Subsection 1107.03, a property line adjustment in the EFU, TBR, or AG/F District shall be subject to the following standards and criteria:

- A. A property line adjustment shall not be used to reconfigure a lot of record or tract, the effect of which is to qualify a lot of record or tract for the siting of a dwelling.
- B. A property line adjustment shall not separate a temporary dwelling for care, relative farm help dwelling, home occupation, or processing facility from the lot of record on which the primary dwelling or other primary use exists.
- C. A property line adjustment for a lot of record without an approved homestead, nonfarm use, nonforest use, farm management plan, or forest management plan may be approved pursuant to the following provisions:
 - 1. A property line adjustment for a lot of record larger than 80 acres may be approved if the adjustment does not reduce the lot of record to less than 80

acres.

2. A property line adjustment for a lot of record smaller than 80 acres may be approved pursuant to the following provisions:
 - a. The property line adjustment will:
 - i. Not reduce the size of the lot of record by more than five percent; and
 - ii. Only one reduction is approved pursuant to this provision; or
 - b. Both lots of record are in the EFU District and the resulting configuration (size) is determined to be at least as appropriate for the continuation of the existing commercial agricultural enterprise on each lot of record, as compared to the original configuration; or
 - c. Both lots of record are in the EFU District and the adjustment complies with the provisions for siting a dwelling not in conjunction with a farm use as required by Oregon Administrative Rules (OAR) 660-033-100(7) and Section 401, *Exclusive Farm Use District*.
- D. A property line adjustment for a lot of record with an approved homestead, nonfarm use, or nonforest use may be approved pursuant to the following provisions:
 1. Both lots of record have an approved homestead, nonfarm use, or nonforest use; or
 2. The adjustment does not result in an increase in the size of the homestead, nonfarm use, or nonforest use lot of record; or
 3. Both lots of record are in the EFU District and the adjustment complies with the provisions for siting a dwelling not in conjunction with a farm use as required by OAR 660-033-100(7) and Section 401.

1107.05 APPROVAL PERIOD

Approval of a property line adjustment is valid for two 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 two-year period, the requirements of Subsection 1107.06(G) and Chapter 11.01.040 of the Clackamas County Code shall be satisfied, or the approval will become void.

1107.06 RECORD OF SURVEY MAP REVIEW

If a property line adjustment application is approved, finalizing the adjustment requires the filing of a record of survey map unless the County Surveyor waives this requirement. The applicant shall comply with the following:

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- A. The form and content of the record of survey map shall comply with the County's final decision approving the tentative plan and applicable provisions of Chapter 11.01 of the Clackamas County Code and Oregon Revised Statutes Chapters 92 and 209.
- ~~A. Draft Record of Survey Map: Prior to filing of the final property line adjustment record of survey map, a copy of a draft record of survey map shall be submitted to the Planning Director for review.~~
- B. Final Planning Director Approval of the Record of Survey Map: The final record of survey map shall be submitted to the County for review. If ~~it~~ the record of survey map is consistent with the approved tentative plan, and ~~their~~ all conditions of approval included in the County's final decision on the application have been satisfied, the Planning Director shall sign the record of survey map.
- ~~C. Filing and Recording of the Record of Survey Map and Deeds: The record of survey map shall be filed with the County Surveyor's Office pursuant to the standards and procedures of that office and the relevant provisions of Oregon Revised Statutes (ORS) Chapters 92 and 209. Additionally, revised legal descriptions of the properties affected by the adjustment (for new deeds) shall be prepared by a registered professional land surveyor, refer to the record of survey map that is filed at the County Surveyor's Office, and be recorded with the County Clerk.~~
- ~~D. Deed Requirements: A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, and signatures of all parties with proper acknowledgement.~~

[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-262, 5/23/17]

1203 CONDITIONAL USES

1203.01 PURPOSE AND APPLICABILITY

Section 1203 is adopted to provide standards, criteria, and procedures under which a conditional use may be approved.

1203.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a conditional use shall include:

- A. Preliminary statements of feasibility required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal/Sanitary Sewer, Surface Water Management, and Erosion Control/Utilities Concurrence*;
- B. A vicinity map showing the relationship of the proposed use to the surrounding area;
- C. A site plan of the subject property showing existing and proposed improvements; and
- D. Building profiles of proposed new and remodeled structures.

1203.03 GENERAL APPROVAL CRITERIA

A conditional use requires review as a Type III application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. The use is listed as a conditional use in the zoning district in which the subject property is located.
- B. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.
- C. The proposed use complies with Subsection 1007.07~~9~~, and safety of the transportation system is adequate to serve the proposed use.
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.
- E. The proposed use is consistent with the applicable goals and policies of the Comprehensive Plan.

- F. The proposed use complies with any applicable requirements of the zoning district and any overlay zoning district(s) in which the subject property is located, Section 800, *Special Use Requirements*, and Section 1000, *Development Standards*.

1203.04 VCS DISTRICT APPROVAL CRITERIA

In addition to the standards and criteria in Subsection 1203.03, a conditional use—except a wireless telecommunication facility—in the VCS District shall be subject to the following standards and criteria:

- A. The proposed use shall provide community facilities, such as meeting rooms, recreation rooms, gymnasiums, or performance facilities.
- B. The community facilities required by Subsection 1203.04(A) shall be made available on an ongoing basis to the whole community for little or no cost.
- C. The community facilities required by Subsection 1203.04(A) shall be a minimum of 3,000 square feet or one-third of the usable floor area built, whichever is greater.

1203.05 APPROVAL PERIOD AND TIME EXTENSION¹

- A. Except as set forth in Subsections 1203.05(B) and (C), approval of a conditional use 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 conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, 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 conditional use approval; or

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

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

- b. A permit issued by the County for parking lot or road improvements required by the conditional use approval.
- B. Approval of a conditional use for the following uses is valid for 10 years from the date of the final decision. With the exception of the length of the approval period, Subsection 1203.05(A) applies to these uses. Conditional use approval of these uses shall not have the effect of reserving vehicle trips for purposes of evaluating transportation concurrency for other developments. Instead, the vehicle trips these facilities are expected to generate shall be reserved when the approval is implemented pursuant to Subsection 1203.05(A).
- 1. Public roads;
 - 2. Public schools, including colleges and universities;
 - 3. Public parks;
 - 4. Public safety facilities, including fire and police facilities;
 - 5. Public libraries;
 - 6. Public sanitary sewer facilities;
 - 7. Public surface water management facilities;
 - 8. Public water supply facilities; and
 - 9. Hospitals.
- C. Approval of a conditional use for a transitional shelter community is valid for two years from the date of the final decision. With the exception of the length of the approval period, Subsection 1203.05(A) applies to these uses.
- D. If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- E. If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(B), a five-year time extension may be approved pursuant to Section 1310.
- F. Approval of a transitional shelter community is not eligible for a time extension pursuant to Section 1310.

1203.06 DISCONTINUATION

If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void. However, in the case of a transitional shelter community, the allowed discontinuation period shall not exceed one year.

[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-253, 6/1/15; Amended by Ord. ZDO-267, 8/28/17]

1205 VARIANCES

1205.01 PURPOSE AND APPLICABILITY

Section 1205 is adopted to provide standards, criteria, and procedures under which a variance to a dimensional standard of this Ordinance may be approved. However, a variance is prohibited to the following dimensional standards:

- A. The minimum lot size standards in the RA-2, RR, FU-10, EFU, TBR, and AG/F Districts;
- B. The two-acre minimum lot size standard in the RRFF-5 District and the two-acre minimum lot size standard for planned unit developments in the FF-10 District;
- ~~B. The minimum lot size standard or, in the case of a flexible lot size or planned unit development, the minimum average lot size standard if the variance would result in reducing the minimum by more than 10 percent. Subsection 1205.01(B) is not applicable to partitions of lots of record that are divided by a public road;~~
- C. The 20-acre minimum lot size standard inside the Portland Metropolitan Urban Growth Boundary in the RA-1, RA-2, RRFF-5, FF-10, RC, and RI Districts.
- D. The fuel-free break standards of Subsection 406.08;
- E. The maximum building floor space standards in the HC, HD, HL, HR, MRR, RTC, RC, and RI Districts;
- ~~F. Standards applicable in the CI District pursuant to Subsections 601.08(C) through (F); and~~
- FG. Dimensional standards established in Sections 703 through 710, 712, and 713.

1205.02 APPROVAL CRITERIA

A variance to a dimensional standard of this Ordinance requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. If the proposed variance is to any of the following standards, it shall not reduce the minimum by more than 10 percent; however, the 10-percent limit does not apply to the partition of a lot of record that is divided by a public road:
 - 1. Minimum lot size;
 - 2. Minimum average lot size; and
 - 3. District land area.

BA. Compliance with the applicable dimensional standard of this Ordinance would create a hardship due to one or more of the following conditions:

1. The physical characteristics of the land, improvements, or uses are not typical of the area. When the requested variance is needed to correct an existing violation of this Ordinance, that violation shall not be considered as a condition "not typical of the area".
2. The subject property cannot be developed to an extent comparable with other similar properties in the area if the standard is satisfied.
3. The subject property is an Urban Low Density Residential, RA-1, RRFF-5, FF-10, or HR District, the requested variance is to the minimum lot size standard, and more than 50 percent of the lots of record that are within one-half mile of the subject property and located in the same zoning district as the subject property are smaller than the minimum lot size standard.
4. Compliance with the standard would eliminate a significant natural feature of the subject property.
5. Compliance with the standard would reduce or impair the use of solar potential on the subject property or adjacent properties.

CB. Strict adherence to the dimensional standard is unnecessary because the proposed variance from the standard will reasonably satisfy all the following objectives:

1. Will not adversely affect the function or appearance of the development and use on the subject property;
2. Will not impose limitations on other properties and uses in the area, including uses that would be allowed on vacant or underdeveloped properties; and
3. Will result in the minimum variance needed to alleviate the hardship.

DC. The proposed variance is consistent with the applicable goals and policies of the Comprehensive Plan.

1205.03 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a variance 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. For a variance directly related to an application for a partition or subdivision, implemented means that the final plat of the partition or subdivision shall be recorded with the County Clerk.

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2. For any other variance, implemented means all major development permits shall be obtained and maintained, or if no major development permits are required to complete the development contemplated by the approved variance, 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 variance approval; or
 - b. A permit issued by the County for parking lot or road improvements that were part of the variance approval.
- B. If the approval of a variance is not implemented within the initial approval period established by Subsection 1205.03(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248; 10/13/14; Amended by Ord. ZDO-253, 6/1/15]

1307 PROCEDURES

1307.01 PURPOSE

Section 1307 is adopted to:

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

1307.02 APPLICABILITY

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

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

1307.03 REVIEW AUTHORITIES

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

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

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

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

1. As used in Table 1307-1:

a. "PD" means Planning Director.

b. "HO" means Hearings Officer.

c. "PC" means Planning Commission.

de. "BCC" means Board of County Commissioners.

ed. 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
AG/F District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(C)]	I	No	PD	No County-Level Appeal
AG/F District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(5)]	III	No	HO	No County-Level Appeal
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 407-1	II	No	PD	HO
Comprehensive Plan Map Amendment ¹	III or IV	Type III Only	BCC	No County-Level Appeal

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Comprehensive Plan Text Amendment	IV	No	BCC	No County-Level Appeal
Conditional Use	III	Yes	HO	No County-Level Appeal
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
Design Review of a Master Plan in the PMU District	III	Yes	HO	No County-Level Appeal
EFU District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(C)]	I	No	PD	No County-Level Appeal
EFU District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(5)]	III	No	HO	No County-Level Appeal
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1	II	No	PD	HO
Farmers' Market	II	No	PD	HO

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Floodplain Development	II	No	PD	HO
Floodway, Fish Enhancement Project [pursuant to Subsection 703.07(F)]	I	No	PD	No County-Level Appeal
<u>Gathering subject to review under Oregon Revised Statutes 433.763</u>	<u>III</u>	<u>Yes</u>	<u>PC</u>	<u>BCC</u>
Habitat Conservation Area District	See Subsection 706.06	No	See Subsection 706.06	See Subsection 706.06
Historic Landmark, Historic District, and Historic Corridor, Maintenance	I	No	PD	No County-Level Appeal
Historic Landmark, Historic District, and Historic Corridor, Major Alteration 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 ³	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, New Construction ⁴	II ³	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

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

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

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Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Property Line Adjustment [pursuant to Subsection 1107.04(C)(2)(b), 1107.04(C)(2)(c), or 1107.04(D)(3)]	II	No	PD	HO
Replat (number of lots or parcels proposed to increase)	II	Yes	PD	HO
Replat (number of lots or parcels proposed to decrease or remain the same)	I	No	PD	No County-Level Appeal
Sensitive Bird Habitat District, Alteration or Development	II	No	PD	HO
Sign Permit	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.012(A)]	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.012(B)]	II	No	PD	HO
Stream Conservation Area	II	No	PD	HO
Subdivision, Major	III	Yes	HO	No County-Level Appeal
Subdivision, Minor	II	Yes	PD	HO
TBR District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal

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

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Wireless Telecommunication Facility, with an Adjustment [pursuant to Subsection 835.05]	III	No	HO	No County-Level Appeal
Wireless Telecommunication Facility, without an Adjustment [pursuant to Subsection 835.05]	II	No	PD	HO
Zone Change 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 1102.042(~~AB~~) or (~~BC~~), to include Design Review Committee review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.

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

1307.05 PRE-APPLICATION CONFERENCE

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

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

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

1307.06 REVIEW OF MULTIPLE APPLICATIONS

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

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

1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

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

to the following submittal requirements:

1. The following shall be submitted for an application to be complete:
 - a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
 - i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - ii. The address of the subject property, if any, and its assessor's map and tax lot number;
 - iii. The size of the subject property;
 - iv. The Comprehensive Plan designation and zoning district of the subject property;
 - v. The type of application being submitted;
 - vi. A brief description of the proposal; and
 - vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.
 - b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each applicable approval criterion and standard and each item on the supplemental application form;
 - c. Any additional information required under this Ordinance for the specific land use permit sought; and
 - d. Payment of the applicable fee, pursuant to Subsection 1307.15.
 2. The Planning Director, at his or her sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the application.
 3. Each application, when received by the Planning Director, shall be date-stamped with the date the application was received.
- D. Completeness of a Type I Application: If a Type I application is not complete when submitted, and the applicant does not make it complete within ~~60~~30 days of submittal, the application is void.

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

1307.08 TYPE I MINISTERIAL PROCEDURES

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

- A. Notice of Application: Notice of application is not provided.

- B. Decision: The review authority shall approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision.
- C. Notice of Decision: A copy of the decision shall be mailed to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof.
- D. Appeal: The review authority's decision is the final decision of the County.

1307.09 TYPE II ADMINISTRATIVE PROCEDURES

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

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

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- g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
 - h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
 - i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
2. At a minimum, notice of application shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
 - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The name and telephone number of the County staff member to contact where additional information may be obtained;
 - e. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
 - f. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and
 - g. A statement that subsequent to the closing of the public comment period, a decision will be issued and mailed to everyone entitled to the initial notice of the application.
3. A minimum of 20 days prior to the issuance of a decision, a copy of the submitted application shall be mailed to those identified in Subsections 1307.09(A)(1)(d) through (i).
- B. Decision: The review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also

shall include:

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

1307.10 TYPE III QUASI-JUDICIAL PROCEDURES

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

- A. Notice of Application and Public Hearing: Notice of application and public hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development (DLCD), if required pursuant to ORS 197.610. Procedures for

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the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.

2. A minimum of 35 days prior to the first evidentiary hearing on the application, a copy of the submitted application shall be mailed to:
 - a. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - b. Cities, as prescribed in applicable urban growth management agreements;
 - c. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - d. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
 - e. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
 - f. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
3. A minimum of 20 days prior to the first evidentiary hearing of each review authority on the application, written notice of the application and hearing shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
 - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;
 - ii. 500 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
 - iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district.

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

- f. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;
 - g. The name and telephone number of the County staff member to contact where additional information may be obtained;
 - h. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
 - i. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a cost established by the Board of County Commissioners;
 - j. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
 - k. A statement that subsequent to the close of the public hearing, a decision will be issued and mailed as required by Subsection 1307.10(E).
5. If the application is for a Comprehensive Plan amendment, notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first evidentiary hearing, by publication in a newspaper of general circulation in the County. However, if the application applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.
- C. Public Hearing: A public hearing shall be held before the review authority, for the purpose of receiving testimony regarding the application.
- D. Decision: The review authority shall consider the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision

based on the standards, criteria, and facts set forth. The decision also shall include:

1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
2. The conditions of approval, if any;
3. The street address or other easily understood geographical reference to the subject property;
4. The date the review authority's decision becomes effective, unless appealed; and
5. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal; the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;

E. Notice of Decision: A copy of the decision shall be mailed to:

1. Those identified in Subsections 1307.10(A)(3)(a) and (d) through (i);
2. Anyone who provided evidence, argument, or testimony as part of the record;
3. Anyone who made a written request for notice of decision; and
4. DLCD, if required pursuant to ORS 197.615. Procedures for the giving of the required notice to DLCD shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.

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

1307.11 TYPE IV LEGISLATIVE PROCEDURES

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

A. Notice of Proposal and Public Hearing: Notice of proposal and hearing shall be provided as follows:

1. Notice shall be provided to the Oregon Department of Land Conservation and Development, if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.

2. Notice shall be provided to the Metropolitan Service District, if required pursuant to Section 3.07.820 of the Code of the Metropolitan Service District. Procedures for the giving of the required notice shall be those established by Section 3.07.820 of the Code of the Metropolitan Service District.
32. 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.
43. 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.
54. 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).
65. 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) Subsection 1307.11(G)(1)(a) through (d) may be obtained;

- b. Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;
- c. List the locations and times at which the public may review the decision and findings; and
- d. Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.

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

1307.12 PUBLIC HEARINGS

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

- A. Procedure, Generally: Public hearings shall be conducted in accordance with Oregon Revised Statutes (ORS) 197.763, Subsection 1307.12, and any bylaws or rules of procedure adopted by the review authority. Subsection 1307.12 authorizes the Hearings Officer, Planning Commission, and Board of County Commissioners to adopt rules of procedure for the conduct of hearings.
- B. Parties: Any interested party shall be entitled to participate in a public hearing.
- C. Order of Proceeding: The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted bylaws or rules of procedure of the review authority, as appropriate.
 - 1. Jurisdictional Objections: Before receiving the staff report or testimony on the application, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the review authority has the discretion to proceed or terminate the hearing.
 - 2. Disclosure Statement: The review authority (or individual member thereof), or its designee, shall read the land use disclosure statement, which shall include:
 - a. A list of the applicable substantive criteria, or a reference to the staff report, where a list of the criteria can be found;
 - b. A statement that testimony, argument, and evidence must be directed toward the criteria described in Subsection 1307.12(C)(2)(a) or other criteria in the Comprehensive Plan or land use regulation which the person

believes to apply to the decision;

- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
3. Call for Ex Parte Contacts: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact. If the review authority is the Hearings Officer, he or she shall declare any ex parte contacts and state for the record the nature and content of the contact.
 4. Call for Abstentions: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member must abstain from participation in the hearing due to conflicts of interest. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises. If the review authority is the Hearings Officer, he or she shall declare any potential conflicts of interest. The Hearings Officer shall state the nature of the conflict, and if the nature of the conflict is such that the Hearings Officer cannot fulfill his or her duty to be a fair and impartial decision maker, the Hearings Officer shall recuse himself or herself from hearing the matter.
 5. Staff Report: The Planning Director shall present a report and recommendation concerning the proposal.
 6. Presentation of the Application:
 - a. Applicant's case;
 - b. Community planning organizations, hamlets, and villages. Appearance by a representative from any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village, to present the organization's position on the proposal;

- c. Public testimony; and
 - d. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters that were introduced during the hearing.
7. Close of Hearing: No additional testimony, evidence, or argument shall be accepted after the close of the hearing unless the record is held open by the review authority.
 8. Reopened Hearing: The hearing may be reopened by the review authority, prior to decision, to receive additional testimony, evidence, or argument. Notice shall be provided to the same persons who received notice of the original hearing and to anyone who provided evidence, argument, or testimony as part of the record.
 9. Deliberations: If the review authority is the Planning Commission or Board of County Commissioners, deliberations shall immediately follow the hearing, except that deliberations may be delayed to a subsequent date and time certain. If the review authority is the Hearings Officer, deliberations will not occur, and the Hearings Officer will instead take the matter under advisement.
 10. Remand: The Board of County Commissioners may remand any matter previously considered by the Planning Commission back to the Planning Commission for further review.
 11. Recommendation or Decision: When the review authority is the Planning Commission or Board of County Commissioners, the recommendation or decision, as applicable, will be voted on and announced during a public meeting.

D. Ex Parte Contact:

1. The review authority shall not do any of the following:
 - a. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate;
 - b. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with a particular application, unless the parties are afforded an opportunity to contest the material so noted; or
 - c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. Individuals representing the review authority may inspect the site alone but must put the circumstances of the inspection on record.
2. A party may challenge the review authority, or individual member thereof, on

the grounds of Subsection 1307.12(D)(1), or that such individual has a legal conflict of interest as defined by ORS 244.020(1) or ORS 244.120. A challenge and the decision thereon by the review authority shall be entered in the record of the application.

3. While every effort must be made to avoid ex parte contact, no decision of the review authority shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1307.12(D)(1), if the review authority (or individual member thereof) receiving the contact:
 - a. Places on the record the substance of any written or oral ex parte communication concerning the decision or action; and
 - b. Has a public announcement made of the content of the communication, and of the parties' right to rebut the substance of the communication, at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.
4. A communication between County staff and the review authority (or individual member thereof) shall not be considered an ex parte contact for purposes of Subsection 1307.12(D)(1).

E. Evidence and Exhibits:

1. All evidence may be received unless excluded by the review authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the approval of the land use permit or legislative land use proposal more or less probable than it would without the evidence. Evidence may be received subject to a later ruling regarding its admissibility.
2. The review authority may exclude cumulative, repetitious, or immaterial evidence, but erroneous admission of evidence by the review authority shall not preclude action by the review authority or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
3. All evidence shall be offered and made a part of the record in the application or legislative proceeding; and, except for matters stipulated to and except as provided in Subsection 1307.12(E)(4), no other factual information or evidence shall be considered in the recommendation or decision.

4. The review authority may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within specialized knowledge. Except in a Type IV proceeding, interested parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The review authority may utilize experience, technical competence, and specialized knowledge in evaluation of the evidence presented.
5. All exhibits received shall be marked so as to provide identification upon review. Such exhibits may be returned when the period for review has expired, but shall otherwise be preserved by the Planning Director.
- F. Time Limits: The review authority may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. No person may speak more than once without obtaining permission from the review authority.
- G. Questioning: The review authority (or individual member thereof) or County staff may question any person who testifies. The applicant and other parties to the proceeding shall not have the right to question or cross-examine any person who testifies.
- H. Scope of Testimony: Except in a Type IV proceeding, testimony shall be directed towards the applicable standards and criteria that apply to the proposal. The review authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the review authority may call for those in favor and those in opposition to rise, and the review authority shall note the numbers of such persons for the record.
- I. Continuances and Open Record Periods:
 1. All documents or evidence relied upon by the applicant shall be submitted to the County and be made available to the public. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the review authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.
 2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The review authority shall either continue the public hearing, pursuant to Subsection 1307.12(I)(2)(a), or leave the record open for additional written evidence, argument, or testimony, pursuant to Subsection 1307.12(I)(2)(b).

- a. If the review authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, argument, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, argument, or testimony for the purpose of responding to the new written evidence. Only one continuance is available of right under Subsection 1307.12(I)(2)(a); provided, however, nothing in Subsection 1307.12(I)(2)(a) shall restrict the review authority, in its discretion, from granting additional continuances.
 - b. If the review authority leaves the record open for additional written evidence, argument, or testimony, the record shall be left open for at least seven days. The review authority may leave the record open for an additional period of at least seven days for any participant to respond to new evidence submitted during the prior open-record period. However, if the review authority has not provided for this additional open-record period, any participant may file a written request with the Planning Director for an opportunity to respond to new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is left open. If such a request is filed, the review authority may reopen the record pursuant to Subsection 1307.12(I)(4).
 - c. A continuance or extension granted pursuant to Subsection 1307.12(I)(2) shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.
3. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and place certain, in which case notice of the continued hearing shall be given as though it were the initial hearing.
 4. If the record is reopened to admit new evidence, argument, or testimony, any person may raise new issues which relate to the new evidence, argument, testimony, or criteria for decision-making which apply to the matter at issue. Notice of the reopened record shall be provided to any person who presented evidence, argument, or testimony as part of the record prior to the date the record was reopened.

5. Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.

J. Record of Hearing:

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

1307.13 APPEALS

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

- A. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 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 1307.13(A) and (B). The Planning Director's determination that an appellant has failed to comply with Subsections 1307.13(A) and (B) shall be final.
- D. Appeal Procedures; Scope: Appeals are subject to the following procedures:
1. De Novo Review: Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level review authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record of the appeal. For purposes of Subsection 1307.13(D)(1), the record of the initial proceeding consists of
 - a. Those items listed in Subsections 1307.12(J)(2)(a) through (d) and (j); and
 - b. Those items listed in Subsections 1307.12(J)(2)(e) through (i), to the extent that any prior hearing(s) or public meeting(s) were conducted in reaching the decision that is being appealed.
 2. Notice of Public Hearing: Notice of public hearing shall be provided as follows:
 - a. A minimum of 20 days prior to the first evidentiary hearing on the appeal, written notice of the appeal and hearing shall be mailed to:

- i. Those who were entitled to notice pursuant to Subsection 1307.09(A)(1);
 - ii. The appellant; and
 - iii. Anyone who previously provided evidence, argument, or testimony as part of the record.
 - b. At a minimum, notice of hearing shall include those elements identified in Subsection 1307.10(A)(4), except that 1307.10(A)(4)(i) will reference the appealed decision, rather than the staff report.
3. Public Hearing: A public hearing shall be held before the appeal review authority, for the purpose of receiving testimony regarding the application.
 4. Decision: The appeal review authority shall consider the record and affirm the decision, affirm the decision with additional conditions or modifications, or reverse the decision. The appeal review authority shall issue a written decision in the form of an order, which shall be signed and dated, that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include the elements identified in Subsection 1307.10(D)(1) through (5).
 5. Notice of Decision: A copy of the written order shall be mailed to:
 - a. Those identified in Subsection 1307.10(E); and
 - b. The appellant.
 6. Appeal: Except where an additional County-level appeal is provided pursuant to Subsection 1307.13(E), the appeal review authority's decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.
- E. Review of an Interpretation by the Board of County Commissioners:
1. A second County-level appeal is provided for applications for an interpretation of the Comprehensive Plan, where the Board of County Commissioners shall review the decision of the Planning Commission on appeal. Processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given to:
 - a. Those identified in Subsections 1307.09(A)(1)(a), (d) through (f), and (i);
 - b. The appellant;

- c. Anyone who provided evidence, argument, or testimony as part of the record; and
 - d. Anyone who made a written request for notice of decision.
2. A second County-level appeal is provided for applications for an interpretation of this Ordinance, where the Board of County Commissioners may choose to review the decision of the Hearings Officer on appeal but is not required to do so.
- a. If the Board of County Commissioners accepts the appeal, processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given pursuant to Subsection 1307.13(E)(1).
 - b. If the Board of County Commissioners denies a request for review, it shall do so in writing. Notice of the denial shall be given pursuant to Subsection 1307.13(E)(1). If the Board of County Commissioners denies a request for review, the decision of the Hearings Officer stands as the final decision of the County. The period for appeal to the Oregon Land Use Board of Appeals commences on the date of mailing of the Board of County Commissioners' denial of review.
- F. Effect of Judicial or Administrative Review: Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the County shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any development permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by County Counsel, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.
- G. Remand from the Land Use Board of Appeals: ~~Except as set forth in Oregon Revised Statutes (ORS) 215.435(4),~~ The County shall take final action on decisions remanded by the Oregon Land Use Board of Appeals (LUBA) within ~~the time frame established by one year of the effective date of LUBA's final order, unless the applicant requests in writing that the County proceed with the application pursuant to Oregon Revised Statutes (ORS) 215.435(1) and (2)(a), in which case the provisions of ORS 215.435 shall apply. The effective date of LUBA's final order shall be determined pursuant to ORS 215.435(1).~~

1307.14 CONDITIONS OF APPROVAL

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

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

1307.15 FEES

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

- A. Fees payable at the time of application or appeal are established by separate order of the Board of County Commissioners.
- B. The failure to submit the required fee with an application or appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. An active community planning organization that is recognized by the County may file appeals without fee, provided the decision to file an appeal is made at a public meeting held in compliance with Oregon Revised Statutes 192.610 to 192.690.

- D. Appeal fees shall be refunded if the appellant prevails. Any other fee refund policy shall be established by separate order of the Board of County Commissioners.
- E. The County Administrator or designee may reduce or waive fees upon showing of just cause to do so.

1307.16 GENERAL PROVISIONS

- A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.
- B. Property Owner's Signature: When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that he or she is buying the property under contract, the Planning Director and the review authority, if other than the Planning Director, may accept these statements to be true, unless the contrary be proved, and except where otherwise in this Ordinance more definite and complete proof is required. Nothing herein shall prevent the Planning Director or the review authority, if other than the Planning Director, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.
- C. Property Owner Notice: Where notice to property owners of record is required by Section 1307, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal need not be notified of the application, decision, or hearing. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in Section 1307 shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.
- D. Method of Mailing: When mailing is required by Section 1307, first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.
- E. Burden of Proof: Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.

- F. Argument and Evidence: For the purposes of Section 1307:
1. Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by any party. Argument does not include facts.
 2. Evidence means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by any party to be relevant to the proposal.
- G. Withdrawal: Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.
- H. Final Action Deadline: Except as modified by ORS 197.763, the County shall take final action on a land use permit application that is subject to Oregon Revised Statutes (ORS) 215.427, including resolution of all County appeals, within the time period specified by ORS 215.427, unless the applicant provides written request for an extension of such period pursuant to ORS 215.427(5).
- I. Effective Date of Decision: The County's final decision on a Type I, II, or III land use permit application becomes effective on:
1. The day the final decision is issued, if no appeal at the County level is allowed;
 2. The day after the appeal period expires, if an appeal at the County level is allowed, but no notice of appeal is timely filed;
 3. The day the decision is issued by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County's final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed; or
 4. The date of mailing of the Board of County Commissioners' denial of review, pursuant to Subsection 1307.13(E)(2)(b).

- J. Reissuing a Decision: The review authority may reissue a Type I, II, or III decision as a result of a clerical error, a misstatement of facts, or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period, if any, or after the filing of an appeal. Notice of the reissued decision shall be given in the same manner as notice of the original decision. A new appeal period equal to that of the original decision shall be provided from the date of mailing of the amended decision.
- K. Re-filing an Application: If a Type II or III land use permit application is denied, or a Type II or III land use permit is revoked pursuant to Subsection 1307.16(L), an applicant may re-file for consideration of the same or substantially similar application only if:
1. At least two years have passed after either final denial of an application by the County or revocation of a permit; or
 2. The review authority finds that one or more of the following circumstances render inapplicable all of the specific reasons for the denial:
 - a. A change, which is material to the application, has occurred in this Ordinance, the Comprehensive Plan, or other applicable law; for the purposes of this provision, "change" includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Section 1308;
 - b. A mistake in facts, which was material to the application, was considered by the review authority;
 - c. There have been changes in circumstances resulting in new facts material to the application;
 - d. A change has occurred in the zoning of the subject property, or adjacent property, that substantially affects the merits of the application; or
 - e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application.
- L. Revocation of Approval: An approval of a Type II or III land use permit may be revoked, as follows:
1. The Planning Director may initiate a public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

2. Revocation of approval shall be reviewed using the Type III procedure. The Hearings Officer shall be the review authority, and the decision of the Hearings Officer shall be the final decision of the County.
3. Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.

M. Modifications: Except as permitted pursuant to Section 1309:

1. A modification to an approved Type I, II, or III land use permit, or conditions thereto, shall be processed as a new application; and
2. A modification to conditions of approval for a Type II or III land use permit shall be considered only if one or more of the circumstances identified in Subsection 1307.16(K)(2) apply.

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

May 3, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Housing and Community Development 2018 Action Plan

Purpose/Outcomes	Approval of the 2018 Action Plan and the 2017-2019 Funding Recommendations.
Dollar Amount and Fiscal Impact	Application for \$1,973,095 in Community Development Block Grant (CDBG) funds, \$676,890 in HOME funds, and \$162,411 in Emergency Solutions Grant (ESG) funds during the 2018 program year.
Funding Source	U.S. Department of Housing and Urban Development grant funds. No County General Funds are involved.
Safety Impact	N/A
Duration	Effective July 1, 2018 and terminates on June 30, 2019
Previous Board Action	A Public Hearing with a review of the past performance of the Housing and Community Development program, proposed Action Plan, and public testimony on the County's housing and community development needs was held on April 12, 2018.
Contact Person	Chuck Robbins, Community Development Director - (503) 655-8591
Contract No.	NA

BACKGROUND: The Action Plan implements the goals and objectives of the 2017-2021 Consolidated Plan and serves as the annual application for HUD funding. The Plan also includes a list of Funding Recommendations for projects selected for funding in the program years 2018 and 2019.

Recent notifications from HUD indicates that the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program (HOME) will receive increased levels of funding for FY2018. Jurisdictions including Clackamas County will not be notified of their final allocation amounts until after the May 15th deadline for submission of the 2018 Action Plan. HUD recommends that contingency provisions be included in the action plan to make necessary funding adjustments once actual allocations are known. These provisions may be found on page 36 in section AP-35 (Projects).

RECOMMENDATION:

Staff recommends that the Board of County Commissioners take the following actions:

- 1) Place the Final 2018 Action Plan and 2017-19 Funding Recommendations on the consent agenda for approval; and;

Healthy Families. Strong Communities.

- 2) Authorize the Director of the Department of Health, Housing and Human Services to sign on behalf of Clackamas County all documents necessary for submitting applications, receiving funds, and amending applications for programs and projects included in the Action Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Swift", written over a horizontal line.

Richard Swift, Director
Health, Housing & Human Services

Attachments:

- 2018 Housing and Community Development Action Plan
- 2017-2019 Funding Recommendations

Funding Recommendations

for the
2017-2019 Community Development Block Grant Program
and the
2017-2019 HOME and Emergency Shelter Grant Programs

2017 Grant Funds	2018 Grant Funds	2019 Grant Funds
---------------------	---------------------	---------------------

Community Development Block Grant City Projects

Canby

- | | | |
|---|-----------|--|
| 1. N Pine Pedestrian, Storm and Street Improvements | \$220,000 | |
| Construct sidewalks on both sides of the street, drainage and street improvements on N Pine between NE 10th Ave. and NE 8th Ave | | |

Colton

- | | | |
|---|-----------|--|
| 2. Colton Water District - Virgil Rd. Waterline Replacement | \$135,000 | |
| Replace approximately 1,200 feet of old 4" waterline with 6" C900 PVC and add a fire hydrant at the north end of Virgil Rd. | | |

Estacada

- | | | |
|---|-----------|----------|
| 3. Shafford Street Reconstruction Phase 1 (SE 4th - NE 2nd) | \$150,000 | |
| Reconstruction of roadway surface, new curbs and sidewalks, ADA ramps and stormwater conveyance system in Estacada. | | |
| 4. Heat Pump Replacement/Roof Resurfacing | \$75,000 | \$25,000 |
| Funding to replace 6 aged Heat Pumps on the Estacada Community Center | | |

Gladstone

- | | | |
|---|-----------|--|
| 5. E. Clarendon St. 2017 | \$255,000 | |
| Improvements to E. Clarendon St between Portland & Union Avenues, including waterline, sewer, storm drains, new curbs, sidewalks, & new street surface. | | |

Sandy

- | | | |
|--|----------|--|
| 6. Southeast Sandy ADA Improvements | \$75,000 | |
| Funding to re-construct a minimum of 30 (thirty) existing ADA wheelchair ramps on public streets in th ecity of Sandy. | | |

Unincorporated/Countywide Projects

Clackamas

- | | | | |
|------------|-----------|--|--|
| 7. WeBUILT | \$140,000 | | |
|------------|-----------|--|--|
- Funding to design and build a road and sidewalk from SE 90th to the road end west on Tolbert St, and place a new fire hydrant at 8909 SE Tolbert. This location will develop permanent multi-family housing for people with disabilities.

Countywide

- | | | | |
|------------------------------------|-----------|-----------|-----------|
| 8. Housing Rehabilitation Programs | \$400,000 | \$400,000 | \$400,000 |
|------------------------------------|-----------|-----------|-----------|
- Housing Rehabilitation Programs provide needed home-repair assistance to low income households throughout Clackamas County.
- | | | | |
|---|----------|----------|-----------|
| 9. Mobile/Manufactured Home Roofing Project | \$40,000 | \$70,000 | \$100,000 |
|---|----------|----------|-----------|
- Roof Replacement for owner occupied mobile/manufactured homes located in parks throughout Clackamas County.
- | | | | |
|-----------------------------------|----------|----------|----------|
| 10. Optional Emergency Assistance | \$25,000 | \$25,000 | \$25,000 |
|-----------------------------------|----------|----------|----------|
- Emergency assistance to individuals or agencies for emergency assistance due to a fire, landslide, snowstorm, flood or other such emergency. Funding and assistance with relocation of residents and/or associated expenses to mitigate the effects of the emergency conditions.

Jennings Lodge

- | | | | |
|---------------------------|--|-----------|----------|
| 11. Head Start Classrooms | | \$175,000 | \$75,000 |
|---------------------------|--|-----------|----------|
- Funding to increase capacity to serve from 40 to 60 additional Head Start children and their families by completing the River Road complex. Completion of this project will add 1 classroom and free up another to serve at risk young children. (Tier 2 funding project)

Molalla

- | | | | |
|----------------------------------|----------|--|-----------|
| 12. Arbor Terrace Rehabilitation | \$50,000 | | \$150,000 |
|----------------------------------|----------|--|-----------|
- Arbor Terrace farmworker housing needs substantial rehabilitation. The Housing Authority of Clackamas County owns Arbor Terrace Apartments, a farmworker affordable housing development in Mollala, Oregon.

Oregon City

- | | | | |
|--------------------------------------|-----------|--|--|
| 13. Pleasant Avenue Veterans Housing | \$255,000 | | |
|--------------------------------------|-----------|--|--|
- Funding to design and build a 22-units of housing on Pleasant Avenue in Oregon City. This affordable housing project will provide formerly homeless veterans and veteran families a safe, stable and affordable place to live.

TBD

- | | | | |
|---|----------|-----------|-----------|
| <p>14. Tiny Houses Community
Funding for land acquisition, site planning, site preparation and other associated costs of creating a Tiny Houses Community for up to 10 homeless adults in Clackamas County, including eligible costs for a community facility and 10 tiny homes.</p> | \$50,000 | \$100,000 | \$35,000 |
| <p>15. Cottage Housing Cluster for Affordable Homeownership
Funding to purchase one or more vacant parcels of land to be developed with clusters of affordable, modestly-sized cottage land trust houses for low income homebuyers.</p> | | | \$227,000 |

Public Service Projects

Countywide

- | | | | |
|---|-----------|-----------|-----------|
| <p>16. Clackamas County Employment Investment Program
Clackamas County Employment Investment Program assists 67 low-income Clackamas County residents per year with significant barriers to employment (201 total) to increase self-sufficiency, with additional outreach contacts to public housing residents.</p> | \$50,000 | \$45,000 | \$40,000 |
| <p>17. Housing Rights and Resources
Housing Rights & Resources is a partnership between Clackamas County Social Services, Legal Aid & Fair Housing Council. It actively addresses & promotes fair housing & furthers housing opportunity for all, focusing on homeless & low-income residents.</p> | \$140,000 | \$140,000 | \$140,000 |
| <p>18. Jackson Transitional Housing
Jackson Transitional Housing provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement. (includes additional Tier 2 funding)</p> | \$63,000 | \$67,000 | \$67,000 |

Milwaukie

- | | | | |
|---|----------|----------|----------|
| <p>19. Sports Mentorship for Low-Income Youth
Maintain/create new mentored relationships between low-income housing youth and an athletic Coach/Mentor providing meaningful sports/recreational opportunities to engage in physical activity, healthy lifestyle choices and life skill building.</p> | \$30,000 | \$25,000 | \$20,000 |
|---|----------|----------|----------|

Planning and Admin

Countywide

20. 2019 and 2021 Homeless Count Planning Planning, implementation, data collection, reporting and evaluation for 2019 homeless count, a HUD mandated activity. Planning for 2021 homeless count. Special efforts made to reach underserved populations, veterans, unaccompanied youth & rural homeless.	\$10,000	\$20,000	\$10,000
21. CDBG Grant Administration and Planning CDBG grant administration, planning, monitoring and reporting.	\$385,889	\$356,095	\$347,290

Community Development Block Grant Sub-Total	\$1,998,889	\$1,973,095	\$1,661,290
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HOME Investment Partnership Act Unincorporated/Countywide Projects

Countywide

22. Tenant Based Rental Assistance The TBRA Program will assist individual households who are homeless or at risk of becoming homeless. Maximum assistance is 24 months and may be used for rent, utility costs, security deposits, and/or utility deposits.	\$75,000	\$75,000	\$75,000
23. CHAP Homebuyer Assistance Program This project will assist low-income first-time homebuyers in purchasing single-family homes by providing funds for down payment and closing costs.	\$50,000	\$50,000	\$50,000
24. HOME Grant Administration HOME Grant administration, contract monitoring and reporting.	\$71,252	\$67,689	\$64,305

Planning and Admin

25. HOME Multifamily Housing Project HOME Multifamily Housing Project to be determined.	\$490,265	\$458,201	\$427,741
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Countywide

26. HOME CHDO Operating funds HOME funds for CHDO Operating Funds	\$26,000	\$26,000	\$26,000
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HOME Investment Partnership Act Sub-Total	\$712,517	\$676,890	\$643,046
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Emergency Solutions Grant Unincorporated/Countywide Projects

Suppressed

27. Los Ninos Casa Hogar Shelter	\$10,000	\$10,000	\$10,000
Los Ninos Cuentan, Casa Hogar provides emergency shelter for 30-60 days to homeless families in the Clackamas			

Public Service Projects

28. NHA Annie Ross House Emergency Shelter Operations			\$31,000
ESG funding to support NHA Annie Ross House Emergency Shelter operations that serves families with children who are currently experiencing homelessness.			
29. NHA HomeBase Rapid Rehousing program	\$56,678	\$52,678	\$20,678
ESG funding to support NHA's HomeBase program to provide homelessness prevention and rapid re-housing to those most in need.			

Clackamas

30. Springwater ESG Shelter	\$11,000	\$11,000	\$11,000
Funding for an emergency youth shelter. Springwater provides temporary housing and support services to young people (ages 16 to 22) experiencing homelessness in Clackamas County in a staffed, co-ed home setting.			

Suppressed

31. CWS Emergency Shelter for Domestic Violence Victims	\$40,000	\$40,000	\$40,000
Funding to continue the operation of emergency shelter services for homeless households fleeing domestic and/or sexual violence. These core services include emergency shelter, case management, housing referrals, mental health counseling,			

Planning and Admin

Administration

32. Emergency Solutions Grant Administration	\$13,635	\$12,181	\$11,572
Emergency Solutions Grant (ESG) grant administration, contract monitoring and reporting			

	2017 Grant Funds	2018 Grant Funds	2019 Grant Funds
Countywide			
33. Emergency Solutions Grant HMIS Funding for ESG Homeless Management Information System (HMIS) to maintain data quality, user training and reporting requirements to HUD.	\$50,528	\$36,552	\$30,041
Emergency Solutions Grant Sub-Total	\$181,841	\$162,411	\$154,291
Continuum of Care Public Service Projects			
Countywide			
34. CoC Planning 2017 CoC funding to coordinate and coordinate the homeless count efforts across the county and submit annual funding applications for over \$2 million of HUD Continuum of Care (CoC) funding for county agencies and non-profit providers of services and housing to homeless persons in Clackamas County.	\$61,095	\$61,095	\$61,095
35. CoC HMIS CoC funding to operate the Homeless Management Information System (HMIS), train users, collect data, validate data and report data to HUD.	\$70,862	\$70,862	\$70,862
Continuum of Care Sub-Total	\$131,957	\$131,957	\$131,957
Grand Total	\$3,025,204	\$2,944,353	\$2,590,584

2017 GRANT YEAR NOTES: 2017 Action Plan Amendment #1 effective 12/12/2017

CLACKAMAS COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

2018 ACTION PLAN



Clackamas County
Housing and Community Development Division
Public Services Building
2051 Kaen Road – Suite 245
Oregon City, Oregon
(503) 655-8591
www.clackamas.us/communitydevelopment/

MAY 2018

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

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Commissioner: Sonya Fischer

Commissioner: Ken Humberston

Commissioner: Paul Savas

Commissioner: Martha Schrader

County Administrator
Don Krupp

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DEPARTMENT OF HEALTH, HOUSING AND HUMAN SERVICES

Director of Health, Housing and Human Services
Richard Swift

Housing and Community Development
Chuck Robbins, Director

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Appendix A: Public Comments

Appendix B: Certifications

Appendix C: Grant Application (Standard Forms 424)

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Housing and Community Development Division staff have used community survey data, public meeting comments, public housing waitlist information, Portland metropolitan area housing information and several reports to select the following goals to accomplish over the next 5 years (2017 to 2021):

1. Community Infrastructure Improvements - 10,000 persons to benefit.
2. Public Facilities Improvements - 7,500 persons to benefit.
3. Public Services - 10,000 persons will benefit.
4. Housing Rehabilitation - 150 households will benefit.
5. Affordable Housing - 260 households will benefit.
6. Homeless Assistance - 1,750 homeless persons will be assisted with shelter and services.

Six (6) Assessment of Fair Housing Goals have been included in the 2017-2021 Consolidated Plan.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Clackamas County Housing and Community Development has been a major partner and funder of many affordable housing projects, most of the senior centers and many neighborhood improvement projects throughout the county over the last 20 years. The impact of projects and services supported with grant funds is often limited by the federal grant regulations and the actual annual funding levels although communities and non-profit partners do bring private resources to leverage the federal funds. Clackamas County Housing and Community Development Division continues to expend federal funds efficiently and effectively within the bounds of federal regulations. Slow moving projects are cancelled allowing funds to be reallocated to projects that are on track to be completed as scheduled.

Clackamas County coordinates with and provides staff support to the homeless Continuum of Care.

Clackamas County has recently completed an Assessment of Fair Housing and established the following goals for program years 2017 to 2021:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households. (households with children under 18 yrs.).
3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Clackamas County Housing and Community Development Division maintains a Citizen Participation list of persons interested in programs and services funded by federal grants. Public meeting notices are posted in community newspapers and notices of funding availability are distributed throughout the county through newspapers and email lists.

The community participation process for selecting Clackamas County's fair housing goals included 10 public meetings, three separate surveys during April, May and June of 2016 and consultations with 23 community agencies. A total of 310 people responded to a community survey, a public housing resident

survey and a Spanish language survey. Some surveys were mailed to groups and all surveys were available on paper and online. A public notice was published in community newspapers notifying interested persons that a draft of the AFH document, AFH Goals and an executive summary was posted for a 30-day comment period that was extended to 45 days.

The Continuum of Care homeless services providers and public housing residents are engaged in annual public meetings to discuss programs, projects and services.

The general public is also invited and engaged through solicitation of feedback through community online surveys and public meetings.

The 2018 Action public participation process included newspaper advertisements, email distribution of meeting notices, a public meeting on February 21 and a public hearing with the Board of County Commissioners on April 12.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Public meetings were held on February 21, 2018 and April 12, 2018 to gather comments on housing and community development needs.

Comments were in favor of proposed projects. Public comments included inquiries into the timeline for next funding cycle, proposed projects and services and the CDBG, HOME and ESG application process.

The draft 2018 Action Plan was posted for review and comment from March 22, 2018 to April 22, 2018.

6. Summary of comments or views not accepted and the reasons for not accepting them

All public comments were accepted and included in this plan as an Attachment.

7. Summary

The public comment period on the 2018 Action Plan was from March 22 to April 22, 2018 and the public hearing was held on April 12, 2018. All comments were in support of homeless services, affordable housing projects and first time home owner programs. All comments were accepted. The Board of County Commissioners approved the final plan on May 3, 2018 with the provision that the plan would not be submitted until actual grant allocation amounts were provided by HUD and incorporated into the plans.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	CLACKAMAS COUNTY	
CDBG Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
HOPWA Administrator		
HOME Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
ESG Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
HOPWA-C Administrator	CLACKAMAS COUNTY	Community Development Division

Table 1 – Responsible Agencies

Narrative (optional)

Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions. Clackamas County receives no HOPWA funds. Services for persons with AIDS are provided by the Cascade AIDS Project (CAP) in the nearby City of Portland, Oregon.

Consolidated Plan Public Contact Information

Office location: Housing and Community Development Division Public Services Building 2051 Kaen Road – Suite 245 Oregon City, Oregon (503) 655-8591

Housing and Community Development Website: <http://www.clackamas.us/communitydevelopment/>

Clackamas County Housing and Community Development website includes maps of low/mod income areas, funding policies, meeting notices, meeting schedules, Consolidated Plans, annual Action Plans, information on HOME repairs grants and loans, and other programs.

Staff Contacts:

Chuck Robbins, Director: chuck@clackamas.us

Kevin Ko, Housing and Community Development Manager: kko@clackamas.us

Mark Sirois, Project Coordinator: marksir@clackamas.us , 503.650.5664

Steve Kelly, Project Coordinator: stevekel@clackamas.us

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Clackamas County is an urban and rural county within the Portland/Vancouver metropolitan statistical area. Clackamas County provides the bulk of the social services, assisted housing services and public housing to low-income residents in the county. Clackamas County provides federal funding to non-profit housing developers to build, purchase and maintain assisted housing throughout the county.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

Clackamas County Housing and Community Development Division (HCD) coordinates activities between public housing and assisted housing agencies through funding and reporting outcomes to state and federal agencies. The local public housing authority is a part of Clackamas County's Health, Housing and Human Services Department. Nonprofit and for profit housing developers and housing providers are in regular contact with HCD staff about project ideas and potential state and federal grants that could be combined with CDBG and HOME funds for a successful housing project proposal. The HOME program provides vital funding to affordable housing providers that also apply for state tax credit funding as one of few sources of funds available to develop affordable housing units in the rural parts of Clackamas County.

The Clackamas County Health, Housing and Human Services (H3S) Department includes; a public housing authority, a community development division, a public health division, a social services division, a behavioral health division and a primary care division. H3S is often a convener of agencies to apply for funding, build facilities and provide services to vulnerable populations. In some cases the county provides the services, and in other cases non-profit agencies provide the housing or services. CDBG funds also provide support for the Housing Rights and Resources program, an H3S program in the Social Services Division. This program provides housing referral and information on all available housing services and resources to residents in need of affordable housing and related services.

HCD consults directly with the county primary care health facilities and health services to coordinate services and projects.

HCD consults directly with local governments (15 cities and towns in Clackamas County) regarding public facilities and infrastructure projects. Adjacent governments including City of Portland, Multnomah County and Washington County are contacted regularly regarding public meetings however due to scheduling conflicts staff from these governments rarely attend our public meetings.

Currently HCD has business and civic leaders engaged in the community and housing development needs assessment through their activities on non-profit boards, planning councils and commissions. Some non-profit agencies are considered civic organizations. HCD will continue to reach out to community groups that include civic and business leaders in the community. HCD is currently nurturing business contacts on the Housing Advisory Board that guides the Housing Authority of Clackamas County and county-wide affordable housing policy.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

H3S Housing and Community Development Division (HCD) personnel administer the Continuum of Care (CoC) annual renewal application process and the Homeless Management Information System (HMIS). The same HCD office uses CDBG, ESG and CoC funds to support homeless services and for the Homeless Point in Time (PIT) count of homeless persons. The PIT is conducted with over 150 volunteers coordinated by the Social Services Division.

H3S Housing and Community Development Division (HCD) personnel administer the Continuum of Care (CoC) annual renewal application process and the Homeless Management Information System (HMIS). The annual Continuum of Care renewal application funds over \$2,000,000 of services and rent assistance to homeless persons in the county. CoC efforts secure services and support for over 478 persons including 32 chronically homeless persons (based on the CoC 2016 Housing Inventory Chart.)

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The HCD staff coordinate the Continuum of Care monthly meetings and the CoC governing board activities. The CoC policies and ESG program policies were developed with both CoC and ESG homeless services providers. The CoC reviewed and adopted the current CoC and ESG policies in February 2017.

HCD personnel also provide the HMIS training and support for CoC and ESG providers. The monthly CoC activities and quarterly performance reports are coordinated by the same Community Development Division staff that coordinates the ESG funding applications and awards process. The FY 2017-2019 ESG funding recommendations were presented to the CoC Steering Committee on February 2, 2017 and to the CoC Homeless Council (CoC) for discussion and review on February 22, 2017. CoC providers, the

local public housing agency and all the agencies in the Continuum of Care are engaged in addressing the needs of homeless persons.

The CoC consults with Community Solutions, a Workforce Investment Act partner and division of H3S, to conduct employment related training for homeless persons.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Housing Authority of Clackamas County
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy Market Analysis Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Housing Authority is staffed by Clackamas County employees. The Housing Authority Director is also the director of the Housing and Community Development Division. The anticipated outcomes are coordinate efforts to maintain and build affordable housing units for low income residents as well as coordinated social services and employment training.
2	Agency/Group/Organization	NORTHWEST HOUSING ALTERNATIVES
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Persons with Disabilities Services-Victims of Domestic Violence Services-homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Northwest Housing Alternatives (NHA) is one of a few non-profit housing developers in Clackamas County. NHA staff are active on the Continuum of Care homeless council as a provider of homeless housing services and homeless prevention services with ESG funding, local government funding and private foundation funding.
3	Agency/Group/Organization	CLACKAMAS WOMEN'S SERVICES
	Agency/Group/Organization Type	Services - Housing Services-Victims of Domestic Violence Services-homeless Services - Victims
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Clackamas Womens Services is an active participant in the homeless Continuum of care as well as an HESG services provider. The agency is one of a few victim services providers.

4	Agency/Group/Organization	CLACKAMAS COUNTY
	Agency/Group/Organization Type	Services-Health Services-Employment Service-Fair Housing Health Agency Child Welfare Agency Publicly Funded Institution/System of Care Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Clackamas County Health, Housing and Human Services (H3S) Department includes; a public housing authority, a community development division, a public health division, a social services division, a behavioral health division and a primary care division. H3S is often a convener of agencies to apply for funding, build facilities and provide services to vulnerable populations. In some cases the county provides the services, and in other cases non-profit agencies provide the housing or services.
5	Agency/Group/Organization	CASCADIA BEHAVIORAL HEATHCARE, INC.
	Agency/Group/Organization Type	Services-Persons with HIV/AIDS
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy HOPWA Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency is part of the homeless Continuum of Care.
6	Agency/Group/Organization	CENTRAL CITY CONCERN
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This agency provides services and housing through the homeless Continuum of Care.
7	Agency/Group/Organization	IMPACT NW
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This Agency is part of our homeless Continuum of Care.

8	Agency/Group/Organization	INN HOME
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-homeless Services-Education
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This agency is part of the homeless Continuum of Care that serves homeless youth.
9	Agency/Group/Organization	LEGAL AID SERVICES OF OREGON
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Part of our Housing Rights and Resources and included in all planning efforts

10	Agency/Group/Organization	LIFEWORKS NORTHWEST
	Agency/Group/Organization Type	Services-homeless Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This agency provides outreach and health services to homeless adults. This agency is part of the Continuum of Care.
11	Agency/Group/Organization	OUTSIDE IN
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Health
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This agency provides outreach and health services to homeless youth. This agency is part of the Continuum of Care.
12	Agency/Group/Organization	STATE OF OREGON DEPARTMENT OF HUMAN SERVICES
	Agency/Group/Organization Type	Services-homeless Services-Employment Other government - State

What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Strategy Anti-poverty Strategy
Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This State of Oregon TANF agency has a local office in our county. A representative from this office participates in our Continuum of Care activities and planning.

Identify any Agency Types not consulted and provide rationale for not consulting

All agencies that expressed interest in participating were consulted. No agencies were excluded.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	H3S Community Development Division	The goals of the Continuum of Care are included as part of the Homeless Prevention Goals in the Action Plan
10 year Plan to Address Homelessness	H3S Social Services Division	The Goals of the 10 year Plan to Address Homelessness are included in both the Action Plan and the Continuum of Care annual goals and objectives.
Public Housing Annual Plan	Housing Authority of Clackamas County	The PHA improvements are included in the annual Action Plan

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

As a result of the demand for a Coordinated Housing Access (CHA) for homeless services, CDBG funds were awarded to the Social Services Division to provide staffing to the CHA system until other funds can be identified. The CoC application for funding in FY2016 included re-allocated funds to support the CHA system to provide information to the CoC Steering committee and additional assistance to CoC programs. Action Plan staff meet with the Continuum of Care members to discuss housing and community development needs and resources. CoC members are invited to attend public meetings and public hearings to provide testimony on homeless and homeless housing needs in Clackamas County.

For the 2018 Action Plan, HCD staff presented and discussed recommended funding for CDBG and ESG projects with CoC members on March 28, 2018. HCD staff discussed ESG and Coc funding allocations, performance standards, outcomes, policies and procedures as well as the annual consultation process which occurs in March of every year. This year the County Board agreed to fund a homeless veterans transitional housing village. CoC members inquired about when this facility would be operational, tentatively scheduled for July 2018. CoC members were invited to submit testimony at the April 12th public hearing.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Citizen Participation process for this Action plan began in 2016 with a community needs assessment, small group meetings with stakeholders, an online survey, public meetings and public hearings. The first public meeting for the 2018 Action Plan was held on February 21. The public hearing with the Board of County Commissioners was held on April 12, 2018.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Clackamas County Housing and Community Development Division works closely with the Housing Authority of Clackamas County, the County Behavioral Health Program, the Continuum of Care, non-profit agencies and the local County Social Service agencies to secure and administer many sources of funding for services, programs and rent assistance to benefit low-income residents of Clackamas County.

As of April 24, 2018, HUD has not determined the funding levels for Clackamas County for program year 2018 (July 1, 2018 to June 30, 2019).

These expected resources are estimates based on historical funding trends, amounts to be matched and leveraged.

HOME Project-Related Soft Costs

When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs. These may include:

- Processing of applications for HOME funds
- Appraisals required by HOME regulations
- Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently

prepared

- Project underwriting
- Construction inspections and oversight
- Project documentation preparation
- Costs associated with a project-specific environmental review
- Relocation and associated costs
- Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants
- Staff and overhead costs related any of the above actions

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,991,474	498,000	0	2,489,474	6,000,000	The FY 2018 program year is the 2nd year of the 5-year Consolidated Plan. The expected amount available. Program income includes \$498,000 of of NSP funds transferred to CDBG program income.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	741,738	100,000	0	841,738	2,200,000	The FY 2018 program year is the 2nd year of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 2-5% each year. The HOME match requirement of 25% will be met either by eligible contributions, computing the value of annual property tax exemptions, or by drawing down the required match amounts from the county's excess HOME match reserve of approximately \$1.3 million.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	181,841	0	0	181,841	540,000	The FY 2018 program year is the 2nd year of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 2-5% each year

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG Program: Resources reasonably expected to be made available to supplement CDBG funds include local matching to be contributed by project sponsors. Matching contributions (cash or in-kind) equivalent in value to a minimum of 20% of the project cost are required by County policies. It is anticipated that funding available to finance community development activities from local matching sources will total at least \$2,000,000. CDBG anticipates approximately \$300,000 of program income per year from the Housing Rehabilitation program loan repayments

will be re-invested into home owner housing rehabilitation. For FY 2018, CDBG program income is \$498,000 of NSP program income that will be transferred to the CDBG program as program income for a total of \$798,000. Up to 20% may be used for CDBG admin and up to 15% may be used for public services. The NSP funds were not available during the FY2017 program year as anticipated.

The **Continuum of Care application** process will renew at least \$2,400,000 of funding annually for homeless services, programs and rent assistance for homeless individuals and families. In 2017 HUD awarded the Clackamas Continuum a total of \$2,420,021 which includes additional funding due to increased Fair Market Rent (FMR) rates and additional funds for the Housing Our Heros homeless veterans and families housing assistance program.

HOME Program Income

HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is received during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2018, the county anticipates that it will retain approximately \$100,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

HOME Match Funds: The HOME match requirement of 25% will be met either by eligible contributions, computing the value of annual property tax exemptions, or by drawing down the required match amounts from the county's excess HOME match reserve of approximately \$1.3 million.

ESG funds will be matched using private donations, local and state homeless prevention funds (EHA).

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Clackamas County is using Development Agency land to locate a Homeless Veterans Village for at least three years. The village will be operational by July 2018.

Discussion

The Housing and Community Development Division will continue to partner with the Housing Authority of Clackamas County, the County Behavioral Health Program, the County Health Centers, the Continuum of Care, non-profit agencies, for profit housing developers and the local County Social Service agencies to explore new programs, services and financial resources for programs and services that benefit our low-income and special needs residents.

Anticipated Resources amounts are based on anticipated funding levels, anticipated program income, prior year funds carried forward and expected matching funds on individual community projects.

HOME Program Income

For the program year ending June 30, 2018, the county anticipates that it will retain approximately \$100,000 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

For FY 2018, we anticipate \$498,000 of NSP program funds will be transferred to CDBG as program income.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2017	2021	Affordable Housing	Countywide	Affordable Housing	HOME: \$2,000,000	Rental units constructed: 300 Household Housing Unit Rental units rehabilitated: 100 Household Housing Unit Direct Financial Assistance to Homebuyers: 25 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 100 Households Assisted
2	Housing Rehabilitation	2017	2021	Affordable Housing	Countywide	Affordable Housing	CDBG: \$1,000,000	Rental units rehabilitated: 50 Household Housing Unit Homeowner Housing Rehabilitated: 100 Household Housing Unit
3	Public Services	2017	2021	Non-Homeless Special Needs	Countywide	Non-housing Community Development	CDBG: \$1,000,000	Public service activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Homeless Assistance	2017	2021	Homeless	Countywide	Homelessness	ESG: \$600,000	Homeless Person Overnight Shelter: 1750 Persons Assisted
5	Public Facilities Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development	CDBG: \$1,000,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 7500 Persons Assisted
6	Community Infrastructure Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development	CDBG: \$1,500,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted
7	AFH Goal: Develop new housing units	2017	2021	AFH Goal 1	Countywide	Affordable Housing		Other: 500 Other
8	AFH Goal: Increase accessibility to housing	2017	2021	AFH Goal 2	Countywide	AFH: 1. Lack of affordable, accessible housing in AFH: 6. Housing accessibility modifications		Other: 1 Other
9	AFH Goal: Housing access for protected classes	2017	2021	AFH Goal 3	Countywide	Affordable Housing AFH: 1. Lack of affordable, accessible housing in AFH: 2. Availability of affordable units		Other: 1 Other

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
10	AFH Goal: Fair Housing laws and Increase public	2017	2021	AFH Goal 4	Countywide	AFH: 7. Private discrimination AFH: 8. Lack of public fair housing enforcement AFH: 9. Lack resources for fair housing agencies		Other: 400 Other
11	AFH Goal: Coordinate Fair Housing efforts	2017	2021	AFH Goal 5	Countywide	AFH: 7. Private discrimination AFH: 8. Lack of public fair housing enforcement		Other: 1 Other
12	AFH Goal: Healthy and Habitable Housing	2017	2021	AFH Goal 6	Countywide	AFH: 2. Availability of affordable units		Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	Affordable Housing projects will be completed in partnership with non-profit and private housing developers.

2	Goal Name	Housing Rehabilitation
	Goal Description	Housing Rehabilitation for home owners and renters will be provided by the Housing Rehabilitation program and in partnership with non-profit housing developers.
3	Goal Name	Public Services
	Goal Description	Public Services will be provided in partnership with social services agencies, mental health organizations, employment training agencies and non-profit organizations.
4	Goal Name	Homeless Assistance
	Goal Description	Homeless assistance is provided through Emergency Solutions Grants and Continuum of Care funding and services. The estimated goals are based on the assumption that annual funding will remain at current year levels.
5	Goal Name	Public Facilities Improvements
	Goal Description	Public Facilities will be built or improved in partnership with non-profit agencies and cities.
6	Goal Name	Community Infrastructure Improvements
	Goal Description	Community Infrastructure needs will be resolved in partnership with communities.
7	Goal Name	AFH Goal: Develop new housing units
	Goal Description	AFH Goal 1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing. Metrics, milestones and timeframes: Construct 500 new units of affordable (rent restricted units) housing over the next 5 years in areas of high opportunity.

8	Goal Name	AFH Goal: Increase accessibility to housing
	Goal Description	<p>Metrics, milestones and timeframes:</p> <p>By 2018 begin collecting data on persons with disabilities access to home ownership and rental units in the jurisdiction.</p> <p>Beginning in 2017 promote the availability of any new affordable housing units directly to persons with disabilities and female head of households.</p>
9	Goal Name	AFH Goal: Housing access for protected classes
	Goal Description	<p>Race and National Origin are protected classes. Both the Hispanic population and the LEP population (a subset of the National Origin protected class) is growing in the region and in the jurisdiction. The jurisdiction plans to provide more information about housing programs directly to LEP populations in additional languages including Russian and Chinese.</p> <p>Metrics, milestones and timeframes:</p> <p>By 2018, provide information to housing programs in 2 additional languages for the Housing Rehabilitation program.</p>

10	Goal Name	AFH Goal: Fair Housing laws and Increase public
	Goal Description	<p>Private discrimination in access to housing continues to occur in the jurisdiction and the region. Clackamas County has the Housing Rights and Resources (HRR) Program to increase public awareness about fair housing and to provide tenants and landlords information about their rights and responsibilities in fair housing. When staff determine that a potential housing discrimination has occurred a referral is made to Legal Aid or to Fair Housing Council for further exploration. Between July 1, 2015 and June 30, 2016, more than 2000 people called this program for housing information. More than 800 callers were assisted with rights and responsibilities information. 80 of the callers were calling with a specific discrimination issue which was clarified by HRR staff and as appropriate, callers were referred to Legal Aid Services of Oregon. The HRR program serves a vital function to screen appropriate cases to Legal Aid services. The jurisdiction will explore funding and partnership options to expand these legal services.</p> <p>Metrics, milestones and timeframes:</p> <p>Annually, at least 400 landlords and renters will receive information on fair housing laws and training on rights and responsibilities of tenants and landlords. (2000 people over 5 years).</p> <p>The number of potential discrimination referrals to Legal Aid and Fair Housing Council by Housing Rights and Resources program will be compiled and reported to HUD in CAPER reports.</p>
11	Goal Name	AFH Goal: Coordinate Fair Housing efforts
	Goal Description	<p>Regional partners continue to coordinate efforts to promote and expand fair housing laws and improve housing choice for all protected classes. Regional partners are coordinating efforts with the Fair Housing Council of Oregon to collect discrimination complaint data for examination and dissemination to local jurisdictions. Improved data collection will boost efforts to make the public more aware of the persistent discrimination that occurs in the private rental housing market.</p> <p>Metrics, milestones and timeframes:</p> <p>By 2019 each jurisdiction in the region will have at least one shared goal regarding fair housing.</p>

12	Goal Name	AFH Goal: Healthy and Habitable Housing
	Goal Description	<p>Substandard housing conditions including fire danger, mold, rodents and bedbugs may have a disparate impact on protected classes that are more likely to occupy private low rent housing.</p> <p>Metrics, milestones and timeframes:</p> <p>Jurisdiction/County Adoption of a Residential Rental Maintenance Standard by 2020.</p>

Projects

AP-35 Projects – 91.220(d)

Introduction

These FY 2018 projects were awarded in February 2017 after a competitive application process conducted in November and December of 2016.

Contingency Provisions for 2018 CDBG, HOME and ESG Allocations

Entitlement jurisdictions are not allowed to submit their Action Plan until the actual amounts are known and included in the Action Plan. HUD has instructed entitlement jurisdictions to include contingency provisions in its 2018 Action Plan that describes how it will make adjustments to the estimated allocations that have been provided for public comment, once the actual allocations are known. These contingency provisions are only applicable to the 2018 Action Plan. The contingency provisions for each program is described below:

CDBG (non-Public Services) –The county has identified the CDBG administration (2018/0002), the Housing Rehabilitation program (2018/0001), the Tiny Houses Community (2018/0010) and the Optional Emergency Assistance (2018/0008) as projects that will be increased or decreased based on the actual funding levels determined by HUD. If the actual CDBG allocation is less than anticipated, these activities will be reduced by the amount of the reduction for non-PS activities. If the CDBG allocation is increased above anticipated amounts, funding for CDBG administration (2018/0002), the Housing Rehabilitation program (2018/0001), the Tiny Houses Community (2018/0010) and the Optional Emergency Assistance (2018/0008) projects will be increased proportionally to match the actual allocation.

CDBG (Public Services) – The Jackson Transitional Housing has been identified as a activity with anticipated 2018 funding of \$67,000. If the CDBG PS funding amount is less than anticipated, this activity will absorb up to \$11,000 of the reduction to match the actual allocation. Any additional reduction will be applied to the other PS activities proportionally to match the actual allocation. There will be no increase to the available PS funding; any increase to the CDBG allocation will be applied to the non-PS 2018 CDBG projects listed above to match the actual allocation.

HOME – Any increase or decrease in HOME funding relative to the amount anticipated in the Action Plan will be applied to the HOME Administration (2018/0003) and the Multi-Family Housing Project (2018/0018) to match the actual allocation.

ESG – Any decrease or increase of ESG funding relative to the amount anticipated in the Action Plan will be applied to the ESG Administration, ESH HMIS and the ESG NHA HomeBase Rapid rehousing Program

to match the actual allocation.

Projects

#	Project Name
1	Housing Rehabilitation 2018
2	CDBG Grant Administration 2018
3	HOME Grant Administration 2018
4	N. Pine Pedestrian and Street Improvements Canby
5	E. Clarendon St. 2017 Gladstone
6	Southeast Sandy ADA Improvements
7	Mobile/Manufactured Home Roofing Project 2018
8	Optional Emergency Assistance 2018
9	Head Start Classrooms 2018
10	Tiny Houses Community 2018
11	Employment Investment Program 2018
12	Housing Rights and Resources 2018
13	Jackson Transitional Housing 2018
14	Mentor Athletics 2018
15	Homeless Count Planning 2021
16	Tenant Base rental Assistance 2018
17	CHAP Homebuyer Assistance Program 2018
18	HOME Multifamily Housing Project
19	HOME CHDO Operating funds 2018
20	Emergency Solutions Grant Program 2018

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities are based on consultation with community members, cities and non-profit agencies providing services throughout the county.

AP-38 Project Summary
Project Summary Information

1	Project Name	Housing Rehabilitation 2018
	Target Area	Countywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Affordable Housing AFH: 1. Lack of affordable, accessible housing in
	Funding	CDBG: \$400,000
	Description	Housing Rehabilitation Programs provide needed home-repair assistance to low income households throughout Clackamas County.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	35 low income Households will benefit from housing rehabilitation services.
	Location Description	County-wide services
	Planned Activities	Housing Rehabilitation Program staff provide needed home-repair assistance grants and loans to low income households throughout Clackamas County. Total funding of \$400,000 of FY2018 CDBG entitlement, and an estimated \$XXXXXXX of program income.
2	Project Name	CDBG Grant Administration 2018
	Target Area	Countywide
	Goals Supported	Affordable Housing Housing Rehabilitation Public Services Homeless Assistance Public Facilities Improvements Community Infrastructure Improvements
	Needs Addressed	Affordable Housing Homelessness Non-housing Community Development
	Funding	CDBG: \$356,095
	Description	CDBG grant administration, planning, monitoring and reporting.
	Target Date	7/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	County-wide
	Planned Activities	CDBG grant administration, planning, monitoring and reporting. Total funding of \$356,095 of FY2018 entitlement and an estimated \$000,000 from program income.
3	Project Name	HOME Grant Administration 2018
	Target Area	Countywide
	Goals Supported	Affordable Housing Housing Rehabilitation
	Needs Addressed	Affordable Housing AFH: 1. Lack of affordable, accessible housing in AFH: 2. Availability of affordable units
	Funding	HOME: \$67,689
	Description	HOME Grant administration, contract monitoring and reporting.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	Not applicable
	Planned Activities	Total funding of \$67,689 includes FY2018 HOME and \$00,000 of estimated program income. HOME Grant administration, contract monitoring and reporting.
4	Project Name	N. Pine Pedestrian and Street Improvements Canby
	Target Area	Countywide
	Goals Supported	Community Infrastructure Improvements
	Needs Addressed	Non-housing Community Development AFH 11. Inaccessible sidewalks, pedestrian crossin
	Funding	CDBG: \$220,000

	Description	Street, Drainage and Pedestrian Improvements in Canby. Construct sidewalks on both sides of the street, drainage and street improvements on N Pine between NE 10th Ave. and NE 8th Ave
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1000 low income persons in this low income neighborhood will benefit
	Location Description	North Pine Street in Canby, Oregon
	Planned Activities	Construct sidewalks on both sides of the street, drainage and street improvements on N Pine between NE 10th Ave. and NE 8th Ave
5	Project Name	E. Clarendon St. 2017 Gladstone
	Target Area	Countywide
	Goals Supported	Community Infrastructure Improvements
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$255,000
	Description	Improvements to East Clarendon Street between Portland & Union Avenues, including waterline, sewer, storm drains, new curbs, sidewalks, & new street surface
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	East Clarendon Street in Gladstone, Oregon.
	Planned Activities	Improvements to E. Clarendon Street between Portland & Union Avenues, including waterline, sewer, storm drains, new curbs, sidewalks, & new street surface
6	Project Name	Southeast Sandy ADA Improvements
	Target Area	Countywide
	Goals Supported	Community Infrastructure Improvements
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$75,000

	Description	Funding to re-construct a minimum of 30 (thirty) existing ADA wheelchair ramps on public streets in the city of Sandy, Oregon.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	500 low-income families
	Location Description	The city of Sandy, Oregon
	Planned Activities	Funding to re-construct a minimum of 30 (thirty) existing ADA wheelchair ramps on public streets in the city of Sandy.
7	Project Name	Mobile/Manufactured Home Roofing Project 2018
	Target Area	Countywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$70,000
	Description	Roof Replacement for owner occupied mobile/manufactured homes located in parks throughout Clackamas County.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	40 low income households
	Location Description	low-income households countywide
Planned Activities	Roof Replacement for owner occupied mobile/manufactured homes located in parks throughout Clackamas County.	
8	Project Name	Optional Emergency Assistance 2018
	Target Area	Countywide
	Goals Supported	Public Services
	Needs Addressed	Homelessness AFH: 3. Displacement of residents due to economic
	Funding	CDBG: \$25,000

	Description	Emergency assistance to individuals or agencies for emergency assistance due to a fire, landslide, snowstorm, flood or other such emergency. Funding and assistance with relocation of residents and/or associated expenses to mitigate the effects of the emergency
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 low income households
	Location Description	countywide
	Planned Activities	Emergency assistance to individuals or agencies for emergency assistance due to a fire, landslide, snowstorm, flood or other such emergency. Funding and assistance with relocation of residents and/or associated expenses to mitigate the effects of the emergency
9	Project Name	Head Start Classrooms 2018
	Target Area	Countywide
	Goals Supported	Public Facilities Improvements
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$175,000
	Description	Funding to increase capacity to serve from 40 to 60 additional Head Start children and their families by completing the River Road complex. Completion of this project will add 1 classroom and free up another to serve at risk young children.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	40-60 low income students/ households
	Location Description	16518 SE River Road, Milwaukie, OR 97267
	Planned Activities	Funding to increase capacity to serve from 40 to 60 additional Head Start children and their families by completing the River Road complex. Completion of this project will add 1 classroom and free up another to serve at risk young children.
	Project Name	Tiny Houses Community 2018

10	Target Area	Countywide
	Goals Supported	Public Facilities Improvements
	Needs Addressed	Homelessness Non-housing Community Development AFH: 1. Lack of affordable, accessible housing in
	Funding	CDBG: \$100,000
	Description	Funding for land acquisition, site planning, site preparation and other associated costs of creating a Tiny Houses Community for up to 10 homeless adults in Clackamas County, including eligible costs for a community facility and 10 tiny homes.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	10 homeless households
	Location Description	To be determined - Clackamas County, Oregon
	Planned Activities	Funding for land acquisition, site planning, site preparation and other associated costs of creating a Tiny Houses Community for up to 10 homeless adults in Clackamas County, including eligible costs for a community facility and 10 tiny homes.
11	Project Name	Employment Investment Program 2018
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Homelessness AFH: 3. Displacement of residents due to economic
	Funding	CDBG: \$45,000
	Description	Clackamas County Employment Investment Program assists 30 low-income Clackamas County residents per year with significant barriers to employment to increase self-sufficiency, with additional outreach contacts to public housing residents.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 persons will benefit

	Location Description	Countywide
	Planned Activities	Clackamas County Employment Investment Program assists low-income Clackamas County residents per year with significant barriers to employment to increase self-sufficiency, with additional outreach contacts to public housing residents.
12	Project Name	Housing Rights and Resources 2018
	Target Area	Countywide
	Goals Supported	Public Services
	Needs Addressed	Homelessness AFH: 7. Private discrimination AFH: 9. Lack resources for fair housing agencies
	Funding	CDBG: \$140,000
	Description	Housing Rights & Resources is a partnership between Clackamas County Social Services, Legal Aid & Fair Housing Council. It actively addresses & promotes fair housing & furthers housing opportunity for all, focusing on homeless & low-income residents.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1000 People will benefit
	Location Description	countywide
	Planned Activities	Housing Rights & Resources is a partnership between Clackamas County Social Services, Legal Aid & Fair Housing Council. It actively addresses & promotes fair housing & furthers housing opportunity for all, focusing on homeless & low-income residents. Telephone calls, public presentations and training events for landlords and renters.
13	Project Name	Jackson Transitional Housing 2018
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness AFH: 1. Lack of affordable, accessible housing in
	Funding	CDBG: \$67,000

	Description	Jackson Transitional Housing provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Jackson Transitional Housing provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement.
	Location Description	Jackson Street, Oregon City
	Planned Activities	Jackson Transitional Housing provides 6 housing units with supportive services for primarily homeless adults or childless couples, works with participants to increase income and address and overcome barriers to permanent housing placement.
14	Project Name	Mentor Athletics 2018
	Target Area	Countywide
	Goals Supported	Public Services
	Needs Addressed	Non-housing Community Development
	Funding	CDBG: \$25,000
	Description	Maintain/create new mentored relationships between low-income housing youth and an athletic Coach/Mentor providing meaningful sports/recreational opportunities to engage in physical activity, healthy lifestyle choices and life skill building.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	15 low income youth
	Location Description	Low income youth living in public housing in Oregon City and Milwaukie, Oregon.
Planned Activities	Maintain/create new mentored relationships between low-income housing youth and an athletic Coach/Mentor providing meaningful sports/recreational opportunities to engage in physical activity, healthy lifestyle choices and life skill building. Low income youth living in public housing in Oregon City and Milwaukie, Oregon.	

15	Project Name	Homeless Count Planning 2021
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness
	Funding	CDBG: \$20,000
	Description	Planning, implementation, data collection, reporting and evaluation for 2019 homeless count, a HUD mandated activity. Planning for 2021 homeless count. Special efforts made to reach underserved populations, veterans, unaccompanied youth & rural homeless.
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable
	Location Description	Countywide
	Planned Activities	Planning, implementation, data collection, reporting and evaluation for 2019 homeless count, a HUD mandated activity. Planning for 2021 homeless count. Special efforts made to reach underserved populations, veterans, unaccompanied youth & rural homeless.
16	Project Name	Tenant Base rental Assistance 2018
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness AFH: 1. Lack of affordable, accessible housing in AFH: 2. Availability of affordable units
	Funding	HOME: \$50,000
	Description	The TBRA Program will assist individual households who are homeless or at risk of becoming homeless. Maximum assistance is 24 months and may be used for rent, utility costs, security deposits, and/or utility deposits.
	Target Date	7/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	10 low income families/households
	Location Description	Scattered site housing
	Planned Activities	The TBRA Program will assist individual households who are homeless or at risk of becoming homeless. Maximum assistance is 24 months and may be used for rent, utility costs, security deposits, and/or utility deposits.
17	Project Name	CHAP Homebuyer Assistance Program 2018
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	:
	Description	This project will assist low-income first-time homebuyers in purchasing single-family homes by providing funds for down payment and closing costs
	Target Date	7/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	5 low income households
	Location Description	Countywide
Planned Activities	This project will assist low-income first-time homebuyers in purchasing single-family homes by providing funds for down payment and closing costs	
18	Project Name	HOME Multifamily Housing Project
	Target Area	Countywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing AFH: 1. Lack of affordable, accessible housing in AFH: 2. Availability of affordable units
	Funding	HOME: \$458,201
	Description	HOME Multifamily Housing Project and location to be determined.

	Target Date	7/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	30 units of housing for low-income households. HOME Multifamily Housing Project to be determined.
	Location Description	TBD
	Planned Activities	HOME Multifamily Housing Project to be determined.
19	Project Name	HOME CHDO Operating funds 2018
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing AFH: 1. Lack of affordable, accessible housing in
	Funding	HOME: \$26,000
	Description	HOME Community Housing Development Organization (CHDO) Operating funds
	Target Date	7/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Not Applicable
	Location Description	Not Applicable
	Planned Activities	HOME Community Housing Development Organization (CHDO) Operating funds
20	Project Name	Emergency Solutions Grant Program 2018
	Target Area	Countywide
	Goals Supported	Homeless Assistance
	Needs Addressed	Homelessness
	Funding	ESG: \$162,411
	Description	Emergency Solutions Grant (ESG) grant administration, contract monitoring and reporting, Emergency Shelters, ESG Homeless Management Information System (HMIS) and ESG Rapid Rehousing
	Target Date	6/30/2020

Estimate the number and type of families that will benefit from the proposed activities	300 homeless persons will benefit
Location Description	Countywide
Planned Activities	Emergency Solutions Grant (ESG) grant administration, contract monitoring and reporting, Emergency Shelters, ESG Homeless Management Information System (HMIS) and ESG Rapid Rehousing ESG Admin: \$12,181, ESG HMIS: \$36,552, ESG Shelters: \$61,000 and ESG Rapid Rehousing: \$52,678

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Assistance is directed throughout the county. No geographic areas in Clackamas County were targeted.

The 2015 median annual income for the Portland-Metro MSA, which includes Clackamas County, is \$73,900 for a household of 4 people. Low income (50% of AMI) persons and households have an income of less than \$36,750 per year or \$3,062 per month for a family of 4. For a single person the median income per year is \$51,730. A low income adult person would have an income of less than \$25,750 per year or less than \$2,146 per month.

Nine and a half percent (9.5%) of Clackamas County residents are living below the official poverty level in Clackamas County based on the 2005-2009 American Community Survey results. Female householders with children had the highest rates of poverty, and nearly half of female householders with children under the age of five were found to be living below poverty.

The United States Department of Housing and Urban Development (HUD) has generated a series of standards that can be used to determine if a Census Tract Block Group has a minority concentration or a concentration of low-income households. To determine if a low-income concentration exists, the Area Median Income (AMI) of a block group must be below 50% of the Area Median Income for the Metropolitan Statistical Area (MSA).

Geographic Distribution

Target Area	Percentage of Funds
Countywide	90

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

No geographic areas in Clackamas County were targeted except to the extent that projects serving an area must be located in a qualified census tract or area with at least 43.44% low- and moderate-income residents. Clackamas County has a 43.44% low-and moderate income exception.

Discussion

Clackamas County Housing and Community Development Division reviewed both race and ethnic

information from the 2010 Census Bureau to determine minority ranking. The 22 block groups with the highest minority ranking represent 10 percent of all the block groups in Clackamas County. A total of 37,379 persons were living in these high concentrations of minority areas.

Concentrations of Both high Low to Moderate Income and high Minority

22 block groups are approximately 10% of the total number of block groups in Clackamas County. These nine (9) block groups rank in the top 22 for both minority and LMI, and represent the block groups with the highest concentrations of poverty and minorities.

Five (5) of the high concentration (HC) block groups are located in the North Clackamas Area. One (1) of the HC block groups is in Milwaukie and two (2) of the HC block groups is in Canby. A total of 13, 855 people live in these areas of concentrated minority and poverty.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Clackamas County Housing and Community Development has 2 goals and 2 grants that support affordable housing. The Housing Rehabilitation Goal will be funded with CDBG funds to assist at least 30 households per year. HOME funds will assist 120 households per year through building new units, preserving existing units, providing Tenant Base Rental Assistance and homebuyer financial assistance.

Specific Projects in 2018:

- Housing Rehabilitation Program
- Tenant Based rental Assistance
- CHAP homebuyer assistance program
- HOME Multifamily housing - (NHA Campus Family Housing: 37 units)
- Pleasant Ave Veterans Housinh: 24 units

One Year Goals for the Number of Households to be Supported	
Homeless	20
Non-Homeless	120
Special-Needs	10
Total	150

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	20
The Production of New Units	60
Rehab of Existing Units	50
Acquisition of Existing Units	20
Total	150

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

Affordable housing preservation and new unit development continues to be a priority for the county and the state.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of Clackamas County (HACC) is a part (a Division) of the county's Health, Housing and Human Services (H3S) Department.

Actions planned during the next year to address the needs to public housing

- *Provide service coordination through the ROSS grant for 540 public housing units*
- *Coordinate with local Workforce organizations to connect residents with employment and training opportunities*
- *Coordinate with CTEC Youth Services to provide unengaged teens with mentoring, employment and education opportunities.*
- *Coordinate with Mentor Athletics to provide youth sports, recreation and mentoring opportunities for HACC youth*
- *Provide service coordination and support to residents facing eviction.*
- *Coordinate with Public Health to provide for health, mental health and service coordination for most vulnerable residents.*
- *Manage community gardens in the Oregon City and Milwaukie neighborhoods, encourage resident participation and leadership. Provide opportunities for continuing garden and nutrition education.*
- *Manage the Hillside Community Food Basket in coordination with the Oregon Food Bank*
- *Maintain and manage community computers available for resident use*
- *Promote resident engagement and leadership through the HACC Resident Advisory Board*
- *Promote available community resources and opportunities available to residents through a quarterly newsletter.*

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Public housing residents are encouraged to participate in PHA (HACC) management through participation in the activities of the Resident Advisory Board (RAB).

Public housing residents are encouraged to participate in home ownership. HACC residents are provided information about the Clackamas Homebuyer Assistance Program (CHAP) and the IDA

Program.

HACC offers a range of economic empowerment strategies to assist public housing residents to become economically self-sufficient. Under the HUD Resident Opportunity for Self-Sufficiency Grant (ROSS), HACC has a full-time Service Coordinator available to coordinate supportive services and other activities designed to help PHA residents attain economic and housing self-sufficiency.

Effective Partnership with Regional Workforce Agencies Connecting Residents to Employment and Training Opportunities: HACC collaborates with regional work force agencies including the Clackamas Workforce Partnership, Community Solutions of Clackamas County and WorkSource to connect residents with employment and training opportunities. Through these collaborative partnerships residents get basic soft skills instruction, participate in workshops and get support in job search activities, have opportunities to participate in paid on the job training, access training in targeted high growth industries such as construction, manufacturing, health care and technology.

Asset Building through Individual Development Accounts: Through the IDA program, HACC residents are provided with the opportunity to save for post-secondary education, to grow a business or to purchase a home using an IDA matched savings account. IDA matched savings accounts match every \$1 a participant saves with \$3. IDA savers must complete a 10 hour financial education workshop where they learn about budgeting, credit repair and credit building, debt management and avoiding predatory lending. IDA savers are also required to complete 6 hours of asset specific training related to their goal. Through the IDA program, residents are also linked to other financial empowerment resources such as free tax preparation sites, referrals to non-profit credit counseling agencies, home ownership counseling and opportunities to access low-interest emergency loans. HACC residents are also provided information about the Clackamas Homebuyer Assistance Program, a HOME funded downpayment assistance program. By providing access to the IDA Program and the CHAP, Clackamas County encourages public housing residents to participate in homeownership.

HACC encourages Public Housing residents to engage in management through a Resident Advisory Board (RAB). RAB membership is comprised of public housing and Section 8 Housing Choice Voucher (HCV) leaders that represent residents served by HACC. The RAB convenes not fewer than two times per year to develop, approve, review and evaluate HACC's Annual Plan. The RAB is also consulted for input and approval of any significant amendment or modification to the Annual Plan. A member of the RAB has a permanent seat on the County's Housing Advisory Board.

If the PHA is designated as troubled, describe the manner in which financial assistance will be

provided or other assistance

The Housing Authority of Clackamas County (HACC) is not designated as a troubled PHA.

Discussion

Clackamas County has formed a Housing Advisory Board to provide affordable housing policy guidance to the Housing Authority and the Board of County Commissioners. The Housing Advisory Board (HAB) is an eight member body that convenes once each month to discuss topics and issues pertaining to the development, preservation and promotion of affordable housing of all types in Clackamas County.

Currently, Board of County Commissioners has developed a Housing Leadership Committee (HLC). The HLC will be a high level task force that will make recommendations to the BCC on policies, tool kit opportunities (Construction Excise Tax,, Inclusionary Zoning, etc.) and funding sources to encourage affordable housing solutions in Clackamas County. The Housing Advisory Board (HAB) will re-focus on the Housing Authority efforts to redevelop land and improvements in public housing and the Housing Choice Voucher program.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The H3S Housing and Community Development Division (HCD) coordinates most of the homeless and other special needs activities through its partnerships with non-profit service providers, the Social Services Division, Continuum of Care, the Housing Authority of Clackamas County public housing agency. Activities include: CoC coordination, CoC Homeless Point in Time count, ESG coordination, CoC Homeless Outreach and Discharge Planning.

Housing Assistance for Alcohol and Drug Recovery: The Behavioral Health Division (BHD) of Clackamas County has developed supportive housing for those in alcohol and drug recovery. BHD, through CODA, has implemented housing assistance and services program for Clackamas County residents in alcohol and drug recovery. The program has three main components: substance abuse recovery, finding any retaining permanent housing, and increasing income by connecting people with benefits and/or employment options. Direct client dollars can be used for, but not limited to, moving costs, rent assistance, application fees, deposits, and paying off previous debts. The target population for this program is individuals participating in alcohol and drug recovery at or below 50% Median Family Income, homeless, or at risk of homelessness.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Households with dependent children: Locally funded HomeBase (RRH and homelessness prevention) expanded last year, reaching 459 people & plans to increase capacity next year. The locally funded Bridges to Housing Program stabilizes housing for high need homeless families serving 38 families & 63 children last year. Through the Rent Well-RRH project 25 families from the streets/emergency shelter will be assisted. Clackamas Womens Services and a network of churches and faith-based organizations in North Clackamas are working to address family homelessness in their community.

Survivors/Victims of domestic violence: The CoC includes a TH and a PSH project focused on domestic violence survivors and their families. This provider operates an ESG funded DV emergency shelter which recently doubled its beds, a homelessness prevention program, Beyond Shelter, and the newly opened Family Justice Center. The projects involve a wide range of on-site services from over 12 public safety and services agencies, funded by more than 24 public and private entities. Victims in Clackamas County can now access an advocate, plan for their safety, talk to a police officer, meet with a prosecutor, receive medical assistance, file a protective order in a video court, receive information on shelter and

get help with transportation—all in one location on a drop-in basis.

Unaccompanied youth: Springwater is a CoC TH for youth 16- 21 funded with CoC, ESG, local government & private funds. HomeSafe is a CoC TH for pregnant and parenting youth 6 – 21 funded with CoC, local and state grants. Host Homes is funded with local, state and private grants. The program is for 16- 18 year olds attending school houses up to six unaccompanied youth with families. The Outside In program funded with local government grants links with school Homeless Liaisons to provide health services to unaccompanied youth 16-17 in the school & community.

Persons who routinely sleep on the streets or in other places not meant for human habitation:

Clackamas County has a range of services for persons sleeping on the streets or in other places not meant for human habitation. Two major service centers (Clackamas Services Center and Father's Heart) provide hot meals, clothing, medical services, and severe weather shelter, and are close to where many unsheltered homeless reside. Several smaller agencies also provide basic needs and outreach to homeless on the streets and places not meant for habitation.

Compassion events, similar to Project Homeless Connect, are held throughout the year to provide a “one stop” for basic services, such as food, clothing, medical care, veterans’ services and housing options. A

Homelessness among veterans: Housing Authority of Clackamas County has housed 25 homeless veterans using VASH vouchers. The Veterans Services Office conducts veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans’ benefits, employment, housing, counseling and other services. Clackamas County is part of a new SSVF grant and is providing office space and supplemental rental assistance using state funds for a nonprofit provider of outreach, homeless placement and homeless prevention for veterans. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Addressing the emergency shelter and transitional housing needs of homeless persons

The activities to address emergency shelter needs within the County will be funded through the Emergency Solutions Grants (ESG) program. 1000 Households will receive HESG program services from July 1, 2016 to June 30, 2017. The FY 2016 ESG allocation will be supplemented by matching funds at least equal to its amount.

Primary emphasis will continue to be on payment of emergency shelter operations expenses including utilities, maintenance, insurance, and staff salary costs. The purpose of emphasizing payment of operations expenses is to provide some predictability and stability to the operation of the shelters by assuring that their most basic expenses are met. This assures the continued operation of the facilities in

times of scarce and fluctuating resources, and it compliments specific fundraising efforts for special projects.

Northwest Housing Alternatives' Annie Ross House and Clackamas Women's Services' Evergreen House, provide emergency shelter to homeless families with children and survivors of domestic violence, respectively. Independent living services are provided through The Inn's Springwater program, which targets assistance to the homeless youth population. Los Ninos Cuenten's Casa Hogar provides emergency shelter services to Hispanic/Latino homeless families and individuals who have survived domestic violence. Case management at each program improves vocational and coping skills to make the transition from homelessness to independent living. Continuum of Care funds Also provide 49 beds of transitional housing for homeless households, including families, singles, and youth.

Clackamas County's Coordinated Housing Access system provides a one-stop option for homeless individuals and families to be assessed and matched with all homeless programs in the County for which they are eligible.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Chronically homeless individuals and families: In 2014, The Continuum of Care increased the number of beds for chronically homeless persons in Clackamas County. The CoC did this by leveraging Housing Authority Housing Choice Vouchers, converting Permanent Supportive Housing (PSH) beds to chronically homeless beds, reaching out to PSH providers to prioritize beds for chronically homeless persons and using Medicaid to provide enhanced services for chronically homeless persons in PSH beds.

Families with children: The CoC increased capacity and worked on outreach goals to end homelessness among households with dependent children. The HomeBase program utilized multiple funding sources to expand and become the largest RRH and homelessness prevention program in the County. Through the reallocated Rent Well RRH project, the CoC will be able to stabilize housing for 15 families from the streets/emergency shelter. The locally-funded Bridges to Housing (B2H) Program stabilizes housing for high-need homeless families and assisted 136 persons last year. Outreach plan includes referrals from different geographic parts of the county. An outreach strategy adopted by the HPC educates landlords on housing choice vouchers.

B2H serves high-needs homeless families with children, with a capacity of 30 families at a time. These

homeless families have multiple complex needs which often include but are not limited to housing barriers, domestic violence, addictions, mental health issues and disabling conditions. B2H families receive longer term housing subsidies and intensive services designed to support their income self-sufficiency and permanent housing stability as well as the children's and adult's educational success.

Veterans and their families: Housing Authority of Clackamas County has housed 45 homeless veterans using VASH vouchers. The Veterans Services Office coordinates with Social Services to conduct veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans' benefits, employment, housing, counseling and other services. Clackamas County is part of an SSVF grant and provides office space for a nonprofit provider of outreach, homeless placement and homeless prevention for veteran families. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Unaccompanied youth: Springwater Transitional Housing for youth 18-23 is funded with CoC, ESG, local government, and private funds. Case management, vocational education services, physical and mental health support, supervision and shelter are provided to youth.

HomeSafe Transitional Housing for pregnant and parenting youth 16 – 21 is funded with CoC, local and state grants. Youth have access to rent assistance in scattered apts., case management, referral and linkages to mainstream services.

Independent Living Plans (ILPs) are funded with state and local govt. funds for independent living services to youth transitioning from foster care. Case management is provided for youth discharged from Child Welfare at 18 or 19 years old without permanent housing. Case managers refer and link ex-foster youth to programs and services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

These discharge plans have been confirmed through the Continuum of Care application and planning process.

Foster Care: The Oregon Department of Human Services (DHS), dictates the Foster Care Discharge Policy in which the County actively participates. DHS refers willing children to a Continuum of Care provider for

a Life Skills/Transition Readiness Assessment. This results in: 1. Identification of resources and linkages needed to assist the child in transitioning to independent living, including life skills training, housing subsidies, college tuition, and health insurance and 2. Preparation of an individualized Comprehensive Transition Plan which must be approved by a Family Court Judge every 6 months until the child is successfully transitioned to independent living.

Youth can access Chafee rental subsidies to help them secure an apartment. They can secure tuition-free access to a state college along with Chafee grants to assist with room and board. Youth with developmental disabilities and/or mental illness exiting the foster care system continue to receive an array of services including options such as adult foster care and supported housing that are based on unique client needs. Each option is designed to ensure that youth exiting the foster care system are not routinely discharged into homelessness.

Health Care: The discharge planning for low-income and disabled people has historically resided with the State through the Medicaid program. With the advent of the Affordable Care Act (ACA) and the expansion of Oregon's Medicaid program, discharge planning is shifting to local control. All Medicaid providers are joined in Coordinated Care Organizations (CCOs) covering specific geographic areas. The CCOs integrate physical, mental and dental health services. The ACA Medicaid expansion has been structured to align the financial incentives with clinical outcomes/housing status of patients. This has begun to persuade hospital systems and health care providers to plan and act outside their silo, to begin discussions with CoCs about effective liaison and resource sharing.

Mental Health: The Discharge Policy in place for persons being discharged from a mental health facility is ensured by Clackamas County Behavioral Health Department (CCBH). As part of Health Share, the area's Medicaid Coordinated Care Organization, CCBH has both financial and clinical incentives to ensure that no county residents are discharged from a psychiatric hospital without housing and services. In addition, Oregon is under an U. S. Dept. of Justice 4 year plan to provide better community outcomes for people with mental illness. Specific mandates are subcontracted by the State to CCBH. The local Discharge Policy, which is monitored and enforced by the State, requires all adults leaving a psychiatric hospital be housed consistent with their level of care needs and personal wishes.

Corrections: The purposeful effort to structure successful community re-entry for inmates is a local mandate spearheaded by the Clackamas County Sheriff's Office (CCSO) which participates on the CoC governing board. Because community safety is its #1 priority, CCSO promotes post-discharge services with housing to reduce recidivism. Likewise, the Clackamas County Behavioral Health (CCBH) is a provider in the local Medicaid program, Health Share. CCBH understands that successful re-entry will

reduce incidence and cost of ER visits and hospitalization.

Discussion

Our Jurisdiction receives no HOPWA funding. Our jurisdiction works with Cascade Aids Project (CAP) a service agency which provides housing and services for persons that are HIV positive in our three-county area that is referred to as the Portland Metro Area.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The majority of resident feedback during Assessment of Fair Housing community meetings in 2016 was that most people liked where they lived, however, many people including persons with disabilities felt that it was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

The Low Income Housing Tax Credit (LIHTC) market has come to a screeching halt due to potential tax policy changes at the federal level. Clackamas County relies on the State of Oregon LIHTC Program which recently provided this guidance to all proposed affordable housing projects: State of Oregon OHCS decision....letter dated 2/10/2017...

“anticipated federal corporate tax reform has negatively impacted the LIHTC equity market creating real-time consequences for the 33 multifamily affordable housing projects in the OHCS “pipeline”. These projects have received funding reservations based on tax credit pricing that is no longer available. Among projects facing probable gaps are a large number of 4% LIHTC projects, as well as the 9% LIHTC projects that the Housing Stability Council approved in November 2016.”

“Do not issue a 2017 LIHTC and HOME NOFA and instead fund additional 2016 applications, reserving some credits for gaps in 9% LIHTC pipeline projects and use flexible gap funding resources to help fill funding gaps on as many pipeline projects as possible”

Zoning Issues: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.

Actions it planned to remove or ameliorate the negative effects of public policies that serve

as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

As mention in AP-60 Public Housing the Clackamas County has formed a Housing Advisory Board to provide affordable housing policy guidance to the Housing Authority and the Board of County Commissioners. The Housing Advisory Board (HAB) is an eight member body that convenes once each month to discuss topics and issues pertaining to the development, preservation and promotion of affordable housing of all types in Clackamas County.

Currently, Board of County Commissioners has developed a Housing Leadership Committee (HLC). The HLC will be a high level task force that will make recommendations to the BCC on policies, tool kit opportunities (Construction Excise Tax,, Inclusionary Zoning, etc.) and funding sources to encourage affordable housing solutions in Clackamas County. The Housing Advisory Board (HAB) will re-focus on the Housing Authority efforts to redeveop land and improvements in public housing and the Housing Choice Voucher program.

In Clackamas County, many of the existing patterns of sprawl, decentralization and homogenous housing developments resulted from commuter demand for housing. Homogeneity, whether exclusively single family or multifamily, can result in limited housing choice suitable to needs and incomes of County residents. Undefined or subjective design standards can also make it difficult to meet affordable housing needs within built-out communities.

Access to affordable and adequate housing for households with lowest incomes has been restricted over the years. Since 2000, median renter income in the U.S. has fallen relative to contract rents. Utility costs have been increasing, as has the price of commuting to work. Quality of housing, particularly at the lowest rent levels, is at risk if property owners do not have assets to maintain units. The result is that lowest income tenants, in addition to the burden of finding housing at all, may be forced to live in unsuitable or unsafe housing.

A range of suitable housing choices should ideally be available to fit the entire range of household incomes, providing choices for all residents, including those who work in the community.

Households with extremely low incomes, especially those needing support services, find very few options. The Clackamas County 2017-2021 Comprehensive Plan, recognizes the goal of providing a variety of housing types and densities to meet the needs of County residents.

Discussion:

No additional information.

AP-85 Other Actions – 91.220(k)

Introduction:

Clackamas County Housing and Community Development Division (HCD) proposed the following actions in program year 2018 that address obstacles to meeting underserved needs, foster and maintain affordable housing, develop institutional structure, encourage public housing residents to become more involved in management and encourage public housing residents to attain home ownership. HCD continues to request proposals from housing development organizations for the development and preservation of multi-family affordable rental housing projects that serve lower income households. Funding available to support these activities included: HOME funds, Housing Choice Vouchers and Public Housing Replacement Funds.

In FY2017 potential special needs housing projects include: WeBUILT, a project to improve a roadway to a special needs housing development, Pleasant Avenue Veterans Housing and the Tiny Houses Community project with a location yet to be determined.

Actions planned to address obstacles to meeting underserved needs

Clackamas County HCD will address obstacles to meeting underserved needs in FY2018 through these activities:

1. Leverage available program funds by requiring sponsor contributions.
2. Seek additional funding from public and private sources to finance program activities.
3. Continue a program to assist renters and homeowners who need safety and accessibility adaptations in order to remain in their own homes.
4. Investigate the development and implementation of an inspection program to enforce habitability standards in multi-family housing projects.
5. Promote and assist the development of additional transitional housing which will be available to low- and very low-income individuals and families.
6. Promote and assist the development of affordable housing which will be available to very low, low-,

and moderate-income individuals and families.

7. Increase capacity to assist Homeless Families with Children.

8. Develop a set of program policies to create a 15 percent set-aside in all new affordable housing developments specifically to assist the targeted special need populations.

9. Promote the use of Section 8 Project Based Vouchers into the development of any new affordable housing project.

Actions planned to foster and maintain affordable housing

HOME funds will be used primarily to develop affordable housing units for rental by low-income individuals and families. HOME funds will also be used to assist Community Housing Development Organizations (CHDOs) with grants for operating costs allowed by 24 CFR 92.208. HCD ensures that HOME-assisted rental housing remains affordable by monitoring projects during the period of affordability for compliance with the HOME regulations at 24 CFR Part 92.

Clackamas County ensures the long-term affordability of HOME-assisted homebuyer properties during the period of affordability by monitoring to verify that the home remains owner-occupied. Monitoring activities include both desk and on-site monitoring.

For FY2018 HOME funded multifamily housing projects have yet to be determined. A few proposals are under consideration.

Actions planned to reduce lead-based paint hazards

Clackamas County contracts with a professional firm to provide lead hazard evaluation services at no cost to the owners and buyers participating in its housing rehabilitation and homebuyer programs. When such hazards are discovered, they are addressed in a manner consistent with procedures approved by HUD, the State Health Division and the Department of Environmental Quality. However, the County does not anticipate using HOME funds for its housing rehabilitation and homebuyer programs in the next year. The HOME-funded project will be new construction and will not involve lead-paint hazards.

Actions planned to reduce the number of poverty-level families

The Housing and Community Development Division (HCD) coordinates efforts with the Social Services

Division (SSD) to reduce the number of households below the poverty line. SSDs activities include:

- Participation in and staffing of the Continuum of Care in Clackamas County as well as the Continuum of Care Steering Committee (Governing Board) and the Homeless Policy Council.
- Coordination and maintenance of liaison relationships with McKinney Vento funded homeless liaisons that support the educational success of homeless children. These include each of the School Districts in the county, all Clackamas Educational Service District offices, and the State of Oregon Department of Higher Education.
- Contracting with a community based organization for a Homeless Student Success Project that enhances the capacity of the homeless liaison at the highest poverty school district in Clackamas County.
- Participation as one of the four lead agencies on the regional steering committee for the Rent Well tenant education program.
- Participation in the operations of the Janssen Transitional Housing Project (JTHP). SSD currently provides case management for the families living at Janssen. This HUD funded project, sponsored by the Housing Authority of Clackamas County, has been in operation for more than 20 years. JTHP provides seven (7) transitional housing units, intensive and comprehensive case management, flexible assistance to support residents increasing their income and housing stability, and other supportive services for homeless families with children.
- Maintain the Housing Rights and Resources Program which responds to the general public regarding emergency housing, housing discrimination, landlord-tenant concerns, low-cost housing, rent assistance and a variety of other housing-related issues.
- Maintain a contractual relationship with Legal Aid Services of Oregon and the Fair Housing Council of Oregon to support the delivery of Fair Housing services to Clackamas County residents. This contractual relationship hastens service delivery for people experiencing potential discrimination and/or fair housing violations.

Actions planned to develop institutional structure

The Housing and Community Development Division coordinates efforts with the Social Services Division (SSD) to develop institutional structure to strengthen the services system in Clackamas County.

SSD and CD worked together with Continuum of Care partners to develop and implement a county wide Coordinated Housing Access system. This system provides centralized access, eligibility screening and prioritization, using HUD guidelines, to all HUD funded homeless services and housing programs within

the County. Three non-HUD funded homeless housing programs also elected to join the new coordinated system.

SSDs activities include: - Operation of the State of Oregon Housing and Community Services Low Income Rental Housing Fund (LIRHF). LIRHF provides time-limited rental payment assistance to case-managed clients of SSD.

- Administration of State Homeless Assistance Program (SHAP) funds sub-granted to the Annie Ross House family shelter and Clackamas Women's Services domestic violence shelter.

- Initial screening and intake for families wanting to enter the Annie Ross House shelter and two interfaith hospitality shelter networks (SON and LOTSM).

- Administration of the federal Emergency Food and Shelter Program (EFSP) and contracts with local shelters to provide night of shelter to homeless persons.

- Local administration of the state Emergency Housing Account (EHA). These funds support case management to families accessing the two interfaith hospitality network shelters. EHA funds are also used to support shelter bed nights at Clackamas Womens Service's, Annie Ross House, and the Inn Home emergency shelters.

- Operation of a locally funded Bridges to Housing program that provides high needs homeless families a longer term housing subsidy and intensive, comprehensive case management that focus on permanent housing stability and increasing income.

- Operation of the Rent Well tenant education program, providing year-round, ongoing tenant education in Spanish and English as well as case management to help homeless families with barriers to housing placement locate and access permanent housing units.

- Operation of the Jackson Transitional program for adults who are homeless.

- Operation of the HSP program for families who are homeless or at imminent risk of homelessness needing short term rental assistance and supportive services in order to stabilize.

- Severe Weather Warming Centers at three sites, providing a total of 99 low barrier shelter beds for homeless persons on cold winter nights. These sites provide important linkages for the community

efforts to identify and re-house chronically homeless persons.

Actions planned to enhance coordination between public and private housing and social service agencies

The Housing and Community Development Division coordinates activities between public housing and assisted housing agencies through funding and reporting outcomes to state and federal agencies. The HOME program provides vital funding to private assisted housing providers that also apply for state tax credit funding. HOME funding is one of few sources of funds for affordable housing units in our rural urban county. Housing Rights and Resources program is an H3S program in the Social Services Division that provided housing referral and information services on all available housing services. H3S , HCD and HACC will coordinate on the following action items:

1. Coordinate with the Countys Community Health and Social Services Divisions to maximize utilization of resources available to meet the needs of the homeless and persons with mental illness who need housing services.
2. Maintain the CCSS partnership with the State of Oregon Department of Human Services to operate the Housing Stabilization Program in the county. Now in its seventh year, the program serves families with children for up to 12 months. CCSS provides families intensive case management services with a goal of locating and maintaining safe, stable and affordable housing.
3. Maintain the partnership with SSD, Clackamas Women's Services, and Northwest Housing Alternatives to administer and operate the Homeless Prevention and Rapid Re-Housing Program. The program includes 3 elements: Rent Subsidy Program designed to provide short term (3 months) and medium term (up to 6 months) of rent subsidies to low- and moderate-income renters. A Rapid Re-Housing Program designed to provide housing placement, short-term rental assistance, case management and other support services to families with dependent children who have been living in emergency shelters or on the streets for at least seven days. Counseling and Housing Stabilization Services including case management, outreach, housing search and placement, legal services, and Credit Repair.
4. Maintain the CCSS partnership with HACC and Mental Health to operate the HUD funded Shelter-Plus-Care Program. Shelter Plus Care provides rent assistance to case managed clients of Social Services and Mental Health who are homeless.
5. Coordinate with SSD and Northwest Housing Alternative to ensure the continued success of the HomeBase Program homeless prevention and rapid rehousing services. This coordination will include sharing of information concerning case management best practices, and consistent and accurate data

entry into the Homeless Management Information System.

Discussion:

Clackamas County Housing and Community Development Division (HCD) works in conjunction with the Housing Authority of Clackamas County, the Social Services Division, the Behavioral Health Division, Community Health Centers and community non-profit housing providers and private non-profit social services providers to address obstacles to meeting underserved needs, foster and maintain affordable housing, develop institutional structure, encourage public housing residents to become more involved in management and encourage public housing residents to attain home ownership.

In 2018 HCD is funding several affordable housing projects, an employment training program, a fair housing rights and information program, homeless prevention and rapid rehousing services, and a youth mentoring program for youth in public housing.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

The Clackamas Homebuyer Assistance Program (CHAP), a down payment assistance program for first-time homebuyers will be available for low-income residents. More information about the CHAP can be found here: <http://www.clackamas.us/communitydevelopment/chap.html>

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	498,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	498,000

Other CDBG Requirements

1. The amount of urgent need activities	1
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	90.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The County does not anticipate offering any other forms of investment of HOME funds beyond those described in 24 CFR 92.205(b) in the 2016 program year.

The County will ensure that matching contributions from non-federal sources are made to housing that qualifies as affordable housing under the HOME program in 2018-2019. Matching funds will be in amount not less than 25 percent of the funds required to be matched per 24 CFR 92.218. We anticipate that eligible match will come primarily from non-federal cash contributions such as the State Housing Trust Fund, the value of foregone local fees or taxes and the value of donated voluntary labor and professional services.

HOME Project-Related Soft Costs

When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs. These may include:

- Processing of applications for HOME funds
- Appraisals required by HOME regulations
- Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently prepared
- Project underwriting
- Construction inspections and oversight
- Project documentation preparation
- Costs associated with a project-specific environmental review
- Relocation and associated costs
- Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants
- Staff and overhead costs related any of the above actions

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The Clackamas Homebuyer Assistance Program (CHAP) provides funds to low-income first time

homebuyers for downpayment and reasonable closing costs. In accordance with 24 CFR 92.254(a)(4), the period of affordability is five years.

Should the CHAP property be voluntarily or involuntarily sold or title transferred, or should the owner no longer use the property as the primary residence, the entire amount of HOME funds invested in the project shall become immediately due and payable to the County. However, if the sale of the property occurs during the five-year period of affordability, and there are no net proceeds from the sale of the property, or the net proceeds are insufficient to repay the entire HOME investment due, the amount of HOME funds recaptured will be based on the net proceeds available from the sale, if any. The net proceeds are defined as the remainder of the final sale price of the property minus any superior non-HOME loan repayment and closing costs. *24 CFR §92.254(a)(5)*

During the five-year period of affordability, the County may permit a subsequent low-income purchaser of a CHAP property to assume the existing CHAP loan and HOME recapture obligation entered into by the original buyer when, a) no additional HOME assistance is provided to the subsequent homebuyer, and, b) the subsequent low-income homebuyer meets all of the eligibility requirements of the CHAP. In cases in which the subsequent homebuyer needs (and qualifies for) HOME assistance in excess of the balance of the original CHAP loan, the HOME subsidy to the original homebuyer must be recaptured. A separate CHAP loan shall be provided to the new homebuyer, and a new HOME affordability period shall be established based on that assistance to the buyer. *24 CFR §92.254(a)(5)(ii)*

More information is available at <http://www.clackamas.us/communitydevelopment/chap.html>.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Clackamas County intends to use the HOME affordable homeownership limits for the area provided by HUD. The County further ensures the long-term affordability of HOME-assisted homebuyer properties by enforcing resale and recapture provisions and by monitoring to verify that the home remains owner-occupied during the period of affordability. More information is available at <http://www.clackamas.us/communitydevelopment/chap.html>.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The County does not anticipate using HOME funds to refinance existing debt secured by multifamily

housing that is rehabilitated with HOME funds in the 2017 program year.

**Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

Clackamas County has had several meetings with ESG providers and members of the CoC to develop CoC and ESG policies and performance standards. ESG policies have been developed in consultation with both ESG and CoC providers starting in January 2014 and on an ongoing basis. HCD staff consulted with CoC Steering Committee members on March 8, 2018 to discuss using ESG funds for Rapid Rehousing in 2018.

HCD staff consulted with CoC Homeless Council members on March 28, 2018 to discuss using ESG funds for Rapid Rehousing in 2018. CoC members and CoC Steering Committee is considering adding an equity performance measure in 2018.

HCD staff have attended CoC meetings for the last few years to discuss using ESG funds for HMIS ESG and CoC data collection efforts. CoC members have been aware and informed on the ESG program changes and funding. CoC members continue to be involved in developing performance measurement standards and priorities for both CoC and ESG funding.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Coordinated Housing Access (CHA) was launched on January 1, 2015 using a telephone call-in system and the HMIS system. CoC agencies and providers are reviewing processes to improve and streamline the intake process. The planning process involved identifying resources in our region and how resources are accessed by homeless persons and families. The system will cover the entire geographic region using a "hub" system as much as possible, though large portions of the county are rural and sparsely populated. The system will be easily accessed, primarily through our Housing Rights and Resources line, a one-stop number for housing information. This number is made available through 2-1-1, the county's website, flyers and referring agencies.

3. Identify the process for making sub-awards and describe how the ESG allocation available to

private nonprofit organizations (including community and faith-based organizations).

Currently ESG funds are allocated to four (4) nonprofit providers and the County as the HMIS administrator. The process for making sub-awards was to advertise the availability of ESG funding in 2016 as part of the 2017-2019 funding cycle. Four applications to provide Emergency Shelter services were received and reviewed. All four nonprofits were funded for homeless emergency shelter services. One of the shelters (ARH) will not be funded for the FY2018 because the shelter is being re-build as part of a campus re-design project. A Rapid Rehousing and Homeless prevention program will also be funded in FY2018. The contracts will be renewed annually at level funding. ESG and CoC providers are engaged in homeless services planning and ESG allocations. In FY2018 we anticipate that the ESG funding level will be decreased by 5% each year, the HMIS project will be decreased or increased based on the anticipated funding levels.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The CoC has a formerly homeless person on the CoC Steering Committee governing board.

5. Describe performance standards for evaluating ESG.

ESG providers are evaluated using the CoC national performance measurements standards. Agencies that provide only emergency shelter services are evaluated by examining one measure of success: What percentage of persons leaving shelter are going to permanent housing?

The ESG program has not yet set a minimum percentage for shelters to meet. After another year of collecting data the ESG program staff and the CoC Steering Committee will meet to review the results and set a minimum standard. Since each shelter is population the specific performance can vary greatly.

In 2018 the ESG program will continue funding Rapid Rehousing and or Homeless prevention activities that were funded for the first time in 2014.

ESG program staff are working closely with the Continuum of Care for homeless programs to coordinate efforts, implement a coordinated assessment process, establish CoC and ESG program policies and to establish performance measures.

For the 2018 Action Plan, HCD staff presented and discussed recommended funding for CDBG and ESG projects with CoC members on March 28, 2018. HCD staff discussed ESG and CoC funding allocations, performance standards, outcomes, policies and procedures as well as the annual consultation process which occurs in March of every year. CoC members were invited to submit testimony on the funding levels and projects in the 2018 Action Plan at the Feb 21st public meeting and the April 12th public hearing.

Attachments

Citizen Participation Comments

Clackamas County Community Development Public Meeting Summary

6:00p.m. Wednesday, February 21, 2018
150 Beaver Creek Road DSB Room 115
Oregon City, Oregon

In Attendance:

Angela Trimble, Northwest Housing Alternatives
Janet Gilliland, Friends of the Estacada Senior Community Center
Kevin Ko, Housing and Community Development Manager
Mark Sirois, Project Coordinator, Community Development Program

Mark Sirois, Community Development Division, opened the meeting at 6:00p.m. by thanking everyone for attending and asked that everyone sign-in. Mark explained that the public meeting was a chance for community members to learn about the Community Development Program and the funding that HUD provides. The meeting also provides an opportunity to get information from citizens on the specific community needs and discuss potential future housing and community development projects in the County.

Mark continued by saying that the anticipated federal funding in the coming year is still unknown. The President's budget proposal cancels the CDBG program entirely however CDBG generally has support from Congress. Mark explained that this 2018 Action Plan will have a Contingency Provision to anticipate a 5 to 10% reduction. The draft plan will be posted in March and interested persons on the email list will get a notice by email.

Hopefully the CDBG annual allocation will be known by the time when the Board of County Commissioners reviews and approves the project list and 2018 Action Plan. The BCC Public Hearing for the Action Plan is scheduled for April 12 this year. The next CDBG plan year will begin July 1, 2018. The next funding cycle will be in Fall-2019 and project applications will be through the ZoomGrants website again.

Mark also mentioned that he is working on a Section 108 Loan program application to HUD. This proposed program will allow Community Development Division to loan out CDBG funds however all projects funded must be able to repay the loans with interest and fees. Mark hopes to submit the application to HUD in June.

Mark opened the floor for people to introduce themselves and discuss the needs they see in the community and their particular project ideas.

Public Comments:

People present asked questions about projects on the Funding Recommendations list that have been funded in 2018. Mark explained that the Optional Emergency Assistance Project is generally un-funded until an actual emergency occurs. This project is a placeholder in case of emergency to save time when assisting families or agencies. This Optional Emergency Assistance is currently funding the Clackamas Service Center fire damage repairs. The Tiny Houses project was also discussed as the funding for the Transitional Housing Project for homeless veterans.

Angela Trimble mentioned that the ESG Rapid Rehousing fund is very helpful in preventing evictions for families that she serves. Angela reminded us that apartment rent in our area has increased by 30% in the last 5 years and in the last year rent has increased by 10%. These rent increases are really difficult for struggling families and individuals.

Janet Gilliland asked about other grants that she know about for the Community Center. Mark suggested the United Way, Meyer Memorial Trust and the Board of County Commissioners Small Grants program. Janet said that the Community Center has gotten a small grant from the BCC.

Mark asked if there were any other questions or comments. Mark reminded folks that the next project funding cycle will be in Fall 2019 with project applications through the Zoomgrants website. Mark also said that IICD staff are available anytime by phone and email to discuss potential project ideas and to help answer any questions about the CDBG application process.

Mark thanked everyone for attending and reminded folks to look for more meeting notices. The public meeting concluded at 6:30p.m.

PUBLIC HEARING MEETING SUMMARY

At the Public Services Building, Hearings Room - 4th Floor, Room 409
2051 Kaen Road, Oregon City, Oregon
Thursday, April 12, 2018

Commissioner Jim Bernard opened the hearing at 10:42 a.m. Kevin Ko, Community Development Division Manager, introduced himself to the Board of County Commissioners and the audience. Kevin Ko explained the purpose of the meeting was to get public comments on the community development program and the 2018 Action Plan. Kevin stated that the 2018 Action Plan was in 30-day comment period ending on April 23. The plan would come back to the Board of County Commissioners for final approval on May 3.

Kevin stated that the 2018 Action Plan is the second year of the 5-year Consolidated Plan. The Action plan is an annual application for funding from the U.S. Housing and Urban Development (HUD). The amount of CDBG, HOME and ESG funds coming to the County is based on population, poverty and the agreements that the County has with each city in the County. This year we are expecting a 10% increase for CDBG, a 43% increase for HOME and a 5% increase for ESG funding allocations based on the recently passed federal budget. The actual amounts have not been determined by HUD yet. The Action Plan includes a contingency plan to address any increases or decreases in available funding.

Kevin highlighted a few past projects for the Board including the Red Lodge Transitional Center, the Colton Food Bank Acquisition and Remodel, the Housing Rehabilitation program and the HOME Molalla Gardens affordable housing project.

The public hearing was opened for public comment at 10:57 a.m.

Angela Trimble with Northwest Housing Alternatives (NHA) was present to testify and provided a report on the HomeBase Program homeless services. Angela did not testify but did provide her HomeBase program report as testimony. Last year a total of 456 adults and children in 167 households were assisted by the HomeBase program. 65% of the households included children and 70% of households were able to maintain or increase their income while in the program.

Les Poole of Gladstone asked about the 43% increase in HOME and what HOME program funds were used for. Kevin responded that HOME funds are used for affordable housing projects and a homebuyer assistance program.

There being no additional testimony or comments that public hearing was closed at 11:25 a.m.



M E M O

Prepared by: Angela C. Trimble, MSW
 Director of Homeless Intervention Services
Prepared for: Clackamas County Board of County Commissioners
Date: April 12, 2018

Northwest Housing Alternatives: HomeBase Program

Three Year Comparison

WHO SERVED?

	2017	2016	2015
Total Households	167	184	195
% of Households with Children	65%	71%	70%
Total People	456	495	535
Total Children	219	234	274
% of Total who are Children	48%	47%	51%
Total Adults	237	261	263
% of Adults Reporting Domestic Violence	38%	50%	47%
% of Individuals with a Disability	34%	24%	20%
Veterans	16	10	9

OUTCOMES:

HOUSING STABILITY MEASURE			
<i>Permanent Housing Programs/Rapid Re-Housing</i>			
	2017	2016	2015
Total People Served	456	495	535
# of Persons Served Whom This Measure is Appropriate	208	281	218
% who Left with Permanent Housing	79%	78%	75%
INCOME			
	2017	2016	2015
Total Adults Served	237	261	263
% who Retained and/or Increased Income	70%	70%	69%
Had Income at Entry: Average Increase in Income	\$957	\$927	\$1200
Had No Income at Entry: Average Gain in Income	\$1,521	\$590	\$811
LENGTH OF STAY			
Average Length of Stay in Program	8 months	7 months	6 months

Equity Analysis of Individuals Screened through Coordinated Housing Access Line (CHA)

Recently, Clackamas County conducted an analysis of individuals that called and were screened into the CHA line. I wanted to provide a look at these numbers in comparisons to those we served in 2016.

Race	HomeBase 2016	CHA 2016	ACS 2011-2015 % in poverty*
Asian	2%	1.5%	2.5%
Black/African American	8%	6.5%	1.9%
Native American/Alaskan Native	1%	2.7%	1.7%
Native Hawaiian/Pacific Islander	0	1.1%	.1%
White	73%	78.4%	83.6%
Declined to Answer	2%	0	0
Multi-Racial	14%	7.3%	5.8%
Unknown	0	2.5%	4.3%
Total	100%	100%	99.9%
By Ethnicity	HomeBase 2016	CHA 2016	ACS 2011-2015 % in poverty*
Hispanic/Latino	17%	9.7%	18.2%
Non-Hispanic	83%	88.8%	81.8%
Missing		1.5%	
Total	100%	100%	100%

*ACS – The American Community Survey helps local officials, community leaders and businesses understand the changes taking place in their communities. It is the premier source for detailed information about the American people and workforce.

Grantee SF-424's and Certification(s)

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Richard Swift, Director
Department of Health, Housing and Human Services

Date

CLACKAMAS COUNTY CERTIFICATIONS

Page 1 of 5

Specific CDBG Certifications

Clackamas County, the Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifics both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2018 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

CLACKAMAS COUNTY CERTIFICATIONS

Page 2 of 5

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

Richard Swift, Director
Department of Health, Housing and Human Services

Date

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Richard Swift, Director
Department of Health, Housing and Human Services

Date

CLACKAMAS COUNTY CERTIFICATIONS

Page 3 of 5

ESG Certifications

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction’s consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Richard Swift, Director
Department of Health, Housing and Human Services

Date

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision		
* If Revision, select appropriate letter(s): <input type="text"/>		
* Other (Specify): <input type="text"/>		
* 3. Date Received: <input type="text"/>		
4. Applicant Identifier: CLACKAMAS COUNTY 2018 CDB2		
5a. Federal Entity Identifier: <input type="text"/>		5b. Federal Award Identifier: R-18-00-01-0001
State Use Only:		
6. Date Received by State: <input type="text"/>		7. State Application Identifier: <input type="text"/>
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-6002286		* c. Organizational DUNS: 0969626560000
d. Address:		
* Street1: 2051 FAEN ROAD F245		
Street2: <input type="text"/>		
* City: OREGON CITY		
County/Parish: <input type="text"/>		
* State: OR: Oregon		
Province: <input type="text"/>		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 97041-4025		
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICES		Division Name: COMMUNITY DEVELOPMENT DIVISION
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr. * First Name: CRUCK		
Middle Name: <input type="text"/>		
* Last Name: ROBBINS		
Suffix: <input type="text"/>		
Title: DIRECTOR		
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number: 503-650-8591		Fax Number: 503-655-8563
* Email: CRUCK@CLACKAMAS.ORG		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="5: County Government"/> Type of Applicant 2: Select Applicant Type: <input type="text"/> Type of Applicant 3: Select Applicant Type: <input type="text"/> * Other (specify): <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="4-R-B"/> CFDA Title: <input type="text" value="CDBG - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM"/>	
* 12. Funding Opportunity Number: <input style="background-color: yellow;" type="text"/>	
* Title: <input style="background-color: yellow;" type="text"/>	
13. Competition Identification Number: <input type="text"/> Title: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="ANNUAL APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)"/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="1, 3, 5"/>	* b. Program/Project: <input type="text" value="1, 3, 5"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="New Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="07/01/2017"/>	* b. End Date: <input type="text" value="06/30/2018"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="1,891,474.00"/>
* b. Applicant	<input type="text" value=""/>
* c. State	<input type="text" value=""/>
* d. Local	<input type="text" value=""/>
* e. Other	<input type="text" value=""/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="1,891,474.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="New Attachment"/>
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: <input type="text" value="MR."/>	* First Name: <input type="text" value="RICHARD"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="SWOFF"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="DIRECTOR, DEPT OF HEALTH, HOUSING & HUMAN SERV"/>	
* Telephone Number: <input type="text" value="503-650-5696"/>	Fax Number: <input type="text"/>
* Email: <input type="text" value="RSWOFF@CINCCAMAS.US"/>	
* Signature of Authorized Representative: <input type="text" value=""/>	* Date Signed: <input type="text" value=""/>

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision		
* If Reviser, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>		
* 3. Date Received: <input type="text"/>		4. Applicant Identifier: CLATSOP COUNTY 2018 HOME
5a. Federal Entity Identifier: <input type="text"/>		5b. Federal Award Identifier: HHS-DC-11-5201
State Use Only: 6. Date Received by State: <input type="text"/> 7. State Application Identifier: <input type="text"/>		
B. APPLICANT INFORMATION:		
* a. Legal Name: CLATSOP COUNTY, OREGON		
* d. Employer/Taxpayer Identification Number (EIN/TIN): 93-6022286		* e. Organizational DUNS: 0969326560000
d. Address:		
* Street1: 2001 KLEN ROAD #215 Street2: * City: GREGG CITY County/Parish: * State: OR: Oregon Province: * Country: USA: UNITED STATES * Zip / Postal Code: 97045-4055		
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICES		Division Name: COMMUNITY DEVELOPMENT DIVISION
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: M- * First Name: CHUCK Middle Name: * Last Name: ROBBERS Suffix: Title: DIRECTOR Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION * Telephone Number: 503-650-8597 Fax Number: 503-655-8263 * Email: CHUCK@CLATSOP.ORG		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="B1 County Government"/>	
Type of Applicant 2: Select Applicant Type: <input type="text"/>	
Type of Applicant 3: Select Applicant Type: <input type="text"/>	
* Other (specify): <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="HHS DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="14-258"/>	
CFDA Title: <input type="text" value="HOME - HOME INVESTMENT PARTNERSHIP PROGRAM"/>	
* 12. Funding Opportunity Number: <input type="text" value=""/>	
* Title: <input type="text" value=""/>	
13. Competition Identification Number: <input type="text"/>	
TITLE: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="ANNUAL APPLICATION FOR HOME INVESTMENT PARTNERSHIP PROGRAM"/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant	L, 3, 5
* b. Program/Project	1, 3, 5
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
17. Proposed Project:	
* a. Start Date:	07/01/2017
* b. End Date:	06/30/2018
18. Estimated Funding (\$):	
* a. Federal	741,738.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	0.00
* f. Program income	0.00
* g. TOTAL	741,738.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
21. By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	Mr.
* First Name:	RICHARD
Middle Name:	
* Last Name:	SWIFT
Suffix:	
* Title:	DIRECTOR, HEALTH, HOUSING & HUMAN SERV. DEPT
* Telephone Number:	503-650-5606
Fax Number:	
* Email:	RSWIFT@CLACKAMAS.ORG
* Signature of Authorized Representative:	<input type="text"/>
* Date Signed:	<input type="text"/>

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
* 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision		
* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>		
* 3. Date Received: <input type="text"/>		4. Applicant Identifier: CLACKAMAS COUNTY RDR HHS
5a. Federal Entity Identifier: <input type="text"/>		5b. Federal Award Identifier: H'D-U-41-0003
State Use Only:		
6. Date Received by State: <input type="text"/>		7. State Application Identifier: <input type="text"/>
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-61102286		* c. Organizational DUNS: 0969325560000
d. Address:		
* Street1: 2051 KARN ROAD #245 Street2: * City: OREGON CITY County/Parish: * State: OR: Oregon Province: * Country: USA: UNITED STATES * Zip / Postal Code: 97045 1035		
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICE		Division Name: COMMUNITY DEVELOPMENT DIVISION
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr. * First Name: CHUCK Middle Name: * Last Name: ROBERTS Suffix: Title: DIRECTOR		
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number: 503-650-8593		Fax Number: 503-650-8563
* Email: CHUCK@CLACKAMAS.ORG		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="B: County Government"/> Type of Applicant 2: Select Applicant Type: <input type="text"/> Type of Applicant 3: Select Applicant Type: <input type="text"/> * Other (specify): <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="14-219"/> CFDA Title: <input type="text" value="EMERGENCY SOLUTIONS GRANT PROGRAM - RESC"/>	
* 12. Funding Opportunity Number: <input style="background-color: yellow; color: red;" type="text"/>	
* Title: <input style="background-color: yellow; color: red;" type="text"/>	
13. Competition Identification Number: <input type="text"/> Title: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="ANNUAL APPLICATION FOR EMERGENCY SOLUTIONS GRANT PROGRAM - RESC"/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="1, 3, 5"/>	* b. Program/Project: <input type="text" value="1, 3, 5"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="07/01/2017"/>	* b. End Date: <input type="text" value="06/30/2018"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="181,841.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="181,841.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
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* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment)	
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If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
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<input checked="" type="checkbox"/> ** I AGREE	
<small>** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>	
Authorized Representative:	
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="RICHARD"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="SWIFT"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="DIRECTOR, DEPT OF HEALTH, HOUSING & HUMAN SERV"/>	
* Telephone Number: <input type="text" value="507-650-5696"/>	* Fax Number: <input type="text"/>
* Email: <input type="text" value="RSWIFT@STATEXAS.US"/>	
* Signature of Authorized Representative: <input type="text"/>	* Date Signed: <input type="text"/>



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 3, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with the City of Molalla
regarding the transfer of road authority of S. Lowe Road**

Purpose/Outcomes	Transfer of roadway authority for S. Lowe Road
Dollar Amount and Fiscal Impact	No upfront cost. Cost savings to the County due to the elimination of staff time for development and permitting along this Non-Maintained Local Access Road.
Funding Source	N/A
Duration	Upon execution; permanent transfer.
Previous Board Action	None.
Strategic Plan Alignment	Build a strong infrastructure. Build public trust through good government.
Contact Person	Rick Maxwell- Engineering Tech – 503-742-4671

South Lowe Road is currently a Non-maintained Local Access Road outside of the City Limits of Molalla, which requires that the County maintain and permit activities on S. Lowe Rd. Several properties are developing along the road and will eventually become annexed into the City. Once the annexation occurs, the maintenance of S. Lowe Rd. will automatically fall to the City of Molalla. Therefore, it is in the best interest of both parties and the public that the City be given jurisdiction over S. Lowe Rd. so that future development may be constructed using City standards and the City has the ability to maintain the road consistent with their maintenance program.

RECOMMENDATION:

Staff respectfully requests that the Board approve the attached IGA between Clackamas County and the City of Molalla to transfer maintenance responsibility and grant permitting authority for S. Lowe Rd.

Respectfully submitted,

Mike Bezner,
Assistant Director of Transportation

Attachments:
Intergovernmental Agreement
Map of proposed transfer area

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MOLALLA AND
CLACKAMAS COUNTY RELATED TO ROAD MAINTENANCE AND PERMITTING
AUTHORITY ON S. LOWE ROAD**

This agreement (the "Agreement") is made on the date all required signatures have been obtained, between the City of Molalla ("CITY"), a political subdivision of the State of Oregon, and Clackamas County ("COUNTY"), a political subdivision of the State of Oregon, pursuant to ORS Chapter 190 (Intergovernmental Cooperation), collectively referred to as the "PARITES" and each a "PARTY."

RECITALS

WHEREAS, ORS Chapter 190 authorizes local governments to enter into intergovernmental agreements for the performance of any or all functions and activities that a local government, its officers or agencies, have the authority to perform, including the authority to perform as the "Road Authority" related to maintenance and permitting responsibilities for roads;

WHEREAS, S. Lowe Road is a Local Access Road, as defined in ORS 368.001, lying outside, but adjacent to the boundaries of the City.

WHEREAS, the Parties agree that the City is best suited to assume primary responsibility for maintenance and permitting of a stretch of S. Lowe Road, approximately 2,730 feet in length, as more particularly depicted on Exhibit "A" which is attached hereto and incorporated herein ("LOWE RD.").

WHEREAS, transfer of responsibility with regards to Lowe Rd. will lead to efficient and consistent road maintenance activities and reduce any confusion on the part of the public as to which Party is responsible for the condition and maintenance of Lowe Rd., which primarily serves the residents of the City;

WHEREAS, the Parties acknowledge that jurisdiction of Lowe Rd. will transfer automatically to the City once annexed into the City's boundary, and that this Agreement will no longer be necessary once Lowe Rd. is annexed into the City; and

WHEREAS, it is the intent of the Parties that the County transfer as much of its responsibility under ORS 368 with regards to Lowe Rd. as may be allowed under state law in order to grant the City control of Lowe Rd. prior to the annexation and jurisdictional transfer of Lowe Rd.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Term.** This Agreement shall be effective upon execution, and shall expire automatically at the time Lowe Rd. has been annexed into the City and the City assumes jurisdiction of Lowe Rd. pursuant to ORS 368 and ORS 373.
2. **Transfer of Authority.**
 - A. Responsibility for Road Authority activities (as outlined in Section 3) for Lowe Rd. shall be surrendered to the City pursuant to the terms and conditions of this Agreement. The portion of Lowe Rd. subject to this Agreement is approximately 2,730 feet in length, as more particularly depicted on Exhibit "A" and more specifically described as follows:

All that portion of S. Lowe Road, Local Access Road No. L207, as shown on Exhibit "A", attached hereto and by this reference a part hereof, said road lying east of and between the easterly right of way line of S. Ona Way (mile point 0.00) and the current Molalla City limits (mile point 0.52), said road being approximately 2,730' long and 60' wide.

Containing 163,800 square feet, more or less.
 - B. To facilitate the performance of responsibilities under this Agreement, the City hereby accepts responsibility for Road Authority activities (as outlined in Section 3) for Lowe Rd, as described herein.
 - C. The City shall be solely responsible for all costs associated with the Road Authority activities assumed by the City through this Agreement.
3. **Road Authority Obligations.** For purposes of this Agreement, the Road Authority activities include, but are not necessarily limited to, the following:
 - A. Construction and reconstruction (including capital improvements);
 - B. Improvement or repair, and maintenance;
 - C. Maintenance and repair of related facilities within the roadway, including but not limited to storm water drainage facilities, traffic control devices, street lights and roadside barriers;
 - D. Timely elimination or mitigation of known hazards to the road users;
 - E. Issuance of permits for work or the establishment of roadway standards on Lowe Rd; and
 - F. All other responsibilities the County may have under ORS 368 with regards to Lowe Rd. which may be assumed by the City under state law.
4. **Maintenance Standard.** Any maintenance on Lowe Rd. required by this Agreement shall be carried out in a manner that is similar to other roads with similar features, function, and characteristics under the City's jurisdiction.

5. Termination.

- A. The County and the City, by mutual written agreement, may terminate this Agreement at any time.
- B. Either the County or the City may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination. If the default is of such a nature that it cannot be completely remedied within such fifteen (15) day period, this provision shall be complied with if the breaching Party begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar default in any twelve (12) month period.
- C. The County or the City shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.
- D. Nothing herein shall prevent the Parties from meeting to mutually discuss the Project. Each Party shall use best efforts to coordinate with the other to minimize conflicts.
- E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination

6. Indemnification.

- A. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the County agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the County or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the County has a right to control.
- B. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, save harmless and defend the County, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control.

7. General Provisions

- A. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- B. **Applicable Law.** The Parties hereto agree to comply in all ways with applicable local, state and federal ordinances, statutes, laws and regulations.
- C. **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.
- D. **Access to Records.** The Parties acknowledge and agree that each Party, the federal government, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.
- E. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
- F. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.
- G. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

- H. **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
- I. **Independent Contractor.** Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.
- J. **No Third-Party Beneficiary.** Neither Party intends that this Agreement benefit, or create any right or cause of action in, or on behalf of, any person or entity other than the County or the City.
- K. **No Assignment.** No Party shall have the right to assign its interest in this Agreement (or any portion thereof) without the prior written consent of the other Party, which consent may be withheld for any reason. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors of the Parties.
- L. **Counterparts.** This Agreement may be executed in any number of counterparts (electronic, facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
- M. **Authority.** Each Party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a Party represents that it has been authorized by that Party to execute and deliver this Agreement.
- N. **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

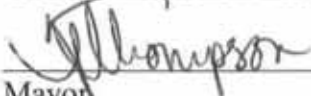
CLACKAMAS COUNTY

Chair

Date

Recording Secretary

CITY OF MOLALLA



Mayor

2/28/2018

Date



Recording Secretary

EXHIBIT "A"

APPROXIMATE
MOLALLA
CITY LIMITS

END MILE
POINT 0.52

HIGHWAY 211

CITY
OF
MOLALLA

LOCAL ACCESS ROAD NO. L207

S. LOWE ROAD

S. MOLALLA FOREST RD.

S. ONA WAY

BEGIN MILE
POINT 0.00

 TRANSFERRED ROAD

LOCATED IN THE S.W.
1/4 OF SECTION 08,
T.5S., R.2E. W.M.,
CLACKAMAS COUNTY,
OREGON



N.T.S.

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 1/05/2018

TRANSFER OF AUTHORITY OF
S. LOWE ROAD
ROAD NO. L207

SHEET
1 OF 1



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 3, 2018

Board of Commissioners
Clackamas County74

Members of the Board:

**Acceptance and simultaneous vacation of a portion of
Otty Street, county road number 2447**

Purpose/Outcomes	Acknowledges and accepts two variable width permanent right-of-way easements for road purposes for a portion of Otty Street. simultaneously vacates unused portion of right-of-way.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Safety Impact	The acceptance and simultaneous vacation of right-of-way will have no negative impact on the traveling public.
Duration	Upon execution; permanent right-of-way easement and vacation.
Previous Board Action	N/A
Strategic Plan Alignment	Build a strong infrastructure Build public trust through good government
Contact Person	Doug Cutshall, Engineering Technician 503-742-4669

The Clackamas County Development Agency recently completed the Otty Street Realignment Project. Excess property acquired by the Development Agency for the project is to be partitioned and eventually sold. This board order, will simultaneously vacate portions of the old Otty Street right-of-way which will be included in the partition plat and adjoining properties. Additionally, a portion of the old Otty Street right of way will become an un-named local access road L523.

The Clackamas County Development Agency has offered to the public variable width permanent right-of-way easements for road purposes over and through a portion of their property. Also, presented is a previously accepted offer for a permanent right-of-way easements for road purposes over and through a portion of Gustafson Real Estate LLC, property. Acknowledgement and acceptance of the permanent right-of-way easements for road purposes, for the realigned Otty Street, will allow for the simultaneous vacation of the unused portion of right-of-way. There will be no negative impacts to the traveling public or the adjoining property owners by this acceptance and simultaneous road vacation. This action is pursuant to ORS 368.126.

Under County Ordinance No. 02-2009, the Director of the Department of Transportation and Development has accepted the Gustafson dedication, which is presented to the Board of County Commissioners for acknowledgement.

ORS 368.126 states, "When a county governing body establishes a new public road following the general alignment of an existing public road, the final order or resolution shall identify all parts of any existing road that are to be vacated. Vacation of those parts described is effective without any other proceedings. A road so vacated shall not be closed to public use until the road laid out to replace it is actually opened to travel." The portion of Otty Street covered by the new dedication is open to the public.

After considering traffic impacts, fiscal impacts, and social impacts, Clackamas County staff believes that it would be in the public's interest to adopt the attached board order to accept the variable width right of way dedications and simultaneously vacate the unused portion of Otty Street right-of-way.

RECOMMENDATION:

Staff respectfully recommends that the Chair sign the attached permanent right-of-way easement for road purposes, the Board adopt the attached board order acknowledging and accepting the permanent right of way easements for road purposes and simultaneous vacation of the unused portion of Otty Street, County Road No. 2447.

Respectfully submitted,

Mike Bezner, PE
Assistant Director of Transportation

MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D.

DATE: April 12, 2018

SUBJ: **Board Order Acknowledging and Accepting Right-Of-Way and Simultaneous Vacation of Otty Street, County Road No. 2447**

LOCATION: This portion of Otty Street, County Road No. 2447, Park View Acres, Plat No. 417, situated in the southeast 1/4 of Section 29, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon.

FACTS AND FINDINGS: The attached Board Order is for the acknowledgement and the acceptance of Permanent Right-Of-Way Easements for Road Purposes and simultaneous vacation of unused portions of Otty Street, County Road No. 2447. The Clackamas County Development Agency recently completed the Otty Street Realignment project. Excess property acquired by the Development Agency for the project is to be partitioned and eventually sold. This Board Order, will simultaneously vacate portions of the old Otty Street right of way which will be included in the partition plat and adjoining properties. Additionally a portion of the old Otty Street right of way will become an un-named Local Access Road L523.

The Clackamas County Development Agency and Gustafson Real Estate LLC, has offered to the public variable width Permanent Right-Of-Way Easements for Road Purposes over and through a portion of their properties. Acknowledgement and acceptance of the Permanent Right-Of-Way Easements for Road Purposes, for the realigned Otty Street will allow for the simultaneous vacation of the unused portions of right-of-way.

There will be no negative impacts to the traveling public or the adjoining property owners by this acceptance and simultaneous road vacation. This action is pursuant to ORS 368.126.

ORS 368.126 states, "When a county governing body establishes a new public road following the general alignment of an existing public road, the final order or resolution shall identify all parts of any existing road that are to be vacated. Vacation of those parts described is effective without any other proceedings. A road so vacated shall not be closed to public use until the road laid out to replace it is actually opened to travel." The portion of Otty Street, (County Road No. 2447) covered by the new dedication is open to the public.

Dan Johnson, Director D.T.D

In the Matter of Acknowledging and
Accepting Easement Dedications
and the Simultaneous Vacation of a
Portion of Otty Street,
County Road No. 2447, Located in
Section 29, T.1 S., R.2 E., W.M.

Order No.
Page 1 of 2

THIS MATTER COMING before the Board of
County Commissioners at this time and it appearing to the Board that the Clackamas
County Development Agency recently completed the Otty Street Realignment Project.
The Development Agency has offered to the public a variable width Permanent Right-
Of-Way Easement for Road Purposes, through a portion of their property acquired for
the Otty Street Realignment Project. Described as follows;

(See attached Exhibit "A")

WHEREAS the Director of the Department of
Transportation and Development by authority under County Ordinance No. 02-2009,
previously accepted an offer for Permanent Right-Of-Way Easement for Road
Purposes, for a part of Realigned Otty Street, described and depicted in attached
Document Number 2016-014937, and;

WHEREAS in accordance with ORS 368.126,
acceptance and acknowledgement of the two said Permanent Right-Of-Way Easements
for Road Purposes will allow the Board to simultaneously vacate unused portions of the
original Otty Street right of way described and depicted as follows ;

(See attached Exhibits "A1", "A2", "A3", and "A4")

IT IS HEREBY ORDERED that the Chair sign
the attached Permanent Right-Of-Way Easement for Road Purposes and the Board
accept and acknowledge said easements be a part of realigned SE Otty Street, County
Road Number 2447, and the Board hereby directs staff to send copies of said easement
to the Clackamas County Assessor, Surveyor Office, and the Finance Office, Fixed
Assets Account; and,

IT IS FURTHER ORDERED that in accordance
with ORS 368.126, the unused portions of the original Otty Street right of way as
described and depicted on attached Exhibits "B", "C", "D" and, "E" be vacated, said
unused right of way is no longer a benefit to the traveling public;

In the Matter of Acknowledging and
Accepting Easement Dedications
and the Simultaneous Vacation of a
Portion of Otty Street,
County Road No. 2447, Located in
Section 29, T.1 S., R.2 E., W.M.

Order No.
Page 2 of 2

ORS 368.126 states, "When a county governing body establishes a new public road following the general alignment of an existing public road, the final order or resolution shall identify all parts of any existing road that are to be vacated. Vacation of those parts described is effective without any other proceedings. A road so vacated shall not be closed to public use until the road laid out to replace it is actually opened to travel." The realigned portion of Otty Street so described by the new dedication is open to the public.

ADOPTED this _____ day of May, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Grantor: Clackamas County Development Agency Address: 150 Beaver creek Rd. Oregon City, OR 97045	State of Oregon
Grantee: Clackamas County 150 Beaver creek Rd. Oregon City, OR 97045	
After Recording Return to: Clackamas County Engineering 150 Beaver creek Rd. Oregon City, OR 97045	
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County by Act of the Road Official Acceptance Date: _____
Road Name: _____ DTD Rd. File No. _____	Authorized by Clackamas County Ordinance No. 02-2009 Project: _____

PERMANENT RIGHT OF WAY EASEMENT FOR ROAD PURPOSES
(Corporate or Non Profit Grantor)

For value received, Clackamas County Development Agency, the Urban Renewal Agency of Clackamas County, Oregon, (Grantor), hereby grants, bargains, sells and conveys to Clackamas County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a permanent easement dedicated to the public for road and right of way purposes, in, under, upon, and across Grantor's real property located in Clackamas County, State of Oregon.

Grantor's real property is more particularly described as follows: A parcel of land located in the SE 1/4 of Section 29, T1S, R2E, WM, as described by Parcel I and Parcel II of Statutory Bargain and Sale Deed to Clackamas County Development Agency recorded February 24, 2015 as Document Number 2015-009657, and Warranty Deed recorded September 21, 2015 as Document Number 2015-063564 in the Deed Records of Clackamas County, Oregon.

The Permanent Right of Way Easement for Road Purposes is more particularly described as follows: A strip of land described and depicted as Tract 1 in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the Easement Area).

The true consideration for this conveyance is other valuable consideration.

Grantee's rights include, but are not limited to, Grantee's right to enter upon and utilize the Easement Area for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the Easement Area whenever necessary to accomplish these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described Easement Area.

This easement does not obligate the public or Grantee to replace landscaping, fencing, shrubs, trees or other improvements that may be placed within the Easement Area in the future, and which interfere with Grantee's use of the Easement Area for the purposes described in this document.

Statutory Land Use Disclaimer: Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices, as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010.

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this _____ day of _____, 2018.

CLACKAMAS COUNTY DEVELOPMENT AGENCY,
the URBAN RENEWAL AGENCY OF CLACKAMAS COUNTY,
a corporate body politic under ORS Chapter 457

By: _____
Jim Bernard, Chair

STATE OF OREGON)
) ss.
County of _____)

This instrument was signed and attested before me this _____ day of _____, 2018,
by Jim Bernard as Chair of the Clackamas County Development Agency.

Notary Public for State of Oregon
My Commission Expires: _____

EXHIBIT A

Otty Street Realignment Project
March 16, 2018
OWNER: Clackamas County Development Agency
Page 1 of 2

County Project No. DA-02
Map & Tax Lot No. 12E29DA-12600,
12700, 12800

TRACT 1 (Permanent Right-of-Way Easement for Road Purposes)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 29, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 47, Plat of "Park View Acres", Plat No. 417, Clackamas County Survey Records, also being a portion of those tracts of land as described by Parcel I and Parcel II of Statutory Bargain and Sale Deed to Clackamas County Development Agency recorded February 24, 2015 as Document Number 2015-009657, and Warranty Deed to Clackamas County Development Agency recorded September 21, 2015 as Document Number 2015-063564, Clackamas County Deed Records, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC", in a centerline monument box, at the intersection of the centerline of 80th Avenue and the proposed centerline of Otty Street, as shown on Record of Survey recorded as SN2017-109, Clackamas County Survey Records;

Thence S89°51'01"E, along said proposed Centerline, 171.00' to the beginning of a 200.00 foot radius curve to the right, having a central angle of 8°15'46";

Thence southeasterly along said proposed centerline and the arc of said curve to the right (the long chord of which bears S85°43'08"E, 28.82 feet) 28.84 feet to the intersection with the northerly extension of the west line of said Document Number 2015-063564;

Thence leaving said centerline S01°18'42"E, along said northerly extension, 22.43 feet to a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC" at the northwest corner of said Document Number 2015-063564, and the TRUE POINT OF BEGINNING;

Thence S89°51'01"E, along the north line of said Document Number 2015-063564 and said Parcel I of Document Number 2015-0009657, 119.34 feet to the beginning of a 230.00 foot radius non-tangent curve to the right, having a central angle of 1°53'12", the radius point of which bears S40°24'59"W;

Thence southeasterly along the arc of said non-tangent curve to the right (the long chord of which bears S48°38'25"E, 7.57 feet) 7.57 feet to the beginning of a 160.00 foot radius reverse curve to the left, having a central angle of 42°09'13";

Thence southeasterly along the arc of said reverse curve to the left (the long chord of which bears S68°46'25" E, 115.08 feet) 117.71 feet to a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC";

Thence S89°51'01"E 32.53 feet to a copper disk inscribed "HHPR INC" and the beginning of a 15.00 foot radius curve to the left, having a central angle of 91°19'40";

Thence northeasterly along the arc of said curve to the left (the long chord of which bears N44°29'09"E, 21.46 feet) 23.91 feet to a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC", said point being 51.00 feet westerly when measured at right angles to the centerline of 82nd Avenue;

Thence S01°10'41"E, parallel with said centerline, 70.56 feet to a point on the south line of Parcel II of said Document Number 2015-009657;

Thence N89°51'01"W, along the south line of Parcels I and II of said Document Number 2015-009657, 131.28 feet to 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC" and the beginning of a 175.00 foot radius non-tangent curve to the right, having a central angle of 11°47'48", the radius point of which bears N30°03'24"E;

Thence northwesterly along the arc of said non-tangent curve to the right (the long chord of which bears N54°02'41"W, 35.97') 36.03 feet to a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC";

Thence N48°08'47"W, 49.14 feet to a 5/8 inch iron rod with a 1-1/2 inch aluminum cap inscribed "HHPR INC" and the beginning of a 171.00 foot radius curve to the left, having a central angle of 31°46'17";

Thence northwesterly along the arc of said curve to the left (the long chord of which bears N64°01'56"W, 93.61 feet) 94.82 feet to a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC", and the west line of said Document Number 2015-063564;

Thence N01°18'42"W, along said west line, 7.07 feet to the TRUE POINT OF BEGINNING.

Containing 14,408 square feet more or less.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon Coordinate Reference System (OCRS) Portland Zone. The east line of the Southeast one-quarter of said Section 29 was held to be S 01°10'41"E, as measured between the above-described East One-Quarter Section Corner and the Southeast corner of said Section 29.

This legal description is established from survey data provided by the Clackamas County Department of Transportation and Development.

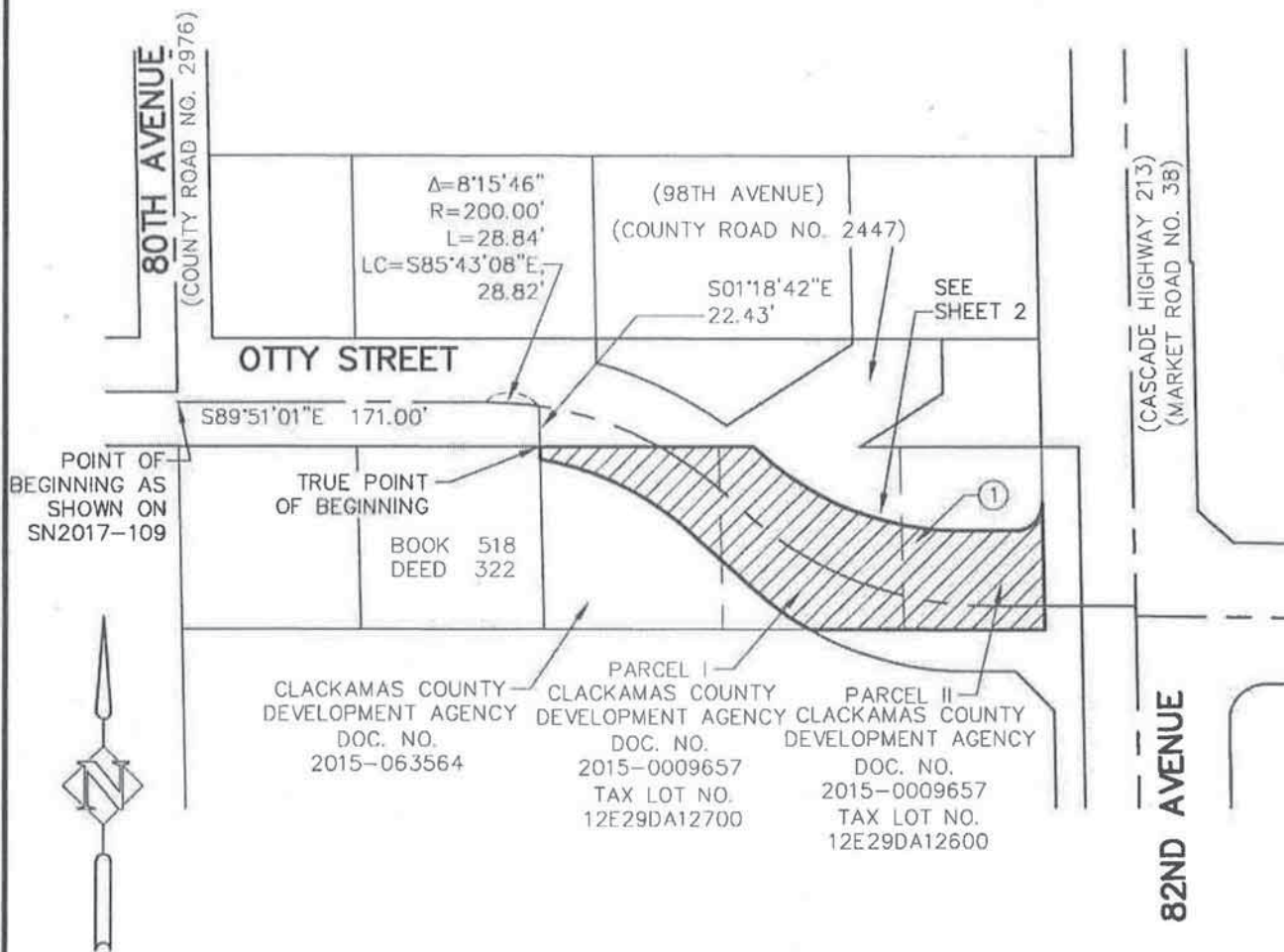


EXPIRES: 12-31-19

EXHIBIT "B"


MARCH 16, 2018

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



SCALE
1" = 100'

LEGEND

-  ① TRACT 1 PERMANENT RIGHT-OF-WAY EASEMENT FOR ROAD PURPOSES ± 14,408 SQ.FT.
- - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



Harper Houf Peterson Righellis Inc.

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phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
CLA-72 TEB 03/16/2018 PAGE 1 OF 2

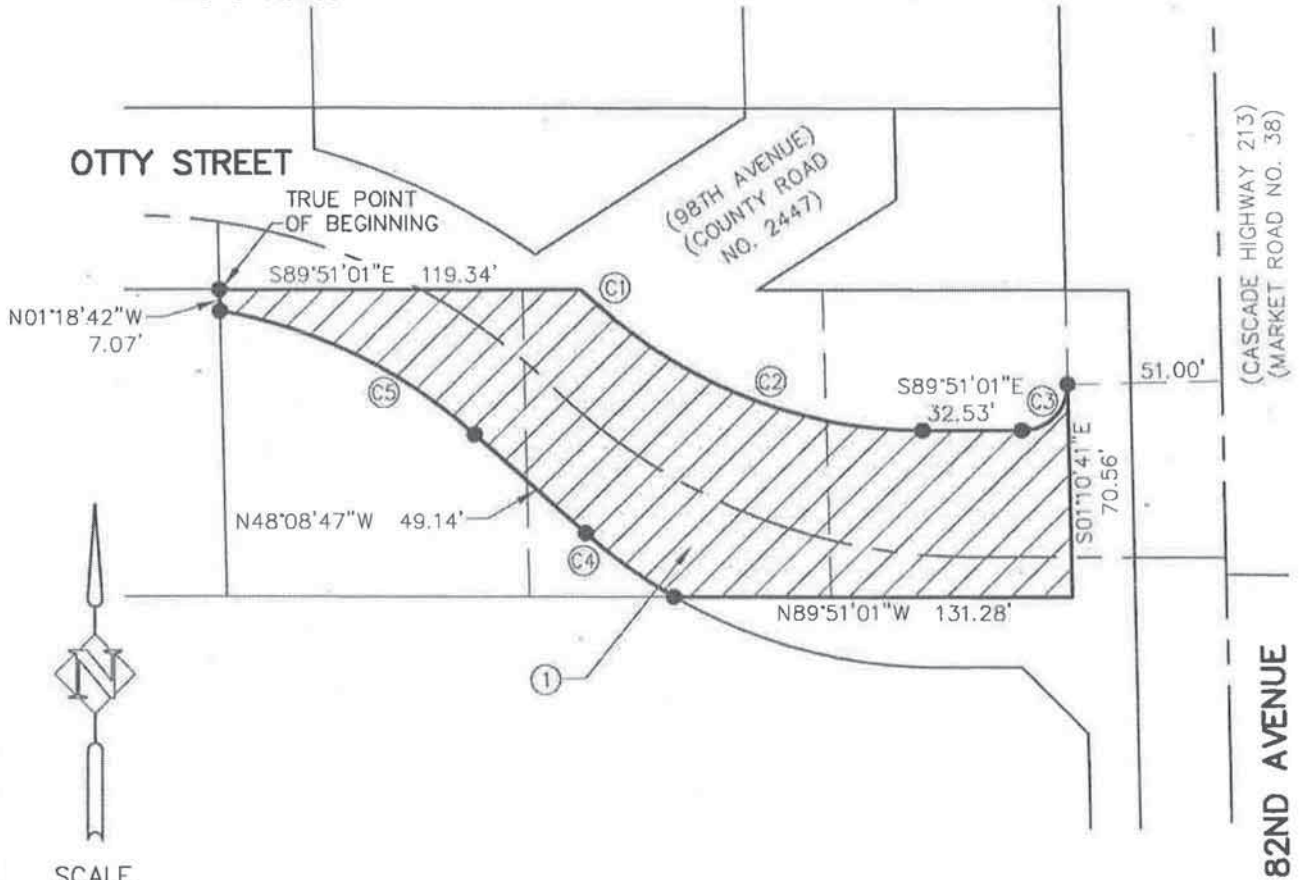
EXHIBIT "B"

MARCH 16, 2018

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON

CURVE TABLE

Curve	Delta	Radius	Length	LC	LC	LC	LC	LC
C1	$\Delta=1^{\circ}53'12''$	$R=230.00'$	$L=7.57'$	$LC=S48^{\circ}38'25''E,$ $7.57'$	$LC=S68^{\circ}46'25''E,$ $115.08'$	$LC=N44^{\circ}29'09''E,$ $21.46'$	$LC=N54^{\circ}02'41''W,$ $35.97'$	$LC=N64^{\circ}01'56''W,$ $93.61'$
C2	$\Delta=42^{\circ}09'13''$	$R=160.00'$	$L=117.71'$					
C3	$\Delta=91^{\circ}19'40''$	$R=15.00'$	$L=23.91'$					
C4	$\Delta=11^{\circ}47'48''$	$R=175.00'$	$L=36.03'$					
C5	$\Delta=31^{\circ}46'17''$	$R=171.00'$	$L=94.82'$					



LEGEND



① TRACT 1
PERMANENT RIGHT-OF-WAY
EASEMENT FOR ROAD
PURPOSES ± 14,408 SQ.FT.

● - FOUND MONUMENT



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CLA-72 TEB 03/16/2018 PAGE 2 OF 2

SEE ATTACHED
LEGAL DESCRIPTION

EXHIBIT A 1

Otty Street Realignment Project
February 2, 2018
Page 1 of 2

County Project No. DA-02

TRACT 1 (Right-of-Way Vacation)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 29, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Otty Street (County Road 2447) more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC", in a centerline monument box, at the intersection of the centerline of 80th Avenue and the proposed centerline of Otty Street, as shown on Record of Survey recorded as SN2017-109, Clackamas County Survey Records;

Thence South $89^{\circ}51'01''$ East, along said proposed Centerline, 171.00' the beginning of a 200.00 foot radius curve to the right, having a central angle of $8^{\circ}15'46''$;

Thence southeasterly along said proposed centerline and the arc of said curve to the right (the long chord of which bears South $85^{\circ}43'08''$ East, 28.82 feet) 28.84 feet to the intersection with the northerly extension of the west line of that tract of land described in Warranty Deed recorded September 21, 2015 as Document Number 2015-063564, Clackamas County Deed Records;

Thence leaving said proposed centerline, North $01^{\circ}18'42''$ West, along said northerly extension, 7.58 feet to the intersection with the existing centerline of Otty Street;

Thence South $89^{\circ}51'01''$ East, along said existing centerline of Otty Street, 224.50 feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC" and the TRUE POINT OF BEGINNING;

Thence continuing along said existing centerline of Otty Street, South $89^{\circ}51'01''$ East, 54.81 feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC", being 51.00 feet westerly when measured at right angles to the centerline of 82nd Avenue;

Thence South $01^{\circ}10'41''$ East, parallel with said centerline, 30.01' feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC", on the EXISTING south right-of-way line of Otty Street;

Thence North $89^{\circ}51'01''$ West, along the existing south right-of way line of Otty Street, 101.35 feet to a point;

Thence leaving said existing south right-of-way line, North $56^{\circ}57'02''$ East, 54.79 feet to the TRUE POINT OF BEGINNING.

Containing 2,342 square feet more or less.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon Coordinate Reference System (OCRS) Portland Zone. The east line of the Southeast one-quarter of said Section 29 was held to be S 01°10'41"E, as measured between the above-described East One-Quarter Section Corner and the Southeast corner of said Section 29.

This legal description is established from survey data provided by the Clackamas County Department of Transportation and Development.

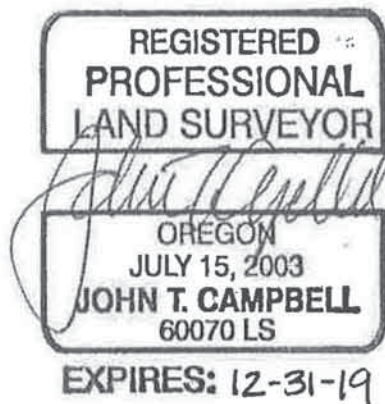
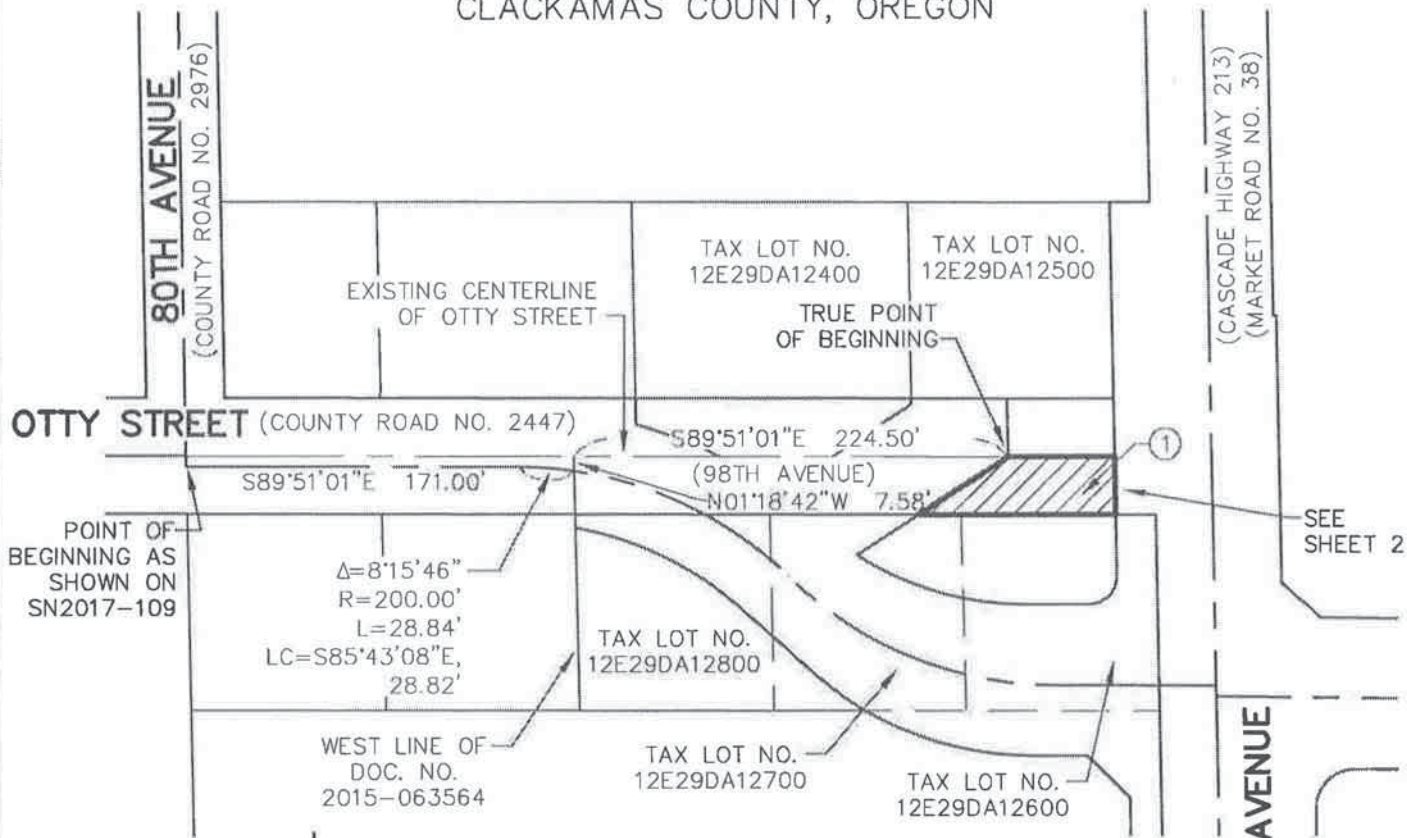


EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



SCALE
1" = 100'

LEGEND



① TRACT 1
RIGHT-OF-WAY VACATION
± 2,342 SQ.FT.

● - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



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Righellis Inc.**

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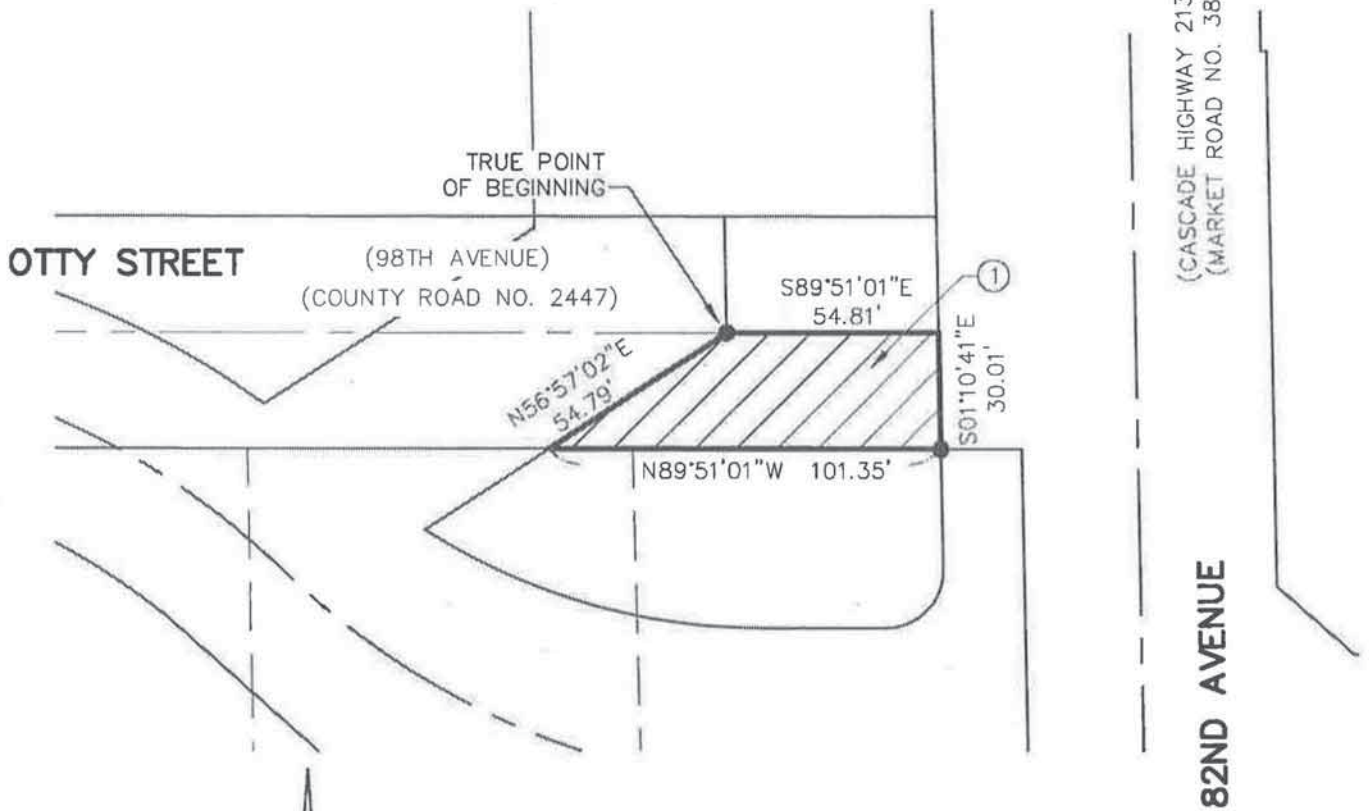
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CLA-72 TEB 02/02/2018 PAGE 1 OF 2

EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND



① TRACT 1
RIGHT-OF-WAY VACATION
± 2,342 SQ.FT.

● - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



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CLA-72 TEB 02/02/2018 PAGE 2 OF 2

EXHIBIT A 2

Otty Street Realignment Project
February 2, 2018
Page 1 of 2

County Project No. DA-02

TRACT 2 (Right-of-Way Vacation)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 29, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Otty Street (County Road 2447) more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC", in a centerline monument box, at the intersection of the centerline of 80th Avenue and the proposed centerline of Otty Street, as shown on Record of Survey recorded as SN2017-109, Clackamas County Survey Records;

Thence South $89^{\circ}51'01''$ East, along said proposed Centerline, 171.00' the beginning of a 200.00 foot radius curve to the right, having a central angle of $8^{\circ}15'46''$;

Thence southeasterly along said proposed centerline and the arc of said curve to the right (the long chord of which bears South $85^{\circ}43'08''$ East, 28.82 feet) 28.84 feet to the intersection with the northerly extension of the west line of that tract of land described in Warranty Deed recorded September 21, 2015 as Document Number 2015-063564, Clackamas County Deed Records;

Thence leaving said proposed centerline North $01^{\circ}18'42''$ West, along said northerly extension, 7.58 feet to the intersection with the existing centerline of Otty Street;

Thence South $89^{\circ}51'01''$ East, along the said existing centerline of Otty Street, 224.50 feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC" and the TRUE POINT OF BEGINNING;

Thence leaving said existing centerline, North $01^{\circ}06'27''$ West 30.01 feet to a point on the north right-of-way line of Otty Street;

Thence South $89^{\circ}51'01''$ East, along said north right-of-way line, 54.77 feet to the intersection with the west right-of-way of 82nd avenue and a point 51.00 feet westerly when measured at right angles to the centerline of 82nd Avenue;

Thence South $01^{\circ}10'41''$ East, parallel with said centerline, 30.01' feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC" on the existing centerline of Otty Street;

Thence North $89^{\circ}51'01''$ West, along the existing centerline of Otty Street, 54.81 feet to the TRUE POINT OF BEGINNING.

Containing 1,644 square feet more or less.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon Coordinate Reference System (OCRS) Portland Zone. The east line of the Southeast one-quarter of said Section 29 was held to be S 01°10'41"E, as measured between the above-described East One-Quarter Section Corner and the Southeast corner of said Section 29.

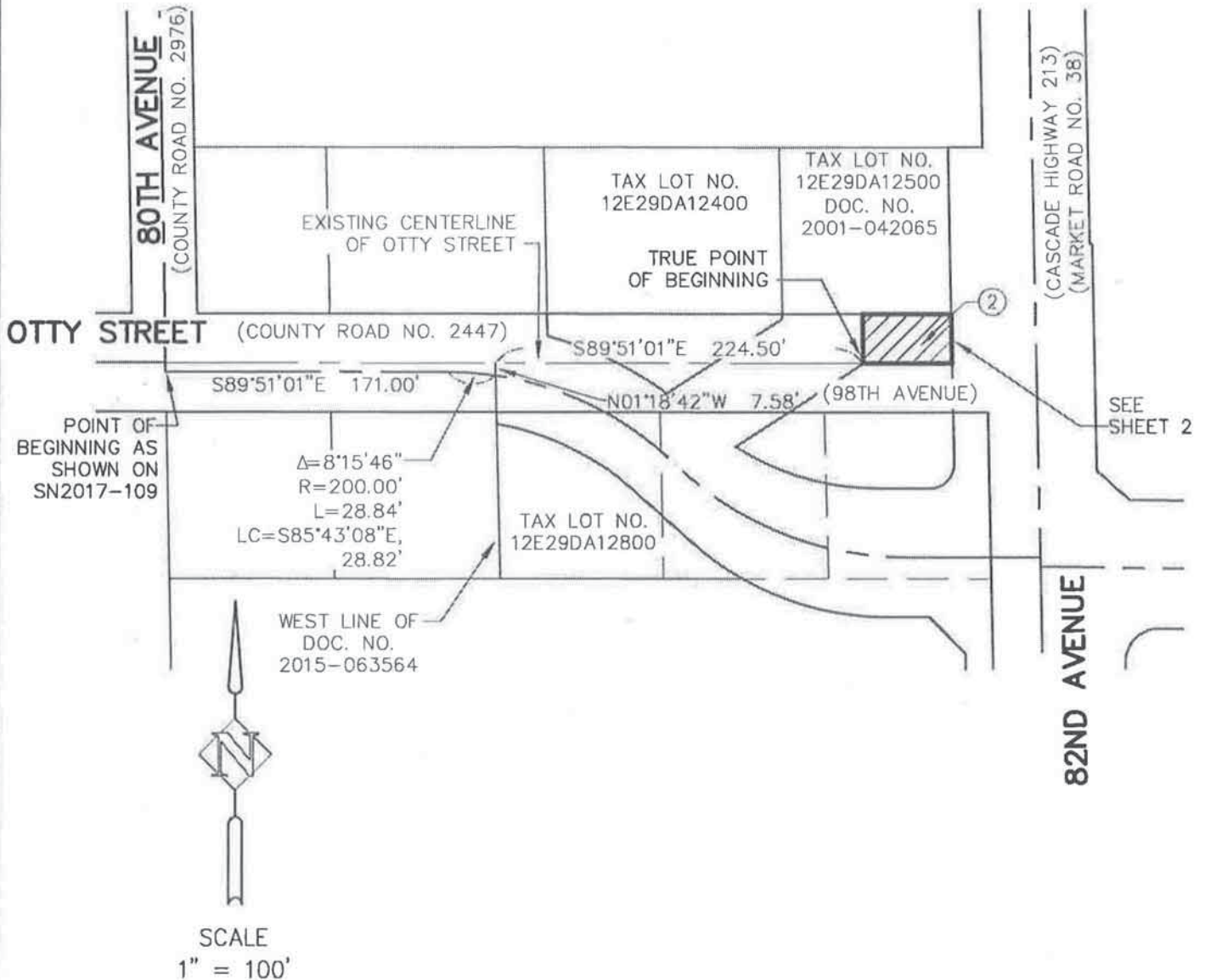
This legal description is established from survey data provided by the Clackamas County Department of Transportation and Development.



EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND



② TRACT 2
RIGHT-OF-WAY VACATION
± 1,644 SQ.FT.

● - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



**Harper
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Righellis Inc.**

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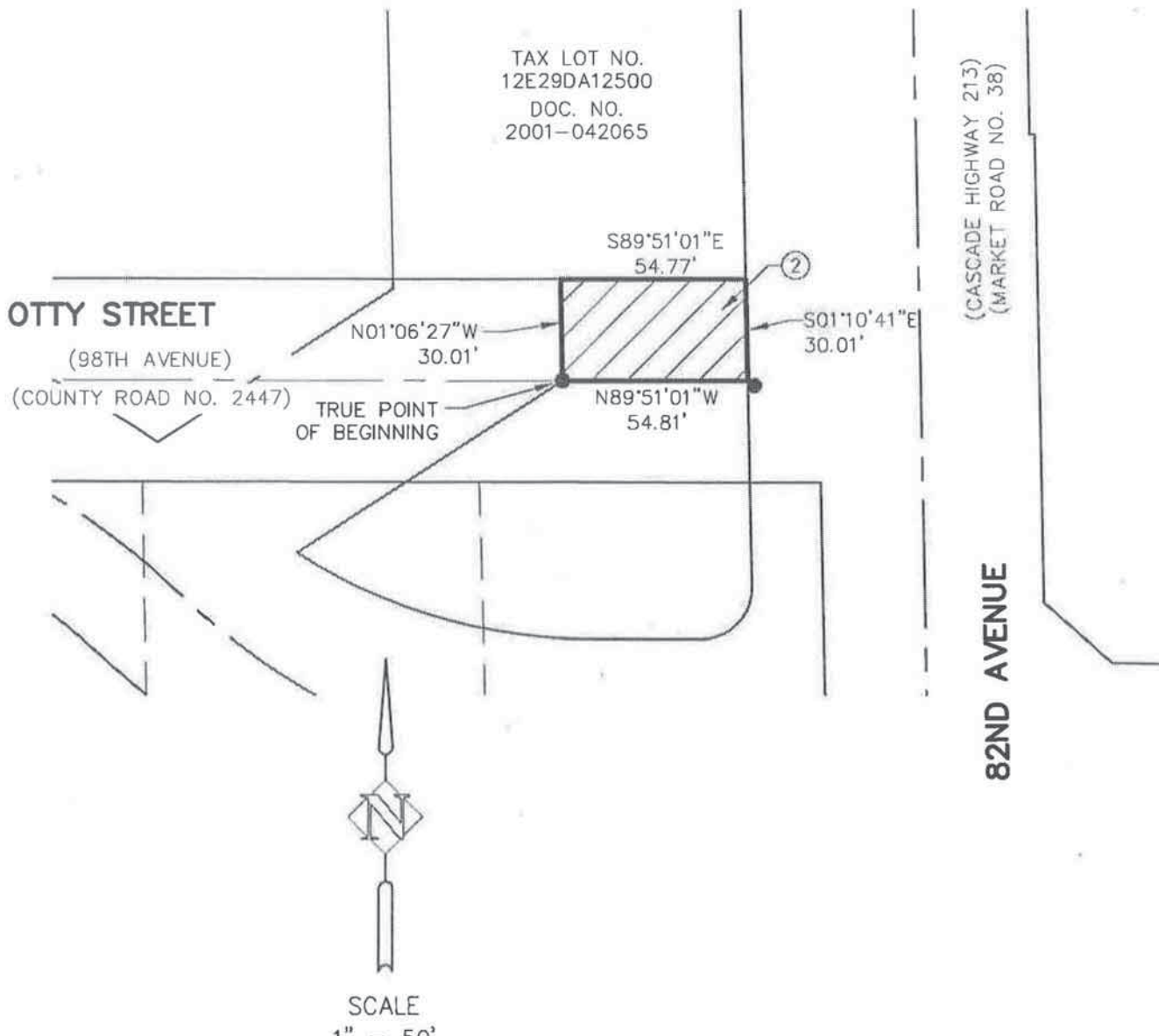
CLA-72 TEB 02/02/2018 PAGE 1 OF 2

EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON

TAX LOT NO.
12E29DA12500
DOC. NO.
2001-042065



SCALE
1" = 50'

LEGEND

-  ② TRACT 2
RIGHT-OF-WAY VACATION
± 1,644 SQ.FT.
- - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
CLA-72 TEB 02/02/2018 PAGE 2 OF 2

EXHIBIT A 3

Otty Street Realignment Project
February 2, 2018
Page 1 of 2

County Project No. DA-02

TRACT 3 (Right-of-Way Vacation)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 29, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Otty Street (County Road 2447) more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC", in a centerline monument box, at the intersection of the centerline of 80th Avenue and the proposed centerline of Otty Street, as shown on Record of Survey recorded as SN2017-109, Clackamas County Survey Records;

Thence South $89^{\circ}51'01''$ East, along said proposed Centerline, 171.00' the beginning of a 200.00 foot radius curve to the right, having a central angle of $8^{\circ}15'46''$;

Thence southeasterly along said proposed centerline and the arc of said curve to the right (the long chord of which bears South $85^{\circ}43'08''$ East, 28.82 feet) 28.84 feet to the intersection with the northerly extension of the west line of that tract of land described in Warranty Deed recorded September 21, 2015 as Document Number 2015-063564, Clackamas County Deed Records;

Thence leaving said proposed centerline, North $01^{\circ}18'42''$ West, along said northerly extension, 7.58 feet to the intersection with the existing centerline of Otty Street;

Thence South $89^{\circ}51'01''$ East, along said existing centerline of Otty Street, 74.74 feet to a copper disk marked "HHPR INC" and the TRUE POINT OF BEGINNING;

Thence continuing along said existing centerline of Otty Street, South $89^{\circ}51'01''$ East, 58.44 feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC";

Thence leaving said existing centerline, South $56^{\circ}57'02''$ West, 33.51 feet to a copper disk marked "HHPR INC" and the beginning of a 230.00 foot radius non-tangent curve to the left, having a central angle of $8^{\circ}51'13''$, the radius point of which bears South $35^{\circ}41'22''$ West;

Thence northwesterly along the arc of said non-tangent curve to the left (the long chord of which bears North $58^{\circ}44'14''$ West, 35.51 feet) 35.54 feet to the TRUE POINT OF BEGINNING

Containing 520 square feet more or less.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon Coordinate Reference System (OCRS) Portland Zone. The east line of the Southeast one-quarter

of said Section 29 was held to be S 01°10'41"E, as measured between the above-described East One-Quarter Section Corner and the Southeast corner of said Section 29.

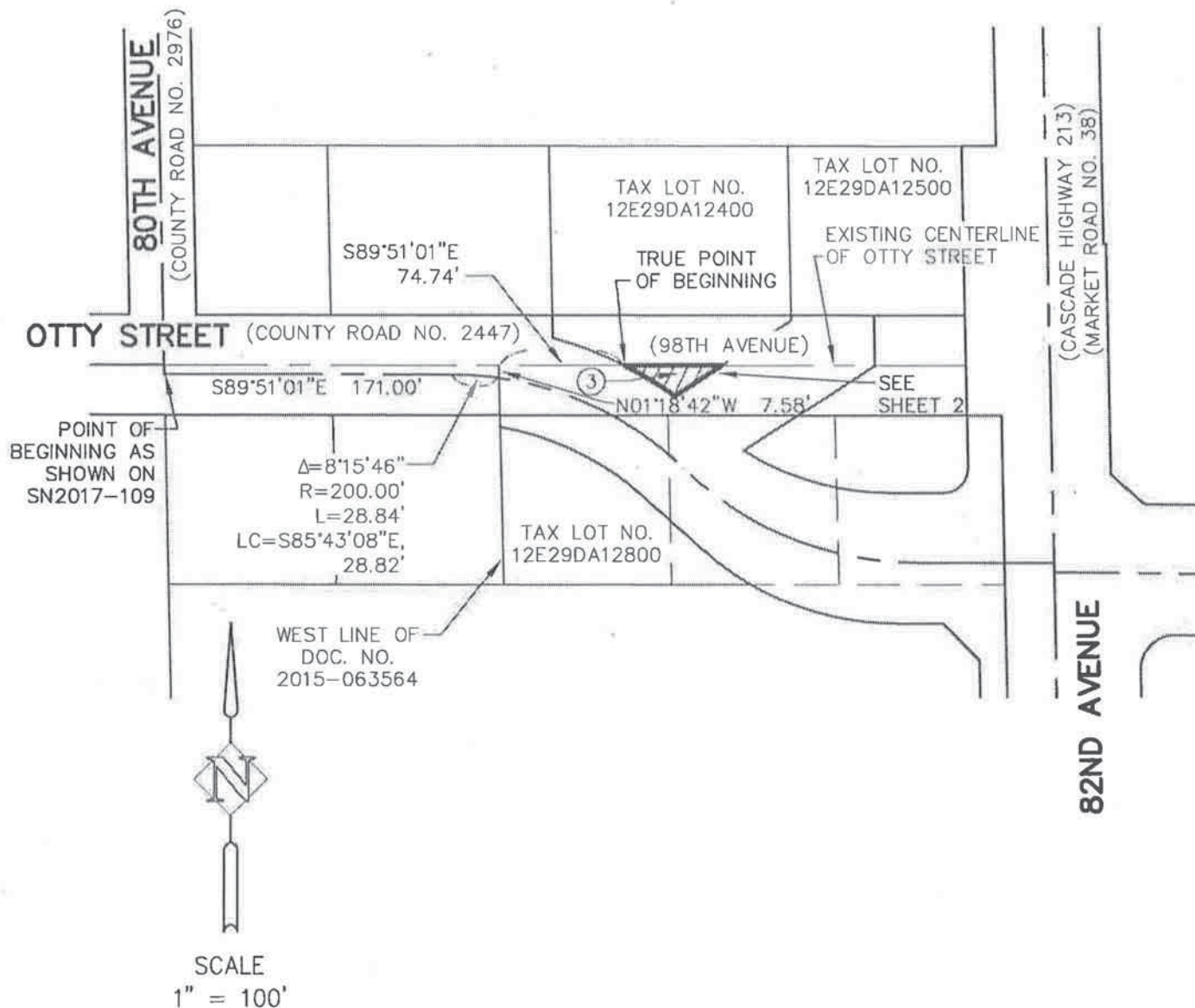
This legal description is established from survey data provided by the Clackamas County Department of Transportation and Development.



EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND



③ TRACT 3
RIGHT-OF-WAY VACATION
± 520 SQ.FT.

● - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



**Harper
Houf Peterson
Righellis Inc.**

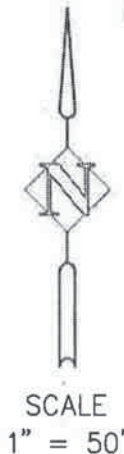
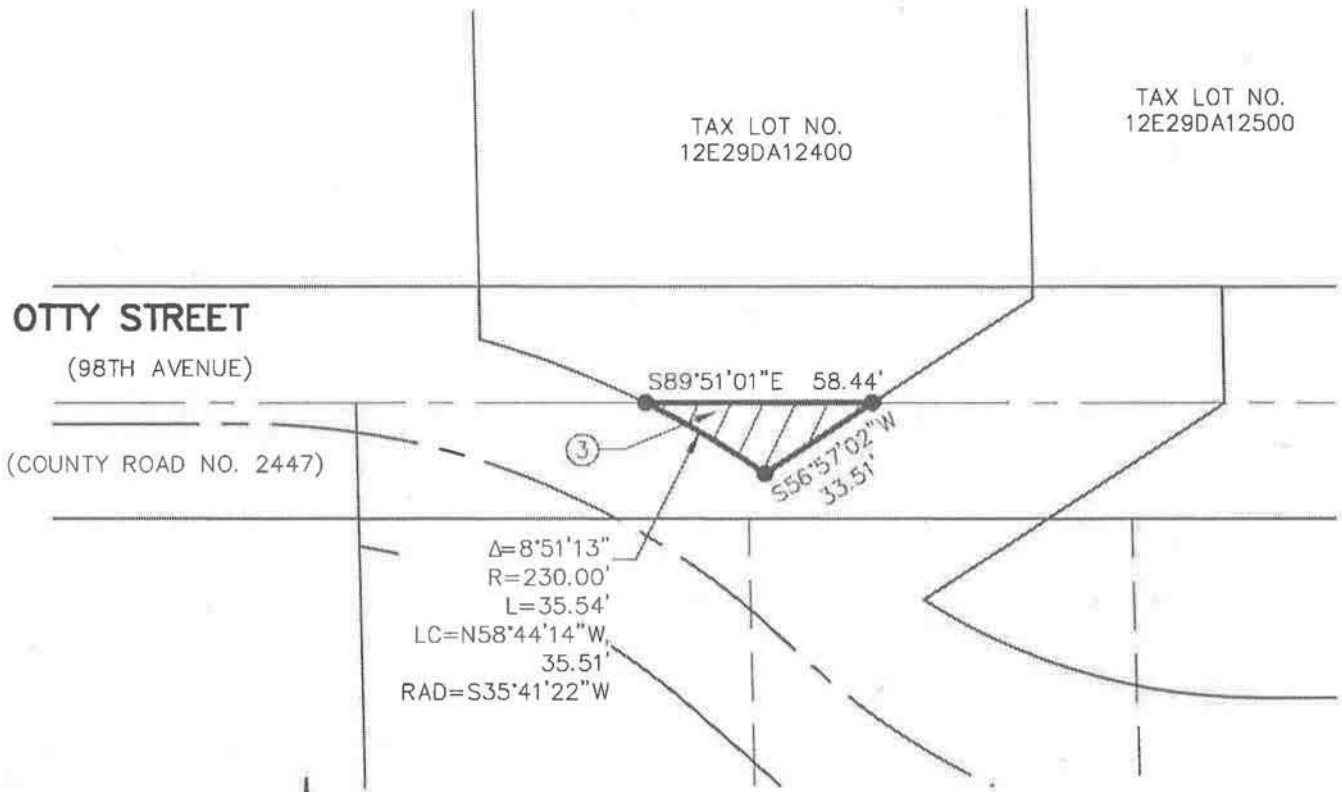
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CLA-72 TEB 02/02/2018 PAGE 1 OF 2


EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND

-  TRACT 3
RIGHT-OF-WAY VACATION
± 520 SQ.FT.
- - FOUND MONUMENT



**Harper
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Righellis Inc.**

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CLA-72 TEB 02/02/2018 PAGE 2 OF 2

SEE ATTACHED
LEGAL DESCRIPTION

EXHIBIT A 4

Otty Street Realignment Project
February 2, 2018
Page 1 of 2

County Project No. DA-02

TRACT 4 (Right-of-Way Vacation)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 29, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Otty Street (County Road 2447) more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC", in a centerline monument box, at the intersection of the centerline of 80th Avenue and the proposed centerline of Otty Street, as shown on Record of Survey recorded as SN2017-109, Clackamas County Survey Records;

Thence South $89^{\circ}51'01''$ East, along said proposed Centerline, 171.00' the beginning of a 200.00 foot radius curve to the right, having a central angle of $8^{\circ}15'46''$;

Thence southeasterly along said proposed centerline and the arc of said curve to the right (the long chord of which bears South $85^{\circ}43'08''$ East, 28.82 feet) 28.84 feet to the intersection with the northerly extension of the west line of that tract of land described in Warranty Deed recorded September 21, 2015 as Document Number 2015-063564, Clackamas County Deed Records;

Thence leaving said proposed centerline, North $01^{\circ}18'42''$ West, along said northerly extension, 7.58 feet to the intersection with the existing centerline of Otty Street;

Thence South $89^{\circ}51'01''$ East, along said existing centerline of Otty Street, 74.74 feet to a copper disk marked "HHPR INC" and the beginning of a 230.00 foot radius non-tangent curve to the left, having a central angle of $11^{\circ}25'04''$, the radius point of which bears South $26^{\circ}50'10''$ West, and the TRUE POINT OF BEGINNING;

Thence northwesterly along the arc of said non-tangent curve to the left (the long chord of which bears North $68^{\circ}52'22''$ West, 45.76 feet) 45.83 feet to a point;

Thence North $01^{\circ}10'41''$ West, 13.62 feet to the southwest corner of Parcel II of Warranty Deed recorded on December 30, 2002 as Document Number 2002-128651, Clackamas County Deed Records;

Thence South $89^{\circ}51'01''$ East, along the south line of said Parcel II and the existing north right-of-way line of Otty Street, 142.90 feet to the southeast corner of said Parcel II;

Thence leaving said north right-of-way line, South $01^{\circ}10'41''$ East, 2.85 feet to a point;

2/2/2018

Thence South 56°57'02" West, 49.59 feet to a 5/8 inch iron rod with an orange plastic cap marked "HHPR INC" on the existing centerline of Oty Street;

Thence North 89°51'01" West, along said existing centerline, 58.44 feet to the TRUE POINT OF BEGINNING.

Containing 3,334 square feet more or less.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon Coordinate Reference System (OCRS) Portland Zone. The east line of the Southeast one-quarter of said Section 29 was held to be S 01°10'41"E, as measured between the above-described East One-Quarter Section Corner and the Southeast corner of said Section 29.

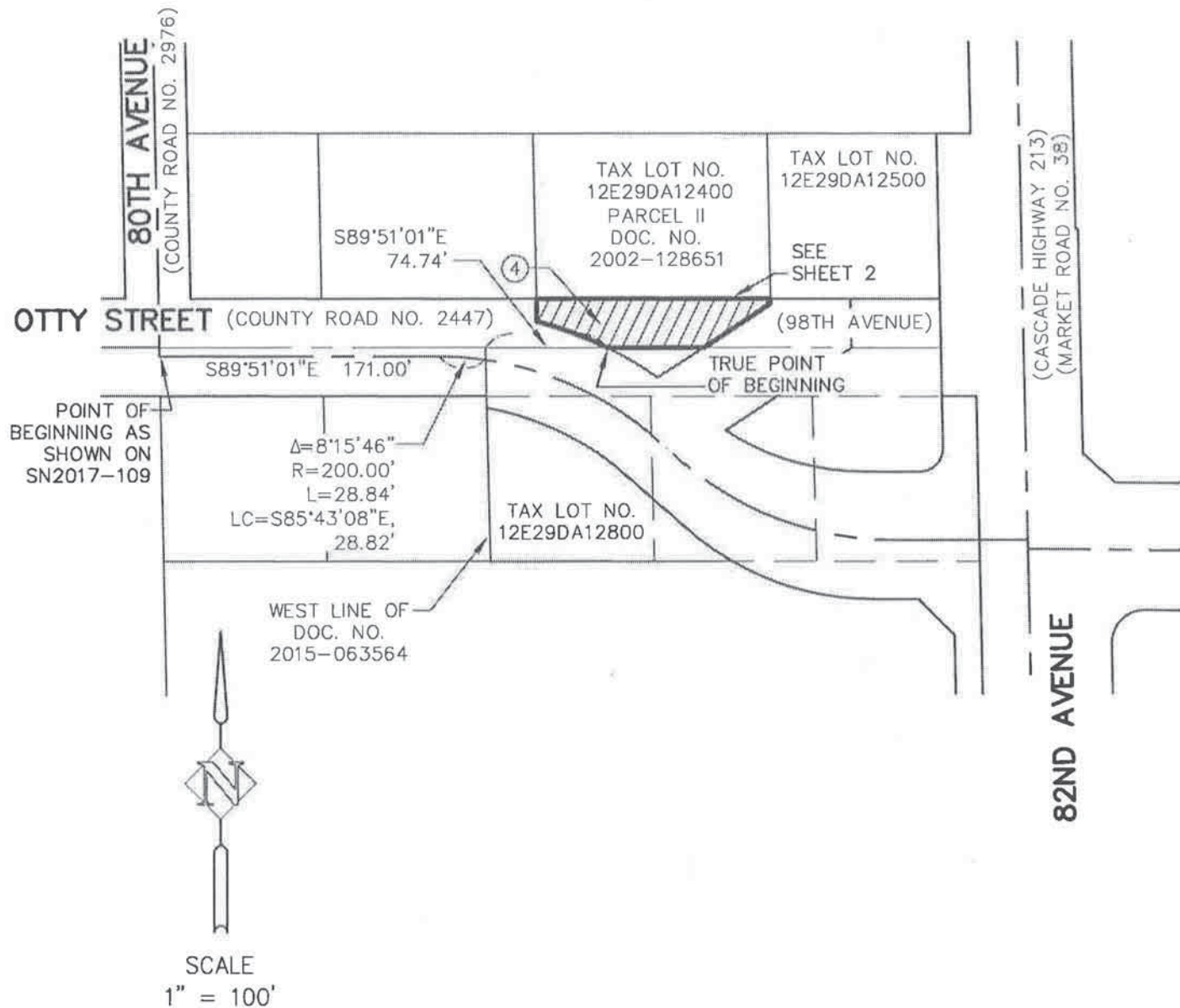
This legal description is established from survey data provided by the Clackamas County Department of Transportation and Development.



EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND

 (4) TRACT 4
RIGHT-OF-WAY VACATION
± 3,334 SQ.FT.

● - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



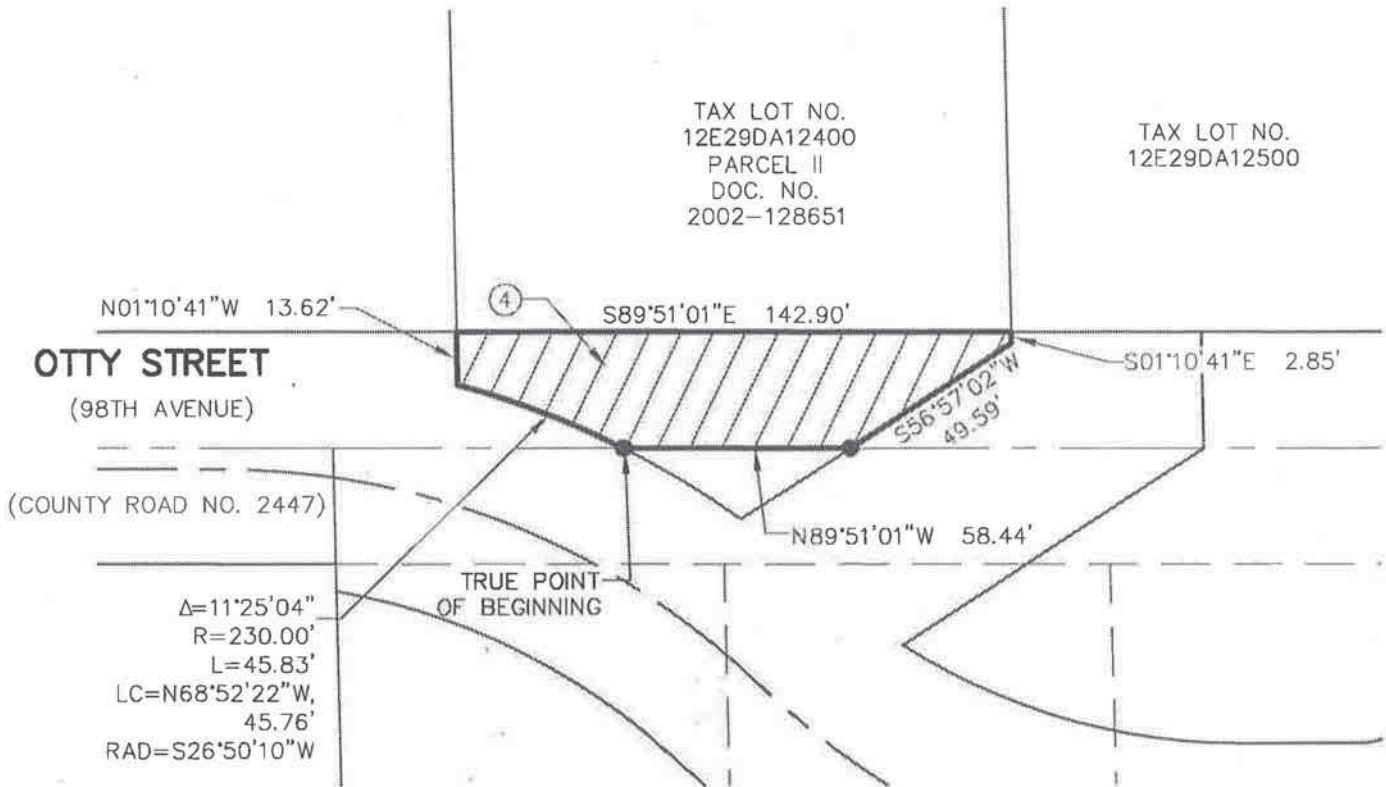
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CLA-72 TEB 02/02/2018 PAGE 1 OF 2

EXHIBIT "B"

RIGHT-OF-WAY VACATION

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 29, T1S., R2E., W.M.
CLACKAMAS COUNTY, OREGON



SCALE
1" = 50'

LEGEND



④ TRACT 4
RIGHT-OF-WAY VACATION
± 3,334 SQ.FT.

● - FOUND MONUMENT

SEE ATTACHED
LEGAL DESCRIPTION



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

CLA-72 TEB 02/02/2018 PAGE 2 OF 2



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of a Contract with Eagle-Elsner, Inc. for
Borland Road Paving Package**

Purpose/Outcomes	This contract will resurface about a mile of Borland Road between Prosperity Park Road and Stafford Road with asphalt.
Dollar Amount and Fiscal Impact	Contract value is \$487,150.00.
Funding Source	215-7433-00-424423
Duration	Contract execution through June 30, 2018
Previous Board Action	
Strategic Plan Alignment	This project will provide strong infrastructure and ensure safe communities by maintaining the County's existing road infrastructure.
Contact Person	Vince Hall, Project Manager 503-650-3210

Background:

This contract will resurface about a mile of Borland Road between Prosperity Park Road and Stafford Road with asphalt. Borland Road's functional classification is a minor arterial and it has an average daily traffic of 11,285 vehicles per day. Borland Road by analyzing the existing conditions of the road surfaces with the network and evaluating the traffic volumes to determine the best use of the County's limited transportation funds.

The project work is anticipated to begin immediately following contract signing. Substantial completion will be not later than June 30, 2018 with final completion not later than December 31, 2018.

Procurement Process:

This project advertised in accordance with ORS and LCRB Rules on January 30, 2018. Bids were opened on February 21, 2018. The County received six (6) bids: Brix Paving NW, \$566,200.00; Baker Rock Resources, \$501,889.70; Santiam Paving, \$503,998.35; S-2 Contractors, Inc., \$615,376.50; Knife River, \$522,692.00; and Eagle-Elsner, Inc., \$487,150.00. Eagle-Elsner, Inc. was determined to be lowest responsive bidder.

This contract has been reviewed and approved by County Counsel.

Recommendation:

Staff respectfully recommends that the Board approves and signs this construction services contract with Eagle-Elsner, Inc. for the Borland Road Paving Package.

Sincerely,

Placed on the BCC Agenda _____ by Procurement



CLACKAMAS COUNTY PUBLIC IMPROVEMENT CONTRACT

This Public Improvement Contract (the "Contract"), is made by and between the Clackamas County, a political subdivision of the State of Oregon, hereinafter called "Owner," and **Eagle-Elsner, Inc.**, hereinafter called the "Contractor" (collectively the "Parties"), shall become effective on the date this Contract has been signed by all the Parties and all County approvals have been obtained, whichever is later.

Project Name: **#2018-05 Borland Road Paving Project**

1. Contract Price, Contract Documents and Work.

The Contractor, in consideration of the sum of **Four Hundred Eighty-Seven Thousand One Hundred Fifty Dollars (\$487,150.00)** (the "Contract Price"), to be paid to the Contractor by Owner in the manner and at the time hereinafter provided, and subject to the terms and conditions provided for in the Instructions to Bidders and other Contract Documents (as defined in the Clackamas County General Conditions for Public Improvement Contracts (11/1/2017) ("General Conditions") referenced within the Instructions to Bidders), all of which are incorporated herein by reference, hereby agrees to perform all Work described and reasonably inferred from the Contract Documents. The Contract Price is the amount contemplated by the Base Bid, as indicated in the accepted Bid.

Also, the following documents are incorporated by reference in this Contract and made a part hereof:

- Notice of Contract Opportunity
- Supplemental Instructions to Bidders
- Public Improvement Contract Form
- Clackamas County General Conditions
- Prevailing Wage Rates
- Plans, Specifications and Drawings
- Instructions to Bidders
- Bid Bond
- Performance Bond and Payment Bond
- Supplemental General Conditions
- Payroll and Certified Statement Form

2. Representatives.

Contractor has named Curtis Cooksey as its Authorized Representative to act on its behalf. Owner designates, or shall designate, its Authorized Representative as indicted below (check one):

Unless otherwise specified in the Contract Documents, the Owner designates Vince Hall as its Authorized Representative in the administration of this Contract. The above-named individual shall be the initial point of contact for matters related to Contract performance, payment, authorization, and to carry out the responsibilities of the Owner.

Name of Owner's Authorized Representative shall be submitted by Owner in a separate writing.

3. Key Persons.

The Contractor's personnel identified below shall be considered Key Persons and shall not be replaced during the project without the written permission of Owner, which shall not be unreasonably withheld. If the Contractor intends to substitute personnel, a request must be given to Owner at least 30 days prior to the intended time of substitution. When replacements have been approved by Owner, the Contractor shall provide a transition period of at least 10 working days during which the original and replacement personnel shall be working on the project concurrently. Once a replacement for any of these staff members is authorized, further replacement shall not occur without the written permission of Owner. The Contractor's project staff shall consist of the following personnel:

Project Executive: Richard Eagle shall be the Contractor's project executive, and will provide oversight and guidance throughout the project term.

Project Manager: Curtis Cooksey shall be the Contractor's project manager and will participate in all meetings throughout the project term.

Job Superintendent: Dave Elsner shall be the Contractor's on-site job superintendent throughout the project term.

Project Engineer: Curtis Cooksey shall be the Contractor's project engineer, providing assistance to the project manager, and subcontractor and supplier coordination throughout the project term.

4. Contract Dates.

COMMENCEMENT DATE: Upon Issuance of Notice to Proceed

SUBSTANTIAL COMPLETION DATE: June 30, 2018

FINAL COMPLETION DATE: December 31, 2018

Time is of the essence for this Contract. It is imperative that the Work in this Contract reach Substantial Completion and Final Completion by the above specified dates.

5. Insurance Certificates.

In accordance with Section G.3.5 of the General Conditions, Contractor shall furnish proof of the required insurance naming Clackamas County as an additional insured. Insurance certificates may be returned with the signed Contract or may emailed to Procurement@clackamas.us.

6. Tax Compliance.

Contractor must, throughout the duration of this Contract and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Any violation of this section shall constitute a material breach of this Contract. Further, any violation of Contractor's warranty in this Contract that Contractor has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also shall constitute a material breach of this Contract. Any violation shall entitle County to terminate this Contract, to pursue and recover any and all damages that arise from the breach and the termination of this Contract, and to pursue any or all of the remedies available under this Contract, at law, or in equity, including but not limited to: (A) Termination of this Contract, in whole or in part; (B) Exercise of the right of setoff, and withholding of amounts otherwise due and owing to Contractor, in an amount equal to County's setoff right, without penalty; and (C) Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. County shall be entitled to recover any and all damages suffered as the result of Contractor's breach of this Contract, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement performance. These remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

The Contractor represents and warrants that, for a period of no fewer than six calendar years preceding the effective date of this Contract, has faithfully complied with: (A) All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318; (B) Any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor; (C) Any tax provisions imposed by a political subdivision of this state that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor; and (D) Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

7. Confidential Information.

Contractor acknowledges that it and its employees or agents may, in the course of performing their responsibilities under this Contract, be exposed to or acquire information that is confidential to Owner. Any and all information of any form obtained by Contractor or its employees or agents in the performance of this Contract shall be deemed confidential information of Owner (“Confidential Information”). Contractor agrees to hold Confidential Information in strict confidence, using at least the same degree of care that Contractor uses in maintaining the confidentiality of its own confidential information, and not to copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give, or disclose Confidential Information to third parties or use Confidential Information for any purpose unless specifically authorized in writing under this Contract.

8. Counterparts.

This Contract may be executed in several counterparts, all of which when taken together shall constitute an agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Contract so executed shall constitute an original.

9. Integration.

All provisions of state law required to be part of this Contract, whether listed in the General or Special Conditions or otherwise, are hereby integrated and adopted herein. Contractor acknowledges the obligations thereunder and that failure to comply with such terms is a material breach of this Contract.

The Contract Documents constitute the entire agreement between the parties. There are no other understandings, agreements or representations, oral or written, not specified herein regarding this Contract. Contractor, by the signature below of its authorized representative, hereby acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.

10. Liquidated Damages

The Contractor acknowledges that the Owner will sustain damages as a result of the Contractor’s failure to substantially complete the Project in accordance with the Contract Documents. These damages may include, but are not limited to delays in completion, use of the Project, and costs associated with Contract administration and use of temporary facilities.

- 10.1 Liquidated Damages shall be as follows if the actual Substantial Completion exceeds the required date of Substantial Completion:
 - 10.1.1. \$800.00 per Calendar day past the Substantial Completion date as detailed in 00180.85 (b) of the special provisions.

In witness whereof, Clackamas County executes this Contract and the Contractor does execute the same as of the day and year first above written.

Contractor DATA:
Eagle-Elsner, Inc.
P.O. Box 23294
Tigard, Oregon 97281

Contractor CCB # 27112 Expiration Date: 4/2/2018
Oregon Business Registry # 135009-13 Entity Type: DBC State of Formation: Oregon

Payment information will be reported to the IRS under the name and taxpayer ID# provided by the Contractor. Information must be provided prior to contract approval. Information not matching IRS records could subject Contractor to 28 percent backup withholding.

Eagle-Elsner, Inc.

Clackamas County Board of County Commissioners

Authorized Signature

Date

Chair

Date

Name / Title Printed

Recording Secretary

APPROVED AS TO FORM

County Counsel

Date

DRAFT

Approval of Previous Business Meeting Minutes:

March 29, 2018

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

<http://www.clackamas.us/bcc/business.html>

Thursday, March 29, 2018 – 10:00 AM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

PRESENT: Commissioner Jim Bernard, Chair
Commissioner Ken Humberston
Commissioner Paul Savas
Commissioner Martha Schrader

EXCUSED: Commissioner Sonya Fischer

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

I. CITIZEN COMMUNICATION

<http://www.clackamas.us/bcc/business.html>

1. Les Poole, Gladstone – request for more public outreach regarding County road conditions. Attended a Clark County meeting regarding the tolling proposal.

II. PUBLIC HEARING

WATER ENVIRONMENT SERVICES

1. **First Reading of Ordinance No. 03-2018** for Water Environment Services Amending the Rules and Regulations Regarding Sanitary Sewer and Surface Water Management Services

Ron Wierenga, Water Environment Services presented the staff report.

Chair Bernard opened the public hearing and asked if anyone wished to speak, seeing none he closed the public hearing and asked for a motion.

MOTION:

Commissioner Schrader: I move we read the Ordinance by title only.

Commissioner Humberston: Second.

all those in favor/opposed:

Commissioner Humberston: Aye

Commissioner Savas: Aye.

Commissioner Schrader: Aye.

Chair Bernard: Aye – the Ayes have it, the motion carries 4-0.

Chair Bernard asked the clerk to assign a number and read the Ordinance by title only. He then announced the second reading will be at the Thursday, April 12, 2018 at the Board's regular scheduled Business Meeting at 10:00 AM.

III. CONSENT AGENDA

Chair Bernard asked the Clerk to read the consent agenda by title.

Commissioner Savas asked to pull item D.1 for discussion and separate action.

Chair Bernard asked for a motion as amended excluding item *D.1.

MOTION:

Commissioner Savas: I move we approve the consent agenda as amended.

Commissioner Humberston: Second.

~Board Discussion~ <http://www.clackamas.us/bcc/business.html>

all those in favor/opposed:

Commissioner Humberston: Aye.

Commissioner Savas: Aye.

Commissioner Schrader: Aye.

Chair Bernard: Aye – the Ayes have it, the motion carries 4-0.

A. Health, Housing & Human Services

1. Approval of an Agency Service Agreement with Northwest Housing Alternatives, Inc. for System Diversion, Homelessness Prevention and Rapid Re-Housing – *Social Services*
2. Approval of an Agency Service Agreement with Clackamas Women’s Services for System Diversion, Homelessness Prevention and Rapid Re-Housing – *Social Services*
3. Approval to apply for FY2017 Youth Homelessness Demonstration Project, Housing and Urban Development (HUD) Grant – *Housing & Community Development*
4. Approval of an Intergovernmental Revenue Agreement with Oregon Department of Education, Youth Development Division for the PreventNet School Sites in Milwaukie- *Children, Youth & Family*
5. Approval of an Intergovernmental Revenue Agreement with Oregon Department of Education, Youth Development Division for the PreventNet School Sites in Molalla & Canby - *Children, Youth & Family*
6. Approval of an Intergovernmental Revenue Agreement with Oregon Department of Education – Youth Development Division for the PreventNet School Sites in Rural Clackamas County - *Children, Youth & Family*
7. Approval of an Intergovernmental Revenue Agreement with Oregon Department of Education – Youth Development Division for the PreventNet School Sites in Urban Clackamas County - *Children, Youth & Family*

B. Department of Transportation & Development

1. Acceptance of the 2017 Clackamas County Traffic Safety Commission Annual Report

C. Community Corrections

1. Approval of Local Grant Agreement No. JR-17-003 with Clackamas Women’s Services for Community-Based Victim Services Programs

D. Business & Community Services

- *1. **Resolution No. 2018-18** Authorizing an Amendment to the City of Wilsonville’s Year 2000 Urban Renewal Plan

~Board Discussion~ <http://www.clackamas.us/bcc/business.html>

Dan Johnson, DTD Director and Mayor of Wilsonville, Tim Knapp gave comments.

http://www.clackamas.us/bcc/documents/businesspackets/bcc20180329_11.pdf

Chair Bernard asked for a motion.

MOTION:

Commissioner Humberston: I move we approve the resolution authorizing an amendment to the city of Wilsonville’s year 2000 urban renewal plan.

Chair Bernard: Second.

all those in favor/opposed:

Commissioner Humberston: Aye.

Commissioner Savas: Aye.

Commissioner Schrader: No.

Chair Bernard: Aye – the Ayes have it, the motion carries 3-1.

2. **Resolution No. 2018-19** Authorizing Business & Community Services County, County Parks Division to Apply for a Local Government Grant from the Oregon Parks and Recreation Department for Restroom Replacement at Metzler Park
3. Approval of a Memorandum of Understanding between Business & Community Services, County Parks Division and the Juvenile Department for Overflow Parking Management

E. Public & Government Affairs

1. Approval of a Personal Services Contract Assignment with Summit Strategies, LLC to Perform Project Management Services behalf of the Willamette Falls Locks State Commission – *Procurement*

F. Technology Services

1. Approval to Add 10 Additional Fiber Routes to the Intergovernmental Agreement between Clackamas Broadband eXchange and the Lake Oswego School District

IV. NORTH CLACKAMAS PARKS & RECREATION DISTRICT

1. Approval of the Strategic Partnership Facility Use and Transition Agreement between North Clackamas Parks & Recreation District and North Clackamas School District
2. Approval of a Purchase and Sale Agreement with Oak Lodge Water Services District for the Boardman Wetlands Natural Area Property

V. COUNTY ADMINISTRATOR UPDATE

<http://www.clackamas.us/bcc/business.html>

VI. COMMISSIONERS COMMUNICATION

<http://www.clackamas.us/bcc/business.html>

MEETING ADJOURNED – 11:00 AM



Dave Cummings
Chief Information Officer

Technology Services

121 Library Court Oregon City, OR 97045

April 25, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of an Intergovernmental Agreement with the
Metro Area Joint CAD System for fiber connectivity

Purpose/Outcomes	CBX is looking for approval for an IGA with the Metro Area Joint CAD System (MAJCS) for connectivity between Washington County and Clackamas County.
Dollar Amount and Fiscal Impact for CBX	MAJCS will pay a non-recurring fee of \$23,695.00 for new fiber construction and DWDM equipment. MAJCS will pay a recurring lease fee of \$12,240.00 annually for the new connections.
Funding Source	The funding source for the fiber expansion will be contributed from the CBX budget and then reimbursed by MAJCS.
Duration	Effective upon signature by the board, this Intergovernmental Agreement is in effect for one year and is automatically renewed unless either party sends a written notice of termination.
Previous Board Action	Board previously approved CBX to build and maintain fiber connections for the City of Sandy.
Strategic Plan Alignment	<ol style="list-style-type: none">1. Build a strong infrastructure.2. Build public trust through good government.
Contact Person	Dave Devore (503)723-4996

BACKGROUND:

CBX is proposing to build new fiber lateral's and place new DWDM equipment so that a new fiber connection can be made for the MAJCS group between Washington County and Clackamas County.

This agreement has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully recommends approval for this Intergovernmental Agreement. This IGA will allow CBX to provide fast effective fiber connectivity to the MAJCS group at an affordable cost. Staff further recommends the Board delegate authority to the Technology Services Director to sign agreements necessary in the performance of this agreement.

Sincerely,

Dave Cummings
CIO Technology Services

Clackamas County

FIBER OPTIC SERVICE LEVEL AGREEMENT

Metro Area Joint CAD System
(Customer Name)

1. Recitals

WHEREAS, Clackamas County (County) desires to provide to Metro Area Joint CAD System (Customer) the Services set forth in this Agreement, between the specified Customer sites listed in Appendix A, and at the price contained in Appendix A; and

WHEREAS, Customer desires to use the Services; and

WHEREAS, the Parties desire to set forth herein their respective rights and obligations with respect to the provision of Services,

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and promises set forth herein, intending to be legally bound, the Parties agree as follows.

2. Fiber Optic Network Description

County will provide Customer with point-to-point single mode fiber optic network connectivity, including a termination panel for the fiber optic cables at each Customer premises on a path designated by the County.

3. Service Description

Service provided to Customer by County is physical connectivity of one (or more) strands of optical fiber ("Fiber"), between sites specifically identified in Appendix A for the exclusive use of the Customer's internal communication needs. Each site listed in Appendix A will have a single mode fiber termination.

4. Construction and Installation Requirements

- a. County, when installing fiber optic cables on the property of Customer, shall do so in a neat and professional manner. Routing and location of these cables shall be mutually agreed upon between the parties.
- b. Customer shall secure any easements, leases, permits or other agreements necessary to allow County to use existing pathways to, into and within each site to the demarcation point for service. Customer shall provide a path for the fiber optic cable from the point of entry into the site to the termination panel that complies with all applicable building, electrical, fire and related codes.
- c. Subject to the terms of this Agreement, and at no cost to County, Customer shall

provide adequate environmentally controlled space and electricity required for installation, operation, and maintenance of the County's fiber optic cables used to provision the service within each site.

- d. Customer shall provide a clean, secure, relatively dry and cool location (consistent with environmental requirements for fiber optic network connectivity equipment) at each of its premises for necessary equipment.
- e. Customer will provide or arrange for County and its employees, agents, lessees, officers and its authorized vendors, upon reasonable notice, to have reasonable ingress and egress into and out of Customer properties and buildings in connection with the provision of service.
- f. If the presence of asbestos or other hazardous materials exists or is detected, Customer must have such hazardous materials removed immediately at Customer's expense or notify County to install the applicable portion of the fiber optic network in areas of any such site not containing such hazardous material. Any additional expense incurred as a result of encountering hazardous materials, including but not limited to, any additional equipment shall be borne by Customer.
- g. County shall have no obligation to install, operate, or maintain Customer-provided facilities or equipment.
- h. County shall construct Fiber into each Customer building enumerated herein; splice fiber into existing County fiber optic resources; terminate County's optical fiber in each Customer building; test and certify appropriate Fiber performance at each Customer location; and provide the appropriate "hand-off's" at each location for Customer utilization. Test results for physical connection will be made available upon request.

5. Term of Agreement

At such time as County completes installation and connection of the necessary facilities and equipment to provide service herein, County shall then certify and notify Customer in writing that the service is available for use, and the date of such notice shall be called the "Service Start Date." Unless terminated with 90 days' notice as herein provided, this agreement shall continue to July 1 following the date of commencement, and shall be automatically renewed on July 1 of each subsequent year, for a term of one year, at the County's then-current rate schedule.

6. Rates

In return for County providing the services described in Appendix A for the term indicated herein, Customer shall pay County both nonrecurring construction/installation charges and recurring charges for services as specified in Appendix A as it shall be amended from time to time.

7. Payment Options

a. Annual Payments

County shall provide an invoice for twelve months of service (July 1 through June 30), or prorated weekly for any portion thereof, to Customer at the beginning of the service period. The annual charge shall be payable within thirty (30) days of receipt of invoice. Interest charges shall be assessed for late payments in accordance with Appendix A. If the Customer fails to pay within sixty (60) days of receipt of an invoice it shall constitute grounds for County to terminate the Agreement upon appropriate advance written notice to Customer.

b. Alternative Payment Frequency

If Customer demonstrates that prepaid billings present a hardship, Customer may prepay semi-annually, quarterly, and in extreme circumstances may pay monthly. County shall provide an invoice for one quarter or month of service, or prorated weekly for any portion thereof, to Customer at the beginning of the service period. The quarterly or monthly charge shall be payable within thirty (30) days of receipt of invoice. Interest charges shall be assessed for late payments in accordance with Appendix A. If the Customer fails to pay within sixty (60) days of receipt of an invoice it shall constitute grounds for County to terminate the Agreement upon appropriate advance written notice to Customer.

8. Fiber Maintenance

County shall maintain the structural aspects of the Fiber in good operating condition, utilizing sound engineering practices and in accordance with Appendix B, throughout the Agreement Term. In the event the Fiber fails at any time to meet the specifications outlined in Appendix C, County shall endeavor to restore the Fiber to meet the specification standards in as timely and expedited a manner as reasonably possible.

County may subcontract for testing, maintenance, repair, restoration, relocation, or other operational and technical services it is obligated to provide hereunder.

Customer shall promptly notify County of any matters pertaining to any damage or impending damage to or loss of the use of the Fiber that are known to it and that could reasonably be expected to adversely affect the Fiber. County shall promptly notify Customer of any matters pertaining to any damage or impending damage to or loss of the Fiber that are known to it and that could reasonably be expected to adversely affect the Fiber and/or Customer's use thereof.

9. Confidentiality

All Customer data, voice, or video transmission using County fiber optic facilities shall be treated by County as confidential information, to the extent allowable by law. County agrees that this information shall not be made available, in any form, to any party other than County or its agents or contractors as may be necessary to conduct maintenance or repair activity, without written permission of Customer, except as required by law.

10. Content Control and Privacy

Customer shall have full and complete control of, and responsibility and liability for, the content of any and all communications transmissions sent or received using the Fiber.

11. Assignment and Successors

Either party may assign this Agreement upon prior written consent of the other party. Such consent shall not be unreasonably withheld. Upon such assignment, all rights and obligations of County and Customer under this Agreement shall pass in total without modification to any successor(s) regardless of the manner in which the succession may occur.

12. Damage

County shall be responsible for restoring, or otherwise repairing to its prior condition, any portion of the Customer's premises or facilities, which are damaged by County or its agents. Customer shall be responsible for restoring, or otherwise repairing to its prior condition, any portion of County's connectivity equipment or other facilities, located at Customer premises, which are damaged by Customer or its agents.

Customer will reimburse all related Costs associated with damage to the Fiber caused by the negligence or willful misconduct of Customer, its affiliates, employees, agents, contractors or customers, except to the extent caused by the gross negligence or willful misconduct of County, its affiliates, employees, contractors or agents. "Cost(s)", as used herein include the following: (a) labor costs, including wages, salaries, and benefits together with overhead allocable to such labor costs; and (b) other direct costs and out-of-pocket expenses on a pass-through basis (such as equipment, materials, supplies, contract services, sales, use or similar taxes, etc.).

13. Force Majeure

Neither party hereto shall be deemed to be in default of any provision of this Agreement, for any failure in performance resulting from acts or events beyond the reasonable control of such party. For purposes of this Agreement, such acts shall include, but shall not be limited to, acts of nature, civil or military authority, civil disturbance, war, strikes, fires, power failure, other catastrophes or other force majeure events beyond the parties' reasonable control, provided however that the provisions of this paragraph and article shall not preclude Customer from cancelling or terminating this Agreement as otherwise permitted hereunder, regardless of any force majeure event occurring to County.

14. Consequential Damages

NOTWITHSTANDING ANY PROVISION OF THIS AGREEMENT TO THE CONTRARY, IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL, OR PUNITIVE DAMAGES, WHETHER FORSEEABLE OR NOT, ARISING OUT OF, OR IN CONNECTION WITH, TRANSMISSION INTERRUPTIONS OR DEGREDDATION,

INCLUDING BUT NOT LIMITED TO DAMAGE OR LOSS OF PROFITS OR EQUIPMENT, LOSS OF PROFITS OR REVENUE, COST OF CAPITAL, COST OF REPLACEMENT SERVICES OR CLAIMS OF CUSTOMERS, WHETHER OCCASIONED BY ANY REPAIR OR MAINTENANCE PERFORMED BY OR FAILED TO BE PERFORMED BY A PARTY, OR ANY OTHER CAUSE WHATSOEVER, INCLUDING WITHOUT LIMITATION BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE OR STRICT LIABILITY.

15. Public Contracting Provisions

The provisions of Oregon public contracting law, ORS 279B.020 through 279B.235, to the extent applicable, are incorporated herein by this reference.

16. Non-Appropriation

Notwithstanding any other provisions of this Agreement, the parties hereby agree and understand that any obligation of Customer to obtain services as provided herein is subject to fund availability and appropriation by Customer for such services through its adoption of an annual budget. Should funds not be appropriated or be available from Customer during the term of this Agreement, the Agreement shall terminate and Customer shall pay County any remaining pro rata fees for services due to the date of such termination payable pursuant to Section 7 of this Agreement.

17. Compliance with Laws

Customer shall comply with all applicable federal, state county and city laws, ordinances and regulations, including regulations of any administrative agency thereof, heretofore or hereafter adopted or established, during the entire term of this Agreement.

18. Taxes and Assessments

- a. Customer agrees to pay any and all applicable national, federal, state, county and local taxes, fees, assessments or surcharges, and all other similar or related charges, which are imposed or levied on the Fiber, or because of Customers use of the Services under this Agreement (collectively, "Taxes), whether or not the Taxes are imposed or levied directly on the Customer, or imposed or levied on the County because of or arising out of the use of the Services either by the Customer, or its affiliates, or anyone to whom Customer has sold or otherwise granted access to the Services. Customer agrees to pay these Taxes in addition to all other fees and charges as set forth elsewhere in this Agreement.
- b. "Taxes" include, but are not limited to, business and occupation, commercial, district, excise, franchise fee, gross receipts, license, occupational, privilege, property, Public Utility Commission, right-of-ways, utility user, or other similar taxes, fees surcharges and assessments as may be levied against Customer, or against County and passed through to Customer.

19. Termination

- a. This Agreement shall terminate ninety (90) days following written notice by either party.
- b. In the event Customer terminates this Agreement based upon County 's default or failure to perform as described in this Agreement, County shall reimburse to Customer the pro rata amounts paid on the unexpired term of this Agreement.
- c. If Customer terminates this Agreement for any reason other than that based on non-appropriation or on County's default or failure to perform, County shall be entitled to 5% of the remaining contract amount for the unexpired term of this Agreement.

20. Default

1. Either of the following events shall constitute a default:
 - a. Failure to perform or comply with any material obligation or condition of this Agreement by any party; or
 - b. Failure to pay any sums due under this Agreement.
2. Any defaulting party shall have thirty (30) days in which to cure following written notice of default by the non-defaulting party.

21. Amendment

Any amendments to this Agreement shall be in writing and shall be signed by all parties.

22. No recourse Against the Grantor

Customer shall have no recourse whatsoever against County or its officials, boards, commissions, or employees for any loss, costs, expense, or damage arising out of any provision or requirement contained herein, or in the event this Agreement or any part thereof is determined to be invalid.

23. Notice

Any notice hereunder shall be in writing and shall be delivered by personal service or by United States certified or registered mail, with postage prepaid, or by facsimile addressed as follows:

Notice to the County

Manager, Clackamas Broadband eXchange
Clackamas County Technology Services

121 Library Court Oregon City, Oregon
97045 Fax Number (503) 655-8255

with a copy to

Chief Information Officer
Clackamas County Technology Services
121 Library Court
Oregon City, Oregon 97045
Fax Number: (503) 655-8255

Notice to the Customer

Technical Service Manager
CCOM
2200 Kaen Rd.
Oregon City, OR 97045
503-722-6708

Email with a copy to:

IS@wccca.com
CCOMTechs@co.clackamas.or.us
MAJCS

Either Party, by similar written notice, may change the address to which notices shall be sent.

24. Whole Contract

THIS CONTRACT CONSTITUTES THE COMPLETE AND EXCLUSIVE STATEMENT OF THE CONTRACT BETWEEN THE PARTIES RELEVANT TO THE PURPOSE DESCRIBED HEREIN AND SUPERSEDES ALL PRIOR AGREEMENTS OF PROPOSALS, ORAL OR WRITTEN, AND ALL OTHER COMMUNICATION BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER OF THIS CONTRACT. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS CONTRACT WILL BE BINDING ON EITHER PARTY EXCEPT AS A WRITTEN ADDENDUM SIGNED BY AUTHORIZED AGENTS OF BOTH PARTIES.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year first above written.

Clackamas County

By (signature): _____

Name: _____

Title: _____

Date: _____

Customer

Metro Area Joint CAD System
(Customer Name)

By (signature): 

Name (print): Michael Fletcher

Title: MAJCS System Manager

Date: April 23, 2018

APPENDIX A

SERVICE AND RATE SCHEDULE

1. Specified Services and Rates

The following are the sites, services, and rates agreed to by County and Customer at which Customer shall be provided services on the fiber optic network during the term of the Agreement. It is understood by both parties that service to these sites shall be provided for the rates below, subject to any rate increases otherwise applicable in accordance with terms herein. It is further understood that, during the term of the Agreement, Customer may add services to existing or new locations, or change services and/or locations, but that such changes are subject to the rates for such additional services.

2. Construction, Installation and Activation

For construction, installation and activation work and provision of fiber optic network components, the County shall charge Customer nonrecurring charge(s) as specified in Section 5 of Appendix A. All facilities constructed under this Agreement and Appendix A shall be owned, operated, and maintained by the County.

3. Service Changes and Conversions

Both parties agree that Customer may add or change services during the term of the Agreement, but that such changes are subject to applicable rates, and upgrade and downgrade charges.

4. Annual Recurring Charges

	From (Connecting Point A:Site Name & Address)	To (Connecting Point B:Site Name & Address)	Service	Monthly Rate (\$)
1	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045	Lake Oswego Communications 9-1-1 380 A Ave Suite 3 Lake Oswego, OR 97034	One Pair (two) dark fibers (South)	\$255.00
2	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045	Lake Oswego Communications 9-1-1 380 A Ave Suite 3 Lake Oswego, OR 97034	One Pair (two) dark fibers (North)	\$255.00
3	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045	Washington County Consolidated Communications Agency 17911 NW Evergreen Pkwy Beaverton, OR 97006	Wavelength and dark fibers (Pittock)	\$510.00
4	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045	Washington County Consolidated Communications Agency 17911 NW Evergreen Pkwy Beaverton, OR 97006	One Pair (two) dark fibers (ODOT)	\$0.00

5. Nonrecurring Charges

From	(Connecting Point A:Site Name & Address)	To	(Connecting Point B:Site Name & Address)	Service	Amount (\$)
1	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045		Lake Oswego Communications 9-1-1 380 A Ave Suite 3 Lake Oswego, OR 97034	Construction (south)	\$0.00
2	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045		Lake Oswego Communications 9-1-1 380 A Ave Suite 3 Lake Oswego, OR 97034	Construction (north)	\$1,500.00
3	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045		Washington County Consolidated Communications Agency 17911 NW Evergreen Pkwy Beaverton, OR 97006	Construction (Pittock)	\$19,020.00
4	Clackamas County Communications 9-1-1 2200 Kaen Rd #A Oregon City, OR 97045		Washington County Consolidated Communications Agency 17911 NW Evergreen Pkwy Beaverton, OR 97006	Construction (EdgeConnex)	\$3,175.00

6. Late Payment Interest

Customer will be charged interest for any payment made after its due date (thirty (30) days after receipt of invoice). Interest is charged at a rate of one and a half percent (1.5%) per month, or eighteen percent (18%) annually, on any installment not paid when due.

7. Annual Consumer Price Index (CPI) Adjustments

All fees and minimum charges are subject to Consumer Price Index (CPI) adjustments, to be applied annually. The amount of the fees and charges specified herein may increase annually by a percentage up to the change in the West Region (West City Size B/C 2.5 Million or less) Consumer Price Index of the US Dept. of Labor, Bureau of Labor Statistics (<https://www.bls.gov/regions/west/data/xg-tables/ro9xg01.htm>), based upon the rate of change as stated from the last month reported to the same month of the preceding year. In the event such Consumer Price Index (or a successor or substitute index) is not available, a reliable governmental or other nonpartisan publication evaluating the information theretofore used in determining the Consumer Price Index shall be used in lieu of such Consumer Price Index.

Remainder of this page intentionally left blank.

APPENDIX B

MAINTENANCE AND OPERATIONS SPECIFICATIONS AND PROCEDURES 1.

Defined Terms

- a. "Routine Maintenance" is all preventive maintenance activities and repairs.
- b. "Non-Routine Maintenance" is all efforts and activities in response to an emergency circumstance which requires restoration of service.

2. General

- a. County shall operate and maintain a Network Control and Management Center (NCAM) staffed twenty-four (24) hours a day, seven (7) days a week, by trained and qualified personnel. County shall maintain (503) 742-4219 telephone number to contact personnel and NCAM. County's NCAM personnel shall dispatch maintenance and repair personnel along the fiber optic network to repair problems detected through the NCAM's remote surveillance equipment, by the Customer, or otherwise.
- b. In the event Customer identifies a circumstance which requires restoration of service, Customer shall provide NCAM personnel the name and address of the facility with the problem, the identification number of the Fiber circuits in question, and the name and telephone numbers of Customer's personnel to contact for site access and status updates. NCAM personnel shall immediately contact a County technician and provide the Customer contact information. County technician shall contact Customer within one (1) hour of initial call.
- c. If the County's technician cannot repair the service interruption by telephone, County shall use commercially reasonable efforts to have its first maintenance employee or contractor at the site requiring repair within five (5) hours of the initial call to the NCAM. County will then work continuously until service has been restored.
- d. County shall use commercially reasonable efforts to notify Customer seven (7) days prior to the date of any planned non-emergency maintenance activity. In the event that a County planned activity is canceled or delayed for any reason as previously notified, County shall notify Customer as soon as reasonably possible and will comply with the provisions of the previous sentence to reschedule any delayed activity.

3. Fiber Optic Network

- a. County shall maintain the fiber optic network in good and operable condition and shall repair the fiber in a manner consistent with industry standards and using commercially reasonable efforts.
- b. County shall perform appropriate routine maintenance on the fiber optic network in accordance with County's then current preventive maintenance procedures. County's maintenance procedures shall not substantially

deviate from industry practice.

4. Restoration

- a. When restoring damaged fiber, the Parties agree to work together to restore all traffic as quickly as possible. County, immediately upon arriving on the site of the damage, shall determine the best course of action to be taken to restore the fiber and shall begin restoration efforts.
 - b. It will be the responsibility of County and Customer to report to one another respectively any known environmental hazards which would restrict or jeopardize any maintenance work activities in shelters or right of way areas of operation.
 - c. Upon notification of interruption of fiber optic network service, disrepair, impairment or other need for repair or restoration of the fiber and the location of the damaged fiber, County shall pursue commercially reasonable efforts to mobilize technicians to achieve necessary repair or restoration, including, but without limitation, having maintenance personnel at the affected site within five (5) hours after receipt of such notice with the required restoration material and equipment.
 - d. In the event that Customer's use of the fiber optic network is interrupted due to an occurrence of a force majeure event, repairs and restoration shall be made as expeditiously as reasonably possible. Customer recognizes that five (5) hour response time represents optimal conditions, and may be impossible to achieve when emergency restoration of fiber optic network integrity is required or when responding to certain remote locations. Actual response times will be influenced by such factors as terrain, weather conditions present at the time the request is made and actual mileage to the fault site.
 - e. For purposes of this section, "commercially reasonable efforts" means activities and performances consistent with prudent utility practice, existing contract provisions for County technicians and/or employees, practices required for preserving the integrity of the fiber optic network, and response times that do not jeopardize the health and safety of the employees, contractors and agents of County and Customer.
- 5.** Customer shall be responsible for paying County standard maintenance fees for any calls to County for maintenance issues related to the Fiber that County later confirms as resulting from another source other than functionality of the Fibers.

Remainder of this page intentionally left blank.

APPENDIX C

FIBER SPLICING AND TESTING STANDARDS AND

PROCEDURES 1. Fiber and Connector Standards

a. **Connector Standards**

The loss value of any pigtail connector and any associated fiber jumper or pigtail with matching mode field diameters will not exceed .5dB at 1550 nm. The loss value of a connector and its associated jumper with mismatched mode field diameters should not exceed .8 dB.

b. **Field Splice Standards**

The objective for each splice is an averaged loss value of 0.1 dB or less when measured bi-directionally with an OTDR at 1550 nm. In the event of damage and subsequent restoration of the Fibers, commercially reasonable efforts will be made to restore the Fibers to this standard. If after 3 restoration splicing attempts, County is not able to produce a loss value of 0.1 dB or less bi-directionally at 1550 nm, then 0.5 dB or less bi-directionally at 1550 nm will be acceptable. Fibers not meeting the 0.1 dB or less specification will be identified as Out Of Specification (OOS). Documentation of the three attempts (re-burns) to bring the OOS fiber within specification will be provided.

c. **Span Loss**

It is County's responsibility to insure proper continuity of all fibers at the fiber level, not just the pigtail level. Any "frogs" or fibers that cross in the route will be remedied by County. The following span loss calculation will be used:

$$(A * L) + (0.1 * N) + C = \text{Acceptable Span Loss}$$

A = Attenuation per KM at 1550 nm

L = Optical length of cable measured in kilometers (from OTDR Trace)

N = Number of splices in a span

C = Connector loss. The connector loss will not exceed .5dB. The section test will have (2) pigtail connectors/splices under test, so 1.0dB will be allowed for this loss.

Remainder of this page intentionally left blank.



Dave Cummings
Chief Information Officer

Technology Services

121 Library Court Oregon City, OR 97045

April 25, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Service Level Agreement with the
CLEAR CREEK Mutual Telephone Company for 2 dark fiber connections

Purpose/Outcomes	CBX is looking for approval of a Service Level Agreement (SLA) with CLEAR CREEK Mutual Telephone Company for 2 dark fiber connections.
Dollar Amount and Fiscal Impact for CBX	CBX will pay a non-recurring fee of \$33,000.00 for new fiber construction. CBX will pay a recurring lease fee of \$5,964.00 annually for the 2 new connections.
Funding Source	The funding source for the fiber expansion will be contributed from the CBX budget. CBX will be reimbursed by the Oregon City School District and CCFD #1 for both the recurring and non-recurring costs.
Duration	Effective upon signature by the board, this Service Level Agreement is in effect for five years and will automatically renew for successive one-year periods unless one party provides a written notice of termination.
Previous Board Action	Board previously approved CBX to build and maintain fiber connections for the City of Sandy.
Strategic Plan Alignment	<ol style="list-style-type: none">1. Build a strong infrastructure.2. Build public trust through good government.
Contact Person	Dave Devore (503)723-4996

BACKGROUND:

CBX and CLEAR CREEK Mutual Telephone Company are partnering together to create 2 new dark fiber paths for the Oregon City School District and CCFD #1. The 2 new dark fiber paths will create connectivity for the Redland School and the Redland Fire Station. These 2 new dark fiber paths will save the school district and fire district approximately \$60,000 in up front capital costs compared if CBX were to build the entire fiber path.

This agreement has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully recommends approval for this Service Level Agreement. This SLA will allow CBX to provide fast effective fiber connectivity to the school district and fire district at an affordable cost. Staff further recommends the Board delegate authority to the Technology Services Director to sign agreements necessary in the performance of this agreement.

Sincerely,

Dave Cummings
CIO Technology Services

DARK FIBER LEASE AGREEMENT

This Dark Fiber Lease Agreement (the “Agreement”) is made and entered into as of _____, (the “Effective Date”), by and between CLEAR CREEK Mutual Telephone Company, an Oregon cooperative corporation (“CLEAR CREEK”), and Clackamas County a Political Subdivision of the State of Oregon (“County”), herein collectively referred to as “the Parties” and individually as a “Party”.

WHEREAS, CLEAR CREEK owns fiber optic cables throughout its operating territory.

WHEREAS, COUNTY desires to obtain access to certain portions of the fiber optic cable and other facilities owned by CLEAR CREEK.

NOW, THEREFORE, in consideration of the mutual promises, terms, and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Definitions.

- a. Access Points:** Those physical locations where the Fiber is separated from other fibers and available for splicing to allow the transmission of signals onto and from the Fiber. The Access Points where hand-holes or other fixtures have been installed for use by the parties within the public rights-of-way are located at: (1) CLEAR CREEK’s College Cable Vault (near 19598 S Beaver Creek Rd, Oregon City OR); (2) CLEAR CREEK’s Central Office (18238 S Fischers Mill Road, Oregon City OR); (3) Redland Elementary School (18131 S Redland Road, Oregon City OR); and (4) Redland Fire Station (18265 S Redland Rd, Oregon City OR).
- b. Service Locations:** Those Access Points where COUNTY or clients of COUNTY provided finished services to a physical location. The Service Locations herein agreed to are identified in Exhibit B.
- c. Associated Property:** The physical container or structure that serves as an Access Point to the Fiber and the portion of the Fiber that connects the Access Point to the fiber backbone, the backbone being the optical fibers into which the Fiber is bundled with the fibers of other entities.
- d. Fiber:** The four (4) fiber optic strands (the “Fiber”) as shown in Exhibit A and Associated Property which are, by effect of this Agreement, leased to COUNTY for the uses specified in this Agreement for the period of time specified in this Agreement.
- e. Remote Access Point:** Those physical locations not owned by CLEAR CREEK beyond the defined Access Points used for the terminus of service by COUNTY. The Remote Access Points identified in Exhibit B will be initially connected to the Fiber.

The parties recognize that Remote Access Points may change during the term of the agreement. COUNTY shall notify CLEAR CREEK of any changes to the physical location of Remote Access Points.

2. Grant of Indefeasible Right of Use.

- a. **Indefeasible Right of Use.** Subject to the limitations set forth herein, as of the Effective Date for this Agreement, CLEAR CREEK hereby grants to COUNTY and COUNTY hereby acquires from CLEAR CREEK for the purposes described herein an exclusive, indefeasible right of use in and access to the Fiber between the Access Points (the "Route"). Such indefeasible right of use is granted only for operation on a "point-to-point" basis between the Access Points and Remote Access Points. No other use, such as additional fiber routes to other Access Points or Remote Access Points not named herein or to any other location than the Route, shall be permitted without the prior written consent of the Parties. CLEAR CREEK further grants to COUNTY and COUNTY hereby acquires from CLEAR CREEK an associated and exclusive license of use and access to the Route, for the purposes described herein, subject to the terms and conditions set forth herein.
- b. **Access.** CLEAR CREEK hereby grants to COUNTY and COUNTY hereby acquires from CLEAR CREEK a non-exclusive license to use, guaranteed access, the Associated Property for the purposes described herein, the non-exclusive right to have placed in any one, or in all, of the Access Points, other fiber and other such necessary equipment so as to allow connections between the fiber leased hereunder and other fiber, and the right to have such connections made in a manner that will allow the transmission of signals between connecting optic fibers and the Fiber on the Route; provided, that such connections shall not interfere with the proper functioning or operation of any other fibers, facilities, or structures owned by either Party. Any equipment, cable, or support structures placed shall not interfere in any way with access to the cables or equipment by other entities at the Associated Property. Any equipment, cable, or support structures placed shall be constructed using existing construction and operation standards and best practices of the Independent Local Exchange Carrier industry in effect at the time of placement and shall comply with or exceed standards and practices of the Rural Utilities Service, US Department of Agriculture in effect at the time of placement. Either Party shall provide the other with at least 24 hours advance notice prior to performing maintenance in the Access Points.
- c. **No Electronic Equipment Included:** This Agreement provides only for the provision of the Fiber to COUNTY by CLEAR CREEK and does not provide for any electronic equipment that COUNTY may wish to locate within CLEAR CREEK operating territory, including in the CLEAR CREEK Central Office building or any cabinets or underground vaults owned by CLEAR CREEK and located in CLEAR CREEK operating territory. It is understood that COUNTY's access to the Associated Property at the Access Points is to splice the Fiber to other fiber optic cable to allow

a continuous transmission path and COUNTY's electronic equipment will be located elsewhere. However, such electronic equipment may be included in this Agreement in the future by mutual written consent of the Parties. Such terms and conditions as required for provision of electronics by COUNTY or its affiliates within the operating territory of CLEAR CREEK shall be governed by CLEAR CREEK tariffs, rules, and regulations in effect at the time such electronic equipment is added to this Agreement. If no such tariff, rules and regulations exist, then the terms and conditions shall be set forth in an addendum to this Agreement.

3. **Consideration.** In consideration of the lease of Fiber and indefeasible right of use and access to the Route granted by CLEAR CREEK hereunder, COUNTY shall pay to CLEAR CREEK the following sums.
 - a. Non-Recurring Charge \$33,000.00
 - b. Monthly Recurring Charge \$497.00

All sums shall be due and payable in US dollars on the final day of each month. Any payment not made by the date due shall incur a late payment fee of one percent (1%) or the highest lawful interest rate, whichever is lower, of the unpaid balance per month until paid, prorated to date of payment.

4. **Term.** This Agreement shall commence on the Effective Date and shall remain in effect for a period of five (5) years beyond the Effective Date ("Term"). However, after the initial five (5) years, COUNTY shall have the right to cancel the remaining term upon sixty (60) days written notice to CLEAR CREEK. This Agreement shall automatically renew for successive one-year periods unless one Party provides written notice to the other Party of non-renewal at least one hundred seventy (170) days prior to the end of the Lease Term or any renewal of the Lease Term.
5. **Terminal Equipment.** COUNTY or clients of COUNTY shall at their own expense purchase, install and operate such fiber optic terminals and other equipment as may be necessary to operate the fiber optic strands on the Route. COUNTY or clients of COUNTY shall at their own expense purchase, lease or otherwise obtain the necessary equipment, space, conduit, electrical power and suitable environmental conditions required to operate the terminals and shall at its expense connect the fiber optic strands to the terminals. COUNTY or clients of COUNTY shall bear the risk of any loss or damage to the terminal and any other equipment, except where such loss or damage is caused by CLEAR CREEK. COUNTY or clients of COUNTY shall be responsible for insuring that the terminal and any other equipment, wiring, space and associated facilities, conduit and rights-of-way located at each termination point is protected against fire, theft, vandalism or other casualty, and that the use thereof complies with the applicable laws and rules and regulations. COUNTY or clients of COUNTY shall retain title to all the fiber optic terminals and other equipment purchased and installed by COUNTY or their clients to meet its performance obligations under this Agreement.

- 6. Maintenance and Repair; Replacement.** CLEAR CREEK shall maintain and repair the Fiber within the Route to the same extent that it maintains and repairs its other fiber optic strands.
- a. CLEAR CREEK shall operate and maintain a Network Operations Center (NOC) staffed twenty-four (24) hours a day, seven (7) days a week, by trained and qualified personnel. CLEAR CREEK shall maintain telephone number (503) 631-2345 to contact personnel and NOC. CLEAR CREEK's NOC personnel shall dispatch maintenance and repair personnel along the fiber optic network to repair problems detected, by the COUNTY, or otherwise.
 - b. CLEAR CREEK shall use commercially reasonable efforts to have its first maintenance employee or contractor at the site requiring repair within four (4) hours of the initial call to the NOC. CLEAR CREEK will then work continuously until service has been restored.
 - c. CLEAR CREEK shall use commercially reasonable efforts to notify COUNTY twenty-one (21) days prior to the date of any planned non-emergency maintenance activity. In the event that a CLEAR CREEK planned activity is canceled or delayed for any reason as previously notified, CLEAR CREEK shall notify COUNTY as soon as reasonably possible.
 - d. In the event that COUNTY's use of the fiber optic network is interrupted due to an occurrence of a force majeure event, repairs and restoration shall be made as expeditiously as reasonably possible. COUNTY recognizes that four (4) hour response time represents optimal conditions, and may be impossible to achieve when emergency restoration of fiber optic network integrity is required or when responding to certain remote locations. Actual response times will be influenced by such factors as terrain, weather conditions present at the time the request is made and actual mileage to the fault site
 - e. In the event the fiber optic strands become deteriorated and cannot be adequately maintained or repaired, CLEAR CREEK shall replace the Fiber or relocate COUNTY to substitute fibers as set forth in Section 9.
 - f. Testing and measurement of fiber optic cable shall be conducted in conformance with RUS Bulletin 1753F-201(PC-4) Section 4.
- 7. Insurance.** CLEAR CREEK shall at its expense insure the fiber optic strands containing the Fiber within the Route to the same extent that it provides for its other fiber optic strands.
- 8. Required Rights.** As used in this Agreement the term "Required Rights" means all rights, licenses, permits, authorizations, franchises, rights-of-way, easements and other approvals which are necessary for CLEAR CREEK to obtain in order to permit and keep installed, and maintain the Route in accordance with this Agreement and to convey the indefeasible right of use to COUNTY and all other rights under this Agreement pursuant to the indefeasible right of use.

- a. CLEAR CREEK agrees to obtain and maintain the Required Rights in full force and effect for and during the Term of this Agreement. Required Rights, however, shall not mean any rights, licenses, permits, authorizations, franchises, rights-of-way, easements and other approvals required by any government as of the Effective Date of this Agreement which are necessary for COUNTY to obtain access to and thereafter use the Fiber or Route.
 - b. In the event CLEAR CREEK shall receive notice from any entity or provider of a Required Right that CLEAR CREEK has failed to observe or perform its obligations under such Required Right, and CLEAR CREEK is not contesting in good faith the validity of such claimed or alleged failure, CLEAR CREEK shall give written notice to COUNTY and COUNTY may, at its option (subject to the terms and provisions of the Required Right and the ability of third parties to cure defaults of CLEAR CREEK thereunder), cure or correct such failure and CLEAR CREEK shall reimburse COUNTY for the pro rata costs and expenses incurred by COUNTY in connection therewith.
 - c. If, after the Effective Date, CLEAR CREEK is required (i) by any governmental authority under the power of eminent domain or otherwise or any other person having the authority to require relocation of the fiber or any portion thereof (“Relocating Authority”), or (ii) by the occurrence of any Force Majeure Event, to relocate the fiber or any portion thereof, CLEAR CREEK shall have the right to either proceed with such relocation, including, but not limited to, the right, in good faith, to reasonably determine the extent and timing of, and methods to be used for, such relocation, or to pay such amounts to the Relocating Authority as are necessary to avoid the need for such relocation. COUNTY shall be kept fully informed of all determinations made by CLEAR CREEK in connection with such relocation, and to the best of CLEAR CREEK’s ability to provide for such occurrences, and such relocation shall be constructed substantially in accordance with the original fiber in the Route in existence at the time of the effective date of this Agreement. CLEAR CREEK shall be responsible for any such costs.
- 9. Relocation.** Upon not less than thirty (30) days written notice from CLEAR CREEK to COUNTY, CLEAR CREEK may, at its option, substitute for the fibers within any portion of the Route wherein the Fiber is contained, an equal number of alternative fibers within such area, provided that in such event, such substitution (i) shall be effected at the sole cost of CLEAR CREEK or other entity requiring such replacement, including, without limitation, all disconnect and reconnect costs, fees and expenses; (ii) shall, incorporate fiber meeting or exceeding the specifications of the Fiber originally supplied COUNTY; (iii) shall not change any Access Points; (iv) shall not increase the route distance by more than ten percent (10%) unless agreed to in advance by both parties; and (v) CLEAR CREEK shall use all reasonable good faith efforts to minimize any interruption in the operation of the Fiber. Substitution of fibers shall not affect or extend the Term with respect to the fibers so substituted. In case of service outage CLEAR CREEK may reroute the fiber over the most feasible route, on an

emergency basis, until the original fiber route is restored. Upon restoration of the original fiber route service will be routed back over the original fiber.

10. Fees, Licenses and Taxes. Each Party shall be responsible for any personal property taxes on property it owns or leases from the other Party or from a third party, franchise, right-of-way fees and privilege taxes on its business, income taxes based on its net income and sales, use, excise, value added, services, duty consumption or other taxes assessed on the sale, installation, use or provision of its services. The Parties agree to reasonably cooperate with each other to enable each to more accurately determine its own tax liability and to minimize such liability to the extent legally permissible.

11. Confidential Information. In the course of this Agreement, including the negotiation of the terms of this Agreement, each Party (as to information disclosed by it, the “Disclosing Party”) has or is prepared to furnish the other Party (as to information received by it, the “Receiving Party”) with certain confidential and proprietary information concerning its business and properties and the business and properties of certain subsidiary and affiliated companies.

a. Definition. As used in this Agreement, the term “Confidential Information” means (a) proprietary information of the Disclosing Party, (b) information marked or designated by the Disclosing Party as confidential, (c) information, whether or not in written form and whether or not designated as confidential, that is known to Receiving Party as being treated by the Disclosing Party as confidential, and (d) information provided to the Disclosing Party by third parties that the Disclosing Party is obligated to keep confidential. Confidential Information includes, but is not limited to, discoveries, ideas, designs, drawings, specifications, techniques, models, data, programs, documentation, processes, know-how, customer lists, marketing plans, and financial and technical information.

b. Ownership. The Receiving Party acknowledges that all Confidential Information of the Disclosing Party is and shall continue to be the exclusive property of the Disclosing Party, whether or not prepared in whole or in part by the Receiving Party and whether or not disclosed or entrusted to the Receiving Party in connection with the purposes of this Agreement.

c. Irreparable Harm. The Receiving Party acknowledges that any disclosure of the Disclosing Party’s Confidential Information will cause irreparable harm to the Disclosing Party.

d. Care and Safeguarding of Confidential Information. The Receiving Party will exercise the highest degree of care in safeguarding Confidential Information of the Disclosing Party against loss, theft, or other inadvertent disclosure, and agree generally to take all steps necessary to ensure the maintenance of confidentiality. It is agreed that all Confidential Information shall be retained by the Receiving Party in a secure place. Notwithstanding anything to the contrary, all of COUNTY’s obligation under this agreement are subject to Oregon Public Records Laws (ORS192. 410-192.505)

- e. **Nondisclosure; Nonuse.** The Receiving Party agrees to use the Confidential Information received from the Disclosing Party only for the fulfillment of this Agreement. The Receiving Party shall disclose Confidential Information to its employees, agents, consultants and attorneys only on a “need to know” basis and only to those persons that must have access to the Confidential Information and only to the extent essential to fulfill the purposes of this Agreement and shall inform each such person of their duty to protect the Confidential Information in accordance with the terms of this Agreement. Except as set forth herein, the Receiving Party will not disclose Confidential Information of the Disclosing Party., directly or indirectly, under any circumstances or by any means to any third person without the express written consent of the Disclosing Party. The Receiving Party will not copy, transmit, reproduce, summarize, quote, or make any commercial or other use whatsoever of Confidential Information of the other Party, except as may be necessary to perform their duties under this Agreement. Each Party shall notify the other Party in writing of any misuse or misappropriation of Confidential Information that may come to its attention. Neither Party shall reverse engineer, decompile, or disassemble any product disclosed in order for either Party or its agents to compete with the other Party.
- f. **Exclusions.** Notwithstanding any other provisions of this Agreement, the confidentiality obligations of this Agreement shall not apply to any information that the Receiving Party demonstrates by clear and convincing documentary evidence (a) is now or becomes generally known to the public by lawful means and without breach of any confidentiality obligation, (b) is disclosed by the Receiving Party with the Disclosing Party’s prior written consent to unrestricted disclosure, (c) was known to and reduced to writing by the Receiving Party before the date of this Agreement, (d) is independently developed by the Receiving Party without use of any Confidential Information, or (e) is lawfully obtained by the Receiving Party from any third party who did not obtain the information, directly or indirectly, from the Disclosing Party. Confidential Information will not be deemed to be generally known to the public merely by reason of having been included in a patent application filed in a country where patent applications are not kept confidential or are published as part of the patenting process. The term “generally known to the public” refers to information that is generally known to the public in the country in which the Confidential Information is sought to be used, and the term does not include information that can be derived only through significant expenditure of time or effort to assemble, compile, or reconstruct, even though individual portions of the information may be publicly available.
- g. **Return of Information.** On termination of this Agreement, or otherwise as requested, the Receiving Party will deliver promptly to the Disclosing Party all Confidential Information, in whatever form, that may be in its possession or under its control; provided, that, Confidential Information delivered in electronic form shall be deemed returned if deleted from all files of the Receiving Party.

- h. Subpoenas.** If a Party is served with any subpoena or other compulsory judicial or administrative process calling for production of Confidential Information, that Party will immediately notify the other Party so that it may take such action as it deems necessary to protect its interests.
- i. Remedies.** If the Receiving Party fails to abide by the obligations under this Section, the Disclosing Party will be entitled to (a) specific performance, including immediate issuance of a temporary restraining order or preliminary injunction enforcing this Agreement, (b) a judgment for damages caused by my breach, and (c) any other remedies provided by applicable law. The Receiving Party hereby agrees to indemnify and hold harmless Disclosing Party and its affiliates on an after-tax basis from any damage, loss, cost or liability (including legal fees and costs of enforcing or seeking remedies for the breach of any provision of this Agreement) arising out of or resulting from any breach of this Agreement by the Receiving Party, its affiliates or representatives.
- j. Duration.** The obligations set forth in this section will continue beyond the term of this Agreement for as long as the Receiving Party possesses Confidential Information of the Disclosing Party.

12. Indemnification.

- a.** COUNTY shall indemnify, defend, protect and hold harmless CLEAR CREEK and its employees, officers and directors, from and against, and assumes liability for: (i) any injury, loss or damage to any claimant, tangible property or facilities of any claimant (including reasonable attorneys' fees and costs) to the extent arising out of or resulting from the negligence or willful misconduct or omissions, or from infringement of any patent or other intellectual property right of any third party by COUNTY, its officers, employees, affiliates, agents, contractor, licensees, invitees, and vendors in connection with the performance by COUNTY of its rights under this Agreement; and (ii) any claims, liabilities or damages arising out of any violation by COUNTY of any regulation, rule, statute or court order of any governmental authority in connection with the performance by COUNTY of its obligations or the exercise by COUNTY of its rights under this Agreement.
- b.** CLEAR CREEK shall indemnify, defend, protect and hold harmless COUNTY employees, elected officials, officers and directors, from and against, and assumes liability for: (i) any injury, loss or damage to any claimant, tangible property or facilities of any claimant (including reasonable attorneys' fee and costs) to the extent arising out of or resulting from the negligence or willful misconduct or omissions or from infringement of any patent or other intellectual property right of any third party by CLEAR CREEK, its officers, employees, affiliates, agents, contractors, licensees, invitees and vendors in connection with the performance by CLEAR CREEK of its obligations or the exercise by CLEAR CREEK of its rights under this Agreement; and (ii) any claims, liabilities or damages arising out of any violation by CLEAR

CREEK of any regulation, rule, statute or court order of any governmental authority in connection with the performance by CLEAR CREEK of its obligations or the exercise by CLEAR CREEK of its rights under this Agreement.

- c. COUNTY and CLEAR CREEK agree to promptly provide each other with notice of any claim that may result in an indemnification obligation hereunder. The indemnifying Party may defend such claim with counsel of its own choosing provided that no settlement or compromise of any such claim shall occur without the consent of the indemnified Party, which consent shall not be unreasonably withheld or delayed.
- d. COUNTY and CLEAR CREEK each expressly recognize and agree that the respective obligations to indemnify, defend, protect, and save the other harmless is not a material obligation to the continuing performance of its other obligations, if any, hereunder. In the event that a Party shall fail for any reason to so indemnify, defend, protect and save the other harmless, the injured Party hereby expressly recognizes that its sole remedy in such event shall be the right to bring legal proceedings against the other Party for its damages as a result of the other Party's said failure to indemnify, defend, protect and save harmless.
- e. Notwithstanding the foregoing provisions of this Section, to the extent CLEAR CREEK is required under the terms and provisions of any Required Right to indemnify the grantor or provider thereof from and against any and all claims, suits, judgments, liabilities, losses and expenses arising out of service interruption, cessation, unreliability of or damage to COUNTY, regardless of whether such claims, suits, judgments, liabilities, losses or expenses arise from the sole or partial negligence, willful misconduct or other action or inaction of such grantor or provider and its employees, agents, contractors, subcontractors or other persons using the property covered by such Required Right, COUNTY hereby releases such grantor or provider from, and hereby waives, all claims, suits, judgments, liabilities, losses and expenses arising out of service interruption, cessation, unreliability of or damage to the COUNTY System regardless of whether such claims, suits, judgments, liabilities, losses or expenses arise from the sole or partial negligence, willful misconduct or other action or inaction, of such grantor or provider or its employees, agents, contractors, subcontractors or other persons using the property covered by such Required Right.
- f. The provisions of this Section shall survive the expiration or termination of this Agreement.

13. Limitation of Liability. Except as set forth herein, no Party to this Agreement shall be liable to another other Party for any special, incidental, indirect, punitive or consequential damages, or damages for lost revenue or lost profits, whether foreseeable or not, arising out of, or in connection with such Party's failure to perform its respective obligations hereunder, including, but not limited to, loss of profits or revenue (whether arising out of transmission interruptions

or problems, any interruption or degradation of service or otherwise), or claims of customers, whether occasioned by any construction, reconstruction, relocation, repair or maintenance performed by, or failed to be performed by, the other Party or any other cause whatsoever, including breach of contract other than this Agreement, breach of warranty, negligence, or strict liability, all claims for which damages are hereby specifically waived. Nothing contained herein shall operate as a limitation on the right of any Party hereto to bring an action for damages against any third party not a party to this Agreement, including claims for indirect, special or consequential damages, based on any acts or omissions of such third party.

14. Noncompetition.

- a.** COUNTY agrees that it, its clients, affiliates, subsidiaries, and/or assigns shall not compete with CLEAR CREEK to provide any service or product whatsoever, within the operating territory of CLEAR CREEK, except to the identified Service Locations, using the Fiber or services provided under this Agreement.
- b.** Each Party agrees that they will make no offer or attempt to acquire, purchase, or otherwise obtain control or management of the other Party, including but not limited to purchase of assets, transfer of ownership, or effective control of the other Party.
- c.** Neither Party will sublease, sell, nor otherwise permit to be used, any capability or capacity, including any transport, on the Fiber to any third party, except direct affiliates of that Party, without the express written consent of the other Party. “Direct affiliates” includes any entity under common management control with either of the signatories to this Agreement. This restriction does not include the normal transport of traffic for a Party’s retail or wholesale customers.

15. Representation and Warranties. Each Party represents and warrants that: (i) it has the full right and authority to enter into, execute, deliver, and perform its obligations under this Agreement; (ii) it has taken all requisite corporate action to approve the execution, delivery and performance of this Agreement; (iii) this Agreement constitutes a legal, valid and binding obligation enforceable against such Party in accordance with its terms, subject to bankruptcy, insolvency, creditors’ rights and general equitable principles; (iv) its execution of and performance under this Agreement shall not violate any applicable existing regulations, rules, statutes or court orders of any local, state or federal government agency, court or body, and (v) the execution and delivery of this Agreement and the performance of the terms, covenants, and conditions contained herein will not violate the articles of incorporation or bylaws of the Party, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any contract by which any Party is bound. Except as otherwise stated herein, no approval, authorization, or other action by any governmental authority or filing with any such authority which has not been obtained or accomplished is required in connection with the execution, delivery, and performance of this Agreement.

16. Default

a. Events of Default. If any Party is in breach or default (the “Defaulting Party”), under this Agreement, the other Party (the “Non-defaulting Party”) may notify in writing the Defaulting Party that it is in breach or default, such notice to be effective upon its receipt by the Defaulting Party. The following events shall constitute breach or default under this Agreement:

- i. Failure to make any payment when due hereunder, with the exception of payments that become due and payable to a Party during the period of any Force Majeure event, when the event of Force Majeure results in a Party’s physical inability to make such payment. During these periods, the Party experiencing Force Majeure shall immediately notify the other Party to make alternative arrangements that are agreeable to both Parties.
- ii. Failure to perform in any material respect any obligations required to be observed or performed hereunder;
- iii. Any representation or warranty made by one Party to another herein proving incorrect in any material respect as of the date of the making thereof;
- iv. The filing by one Party of a voluntary petition in bankruptcy, or a petition in bankruptcy and not dismissed within sixty (60) days, or the adjudication of one Party as bankrupt or insolvent, or the filing by one Party of any petition or answer seeking or acquiescing in any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any Federal, State, or other statute, law or regulation relating to bankruptcy, insolvency, or other relief for debtors, or the seeking, consenting to or acquiescence by one Party in the appointment of any trustee, receiver, custodian, liquidator, or similar official, or makes any general assignment for the benefit of creditors;
- v. Willful and material interference by one Party with another Party’s operations;
or
- vi. Failure to make full restitution for any damage to one Party’s real property or equipment caused as a result of the sole negligent or willful actions by the other Party within a reasonable period of a demand for such restitution.

b. Remedies.

- i. **Defaulting Party’s Right to Cure.** The Defaulting Party shall have the right to cure any breach or default under this Agreement within thirty (30) calendar days after the receipt by the Defaulting Party of notification of such breach or default. If any breach or default is of a nature such that it may not reasonably be cured within thirty (30) calendar days, the Defaulting Party shall have the right to provide the Non-Defaulting Party with a plan for the appropriate actions to cure such breach or default. Within the thirty (30) calendar day period, the Defaulting Party must commence diligently pursuing appropriate action under

the plan to cure the breach or default, in which event the Defaulting Party shall continue to be diligently pursuing appropriate action during such period; provided, however, that in no event shall such time period exceed one hundred twenty (120) days from the date of receipt of notification of the breach or default.

ii. Non-defaulting Party's Remedies. After the time allowed the Defaulting Party to cure any breach or default has expired and the breach or default has not been cured, then the Non-defaulting Party shall have the right to: (1) terminate this Agreement and all use of and/or transport of telecommunications signals and information on the Fiber with respect to the Defaulting Party; (2) cure any breach or default of the Defaulting Party to preserve the Non-defaulting Party's rights that may be prejudiced as a result of such breach or default; and (3) exercise and pursue all other rights and remedies available to it under applicable law.

c. Rights and Remedies Cumulative. Except as otherwise provided in this Agreement, any right or remedy afforded to any Party under any provision of this Agreement on account of breach or default by the other Party is in addition to, and not in lieu of, all rights or remedies afforded the Parties under any other provision of this Agreement, by law or otherwise on account of the breach or default.

17. Force Majeure.

a. As used in this Agreement the term "Force Majeure" means Acts of God (including but not limited to, earthquakes, fires, floods, windstorms, landslides, and ice storms); strikes, lockouts, or other labor disputes; acts of public enemy; acts of vandalism, wars, riots, and insurrection; epidemics; civil disturbances; explosions; train derailments; breakdown or failure of machinery or facilities (excluding the fiber and fiber accessories); accidents to machinery or equipment (excluding the cable and cable accessories), and delay in delivery of materials or equipment to the extent such occurrences are beyond the reasonable control of the Parties; electrical disturbance originating in or transmitted through such Party's electrical system or equipment or any electrical system with which such Party's system or equipment is interconnected; and any other event, cause, or condition beyond the Party's reasonable control, which, even with the exercise of reasonable diligence, prevents the Party claiming Force Majeure from performing its obligations under this Agreement.

b. If any Party is unable to carry out its obligations under this Agreement as a result of an event, cause, or condition of Force Majeure, the Party claiming Force Majeure shall give notice and full particulars of such Force Majeure in writing to the other Party within five (5) calendar days of the beginning of the occurrence of the Force Majeure event, cause, or condition. Any obligations that such Party is unable to perform due to an event, cause, or condition of Force Majeure shall be suspended during the continuance of such event of Force Majeure. The Party claiming Force

Majeure shall use reasonable efforts to remedy and minimize the effects of such event of Force Majeure with all reasonable dispatch.

- c. No Party shall be liable under this Agreement for or be considered to be in material breach or default under, this Agreement on account of any delay in or failure of performance due to Force Majeure unless specifically stated in this Agreement.
- d. If CLEAR CREEK is the Party Claiming Force Majeure and such event of Force Majeure prevents restoration of the Fiber by CLEAR CREEK or COUNTY within one (1) year from the event of such Force Majeure, then COUNTY shall have the option to terminate this agreement.

18. Arbitration. Any dispute or claim that arises out of or that relates to this Agreement, or to the interpretation or breach thereof, or to the existence, scope, or validity of this Agreement, may be resolved by arbitration in accordance with the then effective arbitration rules of (and by filing a claim with) Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. The Parties acknowledge that mediation helps Parties settle their dispute and any Party may propose mediation whenever appropriate through arbitration Service of Portland or any mediator selected by the Parties. Pending resolution of a disputed matter, the Parties shall continue performance of their respective obligations hereunder.

19. Attorney Fees. In the event suit or action is brought, or an arbitration proceeding is initiated, to enforce or interpret any of the provisions of this Agreement, or that arise out of or relate to this Agreement, each Party shall be responsible for its own attorney's fees in connection therewith, including fees and costs on appeal, if any.

20. Relationship of the Parties. The relationship between CLEAR CREEK and COUNTY shall be that of independent contractors and not of principal and agent, franchiser and franchisee, dealer and distributor, partners or joint ventures for one another, and nothing contained in Agreement shall be deemed to constitute a partnership or agency agreement between them for any purposes, including, but not limited to federal income tax purposes. The Parties, in performing any of their obligations hereunder, shall be independent contractors or independent parties and shall discharge their contractual obligations at their own risk. Each Party acknowledges that it remains at all times solely responsible for the success and profits of its own business.

21. No Third-Party Beneficiaries. This Agreement creates rights and obligations only between the Parties hereto. This Agreement shall not provide any person not a Party to this Agreement with any remedy, claim, liability, reimbursement, claim of action, or other right in excess of those existing without reference to this Agreement.

22. Notices. All notices and other communications under this Agreement shall be properly given only if made in writing and delivered by courier service, certified mail, or emailed at the email address set forth herein followed by mail to the Party at the mailing address set forth herein or such other address, or email as such Party may designate by notice to the other Party. Such

notices and other communications shall be effective on the date of receipt. If any such notice or communication is not received or cannot be delivered due to a change in the address of the receiving Party of which notice was not previously given to the sending Party or due to a refusal to accept by the receiving Party, such notice or other communication shall be effective on the date delivery is attempted. Notices shall be sent to the following addresses or such other address as may be designated by the Parties:

If to CLEAR CREEK: Attn: President
18238 S Fishers Mill Rd
Oregon City, OR 97045
Fax: (503) 631-2098

If to COUNTY: Attn: Manager, Clackamas Broadband eXchange
Clackamas County Technology Services
121 Library Court
Oregon City, OR 97045
Fax: (503) 655-8255

With a copy to: Chief Information Officer
Clackamas County Technology Services

23. Assignment. Neither Party may assign or otherwise transfer this Agreement or its rights or obligations hereunder to any person or entity without the prior written consent of the other Party, which shall not be unreasonably withheld, conditioned or delayed; provided, however, that either Party shall have the right, without the consent of the other Party, to assign or otherwise transfer the Agreement to any person or entity that controls, is under the control of, or is under common control with the assigning Party, or any corporation into which such Party may be merged or consolidated or that purchases all or substantially all of the assets of such Party used by such Party in connection with its business; provided, further, that any such assignment or transfer shall be subject to the other Party's rights under this Agreement and any assignee or transferee shall continue to perform the assigning or transferring Party's obligations under this Agreement. This Agreement shall benefit and bind COUNTY and CLEAR CREEK and their respective permitted successors and assigns. Notwithstanding anything to the contrary herein, nothing in this Agreement shall prevent either Party from selling products and services on the Route.

24. Entire Agreement; Amendment. This Agreement constitutes the entire and final agreement between the Parties with respect to the subject matter hereof, and supersedes all prior oral or written agreements, representations, statements, negotiations, understandings, proposals, and undertakings relating to the subject matter hereof. This Agreement may not be amended, supplemented, or modified except by an instrument in writing executed by each Party.

25. Governing Law. This Agreement shall be governed by and construed in accordance with Oregon law, including choice of law provisions. Jurisdiction and venue for all legal disputes, including arbitration, shall be in Clackamas County, Oregon. The Parties acknowledge that the

terms of this Agreement are governed by and subject to Federal Telecommunications Act of 1996, Federal Communications Commission's rules and the Oregon Public Utility Commission's rules and any amendments thereto. In the case of any ambiguity or conflict between such laws and this Agreement, such laws shall control.

- 26. Waivers.** The failure of either Party hereto to enforce any provision or breach of this Agreement or the waiver thereof in any instance shall not be construed as a general waiver or relinquishment on its part of any such provision, but the same shall nevertheless be and remain in full force and effect. No waiver of any provision or breach of this Agreement shall be effective unless such waiver is in writing and signed by the waiving Party and any such waiver shall not be deemed a waiver of any other provision of this Agreement or any other breach of this Agreement.
- 27. Severability.** If any term, covenant, or condition of this Agreement is determined by a proper court to be in valid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the performance of other provisions of this Agreement and the remainder of this Agreement shall remain in full force and effect without such invalid, illegal or unenforceable provision.
- 28. Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in two (2) counterparts as of the date first set forth above.

CLACKAMAS COUNTY

By: _____

Printed Name: _____

Title: Chair, Board of County Commissioners

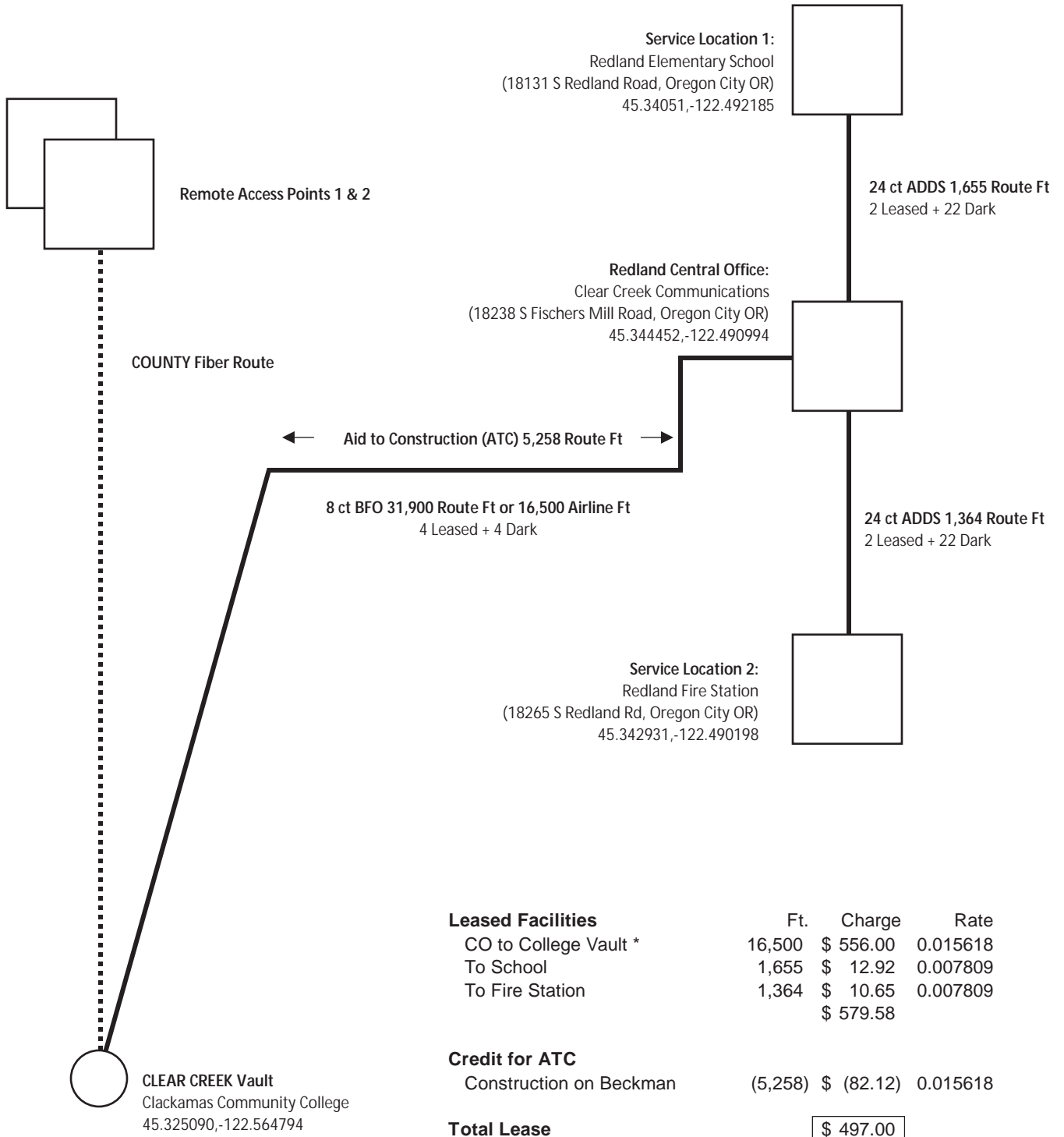
CLEAR CREEK MUTUAL TELEPHONE COMPANY

By: _____

Printed Name: Mitchell Moore

Title: President

EXHIBIT "A"
FIBER ROUTE DETAILS



Leased Facilities	Ft.	Charge	Rate
CO to College Vault *	16,500	\$ 556.00	0.015618
To School	1,655	\$ 12.92	0.007809
To Fire Station	1,364	\$ 10.65	0.007809
		\$ 579.58	
Credit for ATC			
Construction on Beckman	(5,258)	\$ (82.12)	0.015618
Total Lease		\$ 497.00	

EXHIBIT "B"

SERVICE LOCATIONS AND REMOTE ACCESS POINTS

Service Locations

The Service Locations herein agreed to are located at:

1. Redland Elementary School
(18131 S Redland Road, Oregon City OR)
2. Redland Fire Station
(18265 S Redland Rd, Oregon City OR).

Remote Access Points

The Remote Access Points that will be connected to the Fiber at the time of execution of this agreement are located at:

1. Clackamas Education Service District
(12455 SE 97th Ave, Clackamas OR)
2. Clackamas Fire District #1
(11300 SE Fuller Road, Milwaukie, OR).

Clackamas County
Business & Community Services Department

2018 Forest Management Plan

Prepared by
Clackmas County Staff

Rick Gruen, Andrew Dobmeier, Molly McKnight
Clackamas County Forest Advisory Board

Brent Keller, Chair
Dan Green, Murray Johnson, Jim Rice, Bill Street, Mark Willhite, Steve Wilent



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Introduction

We believe that forests are key to the quality of life in Clackamas County. Some of the most productive forest land in the world is found here. Over 75% of Clackamas County supports growing forests which provide fish and wildlife habitat, clean water and air, and recreation opportunities. Responsibly managed forests also provide jobs, wood products, and revenues that support our communities. These forests provide environmental, social, and economic benefits that reach well beyond their boundaries.

The Clackamas County Forest Program's mission is to manage county owned forest lands in an environmentally, socially and economically responsible manner. The program serves as a bridge between the people of Clackamas County and their forest land by:

- **Serving as stewards of the land:** operating with a long-term view that appreciates the ecological, recreational, and aesthetic value of forest lands;
- **Acting as a good neighbor:** ensuring that the County's forest lands create economic benefit, and promoting responsible forest management and informed policy recommendations; and
- **Providing a sustainable source of revenue for the county:** reducing the tax burden for citizens, while affording them access to parks and a connection to the forest.

In order to ensure success, the program tracks overall forest growth and timber volume on county managed lands over a trailing ten-year average, incorporating any timber sales and harvests. This enables us to monitor progress against our goal of increasing the value of the timber resources while still allowing the flexibility to make timber sales in a financially and environmentally responsible manner. Another key success metric of the program is providing revenue in excess of operating expenses over a five-year average. This maximizes the economic benefit of county forest lands and allows the program the ability to undertake revenue-generating activities when it is most profitable and responsible to do so. Proceeds from the Forest Program are to be used to support the operations and maintenance of Clackamas County Parks, maintaining and enhancing their value as a resource for county residents and park users. Integration of ecological, social, and economic considerations is required for successful long-term management of forests. Sustainable forest management can be described as the capacity of forests to maintain their health, productivity, diversity, and overall integrity in the context of human activity and use. To this end the Management Objectives of the Forest Program are:

- Forest lands owned and managed by Clackamas County will be managed to protect and enhance natural resources now and into the future.
- Public input and involvement in management activities will be sought to foster mutually-beneficial relationships with neighboring property owners, land managers and the community.
- Resource management projects will be designed to be fiscally responsible to the taxpayers of Clackamas County.
- The County Forest program will enhance the value to local economies by employing local contractors, and producing products that can be milled at local sawmills whenever possible.
- Revenue currently generated is almost entirely from timber harvests. However, other sources of revenue will be considered in the future, should an alternative market develop.

Current Conditions and Operations

Forest Management Categories

Clackamas County owns 4,284 acres of Parks and Forest lands. Those lands were divided into three property categories that were developed during a public process in 1995-96. These three categories are still currently used to determine management goals for the forests on each property. Table 1 lists the Parks and Forest properties by category designation.



Category 1 lands are for a use other than scheduled timber production. Forests on these properties are managed so they are aesthetically pleasing, safe, accessible and in some cases, educational for the recreating public. Most of these properties are well-known County parks that have been in existence for decades, but there are also less-developed parks and other natural areas that are not deemed suitable for timber production at this time. Developed parks in Category 1 include Barton, Carver, Eagle Fern, Feyrer, Hebb, Metzler, and Wilhoit. Trees are removed in the parks only if necessary for facility expansion, public safety (for example

removing hazardous trees), and for general forest health. There are 949 acres or 22% of County-owned forested lands are in this category.

Category 2 is used to designate properties that are currently managed by County Parks and Forest but have been determined to no longer fit into either Category 1 or Category 3. Until these lands are sold or traded, they may be managed in the same manner as Category 3 lands. When they are sold, additional property will be purchased to replace the potential income-generating asset lost from the sale of those properties. There are currently 139 acres in Category 2 which is 3% of the County forest land base.

Category 3 lands are managed with the goal of having healthy forests that produce timber on a sustainable level, protect natural resources, and contribute to jobs in rural communities. Timber sales are designed to comply with and in many cases exceed standards required by the Oregon Forest Practices Act. All of the County's Category 3 forests are second-growth forests that regenerated after logging or fires. There are currently 3,196 acres of Category III forests which is 75% of the County forest land base.



2017 Clackamas County Parks & Forest Land by Category

CATEGORY 1 TRACT	ACRES
Barlow Wayside Park	103.65
Barton Park	122.12
Billy Goat Island	21.82
Boones Ferry Marina	12.49
Boring Station Trailhead	6.46
Carver Park	4.62
Carver Curves	18.63
Eagle Fern Park	171.00
Feldheimer	.67
Feyrer Park	26.58
Hebb Park	13.41
Knights Bridge	15.2
Latourette Park (Sandy River)	36.5
Madrone Wall Park	45.5
Metzler Park	138
Springwater Corridor	5.00
Stone Creek Golf Club	165.00
Wagon Wheel Park	24.40
Wilhoit Springs Park	18.21
TOTAL	22% of Total 949.26

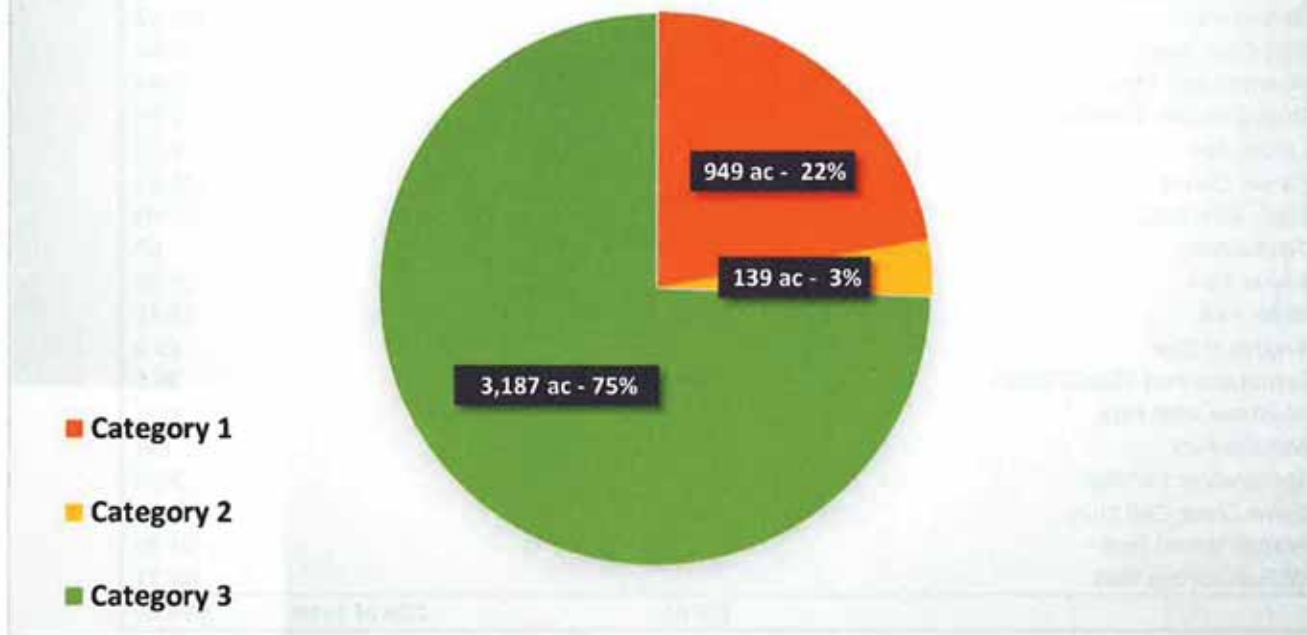
CATEGORY 2 TRACT	ACRES
Cedar Flats	10.46
Emigrant Trail (potential sale to private party)	62.00
Hoodland Park	3.96
Hunchback Leftovers	15.78
Sandy Cliffs (Potential sell to The Nature Conservancy)	46.50
TOTAL	3% of Total 138.70

CATEGORY 3 TRACT	ACRES
Bittner Creek	39.80
Boulder Creek	338.52
Brightwood East	116.91
Brightwood Pit	14.09
Cedar Ridge	73.22
Clackamas Quarry	18.00
Dooghie Road	59.09
Elwood Quarry	79.12
Family Camp	97.82
Fernwood Quarry	69.67
Hillock Burn	208.15
Hoopes Road	20.20
Sandy Transfer	23.96
Wildcat	2,037.53
TOTAL	75% of Total 3,196.13

GRAND TOTAL	4,284.09
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Clackamas County Parks and Forest Land Base

4,284 Total Acres



Forest Inventory

There have been five comprehensive inventories of forested properties since the early 1980's. The two conducted in the 1980's included forested acres of parks. The remaining inventories only included the properties that were designated as Category 3 at the time. Table 2 displays the standing volume found during each of these inventories. Appendices B and C have detailed maps and inventory data of each of the stands that were inventoried in 2017. Please refer to these if more detail is needed for each individual stand.

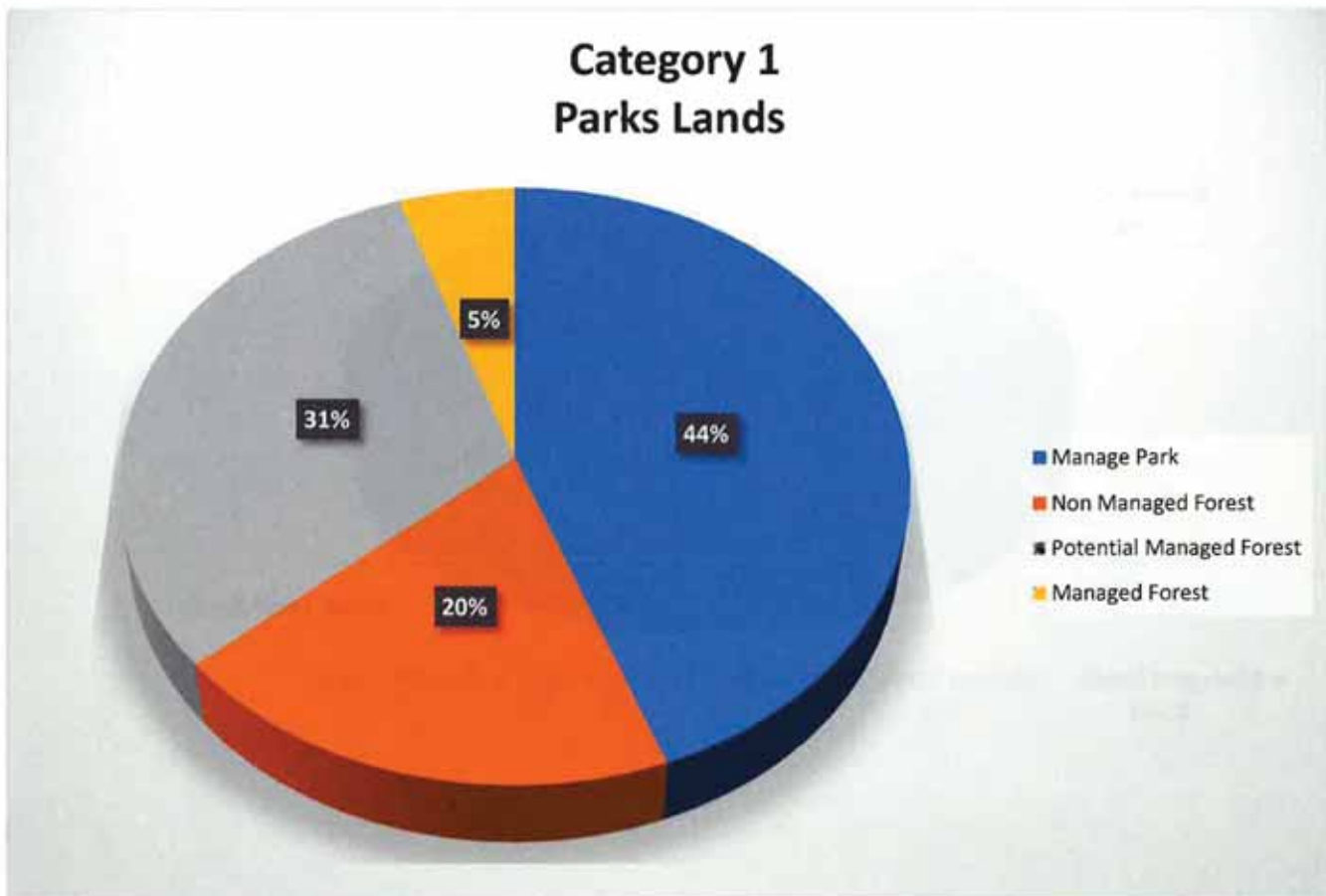
Clackamas County Forest Inventories

Year	Acres	Volume (MMBF = Million Board Feet)
1982	3,842	41.8
1986	3,582	36.4
1998	3,062	58.2
2006	3,051	58.8
2017	3,182	30.7

Category 1 Inventory

When inventorying the category 1 lands each parcel has been evaluated and divided up into four management designations:

- Managed Park (MP) - 420 ac - Developed areas that are currently being utilized for park activities.
- Managed Forests (MF) 49 ac - Areas which do not have any improvements, but have had forest management activities in the past. The goal of management activities would be to improve forest health and vigor and/or reduce fire fuels within the park.
- Potential Managed Forests (PMF) 296 ac - Areas that have not been managed in the past but could be managed to improve forest health and/or reduce fire fuels within the park.
- Non Managed Forest (NMF) 184 ac - Areas within a park that are not developed for park activities and do not have good potential to be managed forest stands.



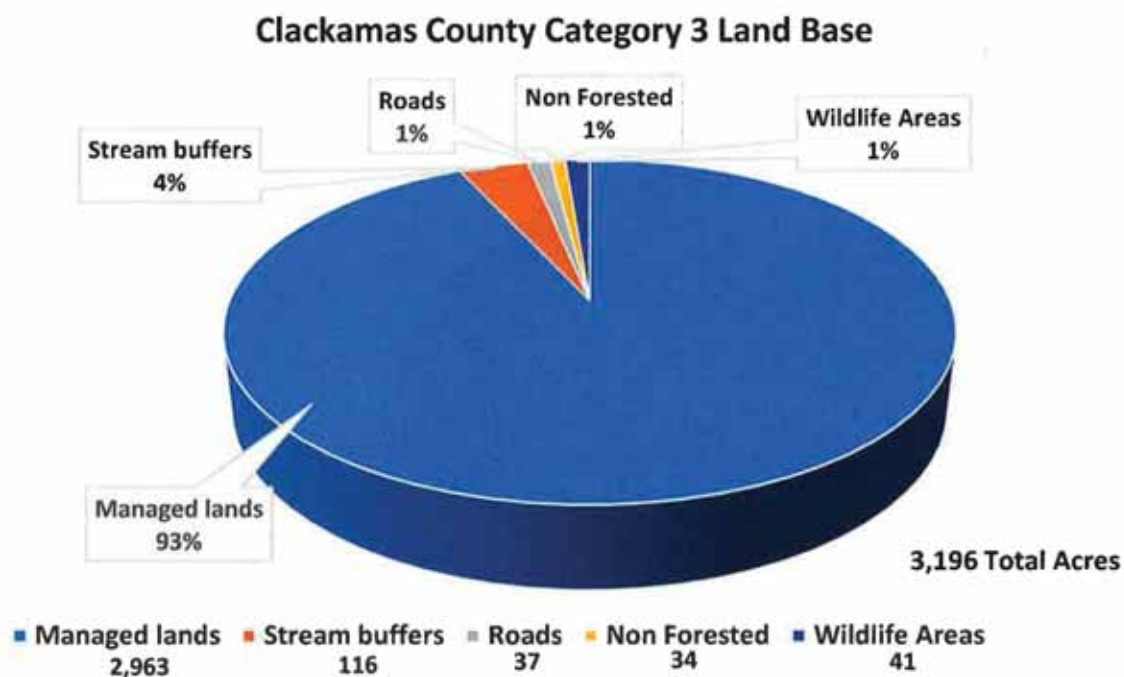
Only 5% (49 acres) of the parks forest lands has been commercially thinned for fuels reduction which was in Metzler and Madrone Wall parks. There are still 296 acres that could be managed for forest purposes to enhance the parks conditions. The 2017 forest inventory has 12.9 million board feet of timber in both the managed and potential managed forest lands. No inventory was taken in the Managed Park and Non Managed Forest lands. These lands will still be monitored for forest health conditions on a tree by tree basis and for fuels reductions when needed around potentially hazardous locations like the campgrounds where campfires and high traffic areas where there is an increase chance of a fires.

Category 2 Inventory

There are five category 2 parcels that have been inventoried for a rough estimate of the timber volume present. All the stands inventoried are between 35 and 100 years old with the majority being over 70 years in age. Some of the stands are very well stocked and growing well. A few areas are of poorer site indexes which can be seen in the volume per acre summaries. As of 2017 there is a total of 2.93 million board feet (mmbf) growing in the category 2 stands, three-quarters of which is Douglas-fir.

Category 3 Inventory

The 2017 inventory divided the category 3 land base into five management designations. The Managed Lands designation covers 93% of all category 3 lands. Stream Buffers (4%), Roads (1%), Non Forests (1%) and Wildlife Areas (1%) comprise the remaining management designations.



Acres by Age Class

Category 3 lands were divided into six 10-year age brackets and one 61+ year age bracket according to the age of forest stands growing on them. Of the category 3 lands, 61% are growing forest stands which are 0-30 years old. The largest age class are plantations 0-10 years old totaling 1,041 acres (32%). There are 555 acres of stands 11-20 years old (17%), 345 acres of stands 21-30 years old (11%), and 310 acres of stands 31-40 (10%). The 41-50 and the 51-60 year brackets have the lowest acres at 87 (3%) and 122 (4%) respectively. Rounding out the age classes are 510 acres of stands that are 61 years old or older (16%) and 228 acres of Non Forest (7%).



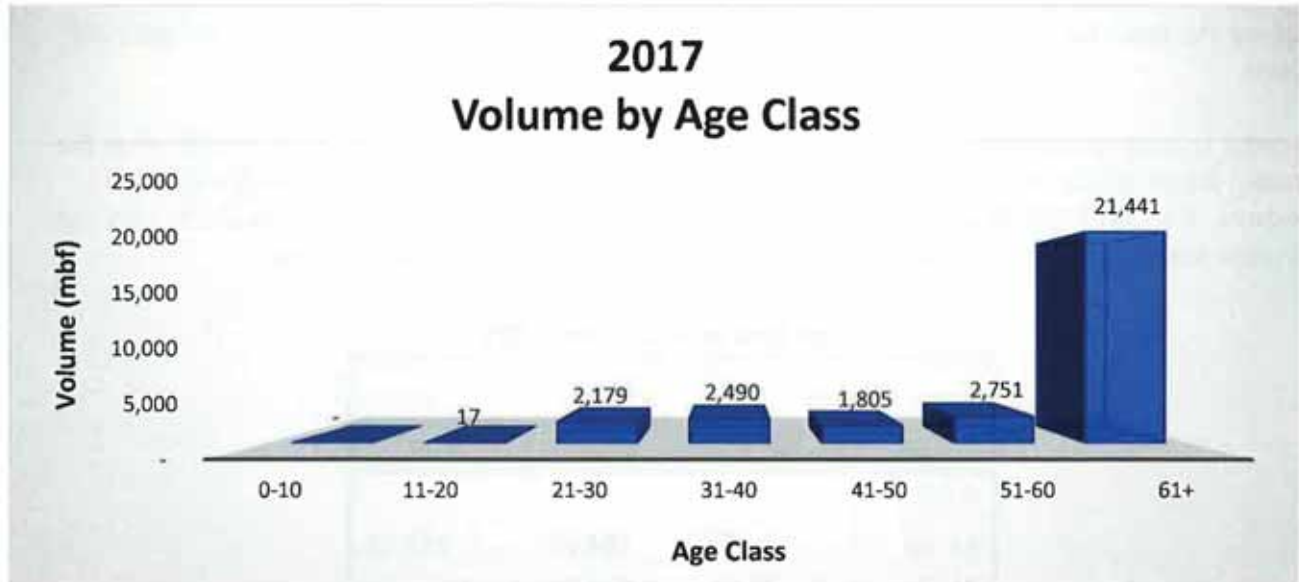
Species Mix by Age Class

Stands up to 60 years old are predominantly Douglas-fir with a minor component of true firs, hemlock, cedar and mixed hardwoods. The older stands have a greater percentage of the hemlock/true fir component mixed within the stands. The species mix in the 61+ year old stands averages 63% Douglas-fir, 30% hemlock and true firs (white wood), 5% western red cedar and 2% mixed hardwoods.



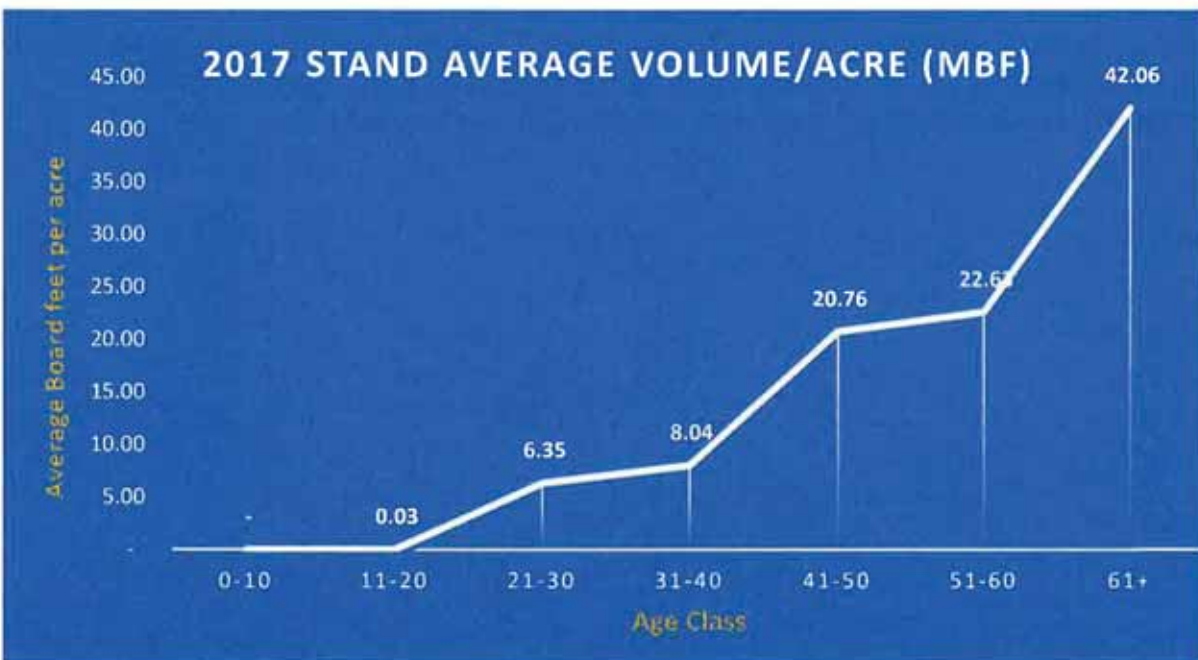
Volume by Age Class

As of 2017 there were 30.66 million board feet (mmbf) of timber growing on category 3 forest lands. Stands 61+ years old contain 21.44 mmbf of the volume which is 70% of the merchantable timber.



Average Volume per Acre by Age Class

As expected the greatest volume per acre stands are the 61+ year old stands, ranging from 26 to 58 thousand board feet per (mbf) per acre and averaging 42.06 mbf per acre. Exponential growth can be seen as the plantations increase in age with minor drops in the 31-40 and the 51-60 year age brackets. This can be attributed to smaller sample sizes and a couple of poorly stocked stands in those age classes.



Sustainable Harvest Level

The category 2 and 3 lands are managed to promote forest health and growth which in turn provides fish and wildlife habitat and for social and economic uses of the forest that are sustainable over time. The primary economic use of these forests is to harvest timber to provide raw materials and jobs to support the local forest economic sector and to generate revenue for Clackamas County Parks and Forest.

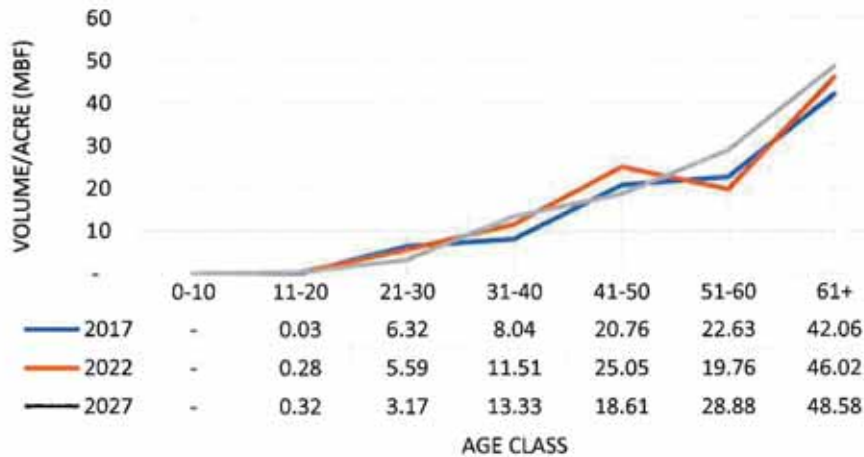
In order to help us understand what our sustained yield might be, we needed to determine what the County forest stands can produce both over the short term (yearly) and over the length of a full rotation. The 2017 inventory for managed stands (2,963 acres) was grown both 5 and 10 years out. Average annual growth over the ten year span was projected to be 1,292 mbf/year.

Age	Volume (mbf)		
	2017	2022	2027
0-10	-	-	-
11-20	16.97	184.27	319.14
21-30	2,178.62	1,810.81	1,327.18
31-40	2,489.96	4,987.90	5,598.62
41-50	1,804.75	2,178.13	4,360.11
51-60	2,751.41	2,059.04	4,258.50
61+	21,440.56	24,262.58	27,734.93
	30,682	35,483	43,598

Average over the ten years is 1,292 mbf/year

Volume per acre by age class shows that most of the volume is being produced in the 61+ age class. The average age of those stands is around 78 years in 2017. Growth is still increasing over these ten years and is expected to not start slowing down until at least 90 years of age. A growth to loss equilibrium not expected to be achieved until well into 250 years or more.

10 year Volume/Acre Growth Projections



In order to determine what the sustained harvest level would be, the following observations can be taken into account:

- Based on the site indexes, the greatest growth per acre is in the 60+ age bracket (average age is around 78 years)
- 70% of the available merchantable volume is in the 60+ age bracket
- There are a small amount of replacement stands acres in the 41-50 and 51-60 age classes
- The projected growth of the stands is accelerating as they get into the older age classes (70-90+ years)
- There is a large percentage of younger stands that are 0-20 years of age (54%) that will eventually become a surge of volume when they reach rotational harvest age.
- There needs to be an identified minimum revenue amount/year for forest management purposes in order to ensure younger plantations are managed for optimum growth.
- Markets and management needs change over time and the annual sustained yield goal needs to take that into account

County Forester has modeled over fifty different harvest options comparing site indexes, rotation ages, species values and annual harvest volumes encompassing the entire Category 3 forestland base. The model also assumed a certain set of revenue and expenditure forecasts for delivered market prices, logging costs, etc.

The preferred sustainable harvest option was identified as being an even-age management schedule of 55 years over all site indexes and an average volume of 1.4 mmbf per year. The model forecasts an annual return of approximately \$572,000 in gross revenue to the Forest program. Accounting for the average annual operating expense of the Forest program at \$300,000 to \$400,000 per year, County Parks would realize revenue from Forest ranging from \$172,000 to \$272,000 per year. Together with Stone Creek Golf Course net revenue projections between \$200,000 and \$400,000 annually, County Parks would realize annual revenue generation between \$372,000 and \$672,000. This level of sustainable revenue sufficiently meets the funding requirements to support County Park operations.

The preferred harvest option also provides the most optimal solution to an anticipated harvest gap in terms of out years to the gap (20 years) and gap period (4 years) where there will not be any trees to harvest. In order to “bridge” or “fill” this gap, the County Forester will look for opportunities to sell surplus Category 2 lands as opportunities and markets are favorable. Proceeds will be reinvested in more suitable forest lands to fill the harvest/revenue gap and ensure funds are available for County parks operations each year into the future.

The County Forester will also periodically review current timberland holdings and determine if there are opportunities to sell or trade isolated parcels or lower value sites for better growing sites and consolidation opportunities.

Land and Timber Sale Planning Process and Public Involvement

Land Sales

On occasion, the County Forester may recommend that certain forestland property assets, identified as Category 2 or other, be sold so that the net sale proceeds can be reinvested in more productive forestlands and placed into Category 3 and managed for timber production.

Prior to a market based sale, the County Forester will:

- Propose the sale of a forestland property asset with input from the Forest Advisory Board.
- Bring forward the forestland property asset to the Board of County Commissioners with a recommendation for declaration of surplus.
- Notify in writing to adjacent property owners with an “Intent to Sell” the surplus forestland property asset at least 45 days prior to listing the property for sale.
- Contact the local CPO and newspaper at least 45 days prior to listing the surplus forestland property for sale.

Timber Sales

Each year the County Forester may select areas in which to plan harvests with input from the Forest Advisory Board. High priority areas would be those forests with significant mortality created by natural disturbances such as wind throw, insect or disease outbreak, or wildfire. If there are no areas of significant mortality, the County Forester would then consider stands older than rotation age that have the lowest annual volume growth projections. While we do not try to tie harvests to specific market prices, we do use market conditions as part of the harvest selection criteria. For example, if market conditions for timber prices are good, it is prudent to choose stands that require more expensive logging systems such as cable or helicopter harvesting. If market conditions are not as favorable, stands with less-expensive ground-based logging are chosen. Harvests of younger timber will take place when commercial thinning is desirable to improve stand health and when market conditions allow. It can take several months and sometimes up to a year to go through the planning, pre-sale field work and public involvement processes. This can make timing of sales to market conditions a bit tricky at times.

State of Oregon Forest Practices rules state that regeneration harvest units may not exceed 120 acres in size. Harvest areas may exceed 40 acres when certain situations make the most sense on a landscape scale and there are additional factors such as lowering costs of expensive logging systems.

After an area is selected for planning a harvest, the County Forester and staff walk through the stand to conduct a field survey of site conditions. This includes looking for any un-mapped streams or wet areas, identifying any special wildlife habitat like nest trees or large remnant trees, identifying any potentially unstable areas, and locating areas that could pose potential reforestation challenges such as very rocky soils. If any of these areas are identified, measures are taken to protect or exclude them from harvest. In some cases, the County Forester will consult with the Forestry Advisory Board or other appropriate agencies such as the Oregon Department of Fish and Wildlife or the Oregon Department of Forestry to seek guidance. Using the information gathered from field review and consultation, the County Forester prepares a draft timber sale plan that specifies harvest methods, environmental protection measures, and subsequent site preparation and reforestation activities. The timber sale plan is written so harvest and reforestation activities will meet or exceed the requirements of all applicable laws and regulations.

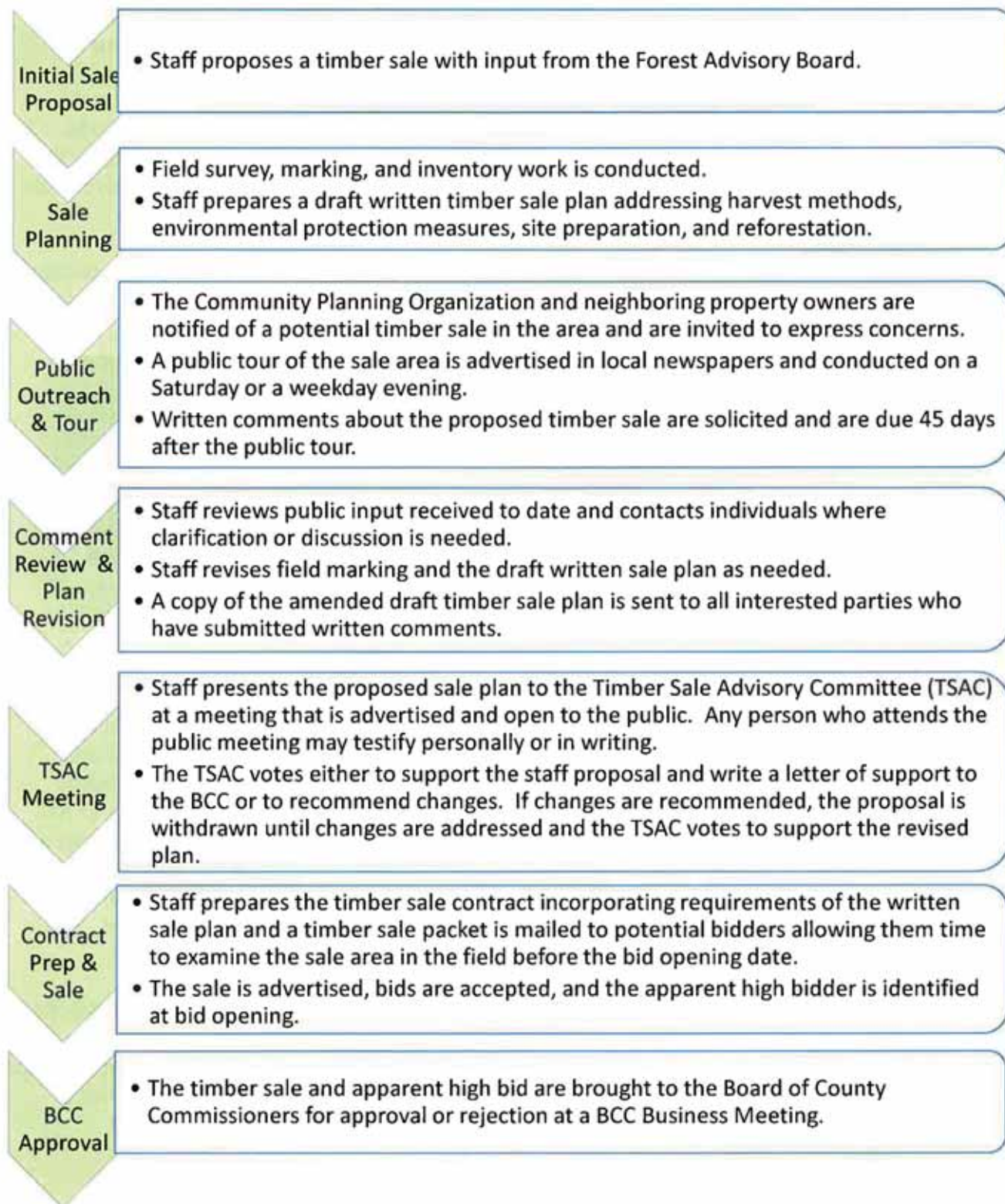
Once the draft harvest plan is prepared, Forest program staff will begin the process of sale preparation work to include marking the sale area and riparian protection boundaries, and painting trees for retention. About this same time, the County Forester notifies neighboring property owners and the local Community Planning Organization (CPO) that a timber harvest is planned. Property owners and the CPO are invited to provide input or express concerns during this phase of the process. A public tour of the proposed harvest area is advertised in a local newspaper and conducted on a Saturday morning or weekday evening for community convenience. After reviewing comments, the County Forester will contact individuals if clarification or discussion is needed. The draft timber sale plan and field marking are revised as needed based on information gained during this public process.



At this point, the Timber Sale Advisory Committee (TSAC) is brought into the process. This is a committee comprised of two members of the Forestry Advisory Board, two members of the Parks Advisory Board, and a representative from the local Community Planning Organization. A public meeting is advertised and held where the County Forester presents the timber sale plan to the TSAC. Anyone who attends this meeting may testify orally or in writing. The TSAC votes either to write a letter of support to the BCC for the sale as it is planned, or recommends changes. If changes are recommended, the proposal is withdrawn until concerns are addressed and the TSAC votes to support the revised proposed timber sale. The TSAC letter of support will be provided to the BCC for preliminary approval to proceed with the timber sale.

Forest program staff then prepares a timber sale contract which incorporates environmental protection measures and specifies harvest methods and required activities. A timber sale packet is mailed to potential bidders and time is allowed for on-site inspection of the sale area. The sale is advertised, bids are accepted, and the apparent high bidder is identified at bid opening. The timber sale contract is brought to the BCC for approval or rejection at a BCC Business Meeting.

Figure 1 – Clackamas County Timber Sale Planning Process



Cooperation with Neighboring Land Owners

The Forest program strives to be a good neighbor to all the landowners whose lands border County forests. Staff informs neighbors of any land or timber sale plans and seeks input from them. Staff also interacts and cooperates on various issues such as maintenance of forest roads. There are often mutual issues or concerns that provide an opportunity for cooperation. An example of this has been working with the U.S. Forest Service, the Bureau of Land Management, and private timber companies on issues surrounding damaging and dangerous activities like target shooting and off-highway vehicle use.

Legal Requirements

Federal Laws

County-owned forest lands are subject to U.S. federal environmental laws and regulations. The most pertinent of these is the Endangered Species Act, which designates critical habitat and provides a framework for recovery of a listed species. State and federally-listed threatened and endangered species that may be found within Clackamas County forest lands include the bald eagle, and northern spotted owl, although there are no known nesting sites on County-owned lands. Runs of coho salmon, chinook salmon, and steelhead are found in some fish-bearing streams. Other pertinent federal laws include the Clean Water Act and the Clear Air Act.

State Laws

Non-federal public forests and privately owned forests are subject to the Oregon Forest Practices Act (OFPA), which is administered by the Oregon Department of Forestry. In 1971 Oregon was the first state in the nation to enact a forest practices act. OFPA is a statutory framework that includes rules, technical assistance, and monitoring. The Oregon Board of Forestry has primary responsibility to adopt and revise rules and it does so as new science emerges and public values change. Some requirements of the OFPA are easily understood, and others such as the aquatic protection standards are more complicated. OFPA contains requirements that must be met for forest operations which generally fall into the categories of timber harvest, road construction, site preparation, reforestation, and the use of pesticides or herbicides. Stewardship foresters from the Oregon Department of Forestry monitor timber harvest, site preparation and reforestation activities to ensure compliance with the Oregon Forest Practices Act. Prior to these activities, a Notification of Operation is submitted to ODF so their foresters know what will be occurring on County forest land.

Standard Operating Procedures Related to Timber Harvest and Reforestation

The following list of standards includes requirements of the Oregon Forest Practices Act and additional measures that are often integrated into project design by County staff. It is the intent of Clackamas County Forest program staff to either meet or exceed all applicable state and federal laws when developing the Forest Management Plan and designing and implementing resource management projects. As discussed earlier in this document, OFPA is specifically designed to ensure the sustainability of Oregon's forest resources and is periodically updated to incorporate emerging science and changing public values.

Harvest Design/Soil Protection

- For commercial thinning or light partial cutting, leave at least 50 trees or 33 square feet of basal area of trees at least 11 inches in diameter at breast height (DBH).
- A new forest is considered established when there are at least 200 seedlings per acre that are free-to-grow (have a high probability of becoming dominant over competing vegetation) and well-distributed (at least 80 percent or more of the harvest unit has at least the minimum per-acre required seedling stocking).
- Plan harvest methods that will minimize soil disturbance and compaction. For ground-based harvest systems (generally on slopes less than 35%) work with the operator to designate landings and skid trail locations in appropriate locations. For cable or helicopter harvest systems (generally on slopes 35% or greater), work with the operator to designate skyline corridors and landings in appropriate locations.
- Exclude areas from the timber sale area boundary that present evidence of instability.

Fisheries/Water Quality/Riparian Habitat Protection

- For all fish bearing streams (Type F), maintain riparian management areas between 100 feet on each side of large streams, 80 feet on each side of medium streams, and 60 feet on each side of small fish-bearing streams. For all small non-fish bearing streams (Type N), maintain a riparian management area averaging 20 feet on either side of the stream.
 - Within riparian management areas, retain all trees and understory vegetation within 20 feet of the stream.
 - If the basal area of live conifers in the riparian management area exceeds 100 square feet per acre, the additional basal area above 100 square feet may be harvested.
 - Trees and other vegetation may be removed as needed for approved stream crossings or cable yarding corridors.
- Plan harvest operations to minimize disturbance to stream channels or wetlands and retained streamside vegetation, and to minimize the risk of sedimentation.

While future activities will meet, and in many cases exceed management standards specified in the Oregon Forest Practices Act, there is an opportunity to improve riparian habitat conditions within County-owned forests. As projects are planned, stream reaches that could benefit from the addition of large woody debris will be identified and integrated into project design. Such wood placement projects require written plans that meet ODF and ODF&W standards and require ODF notification

Wildlife Habitat Protection

- Protect sensitive wildlife sites identified by the Oregon Department of Forestry prior to harvest operations. If a new site is identified during project planning or implementation, stop the operation and consult with a Stewardship Forester. Sensitive resource sites may include habitat sites of threatened and endangered species, sensitive bird active nesting and roosting sites, or biological sites that are ecologically and scientifically significant. Protection measures would be prescribed in consultation with the Oregon Department of Fish and Wildlife.
- In regeneration harvest units, retain an average of two wildlife trees and two downed logs per acre to act as biological legacies in the new stand.
 - Green trees or snags left for wildlife must be at least 30 feet in height, 11 inches DBH, and at least 50% of them must be conifer species. When available, choose a variety of tree species and sizes of trees to retain.
 - Downed logs or trees must be at least 10 cubic feet gross volume, at least 6 feet long, and at least 50% of them must be conifer species. One downed log of at least 20 cubic feet and six feet long may count as two logs.
 - Trees and downed logs may be left in one or more clusters rather than distributed throughout the unit. Standing trees will be retained in a manner intended to minimize loss due to wind throw. Consideration will be made for benefitting other resources, such as enhancing riparian management areas.

Site Preparation, Reforestation, and Plantation Maintenance

- Within regeneration harvest units, site preparation and planting will normally occur within 12 months of the end of harvest operations.
- Plan slash treatments to minimize soil disturbance and compaction by machines. When slash piles must be burned, obtain the proper permits and burn within approved burning windows.
- Plant an average of 400 seedlings per acre of at least two tree species – usually Douglas-fir and western red cedar. Western hemlock, big leaf maple, red alder, and other species will almost always establish themselves naturally so it is not necessary to plant them.
- Monitor seedling survival to attain the goal of exceeding minimum Oregon Forest Practices Act requirement of 200 free-to-grow, well-distributed seedlings per acre within six years of harvest.
- Where necessary to meet stocking goals, employ measures to protect seedlings from mortality due to wildlife damage or vegetation competition. Measures may include use of protective tubing, bud caps, rodent trapping, and herbicide application.
- Avoid the use of herbicides by utilizing effective slash and brush treatment during harvest and prompt reforestation. In cases where competing vegetation or pests are impeding reforestation, apply herbicides or pesticides in strict accordance with standards to protect water, air, soil, and desirable vegetation.

Notification

- Complete and submit a Notification of Operation to the Oregon Department of Forestry for all forest operations for which a notification is required. Notification is required for:
 - Harvesting
 - Slash disposal and site preparation for reforestation
 - Road construction
 - Chemical application
 - Pre-commercial thinning
 - Addition of large woody debris for riparian habitat improvement

Silviculture Guidelines for Category 3 Forest Lands



Forests are dynamic ecosystems that are constantly growing and changing. Regeneration harvest is only one part of the cycle of active forest management in Category 3 forests.

Following site preparation, promptly plant regeneration harvest areas with the appropriate species at a density of 400 or more seedlings per acre; or, if natural regeneration of desirable species is likely to occur in a timely manner, plant an appropriate number of seedlings that results in a fully stocked stand. Plant at least two species of trees to improve stand diversity and ensure future stand health. Consider factors such as the presence of forest pests, competing vegetation, and site microclimate when selecting tree seedlings to plant.

Regularly evaluate plantations in the 1 to 10 year age group for conditions that threaten the establishment of a vigorous, fully stocked stand of trees. Competing vegetation, animal damage, and other threats to the plantations shall be dealt with using the common forestry tools including inter-planting,

spraying brush, trapping rodents, tubing trees and other methods that the Forest program may find necessary.

Evaluate plantations in the 10 to 19 year age group for pre-commercial thinning. Schedule overstocked plantations for pre-commercial thinning as needed. The Forest program shall set the goals for each pre-commercial thinning based upon the stand, the lay of the land and other relevant factors, but the typical goal is to have 200 to 250 trees per acre in these stands.

Evaluate forests in the 25 to 45 year age group for commercial thinning. Thin stands if an evaluation determines thinning an overstocked stand will improve stand conditions and is economically viable. The volume from any commercial thinning counts towards the sustainable harvest level. Commercial thinning helps to attain the goal of having healthy forests that contribute to the local economy and produce revenue to reduce taxpayer burden for supporting County Parks.

Evaluate stands 55 years old or older for regeneration harvest. Select stands for harvest based on several criteria. Prioritize stands with slower growth and consider the diameter requirements of local sawmills to support the local economy and provide a better economic return to the Parks & Forest Trust Fund. Evaluate stands with marginal stocking or poor health and propose regeneration harvest where establishing a new stand is determined to be the best option. When possible, plan timber sales in areas with more expensive logging systems for times of better log market conditions.

Forest Infrastructure Maintenance

Maintenance of the roads, culverts, bridges, gates, and other improvements on the County's forestland shall be in a manner that protects the environment and protects the asset. Examples of this include frequent checks of the forest road system to ensure culverts are not clogged, ditches are functioning properly to reduce road surface erosion and sediment delivery, and gates and locks are maintained in working order. When problems are discovered, prompt action will be taken to return the asset to proper working condition.

Forest Inventory and Management Plan Updates

At least every ten years, the Category 2 and 3 forest lands will be inventoried to determine standing timber volume in order to calculate a sustainable timber harvest level. It may be appropriate at times to also inventory the Category 1 lands, particularly if and when ecosystem service markets and/or biomass utilization become a viable source of revenue.

Every three to five years, Forest program staff will conduct an internal performance review to evaluate whether the management objectives are being met and whether new opportunities are being recognized. Forest program staff will continuously stay abreast of any changes in state and federal regulations, market conditions, and emerging economic opportunities such as ecosystem services markets.

Management direction will be reassessed and updated in the case of large-scale natural disturbance such as wildfire, wind throw, or insect or disease outbreak.

When the Category 2 and 3 land base changes by more than 40 acres, the average annual harvest level will be adjusted appropriately. This will be monitored as properties are sold or traded and replacement properties are acquired.

The Forest Management Plan will be revised and updated when there is a significant change in forest conditions, management direction, or if it is necessary in order to take advantage of economic opportunities such as ecosystem service markets.

Other Benefits of the Clackamas County Forest Program

Recreation

All forest properties are open to the public for day-use activities that are not potentially damaging to natural resources, like hiking, picnicking, and mushroom picking. Recreational access is restricted to foot, horseback, or non-motorized vehicles like bicycles. Uses that are not allowed include overnight camping, target shooting, driving motorized vehicles off-road, establishment of biking or hiking trails, littering, dumping, and removal of forest products such as firewood. Unfortunately many of these damaging and/or illegal activities occur on forest properties throughout the county, including County-owned forests. Staff monitors forest properties and discourages these activities through the use of signs and frequent patrols by staff and the Clackamas County Dump Stoppers deputy. At times it may be necessary to increase ditch sizes and/or create barriers to discourage damaging and illegal uses. During periods of high wildfire danger, public access will be restricted in order to minimize risk of fire.

Dump Stoppers Program

The Clackamas County Dump Stoppers Program has been in existence since 2003. The goals of this program are to locate and clean up illegal dump sites in forests managed by program partners, to enforce anti-dumping laws and regulations, and to educate people about the potentially adverse consequences of dumping. It has been largely funded by federal grants through the Secure Rural Schools Act and other grant programs administered by the U.S. Forest Service and the Bureau of Land Management, plus some matching funding from Clackamas County. There are in-kind contributions from program partners including Port Blakely, Weyerhaeuser, the Oregon Department of Forestry, the Oregon Department of Fish and Wildlife, and Portland General Electric. Staff consists of a program coordinator, a part-time assistant, and a County sheriff deputy who locate illegal dump sites, clean them up, and prosecute offenders when possible. Community corrections crews and volunteers do some of the dump site cleanup work. This program has been a great success. As of the end of 2016, Dump Stoppers has removed over 1,028,000 pounds of solid waste, 73,000 pounds of scrap metal, 8,900 pounds of hazardous materials, 10,200 tires, and 475 vehicles from forest lands in Clackamas County.

Environmental Education

Since the beginning of 2001, we have worked with youth groups like school classes and scouts to plant native trees and shrubs on public lands throughout Clackamas County. Our “Community Forest Partners” program has been able to partner with Metro, SOLV, schools and city parks districts to work on restoring fish and wildlife habitat while providing a service-learning environmental education opportunity for children and their parents. So far the Community Forest Partners program has worked with 7,600 children and 2,600 adults to plant 55,000 native trees and shrubs on 250 acres in natural areas throughout the county, including County Parks.



Forest program staff routinely assist local forestry education programs such as North Clackamas School District forestry classes and Timber Lake Job Corp Center students by offering service-learning volunteer project work. Students have helped with a variety of projects from covering burn piles to pre-commercial thinning.

Forest program staff often participate in the annual Clackamas County Tree School event by teaching one of the sessions about some aspect of forest management. Tree School is an all-day educational event that provides small forest owners with opportunities to take classes to learn about various aspects of managing their forest land.

Background and History

Description of Forest Ecosystems

Most of the properties managed by the Clackamas County Parks and Forest divisions are located in eastern Clackamas County in the lower foothills of the western slopes of the Cascade Mountains. A few park properties are located within the Willamette Valley along major rivers. They are almost all highly-productive lands in terms of their ability to rapidly grow and sustain healthy forests. Nearly all the County's forests are less than 80 years old and lie below 2,500 feet in elevation.

Physical Setting



The Cascade Mountains are volcanic in origin, composed mainly of basalt and andesite lava flows, pyroclastic flows, and minor sedimentary units of volcanic origin. These rock units form the bedrock of the western slopes and foothills of the Oregon Cascade Range. Topography ranges from steep-sloped ridges and valleys to gently sloping ridge tops and valley bottoms. The area has a temperate, rainy climate with a warm, dry summer. Annual precipitation on county-owned forest properties ranges between about 40 inches in the Willamette Valley to 80+ inches in localized areas in the upper elevations of County ownership. Rainfall can be locally

influenced by topography and the “rainshadow effect” of north-south-oriented ridges. Snow falls in winter but only accumulates on a regular basis in the higher elevations of County ownership and prolonged periods of freezing temperatures are rare. Winter storms tend to generally move from west to east and can result in high winds, accumulation of snow and/or ice, and localized flooding. Summer temperatures rarely top 100 degrees Fahrenheit, but prolonged periods of hot days and east winds in late summer often occur, increasing wildfire danger.

On a relative scale of time, soils in the lower elevations of the Western Cascades are quite young. The volcanic origin of bedrock, topography, climate, and dominant vegetation type influence soil conditions. According to Gerig, et al. in *Soil Survey of Clackamas County Area, Oregon*, published in 1985 by the USDA Soil Conservation Service:

“This survey area is one of the better timber growing areas in North America. Most of the best areas for timber production are in the foothills of the Cascade Range. The less productive areas generally are at the higher elevations. Favorable climate and fertile soils account for the high productive capacity of the woodland in much of Clackamas County.”

Almost all soil types within County forest lands are classified as suitable for the production of timber. Most soils are moderate to well-drained loams with a healthy organic horizon and varying content of clay and rock. Susceptibility to compaction and erosion varies widely.

Vegetation Types and Patterns across the Landscape



Native forests in eastern Clackamas County are dominated by Douglas-fir, western hemlock, and western red cedar with inclusions of red alder and bigleaf maple. Other tree species found in County forests but present in fewer numbers include grand fir, Pacific silver fir, noble fir, western white pine, Willamette Valley ponderosa pine, black cottonwood, Oregon ash, and bitter cherry. In some of the County parks within the Willamette Valley, native tree species also include Oregon white oak, Willamette Valley ponderosa pine, and Pacific madrone. Shrubs commonly found include ocean spray, vine maple,

rhododendron, tall Oregon grape, snowberry, huckleberry, salmonberry, thimbleberry, salal, devil's club, poison oak, and many others. Species commonly found in the herb layer include various ferns, vanilla leaf, Oregon oxalis, dwarf Oregon grape, pathfinder, twinflower, solomonseal, beargrass, sedges and a variety of mosses, lichens, and fungi. There are no known locations of state or federally-listed threatened or endangered plants in County-owned forest properties.

Plant communities develop over time through a process called succession. Forests are often referred to as being in an early, mid, or late seral stage of ecologic succession. Most of the forests managed by Clackamas County would be classified as early or mid-seral stage forests. Almost all County forests are younger than 80 years old and are the result of reforestation following wildfire or logging. There are some scattered older trees within some younger stands and riparian areas and several acres of forest within Eagle Fern Park that could truly be classified as "old-growth". All forests are susceptible to disturbances that can "re-set" successional processes to varying degrees. Natural disturbances include wildfires, floods, wind storms, landslides, insect and disease outbreaks, avalanches, and volcanic eruptions. Man-caused disturbances include timber harvesting, fires, and the introduction of non-native invasive plants. Disturbances can result in varying sizes of early seral stage forests, from a few trees killed by Douglas-fir bark beetle or root rot, a few acres of blowdown from a wind storm, a forty acre harvest unit, and hundreds or even thousands of acres burned by a wildfire.

Disturbance patterns and the amounts of early, mid, and late seral forests in eastern Clackamas County have been altered since settlement of the area by European-Americans, which began in the mid - 1800's. Prior to this, coniferous forests in the western Cascade foothills were less fragmented with larger contiguous areas of forests of the same seral stage and more abundant older or late seral forests. Western hemlock is the common late successional dominant in the western Cascade foothills in Clackamas County (Halvorson et al., 1986). This means that barring any disturbance, western



hemlock would eventually dominate the overstory. The dominance of Douglas-fir in these stands is due in large part to wildfire disturbance because Douglas-fir is the most fire-adapted species. Fire also opens up the canopy, allowing the shade intolerant Douglas-fir to establish itself. There are two main natural fire regimes in the western hemlock zone in the Cascades in northwestern Oregon. These are fires of mixed severity with a 50 to 100+ year return interval, and infrequent but severe stand-replacing fires which occur every 200+ years. There is evidence that fire regimes in the Willamette Valley were much more frequent, but were lower-intensity fires influenced in part by fires set by Native Americans in order to improve wildlife habitat (Clackamas County Community Wildfire Protection Plan, 2005).

Some people believe that prior to European-American settlement, all forests were older, that most of those forests are gone, and that

the remaining older forests continue to decrease in size and volume because of timber harvesting. However, the first inventory of Oregon's forests, conducted by the U.S. Geological Survey (USGS) in about 1900, shows large areas of burnt and young forests. In a report titled "What do Western Oregon's Forests Look Like After a Century of Management?" published in 2009 by the Oregon Forest Resources Institute, author Gail Wells compared the USGS map of Oregon forests from 1900 to a current map and noted the following:

- There is more wood volume in Oregon's west side forests today than at the beginning of the 20th century.
- More land is covered by forests today than in 1900.
- Substantially more wood is growing than is being harvested.
- There are an estimated 2 million to 5 million acres of older forests in Oregon, most of it in federal forest reserves.
- Under current policies, the amount of older forests in Oregon will continue to increase over the next century.
- Oregon has science-based forest protection laws and practices that continue to evolve with emerging science and public values.
- Oregon's management ethic respects non-commercial values of forests, including wilderness and wildlife protection.

These observations all apply to the forests in Clackamas County. Just over half of the land base of Clackamas County is in federal forests which are being managed primarily to provide older forest habitat.

Aquatic Species and Water Quality



County-owned forest lands lie within four of the five major watersheds found in Clackamas County: Clackamas, Molalla, Sandy, and Willamette. Critical habitat for federally-listed threatened Lower Columbia River chinook, coho, and steelhead, Upper Willamette River chinook and steelhead, and Columbia River chum has been identified within portions of these watersheds. Native trout and other aquatic species such as frogs, salamanders, and sculpins may be present in streams flowing through County-owned forest land. No current federally or state listed threatened or endangered amphibians have been identified within Clackamas County forest land.

(Type F), domestic water sources with no fish (Type D), and all others (Type N). These three types are further classified as small, medium, or large. There are also different classifications for wetlands and lakes. The Oregon Department of Forestry, (in cooperation with the Oregon Department of Fish and Wildlife and the U.S. Fish and Wildlife Service), maintains a map and database showing the classification of known streams, lakes, and significant wetlands along with the size class and extent of fish or domestic water use. If unknown water features are identified during the course of forest management activities, it is the land manager's responsibility to bring it to the attention of the Oregon Department of Forestry. The Oregon Forest Practices Act requires Riparian Management Area (RMA) designation of widths between 20 and 100 feet on each side of a stream or surrounding a lake or significant wetland. Standards specified within the Oregon Forest Practices Act for forest management activities within RMAs are intended to protect riparian habitat fish and wildlife. There is a proposed rule change that would increase RMA widths by 10 feet on small and medium fish-bearing streams in northwestern Oregon which may go into effect in the summer of 2017. There are approximately 8.9 miles of streams within County-owned forests that are classified as Type F, fish-bearing. All other streams within County-owned forests are classified as Type N. There are no Type D streams. While riparian habitat conditions within County-owned forests are generally good, they have been affected by past wildfires, logging, and road



building activities. Some stream reaches are deficient in large woody debris. As projects are planned, stream reaches that could benefit from the addition of large woody debris are identified and integrated into project design. Field observations following recent high water flow events indicate that roads within County-owned forest land are draining properly and that culverts are of sufficient size, however they are continuously monitored to correct any developing problems.

Clackamas County Parks and Forest divisions further contribute to the effort to improve native fish populations by locating fish rearing tanks within two county parks. In cooperation with the Oregon Department of Fish and Wildlife, rearing tanks have recently been installed in Carver Park and Eagle Fern Park. Young fish are stocked in these tanks after hatching and reared in the waters of Eagle Creek and the Clackamas River. Their location within county parks also provides an interpretive and environmental education opportunity.

Wildlife Species



Mammals, birds, and invertebrates expected to be found within County-owned forests include species commonly expected to live within coniferous forests and some forested habitats in the Willamette Valley. Similar to stream classification information, the Oregon Department of Forestry, (in cooperation with the Oregon Department of Fish and Wildlife and the U.S. Fish and Wildlife Service), maintains a map and database with location information for threatened and endangered wildlife species. When a forest land manager files a plan to implement a forest management project, the Oregon Department of Forestry will check their information and notify the land manager if there is a concern.

Larger mammals found in County-owned forests include deer, elk, coyote, bobcat, cougar, black bears and a plethora of smaller rodents like voles, mice, rabbits, squirrels, mountain beaver (sometimes called boomers), and common beaver. They live in a variety of forest habitats and do not require specific protection measures. There are no known state or federally listed threatened or endangered mammal species living within County-owned forest properties. Two federal candidate species, the fisher and North American wolverine have had historical sightings in the vicinity of the Hoodland Corridor properties, but there currently no known locations.

Bird species found in County forest properties include raptors such as eagles, osprey, hawks, and falcons; waterfowl such as geese, herons, and ducks; and various other types of cavity nesting birds, songbirds, migratory birds, and others. The Northern spotted owl is the only federally-listed threatened bird species that might be found in County-owned forests, but there are no known spotted owl nesting sites within County-owned forest properties. With the possible exception of Eagle Fern Park, County-owned property does not have the habitat spotted owls typically like to nest in. The bald eagle has been de-listed on the federal list but is still classified as threatened on the state list. Currently, there are no known bald eagle nesting sites on County properties. Peregrine falcons were

federally de-listed in 1999 and removed from the state list of threatened and endangered species in 2007. In 2010 a nesting pair of peregrine falcons was identified at the Madrone Wall Park property. Although no longer listed as threatened or endangered, peregrine falcons are still protected by other state and federal laws. The Oregon Department of Fish and Wildlife is continuing to implement a statewide monitoring program with plans to monitor peregrine falcon nest sites.

All sorts of invertebrate species (insects) are found within County forests, but there are no listed threatened and endangered ones currently identified.

Forest Ownerships within Clackamas County



The total area of Clackamas County is 1,879 square miles or approximately 1.2 million acres. The Portland metropolitan area includes portions of three counties, one being Clackamas County. Despite the perception that Clackamas County is one of the more “urban” counties in Oregon, about 80% of the land base of Clackamas County is actually forested land.

About 51% of Clackamas County is federal forestland managed by the U.S. Forest Service and the Bureau of Land Management. These forests are located primarily in the eastern half of the County.

Harvesting of these forests increased in the 1940’s during and after World War II as roads were built to access more areas. Beginning in the late 1980’s, timber harvest on federal lands was greatly reduced due to controversy over how they should be managed and subsequent reductions in agency budgets.

Federal forests are now managed in large part to provide older forest habitat to benefit terrestrial and aquatic species that use or are dependent on late seral forests.

Management of federal forests currently consists of somewhere between 1,000 to 2,000 acres of thinning per year and restoration projects such as road decommissioning and in-stream fish habitat improvement. Almost no new openings are being created in federal forests within Clackamas County. This negatively impacts wildlife species that use early seral forest habitat like deer, elk, and some species of birds.

The change in management of federal forests has resulted in a significant impact on the economies of several rural Clackamas County communities, loss of timber receipt revenue to Clackamas County, and the loss of many jobs in the forest products sector. There are currently only two operating large commercial sawmills in Clackamas County.

About 11% of Clackamas County is owned by three large private industrial timber companies: Weyerhaeuser, US Forestry (formerly Port Blakely Tree Farms), and Olympic Resource Management.

These forests are managed in compliance with the Oregon Forest Practices Act on a rotation of 40 to 65 years in a manner intended to maximize economic return while protecting key resource values. Due to the reduction in timber harvest on federal lands, these lands provide important habitat for wildlife species that depend on early seral forests, such as deer and elk. These three owners contribute significantly to the forest products sector of the economy in Clackamas County.

About 16% of the County is owned and managed by small woodland owners who have widely varying management objectives and styles and who also contribute greatly to the forest products section in the county. The Clackamas County Farm Forestry Association is the largest chapter of the Oregon Small Woodlands Association and the Oregon State University Extension Forestry Program provides information and assistance to these small woodland owners.

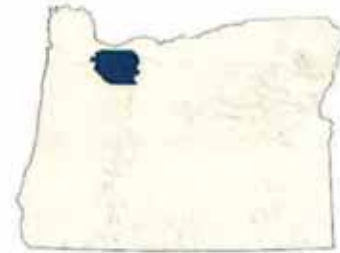
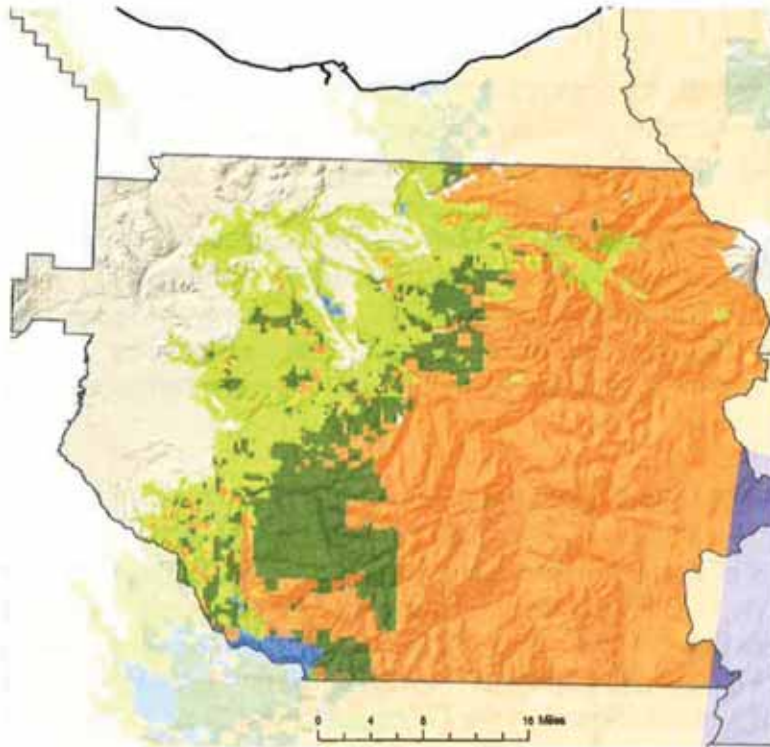
About 1% of Clackamas County is forest land owned and managed by the Confederated Tribes of Warm Springs. Another approximately 1% are forests managed by a variety of public agencies at the state and local level, including the 4,284 acres (0.35%) managed by Clackamas County Parks and Forest. Most of the properties managed by Clackamas County Forest program staff are located in areas that lie between federal forests and privately owned industrial forest lands. County forest properties function in some ways as a transition between the younger, more intensively managed private industrial forests and the increasingly older and far less intensively managed federal forests. Other state and local agencies that manage forest lands within the county are the Oregon Department of Forestry, Oregon State Parks, and Metro Parks & Greenspaces.

The following page displays information about forest ownership, 2015 timber harvest, and forest sector jobs in Clackamas County gathered by the Oregon Forest Resources Institute. Land ownership and timber harvest information is summarized in the table below. This shows that although the large private industrial timber companies only own 13% of the forested lands in the county, 68% of the timber harvest in 2015 came from those lands. Even though federal forests comprise almost 2/3 of the forests in the county, only 11% of timber harvested in Clackamas County in 2015 came from federal forests.

Summary of Percent of Forestland Ownership and Timber Harvest by Ownership Type in Clackamas County in 2015

Forestland Owner	Percent of the 952,000 acres of forested lands in Clackamas County	Percent of the 139,837 thousand board feet of timber harvested in Clackamas County
Federal	64 %	11 %
Large Private Industrial	13 %	68 %
Small Private Woodlands	20 %	20 %
State and Other Public	1.4 %	.1%
Tribal	1.6 %	.9%
TOTAL	100 %	100 %

CLACKAMAS COUNTY



LAND AREA (thousands of acres)

Total land	1,196
Total forestland (80%)	952

FORESTLAND OWNERSHIP (thousands of acres)

Federal	607
Large private	128
Small private	191
State and other public	12
Tribal	14
TOTAL	952

TIMBER HARVEST (thousands of board feet)

Federal	15,499
Large private	94,725
Small private	27,488
State and other public	816
Tribal	1,309
TOTAL	139,837

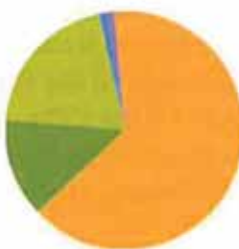
FOREST SECTOR JOBS

Forest sector jobs	3,222
% of county employment	1.8

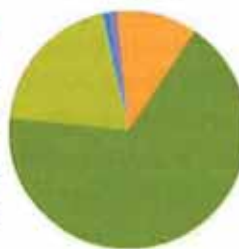
PRIMARY WOOD PROCESSING

Sawmills	2
TOTAL FACILITIES	2

FORESTLAND OWNERSHIP



TIMBER HARVEST BY OWNER



2015

OregonForestFacts.org © 2017, Oregon Forest Resources Institute.

Timber harvest and forest sector jobs data is from 2015. Wood processing data is from 2016. Jobs data is from Oregon Employment Department. Ownership, harvest data and map provided by the Oregon Department of Forestry.

Management History of County-Owned Forest Lands

Between 1918 and 1925 over half of the County forest properties, what is now known as the Wildcat Mountain tract, were harvested by the Bear Creek Lumber Company using primarily railroad logging methods. The area subsequently caught fire and burned over, and was regenerated naturally during the next 10 years. This property was acquired through tax foreclosure, which is the case with most of the smaller tracts currently in the County forest program. Some properties were acquired through land exchange with the U.S. Forest Service.

In 1961 the Board of County Commissioners (BCC) contracted with the Oregon Department of Forestry to develop the first forest management plan for forest land owned by Clackamas County. It appears this management plan was not formally adopted nor implemented.

In 1977 the BCC appointed the first Forest Advisory Board, a committee of technical experts in the forestry field. The Forest Advisory Board recommended developing a sustained yield forest management strategy for County forest lands that would actively manage these forests and generate revenue for the County. Sustained yield is a strategy for forest management that calls for an approximate balance between net growth and the amount harvested. In 1979 the first timber sale was sold and harvested.

The Forest Advisory Board recommended the County hire a professional forester to manage the forested properties owned by the County. In 1981 the BCC created the position of County Forester and hired Troy Moore. The first inventory of County owned forest land was conducted showing there were 40.0 million board feet on 3,296 acres. In 1983 a Forest Management Plan was written with input from the Forest Advisory Board and adopted by the BCC. In 1983 the County was also going through a tremendous downturn in the economy. The General Fund was overtaxed and the Parks system was in jeopardy of closing. The BCC approved the establishment of the Parks and Forest Trust Fund to offset the declining General Fund tax revenue to support Parks. The trust fund and user fees have been the primary funding sources for County Parks and Forest operation and maintenance since trust fund establishment in 1983. Revenue generated from timber sales provides about 40% of the funding needs for Parks operation and maintenance. It also covers the costs of the Forest program with the exception of grant-funded activities such as the Dump Stoppers program.

In 1987 a controversial harvest proposal in the Hoodland Corridor prompted the BCC to merge the Forest program with County Parks and develop a public process to review proposed timber sales. In 1988 the public input process for timber sales was adopted by the BCC and the Timber Sale Advisory Committee was formed. The Timber Sale Advisory Committee is comprised of two people from the Forestry Advisory Board, two from the County Parks Advisory Board, and one from each of the five Community Planning Organizations in the areas where the County owns forest land. Of the CPO members, only the CPO representative from the area in which the proposed sale is located has a vote, but all can participate in discussions. The chart on page 7 outlines the timber sale planning process.

In 1992 the County contracted a private environmental consulting firm to analyze the properties in the Hoodland Corridor. Fish and wildlife, vegetation, geology, water, view sheds, recreation, and cultural resources were the major focuses of the study, which was released in 1994.

In 1995 the BCC appointed an ad hoc committee to gather public input regarding the County's forest management plan. The committee conducted three public hearings around the County and received input from numerous county residents. Using the data from the 1992 environmental analysis and the public input from the hearings, the committee made a recommendation regarding which of the forested

properties should continue to be managed on a sustained yield basis for revenue generation and which should be designated for other purposes. Their recommendation to the BCC resulted in the creation of three categories of forest properties (Category 1, Category 2, and Category 3), which are described in the next section of this document.

Following an inventory of all of the Category 3 lands in 1998, a new Forest Management Plan was written in 1999. Another inventory in 2006 revealed that over 1/3 of the Category 3 acres still had forests of 60 years or older, and that some trees in these older forests were becoming too large in diameter for local sawmills. To address the diameter issues, a decision was made to change the average rotation age for the Category 3 lands from 65 years to 55 years. The Forest Management Plan was updated accordingly and approved by the BCC in February of 2008. The management of County forests has generated very little controversy, in large part due to continuous program review and public involvement.

In May of 2010, the Board of County Commissioners directed Forest program staff to make changes in the categorization of some properties; more explicitly describe how County forests are managed, and outline measures taken to ensure compliance with environmental regulations and standards.

Revenue generated from the sale of County timber covers the costs of the Forest program and supports operations and maintenance of County parks. Over the past decade the average annual revenue produced from the sale of timber has been \$750,000 which has paid the management costs of the Forest program and contributed \$350,000 to \$450,000 of funding for operations and maintenance of parks. An inventory conducted on Category III properties in 2006 confirmed these forests have been managed in a sustainable manner, meaning the volume of timber removed has equaled or been slightly less than the volume of growth, resulting in no net loss of standing forest volume.

Accelerated Harvest

In July 2012, the Board of County Commissioners approved a recommendation by County Parks and Forest staff to accelerate timber harvest and use the revenue to pay off the \$4.3 million debt still owed on the construction loan for Stone Creek Golf Course. The Forest Advisory Board and the Parks Advisory Board also supported the plan. Accelerating the rate of harvest in the older stands to pay off the golf course construction loan accomplished three things:

- 1) It allowed golf course revenue that was being used to make loan payments to go to County Parks instead. Revenue from the golf course is generated in a more steady and predictable fashion than revenue from timber sales, which can be volatile and unpredictable due to fluctuations in forest product markets and political climates. The end result is that County Parks has a more predictable and reliable source of revenue.
- 2) Early pay off of the construction loan in the fall of 2014 saved \$1 million in future interest payments on the loan.
- 3) At the beginning of 2012 roughly 41% of Category 3 forest acres were in timber that was older than the 55 year rotation age prescribed in the 2008 forest management plan. With so much older timber, most of what was being harvested was 70-75 years old and it would take about 20 years to harvest all of the older timber. Accelerating the harvest of older stands lowered the average age of stands on the Category 3 forest properties to a range more within the prescribed rotation age.

In 2013 six timber sales (Fore, Goalie, Golf, Dhooghe, Elwood, and Fernwood Thin) harvested 9.968 million board feet from 280 acres and generated \$5,113,697 of revenue. The golf course construction loan was payed off in the fall of 2014. Knowing this would reduce the inventory of standing timber on the Category 3 forest properties, former County Forester Dan Green calculated that staying with the 2008 management plan rotation age of 55 years old would mean a reduction of annual acres harvested from 55 down to about 40 acres per year, with a corresponding reduction in timber sale revenue that would be replaced by golf course revenue.

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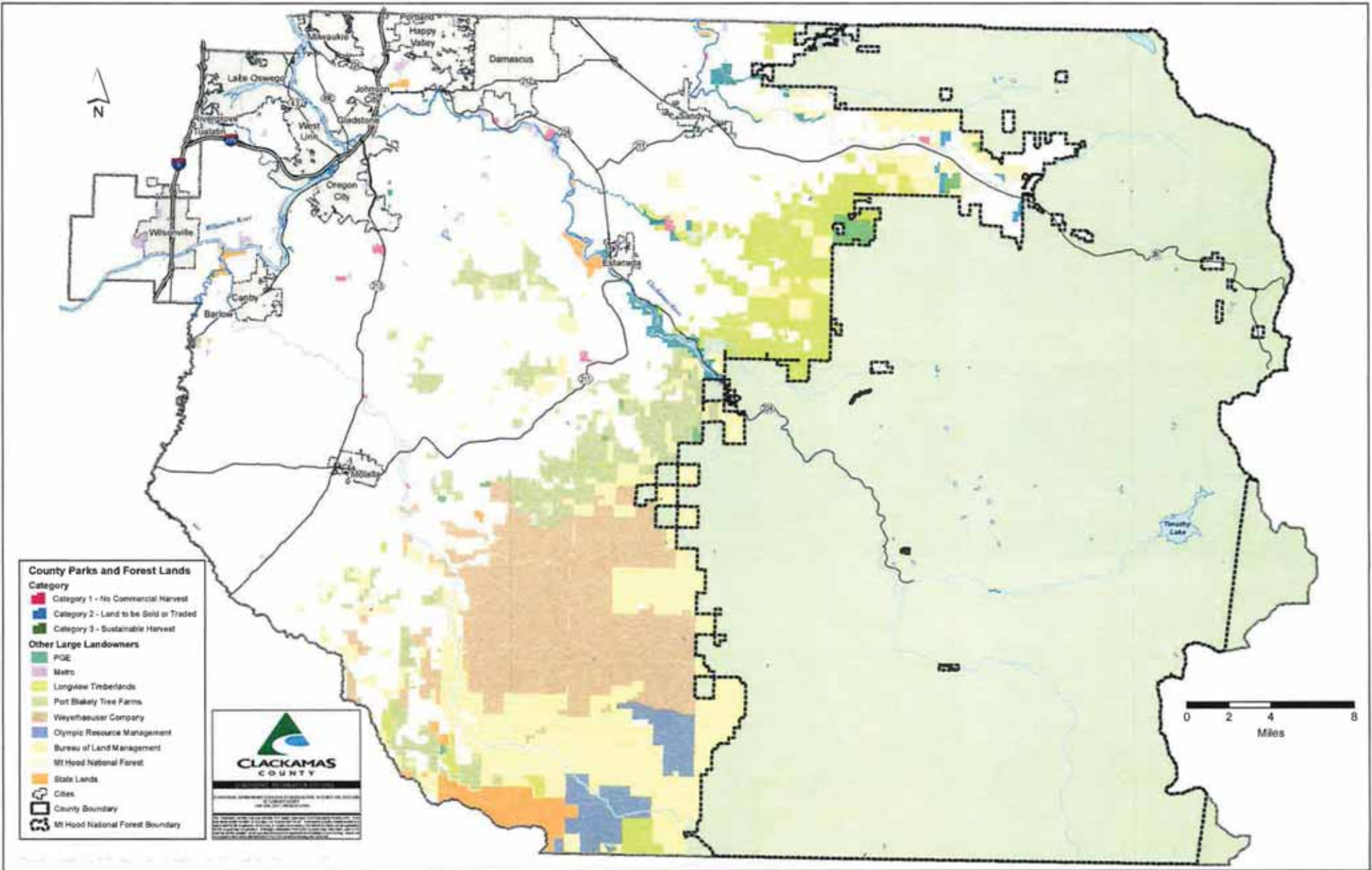
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Appendix A:
Clackamas County Forest
Property Map



Appendix B:
Forest Property
Aerial Photos
CATEGORY
I

STAND ID	ACRES
BT001MP	3.42
BT001NM	36.8
BT001PM	10.47
BT002PM	45.13



BARLOW WAYSIDE PARK 2016

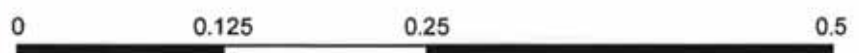
TOTAL ACRES: 104

 UNIT BOUNDARY

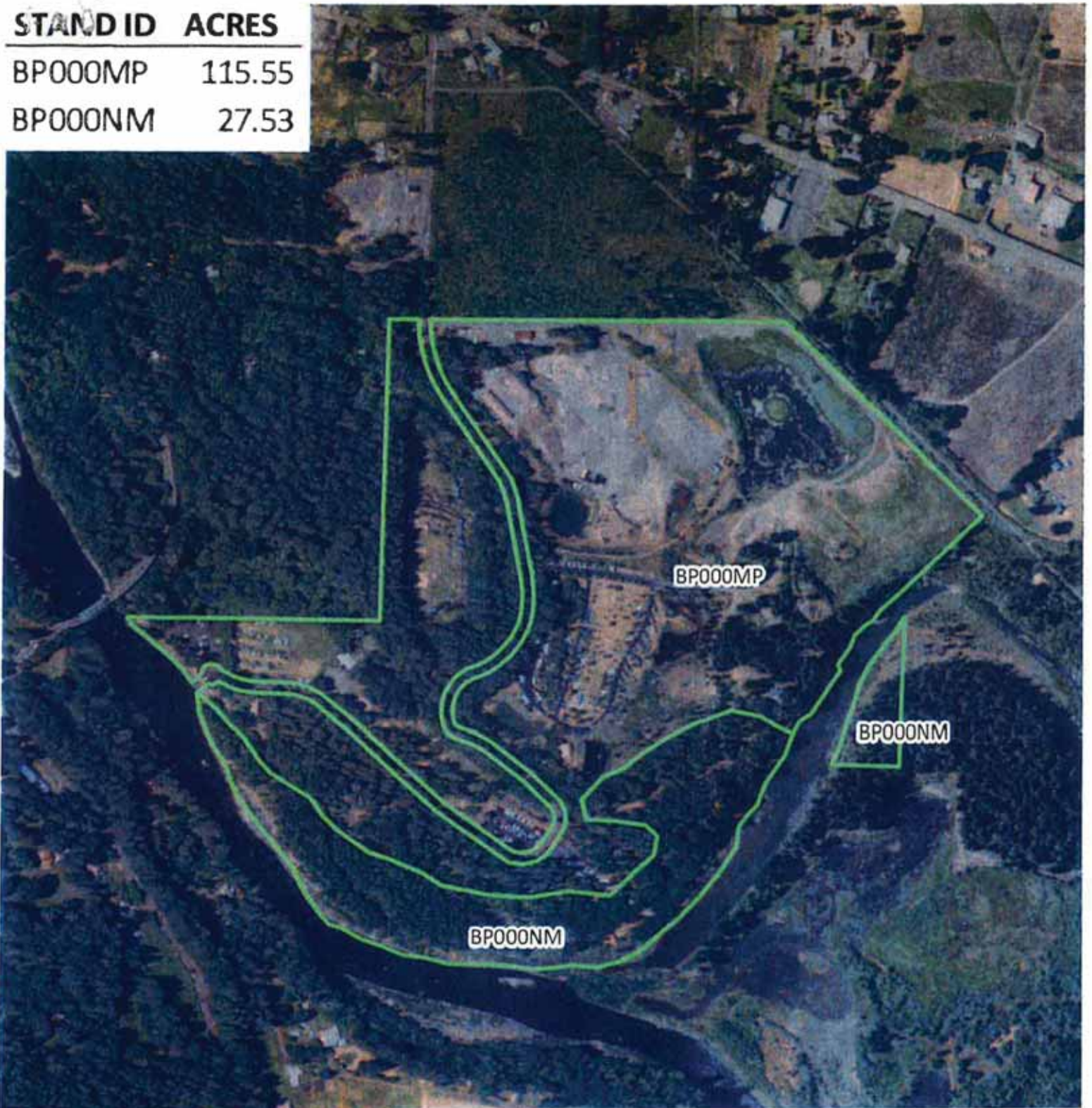


STATEMENT OF APPROVAL BY THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS AND CLACKAMAS COUNTY BOARD OF SUPERVISORS

FOR THE PURPOSES OF THIS PLAN, THE CLACKAMAS COUNTY BOARD OF SUPERVISORS HAS REVIEWED AND APPROVED THE PLAN AND THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS HAS REVIEWED AND APPROVED THE PLAN. THE CLACKAMAS COUNTY BOARD OF SUPERVISORS HAS REVIEWED AND APPROVED THE PLAN AND THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS HAS REVIEWED AND APPROVED THE PLAN.



STAND ID	ACRES
BP000MP	115.55
BP000NM	27.53



BARTON PARK 2016

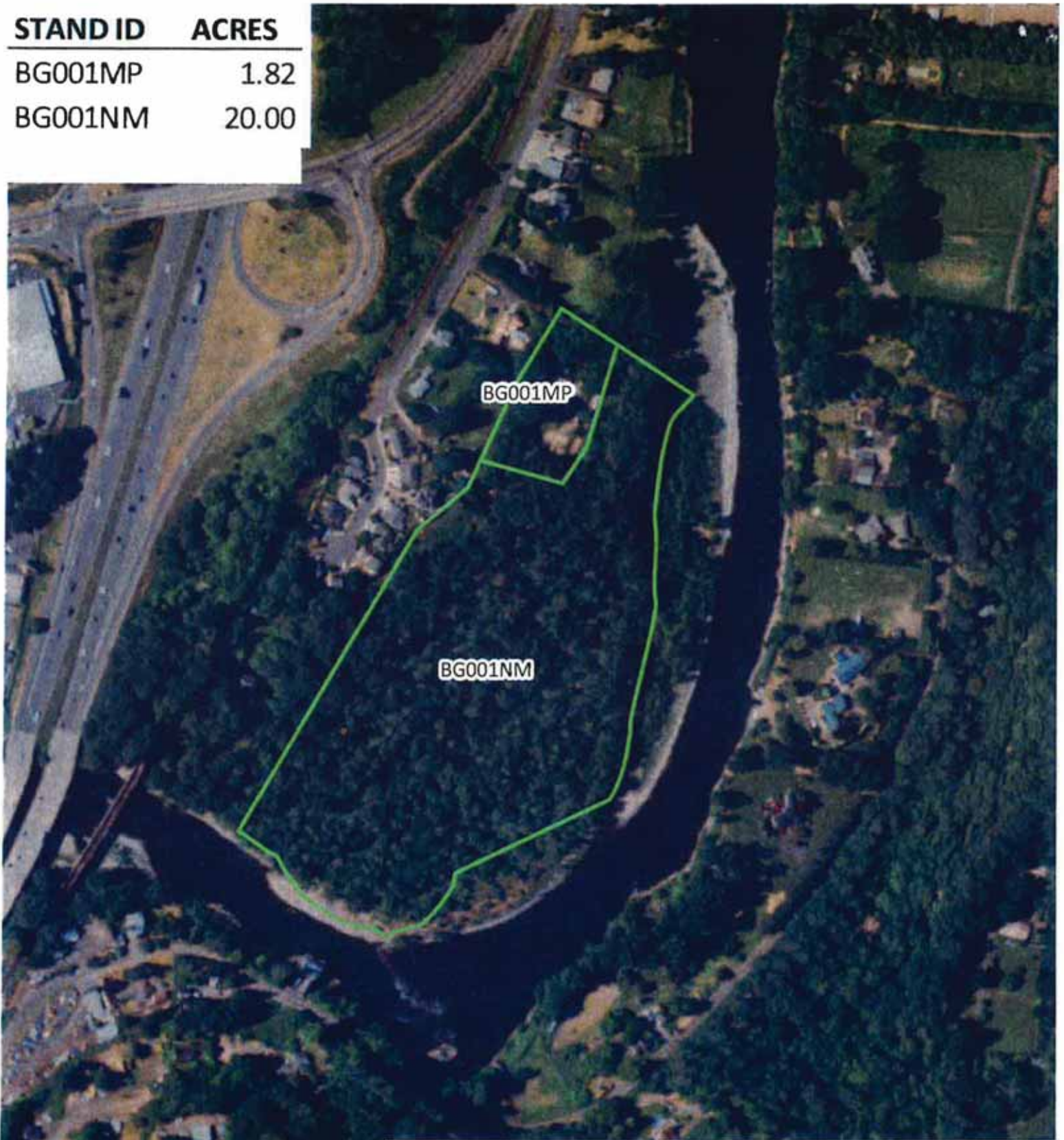
TOTAL ACRES: 143

 UNIT BOUNDARY



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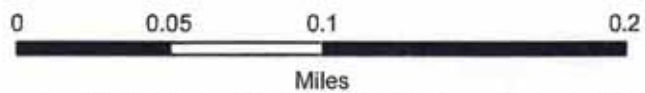
STAND ID	ACRES
BG001MP	1.82
BG001NM	20.00



BILLY GOAT ISLAND 2016

TOTAL ACRES: 21.8

 Taxlot Boundary



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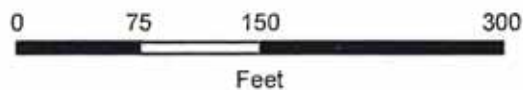
STAND ID	ACRES
BF001MP	2.19
BF002MP	1.40



BOONES FERRY MARINA 2016

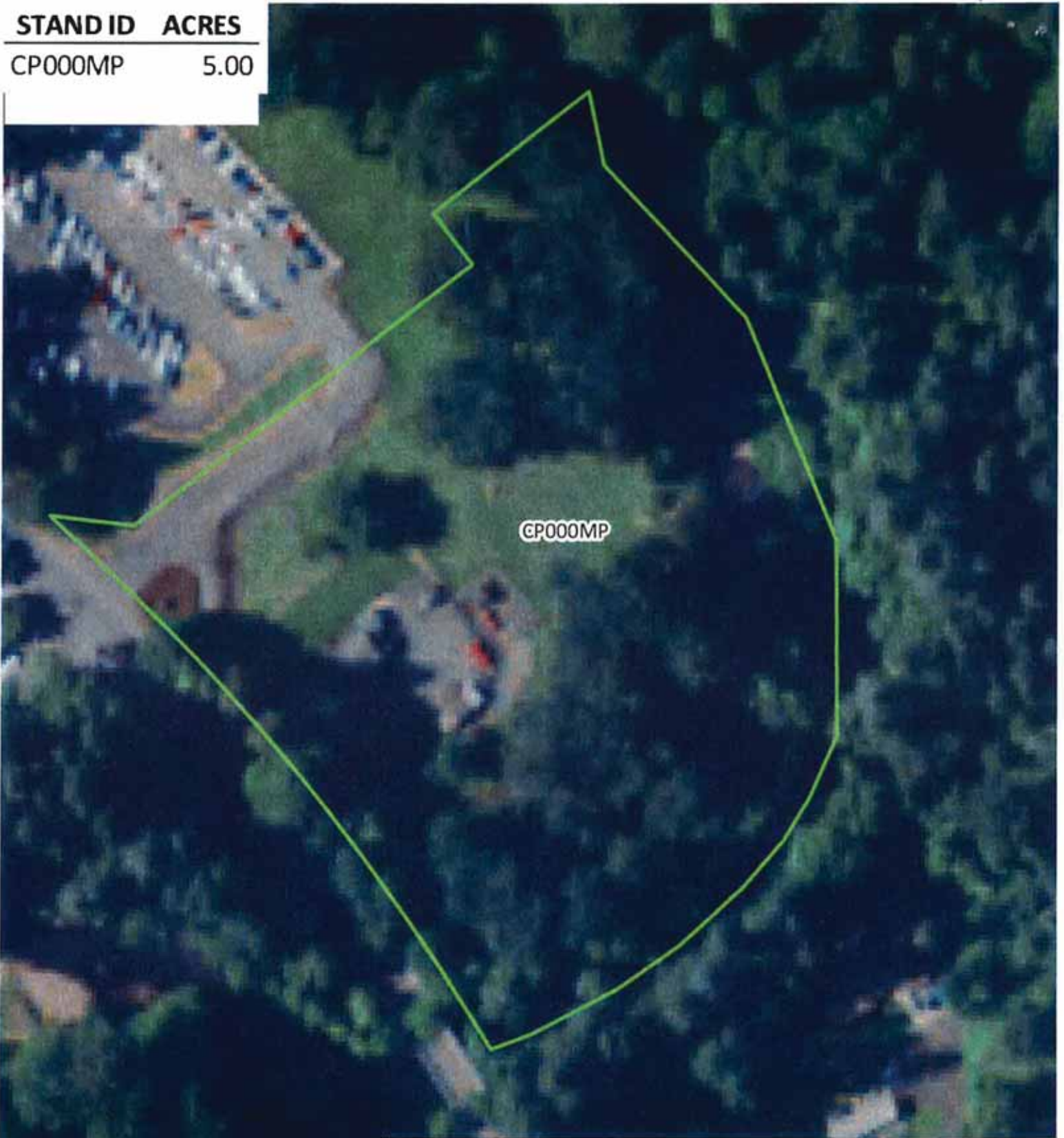
TOTAL ACRES: 3.6

 UNIT BOUNDARY



CLACKAMAS COUNTY FORESTRY DIVISION
1000 NE CLACKAMAS AVENUE
BOONES FERRY, OREGON 97116
503.325.4000
www.clackamascounty.gov

STAND ID	ACRES
CP000MP	5.00



CARVER PARK 2016

TOTAL ACRES: 5

 UNIT BOUNDARY



Department of **RECREATION & COMMUNITY DEVELOPMENT**
 1111 20th Street
 Clackamas, OR 97015
 503.263.5000

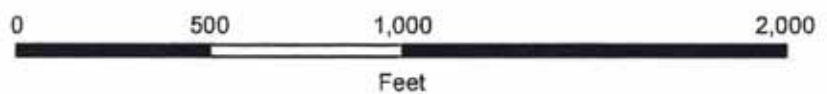
STAND ID	ACRES
EF001PM	71.89
EF002PM	56.65
EF003PM	18.82
EF000MP	23.32



EAGLE FERN PARK 2016

TOTAL ACRES: 171

 UNIT BOUNDARY



Forest Planning: Clackamas County Forestry Div. 2016. Prepared by: Samantha Wolf, Clackamas County
 Data Source: Clackamas County GIS, 2016; Clackamas County Forestry Div. 2016
 Forestry Div., Dec. 6, 2016. S:\GIS\BCS_Forestry\Projects\Unit Projects\Boulder

STAND ID	ACRES
FPO0MP	0.71



FELDHEIMER PARK 2016

TOTAL ACRES: 0.71

 UNIT BOUNDARY



DEPARTMENT OF WILDLIFE, SPORTS & COMMUNITY RECREATION SYSTEMS
3000 SW 10TH AVENUE, SUITE 200
CLACKAMAS, OR 97015

STAND ID	ACRES
FP001NM	0.73
FP002NM	8.34
FP001MP	15.30



FEYRER PARK 2016

TOTAL ACRES: 24.3

 UNIT BOUNDARY



DEPARTMENT OF INFORMATION TECHNOLOGY AND COMMUNICATIONS SERVICES
 GIS UNIT
 800 NW 10TH AVENUE, SUITE 2000
 CLACKAMAS, OREGON 97015
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STAND ID	ACRES
FB001NM	18.64
FB002NM	0.06



FISHERMANS BEND 2016

TOTAL ACRES: 18.7

 UNIT BOUNDARY

0 250 500 1,000

Feet



CLACKAMAS COUNTY FORESTRY DIVISION
 FOREST PLANNING
 10000 NE 10TH AVE, SUITE 200
 CLACKAMAS, OR 97015
 (503) 251-2200
 www.clackamascounty.gov

STAND ID	ACRES
HE001NM	6.34
HE001MP	6.01



HEBB PARK 2016

TOTAL ACRES: 12.3

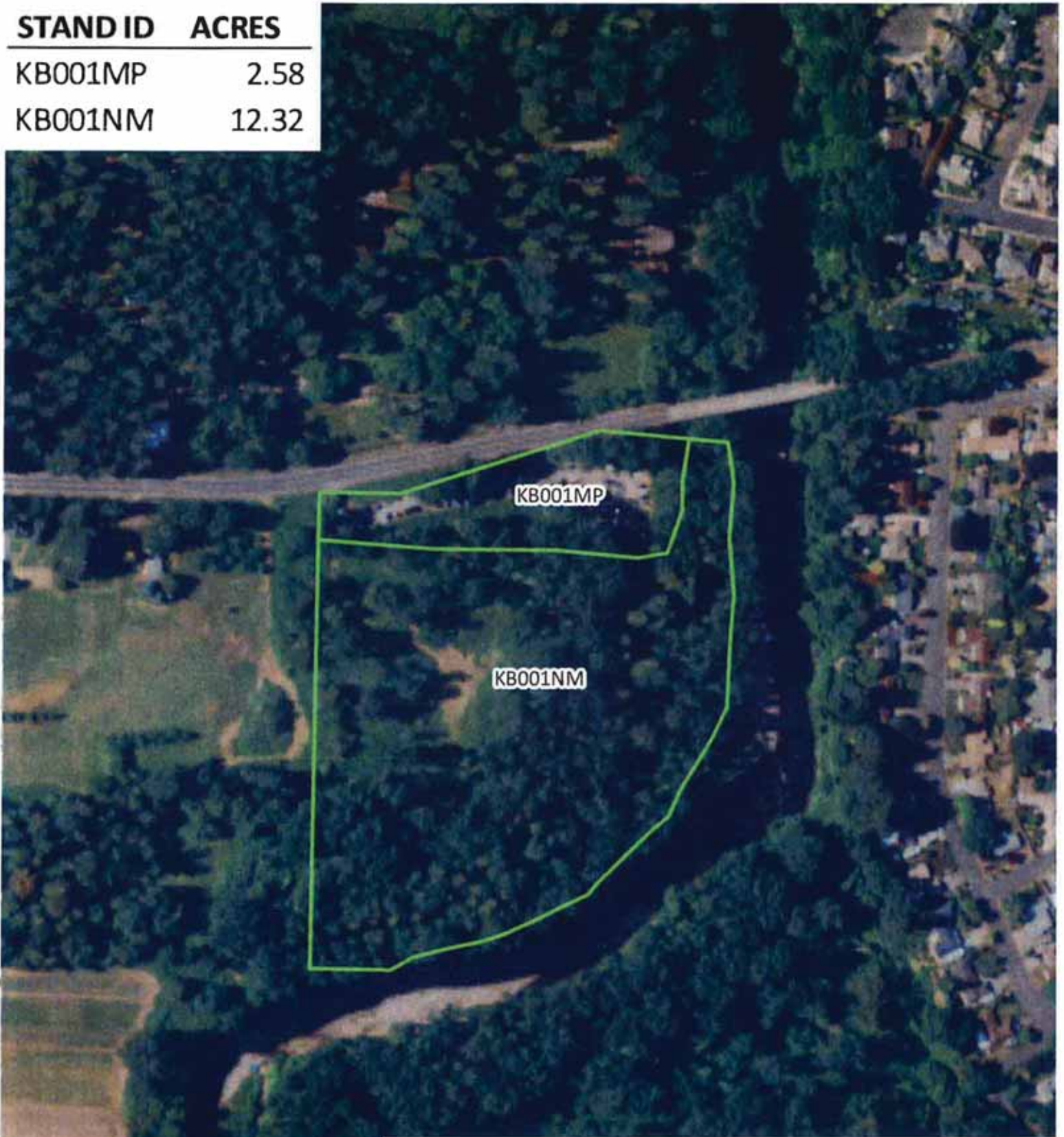


DEPARTMENT OF INFORMATION SERVICES/GEOSPATIAL INFORMATION SYSTEMS
 1000 NE SHAW BLVD
 GIGUEN CITY, OREGON 97030

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Forest Planning: Clackamas County Forestry, 2016
 Map prepared by: Samantha Wolf, Clackamas County Forestry, April 26, 2017
 Data source: Clackamas County GIS, 2016; Clackamas County Forestry, 2016
 S:\GIS\GIS_Forestry\Projects\Unit Projects\Hebb Park

STAND ID	ACRES
KB001MP	2.58
KB001NM	12.32



KNIGHTS BRIDGE 2016

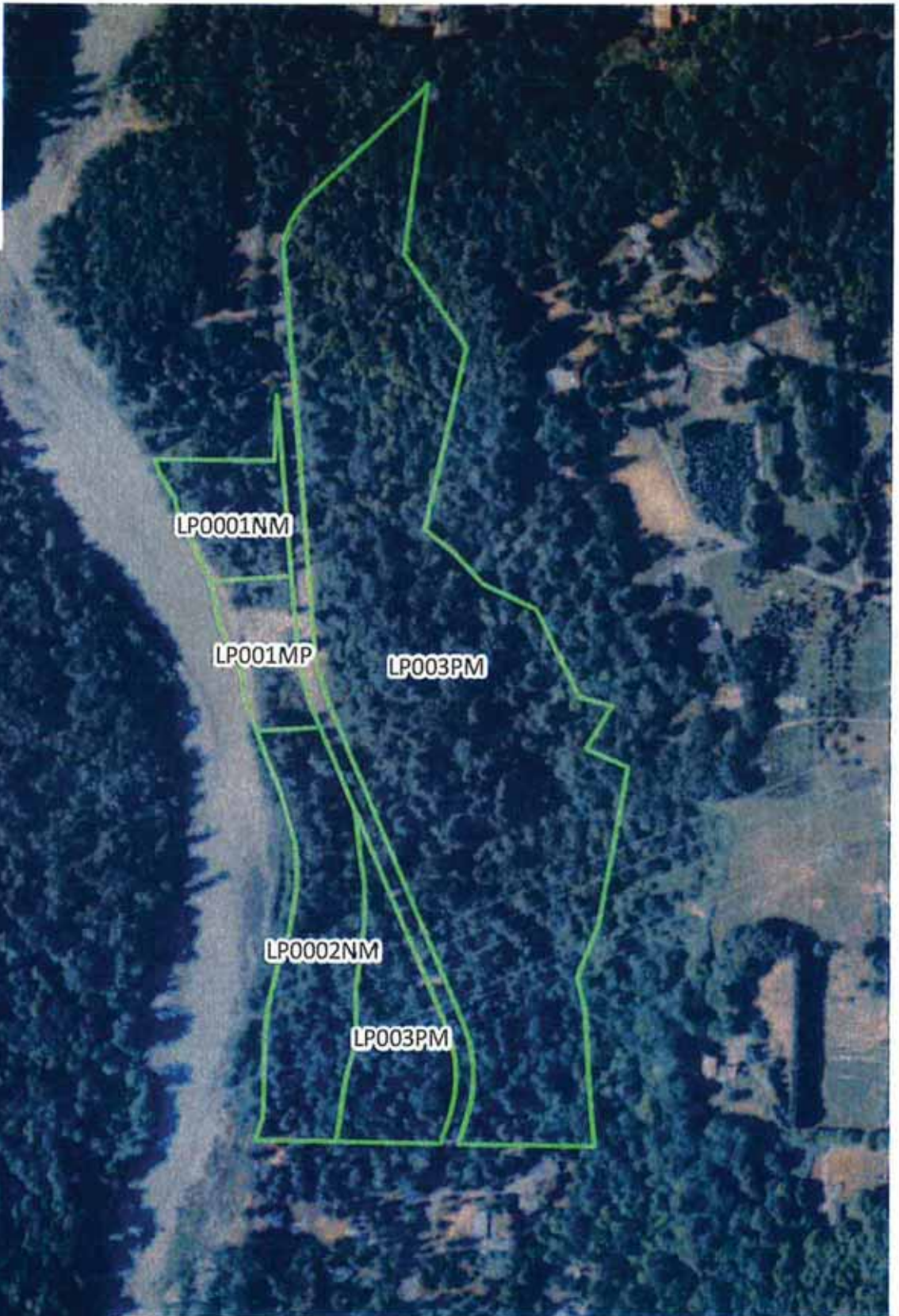
TOTAL ACRES: 15

 UNIT BOUNDARY




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STAND ID	ACRES
LP003PM	23.69
LP001NM	1.57
LP002NM	3.81
LP001MP	1.28



LATOURETTE PARK 2016

TOTAL ACRES: 36.5

 UNIT BOUNDARY




Forest Planning: Clackamas County Forestry Div. 2016. Prepared by: Samantha Wolf, Clackamas County
 Data Source: Clackamas County GIS, 2016; Clackamas County Forestry Div. 2016
 Forestry Div., Dec. 7, 2016. S:\GIS\BCS_COUNTY_PARKS\Projects\Latourette Park

STAND ID	ACRES
MW000MF	19.00
MW000MP	6.1
MW000PM	17.50



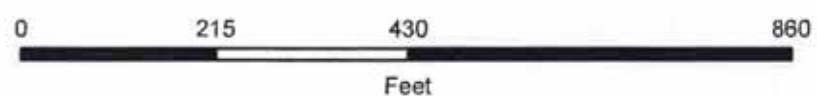
MADRONE WALL 2016

TOTAL ACRES: 42.6

 UNIT BOUNDARY



Clackamas County Forestry Division
 2016 Madrone Wall Unit Boundary
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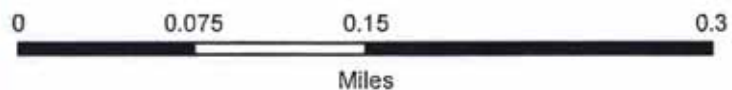
STAND ID	ACRES
MP001MF	30.01
MP000MP	35.36
MP000NM	16.94
MP000PM	49.13



METZLER PARK 2016

TOTAL ACRES: 131

 UNIT BOUNDARY

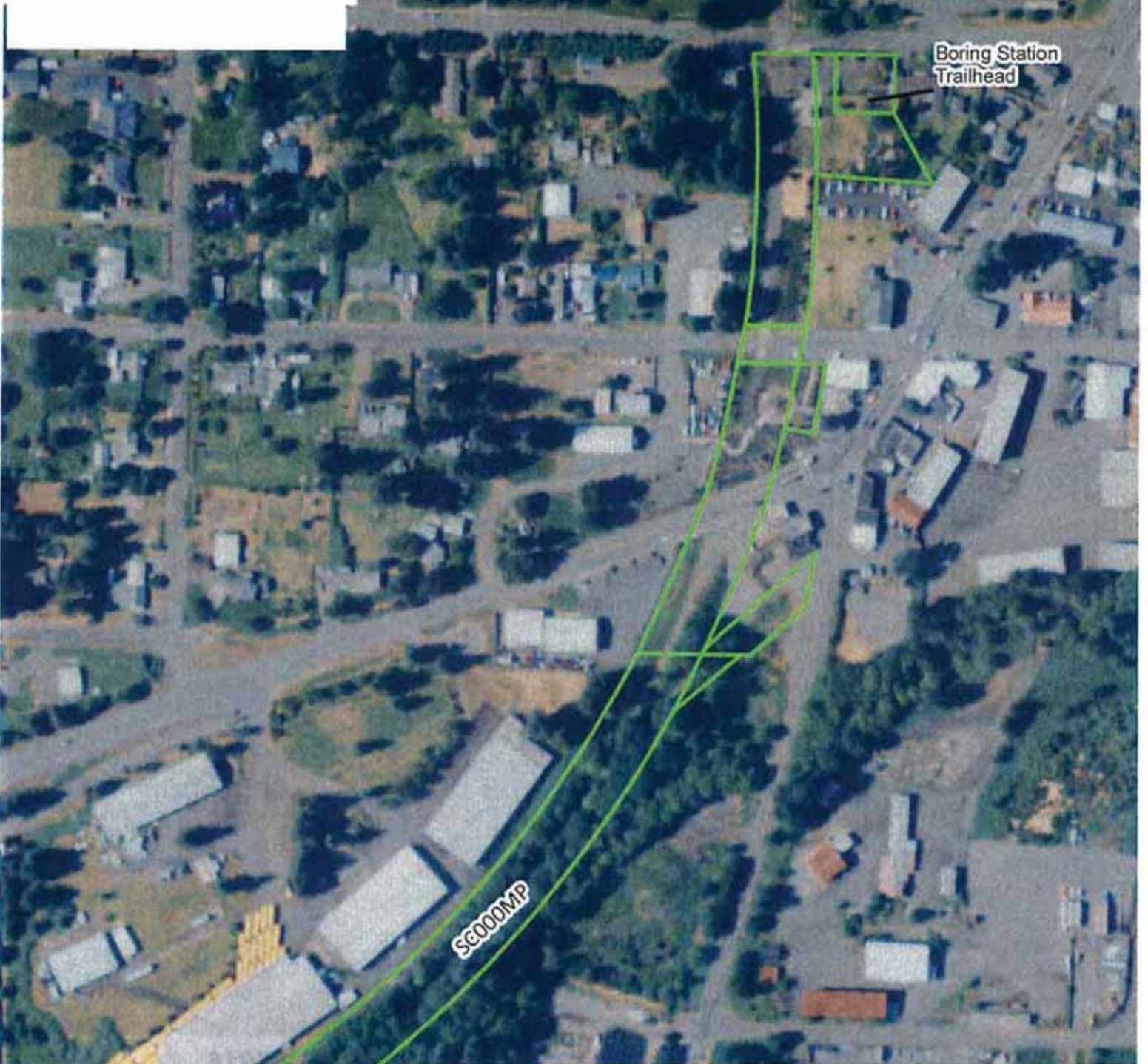


DEPARTMENT OF INFORMATION SERVICES / COORDINATE REGISTRATION SYSTEM
12/1/2016 10:07
08/28/2016 09:43:11 EST

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STAND ID	ACRES
SC00MP	3.40



SPRINGWATER CORRIDOR & TRAILHEAD 2016

TOTAL ACRES: 7

 UNIT BOUNDARY



Forest Planning: Clackamas County Forestry Div. 2016. Prepared by: Samantha Wolf, Clackamas County
 Data Source: Clackamas County GIS, 2016, Clackamas County Forestry Div. 2016
 Forestry Div., Dec. 5, 2016. S:\GIS\BCS_COUNTY_PARKS\Projects\Springwater Corridor



STONE CREEK GOLF COURSE 2016

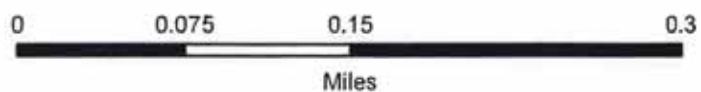
TOTAL ACRES: 165

 Taxlot Boundary



Statement of mapmaker, jurisdiction, and disclaimer of liability
PROJECT: 01/15/16 01/16

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STAND ID	ACRES
WW001MP	4.49
WW001NM	7.39
WW002NM	10.05



WAGON WHEEL PARK 2016

TOTAL ACRES: 22

 UNIT BOUNDARY



DEPARTMENT OF LAND MANAGEMENT SERVICES/CLACKAMAS FORESTRY DIVISION
300 JENKINS BLVD
CLACKAMAS, OR 97015

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Forest Planning: Clackamas County Forestry Div. 2016. Prepared by: Samantha Wolf, Clackamas County
 Data Source: Clackamas County GIS, 2016; Clackamas County Forestry Div. 2016
 Forestry Div., Dec. 7, 2016. S:\GIS\BCS_COUNTY_PARKS\Projects\Carver Park

STAND ID	ACRES
WS001MP	10.55
WS001NM	5.54



WILHOIT SPRINGS 2016

TOTAL ACRES: 16

 UNITY BOUNDARY



0 155 310 620



Feet

Forest Planning: Clackamas County Forestry Div. 2016. Prepared by: Samantha Wolf, Clackamas County Forestry Div., Dec. 5, 2016. S:\GIS\BCS_COUNTY_PARKS\Projects\Wilhoit Springs

STATEMENT OF WORK: WILHOIT SPRINGS 2016 FOREST PLAN
 PROJECT NO. 16-0001
 DATE: 12/5/2016

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CATEGORY

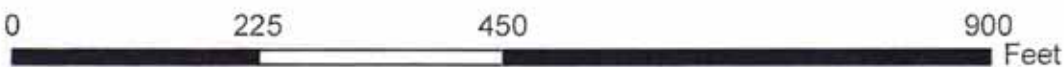
II



CEDAR FLAT UNIT 2016

UNIT ACRES: 10.43

 STAND BOUNDARY



STAND ID	ACRES
CF00100	6.78
CF00200	3.66
CF000RD	0
CF000SB	0

2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf						
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume
Cedar Flats	CF00010	70	6.80	9.12	58.32	26.48	31.83	-	-	-	-
	CF00020	70	3.66	27.57	94.87	24.17	60.03	7.13	3.53	-	-
				<u>10.46</u>		<u>153.19</u>	<u>50.65</u>	<u>91.86</u>	<u>7.13</u>	<u>3.53</u>	-

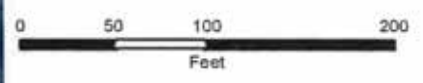
STAND ID	ACRES
HP00100	2.47
HP001NF	1.49
HP000RD	0
HP000SB	0



HOODLAND PARK 2016

TOTAL ACRES: 3.96

 UNIT BOUNDARY



CLACKAMAS COUNTY FORESTRY
11000 NE 10TH AVE, CLACKAMAS, OR 97015
503.261.1000
www.clackamascounty.gov/forestry

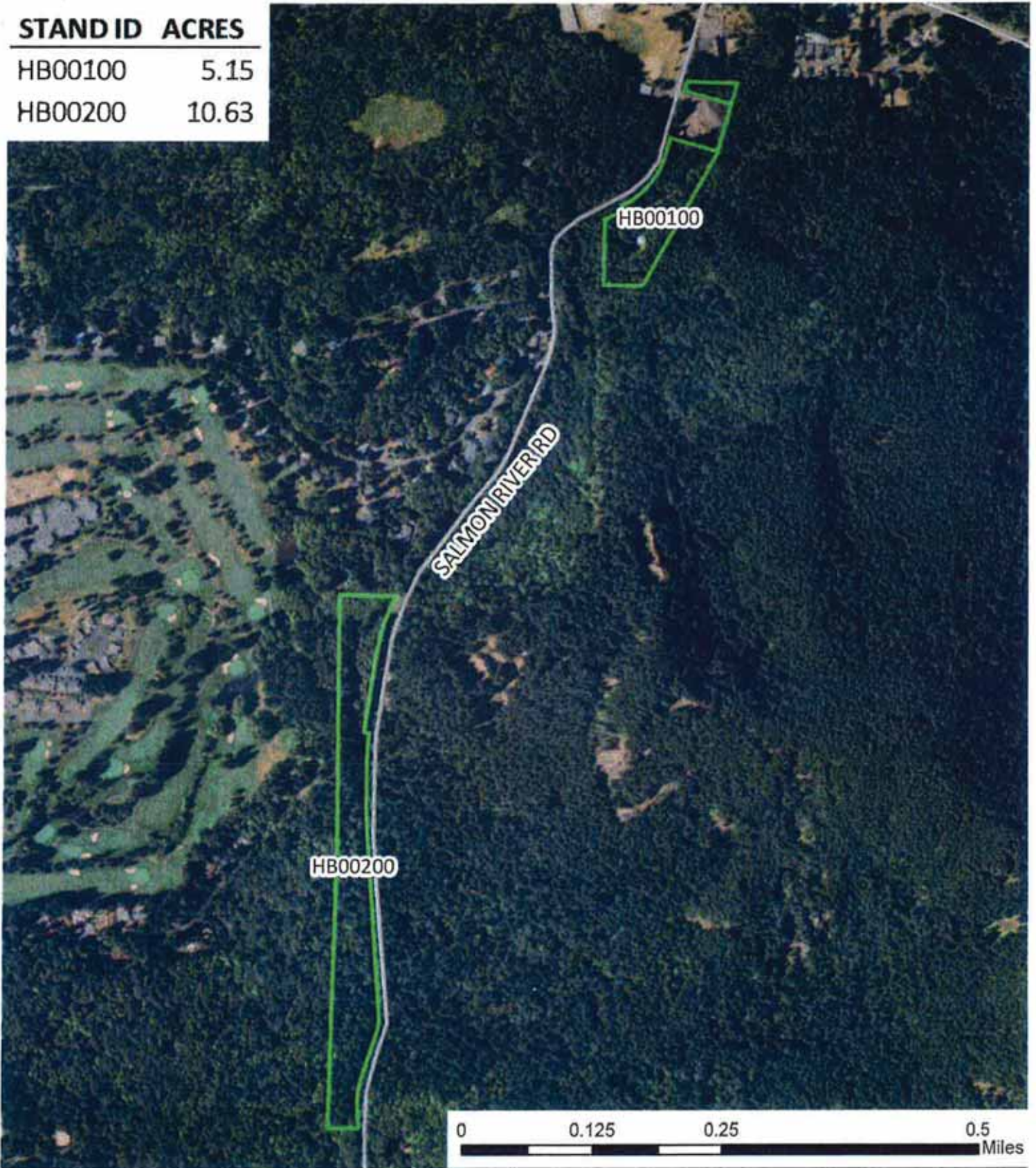
Forest Planning: Clackamas County Forestry, 2016
Map prepared by: Samantha Wolf, Clackamas County Forestry, Nov. 29, 2016
Data source: Clackamas County GIS, 2016; Clackamas County Forestry, 2016
S:\GIS\BCS_Forestry\Projects\Unit Projects\Hoodland Park

2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Area	Area
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume
Hoodland Park	HP00010	95	2.47	32.58	75.64	37.85	26.00	-	11.79		
	HP001NF		1.49								
			<u>3.96</u>		<u>75.64</u>	<u>37.85</u>	<u>26.00</u>	<u>-</u>	<u>11.79</u>	<u>-</u>	<u>-</u>

STAND ID ACRES

HB00100	5.15
HB00200	10.63



HUNCHBACK UNIT 2016

TOTAL ACRES: 15.8

 UNIT BOUNDARY  SCENIC ROAD




2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible					WL Area Volume	SB Area Volume
					mbf Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume		
Hunchback Leftovers	HL00010	95	5.15	33.54	162.37	94.74	23.03	29.77	14.84		
	HL00020	95	10.63	43.79	437.60	297.98	47.54	61.44	30.64		
			<u>15.78</u>		<u>599.97</u>	<u>392.72</u>	<u>70.58</u>	<u>91.21</u>	<u>45.48</u>	-	-

STAND ID	ACRES
SC00100	42
SC000RD	0
SC000SB	0

SANDY CLIFFS

TOTAL ACRES: 42

 UNIT BOUNDARY



CLACKAMAS COUNTY FORESTRY
DIVISION OF FORESTRY, WILDLIFE, AND PUBLIC UTILITIES
1000 NE Oregon Street, Portland, OR 97232
503.988.3000
www.clackamas.gov

Forest Planning: Clackamas County Forestry, 2016
Map prepared by: Samantha Wolf, Clackamas County Forestry, Nov. 29, 2016
Data source: Clackamas County GIS, 2016; Clackamas County Forestry, 2016
S:\GIS\BCS_Forestry\Projects\Unit Projects\Sandy Cliffs

2017 Clackamas County Inventory

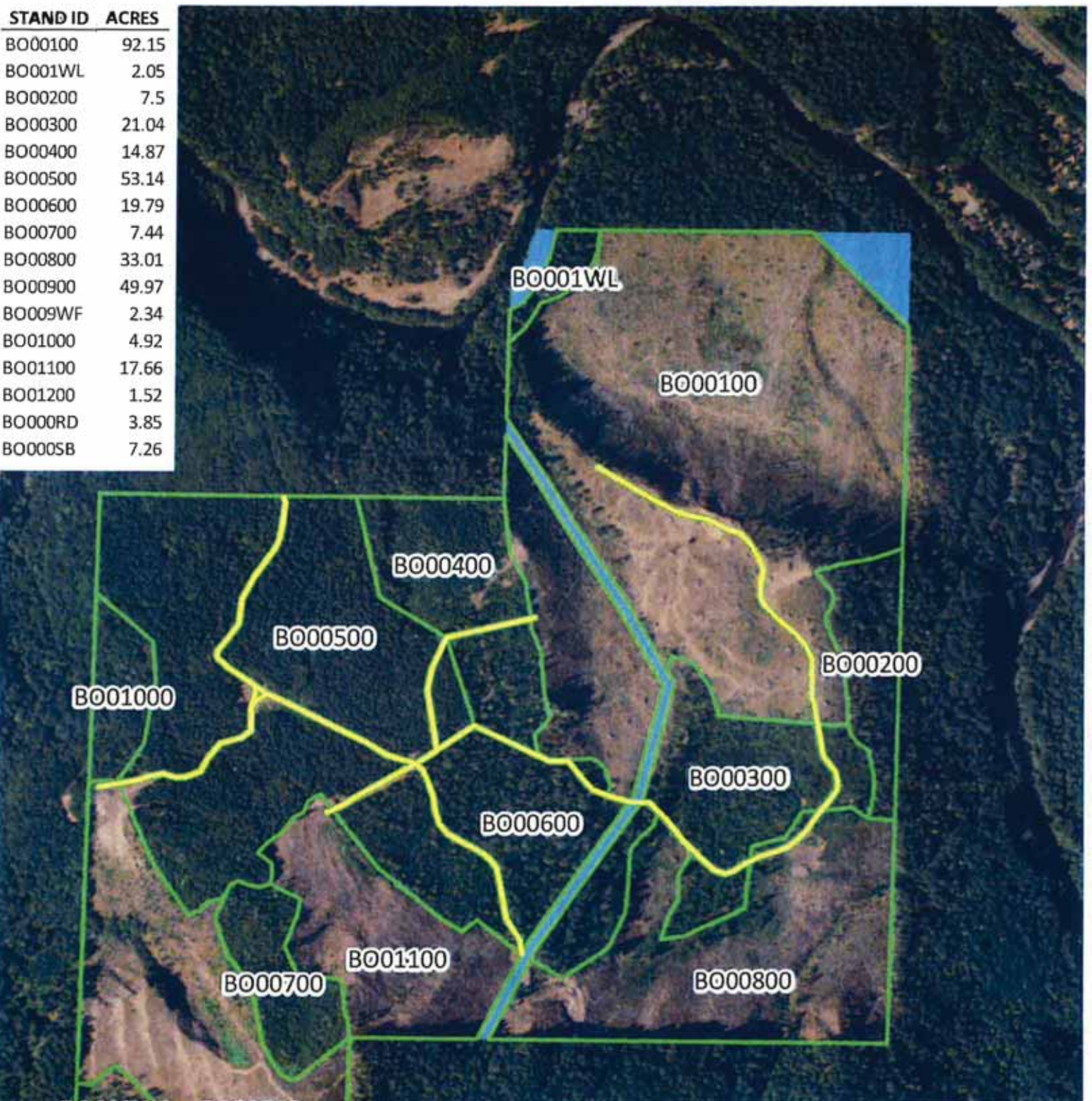
Tract	Stand	Age	Acres	mbf/Acre	Accessible mbf Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume	WL Area Volume	SB Area Volume
Sandy Cliffs	SC00010	65	46.50	12.25	535.40	35.49	13.11	85.54	401.26		

CATEGORY

III

STAND ID ACRES

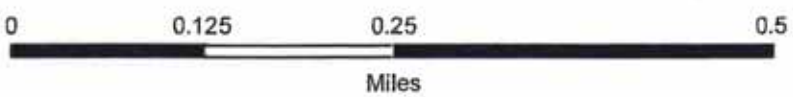
BO00100	92.15
BO001WL	2.05
BO00200	7.5
BO00300	21.04
BO00400	14.87
BO00500	53.14
BO00600	19.79
BO00700	7.44
BO00800	33.01
BO00900	49.97
BO009WF	2.34
BO01000	4.92
BO01100	17.66
BO01200	1.52
BO000RD	3.85
BO000SB	7.26



BOULDER UNIT 2016

TOTAL ACRES: 338.5

- STAND BOUNDARY
- ROADS
- STREAM BUFFER



Forest Planning: Clackamas County Forestry Div. 2016. Prepared by: Samantha Wolf, Clackamas County Forestry Div., Nov. 28, 2016. S:\GIS\BCS_Forestry\Projects\Unit Projects\Boulder



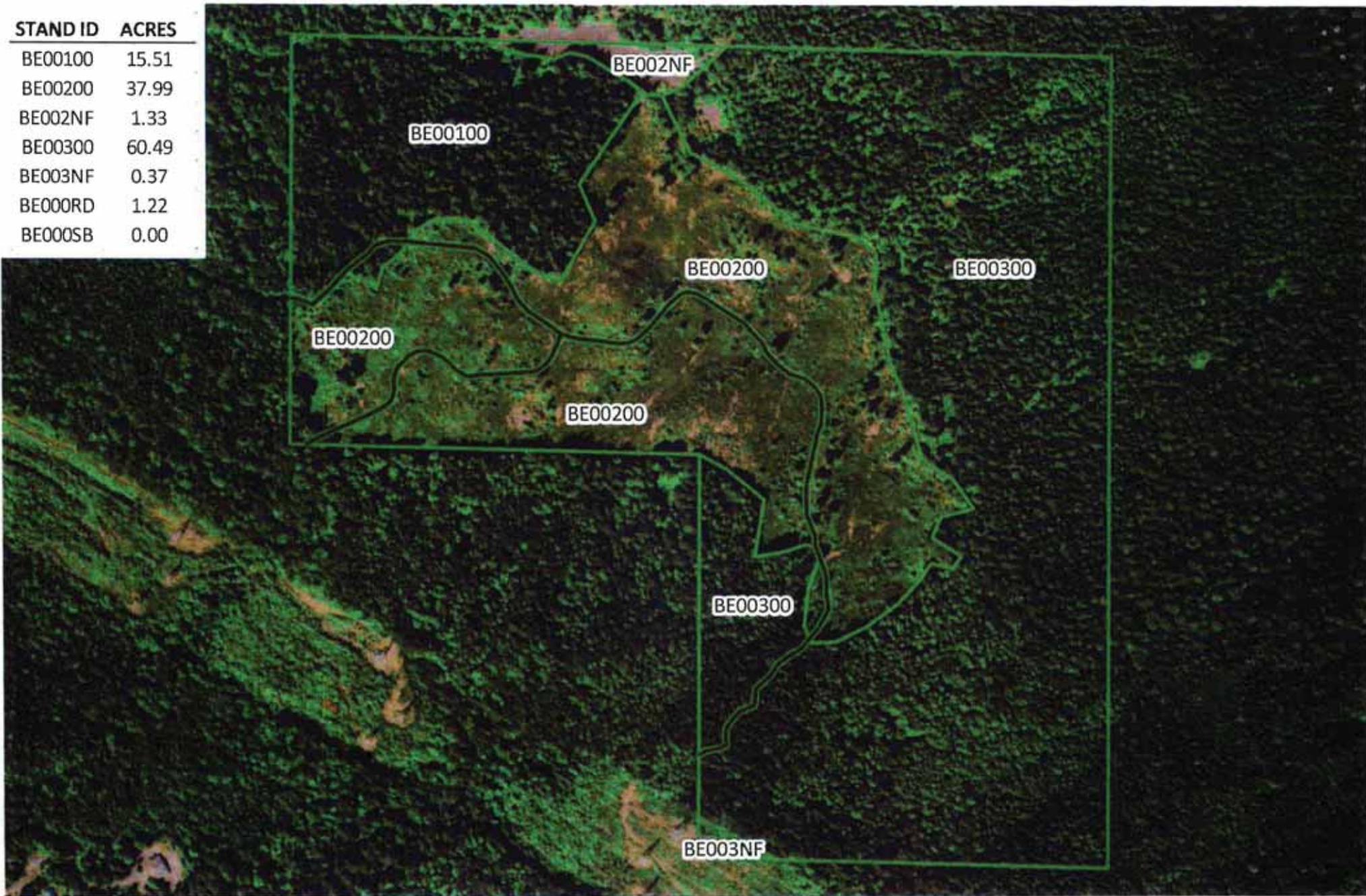
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2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible					WL Area Volume	SB Area Volume
					mbf Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume		
Boulder	BO00010	0	86.14	-	-	-	-	-	-		
	BO00020	90	11.11	17.69	184.69	137.15	1.26	1.21	45.07		
	BO00030	10	20.49	-	-	-	-	-	-		
	BO00040	10	13.41	-	-	-	-	-	-		
	BO00050	31	51.32	17.73	855.26	469.43	317.18	12.49	56.10		
	BO00060	10	19.65	-	-	-	-	-	-		
	BO00070	12	10.12	-	-	-	-	-	-		
	BO00080	0	32.99	-	-	-	-	-	-		
	BO00090	1	47.52	-	-	-	-	-	-		
	BO00100	75	4.76	23.99	107.33	-	96.92	10.46	-		
	BO00110	0	18.95	-	-	-	-	-	-		
	BO00120	12	1.40	-	-	-	-	-	-		
	BO001WL	90	6.80	38.00						242.90	
	BO009WL	100	2.83	50.00						133.01	
	BO000RD		3.83								
	BO000SB	95	7.20	30.00							203.04
			<u>338.52</u>		<u>1,147.28</u>	<u>606.58</u>	<u>415.36</u>	<u>24.17</u>	<u>101.18</u>	<u>375.91</u>	<u>203.04</u>

STAND ID	ACRES
BE00100	15.51
BE00200	37.99
BE002NF	1.33
BE00300	60.49
BE003NF	0.37
BE000RD	1.22
BE000SB	0.00



BRIGHTWOOD EAST UNIT 2016

STAND BOUNDARY

 ROADS



TOTAL ACRES: 116.9



Forest planning: Clackamas County Forest, 2016
 Prepared by: Samantha Wolf, Clackamas County Forestry, Sept. 27, 2016
 Data source: Clackamas County GIS, Clackamas County Forest 2016
 S:\GIS\BCS_Forestry\Projects\Unit Projects\Brightwood East\map images

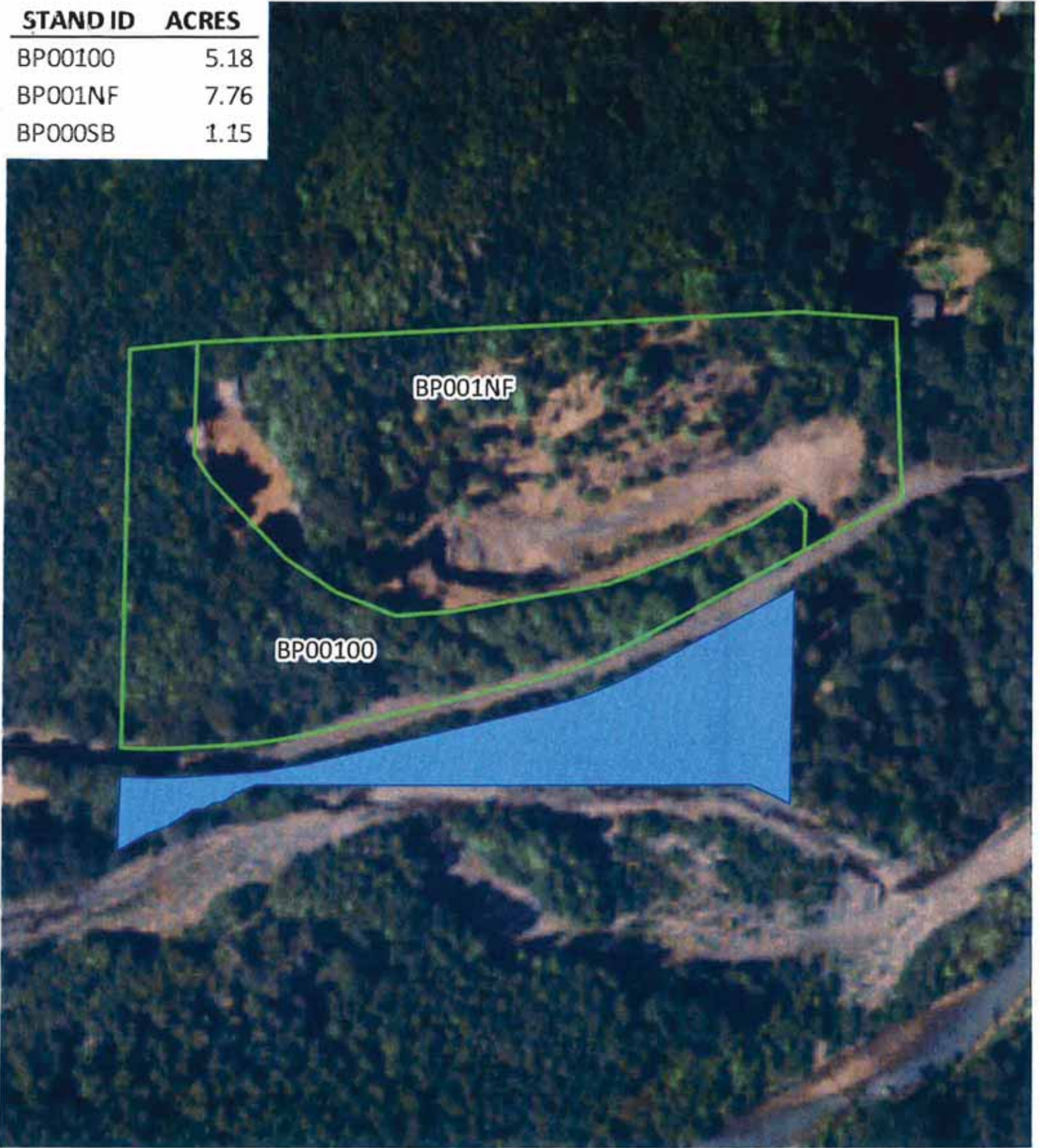


Aerial photography provided by Clackamas County Forestry. All other data provided by Clackamas County GIS.

2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Area	Area
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume
Brightwood East	BE00010	58	15.51	47.41	691.22	652.34	8.89	27.26	29.99		
	BE00020	6	37.99	-	-	-	-	-	-		
	BE00030	50	60.49	23.93	1,360.62	883.22	200.77	7.45	269.18		
	BE002NF		1.33	-							
	BE003NF		0.37	-							
	BE000RD		1.22	-							
			<u>116.91</u>		<u>2,051.84</u>	<u>1,535.56</u>	<u>209.67</u>	<u>34.71</u>	<u>299.17</u>	-	-

STAND ID	ACRES
BP00100	5.18
BP001NF	7.76
BP000SB	1.15



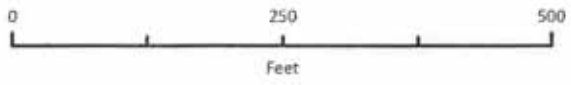
BRIGHTWOOD PIT UNIT 2016

TOTAL ACRES: 14.08

STAND BOUNDARY
 STREAM BUFFER



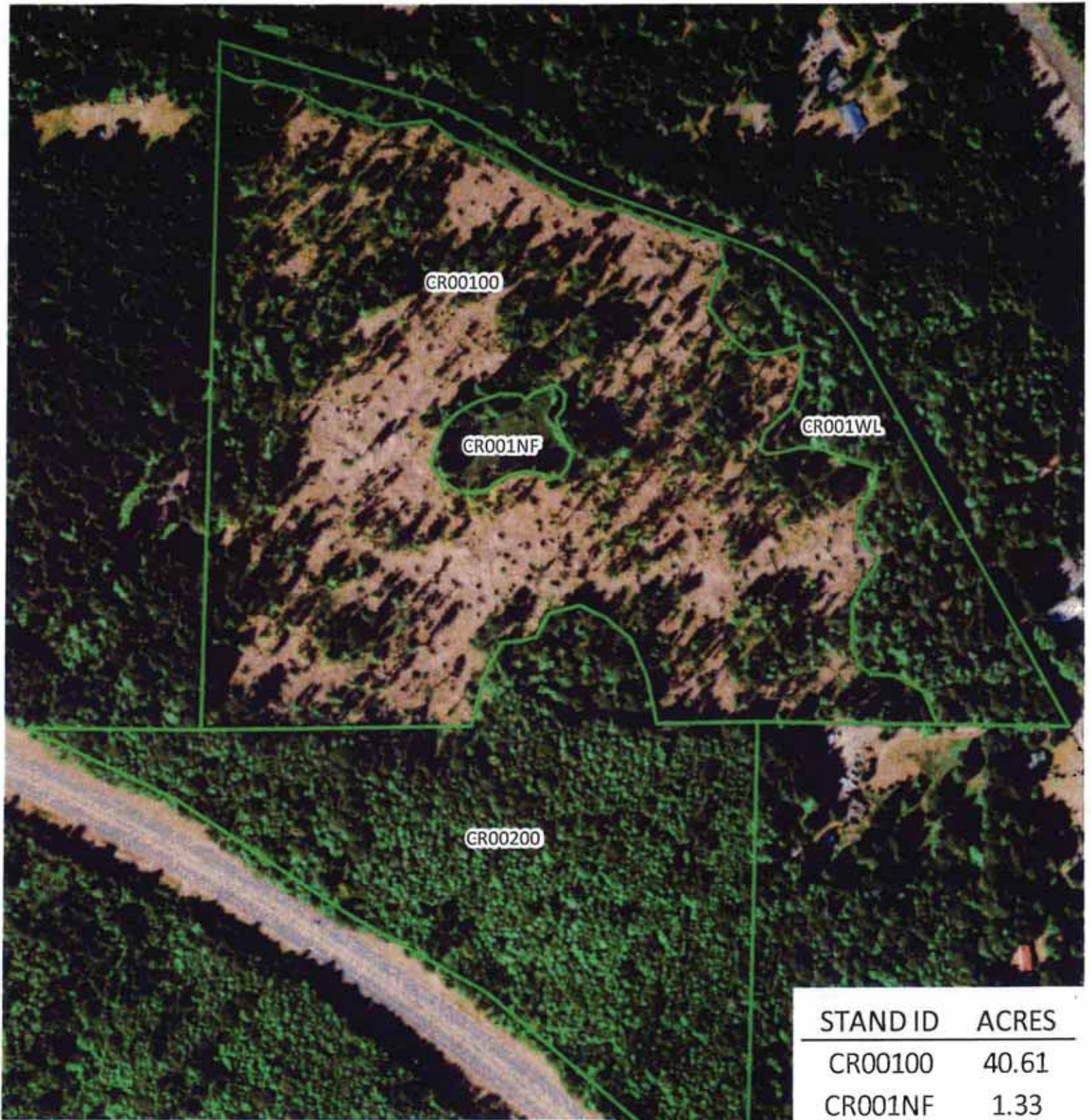
Forest Planning: Clackamas County Forestry Division, 2016
 Data Source: Clackamas County GIS, 2016; Clackamas County Forestry Division, 2016.
 Map prepared by: Samantha Woll, Clackamas County Forestry, Nov. 30, 2016.
 S:\GIS\BCS_Forestry\Projects\Unit Projects\Brightwood Pit



DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES
 CLACKAMAS COUNTY
 10000 NE CLACKAMAS AVENUE
 CLACKAMAS, OREGON 97141
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2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume	WL	SB
					mbf Stand Volume					Area Volume	Area Volume
Brightwood Pit	BP00010	27	5.18	3.96	19.27	-	-	-	-		
	BP000NF		7.76	-							
	BP000RD		-	-							
	BP000SB	57	1.15	27.51							29.74
			<u>14.09</u>		<u>19.27</u>	-	-	-	-	-	<u>29.74</u>



CEDAR RIDGE UNIT 2016

UNIT ACRES: 73.2

 STAND BOUNDARIES



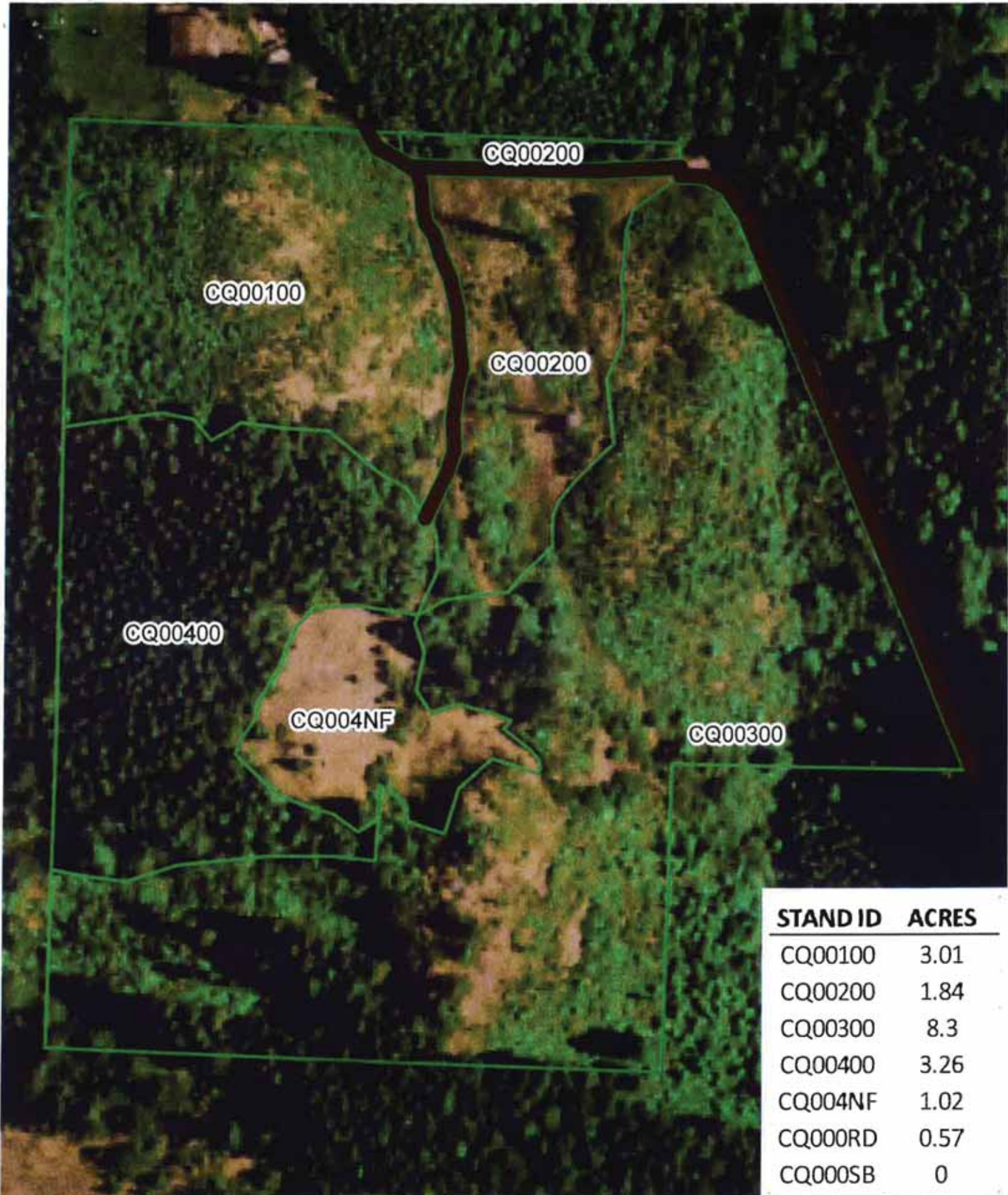
0 250 500 1,000
 Feet

STAND ID	ACRES
CR00100	40.61
CR001NF	1.33
CR001WL	8.62
CR00200	22.66
CR000RD	0
CR000SB	0



2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume	WL	SB
					mbf Stand Volume					Area Volume	Area Volume
Cedar Ridge	CR00010	2	40.61		-	-	-	-	-		
	CR00020	25	22.66	7.57	161.24	-	-	-	-		
	CR001NF		1.33		-						
	CR001WL	83	8.62	39.50						320.06	
	CR000RD		-								
			<u>73.22</u>		<u>161.24</u>	-	-	-	-	<u>320.06</u>	-

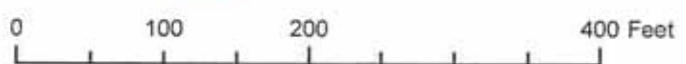


CLACKAMAS QUARRY UNIT 2016

~ ROADS □ STAND BOUNDARY



TOTAL ACRES: 18



Forest Planning: Clackamas County Forestry, 2016 Prepared by Samantha Wulf, Sep. 12, 2016
 Data Source: Clackamas County GIS (2014), Clackamas County Forestry (2016)
 S:\GIS\GIS_Forestry\Projects\Unit Projects\Clackamas_quarry\map images



2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Area	Area
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume
Clackamas Quarry	CQ00010	9	3.01	-	-	-	-	-	-	-	-
	CQ00020	9	1.84	-	-	-	-	-	-	-	-
	CQ00030	9	8.30	-	-	-	-	-	-	-	-
	CQ00040	25	3.26	8.72	26.72	26.72	-	-	-	-	-
	CQ002NF			1.02							
	CQ000RD			0.57							
			18.00		26.72	26.72	-	-	-	-	-

STAND ID ACRES

DG00100	3.2
DG00200	13.08
DG00300	13.09
DG00400	25.42
DG004WL	3.32
DG000RD	0.99
DG000SB	0



DHOOGHE STAND MAP 2016



-  GATES
-  ROADS
-  STAND BOUNDARY



TOTAL ACRES: 59.09

Forest planning: Clackamas County Foresry, 2016
 Map prepared by: Samantha Wolf, Clackamas County Forestry, Sept. 26, 2016
 S:\GIS\BCS_Forestry\Projects\Unit Projects\Dooghie



CLACKAMAS COUNTY

Department of Forestry and Watershed Management
 1000 NE Oregon Street
 Astoria, OR 97103
 Phone: 503.325.3800
 Fax: 503.325.3801
 Website: www.clackamascounty.gov

2017 Clackamas County Inventory




Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Area	Area
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume
Dooghie	DG00010	65	3.20	18.99	57.12	53.76	-	-	3.36		
	DG00020	1	13.08	-	-	-	-	-	-		
	DG00030	35	13.09	5.43	66.83	49.40	5.18	3.05	9.19		
	DG00040	1	25.42	-	-	-	-	-	-		
	DG004WL	65	3.32	18.99						59.26	
	DG000RD			0.99	-						
			<u>59.10</u>		<u>123.95</u>	<u>103.16</u>	<u>5.18</u>	<u>3.05</u>	<u>12.55</u>	<u>59.26</u>	<u>-</u>

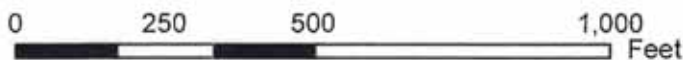
STAND ID	ACRES
EW00100	28.68
EW00200	4.37
EW00300	36.07
EW003NF	0.53
EW00400	4.01
EW000RD	1.07
EW000SB	4.39



ELWOOD UNIT 2016

TOTAL ACRES: 79.1

-  STAND BOUNDARY
-  STREAM BUFFER
-  ROADS



Geographic Information Systems

DEPARTMENT OF INFORMATION SERVICES/GEOGRAPHIC INFORMATION SYSTEMS
12TH LIBRARY COURT
OREGON CITY, OREGON 97049

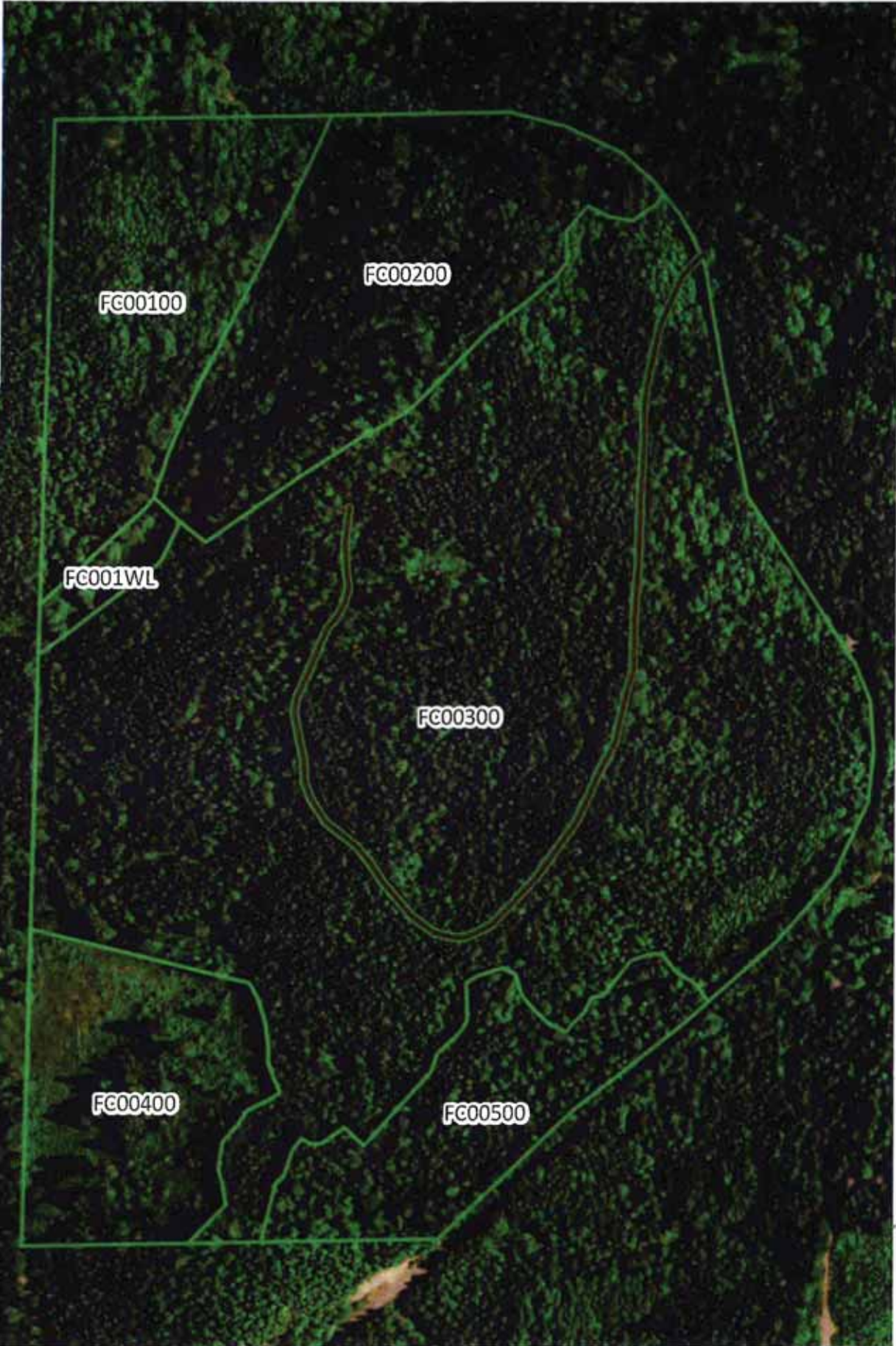


2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Area	Area
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume
Elwood Quarry	EQ00010	54	28.68	11.23	302.86	166.31	-	44.91	91.63		
	EQ00020	14	4.37	-	-	-	-	-	-		
	EQ00030	2	36.07		-	-	-	-	-		
	EQ00040	14	4.01		-	-	-	-	-		
	EQ003WL										
	EQ003NF	0	0.53								
	EQ000RD	0	1.07								
	EQ000SB	55	4.39	24.30							100.28
			<u>79.12</u>		<u>302.86</u>	<u>166.31</u>	<u>-</u>	<u>44.91</u>	<u>91.63</u>	<u>-</u>	<u>100.28</u>

STAND ID ACRES

FC00100	9.92
FC001WL	0.97
FC00200	12.88
FC00300	58.78
FC00400	7.83
FC00500	6.62
FC000RD	0.82
FC000SB	0.00



FAMILY CAMP UNIT 2016



TOTAL ACRES: 97.8

~ ROADS □ STAND BOUNDARY



Forest Planning: Clackamas County Forestry, 2016
 Map prepared by: Samantha Wolf, Clackamas County Forestry, Sept. 27, 2016
 Data Sources: Clackamas County GIS (2014); Clackamas County Forestry (2016)
 S:\GIS\BCS_Forestry\Projects\Unit Projects\Family Camp\map images

CLACKAMAS COUNTY

DEPARTMENT OF FORESTRY AND WILDLIFE MANAGEMENT
 100 MARKET STREET
 BETHLEHEM, OR 97140

The information on this map was developed by Clackamas County Forestry. It is provided for informational purposes only and does not constitute a warranty of accuracy, reliability, or completeness. Users should verify the information on this map with the appropriate authorities. Clackamas County Forestry is not responsible for any errors or omissions on this map. Clackamas County Forestry is not responsible for any damages or losses resulting from the use of this map.

2017 Clackamas County Inventory



Tract	Stand	Age	Acres	mbf/Acre	Accessible					WL Area Volume	SB Area Volume
					mbf Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume		
Family Camp	FC00010	33	9.92	17.17	160.11	75.06	3.79	-	81.27		
	FC00020	41	12.88	30.77	372.50	300.60	30.24	-	41.67		
	FC00030	33	58.78	5.10	281.85	263.89	-	-	17.96		
	FC00040	5	7.83	-	-	-	-	-	-		
	FC00050	41	6.62	19.84	123.44	123.44	-	-	-		
	FC001WL	33	0.97	9.54						8.70	
	FC000RD			0.82	-						
			<u>97.82</u>		<u>937.89</u>	<u>762.98</u>	<u>34.03</u>	<u>-</u>	<u>140.90</u>	<u>8.70</u>	<u>-</u>

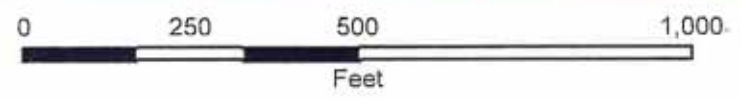
STAND ID	ACRES
FQ00100	16.59
FQ001NF	3.19
FQ00200	15.18
FQ002NF	2.25
FQ00300	8.04
FQ003NF	12.18
FQ00400	6.68
FQ00500	4.05
FQ000RD	0.76
FQ000SB	0



FERNWOOD QUARRY STAND MAP

TOTAL ACRES: 68.9

 STAND BOUNDARY
 ROADS




CLACKAMAS COUNTY
OFFICE OF FORESTRY & WILDLIFE MANAGEMENT
1000 NE CLACKAMAS AVENUE, SEASIDE, OR 97138
PHONE: (503) 325-2200 FAX: (503) 325-2201
WWW.CLACKAMASCOUNTY.ORG

Forest Planning: Clackamas County Forestry, 2016 Prepared by Samantha Wolf, Nov. 17, 2016
 Data Source: Clackamas County GIS, 2016. S:\GIS\BC5_Forestry\Projects\Unit Projects\Fernwood Quarry

2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible					WL Area Volume	SB Area Volume
					mbf Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume		
Fernwood Quarry	FQ00010	14	16.72	-	-	-	-	-	-	-	-
	FQ00020	42	15.33	12.27	176.74	176.74	-	-	-	-	-
	FQ00030	42	8.04	18.33	138.49	133.71	-	2.35	2.43	-	-
	FQ00040	0	6.68	-	-	-	-	-	-	-	-
	FQ00050	42	4.28	8.50	34.20	25.15	-	-	9.05	-	-
	FQ001NF	0	3.19	-	-	-	-	-	-	-	-
	FQ002NF		2.29	-	-	-	-	-	-	-	-
	FQ003NF		12.38	-	-	-	-	-	-	-	-
	FQ000RD		0.76	-	-	-	-	-	-	-	-
				<u>69.67</u>		<u>349.43</u>	<u>335.60</u>	-	<u>2.35</u>	<u>11.49</u>	-

STAND ID	ACRES
HB00100	15.54
HB00200	15.01
HB00300	24.87
HB00400	1.89
HB00500	34.98
HB005NF	0.82
HB00600	11.71
HB00700	9.22
HB00800	7.25
HB00900	38.09
HB01000	1.74
HB01100	18.69
HB01200	9.73
HB01300	11.15
HB000RD	2.46
HB000SB	4.99



HILLOCK BURN UNIT 2016



TOTAL ACRES: 208.1

- UNIT BOUNDARY
- STREAM BUFFER
- ROADS



Forest Planning: Clackamas County Forestry, 2016
 Map prepared by: Samantha Wolf, Clackamas Forestry Dept. Nov. 29, 2016.
 Data Source: Clackamas County GIS, 2016; Clackamas County Forestry, 2016.
 S:\GIS\BCS_Forestry\Projects\Unit Projects\Hillock Burn

DEPARTMENT OF INFORMATION TECHNOLOGY & COMMUNICATIONS
 CLACKAMAS COUNTY
 GREGG CITY, OREGON 97103

The information on this map was derived from the Clackamas County Geographic Information System. Clackamas County is not responsible for any errors, omissions, or inaccuracies in the data used to create this map. The user assumes all responsibility for the use of the information on this map. Clackamas County is not responsible for any errors, omissions, or inaccuracies in the data used to create this map.

2017 Clackamas County Inventory

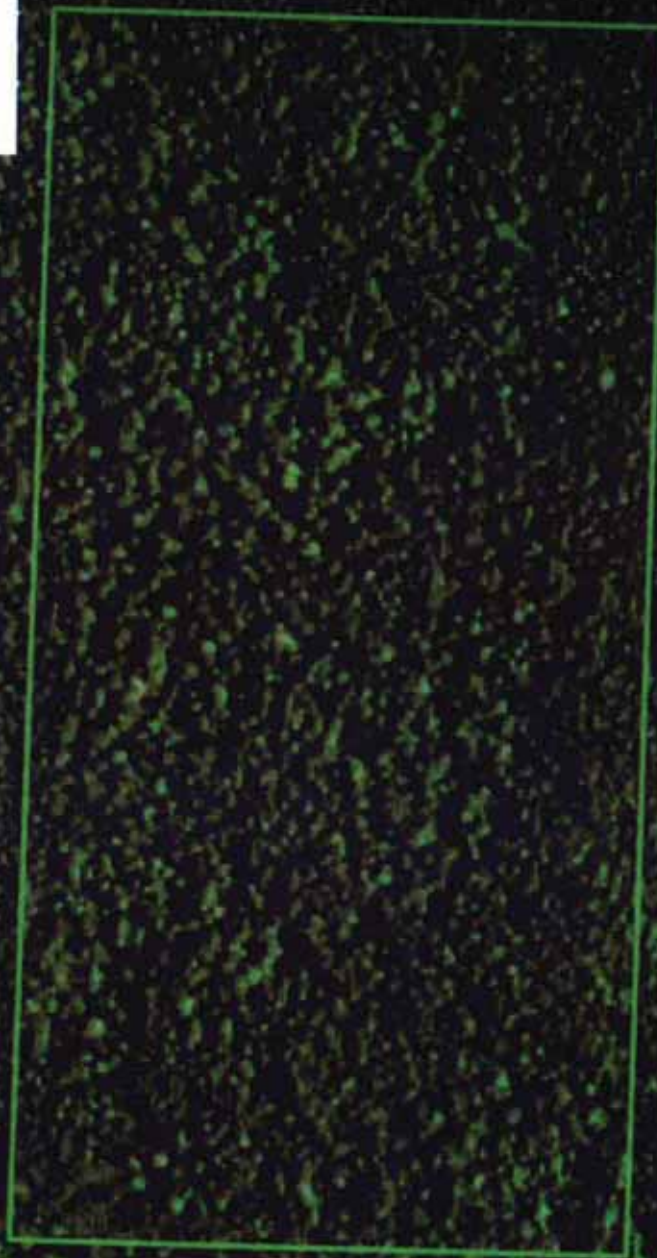
Tract	Stand	Age	Acres	mbf/Acre	Accessible					WL	SB	
					Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume	Area Volume	Area Volume	
Hillock Burn	HB00010	22	15.54	2.97	43.40	28.69	11.22	-	3.49			
	HB00020	54	15.01	8.44	119.04	36.06	54.63	21.90	6.45			
	HB00030	29	24.87	8.19	191.37	108.92	71.93	9.26	1.26			
	HB00040	59	1.89	54.98	97.68	21.05	64.43	12.19	-			
	HB00050	25	34.99	6.56	215.76	163.93	44.90	-	6.94			
	HB00060	27	11.71	24.09	265.20	115.35	143.00	-	6.86			
	HB00070	27	9.22	19.95	172.86	118.76	42.81	-	11.28			
	HB00080	25	7.25	7.66	52.22	41.74	9.86	-	0.62			
	HB00090	25	38.09	4.27	152.78	67.74	78.66	2.33	4.08			
	HB00100	79	1.74	58.95	96.41	66.55	29.86	-	-			
	HB00110	13	18.69	-	-	-	-	-	-			
	HB00120	81	9.73	24.07	220.18	42.25	119.50	-	58.43			
	HB00130	27	11.15	8.18	85.75	77.53	3.26	-	4.96			
	HB005NF			0.82	-							
	HB000RD			2.46	-							
	HB000SB	81	4.99	34.52								161.92
				<u>208.15</u>		<u>1,712.64</u>	<u>888.56</u>	<u>674.06</u>	<u>45.68</u>	<u>104.37</u>	-	<u>161.92</u>

STAND ID	ACRES
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HP00100	20.2
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HP000RD	0
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HP000SB	0
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HOOPES UNIT 2016

UNIT ACRES: 20.2

 STAND BOUNDARIES



0 200 400 800 Feet

A horizontal scale bar with markings at 0, 200, 400, and 800 feet.



2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible mbf Stand Volume	Douglas-fir Stand Volume	White Wood Stand Volume	Red Cedar Stand Volume	Hardwood Stand Volume	WL Area Volume	SB Area Volume
Hoopes	HO00010	31	20.20	11.50	218.29	200.49	17.79	-	-		

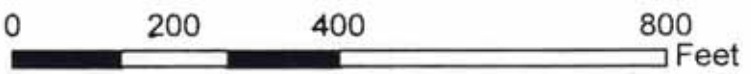
STAND ID **ACRES**

ST00100	19.51
ST001NF	3.85
ST000RD	0
ST000SB	0.6



 STAND BOUNDARIES
 STREAM

SANDY TRANSFER TOTAL ACRES: 23.96



Forest Planning: Clackamas County Forestry, 2016 Prepared by Samantha Wolf, Oct. 11, 2016
Data Source: Clackamas County GIS, 2016
S:\GIS\BCS_Forestry\Projects\Unit Projects\Sandy Transfer



2017 Clackamas County Inventory

Tract	Stand	Age	Acres	mbf/Acre	Accessible	Douglas-fir	White Wood	Red Cedar	Hardwood	WL	SB
					mbf	Stand Volume	Stand Volume	Stand Volume	Stand Volume	Area	Area
					Stand Volume	Stand Volume	Stand Volume	Stand Volume	Volume	Volume	Volume
Sandy Transfer	ST00010	65	19.51	34.42	631.17	233.53	69.76	105.95	221.94		
	ST001NF		3.85	-							
	ST000SB	65	0.64	15.00							9.02
					<u>631.17</u>	<u>233.53</u>	<u>69.76</u>	<u>105.95</u>	<u>221.94</u>	<u>-</u>	<u>9.02</u>



WC00420	68	34.59	45.14	1,467.81	859.95	369.07	327.29	26.21		
WC00430	12	21.09	-	-	-	-	-	-		
WC00440	30	32.05	5.91	177.99	157.05	20.94	-	-		
WC00450	12	10.59	-	-	-	-	-	-		
WC00460	12	43.50	-	-	-	-	-	-		
WC00470	8	49.53	-	-	-	-	-	-		
WC00480	66	9.64	27.48	249.03	24.58	197.86	10.24	17.26		
WC00490	12	4.81	-	-	-	-	-	-		
WC00500	13	35.89	-	-	-	-	-	-		
WC00510	12	16.93	-	-	-	-	-	-		
WC00520	34	42.16	15.52	615.22	157.53	448.58	3.29	5.83		
WC00530	2	26.36	-	-	-	-	-	-		
WC00540	78	3.14	41.92	123.72	28.43	91.17	4.11	-		
WCO0550	14	7.53	-	-	-	-	-	-		
WCO0560	23	97.96	3.08	283.71	178.64	101.20	26.70	1.38		
WCO0570	14	41.55	-	-	-	-	-	-		
WCO0580	7	45.89	-	-	-	-	-	-		
WCO0590	22	23.93	2.77	62.38	51.47	7.11	3.80	-		
WCO0600	1	47.21	-	-	-	-	-	-		
WCO0610	3	22.96	-	-	-	-	-	-		
WCO0620	12	102.75	-	-	-	-	-	-		
WC002WL	65	2.51	38.50						90.84	
WC003WL	65	1.42	29.90						39.91	
WC020WL	74	1.94	42.92						78.27	
WC026WL	74	0.51	25.30						12.13	
WC027WL	67	0.80	31.45						23.65	
WC040WL	72	3.54	36.80						122.46	
WC045WL	68	1.49	35.14						49.22	
WC046WL	68	5.85	31.23						171.73	
WC000RD		25.54	-							
WC000SB	75	98.00	29.20						2,689.90	
		<u>4,294.73</u>		<u>37,031.15</u>	<u>24,083.74</u>	<u>9,340.17</u>	<u>1,488.83</u>	<u>2,161.17</u>	<u>2,116.06</u>	<u>3,697.90</u>



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 3, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of an Outfall Easement Related to Storm Water Facilities
Located on Development Agency Property**

Purpose/Outcomes	This easement allows storm water from adjacent properties to be discharged through an outfall structure located on Development Agency property
Dollar Amount and Fiscal Impact	This easement is provided at no cost
Funding Source	Not applicable
Duration	The easement will remain in perpetuity
Previous Board Action	The Board of County Commissioners previously approved the contract for construction of the storm water facilities
Strategic Plan Alignment	Build a strong infrastructure
Contact Person	David Queener, Program Supervisor, Clackamas County Development Agency – (503) 742-4322

BACKGROUND

To facilitate future development of parcels included in the Clackamas Industrial Area Opportunity (CIAO) site, the Development Agency constructed storm water facilities on a portion of Agency property that included pipe lines, catch basins, treatment ponds and an outfall structure.

There are four parcels related to the CIAO property and three will be redeveloped in the near future. The fourth parcel in which the outfall structure is located, will remain in Agency ownership. An easement over the outfall structure needs to be provided to allow the development parcels use and access to the structure.

County Counsel has reviewed and approved this easement.

RECOMMENDATION:

Staff respectfully recommends that the Board, as the governing body of the Clackamas County Development Agency, move by consent to:

- Approve the outfall easement
- Record the easement in the Deed Records of Clackamas County at no cost to the Development Agency

Respectfully submitted,

David Queener
Development Agency Program Supervisor

**AFTER RECORDING
RETURN TO:**

Nathan Boderman
Assistant County Counsel, Clackamas County
2051 Kaen Road, 2nd Floor
Oregon City, Oregon 97045

DECLARATION OF OUTFALL EASEMENT

This Declaration of Outfall Easement (this "**Agreement**") is executed as of _____, 2018, by **CLACKAMAS COUNTY DEVELOPMENT AGENCY**, the Urban Renewal Agency of Clackamas County, a corporate body politic ("**Agency**"), with respect to the following recitals:

BACKGROUND

A. Agency owns certain real property situated in Clackamas County, Oregon legally described in the attached Exhibit A (the "**West Parcel**"), Exhibit B (the "**Center Parcel**"), Exhibit C (the "**East Parcel**"), and Exhibit D (the "**South Parcel**") (collectively, the "**Property**"). Each parcel of the Property is referred to herein as a "**Parcel**" and collectively as "**Parcels**." The West Parcel, Center Parcel and East Parcel are collectively referred to herein as the "**Development Parcels**." The owner of each Parcel is referred to herein as an "**Owner**."

B. To facilitate the future sale and development of each of the Development Parcels, Agency constructed certain storm water facilities and related improvements on a portion of the Property including without limitation pipe lines, catch basins, treatment ponds and outfall (all such storm water lines, facilities and improvements are collectively referred to herein as the "**Storm Facilities**"), all of which are generally located as shown on the attached Exhibit E.

C. The Agency desires to create an easement covering the portion of the Storm Facilities located on the South Parcel for the use and benefit of the Development Parcels, on and subject to the terms and conditions of this Agreement. The area of the South Parcel containing such portion of the Storm Facilities is legally described on Exhibit F and depicted on Exhibit G (the “**Easement Area**”).

D. The Agency intends to subject the Property to the easements, covenants, conditions, restrictions and provisions set forth in this Agreement for the benefit of the Property and the subsequent owners of all or part of the Property, as provided herein.

TERMS AND PROVISIONS

1. **Declaration.** The Agency hereby declares that the Property and every part thereof is and shall be held, owned, hypothecated, encumbered, sold, leased, occupied, improved, used, transferred and conveyed subject to all of the easements, covenants, conditions, restrictions and provisions set forth in this Agreement, each of which shall run with the Property and every part thereof and shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and all heirs, successors and assigns of such parties, and shall inure to the benefit of and run in favor of all parties having or acquiring any right, title or interest in the Property or any part thereof, and all heirs, successors and assigns of such parties.

2. **Storm Outfall Easement.** Agency hereby creates and grants for the benefit of each Owner of the Development Parcels, a perpetual non-exclusive easement (the “**Easement**”) in, on, over, under, across and through the Easement Area for the purpose of improving, inspecting, monitoring, maintaining, repairing, replacing, altering, operating and using the Storm Facilities located on the South Parcel for the conveyance of storm and other water originating from or passing through the Development Parcels, subject to the terms and conditions of this Agreement. In addition, the Easement includes the perpetual right of all such water discharged from the outfall at the end of the Storm Facilities on the South Parcel to continue thereafter to naturally flow in, on, over, under, across and through the South Parcel.

3. **Use.** The Owner of the South Parcel will have the right to use the Easement Area for all lawful purposes consistent with this Agreement; provided that such Owner will not use, or permit to be used, the Easement Area in any manner that would materially interfere with the Easement and other rights granted hereunder to the Owners of the Development Parcels. Each Owner of a Development Parcel will have the right (at its cost) to cut and remove any vegetation that may interfere with such Owner’s rights under this Agreement. The Owner of the South Parcel may not construct or maintain a building in any part of the Easement Area.

4. **Storm Water Management.**

4.1 Storm Water Management. Each Owner, at its expense, will manage all water associated with the Parcel owned by it prior to discharge into the Storm Facilities as required by all applicable Environmental Laws (defined below), industrial storm water permit(s) (if applicable), and any applicable requirements of the Oregon Department of Environmental Quality and any other federal, state or local agency with jurisdiction (including, for example, Clackamas County Water Environment Services) (collectively, the “**Legal Requirements**”).

Neither Agency nor any Owner shall discharge storm or other water (including without limitation wash water and industrial waste water) into or through any of the Storm Facilities except in strict compliance with all applicable Legal Requirements. Each Owner and its employees, agents, contractors, successors and assigns shall conduct all its activities pursuant to this Agreement in accordance with all Legal Requirements, and in a manner that does not result in any flooding at or other damage to a Parcel, nor results in a Hazardous Substance Release (defined below) in, on or about the Property or any part thereof (including the Storm Facilities) or to any other areas.

4.2 Definitions. For purposes of this Agreement:

(i) **"Environmental Laws"** shall mean any and all federal, State of Oregon, regional and local laws, regulations, rules, permit terms, codes, ordinances, orders of any governmental agency, and legally enforceable guidance documents, now or hereafter in effect, as the same may be amended from time to time, and applicable decisional law (including common or case law), which govern materials, substances, regulated wastes, emissions, pollutants, contaminants, petroleum or petroleum products, water, storm water, ground water, wellfield and wellhead protection, cultural resources protection, animals or plants, noise, or products and relate to the protection of health, safety, the environment, or natural resources including land, sediments, water, storm water and ground water.

(ii) **"Hazardous Substance"** shall mean any and all substances, contaminants, pollutants, materials, or products defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes or materials or any other similar term in or under any applicable Environmental Law. Hazardous Substance shall also include, but not be limited to, fuels, petroleum and petroleum derived products, biofuels derived on whole or part from plant oils and any other corrosive, reactive, ignitable or toxic substance, regardless of whether it is designated as hazardous under any Environmental Law.

(iii) **"Hazardous Substance Release"** shall mean the spilling, discharge, deposit, injection, dumping, emitting, releasing, leaking, placing, migrating, leaching and seeping of any Hazardous Substance into the air or into or on any land, sediment or waters, including but not limited to a release in an improvement, except as explicitly authorized by Environmental Laws, including without limitation a current and valid permit under applicable Environmental Laws with which the applicable Owner is in compliance at the time of such release.

5. Maintenance and Repair. As owner of the East Parcel and the Storm Facilities, the Owner of the East Parcel shall perform all alterations, improvements, repairs, replacements and maintenance and take such other necessary actions with respect to the Storm Facilities to keep the same in good working order and condition and in compliance with all Legal Requirements, except as otherwise expressly provided herein and subject to reimbursement by each Connecting Owner of its Applicable Share to the extent expressly provided herein. Except as otherwise expressly provided in this Agreement, all costs and expenses associated with the installation, construction, repair, maintenance, reinstallation, removal, alteration, improvement, replacement, operation, compliance and use of the Storm Facilities located on the South Parcel

shall be borne by the Owner of the East Parcel. Notwithstanding the foregoing, on and after the date of connection to the Storm Facilities by the Owner(s) of the West Parcel and/or the Center Parcel (each such Owner is referred to herein as a “**Connecting Owner**”), each Connecting Owner will reimburse the Owner of the East Parcel for such Connecting Owner’s Applicable Share (defined below) of the costs of maintenance and repair incurred by the Owner of the East Parcel for any portions of the Storm Facilities located on the South Parcel; provided, however, that (i) the Connecting Owners have no obligation to pay any such costs of maintenance or repairs to the extent necessitated by a violation of applicable law or Legal Requirements, breach of this Agreement, or negligence or willful misconduct committed or caused by another party, (ii) such costs payable by each Connecting Owner are limited solely to ordinary maintenance and repairs, (iii) such costs payable by each Connecting Owner exclude legal and regulatory compliance costs, and (iv) all costs and expenses associated with lateral facilities exclusively serving a Connecting Owner’s Parcel shall be borne by the Connecting Owner that owns such Parcel. Notwithstanding the foregoing, each Connecting Owner shall be solely responsible for any costs to repair or modify the Storm Facilities, or any costs or expenses related to legal and regulatory compliance, that are directly attributable to the development, redevelopment, or intensification of use of its respective parcel. Upon request by a Connecting Owner, the Owner of the East Parcel shall provide reasonable documentation evidencing the costs for which it seeks reimbursement from Connecting Owner. As used herein, the “**Applicable Share**” of such repair and maintenance costs to the extent payable by a Connecting Owner as provided above means (i) fifty percent (50%) of such costs incurred on the portion of the Storm Facilities located on the South Parcel during the period on and after the date only one Connecting Owner has initially connected to the Storm Facilities, and (ii) thirty-three and 33/100 percent (33.33%) of such costs incurred on the portion of the Storm Facilities located on the South Parcel during the period on and after the date both Connecting Owners have initially connected to the Storm Facilities. Notwithstanding any other provision herein, if the Center Parcel or West Parcel are lawfully subdivided or partitioned, the obligations of the owners of each lot or parcel that formerly comprised the Center Parcel or West Parcel, as applicable, under this Agreement shall be several (but not joint) obligations, and shall be allocated among them proportionally based on the square footage that each parcel or lot represents to the total square footage of the Center Parcel or West Parcel, as applicable, of which it is a part.

6. **Indemnification.**

6.1 To the maximum extent permitted by law, each Owner (the “**Indemnifying Owner**”) hereby agrees to indemnify, defend and hold harmless Agency and the other Owners, and their respective members, managers, shareholders, partners, agents, officers, directors, elected officials, employees, licensees, contractors, lessees, invitees, successors and assigns (collectively, the “**Indemnified Parties**”), for, from and against all claims, actions, demands, damages, losses, liens, liabilities, costs and expenses whatsoever (including reasonable attorneys' fees) (collectively, “**Loss**”), to the extent arising out of or in any way related to (i) any breach of this Agreement in any material respect by such Indemnifying Owner, or (ii) any negligence or willful misconduct of such Indemnifying Owner or its agents, employees and contractors in, at, upon or from the Easement Area, or (iii) the Indemnifying Owner’s use of the Easement or the exercise of any other rights granted to such Indemnifying Owner in this Agreement; except, in each case, to the extent the Loss arises out of the negligence or willful misconduct of any Indemnified Party. If any action or proceeding is brought against any of the

Indemnified Parties by reason of any Loss, the Indemnifying Owner, upon notice from the applicable Indemnified Parties, will defend the same, at the Indemnifying Owner's expense, by counsel reasonably satisfactory to such Indemnified Parties.

6.2 To the maximum extent permitted by applicable law, Agency hereby agrees to indemnify, defend and hold harmless each Owner and its members, managers, shareholders, partners, officers, directors, employees, agents, invitees, lessees, licensees, contractors, subcontractors, successors and assigns (collectively, "**Owner Parties**"), for, from and against all Loss to the extent arising out of or in any way related to (i) any breach of this Agreement in any material respect by Agency, or (ii) any negligence or willful misconduct of Agency or its agents, employees or contractors in, at, upon or from the Easement Area; except, in each case, to the extent the Loss arises out of the negligence or willful misconduct of any of the Owner Parties. If any action or proceeding is brought against any of the Owner Parties by reason of any Loss, Agency, upon notice from the applicable Owner Parties, will defend the same, at Agency's expense, by counsel reasonably satisfactory to such Owner Parties.

6.3 The provisions of this Section 6 will survive any termination of this Agreement.

7. Estoppel Certificate. With ten (10) days after written request by a Connecting Owner, the Owner of the East Parcel shall execute and deliver a certificate prepared by the requesting Connecting Owner regarding the status of this Agreement and such other confirmations regarding this Agreement or the Easement as may be reasonably requested, including without limitation whether or not this Agreement has been modified and is in full force and effect and specifying any modifications or alleged breaches by any Connecting Owner and the amounts, if any, due and payable by any Connecting Owner under this Agreement. Failure to deliver the certificate within the specified time shall be conclusive upon the Owner of East Parcel that the facts as stated in the requested certificate is true and accurate in all material respects. If any or all of the Development Parcels are lawfully subdivided or partitioned, each owner of a lot or parcel within any of the Development Parcels may request such certificate, and each owner of the parcels or lots comprising the East Parcel are likewise required to deliver such certificate as provided herein.

8. Character of Easement; Binding Effect. The Easement and all of the limitations, covenants, conditions, and restrictions contained in this Agreement will attach to and run with and will be appurtenant to the Property (and each and every portion or subdivision thereof), and will inure to the benefit of and be binding upon the Agency and its respective successors and assigns; provided, however, that upon Agency's transfer of ownership in a Parcel, Agency shall be released from all obligations under this Agreement arising on and after the date of transfer with respect to the Parcel so transferred (which obligations shall be binding on the transferee on and after the date of transfer). Except as otherwise expressly provided herein, all obligations of an owner of a Parcel under this Agreement shall be joint and several obligations of all future owners of a Parcel or any portion thereof.

9. Default and Remedies. If any party under this Agreement fails to perform any obligation due hereunder within thirty (30) days after notice of such failure given by another party, the notified party shall be in default hereunder and the non-defaulting party shall at its

option thereafter have the right to pursue any and all rights and remedies available under applicable law, including recovery of damages, temporary or permanent injunction, specific performance, and other equitable and legal remedies; provided, however, the non-defaulting party may at its option immediately pursue such rights and remedies without any such notice or cure period if in the reasonable opinion of such non-defaulting party the nature of the breach constitutes or creates an immediate threat of death or injury to persons or damage to property (including the environment) or otherwise is reasonably considered to be an emergency, and provided, further that the non-defaulting party so acting shall notify the other of such action contemporaneously therewith or as soon as reasonably practicable thereafter. The foregoing rights in the event of a default include the right (but not the obligation) of the non-defaulting party to perform any of the defaulting party's obligations under this Agreement, and the defaulting party shall pay upon demand the resulting costs thereof plus interest thereon at the rate of twelve percent (12%) per annum from the date incurred until paid. The payment obligations of each party under this Agreement is secured by a lien against the parcel owned by such party as of the date of assessment and payment demand of such payment obligation, which lien may be foreclosed or otherwise enforced by another party in accordance with applicable law. Further, all rights and remedies specified in the Agreement are intended to be non-exclusive and cumulative with all other rights and remedies available under applicable law.

10. Term. The term of this Agreement and the Easement commences on the date hereof and will remain in effect in perpetuity.

11. Notices. All notices or other communications required or provided to be sent by any party must be in writing with all applicable postage or delivery charges prepaid and must be sent by: (a) United States Postal Service, registered or certified mail, return receipt requested; (b) any nationally known overnight delivery service; or (c) courier service or hand delivery. All notices will be deemed to have been on the earlier of actual delivery or refusal of a party to accept delivery thereof. All notices must be addressed to the party at the address below:

To the Agency at: Clackamas County Development Agency
 c/o Development Agency Manager
 150 Beavercreek Road
 Oregon City, Oregon 97045
 Attention: Dan Johnson

To any Owner (other than Agency): To the address at which the public records indicate the property tax bills are sent with respect to the applicable Parcel.

Any address or name specified above may be changed by notice given to the other Owners in accordance with this Section 11. The inability to deliver because of a changed address of which no notice was given, or rejection or other refusal to accept any notice, shall be deemed to be the receipt of the notice as of the date of such inability to deliver or rejection or refusal to accept. Any notice to be given by any party hereto may be given by the counsel for such party.

12. Third-Party Beneficiaries. Except as expressly provided herein, nothing in this

Agreement, express or implied, is intended or may be construed to confer on any person or entity (including the public), other than the Owners subject to this Agreement, any right, remedy, or claim under or with respect to this Agreement.

13. Applicable Law. This Agreement will be governed by and construed in accordance with the laws of the State of Oregon, without giving effect to the conflicts of law provisions thereof. Venue shall be in Clackamas County, Oregon with respect to any dispute or action under this Agreement.

14. Attorneys' Fees. The Owners shall each bear their own costs and attorney fees in the event an action is brought to enforce, modify or interpret the provisions of this Agreement.

15. Modifications. This Agreement may not be amended or modified except in a writing signed by each Owner.

16. Nonliability of Officials and Employees. No member, shareholder, director, officer, elected official, employee, affiliate, agent or representative of any of the Owners shall be personally liable to any Owner or any successor-in-interest thereto, in the event of any default or breach by any Owner or for any amount that may become due to any Owner or its successor, or any obligations under the terms of this Agreement.

17. Nonwaiver of Government Rights. Subject to the terms and conditions of this Agreement, by making this Agreement, the Agency is specifically not obligating itself, the County, or any other agency with respect to any discretionary governmental action relating to the sale, development, operation and use of the improvements to be constructed on the Property (or any part thereof), including, but not limited to, condemnation, comprehensive planning, rezoning, variances, environmental clearances or any other governmental agency approvals that are or may be required.

18. Miscellaneous. Subject to the notice and cure periods set forth in Section 9 above, time is of the essence as to all provisions of this Agreement. Upon execution and acknowledgment by the Agency, this Agreement shall be recorded in the official real estate records of Clackamas County, Oregon. The Owners hereby waive the right to trial by jury in connection with any dispute under this Agreement. This Agreement is the entire, final and complete agreement with respect to the matters set forth herein. If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby, and the Owners shall amend this Agreement to substitute for the provision at issue a valid and enforceable provision as similar as possible to the provision at issue and to otherwise give effect to the provision at issue as much as possible. Each party agrees to take such actions and to execute, acknowledge and deliver any and all documents and instruments as may be reasonably requested from time to time by another party to carry out the intent and purposes of this Agreement more effectively. Any title of the several parts and sections of this Agreement are inserted for convenience or reference only and shall be disregarded in construing or interpreting any of its provisions. Failure of either party at any time to require performance of any provision of this Agreement shall not limit the party's right to enforce the provision. Waiver of any breach of any provision shall not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

In witness whereof, the Agency has executed this Agreement as of the date first written above.

"AGENCY"

CLACKAMAS COUNTY DEVELOPMENT AGENCY, a corporation body politic

By: _____
Name: _____
Title: _____

State of Oregon)
) ss.
County of Clackamas)

This instrument was acknowledged before me on _____, 2018, by _____ as the _____ of **CLACKAMAS COUNTY DEVELOPMENT AGENCY**, a corporate body politic.

WITNESS my hand and official seal.

Notary Public for the State of _____
My commission expires: _____

EXHIBIT A to Declaration of Outfall Easement

Legal Description of West Parcel

That tract of land described as Parcel IX, and a portion of Parcel VI, Statutory Warranty Deed Document number 2009-071163, Clackamas County Deed Records. Said tract of land being situated in the northeast one quarter of Section 15 Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and more particularly described as follows:

Commencing at the one quarter corner common to Sections 15 and 10 of said Township and Range, said point being marked by a 3-1/4" bronze disk;

Thence, along the north line of said Section 15, North 89°50'46" East, 662.95 feet;

Thence, leaving said north line and along the east line of that tract of land described in Deed Document Number 1988-11699, Clackamas County Deed Records, South 0°01'11" West, 620.00 feet to the southeast corner thereof, said point also being the northeast corner of said Parcel IX tract, said point being the point of beginning for the herein described tract;

Thence, along the east line of said Parcel IX tract, South 0°08'53" West, 696.91 feet to the southeast corner thereof, said point also being on the north line of the southwest one quarter of the northeast one quarter of said Section 15;

Thence, along said north line, North 89°58'22" East, 533.96 feet to the southeast corner of Parcel II, Deed Document Number 2009-015937, Clackamas County Deed Records;

Thence, leaving said north line, South 0°08'24" West, 20.08 feet;

Thence, along the south right of way line of Capps Road, County Road Number 3393, North 89°57'49" East, 40.05 feet to the northwest corner of that tract of land described as Tract 1, Property Line Adjustment Deed Document Number 2016- 010914, Clackamas County Deed Records;

Thence, along the west line of said Tract 1, South 0°27'22" West, 758.69 feet; Thence, leaving said west line, North 58°58'28" West, 393.44 feet;

Thence, North 45°37'34" West, 822.92 feet to a point on the north line of the southwest one quarter of the northwest one quarter of said Section 15;

Thence, along said north line, North 89°58'22" East, 124.44 feet to the southwest corner of said Parcel IX tract.

Thence, leaving said north line and along the west line of said Parcel IX tract, North 0°05'53" East, 696.40 feet to the northwest corner thereof, said point also being the southwest corner of that tract of land described in Deed Document Number 1988- 11699, Clackamas County Deed Records;

Thence, along the south line of said Document Number 1988-11699 tract, North 89°50'46" East, 233.61 feet to the point of beginning.

Said tract of land contains 12.8978 acres more or less.

Basis of bearings and boundary determination for this description is held from the Oregon Coordinate Reference System, Portland Zone (OCRS) and Record of Survey Number SN 2017-120, Clackamas County Surveyor's Office.

EXHIBIT B to Declaration of Outfall Easement

Legal Description of Center Parcel

That tract of land described as Tract 1, Property Line Adjustment Deed Document number 2015-079459 together and with a portion of that tract of land being described as Tract 2, Property Line Adjustment Deed Document Number 2015-082415, Clackamas County Deed Records. Said tract of land being situated in the northeast one quarter and the southeast one quarter of Section 15 Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and more particularly described as follows:

Commencing at the north one sixteenth section corner between sections 15 and 14 of said Township and Range, said point being marked by a 1-1/4" inside diameter iron pipe;

Thence, South 42°13'50" West, 104.67 feet to a point of tangency, said point being on the east line of said Parcel 2 tract, said point also being on the west right of way line of Wilde Road, County Road No. 3093;

Thence, along the east line of said tract and along said west right of way line, South 0°21'32" West, 1284.77 feet to the intersection of said west right of way line and the north right of way line of Vernon Avenue, Local Access Road No. P2089, said point also being the southeast corner of said tract;

Thence, along said north right of way line, North 89°40'18" West, 250.34 feet to a point on the west line of that tract of land described in Deed Document Number 2007-085791, Clackamas County Deed Records;

Thence, along the east line of said Document Number 2007 -085791 tract, North 0°23'38" East, 118.25 feet to the northeast corner thereof;

Thence, along the north line of said tract, South 89°58'06" West, 189.55 feet;

Thence, North 0°21'32" East, 315.80 feet to the northeast corner of that tract of land described as Tract 1, Property Line Adjustment Deed Document Number 2015-082415, Clackamas County Deed Records, said point also being the true point of beginning of the herein described tract;

Thence, along the north line of said tract, South 89°58'06" West, 374.12 feet to an angle point therein;

Thence, North 57°17'18" West, 537.00 feet to an angle point said line;

Thence, continuing along said line, North 89°33'48" West, 79.95 feet to the southwest corner of that tract of land described as Tract 1 in Deed Document Number 2015-079459, Clackamas County Deed Records; .

Thence, along the west line of said tract, North $0^{\circ}27'22''$ East, 615.55 feet to the northwest corner of said tract, said point also being on the south right of way line of Capps Road, County Road No. 3393;

Thence, along said south right of way line, North $89^{\circ}57'49''$ East, 847.57 feet;

Thence, South $0^{\circ}07'16''$ West, 30.00 feet;

Thence, continuing along the south right of way line of Capps Road, County Road No. 88, South $89^{\circ}08'27''$ East, 58.98 feet;

Thence, leaving said line, South $0^{\circ}21'32''$ West, 875.81 feet to true point of beginning.

Said tract of land contains 16.7933 acres more or less.

Basis of bearings and boundary determination for this description is held from the Oregon Coordinate Reference System, Portland Zone (O CRS) and Record of Survey Number SN 2016-038, Clackamas County Surveyor's Office.

EXHIBIT C to Declaration of Outfall Easement

Legal Description of East Parcel

A portion of that tract of land being described as Tract 2, Property Line Adjustment Deed Document Number 2015-082415, Clackamas County Deed Records. Said tract of land being situated in the northeast one quarter and the southeast one quarter of Section 15 Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and more particularly described as follows:

Commencing at the north one sixteenth section corner between sections 15 and 14 of said Township and Range, said point being marked by a 1-1/4" inside diameter iron pipe;

Thence, South 42°13'50" West, 104.67 feet to a point of tangency, said point being on the east line of said Parcel 2 tract, said point also being on the west right of way line of Wilde Road, County Road No. 3093, said point also being the true point of beginning of the herein described tract;

Thence, along the east line of said tract and along said west right of way line, South 0°21'32" West, 1284.77 feet to the intersection of said west right of way line and the north right of way line of Vernon Avenue, Local Access Road No. P2089, said point also being the southeast corner of said tract;

Thence, along said north right of way line, North 89°40'18" West, 250.34 feet to a point on the west line of that tract of land described in Deed Document Number 2007-085791, Clackamas County Deed Records;

Thence, along the east line of said Document Number 2007-085791 tract, North 0°23'38" East, 118.25 feet to the northeast corner thereof;

Thence, along the north line of said tract, South 89°58'06" West, 189.55 feet.

Thence, leaving said line, North 0°21'32" East, 1191.61 feet to a point on the south right of way line of Capps Road, County Road Number 88;

Thence, along said south line, South 89°08'27" East, 420.02 feet to a point of curve;

Thence along the arc of a tangent curve to the right, having a radius of 20.00 feet, a delta angle of 89°29'50", an arc length of 31.24 feet, the chord of which bears South 44°23'32" East, a chord length of 28.16 feet to the true point of beginning.

Said tract of land contains 12.6793 acres more or less.

Basis of bearings and boundary determination for this description is held from the Oregon Coordinate Reference System, Portland Zone (OCRS) and Record of Survey Number SN 2016-038, Clackamas County Surveyor's Office.

EXHIBIT D to Declaration of Outfall Easement

Legal Description of South Parcel

Tract 1 (Tax Lot 2200 adjusted)

A portion of that tract of land being described as Tract 2, Property Line Adjustment Deed Document Number 2015-079459, Clackamas County Deed Records. Said tract of land being situated in the northeast one quarter and the southeast one quarter of Section 15 Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and more particularly described as follows:

Commencing at the north one sixteenth section corner between sections 15 and 14 of said Township and Range, said point being marked by a 1-1/4" inside diameter iron pipe;

Thence, South 42°13'50" West, 104.67 feet to a point of tangency, said point being on the east line of said Parcel V tract, said point also being on the west right of way line of Wilde Road County Road No. 3093;

Thence, along the east line of said Parcel V tract and along said west right of way line, South 0°21'32" West, 1284.77 feet to the intersection of said west right of way line and the north right of way line of Vernon Avenue, Local Access Road No. P2089, said point also being the southeast corner of said Parcel V tract;

Thence, along said north right of way line, North 89°40'18" West, 250.34 feet to a point on the west line of that tract of land described in Deed Document Number 2007-085791, Clackamas County Deed Records;

Thence, along the east line of said Document Number 2007-085791 tract, North 0°23'38" East, 118.25 feet to the northeast corner thereof;

Thence, along the north line of said tract, South 89°58'06" West, 189.55 feet to the true point of beginning of the herein described tract.

Thence, continuing along the north line of said Document Number 2007-085791 tract, South 89°58'06" West, 110.00 feet to the northwest corner thereof;

Thence, along the west line of said tract, South 0°26'47" West, 330.88 feet more or less to a point on the right bank of the Clackamas River;

Thence, downstream along said right bank, North 53°41'23" West, 1042.53 feet to the southwest corner of Tract 2, said Document Number 2015-079459;

Thence, along the most westerly line of said Tract 2, North 24°21'57" East, 58.03 feet;

Thence, continuing along said west line, North 49°46'22" East, 29.77 feet;

Thence, continuing along said west line, North 0°30'49" East, 104.77 feet;

Thence, continuing along said west line, North 0°27'22" East, 143.14 feet to the southwest corner of Tract 1, Deed Document Number 2015-079459, Clackamas County Deed Records;

Thence, along the south line of said Tract 1, South 89°33'48" East, 79.95 feet;

Thence, continuing along said south line and the southeasterly projection thereof, South 57°17'18" 537.00 feet;

Thence, North 89°58'06" East, 374.12 feet;

Thence, South 0°21'32" East, 315.80 feet to the true point of beginning.

Said tract of land contains 9.3073 acres more or less.

Basis of bearings and boundary determination for this description is held from the Oregon Coordinate Reference System, Portland Zone (OCRS) and Record of Survey Number SN 2015-243, Clackamas County Surveyor's Office.

Tract 2 (Tax Lot 1800 & 1890 adjusted)

A portion of that tract of land described as Parcel VI, Statutory Warranty Deed Document number 2009-071163, Clackamas County Deed Records. Said tract of land being situated in the northeast one quarter of Section 15 Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and more particularly described as follows:

Commencing at the one quarter corner common to Sections 15 and 10 of said Township and Range, said point being marked by a 3-1/4" bronze disk;

Thence, along the north south centerline of said Section 15, South 0°12'42" East, 1315.45 feet to the center north one sixteenth corner of said Section 15, being the northwest corner of said Parcel VI tract, said point being marked by a 3/4" inside diameter iron pipe said point also being the true point of beginning of the herein described tract of land;

Thence, along the north line of said Parcel VI tract also being the north line of the southwest one quarter of the northeast one quarter of said Section 15, North 89°58'22" East, 298.63 feet;

Thence, leaving said north line, South 45°37'34" East, 822.92 feet;

Thence, South 58°58'28" East, 393.44 feet to a point on the east line of said Parcel VI tract;

Thence, along said east line also being the west line of that tract of land described as Tract 1, Property Line Adjustment Deed Document Number 2015-082415, Clackamas County Deed Records; South 0°30' 49" West, 104.77 feet to an angle point therein;
Thence, South 49°46'22" West, 29.77 feet to an angle point therein;

Thence, South 24°21'57" West, 58.03 feet more or less to the right bank of the Clackamas River;

Thence, downstream along said right bank, North 61°04'03" West, 1343.17 feet more or less to the west line of said Parcel VI tract;

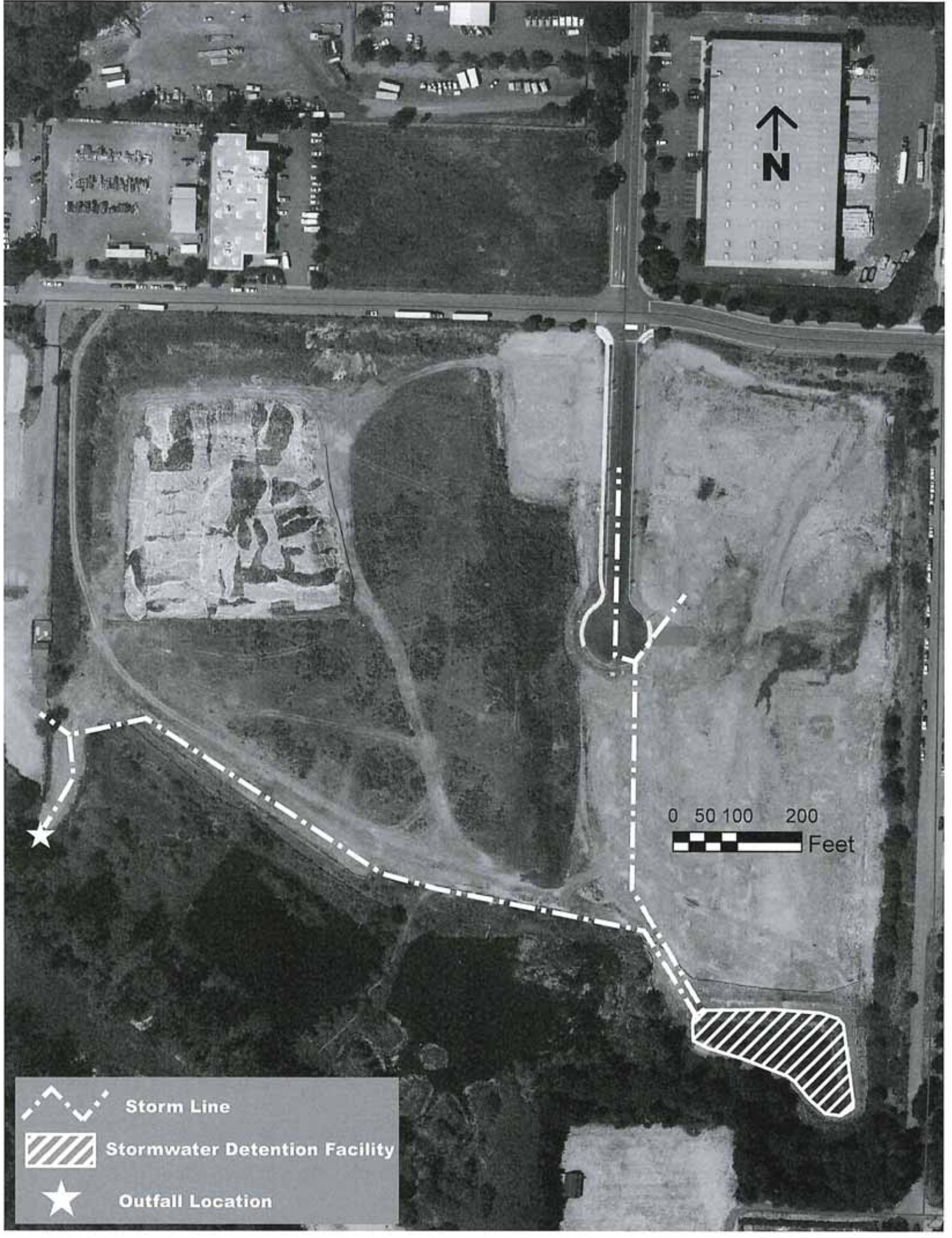
Thence, along said west line, North 0°09'39" West, 305.20 feet more or less to the point of beginning.

Said tract of land contains 8.8799 acres more or less.

Basis of bearings and boundary determination for this description is held from the Oregon Coordinate Reference System, Portland Zone (O CRS) and Record of Survey Number SN 2017-120, Clackamas County Surveyor's Office.

EXHIBIT E to Declaration of Outfall Easement

Depiction of Storm Facilities



0 50 100 200
Feet



Storm Line



Stormwater Detention Facility



Outfall Location

EXHIBIT F to Declaration of Outfall Easement

Legal Description of Easement Area

Storm Sewer Easement Description

March 4, 2018

NWS Project Number 1700

A 15.00 foot wide easement being a portion of that property described as Tract 1 in a property line adjustment deed recorded as Document Number 2015-082415, Clackamas County Deed Records, and Parcel VI of that property conveyed to The Clackamas County Development Agency recorded on October 8, 2009 as Document Number 2009-071163, Clackamas County Deed Records, located in the northeast one-quarter of Section 15, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and more particularly described as follows:

Commencing at a 5/8 inch iron rod with a yellow plastic cap stamped "Clackamas Co. DTD" located at the northeast corner of said Parcel VI, said point bearing North 00°27'26" East 758.60 feet from a 3/4 inch iron pipe located on the east boundary of said Parcel VI; Thence along the easterly boundary of said Parcel VI, South 00°27'26" West 615.55 feet to the northwest corner of said Tract 1; Thence along the northerly boundary of said Tract 1, South 89°26'56" East 77.56 feet to the Point of Beginning;

Thence departing said northerly boundary, South 75°51'00" West 54.29 feet; Thence South 06°10'22" East 70.59 feet; Thence South 27°11'16" West 122.75 feet; Thence South 62°48'44" East 15.00 feet; Thence North 27°11'16" East 127.25 feet; Thence North 06°10'22" West 62.04 feet; Thence North 75°51'00" East 57.12 feet to a point on the northerly boundary of said Tract 1; Thence along said northerly boundary, North 57°18'02" West 19.70 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Clackamas Co. DTD" located at an angle point thereon; Thence continuing along said northerly boundary, North 89°26'56" West 2.48 feet to the Point of Beginning.

The above described easement contains 3,718 square feet, more or less.

EXHIBIT G to Declaration of Outfall Easement

Depiction of Easement Area

EXHIBIT B

LOCATED IN THE NE 1/4 OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M.,
CLACKAMAS COUNTY, OREGON
DATE: MARCH 4, 2018



SCALE 1" = 30 FEET

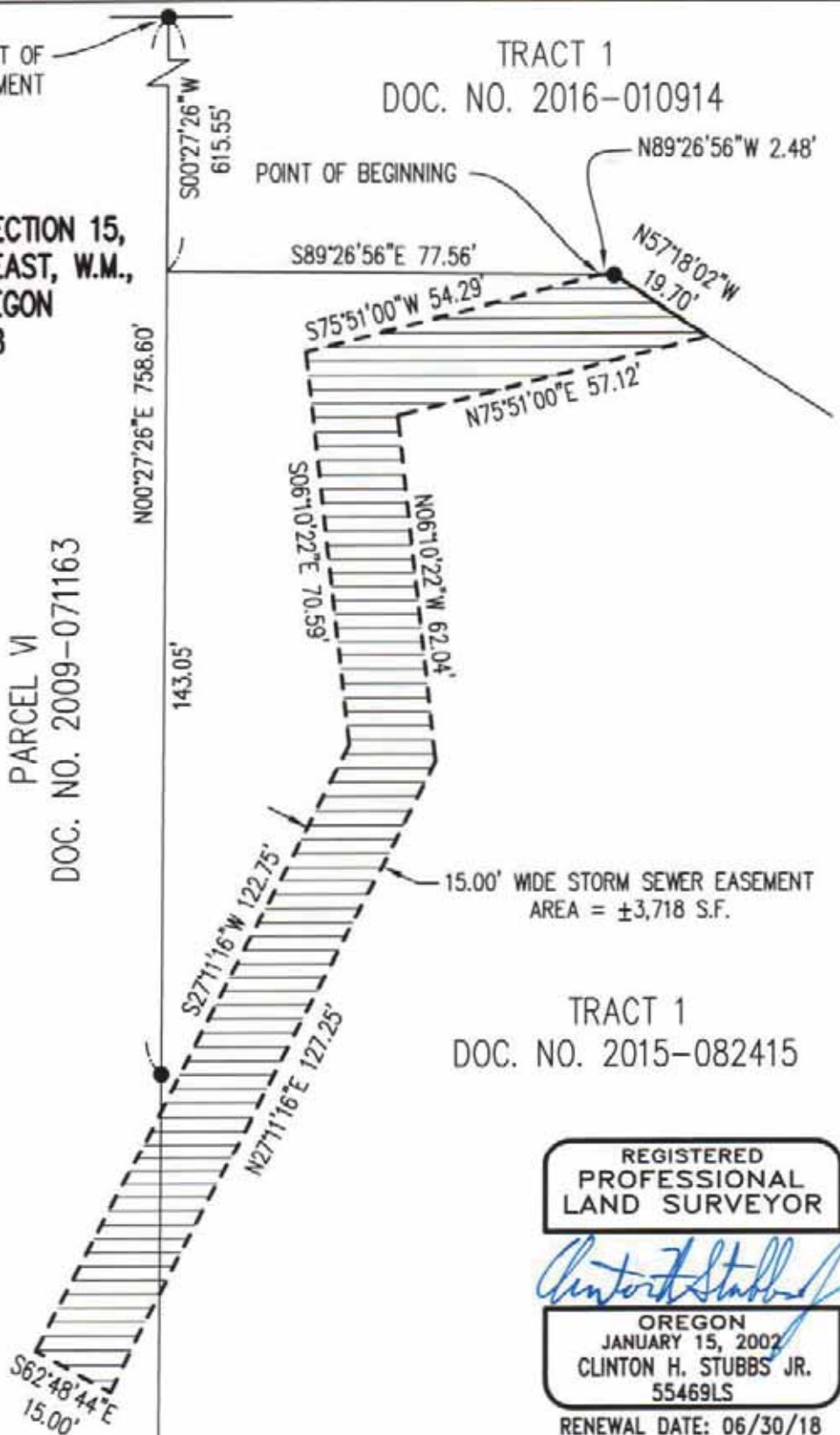


POINT OF COMMENCEMENT

TRACT 1
DOC. NO. 2016-010914

POINT OF BEGINNING

PARCEL VI
DOC. NO. 2009-071163



TRACT 1
DOC. NO. 2015-082415

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWAL DATE: 06/30/18

PREPARED FOR:

CLACKAMAS COUNTY
2051 KAEN ROAD
2ND FLOOR
OREGON CITY, OR 97045

JOB NAME: TC CAPPS ROAD

JOB NUMBER: 1700

DRAWING NUMBER: 1700 EASE

DRAWN BY: CHS

CHECKED BY: SFF

NORTHWEST
SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsurvey.com



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 3, 2018

Development Agency Board
Clackamas County

Members of the Board:

**Approval of a First Amendment to the Disposition Agreement
with Oregon Beverage Recycling Cooperative.**

Purpose/ Outcomes	Authorization for the Chair to execute a First Amendment to a Disposition Agreement to convey real property from the Clackamas County Development Agency to Oregon Beverage Recycling Cooperative (OBRC)
Dollar Amount and Fiscal Impact	The agreement stipulates sale of the property for \$3,008,000.
Funding Source	Not Applicable. No funding considered as a part of this property transaction
Safety Impact	Not Applicable
Duration	This amendment extends the initial due diligence extension period for 60 days.
Previous Action	Executive Session
Contact Person	David Queener, Program Supervisor – Development Agency 503-742-4322 or davidque@co.clackamas.or.us
Contract No.	Not Applicable

BACKGROUND:

The Development Agency owns approximately 12.68 acres situated at the southeastern corner of SE Capps Road and 120th Avenue. The property is currently zoned General Industrial.

OBRC is under a Disposition Agreement with the Agency to acquire the property for redevelopment purposes. The Agreement currently specifies a due diligence period of 150 days with the option of two 30-day extensions. OBRC has requested an extension of the initial due diligence period in order to provide them with adequate time to review and investigate the on-site storm water system designed and constructed by the Agency.

The First Amendment to the Disposition Agreement, which the Board is being asked to approve today, is the result of preceding negotiations and is contingent on subsequent terms. The Amendment will extend the initial due diligence period from 150 days to 210 days. All other terms outlined in the Agreement remain unchanged.

County Counsel has reviewed and approved this Agreement.

RECOMMENDATION:

Staff respectfully recommends that the Board, as the governing body of the Clackamas County Development Agency, move by consent to:

- Approve the First Amendment to the Disposition Agreement with Oregon Beverage Recycling Cooperative.
- Record the First Amendment to the Disposition Agreement in the Deed Records of Clackamas County at no cost to the Development Agency.

Respectfully submitted,

David Queener
Program Supervisor, Development Agency

FIRST AMENDMENT TO DISPOSITION AGREEMENT

THIS FIRST AMENDMENT TO DISPOSITION AGREEMENT ("Amendment") is entered into effective as of _____, 2018, between CLACKAMAS COUNTY DEVELOPMENT AGENCY, the Urban Renewal Agency of Clackamas County, a corporate body politic ("Agency"), and OREGON BEVERAGE RECYCLING COOPERATIVE, an Oregon domestic cooperative ("Developer").

RECITALS

A. Agency and Developer are parties to that certain Disposition Agreement dated effective as of November 22, 2017 (the "**Disposition Agreement**"), concerning approximately 12.68 acres of land located east of SE 120th Avenue and south of Capps Road, Clackamas County, Oregon, as more particularly described in the Disposition Agreement (the "**Property**").

B. The parties desire to modify the Disposition Agreement on the terms and conditions set forth herein. All capitalized terms used in this Amendment and not otherwise defined herein shall have their meanings as set forth in the Disposition Agreement.

AGREEMENT

1. **Due Diligence Period.** The Initial Due Diligence Period of one hundred fifty (150) days, which ends at 5:00 p.m. on Tuesday, April 24, 2018, is hereby extended an additional sixty (60) days in order to provide the Developer adequate time to review and investigate the on-site storm water system designed and constructed by the Agency. The Developer's right to extend the Initial Due Diligence Period pursuant to the last paragraph of Section 2.4 of the Disposition Agreement remains in full force and effect.

2. **Counterpart: Email.** This Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment. Facsimile or email transmission of any signed original of this Amendment, and retransmission of any signed facsimile or email transmission, shall be the same as delivery of an original. At the request of either party, the parties shall confirm transmitted signatures by signing an original document.

3. **Confirmation.** The Disposition Agreement is hereby amended and modified in accordance with the terms of this Amendment. Except as expressly modified by this Amendment, the Disposition Agreement and all its terms and provisions are hereby acknowledged, approved, ratified and confirmed and shall be and remain in full force and effect.

[Signatures on next page.]

IN WITNESS WHEREOF, the parties have executed this Amendment effective as of the date first written above.

AGENCY:

CLACKAMAS COUNTY DEVELOPMENT AGENCY,
a corporate body politic

By: _____
Name: _____
Its: _____

DEVELOPER:

**OREGON BEVERAGE
RECYCLING COOPERATIVE**
An Oregon domestic cooperative

By:  _____
Name: John Andersen
Its: President



Gregory L. Geist
Director

May 3, 2018

Board of Directors
Clackamas County Service District No. 1

Members of the Board:

Approval of a Service Connection Mortgage in the North Clackamas Service Area for
Clackamas County Service District No. 1

Purpose/Outcomes	To place a Connection Mortgage on the tax lot 22E13A 01100 & 22E13A 01001 in order for the property to connect to the public sewerage system.
Dollar Amount and Fiscal Impact	Contract maximum value is \$27,406.70.
Funding Source	Not applicable
Duration	Effective April 25, 2018 and terminates when paid in Full, Estimate date of January 1 st , 2028.
Previous Board Action/Review	None
Strategic Plan Alignment	1. WES Customers will continue to benefit from a well-managed utility. 2. Build public trust through good government.
Contact Person	Craig Anderson Accounting Specialist 3 – 503-742-4583

BACKGROUND:

The property owner listed on the attached service connection mortgage has applied to Clackamas County Service District No. 1 for payment of systems development charges by semi-annual installment payments secured by a mortgage on the property owned by Shelly Weseman Map and Tax Lot: 22E13A 01100 & 22E13A 01001. The mortgage is in the amount of \$27,406.70 with a final payment January 1, 2028.

Approved as to form by District Counsel.

RECOMMENDATION:

We respectfully recommend that the Board of County Commissioners, acting as the governing body of Clackamas County Service District No.1, approve and accept the attached service connection mortgage.

Respectfully submitted,

Greg Geist, Director

No Change in Tax Statements
After recording, return to:
Water Environment Services
Clackamas County Service District No. 1
150 Beavercreek Road
Oregon City, OR 97045

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

SERVICE CONNECTION MORTGAGE

THIS MORTGAGE ("Mortgage") is made this 25 day of April, 2018 by and between Shelly Weseman (herein called "Mortgagor") and Clackamas County Service District No. 1, a county service district formed pursuant to ORS Chapter 451 (hereinafter called "District").

RECITAL

Mortgagor has voluntarily applied to District to connect to the public sewerage system. By its duly adopted Rules and Regulations, District has imposed system development and collection sewer charges of \$27,406.70 for the privilege of connecting the property described on Exhibit A, attached hereto and incorporated by reference ("Land"), to the District's sewerage system.

Mortgagor desires to defer payment of the system development and collection sewer charges and the District has agreed to such deferral. Therefore the parties agree as follows:

1. Definitions. As used herein the following terms shall have the following meanings.

1.1 Event of Default. Any of the happenings and occurrences described in paragraph 4.

1.2 Fixtures. To the extent of Mortgagor's interest therein, all fixtures now, or to any time hereafter, attached to or used in any way in connection with the operation, use or occupation of the Real Property (defined below), including, without limitation, all machinery and equipment, furniture and furnishings, screens, awnings, storm windows and doors, window shades, floor coverings, shrubbery, plants, boilers, tanks, furnaces, radiators, fire prevention and extinguishing apparatus, security and access control apparatus, communications apparatus, all heating, lighting, plumbing, gas, electric, ventilation, refrigerating, air conditioning and incinerating equipment of whatever kind and nature, all of which are hereby declared and shall be deemed to be fixtures and accessory to the fee and part of the Real Property as between the parties hereto, their heirs, legal representatives, successors and assigns and all persons claiming by, through or under them.

1.3 Improvements. All buildings and other improvements and all additions thereto and alterations thereof now, or at any time hereafter, located upon the Land or any part thereof.

1.4 Indebtedness. The promissory note made by Mortgagor, payable to District, dated this date, in the amount of \$27,406.70, the final payment of which, if not sooner paid is due January 1st 2028, as may be extended, renewed, modified, or amended, and including any adjustments and interest, principal and payment terms.

1.5 Land. The property described on attached Exhibit A.

1.6 Obligations. The covenants, promises and other obligations (other than the Indebtedness) made or owing by Mortgagor to or due District under this Mortgage.

1.7 Real Property. The Land, the Improvements and the Fixtures together with all rights, privileges, permits, licenses, tenements, hereditaments, rights-of-way, easements and appurtenances of the Land, and all right, title and interest of Mortgagor in and to any streets, ways, alleys or strips adjoining the Land or any part thereof are collectively referred to as "Real Property."

2. Grant. To secure payment of the Indebtedness and performance and discharge of the Obligations, Mortgagor hereby grants, bargains, sells and conveys and assigns to Mortgagor, a mortgage on the Real Property.

3. Covenants. Until the entire Indebtedness has been paid in full, Mortgagor covenants and agrees as follows:

3.1 Repayment of Indebtedness. Mortgagor agrees to pay to the District system development and collection sewer charges of \$27,406.70 in not less than twenty equal installments of \$1,370.33 on the first day of January and July of each year, together with and in addition to each said installment, interest on the unpaid principal balance, as of the principal payment date, at the prime rate of interest being charged on that date by the bank doing business in Oregon and having the largest deposits. Payments received shall be applied first to accrued interest and then to principal.

3.2 Future Advances. The parties hereto agree that if there is a change in class of service requiring the payment of additional system development and collection sewer charges, District, at its option and if the owner qualifies pursuant to the criteria in the Rules and Regulations, may allow those additional system development and collection sewer charges to be financed and secured by this Mortgage without loss of priority.

3.3 Compliance with Laws. Mortgagor will promptly and faithfully comply with, conform to, and obey all present and future laws, ordinances, rules, regulations and requirements of every duly constituted governmental authority or agency which may be applicable to it or to the Real Property, or any part thereof, or to the use or manner of use, occupancy, possession, operation, maintenance, alteration, repair or reconstruction of the Real Property, or any part

thereof, whether or not such law, ordinance, rule, order, regulation or requirement necessitates structural changes or improvements or interferes with the use or enjoyment of the Real Property.

3.4 Payment of Taxes and Other Government Charges. Mortgagor will promptly pay and discharge, or cause to be paid and discharged, before delinquency, all real estate and personal property taxes and other taxes and assessments, water and sewer rates and charges, and other governmental charges and any interest or costs for penalties with respect thereto, and charges for any easement or agreement maintained for the benefit of the Real Property which at any time prior to or after the execution of this Mortgage may be assessed, levied or imposed upon the Real Property, or the rent or income received therefrom, or any use of occupancy thereof, and any other taxes, assessments, fees and governmental charges levied, imposed or assessed upon or against Mortgagor or any of Mortgagor's properties.

3.5 Repair. Mortgagor will keep the Real Property in good order and condition and make all necessary or appropriate repairs, replacements and renewals thereof, and will use Mortgagor's best efforts to prevent any act or thing which might impair the value or usefulness of the Real Property. Mortgagor shall not make any alterations or additions to the Improvements or remove any of the Improvements if such alternations, additions or removal would impair the value of the Real Property.

3.6 Inspection. District shall have the right, individually or through agents, at all reasonable times to inspect the Real Property.

3.7 Indemnification. Mortgagor shall indemnify and hold District and District's elected officials, agents, legal representatives, heirs, successors and assigns harmless against any and all claims, demands, losses, liabilities, costs and expenses arising out of or in any way related to or affecting the Real Property or Mortgagor's use thereof.

3.8 Construction Liens. Mortgagor shall not permit or suffer any construction or similar lien on any of the Real Property, except as such liens may be filed in the normal course by contractors, suppliers and the like. Mortgagor shall remove or cause the removal of all such liens by payment of amounts due on account thereof. If Mortgagor desires to contest any such lien, immediately upon the commencement of any litigation concerning the same, Mortgagor may contest the lien by posting a bond necessary for its removal.

4. **Events of Default.** Each of the following shall be an Event of Default.

4.1 **Failure to Pay.** The failure of the Mortgagor to pay any portion of the Indebtedness when it is due.

4.2 **Other Defaults.** The failure of Mortgagor to observe or perform any of the Obligations, other than as specified in this paragraph 4, within 10 days after notice from District specifying the nature of the deficiency. No notice of default and opportunity to cure shall be required if during the prior 12 months District has already sent a notice to Mortgagor concerning a deficiency in performance of the same obligation.

4.3 **Insolvency.** The insolvency of Mortgagor; abandonment of the Real Property, or any parcel or portion thereof; an assignment by Mortgagor for the benefit of creditors; the filing by Mortgagor of a voluntary petition in bankruptcy or an adjudication that Mortgagor is bankrupt; the appointment of a receiver for the property of Mortgagor; or the filing of an involuntary petition in bankruptcy and the failure of Mortgagor to secure the dismissal of the petition within 30 days after filing. Any Event of Default under this paragraph 4 shall apply and refer to Mortgagor, any guarantor of the Indebtedness, and to each of the individuals or entities which are collectively referred to as "Mortgagor."

4.4 **Transfer.** The sale, conveyance, transfer or other disposition of the Real Property, or any part thereof, or any interest therein, including the transfer of possessory rights therein, directly or indirectly, either voluntarily, involuntarily or by operation of law, by contract, deed or otherwise, without District's prior written consent, which consent shall not be unreasonably withheld. The District may attach such conditions to its consent as District may determine in its sole discretion, including without limitation, an increase in the interest rate or the payment of transfer of assumption fees and the payment of administrative and legal fees and costs incurred by District.

4.5 The default under any superior encumbrance to this Mortgage.

5. **Remedies.** Upon the occurrence of any Event of Default, District may exercise any one or more of the following remedies:

5.1 **Acceleration.** Declare the unpaid portion of the Indebtedness to be immediately due and payable.

5.2 **Foreclosure.** Foreclose this Mortgage in the manner provided by law for mortgage foreclosures.

5.3 **Receiver.** District shall be entitled, as a matter of right, without notice and ex parte, and without regard to the value or occupancy of the security, or the solvency of Mortgagor or the adequacy of the Real Property as security, to have a receiver appointed to enter upon and take possession of the Real Property, collect the rents therefrom, and apply the same as the court

may direct. Any receiver appointed may serve without bond. District shall not be disqualified to serve as receiver. The expense of the receivership shall be secured by this Mortgage.

5.4 Remedies Cumulative and Concurrent. The rights and remedies of District as provided in the Indebtedness and this Mortgage shall be cumulative and concurrent and may be pursued separately, successively, or together against Mortgagor or against other obligors, or against the Real Property, or any one or more of them, at the sole discretion of District, and may be exercised as often as occasion therefore shall arise.

5.5 Nonwaiver. The election of District not to exercise any option or remedy which they may have under this Mortgage with respect to any Event of Default shall not be deemed a waiver of District's right to exercise such rights or options as to any proceeding or subsequent Event of Default, nor shall it be deemed a waiver with respect to that Event of Default or any other remedy available to District under this Mortgage, the Note or applicable law.

5.6 Termination of Services. Mortgagor agrees that sanitary sewer service is necessary and vital for the continued use and functioning of the subject real property. If a default occurs under the terms of this Trust Deed, which default is not cured thirty days following written notice to Mortgagor, the beneficiary, in addition to any other remedies, may terminate sewer service to the subject property. Mortgagor, or its successors or assigns, shall be responsible for all costs associated with disconnection of service and reconnection to the public sewerage system.

6. Miscellaneous.

6.1 District's Right to Act. Upon an Event of Default, District may, at District's option and without waiver of the default, perform the same on behalf of Mortgagor. Expenditures made or charges incurred by District for the foregoing purposes shall be paid by Mortgagor to District immediately upon demand and shall be secured by this Mortgage. Nothing herein shall require District to advance monies for any purpose or to do any other act, and District shall not incur any personal liability because of District's action or inaction under this paragraph.

6.2 Time of Essence. Time is of the essence in the payment of the Indebtedness and the Performance of the Obligations under and secured by this Mortgage.

6.3 Applicable Law. This Mortgage shall be governed by and construed according to the laws of the State of Oregon.

6.4 Interpretation. In interpreting this Mortgage, the singular shall include the plural. If Mortgagor consists of more than one person or entity, each such person and entity shall be jointly and severally liable to pay the Indebtedness and perform the Obligations.

6.5 Severability. In case any one or more of the Obligations shall be invalid, illegal or unenforceable in any respect, the validity of the Indebtedness and remaining Obligation shall be in no way effected, prejudiced or disturbed thereby.

6.6 Modification. This Mortgage may only be modified by an instrument or instruments in writing, signed by the party against which enforcement of the change, waiver, discharge or termination is asserted.

IN WITNESS WHEREOF, the Mortgagor has set his/her/their hand on the day and year first herein above written.

Shelly [Signature]
(Legal owner)

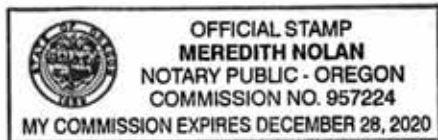
17388 S. Bradley Rd
Oregon City, Oregon
97045
Mailing Address

(Legal owner)

Mailing Address

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on this 25 day of April, 2018 by Shelly Weseman



Meredith Nolan
Notary Public for Oregon
My Commission Expires: December 28, 2020

EXHIBIT "A"

All of that portion described in deed reference Clackamas County Official Record 2015-068960

(Tax Lot 22E13A 01100 & 22E13A 01001)



Gregory L. Geist
Director

Board of County Commissioners
Clackamas County

Members of the Board:

Amendment No. 1 to the Agreement between Clackamas County Service District No.1 and Tribeca Transport LLC for On-Call Services for the Management of Class B Biosolids and Raw Sludge

Purpose/Outcomes	Approval of Contract Amendment
Dollar Amount and Fiscal Impact	Original Contract authorized \$100,000.00 total for the period of June 15, 2015 through June 30, 2018. The value was split 50/50 between CCSD1 and WES.
Funding Source	631/111-45400
Duration	Renewal of Contract through June 30, 2022
Previous Board Action/Review	None
Strategic Plan Alignment	<ol style="list-style-type: none">1. WES customers will benefit from a well-managed utility and to provide partner communities with reliable wastewater infrastructure.2. This project supports the County Strategic Plan of building strong infrastructure that delivers services to customers.
Contact Person	Kathryn Spencer, ext. 4608
Contract No.	N/A

BACKGROUND:

WES's primary strategy for biosolids management is land application. On behalf of the Districts, WES operates a dewatered biosolids program in Sherman County and will occasionally apply liquid biosolids in Clackamas County based on operational need. At times, the Districts may require support for the hauling and land application as a result of unplanned events, to include but not limited to plant upset, maintenance/repair, field availability, equipment breakdown, staff availability and weather.

PROCUREMENT PROCESS:

This project advertised in accordance with ORS 279B and LCRB Rules on January 7, 2015. Proposals were publically opened January 28, 2015. The County received two (2) proposals from Tribeca Transport LLC and Goodman Sanitation Inc. Tribeca Transports proposal was chosen as most complete and comprehensive and was awarded the Contract through June 30, 2018. Renewals were contemplated with four (4) additional one-year periods upon written approval of both parties. This Amendment is renewing the Contract for all four (4) optional years.

The original Contract as well as Amendment #1 has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff recommends the Board approve Amendment #1 to renew for all four optional years available on this Contract with Tribeca Transport LLC for On-Call Services for the Management of Class B Biosolids and Raw Sludge.

Respectfully submitted,

Greg Geist
Director, WES

Placed on the _____ Agenda by the Procurement Division.

AMENDMENT #1

TO THE CONTRACT DOCUMENTS WITH TRIBECA TRANSPORT, LLC FOR ON-CALL SERVICES FOR THE MANAGEMENT OF CLASS B BIOSOLIDS AND RAW SLUDGE

This Amendment #1 is entered into between Tribeca Transport, LLC (“Contractor”) and Water Environment Services and Clackamas County Service District No. 1 (collectively known as “District”) and it shall become part of the Contract documents entered into between both parties on June 3, 2015.

The Purpose of the Amendment #1 is to make the following changes to the Contract:

1. Section I. Scope is hereby changed as follows:

District is exercising the option to renew this Contract for the available four (4) 1-year optional renewals. The Contract expiration date is hereby changed from June 30, 2018 to **June 30, 2022**. The annual compensation shall not exceed **\$35,000**, and shall be based on the fiscal year, defined as July 1 to June 30. The maximum compensation authorized under this Contract shall not exceed \$240,000.00. There is no change to the original unit price list, attached as **Exhibit A** and hereby incorporated by reference.

Original Contract Amount	\$ 100,000.00
Amendment #1	\$ 140,000.00 (\$35,000 per year for 4 years)
Total Amended Contract	\$ 240,000.00

2. ADD Items to Section:

Section III. Constraints Items C and D:

C. The Contractor shall comply with all federal, state and local laws, regulation, executive orders and ordinances applicable to the Work under this Contract. Contractor must, throughout the duration of this Contract and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Any violation of this section shall constitute a material breach of this Contract. Further, any violation of Contractor’s warranty of this Contract that Contractor has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also shall constitute a material breach of this Contract. Any violation shall entitle District to terminate this Contract, to pursue and recover any and all damages that arise from the breach and the termination of this Contract, and to pursue any or all of the remedies available under this Contract, at law, or in equity, including but not limited to:

- i. Termination of this Contract, in whole or in part;
- ii. Exercise of the right of setoff, and withholding of amounts otherwise due and owing to Contractor, in an amount equal to District’s setoff right, without penalty; and
- iii. Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. District shall be entitled to recover any and all damages suffered as the result of Contractor's breach of this Contract, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement performance.
- iv. These remedies are cumulative to the extent the remedies are not inconsistent, and District may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

- D.** The Contractor represents and warrants that, for a period of no fewer than six calendar years preceding the effective date of this Contract, has faithfully complied with:
- i. All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318;
 - ii. Any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor;
 - iii. Any tax provisions imposed by a political subdivision of this state that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor; and
 - iv. Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

- 3.** Section VI. Termination-Amendment Item A is hereby deleted in its entirety and replaced with:

VI. TERMINATION - AMENDMENT

- A. TERMINATIONS.** This Contract may be terminated for the following reasons: 1) This Contract may be terminated at any time by mutual consent of the parties, or by District for convenience upon thirty (30) days' written notice to the Contractor; 2) District may terminate this Contract effective upon delivery of notice to Contractor, or at such later date as may be established by the District, if (i) federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that either the work under this Contract is prohibited or District is prohibited from paying for such work from the planned funding source; or (ii) any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this Contract is for any reason denied, revoked, or not renewed; 3) This Contract may also be immediately terminated by District for default (including breach of Contract) if (i) Contractor fails to provide services or materials called for by this Contract within the time specified herein or any extension thereof; or (ii) Contractor fails to perform any of the other provisions of this Contract or so fails to pursue the work as to endanger performance of this Contract in accordance with its terms, and after receipt of notice from District, fails to correct such failure within ten (10) business days; 4) If sufficient funds are not provided in future approved budgets of District (or from applicable federal, state, or other sources) to permit District in the exercise of its reasonable administrative discretion to continue this Contract, or if the program for which this Contract was executed is abolished, District may terminate this Contract without further liability by giving Contractor not less than thirty (30) days' notice.

- 4.** ADD Section VII. Execution and Counterparts:

VII. EXECUTION AND COUNTERPARTS:

This Contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

SIGNATURE PAGE FOLLOWS

Except as expressly amended above, all other terms and conditions of the Contract shall remain in full force and effect.

By signature below, the parties agree to this Amendment #1, effective upon the date of the last signature below.

Tribeca Transport, LLC

1415 Port Way
Woodland, WA 98674

Authorized Signature

Name / Title (Printed)

Date

875970-93 FLLC / Washington
Oregon Business Registry #

TRIBETL887OP
WA Construction Contractor #

Clackamas County Service District No. 1:

Chair

Recording Secretary

Date

Water Environment Services:

Chair

Recording Secretary

Date

Approved as to Form:

County Counsel

Date

EXHIBIT A
ORIGINAL UNIT PRICE LIST



Gregory L. Geist
Director

Board of County Commissioners
Clackamas County

Members of the Board:

Amendment No. 1 to the Agreement between
Water Environment Services and Tribeca Transport LLC for On-Call Services for the
Management of Class B Biosolids and Raw Sludge

Purpose/Outcomes	Approval of Contract Amendment
Dollar Amount and Fiscal Impact	Original Contract authorized \$100,000.00 total for the period of June 15, 2015 through June 30, 2018. The value was split 50/50 between CCSD1 and WES.
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Duration	Renewal of Contract through June 30, 2022
Previous Board Action/Review	None
Strategic Plan Alignment	1. WES customers will benefit from a well-managed utility and to provide partner communities with reliable wastewater infrastructure. 2. This project supports the County Strategic Plan of building strong infrastructure that delivers services to customers.
Contact Person	Kathryn Spencer, ext. 4608
Contract No.	N/A

BACKGROUND:

WES's primary strategy for biosolids management is land application. On behalf of the Districts, WES operates a dewatered biosolids program in Sherman County and will occasionally apply liquid biosolids in Clackamas County based on operational need. At times, the Districts may require support for the hauling and land application as a result of unplanned events, to include but not limited to plant upset, maintenance/repair, field availability, equipment breakdown, staff availability and weather.

PROCUREMENT PROCESS:

This project advertised in accordance with ORS 279B and LCRB Rules on January 7, 2015. Proposals were publically opened January 28, 2015. The County received two (2) proposals from Tribeca Transport LLC and Goodman Sanitation Inc. Tribeca Transports proposal was chosen as most complete and comprehensive and was awarded the Contract through June 30, 2018. Renewals were contemplated with four (4) additional one-year periods upon written approval of both parties. This Amendment is renewing the Contract for all four (4) optional years.

The original Contract as well as Amendment #1 has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff recommends the Board approve Amendment #1 to renew for all four optional years available on this Contract with Tribeca Transport LLC for On-Call Services for the Management of Class B Biosolids and Raw Sludge.

Respectfully submitted,

Greg Geist
Director, WES

Placed on the _____ Agenda by the Procurement Division.

AMENDMENT #1

TO THE CONTRACT DOCUMENTS WITH TRIBECA TRANSPORT, LLC FOR ON-CALL SERVICES FOR THE MANAGEMENT OF CLASS B BIOSOLIDS AND RAW SLUDGE

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The Purpose of the Amendment #1 is to make the following changes to the Contract:

1. Section I. Scope is hereby changed as follows:
District is exercising the option to renew this Contract for the available four (4) 1-year optional renewals. The Contract expiration date is hereby changed from June 30, 2018 to **June 30, 2022**. The annual compensation shall not exceed **\$35,000**, and shall be based on the fiscal year, defined as July 1 to June 30. The maximum compensation authorized under this Contract shall not exceed \$240,000.00. There is no change to the original unit price list, attached as **Exhibit A** and hereby incorporated by reference.

Original Contract Amount	\$ 100,000.00
Amendment #1	\$ 140,000.00 (\$35,000 per year for 4 years)
Total Amended Contract	\$ 240,000.00

2. ADD Items to Section:
Section III. Constraints Items C and D:
 - C. The Contractor shall comply with all federal, state and local laws, regulation, executive orders and ordinances applicable to the Work under this Contract. Contractor must, throughout the duration of this Contract and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Any violation of this section shall constitute a material breach of this Contract. Further, any violation of Contractor’s warranty of this Contract that Contractor has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also shall constitute a material breach of this Contract. Any violation shall entitle District to terminate this Contract, to pursue and recover any and all damages that arise from the breach and the termination of this Contract, and to pursue any or all of the remedies available under this Contract, at law, or in equity, including but not limited to:
 - i. Termination of this Contract, in whole or in part;
 - ii. Exercise of the right of setoff, and withholding of amounts otherwise due and owing to Contractor, in an amount equal to District’s setoff right, without penalty; and
 - iii. Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. District shall be entitled to recover any and all damages suffered as the result of Contractor's breach of this Contract, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement performance.
 - iv. These remedies are cumulative to the extent the remedies are not inconsistent, and District may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

- D.** The Contractor represents and warrants that, for a period of no fewer than six calendar years preceding the effective date of this Contract, has faithfully complied with:
- i. All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318;
 - ii. Any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor;
 - iii. Any tax provisions imposed by a political subdivision of this state that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor; and
 - iv. Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

- 3.** Section VI. Termination-Amendment Item A is hereby deleted in its entirety and replaced with:

VI. TERMINATION - AMENDMENT

A. TERMINATIONS. This Contract may be terminated for the following reasons: 1) This Contract may be terminated at any time by mutual consent of the parties, or by District for convenience upon thirty (30) days' written notice to the Contractor; 2) District may terminate this Contract effective upon delivery of notice to Contractor, or at such later date as may be established by the District, if (i) federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that either the work under this Contract is prohibited or District is prohibited from paying for such work from the planned funding source; or (ii) any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this Contract is for any reason denied, revoked, or not renewed; 3) This Contract may also be immediately terminated by District for default (including breach of Contract) if (i) Contractor fails to provide services or materials called for by this Contract within the time specified herein or any extension thereof; or (ii) Contractor fails to perform any of the other provisions of this Contract or so fails to pursue the work as to endanger performance of this Contract in accordance with its terms, and after receipt of notice from District, fails to correct such failure within ten (10) business days; 4) If sufficient funds are not provided in future approved budgets of District (or from applicable federal, state, or other sources) to permit District in the exercise of its reasonable administrative discretion to continue this Contract, or if the program for which this Contract was executed is abolished, District may terminate this Contract without further liability by giving Contractor not less than thirty (30) days' notice.

- 4.** ADD Section VII. Execution and Counterparts:

VII. EXECUTION AND COUNTERPARTS:

This Contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

SIGNATURE PAGE FOLLOWS

Except as expressly amended above, all other terms and conditions of the Contract shall remain in full force and effect.

By signature below, the parties agree to this Amendment #1, effective upon the date of the last signature below.

Tribeca Transport, LLC

1415 Port Way
Woodland, WA 98674

Authorized Signature

Name / Title (Printed)

Date

875970-93 FLLC / Washington
Oregon Business Registry #

TRIBETL887OP
WA Construction Contractor #

Clackamas County Service District No. 1:

Chair

Recording Secretary

Date

Water Environment Services:

Chair

Recording Secretary

Date

Approved as to Form:

County Counsel

Date

EXHIBIT A
ORIGINAL UNIT PRICE LIST



Gregory L. Geist
Director

May 3, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval to Apply for Grants with the Oregon Energy Trust and Portland General Electric
For Renewable Energy Infrastructure Construction

Purpose/Outcomes	Apply for grant funds that would be used toward renewable energy infrastructure construction at the Tri-City Water Resource Recovery Facility
Dollar Amount and Fiscal Impact	Oregon Energy Trust: Up to \$1.5M Portland General Electric: Up to 85% of Project Cost
Funding Source	WES Capital Program Budget
Duration	December 2020 – December 2023
Previous Board Action/Review	Briefing during Policy Session held on April 10, 2018
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. This supports the WES Strategic Plan that customers will continue to benefit from a well-managed utility. 2. This project supports the County Strategic Plan to build public trust through good government and building a strong infrastructure.
Contact Person	Lynne Chicoine, WES Capital Program Manager, 503-742-4559 Greg Geist, WES Director, 503-742-4560
Contract No.	N/A

BACKGROUND:

As part of the solids handling capacity project at the Tri-City Water Resource Recovery Facility (“Tri-City WRRF”), WES will be installing an upgraded bio-gas utilization system. This system will include gas cleaning, storage, and an upsized engine generator that will increase the amount of reuse of bio-gas from the digestion process as power for the Tri-City facility, provide process heat for the digesters, and space heating for the solids area, the administration building and the laboratory.

WES is seeking permission to apply for grant funding from Portland General Electric (“PGE”) and the Energy Trust of Oregon relating to the bio-gas utilization system, with the goal of reducing the overall cost of the project to WES’ ratepayers. PGE’s grant program, the Renewable Development Fund, is funded by energy ratepayers that opt into their “Green Future” program. PGE encourages applicants to also apply for additional funding from the Oregon Energy Trust, a similar program that is state-wide. This is the first year that funds from both grant programs can be used on the same project. Both of these programs have categories for biopower projects such as the proposed project at the Tri City WRRF.

WES staff have been working with representatives from both granting agencies on the application process, and are confident that a grant award would reduce the overall project cost to WES' ratepayers.

RECOMMENDATION:

WES staff respectfully recommends that the Board of County Commissioners of Clackamas County, as the governing body of Water Environment Services, authorize staff to move forward with the applications for grants with the Oregon Energy Trust and Portland General Electric substantially in the forms attached.

Respectfully submitted,

Chris Storey, Assistant Director
Water Environment Services