



CLACKAMAS COUNTY BOARD OF COMMISSIONERS
2051 Kaen Road, Oregon City
BCC Hearing Room - 4th Floor

LAND USE HEARING

July 26, 2023

10:00 AM

The item will not begin before time noted. Interested parties may appear and be heard during the testimony phase of any hearing at the above address. If a hearing is set for decision only, the evidence phase has been completed, so interested parties may no longer be heard. Applications or comments may be inspected, and calls or correspondence directed to: Planning & Zoning Division, 150 Beaver Creek Road, Oregon City, OR 97045, (503) 742-4500.

HEARING

File No.: **ZDO-287: Zoning & Development Ordinance (ZDO)
Amendments Related to Places of Worship**

Applicants: Clackamas County

Proposal: The County is presently the defendant in a federal lawsuit alleging that the ZDO does not treat places of worship equally with other similarly situated uses. The County has denied this allegation; however, to avoid future lawsuits and to assist with resolution of the present case, County Counsel has recommended that we make amendments to the ZDO.

Staff Contact: **Martha Fritzie, Principal Planner, MFritzie@clackamas.us;**
Jennifer Hughes, Planning Director, JenniferH@clackamas.us



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

File Number: Planning File ZDO-287, *Zoning & Development (ZDO) Amendments Related to Places of Worship*

Staff Contact: Martha Fritzie, Principal Planner (mfritzie@clackamas.us)
Jennifer Hughes, Planning Director (jenniferh@clackamas.us)

Board of County Commissioners Hearing Date: July 26, 2023

PROPOSAL:

The County is presently the defendant in a federal lawsuit alleging that the ZDO does not treat places of worship equally with other similarly situated uses. The County has denied this allegation; however, to avoid future lawsuits and to assist with resolution of the present case, County Counsel has recommended that we make amendments to the ZDO.

The ZDO and Places of Worship

Under the federal law, the Religious Land Use and Institutionalized Persons Act (RLUIPA), a jurisdiction's zoning codes may not treat a place of worship unequal to other similarly situated non-religious uses. These rules apply to the county's Zoning & Development Ordinance (ZDO).

The ZDO currently allows for places of worship in most, but not all, of the zoning districts in the county. In most zoning districts where they are allowed, places of worship require approval under a Conditional Use¹ permit.

Historically, the county's ZDO has sought to treat churches, or places of worship, the same as other uses traditionally considered to be "places of assembly", like community halls, fraternal organization lodges, or senior centers. However, it has come to our attention that there are other types of uses in the ZDO, including certain recreational uses, that are different from a traditional assembly facility, but may at times allow for assembly uses more like a place of worship.

In order to understand how this new information affects the ZDO, staff assessed how a broader list of uses that may be considered similar to places of worship are treated in the ZDO. Based on Staff's analysis of allowances for places of worship and the broader list of other possible "similar" uses, the county's ZDO has a potential RLUIPA conflict in every residential and industrial zoning district; in one of the two open space zoning districts; and in eight of the 15

¹ Conditional use means that *use* is only allowed if approved through a Conditional Use permit, a discretionary land use approval that includes consideration of such factors as impacts to the character of the surrounding area and consistency with the Comprehensive Plan. Even if approved through a Conditional Use permit, the development may also be required to undergo certain other land use review(s), to ensure all the required development standards are met.

commercial zoning districts.² These potential conflicts can be categorized by type of zone as follows:

- **Residential and commercial zones:** The main potential RLUIPA conflict in urban and rural residential and commercial zones is with the government-owned recreational use category (which contains uses like amphitheaters, community buildings and grounds, and gymnasiums). Government-owned recreational uses are allowed as a Primary Use³ in these zones, whereas places of worship are allowed as a Conditional Use in most of these zones. This conflict affects 34 of the 41 residential and commercial zones.
- **Industrial and open space zones:** Places of worship are not currently allowed in the Open Space Management (OSM) district or in urban or rural industrial districts, but in each of these districts one or more of the possible “similar” uses are allowed as a Primary or Conditional Use.

There are also potential RLUIPA conflicts related to parking requirements and certain design standards that only apply to places of worship.

Proposed Amendments

ZDO-287 proposes text amendments to nine (9) separate sections of the ZDO, as shown in **Attachment A**.

The proposed amendments will eliminate potential ZDO conflicts related to equitable treatment of places of worship in residential, commercial and open space zoning districts, by allowing for places of worship in the same way as the most permissive other use identified as possibly similar.

Generally, these amendments would:

1. Allow for places of worship as a Primary Use in all residential and commercial zoning districts; and
2. Allow for places of worship as a Conditional Use in the Open Space Management (OSM) district.

In addition, the amendments would amend and/or eliminate certain development standards that currently apply only to places of worship by:

- Amending ZDO Section 804, *Places of Worship*, to allow for places of worship to use either the setbacks, lot coverage, and building height standards listed in the underlying zoning district *or* those listed in this Section; and
- Amending the minimum required off-street parking standard from 0.5 spaces per seat to 0.25 spaces per seat in the main assembly room (or 1 per 100 square feet, exclusive of the chancel or stage), to more closely align places of worship with the off-street parking requirements for other uses that may be considered similar.

The original proposal under ZDO-287 that was considered at the Planning Commission (PC) hearing also contained amendments to the county’s industrial zoning districts. However, as discussed below, the PC removed those amendments from their recommendation of approval. The current proposal under ZDO-287 reflects the PC recommendation.

² Note that agricultural and forest zoning districts (EFU, AG/F & TBR) were not included in this analysis because uses in those districts are determined by state law.

³ Primary Use means that *use* itself is allowed without any additional approvals, but it *may* still be required to undergo certain land use review(s) to ensure all the required development standards are met.

RELATED PRIOR BCC ACTION:

Staff briefed the Board on this proposal at a Policy Session on May 10, 2023, at which time the Board directed staff to proceed to public hearings with proposed amendments to all of the county's zones that may have a conflict, although several Commissioners voiced concerns about the potential allowance on industrially-zoned lands.

PLANNING COMMISSION ACTION:

The Planning Commission (PC) held a public hearing on all of the proposed amendments on June 26, 2023, before voting on a recommendation to the Board. No parties provided oral testimony at the hearing.

After much discussion and deliberation, the PC voted unanimously (7-0) to recommend approval of ZDO-287 with the following change:

- Remove the proposed amendments to allow for places of worship as a Primary Use in the county's industrial zones.

A separate motion was made to approve the proposed amendments to industrial zones and failed for a lack of a second.

CPO AND HAMLET RECOMMENDATIONS:

All the County's CPOs and Hamlets were sent notice of this proposal on May 22, 2023. No CPO or Hamlet has commented.

To date, only one (1) comment has been received – from the Department of Land Conservation and Development (DLCD) expressing concerns about allowing places of worship in industrial-zoned areas (see *Exhibit 1*).

SIGNIFICANT ISSUES:

The most significant issue that arose in relation to the proposal in ZDO-287 was regarding whether or not to allow places of worship in industrial-zoned areas. Several different parties have expressed concerns with allowing places of worship in industrial-zoned areas, including the Planning Commission, DLCD, and several Commissioners on the Board. Specifically, DLCD requests that the county consider allowing places of worship only through a Conditional Use process in industrial zones, rather than as a Primary Use, as was proposed in the initial drafts of ZDO-287. DLCD further notes that *the Metro region lacks employment lands that are development-ready; and it is imperative that industrial land be preserved for employment uses that will provide needed jobs, as well as tax base, for the county and the region.*

Both the need to preserve industrial lands for jobs-producing uses and concerns about potential compatibility conflicts between places of worship and industrial uses were the primary issues voiced by all the parties.

However, to the extent that there actually are RLUIPA conflicts in the county's industrial zones, the issue will need to be addressed. And while it is clear that Metro's rules acknowledge that it may be appropriate for some places of assembly to locate in industrial areas, those rules do not require those uses to be allowed outright as Primary Uses. It may be more appropriate in these areas to only allow places of assembly with a Conditional Use permit, so that potential impacts

can be considered on a case-by-case basis. This type of amendment would need to be considered under a separate process with separate notice because it may result in a more restrictive approval process for some other uses in these zones.

The Planning Commission felt strongly that the proposal should not include the amendments to add places of worship to industrial zones. Staff understands the concerns voiced by all the parties and thinks that this issue may warrant additional consideration separate from the proposal in ZDO-287. As such, the proposal before the Board does not include any changes in the county's industrial areas.

STAFF RECOMMENDATION:

Staff recommends adoption of the amendments in ***Attachment A***, as also recommended by the Planning Commission.

Doing so would ensure that places of worship are treated equally with other similarly situated uses in the county's residential, commercial and open space districts. Potential amendments for industrial-zoned lands may be revisited in a future amendment proposal.

ZDO-287: ZONING & DEVELOPMENT ORDINANCE (ZDO) AMENDMENTS RELATED TO PLACES OF WORSHIP



Board of County Commissioners Public Hearing
July 26, 2023


ZDO-287

Legislative amendments to the Zoning & Development Ordinance (ZDO) to ensure the ZDO:

- Is compliant with the Religious Land Use and Institutionalized Persons Act (RLUIPA) - a federal law; and
- Treats places of worship equal to other similarly-situated, non-religious uses.


BACKGROUND

- RLUIPA lawsuit - unequal treatment in ZDO
- Review against long list of uses that are or may be similar
- Potential conflicts in nearly all zoning districts - most with certain recreational uses that are potentially “similar” to assembly uses

ZDO-287 [3] 

PROPOSAL - GENERALLY

- Amend allowance for places of worship in most zoning districts
- Most changes are from Conditional Use to Primary Use
 - Primary Use vs Conditional Use
- Would newly allow places of worship as a Conditional Use in OSM (Open Space Mgmt.) zone
 - Public and Community Use Open Space

ZDO-287 [4] 

PROPOSAL - RESIDENTIAL ZONES

Places of Worship	
Current Allowance in ZDO	Conditional Use
ZDO-287 Proposed Amendment	Primary Use
Most permissive use(s) that may be similarly situated	
<i>Recreational Uses, Government-Owned</i> , including parks, amphitheaters... community buildings and grounds; community and ornamental gardens... fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts....and similar recreational uses	Primary Use

ZDO-287 [5]



PROPOSAL - COMMERCIAL ZONES

Places of Worship	
Current Allowance in ZDO	Primary Use (7 zones) Conditional Use (8 zones)
ZDO-287 Proposed Amendment	Primary Use
Most permissive use(s) that may be similarly situated	
<i>Recreational Uses, Government-Owned</i> , including parks, amphitheaters... community buildings and grounds; community and ornamental gardens... fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts....and similar recreational uses	Primary Use

ZDO-287 [6]



PROPOSAL - OPEN SPACE ZONES

Places of Worship	
Current Allowance in ZDO	Not listed
ZDO-287 Proposed Amendment	Conditional Use
Most permissive use(s) that may be similarly situated	
Indoor recreation facilities, meeting rooms, interpretive centers, and other similar uses provided such uses are not intended for the purpose of obtaining a commercial profit	Conditional Use
Libraries	

ZDO-287 [7]



PROPOSAL - DEVELOPMENT STANDARDS

- Allow places of worship to use setbacks, lot coverage and building height standards listed in the underlying zoning district *or* those listed in ZDO Section 804
- Amend parking standards to more closely align to other uses that may be similar


ZDO-287 [8]



ANALYSIS & FINDINGS

Proposed amendments (Attachment A) meet applicable approval criteria

- Statewide Planning Goals
- Metro Urban Growth Management Functional Plan (UGMFP)
- Clackamas County's Comprehensive Plan
- Zoning and Development Ordinance


ZDO-287 [9] 

PLANNING COMMISSION (PC) HEARING

Public hearing June 26, 2023

- No parties testified
- Significant issue: whether or not to allow places of worship in industrial zones

PC voted 7 - 0 to recommend approval of the ZDO-287 text amendments, **with the removal of the amendments to industrial zones.**

ZDO-287 [10] 

SIGNIFICANT ISSUE

Places of worship in industrial-zoned areas

- Concerns
 - DLCD comments (Exhibit 1): allowance as a Primary Use would not adequately protect industrial areas
 - Preserve industrial lands for jobs-producing uses
 - Potential conflicts or compatibility issues with places of worship and industrial uses in proximity
- If places of worship are not allowed or are conditionally allowed, other currently allowed uses would need to be restricted or prohibited
 - Separate process and notice needed

ZDO-287 [11]



STAFF RECOMMENDATION

Approval of the ZDO-287 text amendments in Attachment A.

- ▣ Reflects PC recommendation
- ▣ Does not include amendments to any industrial zones at this time

ZDO-287 [12]





QUESTIONS?





STAFF REPORT TO THE PLANNING COMMISSION

To: Clackamas County Planning Commission
From: Martha Fritzie, Principal Planner (mfritzie@clackamas.us)
Jennifer Hughes, Planning Director (jenniferh@clackamas.us)
Date: June 15, 2023
RE: Planning File ZDO-287: *Zoning & Development Ordinance (ZDO) Amendments Related to Places of Worship*

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BACKGROUND

The County is presently the defendant in a federal lawsuit alleging that the ZDO does not treat places of worship equally with other similarly situated uses. The County has denied this allegation; however, to avoid future lawsuits and to assist with resolution of the present case, County Counsel has recommended that we make amendments to the ZDO.

The ZDO and Places of Worship

Under the federal law, the Religious Land Use and Institutionalized Persons Act (RLUIPA), a jurisdiction's zoning codes may not treat a church, or place of worship, unequal to other similarly situated non-religious uses. These rules apply to the county's Zoning & Development Ordinance (ZDO).

The ZDO currently allows for places of worship in most, but not all, of the zoning districts in the county. In most zoning districts where they are allowed, places of worship require approval under a Conditional Use¹ permit.

Historically, the county's ZDO has sought to treat churches, or places of worship, the same as other uses traditionally considered to be "places of assembly", like community halls, fraternal organization lodges, or senior centers. However, it has come to our attention that there are other types of uses in the ZDO, including certain recreational uses, that are different than a

¹ Conditional use means that use is only allowed if approved through a Conditional Use permit, a discretionary land use approval that includes consideration of such factors as impacts to the character of the surrounding area and consistency with the Comprehensive Plan. Even if approved through a Conditional Use permit, the development may also be required to undergo certain land use review(s), to ensure all the required development standards are met.

traditional assembly facility, but may at times allow for assembly uses more like a place of worship.

In order to understand how this new information affects the ZDO, staff assessed how a broader list of uses that may be considered similar to places of worship are treated in the ZDO, including the following categories:

- Arenas, Exhibition Halls, and Stadiums
- Civic and Cultural Facilities, including art galleries, museums, and visitor centers
- Community Halls
- Entertainment Facilities, including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters
- Fraternal Organization Lodges
- Government Uses, generally
- Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events
- Libraries
- Government-Owned Recreational Uses, 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
- Other Recreational Uses or Recreational Sports Facilities, including gymnastics facilities, swimming pools, and other sports or outdoor recreation facilities

Based on Staff's analysis of allowances for places of worship and the broader list of other possible "similar" uses, the county's ZDO has a potential RLUIPA conflict in every residential and industrial zoning district; in one of the two open space zoning districts; and in eight of the 15 commercial zoning districts.² These conflicts can be categorized by type of zone as follows:

- **Residential and commercial zones:** The main potential RLUIPA conflict in urban and rural residential and commercial zones is with the government-owned recreational use category (which contains uses like amphitheaters, community buildings and grounds, and gymnasiums). Government-owned recreational uses are allowed as a Primary Use³ in these zones, whereas places of worship are allowed as a Conditional Use in most of these zones. This conflict affects 34 of the 41 residential and commercial zones.
- **Industrial and open space zones:** Places of worship are not currently allowed in the Open Space Management (OSM) district or in urban or rural industrial districts, but in each of these districts one or more of the possible "similar" uses are allowed as a Primary or Conditional Use.

There are also potential RLUIPA conflicts related to parking requirements and certain design standards that only apply to places of worship.

² Note that agricultural and forest zoning districts (EFU, AG/F & TBR) were not included in this analysis because uses in those districts are determined by state law.

³ Primary Use means that *use* itself is allowed without any additional approvals, but it *may* still be required to undergo certain land use review(s) to ensure all the required development standards are met.

Staff presented this information and analysis to the Board of County Commissioners (BCC) at a policy session on May 10, 2023. The BCC was asked to provide staff with direction for the ZDO amendments and specifically: *Should the county's ZDO be amended to be more permissive for places of worship or should it be amended to be less permissive for certain other assembly and recreational uses (that may be in some ways similar to places of worship)?*

At the BCC policy session, two commissioners voiced concerns about allowing places of worship in the county's industrial zones because of potential incompatibilities of the uses and concerns about preservation of industrial land for industrial uses. But ultimately, the BCC voted unanimously to direct staff to amend the ZDO to be more permissive for places of worship, in large part because of a disinclination to add restrictions on existing property owners.

Ordinance ZDO-287 contains the amendments to the county's ZDO that are needed to remedy the potential RLUIPA conflicts related to equitable treatment and in a manner as directed by the BCC.

There will be at least two public hearings on this proposal: one before the Planning Commission (PC) on Monday, June 26, 2023, and another before the BCC on Wednesday, July 26, 2023. The PC provides a recommendation to the BCC, who would ultimately decide whether the ordinance is adopted.

PROPOSAL

ZDO-287 proposes text amendments to 11 separate sections of the ZDO⁴. The amendments are included in ***Attachment A***.

The proposed amendments will eliminate potential ZDO conflicts related to equitable treatment of places of worship by amending each zoning district to allow for places of worship in the same way as the most permissive other use identified as possibly similar.

Generally, these amendments would:

1. Allow for places of worship as a Primary Use in all residential and commercial zoning districts;
2. Allow for places of worship as a Primary Use in all industrial zoning districts, subject to the same limitations that other potentially similar uses are subject to, including a size limit of 20,000 square feet in designated Regionally Significant Industrial Areas; and
3. Allow for places of worship as a Conditional Use in the Open Space Management (OSM) district.

In addition, the amendments would amend and/or eliminate certain development standards that currently apply only to places of worship by:

- Amending ZDO Section 804, *Places of Worship*, to allow for places of worship to use either the setbacks, lot coverage, and building height standards listed in the underlying zoning district or those listed in this Section; and
- Amending the minimum required off-street parking standard from 0.5 spaces per seat to 0.25 spaces per seat in the main assembly room (or 1 per 100 square feet, exclusive of the

⁴ Each ZDO section proposed for amendment is listed in the "List of Attachments" section, found on page 11 of this report.

chancel or stage), to more closely align places of worship with the off-street parking requirements for other uses that may be considered similar.

PUBLIC NOTICE & COMMENTS

Notice of the proposed amendments in ZDO-287 was sent to:

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

Notice was also published in the newspaper and online. To date, Planning and Zoning has received no written comments from members of the public or other agencies.

ANALYSIS & FINDINGS

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

1. Statewide Planning Goals:

This section of the report includes findings on the consistency of ZDO-287 with Statewide Planning Goals.

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

ZDO-287 does not propose to change the *Citizen Involvement* chapter (Chapter 2) of the County's Comprehensive Plan. ZDO Section 1307 implements policies of Comprehensive Plan Chapter 2, and contains adopted and acknowledged procedures for citizen involvement and public notification of land use applications. Notice of ZDO-287 has been provided consistent with the requirements of Chapter 2 and Section 1307, including to all Community Planning Organizations, DLCD, other agencies, and a sizeable list of interested parties. Notice of the Planning Commission and Board of County Commissioner's hearings were published in the newspaper and on the county's webpage. Before a final decision on ZDO-287 can be made, there will have been at least two public hearings: one before the PC and another before the BCC.

This proposal is consistent with Goal 1.

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

ZDO-287 does not require an exception to any Statewide Planning Goal and no amendments are proposed to the county's Comprehensive Plan. With the proposed amendments, the County's adopted and acknowledged Comprehensive Plan will continue to be consistent with Statewide Planning Goals, and the implementing regulations in state law. As detailed in Section 3, below, the amendments proposed in

ZDO-287 are consistent with all applicable goals and policies of the county's Comprehensive Plan.

This proposal is consistent with Goal 2.

- c. **Goal 3 – Agricultural Lands:** The ZDO-287 text amendments would not change the Plan agricultural land policies or implementing regulations for compliance with Goal 3.

This proposal is consistent with Goal 3.

- d. **Goal 4 – Forest Lands:** The ZDO-287 text amendments would not change the Plan forest lands policies or implementing regulations for compliance with Goal 4.

This proposal is consistent with Goal 4.

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

ZDO-287 would not make any change to the County's Comprehensive Plan goals, policies, or inventories of Goal 5 resources, or implementing regulations. Places of worship may be allowed within areas protected under Goal 5, subject to the same regulations and processes that would be applied to any other comparable type of development.

This proposal is consistent with Goal 5.

- f. **Goal 6 – Air, Water and Land Resources Quality:** Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan. Goal 6 is **not applicable** because ZDO-287 would not change any Comprehensive Plan goal or policy, or implementing regulation, affecting a Goal 6 resource, nor would it modify the mapping of any protected resource.

This proposal is consistent with Goal 6.

- g. **Goal 7 – Areas Subject to Natural Disasters and Hazards:** Goal 7 requires the County's Comprehensive Plan to address Oregon's natural hazards. ZDO-287 would not change the County's acknowledged Comprehensive Plan policies or implementing regulations regarding natural disasters and hazards, nor would it modify the mapping of any hazard.

This proposal is consistent with Goal 7.

- h. **Goal 8 – Recreational Needs:** The ZDO-287 text amendments do not propose to change Plan policies or implementing regulations related to recreational needs.

This proposal is consistent with Goal 8.

Goal 9 – Economy of the State: Goal 9 requires the County to provide an adequate supply of land for commercial and industrial development. ZDO-287 would not change the Comprehensive Plan or zoning designation of any property. It also would not add

any new restriction to land uses in areas of the County reserved for commercial and industrial development.

ZDO-287 would, however, result in places of worship being allowed as a Primary Use in all but one of the county's commercial and industrial zoning districts.⁵ In nearly half the county's commercial districts this requires no amendment – places of worship are already allowed as a Primary Use – but in the other commercial and all of the industrial districts this will require an amendment. These amendments are consistent with Goal 9 for the following reasons:

- Places of worship are already allowed as a Primary Use in many urban commercial zoning districts. This allowance has been acknowledged to be compliant with Goal 9 and the use has been deemed appropriate for those commercial zones. Other urban commercial zones in the county are not substantively that different than the ones that currently allow places of worship as a Primary Use. In addition, over the many decades that places of worship have been allowed in those commercial zones, very few have actually located there, demonstrating that the allowance has not adversely affected the county's supply of employment land.
- In the commercial and industrial districts that would be amended to allow places of worship as a Primary Use, this change is being made because there is at least one other type of assembly place, or use that may be considered as or used for an assembly place, that is already allowed as a Primary Use in the zone. The other similar or potentially similar uses have been acknowledged to be compliant with Goal 9, and those uses have been deemed appropriate for those commercial or industrial zones. A place of worship would be considered no different.

This proposal is consistent with Goal 9.

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

In every residential zoning district in the county, places of worship are already allowed, but as a Conditional Use. ZDO-287 would amend each of these Districts to allow places of worship as a Primary Use. In each of these residential districts, at least one other type of assembly place or use that may be considered as or used for an assembly place, is allowed as a Primary Use. The other similar or potentially similar uses have been acknowledged to be compliant with Goal 10, and those uses have been deemed appropriate for those residential zones. A place of worship would be considered no different.

This proposal is consistent with Goal 10.

- j. **Goal 11 – Public Facilities and Services:** The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to act as a framework for urban and rural development. ZDO-287 does not propose any change in adopted plans for the provision of water, sewer, or other public services. Similar to any other proposed development, adequacy of any such needed services would be assessed at the time of development review.

⁵ No amendments are needed in the Village Office (VO) District, where places of worship will remain a Conditional Use.

This proposal is consistent with Goal 11.

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

OAR 660-012-0060 also requires any comprehensive plan and land use regulation amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system. The amendments proposed under ZDO-287 would not allow a new *type* of use in any zoning district, from a traffic generation standpoint. In each zoning district affected by ZDO-287, at least one other type of assembly place or use that may be considered as or used for an assembly place, is allowed as a Primary Use. The other similar or potentially similar uses have been acknowledged to be compliant with Goal 12 and whatever traffic impacts that use may have would not be substantively different than the traffic impacts of a place of worship.

As such, no additional analysis of the transportation system is needed.

This proposal is consistent with Goal 12.

- l. **Goal 13 – Energy Conservation:** Goal 13 encourages land use plans to consider lot size, building height, density, and other measures in order to help conserve energy. ZDO-287 would not change any policy or implementing regulation regarding energy conservation.

This proposal is consistent with Goal 13.

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

ZDO-287 would not modify any UGB or the status or boundaries of any unincorporated community. The ordinance would not modify any urban or rural reserve boundary, allow any new land use in such reserve areas in a manner inconsistent with state law, or change the land use plan designation or zoning of any property.

This proposal is consistent with Goal 14.

- n. **Goal 15 – Willamette River Greenway:** ZDO-287 would not change any existing requirement related to development in the Willamette River Greenway (WRG). Places of worship would be allowed within the WRG, subject to the same regulations and processes as other types of development.

This proposal is consistent with Goal 15.

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

2. Metro Urban Growth Management Functional Plan (UGMFP)

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

ZDO-287 does not propose to change the County's residential, commercial, or industrial land supply or regulations related to protection of the county's habitat and water quality areas, or to modify the UGB. ZDO-287 would, however, newly allow places of worship in the county's industrial zoning districts.

Compliance with relevant sections of the UGMFP are discussed as follows:

- Title 4 of the UGMFP is intended to promote a strong economy by protecting the supply of sites for employment by, among other provisions, "limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment areas. The UGMFP acknowledges that places of assembly may locate within an industrial area, but specifically prohibits within RSIAs *"the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA."* (3.07.420(d)). The county's ZDO currently includes such a limitation for other places of assembly and certain recreation uses in the urban industrial zones. ZDO-287 proposes to add places of worship as an allowed use in the county's industrial zones and include this size limitation within RSIAs.
- Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the county's comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the county provided notice to Metro as required by section 3.07.820(a). Notice of this proposal was provided to Metro on May 22, 2023 - 35 days prior to the first evidentiary hearing. Metro has not submitted any comment.

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

3. Clackamas County's Comprehensive Plan

ZDO-287 proposes amendments that would allow places of worship as a Primary Use in most of the county's zoning districts, where places of worship are currently either allowed as a Conditional Use or prohibited. But in each zoning district affected by these amendments, there is at least one non-religious type of assembly place, or use that may be considered as or used for an assembly place, that is allowed as a Primary Use. These similar or potentially similar uses have been acknowledged to be compliant with all the applicable goals and policies in the county's Comprehensive Plan and deemed appropriate for each affected zone. As such, findings of consistency with the policies in each zoning district are not warranted.

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

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

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

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

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

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

Consideration of ZDO-287 has proceeded according to the noticing and public hearing requirements of ZDO Section 1307, which implements Chapter 2 of the Plan.

Furthermore, even as a Primary Use, places of worship, like any institutional use, would be required to go through a land use review to meet applicable development standards, which ensures that the public, Community Planning Organizations, and any other affected agencies will have opportunity to provide input to any development proposal for a place of worship.

This proposal is consistent with Chapter 2.

b. Chapter 4 – Land Use:

Chapter 4 of the Comprehensive Plan generally includes goals and policies for how land in Clackamas County should be designated and zoned, and goals and policies for what land uses should be allowed in those designations and their implementing zoning districts.

ZDO-287 does not propose to change the Comprehensive Plan land use designation or zoning district of any property. ZDO-287 does, however, propose to amend allowances for places of worship in the majority of the county's zoning districts.

Chapter 4 contains the following polies related to Plan and ZDO amendments affecting properties in Metro area Urban and Rural Reserves:

4.E.2.3 - The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:

4.E.2.3.1- To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserve areas.

4.F.3 - The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance, or the Comprehensive Plan Map or zoning designations:

4.F.3.1-To allow within the Rural Reserve areas, new uses that were not allowed on the date Rural Reserve areas were designated, except as authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after the designation of Rural Reserve areas.

Although ZDO-287 does propose amendments to zoning districts that are found within the Metro area urban and rural reserves, the proposal is not in conflict with these policies or the associated state regulations because, in no case, do the amendments proposed in ZDO-287 allow a "new use" in a zoning district:

- As noted previously, in all the residential and affected commercial districts, this amendment includes a change in the way the use is allowed on a property, from requiring a Conditional Use approval, to allowing it as a Primary Use. Places of worship are already a “use” that is allowed in these districts.
- Even in the industrial and the OSM zoning districts, where places of worship are not currently allowed by the ZDO, the amendment to add places of worship to the list of allowed uses does not constitute a “new use” because other “assembly” uses are allowed. Simply because an assembly use is religious, it does not make it a different “use” than a non-religious assembly use. This is, in fact, the very basis of the equitable treatment provisions of RLUIPA.

No other applicable policies were found in Chapter 4.

This proposal is consistent with Chapter 4.

c. Chapter 11 – *The Planning Process*:

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

Chapter 11 of the Comprehensive Plan also contains the specific requirement that the Comprehensive Plan and ZDO be consistent with Statewide Planning Goals and with Metro’s Urban Growth Management Functional Plan; Chapter 11 is what requires the ZDO itself to be consistent with the Comprehensive Plan. This report’s *Analysis & Findings* outline how ZDO-287 is consistent with all of these requirements.

This proposal is consistent with Chapter 11.

5. Zoning and Development Ordinance (ZDO):

The proposed text amendments are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in the proposal and review of ZDO-287. Notice of this proposal was provided at least 35 days before the first scheduled public hearing to DLCD, all active CPOs and Hamlets, and other interested parties and agencies, to allow them an opportunity to review and comment on the proposed amendments. Advertised public hearings are being held before the Planning Commission and the BCC to consider the proposed amendments. The ZDO contains no further specific review criteria that must be applied when considering an amendment to the text of the ZDO.

RECOMMENDATION

Staff recommends approval of ZDO-287, as proposed in *Attachment A*. Staff finds the proposed ZDO text amendments are consistent with all applicable criteria and are necessary to ensure that places of worship are treated equitably with other similarly situated uses in the county’s ZDO.

LIST OF ATTACHMENTS

A. Proposed ZDO amendments

1. **ZDO Section 315**, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts*
2. **ZDO Section 316**, *Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts*
3. **ZDO Section 317**, *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts*
4. **ZDO Section 510**, *Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts*
5. **ZDO Section 511**, *Village Community Service (VCS)*
6. **ZDO Section 513**, *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts*
7. **ZDO Section 602**, *Business Park, Light Industrial, and General Industrial Districts (BP, LI and GI);*
8. **ZDO Section 604**, *Rural Industrial District (RI),*
9. **ZDO Section 702**, *Open Space Management (OSM)*
10. **ZDO Section 804**, *Places of Worship*
11. **ZDO Section 1015**, *Parking and Loading*

**PLANNING COMMISSION
DRAFT MINUTES**

June 26, 2023 (Part 2, ZDO-287)
Meeting held online via Zoom

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

Commissioners absent: Tom Middaugh, Steven Schroedl

Staff present: Martha Fritzie, Jennifer Hughes, Darcy Renhard, Ellen Rogalin

Commission Chair Murphy opened the public hearing for ZDO-287 at 8:37 pm.

Martha Fritzie presented staff's report for file number ZDO-287. This is a legislative Zoning and Development Ordinance (ZDO) amendment package to ensure that our ZDO is compliant with a federal law called the Religious Land Use and Institutionalized Persons Act (RLUIPA). This law requires local zoning codes to treat places of worship equal to similarly situated non-religious uses. There is a lawsuit filed against the County alleging unequal treatment in our ZDO, which has prompted Planning staff and County Counsel to review our ZDO. They found potential conflicts in nearly all of our zoning districts, most of which allow certain recreational uses that are potentially "similar" to assembly uses. Even though staff is not necessarily in agreement with all of the allegations in the lawsuit, in order to ensure that we do not have any potential conflicts, staff decided that we do need to make some amendments to the ZDO. The proposal would amend the allowance for places of worship in almost all of our zoning districts.

A number of our commercial zoning districts did not need any changes. Most of the changes that are proposed would make a place of worship approvable as a primary use as opposed to being a conditional use as it is now. A primary use in our ZDO means that the use itself is allowed without any additional land use approvals and that the use has been determined to be appropriate for that zoning district. It does not exempt anyone from the development standards in the ZDO, so they may still be required to go through other land use approvals like design review or flood plain development, if it were necessary. It would simply remove the requirement to go through the conditional use process, which is a discretionary land use approval and includes considerations of various factors such as the surrounding areas and consistency with our Comprehensive Plan. Even if a conditional use were approved, an applicant may still be required to go through the additional development review processes. Right now places of worship are required to go through the conditional use process in a lot of our zones, whereas some of these other uses that were identified as potentially being similar do not. This is why we are proposing the changes.

There are a few zones where places of worship are not currently allowed, including all of the urban and rural industrial zones and the open space management zone.

Staff is proposing amendments that would allow for places of worship to match the most permissive use that may be similarly situated. Alternatively, we could take a different route and make whatever the most permissive current uses are more restrictive to match what places of worship currently are. Staff met with the Board of County Commissioners several months ago in a policy session to discuss this, and the Board directed staff to be more permissive with places of worship.

Places of worship are currently allowed in the residential zones as a conditional use. The proposal is to change this to a primary use.

Places of worship are currently allowed as a primary use in 7 of the 15 commercial zones. They are allowed as a conditional use in the other 8 commercial zones. We are proposing to make them allowed as a primary use in all 15 commercial zones.

Places of worship are not listed in the industrial zones, meaning that they are not allowed. The most permissive use that may be similarly situated are recreational facilities, which may arguably be considered similar as a place of assembly. One consideration to keep in mind is that under the Metro Urban Growth Management Functional Plan, there is a size limit for any types of places of assembly that are in regionally significant industrial areas. This would also apply to places of worship if they were to locate in one of these areas.

In the open space management district, places of worship are not listed as a use. There are some other potentially similar uses that are listed as conditional uses, including indoor recreational facilities and libraries. Staff's proposal would add places of worship as a use in this zone, but as a conditional use.

We received one comment from DLCD stating that they are concerned that the allowance does not adequately protect the industrial areas. Martha noted that there are already places of assembly allowed in the industrial zones, and that there are some size limits imposed. It makes it difficult to argue that allowing churches in an industrial zone is somehow different than allowing other places of assembly when it comes to protecting industrial areas. The other solution would be to restrict, or just not allow, some of these other uses in the industrial zones. Staff is still recommending that the Planning Commission recommend adoption of ZDO -287 as presented tonight in Attachment A.

Commissioner Wilson asked if a person would be allowed to open up any type of space as long as they call it a place of worship. Jennifer answered that there would have to be some sort of evidence that it truly was a faith based organization. It would not remove the development standards required. Could they do an outdoor place of worship? The answer is probably yes, but they would still have to adhere to the development standards which include noise standards. Commissioner Wilson is very concerned about industrial properties being used for something that does not promote industry or provide jobs in the community.

Commissioner Pak asked if the Planning Commission could recommend approval for part of the amendment package, but recommend something different for part of it. Martha replied that they can do that.

Commissioner Stevens said that there was an experience a while ago where a religious organization was running a rehabilitation center on EFU land. There is a wide range of activities that can fall under the umbrella of a "religious organization".

Commissioner Lopes said that the State may have a definition for religions or recognized religious organizations. They have requirements when hiring chaplains for the correction facilities, so we might try looking to them for a good definition.

Commissioner Murphy said that there are some abandoned buildings that already have services, fire protection, square footage, etc. could be bought for a good price but that are not even being used right now. It would be putting something to use that has been abandoned. He asked if the open space management properties are things that are government owned or if they are privately owned. Martha answered that a lot of them are government owned properties at this point in time. There aren't a lot of them in the urban area.

Jennifer explained that a lot of them are government owned parks or school playgrounds, but there are also golf courses and cemeteries.

Commissioner Peterson likes the idea of reconsidering how we treat industrial space. There is a major shortage of industrial land, so he is always concerned when we start using industrial space for other uses. He would support not including the industrial land as a zone for places of worship to be a primary use. He also realizes that would mean changing the code to make it equitable for both sides, but he is in support of doing that.

Commissioner Wilson and Commissioner Murphy agree with Commissioner Peterson in that industrial land needs to be more protected for industrial use. It is much safer and easier for industrial practices to be conducted away from residential and other public functions.

Commissioner Moss moved to recommend approval of ZDO-287 as presented by staff, with the exception of allowing places of worship as a primary use in the industrial zones. Commissioner Murphy seconded. (*Ayes=7; Nays=0. Motion passes.*)

Commissioner Moss moved to recommend approval of allowing places of worship as a primary use in the industrial areas as presented by staff. The motion died for lack of a second.

There being no further business, the hearing adjourned at 9:45 p.m.

NOTICE

Amendments to this section of the Zoning and Development Ordinance were approved by the Board of County Commissioners on December 8, 2022, and became effective on May 30, 2023. However, these amendments have not been acknowledged under state law because an appeal has been filed with the Land Use Board of Appeals. Pursuant to Oregon Revised Statutes 197.625, the County shall apply the amended regulations to land use decisions, expedited land divisions and limited land use decisions. However, if these amended regulations fail to gain acknowledgment, any permit or zone change which is approved, in whole or in part, on the basis of the change will not justify retention of the improvements that were authorized by the permit or zone change. Before proceeding with plans for development that are dependent on the amended regulations, applicants are advised to consult with Planning and Zoning Division staff and seek independent legal advice.

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

315.01 PURPOSE

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

315.02 APPLICABILITY

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

315.03 USES PERMITTED

- A. Uses permitted in each urban residential zoning district are listed in Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*. Uses not listed are prohibited, except:
1. In the PMD District, uses similar to one or more of the listed uses for the PMD District may be authorized pursuant to Section 106, *Authorizations of Similar Uses*; and
 2. In the HDR, SHD, and RCHDR Districts, uses similar to one or more of the listed limited uses for the applicable zoning district may be authorized pursuant to Section 106.
- B. As used in Table 315-1:
1. “P” means the use is a primary use.
 2. “A” means the use is an accessory use.
 3. “L” means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
 4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
 5. “CPUD” means the use is allowed as a conditional use in a planned unit development.
 6. “X” means the use is prohibited.
 7. Numbers in superscript correspond to the notes that follow Table 315-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 315.04, *Dimensional and Building Design Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

315.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the urban residential zoning districts are listed in Tables 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts*; 315-3, *Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-4, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*. As used in Tables 315-2 through 315-4, numbers in superscript correspond to the notes that follow each table.

Modifications: Modifications to the standards in Tables 315-2 through 315-4 are established by Sections 800, *Special Use Requirements*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. Except in the HDR, SHD, and RCHDR Districts, modifications to the standards in these tables also are established by Section 903, *Setback Exceptions*.

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

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

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Bed and Breakfast Inns , subject to Section 832	C	X	C	X	X	P	P	P	X	L ² ,C ³	L ⁴
Bed and Breakfast Residences , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
Bus Shelters	A	A	A	A	P	A	A	A	A	A	A
Cemeteries , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
Child Care Facilities	C	C	C	C	C	C	C	L ⁵ ,C	C	L ² ,C ³	L ⁴
Civic and Cultural Facilities , including art galleries, museums, and visitor centers	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Community Halls	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD
Composting Facilities	X	X	X	X	X	X	X	X	X	X	X
Daycare Services, Adult	C	C	C	C	C	C	C	L ⁵ ,C	C	L ² ,C ³	L ⁴
Dwellings, including:											
Accessory Dwelling Units, subject to Section 839	A	A	A	A	X	X	X	X	X	X	X
Congregate Housing Facilities	X	X	X	P	P	P	P	P	P	P	P
Cottage Clusters	P ^{7,8}	P ^{7,8}	X	X	P	X	X	X	X	X	X
Detached Single-Family Dwellings	P ⁷	P ⁷	X	X	X	X	X	X	X	X	X
Duplexes	P ⁷	P ⁷	X	P	P	P	P	P	P	X	X
Manufactured Dwelling Parks, subject to Section 825	P ⁹ ,C	P ¹⁰	C	X	C	P	X	X	X	X	X

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Manufactured Homes	P ⁷	P ⁷	X	X	X	X	X	X	X	X	X
Multifamily Dwellings	X	X	X	X	P	P	P	P	P	P	P
Quadplexes	P ^{7,8}	P ^{7,8}	X	P	P	P	P	P	P	P	P
Townhouses	P ^{7,8}	P ^{7,8}	P	P	X	P ¹¹	P ¹¹	X	X	X	X
Triplexes	P ^{7,8}	P ^{7,8}	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 ³	X
Farmers' Markets , subject to Section 840	A	A	A	A	A	A	A	A	A	A	A
Fences and Retaining Walls	P	P	P	P	P	P	P	P	P	P	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L ⁵ ,C	X	L ^{2,12} ,C	L ⁴ ,C
Fraternal Organization Lodges	C ¹³	X	C ¹³	X	C ¹³	C ¹³	C ¹³	C ¹³	X	C ¹³	C ¹³
Government Uses , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ¹³	X	C ¹³	X	C ¹³	C ¹³	C ¹³	C ¹³	X	C ¹³	C ¹³
Guest Houses , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X

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 ¹⁴	A	A	A	A	A	A	A	A	A	A	A
Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use	C	X	X	X	X	X	X	X	X	X	X
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	X	C	X	X	C	C	C	X	C	X
Hotels and Associated Convention Facilities	X	X	X	X	X	X	X	X	X	C ¹⁵	L ⁴ ,C
Hydroelectric Facilities	C	X	C	X	X	C	C	C	X	C	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	L ⁵ ,C ⁶ , CPUD	CPUD	L ² ,C ³ , CPUD	L ⁴ , CPUD
Livestock , subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
Marijuana Processing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments , subject to Section 844	C	X	X	X	X	C	X	C	X	C	X
Nursing Homes	C	C	C	P	P	P	P	P	P	P	P

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Offices , including accounting services, administrative, business, corporate, and professional offices, but not including offices for governmental uses. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Offices and Outpatient Clinics —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Parking Structures	X	X	X	X	X	A	A	A	X	A	A
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Places of Worship , subject to Section 804	<u>EP</u>	<u>EP</u>	<u>EP</u>	<u>EPUDP</u>	<u>EP</u>	<u>EP</u>	<u>EP</u>	<u>EP</u>	<u>EPUDP</u>	<u>EP</u>	<u>EP</u>

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 ¹⁶	C ¹³	X	C ¹³	X	C ¹³	C ¹³	C ¹³	C ¹³	X	C ¹³	C ¹³
Radio and Television Studios , excluding transmission towers	X	X	X	X	X	X	X	X	X	L ² ,C ³	X
Radio and Television Transmission and Receiving Towers and Earth Stations ¹⁸	C ¹³	X	C ¹³	X	X	C ¹³	C ¹³	C ¹³	X	C ¹³	C ¹³
Recreational Vehicle Camping Facilities , subject to Section 813	X	X	X	X	X	C ¹³	C ¹³	C ¹³	X	X	X

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Recreational Uses, Government-Owned , including parks, amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; tables and seating; and similar recreational uses ¹⁸	P ¹⁹	P ¹⁹	P ¹⁹	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰
Recreational Uses, Government-Owned Golf Courses ¹⁸	P ¹⁹	X	P ¹⁹	X	C ¹³	P ²⁰	P ²⁰	C ¹³	X	C ¹³	C ¹³
Recreational Uses , including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools ¹⁸	C ¹³	X	C ¹³	X	C ¹³	C ¹³	C ¹³	C ¹³	X	C ¹³	C ¹³
Recyclable Drop-Off Sites , subject to Section 819	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	L ⁵ ,C ⁶ , CPUD ²²	CPUD ²²	L ² ,C ³ , CPUD ²²	L ⁴ , CPUD ²²
Roads	P	P	P	P	P	P	P	P	P	P	P
Schools , subject to Section 805	C	C	C	CPUD	CPUD	C	C	L ^{5,23} ,C ^{6,23} , CPUD	CPUD	L ^{2,23} ,C ^{3,23} , CPUD	L ^{4,23} , CPUD

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Services, Business , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Services, Commercial— Construction and Maintenance , including contractors engaged in construction and maintenance of electrical and plumbing systems	X	X	X	X	X	X	X	X	X	C ³	X
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	L ⁵ ,C ⁶ , CPUD ²²	CPUD ²²	L ² ,C ³ , CPUD ²²	L ⁴ , CPUD ²²
Services, Commercial— Maintenance and Repair of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Services, Commercial— Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	X	X	X	X	X	X	X	X	X	C ³	X

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstering, and veterinary	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ² ,C ³	L ⁴
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	L ⁵ ,C ⁶ , CPUD ²²	CPUD ²²	L ² ,C ³ , CPUD ²²	L ⁴ , CPUD ²²
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	CPUD ²²	L ⁵ ,C ⁶ , CPUD ²²	CPUD ²²	L ² ,C ³ , CPUD ²²	L ⁴ , CPUD ²²
Short-Term Rental in a dwelling unit or guest house permitted by this table	P	P	P	P	P	P	P	P	P	P	P
Signs , subject to Section 1010	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴	A ²⁴
Telephone Exchanges	C ¹³	X	C ¹³	X	C ¹³	C ¹³	C ¹³	C ¹³	X	C ¹³	C ¹³
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A	A	A	A	A	A
Transit Park-and-Rides	X	X	X	X	X	X	X	X	X	X	A
Utility Carrier Cabinets , subject to Section 830	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵	P,C ²⁵
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

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

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

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

- ³ The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.
- ⁴ The limited use is permitted subject to the following criteria:
- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
 - b. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.
- ⁵ The limited use is permitted subject to the following criteria:
- a. The use shall be part of a development within a Design Plan area.
 - b. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
 - c. The building floor area occupied by all limited uses shall not exceed 10 percent of the building floor area occupied by primary uses. No single limited commercial use shall occupy more than 1,500 square feet of building floor area.
 - d. Allowing the use will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use.
 - e. No outdoor storage of materials associated with the use shall be allowed.
 - f. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
- ⁶ The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6, shall not exceed 10 percent of the building floor area occupied by primary uses.
- ⁷ Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, duplex, triplex, quadplex, townhouse, or cottage cluster development.
- ⁸ The development of a triplex, quadplex, townhouse, or cottage cluster is subject to Section 845, *Triplices, Quadplexes, Townhouses, and Cottage Clusters*.

- ⁹ A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are conditional uses.
- ¹⁰ A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are prohibited.
- ¹¹ For a townhouse, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for townhouses. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.
- ¹² Only indoor facilities are permitted.
- ¹³ Uses similar to this use may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- ¹⁴ A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 315-1.
- ¹⁵ Hotels in the SHD District are limited to a maximum of 80 units per gross acre.
- ¹⁶ Public utility facilities shall not include shops, garages, or general administrative offices.
- ¹⁷ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹⁸ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ¹⁹ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- ²⁰ Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- ²¹ Recyclable drop-off sites are permitted only if accessory to an institutional use.
- 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 schools are not subject to Section 805, *Schools*.
- ²⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ²⁵ Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
District Land Area (DLA) for Calculating Density Pursuant to Section 1012/Minimum Lot Size ^{1,2}	2,500/2,000 square feet	5,000/4,000square feet ³	7,000/5,600 square feet ⁴	8,500/6,800 square feet ⁴	10,000/8,000 square feet ⁴	15,000/12,000 square feet ⁴	20,000/16,000 square feet ⁴	30,000/24,000 square feet ⁴
Maximum Lot Coverage	50 percent ^{5,6}							
Maximum Building Height	Accessory building larger than 500 square feet and accessory to a primary dwelling: 20 feet or the height of the primary dwelling, whichever is greater All other buildings: 35 feet							
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries ⁷							
Minimum Rear Setback	20 feet ^{7,8,9,10,11}							
Minimum Side Setback	5 feet ^{7,8,9,10,11}							
Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling	Equal to the ground floor area of the primary dwelling and the ground floor area of any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage)							

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
Building Design Standards for Detached Single-Family Dwellings, Duplexes, and Manufactured Homes ¹²	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 a front door unless the feature is unrelated to a façade (e.g., roofing material).							
Building Design Standards for Buildings Accessory to a Dwelling	<p>Freight shipping containers shall be located behind the building line of the dwelling, and the exterior shall be painted similar in color to that of the dwelling.</p> <p>Metal buildings greater than 500 square feet in area shall include roof overhangs, gutters, and downspouts, and the exterior shall be painted similar in color to that of the dwelling.</p>							

- ¹ The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.
- ² In a planned unit development, there is no minimum lot size. However, the DLA standard applies pursuant to Section 1012, *Lot Size and Density*.
- ³ For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, there is no minimum lot size and the DLA shall be one-third of the DLA.
- ⁴ For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters.*, there is no minimum lot size and the DLA shall be one-quarter of the DLA in the applicable zoning district.
- ⁵ Maximum lot coverage in a planned unit development is 65 percent.

- 6 For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- 7 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.
- 8 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. In a zero-lot-line development, approved pursuant to Subsection 1105.03(B), there are no minimum rear and side setbacks for detached single-family dwellings, manufactured homes, and structures accessory to such dwellings, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-2.
- 9 On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- 10 The following exceptions apply to a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record:
 - a. The minimum rear setback for a detached single-family dwelling, a manufactured home, or a duplex is 10 feet.
 - b. The minimum side setback for a detached single-family dwelling, a manufactured home, or a duplex is a total of five feet (e.g., five feet from one side lot line and zero from the other, three feet from one side lot line and two feet from the other) except that if the subject lot of record has more than two side lot lines, the minimum side setback from each of the additional side lot lines is five feet.

¹¹ If an accessory building is located behind the building line of the main building, the applicable minimum rear and side setbacks for that accessory building are based on the accessory building area and accessory building height, as follows:

Building Area	Building Height			
	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet and ≤ 15 feet	> 15 feet
≤ 100 square feet	None	3 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 100 square feet and ≤ 200 square feet	3 feet side and rear	3 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 200 square feet and ≤ to 500 square feet	5 feet side and rear	5 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 500 square feet	5 feet side; 10 feet rear	5 feet side; 10 feet rear	5 feet side, 10 feet rear	5 feet side, 10 feet rear

¹² These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, or to manufactured homes in manufactured dwelling parks.

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

General Standards			
Standard	VR-5/7	VR-4/5	VTH
District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size ¹	5,000/4,000 square feet	4,000/2,000 square feet	2,000/2,000 square feet ²
Maximum Lot Size ¹	7,000 square feet ^{3,4}	5,000 square feet ^{3,5}	3,000 square feet ^{2,6}
Maximum Lot Coverage	50 percent		65 percent
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building or 4 feet forward of the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building.		
Maximum Driveway Width	16 feet at the front lot line, unless the subject property is developed with a garage that has at least three side-by-side (as opposed to tandem) garage bays, in which case the maximum driveway width shall be 24 feet at the front lot line ⁸		See Subsection 1005.12(B)(4).
Minimum Percentage of Lots in a Subdivision that Shall have Alley Motor Vehicle Access Only	50 percent of lots with frontage on an alley		Not Applicable
Garage/Carport Design for Primary Dwellings	A minimum of 50 percent of the primary dwellings in a development shall have a recessed garage/carport or no garage/carport. The remaining 50 percent may have a non-recessed garage/carport. ^{8,9,10}	All garages and carports shall be recessed. ⁹	See Subsection 1005.12(B).

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

<p>Building Design Standards^{8,22}</p>	<ul style="list-style-type: none"> • Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall. • Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. • Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited. • If the lot on which the dwelling is located has street frontage on a local or connector street, or a private street that meets local or connector street design standards, then the primary entry to the dwelling shall be accessed directly from and be visible from one of those streets. • A minimum of 50 percent of the dwellings in a subdivision shall have a porch or patio. The porch or patio shall be covered, placed immediately adjacent to the primary entry to the dwelling, have a minimum unobstructed depth of six feet, and have a minimum unobstructed width of 10 feet. 	<p>See Subsections 1005.04(F) and 1005.12(A).</p>
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Standards for Buildings Accessory to a Dwelling

Standard	VR-5/7	VR-4/5	VTH
Maximum Number of Accessory Buildings per Lot of Record	Two		
Minimum Separation Distance Between an Accessory Building and any other Building on the Same Lot of Record	3 feet		
Maximum Building Height	25 feet or the building height of the primary dwelling, whichever is less ²³		

Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	
Minimum Front Setback	Greater than or equal to the front setback of the facade of the primary dwelling (not including porches, patios, bays, garages, and architectural features) ^{8,24}		
Exterior Building Materials	Buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling. ⁸		
Minimum Rear and Side Setback Standards for Buildings Accessory to a Primary Dwelling in the VR-5/7, VR-4/5, and VTH Districts^{9,19}			
Building Area	Building Height		
	≤ 8 feet	> 8 feet and ≤ 20 feet	> 20 feet
≤ 100 square feet	None	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley ²⁵	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 ²⁵
> 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 ²⁵		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 ^{25,26}

- 1 The minimum and maximum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.
- 2 The minimum and maximum lot size standards apply only to lots or parcels for townhouses.
- 3 The maximum lot size standard applies only to lots or parcels for detached single-family dwellings, manufactured homes, or middle housing, except the maximum lot size standard does not apply to a middle housing land division.
- 4 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 6,500 square feet.
- 5 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 5,000 square feet.
- 6 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 2,500 square feet.
- 7 For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- 8 Except for middle housing developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, development on lots in the plat of Sieben Creek Estates (plat no. 3039) is not required to comply with this standard.
- 9 A recessed garage or carport is a garage or carport with a front setback to the garage door or carport motor vehicle entry that is a minimum of five feet greater (i.e., farther from the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- 10 A non-recessed garage or carport shall have a front setback to the garage door or carport motor vehicle entry that is a maximum of five feet less (i.e., closer to the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- 11 The minimum and maximum setback standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. The maximum setback standards do not apply to cottage clusters developed pursuant to Section 845.
- 12 On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- 13 A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.
- 14 Frontage on an accessway shall be considered a front lot line.
- 15 On a corner lot, the minimum setback from one front lot line is eight feet, provided that the lot line abuts a road with a functional classification of local or connector.

- 16 Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback.
- 17 If a public utility easement precludes compliance with the maximum front setback standard, the maximum shall be as close to the front lot line as possible.
- 18 Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback standard.
- 19 If a lot has more than one front lot line, compliance with the maximum front setback standard is required from only two intersecting front lot lines.
- 20 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-3.
- 21 Frontage on a pedestrian connection shall be considered a side lot line.
- 22 For triplexes, quadplexes, and townhouses developed pursuant to Section 845, design standards in Section 845 shall apply in addition to standards in Table 315-3.
- 23 The maximum building height standard applies only to accessory buildings larger than 100 square feet.
- 24 A garage may be required to be recessed, as defined by Note 10, in order to comply with the standard for garage/carport design for primary dwellings.
- 25 Frontage on a pedestrian connection shall be considered a side lot line, and the minimum setback is five feet.
- 26 If the rear lot line abuts an alley, a second-story accessory dwelling unit may cantilever a maximum of four feet into the minimum rear setback.

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

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

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Minimum Side Setback	30 feet ¹⁰	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. ^{5,10,11,12,14,15}	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. ^{5,10,14,15}	See Subsection 1005.03(L) ⁵	None	See Subsection 1005.03(L)	See Subsection 1005.03(L) ¹⁶
Maximum Building Height	None	None	None	None	45 feet	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1005.03(L)	20 feet between multifamily dwellings	See Subsection 1005.03(L)	See Subsection 1005.03(L)

- ¹ The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 3,630 square feet.
- ² The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 2,420 square feet.
- ³ For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet.
- ⁴ On a corner lot developed with a townhouse, the minimum front setback from one front lot line is 10 feet, except that the minimum shall be 20 feet to garage and carport motor vehicle entries.
- ⁵ The minimum setback standards of Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.

- ⁶ If the front or rear lot line abuts Sunnyside Road, the minimum setback shall be 65 feet from the centerline of Sunnyside Road, and the maximum setback shall be 75 feet from the centerline of Sunnyside Road.
- ⁷ Awnings, porches, and bays may extend a maximum of six feet into the minimum setback.
- ⁸ For dwellings and structures accessory to dwellings, the minimum front setback shall be 15 feet, and there shall be no maximum setback. However, Note 8 does not apply to mixed-use buildings that include dwellings or to structures accessory to such mixed-use buildings.
- ⁹ The maximum setback may be exceeded to accommodate plazas identified on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*.
- ¹⁰ In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-4.
- ¹¹ For a swimming pool that is accessory to a dwelling, the minimum side and rear setbacks are five feet, unless the side or rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 District, in which case the minimum setback shall be 15 feet from the abutting lot line.

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

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

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

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

¹⁵ The minimum side setback for a townhouse is five feet from any side lot line where two townhouses do not share a common wall.

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

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23]

NOTICE

Amendments to this section of the Zoning and Development Ordinance were approved by the Board of County Commissioners on December 8, 2022, and became effective on May 30, 2023. However, these amendments have not been acknowledged under state law because an appeal has been filed with the Land Use Board of Appeals. Pursuant to Oregon Revised Statutes 197.625, the County shall apply the amended regulations to land use decisions, expedited land divisions and limited land use decisions. However, if these amended regulations fail to gain acknowledgment, any permit or zone change which is approved, in whole or in part, on the basis of the change will not justify retention of the improvements that were authorized by the permit or zone change. Before proceeding with plans for development that are dependent on the amended regulations, applicants are advised to consult with Planning and Zoning Division staff and seek independent legal advice.

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

316.01 PURPOSE

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

316.02 APPLICABILITY

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

316.03 USES PERMITTED

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

B. As used in Table 316-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "CPUD" means the use is allowed as a conditional use in a planned unit development.

5. “X” means the use is prohibited.
 6. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
 7. Numbers in superscript correspond to the notes that follow Table 316-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

316.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*. As used in Table 316-2, numbers in superscript correspond to the notes that follow the table.
- B. Modifications: Modifications to the standards in Table 316-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

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

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A
Accessory Historic Dwellings , subject to Section 843	A ²	A ²	A ²	A ²	A ²	X
Accessory Kitchens	A ³	A ³	A ³	A ³	A ³	A ³
Aircraft Land Uses	X	X	X	C	C	C
Aircraft Landing Areas	X	C	C ⁴	X	X	X
Bed and Breakfast Inns , subject to Section 832	C	C	C	C	C	X
Bed and Breakfast Residences , subject to Section 832	C	C	C	C	C	C
Bus Shelters	P	P	P	P	P	P

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Campgrounds	C	C	C	C	C	C
Cemeteries , subject to Section 808	C	C	X	C	C	C
Child Care Facilities	C	C	C	C	C	C ⁵
Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses⁶	X	X	X	C	C	X
Community Halls	CPUD	CPUD	CPUD	CPUD	CPUD	X ⁷
Composting Facilities , subject to Section 834	X	X	X	C	C	X
Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources	P	P	P	P	P	P
Crematories , subject to Section 808	C	C	X	X	X	X
Daycare Services, Adult	C	C	C	C	C	C ⁸
Dwellings, including:						
Accessory Dwelling Units, subject to Section 839	A ¹	A ¹	X	A ¹	A ¹	A ¹
Detached Single-Family Dwellings	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Duplexes	C ⁹	X	X	X	X	X
Manufactured Dwellings	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Energy Source Development	X	X	C	X	X	X
Farm Uses, including⁶:						
Raising, harvesting, and selling crops	P	P	P ¹⁰	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X ¹¹	P	X ¹¹	P	P	P
Dairying and the sale of dairy products	X ¹¹	P	X ¹¹	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X ¹¹	P	X ¹¹	P	P	P
Preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use	P	P	P ¹⁰	P	P	P

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X ¹¹	P	X ¹¹	P	P	P
Growing cultured Christmas trees	P	P	P ¹⁰	P	P	P
Farmers' Markets , subject to Section 840	A	A	A	A	A	A
Fish or Wildlife Management Programs	X	X	X	P	P	P
Forest Practices , including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P ¹²	P ¹²	P	P ¹²	P ¹²	P ¹²
Fraternal Organization Lodges	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Government Uses , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Guest Houses , subject to Section 833	A	A	A	A	A	A
Guest Ranches and Lodges	X	X	C	X	X	X
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹⁴	A	A	A	A	A	A
Home Occupations to Host Events , subject to Section 806	C	C	C	C	C	C
Hydroelectric Facilities	C	C	C	C	C	C
Kennels	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	X ⁷
Livestock , subject to Section 821	P	X ¹¹	A	X ¹¹	X ¹¹	X ¹¹
Marijuana Processing	X	X	X	X	X	X
Marijuana Production , subject to Section 841	X	X	X	A	A	X

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Marijuana Retailing	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X
Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources	X	X	X	C	C	X
Places of Worship , subject to Section 804	CP	CP	CP	CP	CP	C¹⁶P
Produce Stands	A ¹⁶⁷	A ¹⁶⁷	A ¹⁶⁷	A ¹⁶⁷	A ¹⁶⁷	A ^{167,178}
Public Utility Facilities	C ^{13,189}	C ^{13,189}	C ^{13,189}	C ^{13,189}	C ^{13,189}	C ^{13,189}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{13,1920}	C ^{13,1920}	C ^{13,1920}	C ^{13,1920}	C ^{13,1920}	C ^{13,1920}
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 ²⁰¹	C ¹³	C ^{13,212}	C ¹³	C ^{13,212}	C ^{13,212}	C ^{13,212}
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 ²⁰¹	P ²²³	P ²²³	P ²²³	P	P	P

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Recreational Uses, Government-Owned Golf Courses²⁰⁺	P ²²³	P ²²³	P ²²³	P	P	P
Recreational Vehicle Camping Facilities , subject to Section 813	C ¹³	C ¹³	C	C ¹³	C ¹³	X
Recyclable Drop-Off Sites , subject to Section 819	A ²³⁴	A ²³⁴	A ²³⁴	A ²³⁴	A ²³⁴	A ²³⁴
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	CPUD ²⁴ ₅	X	X	X	X	X
Roads	P	P	P	P	P	P
Sanitary Landfills and Debris Fills	X	X	X	C	C	X
Schools , subject to Section 805	C ²⁵⁶	C ²⁵⁶	C	C ²⁵⁶	C ²⁵⁶	C ²⁶⁷
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	CPUD ²⁴ ₅	X	X	X	X	X

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD ²⁴ ₅	X	X	X	X	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	CPUD ²⁴ ₅	X	X	X	X	X
Sewer System Components that Serve Lands Inside an Urban Growth Boundary , subject to ORS 660-011-0060(3)	Type II ²⁷⁸	Type II ²⁷⁸	Type II ²⁷⁸	Type II ²⁷⁸	Type II ²⁷⁸	Type II ²⁷⁸
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community , subject to ORS 660-011-0060(4)	Type II ²⁸⁹	Type II ²⁸⁹	Type II ²⁸⁹	Type II ²⁸⁹	Type II ²⁸⁹	Type II ²⁸⁹
Short-Term Rental in a dwelling unit or guest house permitted by this table	P	P ²⁹³⁰	P	P ²⁹³⁰	P ²⁹³⁰	P ²⁹³⁰
Signs , subject to Section 1010	A ³⁰⁺	A ³⁰⁺	A ³⁰⁺	A ³⁰⁺	A ³⁰⁺	A ³⁰⁺
Surface Mining , subject to Section 818	X	X	X	C	C	X
Telephone Exchanges	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Transfer Stations , subject to Section 819	X	X	C	X	X	C
Utility Carrier Cabinets , subject to Section 830	P,C ³¹²	P,C ³¹²	P,C ³¹²	P,C ³¹²	P,C ³¹²	P,C ³¹²
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

- 1 This use is permitted only inside of an urban growth boundary.
- 2 This use is permitted only outside of both an urban growth boundary and an urban reserve.
- 3 An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- 4 Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.
- 5 This use is limited to alteration or expansion of a lawfully established child care facility.
- 6 As used in Table 316-1, farm uses do not include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing. See separate listings in Table 316-1 for these uses.
- 7 Even though it is prohibited in this category, this use is included in the “government use” category.
- 8 This use is limited to alteration or expansion of a lawfully established adult daycare service.
- 9 Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, duplex (only if approved as a conditional use in the RA-1 District), or manufactured dwelling.
- 10 This use is permitted only on lots larger than five acres.
- 11 In the RA-2, RRFF-5, FF-10, and FU-10 Districts, livestock is permitted as described under the use category of farm uses. In the RA-1 and RR Districts, livestock is permitted as described under the use category of livestock.
- 12 For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.
- 13 Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

¹⁴ A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.

¹⁵ The portion of the premises used shall be located a minimum of 200 feet from all property lines.

~~¹⁶ This use is limited to alteration or expansion of a lawfully established place of worship.~~

¹⁶⁷ A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.

¹⁷⁸ 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.

¹⁸⁹ Public utility facilities shall not include shops, garages, or general administrative offices.

¹⁹²⁰ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

²⁰⁴ This use may include concessions, restrooms, maintenance facilities, and similar support uses.

²¹² 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.

²²³ Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

²³⁴ Recyclable drop-off sites are permitted only if accessory to an institutional use.

²⁴⁵ 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.

²⁵⁶ Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.

²⁶⁷ This use is limited to alteration or expansion of a lawfully established school.

²⁷⁸ Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.

²⁸⁹ The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

²⁹³⁰ This use is not permitted in an urban or rural reserve established pursuant to OAR 660, Division 27.

³⁰⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

³¹² Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

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

- ¹ The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.
- 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 duplex, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- ³ The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.
- ⁴ For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- ⁵ The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.
- ⁶ The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.
- ⁷ In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10 acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- ⁸ In a planned unit development, the minimum front setback is 20 feet.
- ⁹ For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- ¹⁰ In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 316-2.
- ¹¹ The minimum rear setback for an accessory building shall be five feet except as established by Note 10.

- 12 The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10.
- 13 The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23]

NOTICE

Amendments to this section of the Zoning and Development Ordinance were approved by the Board of County Commissioners on December 8, 2022, and became effective on May 30, 2023. However, these amendments have not been acknowledged under state law because an appeal has been filed with the Land Use Board of Appeals. Pursuant to Oregon Revised Statutes 197.625, the County shall apply the amended regulations to land use decisions, expedited land divisions and limited land use decisions. However, if these amended regulations fail to gain acknowledgment, any permit or zone change which is approved, in whole or in part, on the basis of the change will not justify retention of the improvements that were authorized by the permit or zone change. Before proceeding with plans for development that are dependent on the amended regulations, applicants are advised to consult with Planning and Zoning Division staff and seek independent legal advice.

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

317.01 PURPOSE

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

317.02 APPLICABILITY

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

317.03 USES PERMITTED

A. Uses permitted in the MRR and HR Districts are listed in Table 317-1, *Permitted Uses in the MRR and HR Districts*. Uses not listed are prohibited, except that in the MRR District, uses similar to one or more of the listed limited uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

B. As used in Table 317-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "CPUD" means the use is allowed as a conditional use in a planned unit development.

6. “X” means the use is prohibited.
 7. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
 8. Numbers in superscript correspond to the notes that follow Table 317-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 317.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

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

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

Use	MRR	HR
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
Accessory Kitchens	A ¹	A ¹
Airports, Personal-Use	C	C
Bed and Breakfast Inns , subject to Section 832	P	C
Bed and Breakfast Residences , subject to Section 832	P	C
Bus Shelters	P	P
Campgrounds	C	C
Child Care Facilities	C	C
Civic and Cultural Facilities , including art galleries, museums, and visitor centers	L ²	X
Community Halls	CPUD	CPUD
Composting Facilities	X	X
Daycare Services, Adult	C	C
Dwellings, including:		
Accessory Dwelling Units, subject to Section 839	A	A
Congregate Housing Facilities	P	X
Detached Single-Family Dwellings	P ³	P ³
Duplexes	P	X
Manufactured Dwelling Parks, subject to Section 825	C	X
Manufactured Homes	P ³	P ³
Multifamily Dwellings	P	X
Quadplexes	P	X
Townhouses	P ³	P ^{3,4}
Triplexes	P	X
Energy Source Development	C	C
Farmers' Markets , subject to Section 840	A	A
Fraternal Organization Lodges	C ⁵	C ⁵

Use	MRR	HR
Government Uses , unless such a use is listed elsewhere in this table as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ⁵	C ⁵
Guest Houses , subject to Section 833	X	A
Guest Ranches and Lodges	X	C
Helistops, Personal-Use	C	C
Home Occupations , including bed and breakfast homestays, subject to Section 822 ⁶	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels ⁷	P ⁸	X
Hydroelectric Facilities	C	C
Libraries	L ² , CPUD	CPUD
Livestock , subject to Section 821	A	A
Marijuana Processing	X	X
Marijuana Production	X	X
Marijuana Retailing	X	X
Marijuana Wholesaling	X	X
Mobile Vending Units , subject to Section 837	L ^{2,9}	X
Motels ⁷	P ⁸	X
Multi-Use Developments , subject to Section 844	C	C
Nursing Homes	P	C
Parking Structures	A	X
Places of Worship , subject to Section 804	PE	PE
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

Use	MRR	HR
Recreational Uses, Government-Owned Golf Courses ¹²	P ¹³	P ¹⁴
Recreational Vehicle Camping Facilities , subject to Section 813	C ⁵	C ⁵
Recyclable Drop-Off Sites , subject to Section 819	A ¹⁵	A ¹⁵
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	L ² , CPUD ¹⁶	CPUD ¹⁶
Roads	P	P
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ² , CPUD ¹⁶	CPUD ¹⁶
Services, Commercial—Maintenance and Repair , of any of the following: bicycles and sporting goods	L ² , CPUD ¹⁶	CPUD ¹⁶
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L ² , CPUD ¹⁶	CPUD ¹⁶
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	L ² , CPUD ¹⁶	CPUD ¹⁶
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community , subject to ORS 660-011-0060(4)	Type II ¹⁷	Type II ¹⁷
Schools , subject to Section 805	C	C
Short-Term Rental in a dwelling unit or guest house permitted by this table	P	P
Signs , subject to Section 1010	A ¹⁸	A ¹⁸
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,C ¹⁹	P,C ¹⁹

Use	MRR	HR
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1	See Table 835-1

- ¹ An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- ² The limited use is permitted subject to the following criteria:
 - a. The use shall be incidental to a primary use.
 - b. The use shall be provided for as an integral part of the general plan of the development.
 - c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.
- ³ Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, or townhouse.
- ⁴ Townhouses are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
- ⁵ Uses similar to this may be authorized pursuant to Section 106.
- ⁶ A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 317-1.
- ⁷ Also permitted are associated convention facilities.
- ⁸ A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- ⁹ Only level three and four mobile vending units are permitted.
- ¹⁰ Public utility facilities shall not include shops, garages, or general administrative offices.
- ¹¹ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹² This use may include concessions, restrooms, maintenance facilities, and similar support uses.

- 13 Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- 14 Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- 15 Recyclable drop-off sites are permitted only if accessory to an institutional use.
- 16 The use is subject to the following standards and criteria:
- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
 - b. The area occupied by all uses subject to Note 15 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
 - c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
 - d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
 - e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.
- 17 The use is limited to sewer systems designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6). The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- 18 Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- 19 Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

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

- ¹ In Government Camp, the minimum front setback is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- ² For a corner lot in Government Camp, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- ³ If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- ⁴ In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat.
- ⁵ Except as established by Note 3, 4, or 6, if a rear lot line or a side lot line abuts an HR District or abuts a lot in the MRR District developed with a single-family dwelling or a manufactured home, the applicable minimum setback standard for a building is based on the height of that building, as follows:

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

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

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

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

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

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23]

NOTICE

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510 NEIGHBORHOOD COMMERCIAL (NC), COMMUNITY COMMERCIAL (C-2), REGIONAL CENTER COMMERCIAL (RCC), RETAIL COMMERCIAL (RTL), CORRIDOR COMMERCIAL (CC), GENERAL COMMERCIAL (C-3), PLANNED MIXED USE (PMU), STATION COMMUNITY MIXED USE (SCMU), OFFICE APARTMENT (OA), OFFICE COMMERCIAL (OC), AND REGIONAL CENTER OFFICE (RCO) DISTRICTS

510.01 PURPOSE

Section 510 is adopted to implement the policies of the Comprehensive Plan for the Neighborhood Commercial zoning district and Community Commercial, Regional Center Commercial, Retail Commercial, Corridor Commercial, General Commercial, Planned Mixed Use, Station Community Mixed Use, Office Apartment, Office Commercial, and Regional Center Office areas.

510.02 APPLICABILITY

Section 510 applies to land in the Neighborhood Commercial (NC) Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OA), and Regional Center Office (RCO) Districts, hereinafter collectively referred to as the urban commercial and mixed-use zoning districts.

510.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

- A. As used in Table 510-1:
1. “P” means the use is a primary use.
 2. “A” means the use is an accessory use.
 3. “L” means the use is a limited use and shall be developed concurrently with, or after, a primary use.
 4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
 5. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
 6. “X” means the use is prohibited.
 7. Numbers in superscript correspond to the notes that follow Table 510-1.
- B. If a use is identified in Table 510-1 as prohibited, it is prohibited even if it also falls within a broader use description that is permitted in the applicable zoning district. For example, a car wash may be prohibited even if commercial services in general are permitted.
- C. If a use is included in more than one use description in Table 510-1, the more specific listing applies. For example, if a car wash is a conditional use, but commercial services in general are a primary use, the car wash shall be reviewed as a conditional use. Notwithstanding this provision, a use may be included in two of the following categories because it is allowed with fewer restrictions in one category than another: primary, accessory, limited, and conditional. In that case, the use may be approved in either category, to the extent that it complies with the respective approval criteria. For example, child care facilities may be permitted as a limited use with a maximum building floor area and as a conditional use without a maximum building floor area.
- D. Permitted uses are subject to the applicable provisions of Subsection 510.04, *Dimensional Standards*, Subsection 510.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

510.04 DIMENSIONAL STANDARDS

Dimensional standards applicable in the urban commercial and mixed-use zoning districts are listed in Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*. Modifications to the standards of Table 510-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line*

Adjustments; and 1205, *Variances*. As used in Table 510-2, numbers in superscript correspond to the notes that follow Table 510-2.

510.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Outdoor Operations in the NC District: In the NC District, primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.
- B. Operational Impacts in the C-2 and C-3 Districts: In the C-2 and C-3 Districts, processes and equipment employed and goods processed or sold shall be limited to those that are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried wastes.
- C. Storage in the C-2 District: In the C-2 District, storage of materials and merchandise shall be confined and contained within completely enclosed buildings.
- D. Outdoor Operations in the RCC District: In the RCC District:
 1. Primary commercial uses are permitted provided that outdoor display and storage shall be limited to no more than five percent of the building coverage.
 2. Outdoor sales and services are prohibited.
- E. Outdoor Operations in the RTL District: In the RTL District, primary commercial uses and conditional uses are permitted provided that:
 1. Outdoor display and storage shall be limited to no more than five percent of the building coverage.
 2. Notwithstanding Subsection 510.05(E)(1), auto body, recreational vehicle, and boat repair businesses shall store within a completely enclosed structure those vehicles and equipment that are damaged or being repaired.
 3. Primary commercial uses shall conduct most activities within a completely enclosed structure.
- F. Outdoor Sales and Storage in the PMU District: In the PMU District, outdoor sales, except temporary sidewalk sales and sidewalk cafes and food vendors, are prohibited. Also prohibited is permanent outdoor storage of materials or products.
- G. Site-Specific Standards in the PMU District: Six sites have a Comprehensive Plan designation of PMU. These sites are designated PMU1 through PMU6 and are identified on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*.

When one of these sites is zoned Planned Mixed Use District, a site number corresponding to the number designated by the Comprehensive Plan is assigned. A PMU site shall comply with the specific standards for that site identified in Table 510-3, *Site-Specific Requirements for the PMU District*, except that there are no site-specific standards for PMU6. As used in Table 510-3, numbers in superscript correspond to the notes that follow Table 510-3.

- H. Outdoor Operations in the SCMU District: In the SCMU District, outdoor displays, processes, or storage, except for the storage of solid waste and recyclables either as required by Section 1021, *Solid Waste and Recyclable Material Collection*, or as an accessory use to a townhouse, are prohibited.
- I. Outdoor Operations in the OA District: In the OA District, all primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure. For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Office and Outpatient Clinics, and Research Facilities and Laboratories.
- J. Outdoor Storage and Display in the OC District: In the OC District, outdoor storage or display of materials or products is prohibited.
- K. Outdoor Sales, Storage, and Display in the RCO District: In the RCO District, outdoor sales, storage, or display of materials or products is prohibited.

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

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

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Civic and Cultural Facilities , including art galleries, museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
Composting Facilities	X	X	X	X	X	X	X	X	X	X	X
Daycare Services, Adult	P	P	P	P	P	P	P	P	P	L ⁵ ,C	L ⁶ ,C
Dog Services , including boarding, daycare, and grooming	S	P	S	S	S	S	S	S	S	S	S
Drive-Thru Window Services , subject to Section 827	C	A	A ⁷	A	A	A	A ⁸	X	X	A ⁸	A ⁸
Dwellings, including:											
Congregate Housing Facilities	X	X	P ^{9,10}	P ¹¹	P ¹¹	P ¹¹	P	P	L	P ¹¹	P ^{9,10}
Detached Single-Family Dwellings	A	A	X	A	X	A	X	X	X	X	X
Duplexes	X	A	X	P	P	P	P	P	L ¹²	P	X
Multifamily Dwellings	X	X	P ⁹	P ¹¹	P ¹¹	P ¹¹	P	P	L ¹²	P ¹¹	P ⁹
Quadplexes	X	X	P ⁹	P ¹¹	P ¹¹	P ¹¹	P	P	L ¹²	P ¹¹	P ⁹
Townhouses	X	A	X	A	X	A	P	P	L ¹³	X	X
Triplexes	X	X	X	P	P	P	P	P	L ¹²	P	X
Electric Vehicle Charging Stations	A,C	P	A	A,C	P	P	A	A	A	A	A
Employee Amenities , such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A ¹⁴	A ¹⁴	A ¹⁴
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P ¹⁵	P ^{15,16}	S	C ^{15,17}	L ^{6,15}
Farmers' Markets , subject to Section 840	P	P	P	P	P	P	P	P	P	P	P

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	P ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P ¹⁵	P ^{15,16}	L ^{15,18}	C ¹⁵	L ^{15,19}
Government Uses , including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
Heliports	X	X	C ²⁰	C	C	C	X	X	X	C ²⁰	C ²⁰
Helistops	X	X	C ²⁰	C	C	C	C	C	X	C ²⁰	C ²⁰
Home Occupations , including bed and breakfast homestays, subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
Hospitals	X	X	X	X	X	X	X	X	X	C	C
Hotels	P	P	P	P	P	P	P	P ¹⁶	S	L ^{5,21} ,C ²¹	P ²¹
Hydroelectric Facilities	X	C	X	C	X	C	X	X	X	X	X
Libraries	P	P	P	P	P	P	P	P	P	P	P
Manufacturing , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products and the assembly of component parts, but excluding the primary processing of raw materials	S ²²	S ²³	S	S	P	P	S	P ^{24,25}	S	P ²⁶	S

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Manufacturing of Edible or Drinkable Products Retailed on the Same Site , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site.	S	P	S	S	P	P	S	P ^{24,25}	S	P ²⁶	S
Marijuana Processing	X	X	X	X	P ²⁷	P ²⁷	X	P ^{24,27}	X	P ^{26,27}	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing , subject to Section 841	P	P	P	P	P	P	P	P ¹⁶	X	P ¹⁷	L ⁶
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Mobile Vending Units , subject to Section 837	P	P	P	P	P	P	P	P	A ²⁸	A ²⁸	A ²⁸
Motels	P	P	P	P	P	P	P	P ¹⁶	S	L ^{5,29} ,C ²⁹	L ⁶
Multi-Use Developments , subject to Section 844	X	X	X	X	X	C	X	X	X	C	X
Nursing Homes	X	X	X	X	X	X	P	P	L	X	X
Offices , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P	P	P	P	P	P	P	P	P	P

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Offices and Outpatient Clinics —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P	P	P	P	P	P	P	P	P	P
Parking Lots	A	A	A	A	P	P	A	A	A	P ³⁰	A
Parking Structures	X	A ³¹	P ³⁰	P ³⁰	P	P	A	A	A ³¹	P ³⁰	P ³⁰
Parks, Government-Owned , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; nature preserves and wildlife sanctuaries; picnic areas and structures; play equipment and playgrounds; tables and seating; and similar recreational uses. Accessory uses to a park may include concessions, maintenance facilities, restrooms, and similar support uses.	P	P	P	P	P	P	P	P	P	P	P
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
<u>Places of Worship, subject to Section 804</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Public Utility Facilities	S	C	C ³²	C ³²	C	C	S	S	S	S	S
Race Tracks, Outdoor	X	X	X	X	X	C	X	X	X	X	X

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
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 ³³	S	C	S	S	C	C	S	S	S	S	S
Radio and Television Transmission and Receiving Earth Stations	S	C	C	C	C	C	A	S	S	S	S
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	P ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P ¹⁵	P ^{15,16}	S	C ¹⁵	L ^{15,19}
Recyclable Drop-Off Sites , subject to Section 819	A	A	A ³⁴	A ³⁴	A	A	A ³⁴	A ³⁴	A ³⁴	A ³⁴	A ³⁴
Research Facilities and Laboratories , including medical laboratories, medical research, product design and testing, and product research and development	S	S	S	S	P	P	P ²⁶	P	P ³⁵	P ³⁵	P ²⁶
Retailing —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P	P	P	P	P	P	P ¹⁶	L ^{18,36} ,S	L ^{5,36} ,C ¹⁷	L ⁶
Retailing —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C ¹⁷	L ⁶
Retailing —whether by sale, lease, or rent—of any of the following new or used products: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Roads	P	P	P	P	P	P	P	P	P	P	P
Schools	P ³⁷	P ³⁷	P	P	P	P	P	P	L ³⁸	P	P
Service Stations	C	P	X	C	P	P	X	X	X	X	X
Services, Business , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P	P	P	P	P	P	P	P	P	P	P
Services, Commercial	S	S	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶
Services, Commercial—Car Washes	S	S	X	C	P	P	P	X	X	X	X
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C ¹⁷	L ⁶
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	P	P	P	P	P	P	P	P ¹⁶	L ¹⁸	L ⁵ ,C ³⁹	L ^{6,40}
Services, Commercial—Maintenance and Repair of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	P	P	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C ¹⁷	L ⁶

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Maintenance and Repair of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P	P	P	P	P	P	P ¹⁶	S	C ¹⁷	L ⁶
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P	P	P	P	P	P	P ¹⁶	L ¹⁸	L ⁵	L ⁶
Services, Commercial—Mini-Storage/Self-Storage Facilities	S	S	X	C	P	P	X	X	S	X	X
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	X	C	P	P	X	X	X	X	X

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Storage of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	C	P	P	X	X	X	X	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	P	P	P	P	P	P	P	P ¹⁶	S	P	P
Services, Commercial—Truck Stops	X	X	X	X	P	P	X	X	X	X	X
Services, Information , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	S	S	S	S	P	P	P	P ²⁴	P	P	P
Short-Term Rental in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use	X	X	P	P	P	P	P	P	P	P	P
Signs , subject to Section 1010	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹	A ⁴¹
Stadiums, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Telephone Exchanges	S	C	C	C	C	C	S	S	S	S	S
Temporary Buildings for Uses Incidental to Construction Work , provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A	A	A	A	A	A	A	A	A

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
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,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²	P,C ⁴²
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1	P	P	P	P	P	P	See Table 835-1	P	P	P

- ¹ Required primary uses for each Planned Mixed Use site are listed in Table 510-3, *Site-Specific Requirements for the PMU District*.
- ² A minimum of 60 percent of the total building floor area on a site shall be primary use(s).
- ³ A maximum of 40 percent of the total building floor area on a site may be limited use(s).
- ⁴ An assembly facility with a maximum capacity of more than 500 people is a conditional use.
- ⁵ The maximum combined building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.
- ⁶ The use is permitted only:
 - a. In a multistory building with a primary use, up to a maximum building floor area equal to the building floor area of the first floor; or
 - b. On the ground-level floor of a freestanding parking structure.
- ⁷ 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*.
- ⁸ Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.

- ⁹ Freestanding congregate housing facilities, freestanding multifamily dwellings, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the RCHDR District.
- ¹⁰ A congregate housing facility shall have a minimum of four dwelling units.
- ¹¹ Freestanding congregate housing facilities, freestanding multifamily dwellings, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the HDR District, except that the minimum and maximum residential density standards of Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, apply.
- ¹² Duplexes, triplexes, quadplexes, and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.
- ¹³ Townhouses, subject to the density standards of the VTH District, may be developed in the same building as a primary use.
- ¹⁴ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ¹⁵ Only indoor facilities are permitted.
- ¹⁶ A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 16 shall not exceed 40,000 square feet in a single building.
- ¹⁷ The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 17, shall be 20 percent of the building floor area of primary uses in the same development.
- ¹⁸ An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 18, shall be 10 percent of the total building floor area in the same development.
- ¹⁹ The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:
- a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
 - i. The minimum FAR for the office use shall be 0.75; and
 - ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.
 - b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.

- c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use.
- 20 This use is permitted only in conjunction with a primary or another conditional use.
- 21 Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the hotel.
- 22 In the NC District, sign production is a conditional use.
- 23 In the C-2 District, sign production is a permitted use.
- 24 These uses are permitted with a maximum of 10,000 square feet of building floor area per building, if part of a mixed-use development and if the combined building floor area of the use, and any other uses subject to Note 24, does not exceed 25 percent of the building floor area of the mixed-use development.
- 25 Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.
- 26 This use is permitted only if it has physical and operational requirements that are similar to those of other primary uses allowed in the same zoning district.
- 27 Marijuana processing shall be located entirely within one or more completely enclosed buildings. The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.
- 28 Only level one mobile vending units are permitted.
- 29 Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the motel.
- 30 The parking is permitted to serve only developments located in the same zoning district as the subject property.
- 31 This use is limited to understructure parking.
- 32 Only substations are permitted.
- 33 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 34 Recyclable drop-off sites are permitted only if accessory to an institutional use.
- 35 No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.
- 36 Only retailing of videos is permitted as a limited use. All other retailing in this use category requires review pursuant to Section 106 in the OA District and is a conditional use, subject to Note 17, in the OC District.
- 37 Only commercial schools are permitted.

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

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

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

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Rear Setback	0	0 ¹⁰	0 ¹¹	0 ¹²	0 ¹²	0 ¹²	0 ^{8,10}	See Subsection 1005.10	10 feet ¹³	10 feet ¹¹	0 ¹⁴
Minimum Side Setback	0	0 ¹⁵	0 ¹⁵	0 ¹⁶	0 ¹⁶	0 ¹⁶	0 ^{8,15}	See Subsection 1005.10	6 feet ¹⁷	10 feet ¹⁸	0 ¹⁵
Maximum Building Height	35 feet	None ¹⁹	None	None	None	None	None	None	45 feet	None ²⁰	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development ²¹	None	None	None	See Table 510-3.	None	None	None	0.5 for primary office uses on lots of 2½ acres or less; 1.0 for primary office uses on lots greater than 2½ acres ^{21, 22, 23}
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None	None	None	None	None

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Residential Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use ²⁴	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	None	20 dwelling units per net acre for residential development; none for mixed-use development ²⁴	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use or with a limited use other than a fitness facility or a freestanding restaurant ²⁴
Maximum Residential Density	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None	60 dwelling units per acre ²⁵	60 dwelling units per acre ²⁵	60 dwelling units per acre ²⁵	None	None	Standards in MR-2 District apply. See Table 315-4.	60 dwelling units per acre ²⁵	None

Notes to Table 510-2:

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

- 10 If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet.
- 11 If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet.
- 12 If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- 13 If the rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: 10 feet for the portion of a building that is 25 feet or less in height; 20 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- 14 If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 39 feet.
- 15 If the side lot line abuts a residential zoning district, the minimum shall be 15 feet.
- 16 If the side lot line abuts a residential zoning district, the minimum side yard setback shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- 17 If the side lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: six feet for the portion of a building that is 25 feet or less in height; 16 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- 18 If the side lot line abuts a residential zoning district, the minimum shall be 35 feet.
- 19 If the subject property abuts a residential zoning district, the maximum building height shall be 35 feet.
- 20 If the building is located less than 100 feet from an Urban Low Density Residential, VR-4/5, or VR-5/7 District, the maximum building height shall be equal to the building's distance from the Urban Low Density Residential, VR-4/5, or VR-5/7 District.

- ²¹ Floor area ratio shall be calculated pursuant to Subsection 1005.03(K).
- ²² With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
- ²³ For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Offices and Outpatient Clinics, and Research Facilities and Laboratories.
- ²⁴ Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).
- ²⁵ Maximum residential density may be increased pursuant to Table 1012-1, *Bonus Density*. Any partial figure of one-half or greater shall be rounded up to the next whole number.

Table 510-3: Site-Specific Requirements for the PMU District

Land Uses & Areas Required	PMU1
Office uses ¹ , minimum square feet	525,000 square feet
Retail, entertainment, hotel, service commercial, theater, or equivalent, minimum square feet	500,000 square feet
Dwelling units, minimum number	200 dwelling units; demonstrate ability to accommodate 600 dwelling units
Public plaza	one-half- to one-acre plaza
Entertainment/recreational facility	
Transit facilities	
Preserve Phillips Creek and enhance Phillips Creek Greenway	
Land Uses & Areas Required	PMU 2, 3, 4, and 5
Office uses ¹ or residential uses ² , minimum site area	50 percent
Office uses ¹ , minimum floor area ratio (FAR)	0.5 for office uses on lots of two and one-half acres or less; 1.0 for office uses on lots greater than two and one-half acres, calculated pursuant to Subsection 1005.03(K). With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases, provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
Retail uses and service commercial uses, minimum FAR	0.3, calculated pursuant to Subsection 1005.03(K)
Residential density ²	The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

Notes to Table 510-3:

- ¹ For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Assembly Facilities, Business Services, Civic and Cultural Facilities, Financial Institutions, Information Services, Libraries, Offices, Offices and Outpatient Clinics, Radio and Television Studios, Research Facilities and Laboratories, and Schools.
- ² For the purposes of this provision, “residential uses” include the following uses from Table 510-1: Congregate Housing Facilities, Multifamily Dwellings, and Nursing Homes. However, nursing homes are excluded from the minimum residential density standard.

[Added by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-277, 1/1/22; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-273, on remand, 5/30/23]

511 VILLAGE COMMUNITY SERVICE DISTRICT (VCS)

511.01 PURPOSE

Section 511 is adopted to implement the policies of the Comprehensive Plan for Village Community Service areas.

511.02 APPLICABILITY

Section 511 applies to land in the Village Community Service (VCS) District.

511.03 USES PERMITTED

Uses permitted in the VCS District are listed in Table 511-1, *Permitted Uses in the VCS District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 511-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. “X” means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 511-1.

B. Permitted uses are subject to the applicable provisions of Subsection 511.04, *Dimensional Standards*, Subsection 511.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

511.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VCS District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

- A. Setback: The setback from lot lines abutting Oregon Trail Drive and Hines Drive shall be zero. The minimum setback from all other lot lines shall be five feet.
- B. Maximum Building Height: Maximum building height shall be 35 feet.

511.05 DEVELOPMENT STANDARD

All primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

Table 511-1: Permitted Uses in the VCS District

Use	VCS
Accessory Uses, Customarily Permitted , such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
Assembly Facilities , including auditoriums, community centers, and senior centers	P
Athletic Clubs	C
Bus Shelters	A
Child Care Facilities	P
Civic and Cultural Facilities , including art galleries and museums	P ¹ ,C ²
Community Gardens	P
Composting Facilities	X
Daycare Services, Adult	P
Electric Vehicle Charging Stations	A
Employee Amenities , including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities	A ³
Farmers’ Markets , subject to Section 840	P
Government Uses , including fire stations, police stations, and post offices	P
Libraries	P
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
<u>Places of Worship</u> , subject to Section 804	<u>P</u>

Use	VCS
Public Recreation Facilities	P
Recyclable Drop-off Sites , subject to Section 819	A
Roads	P
Schools	P
Signs , subject to Section 1010	A ⁴
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,C ⁵
Wireless Telecommunication Facilities , subject to Section 835	See Table 835-1

Notes to Table 511-1:

- ¹ Museums are a primary use.
- ² Art galleries are a conditional use.
- ³ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ⁵ Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

NOTICE

Amendments to this section of the Zoning and Development Ordinance were approved by the Board of County Commissioners on December 8, 2022, and became effective on May 30, 2023. However, these amendments have not been acknowledged under state law because an appeal has been filed with the Land Use Board of Appeals. Pursuant to Oregon Revised Statutes 197.625, the County shall apply the amended regulations to land use decisions, expedited land divisions and limited land use decisions. However, if these amended regulations fail to gain acknowledgment, any permit or zone change which is approved, in whole or in part, on the basis of the change will not justify retention of the improvements that were authorized by the permit or zone change. Before proceeding with plans for development that are dependent on the amended regulations, applicants are advised to consult with Planning and Zoning Division staff and seek independent legal advice.

513 RURAL TOURIST COMMERCIAL (RTC) AND RURAL COMMERCIAL (RC) DISTRICTS

513.01 PURPOSE

Section 513 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas regulated by the Mount Hood Community Plan and for Rural Commercial areas.

513.02 APPLICABILITY

Section 513 applies to land in the Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts.

513.03 USES PERMITTED

- A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- B. As used in Table 513-1:
1. “P” means the use is a primary use.
 2. “A” means the use is an accessory use.
 3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
 4. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
 5. “X” means the use is prohibited.

- 6. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
- 7. Numbers in superscript correspond to the notes that follow Table 513-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

513.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the RTC and RC Districts are listed in Tables 513-2, *Dimensional Standards in the RTC and RC Districts, Except in Government Camp*, and 513-3, *Dimensional Standards in Government Camp*. As used in Tables 513-2 and 513-3, numbers in superscript correspond to the notes that follow the tables.
- B. Modifications: Modifications to the standards in Tables 513-2 and 513-3 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

Table 513-1: Permitted Uses in the RTC and RC Districts

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

Use	RTC	RC
Contractors, Logging	P	P
Daycare Services, Adult	P	P
Drive-Thru Window Services , subject to Section 827	X	A
Dwellings, Detached Single-Family	P ² ,A	A
Electric Vehicle Charging Stations	P	P
Employee Amenities , including cafeterias, clinics, child care facilities, 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 listed elsewhere in this table as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C
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 ³	S ⁴
Hydroelectric Facilities	C	C
Manufacturing of Edible or Drinkable Products Retailed on the Same Site , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailled on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailled on the same site, but excluding the processing, production, and wholesaling of marijuana products.	P	S
Marijuana Processing	X	X
Marijuana Production	X	X
Marijuana Retailing , subject to Section 841	P ⁵	P ⁵
Marijuana Wholesaling	P ⁶	P ⁶
Mobile Vending Units , subject to Section 837	P	P
Motels	P ³	S ⁴
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

Use	RTC	RC
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 ⁷	X
Pedestrian Amenities	P	P
<u>Places of Worship, subject to Section 804</u>	<u>P</u>	<u>P</u>
Public Utility Facilities	S	C
Radio and Television Transmission and Receiving Towers and Earth Stations	S ⁸	C ⁸
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 ⁹	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 ⁹	P	P
Recreational Uses, Government-Owned Golf Courses⁹	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 ¹⁰	S
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

Use	RTC	RC
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
Roads	P	P
Schools	P	P,C ^{2,11}
Service Stations	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 ¹²	p ¹²
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, upholstering, and veterinary	P	P
Services, Commercial—Mini-Storage/Self-Storage Facilities	C ¹³	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

Use	RTC	RC
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
Sewer System Components that Serve Lands Inside an Urban Growth Boundary , subject to ORS 660-011-0060(3)	Type II ¹⁴	Type II ¹⁴
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community , subject to ORS 660-011-0060(4)	Type II ¹⁵	Type II ¹⁵
Short-Term Rental in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use	P	X
Signs , subject to Section 1010	A ¹⁶	A ¹⁶
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,C ¹⁷	P,C ¹⁷
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 , subject to Section 835	See Table 835-1	See Table 835-1

- ¹ A fraternal organization lodge, ~~place of worship~~, or school is a conditional use if the building floor space exceeds 4,000 square feet.
- ² 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.
- ³ 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.

- 4 If a hotel or motel is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).
- 5 Marijuana retailing is permitted only inside an unincorporated community.
- 6 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.
- 7 Parking structures are permitted only in Government Camp and only if they are consistent with a community parking plan adopted by the Board of County Commissioners.
- 8 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 9 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 10 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*.
- 11 Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.
- 12 Drive-in eating and drinking establishments are prohibited.
- 13 No outside storage shall be permitted.
- 14 Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.
- 15 The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- 16 Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- 17 Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

Table 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp

Standard	RTC	RC
Minimum Lot Size	None	None ¹
Minimum Front Setback	25 feet ²	30 feet ²
Minimum Rear Setback	10 feet ^{3,4,5}	10 feet ^{4,6}
Minimum Side Setback	10 feet ^{3,4,5}	10 feet ^{4,6}
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet ⁷	
Maximum Building Floor Space per Commercial Use outside an Unincorporated Community	Not Applicable	3,000 square feet ⁸
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet ⁹	

- 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 If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- ⁴ In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat.
- ⁵ If the lot line abuts an RR or HR District, the minimum is 20 feet except as established by Note 3 or 4.
- ⁶ If the lot line abuts a residential zoning district, the minimum is 20 feet except as established by Note 3 or 4.
- ⁷ No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

- 8 A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- 9 No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

Table 513-3: Dimensional Standards in Government Camp

Standard	RTC
Minimum Front Setback unless the Front Lot Line abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front Setback if the Front Lot Line abuts Government Camp Loop	4 feet ¹
Maximum Front Setback if the Front Lot Line abuts Government Camp Loop	10 feet ²
Minimum Rear Setback	10 feet ^{3,4,5}
Minimum Side Setback	None
Maximum Building Height	70 feet 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 ⁷
Maximum Building Floor Space per Industrial Use	60,000 square feet ⁸

¹ There is no minimum front setback for building cantilevers with a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway. Structures less than 10 feet from the front lot line shall be designed to include measures to protect the public and vehicles from snow slide incidents.

- 2 The maximum front setback may be exceeded to the minimum extent necessary to accommodate public plaza space. Detached single-family dwellings are exempt from complying with the maximum front setback.
- 3 If the rear lot line abuts a national forest, there is no minimum rear setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- 4 In a planned unit development, there is no minimum rear setback except from rear lot lines on the perimeter of the final plat.
- 5 If the rear lot line abuts an HR District, the minimum rear setback is 20 feet except as established by Note 3 or 4.
- 6 The maximum building height may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.
- 7 No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- 8 No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-273, on remand, 5/30/23]

702 OPEN SPACE MANAGEMENT DISTRICT (OSM)

702.01 PURPOSE

The intent of the Open Space Management (OSM) District is to preserve and manage the County's committed open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation areas, help satisfy a need for contrast with the built environment, protect natural areas and provide areas of quiet contemplation and enjoyment of the natural environment.

702.02 AREAS OF APPLICATION

The OSM District shall apply to those areas identified as urban on the Comprehensive Plan and Mount Hood Community Plan maps, in Metro's Urban Reserve Areas, or identified in the Metropolitan Greenspaces Master Plan.

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Other public and private recreation areas, including school playgrounds and golf courses;
- C. Cemeteries;
- D. Unique or distinctive natural areas which have been either dedicated to the public or preserved through an easement; and
- E. Natural areas in Metro's Urban Reserve Areas or identified in the Metropolitan Greenspaces Master Plan, when under public or common ownership.

702.03 PRIMARY USES

- A. Public and private outdoor recreation facilities, and parks, including covered but not enclosed areas. Such facilities may include ball fields, swimming pools, play equipment, driving ranges, tennis courts, community gardens, fountain courts, and plazas, provided such uses and facilities are not intended for the purpose of obtaining a commercial profit. These uses are allowed in the urban area and urban services areas. Outside the urban areas these uses are subject to Subsection 702.05;
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas provided such uses are not intended for the purpose of obtaining a commercial profit;
- C. Cemeteries;

- D. Utility carrier cabinets provided that the combined volume of all cabinets located on a single lot does not exceed the applicable maximum established pursuant to Subsection 830.01(A), subject to Section 830, *Utility Carrier Cabinets*;
 - E. Surface water retention and detention facilities. In the Clackamas River flood plain: surface water management biofiltration ponds and surface water pollution reduction facilities that minimize impact on the natural environment;
 - F. Areas suitable for flood storage and flood mitigation purposes; and
 - G. Wetland mitigation and enhancement facilities.
- 702.04 ACCESSORY USES
- A. Accessory uses listed under Subsection 702.04(B) may be allowed, provided that any structure shall be designed and integrated into the site by:
 - 1. Minimizing visual impacts by landscaping; and
 - 2. Providing skirting for manufactured dwellings, residential trailers, recreational vehicles, and other structures that do not have a continuous foundation.
 - B. Accessory uses permitted subject to the above conditions include:
 - 1. A caretaker's dwelling;
 - 2. Restroom and locker room facilities;
 - 3. Information and interpretive centers;
 - 4. Pro shops and other concession sales uses incidental to a primary use, provided the combined total area devoted to this use does not exceed 500 square feet; and
 - 5. Maintenance buildings associated with a primary use;
 - C. Parking and loading areas;
 - D. Bus and mass transit shelters;
 - E. Security facilities, such as lights, gates, and fences;
 - F. Clubhouses and lodges;
 - G. Cemetery office buildings, crematories, and mausoleums in conjunction with a cemetery. Crematories are subject to Section 808, *Cemeteries and Crematories*;
 - H. Rainwater collection systems;

- I. Solar collection systems; and
- J. Electric vehicle charging stations.

702.05 CONDITIONAL USES

The following are conditional uses in the OSM District, approval of which is subject to Section 1203, *Conditional Uses*.

A. Indoor recreation facilities, meeting rooms, interpretive centers, and other similar uses provided such uses are not intended for the purpose of obtaining a commercial profit;

B. Fire stations, public schools, and libraries when associated with open space or recreational facilities;

C. Places of worship, subject to Section 804

~~CD.~~ Pro shops and other concession sales uses incidental to a primary use exceeding the area standards of Subsection 702.04(B)(4);

~~DE.~~ Water treatment facilities and other public utilities that exceed the limitations of primary uses in Subsection 702.03;

~~EF.~~ Utility carrier cabinets if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A), subject to Section 830, *Utility Carrier Cabinets*; and

~~FG.~~ Any use customarily provided in public or private recreation areas.

702.06 DEVELOPMENT STANDARDS

Development in the OSM District is subject to the applicable provisions of Sections 1000, *Development Standards*, and 1100, *Development Review Process*. In addition, improvements shall comply with the following standards:

- A. Landscape the site to produce a setting appropriate to its function.
- B. Provide an efficient internal circulation system and facilities layout plan.
- C. Maximize access for pedestrians, bicyclists, transit riders, and people with disabilities in active recreation areas.
- D. Provide conveniences for users with disabilities.
- E. In the case of parks, conform to the classifications and standards in Policies 1.1 through 1.3 of the Parks and Recreation Section of Chapter 9, *Open Space, Parks, and Historic Sites*, of the Comprehensive Plan.

- F. Locate principal and accessory buildings a minimum of 10 feet from any lot in a residential zoning district.
- G. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10, *Community Plans and Design Plans*, of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-268, 10/2/18]

804 PLACES OF WORSHIP

804.01 STANDARDS

Except where the applicable zoning district allows for a less restrictive standard, places of worship shall comply with the following standards:

- A. Maximum Lot Coverage: The maximum lot coverage is 50 percent.
- B. Maximum Building Height: The maximum building height is 50 feet.
- C. Minimum Rear Setback: The minimum rear setback is 20 feet plus five feet for each story in excess of two.
- D. Minimum Side Setback: The minimum side setback is 20 feet plus five feet for each story in excess of two.

804.02 PERMITTED USES

- A. Customarily Associated Activities. Pursuant to Oregon Revised Statutes 215.441, a place of worship may be used for activities customarily associated with the practices of the religious activity, including:
 - 1. Worship services;
 - 2. Religion classes;
 - 3. Weddings;
 - 4. Funerals;
 - 5. Meal programs; and
 - 6. Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education. (Although a private or parochial school is not permitted pursuant to this provision, this Ordinance may otherwise provide for such use on the subject property.)
- B. Accessory Uses. In addition to buildings and uses otherwise permitted accessory to a place of worship in the applicable zoning district, healthcare services, including counseling, are a permitted accessory use, provided the healthcare services occupy no more than 10 percent of the combined floor area of all structures associated with places of worship on the same property, and provided that the healthcare services are operated by a charitable organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code. Notwithstanding the 10-percent limitation, a

larger floor area may be permitted if the use is found still to be accessory to the place of worship.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21]

1015 PARKING AND LOADING

1015.01 GENERAL STANDARDS

- A. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06.
- B. Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.
- C. Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1, *Automobile Parking Space Requirements*; 1015-2, *Minimum Automobile Parking Space Requirements for Dwellings*; 1015-3, *Minimum Required Bicycle Parking Spaces*; and 1015-4, *Minimum Required Off-Street Loading Berths* shall be subject to the requirements for the most similar use.
- D. Motor vehicle parking, bicycle parking, and loading areas shall be separated from one another.
- E. Required parking spaces and loading berths shall not be:
 - a. Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(3)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.
 - b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.
 - c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).

1015.02 MOTOR VEHICLE PARKING AREA STANDARDS

- A. Off-street parking areas shall be designed to meet the following requirements:
 - 1. Off-street motor vehicle parking areas shall be provided in defined areas of the subject property. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has required maneuvering area for vehicles. Required backing and maneuvering areas shall be located entirely onsite.

2. Automobile parking spaces shall be a minimum of 8.5 feet wide and 16 feet long, except that parallel spaces shall be a minimum of 8.5 feet wide and 22 feet long.
3. A minimum of 25 percent of required parking spaces shall be no larger than 8.5 feet wide and 16 feet long.
4. Parking areas shall comply with minimum dimensions for curb length, stall depth, and aisle width established by the Clackamas County Roadway Standards; these dimensions are based on the orientation (e.g., 45-degree, 90-degree), length, and width of the spaces.
5. Double-loaded, 90-degree angle parking bays shall be utilized where possible.
6. A minimum of one parking space or five percent of the required spaces, whichever is greater, shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee automobile parking spaces to the building entrances normally used by employees, but shall not take priority over any spaces required for individuals with disabilities.
7. In parking lots greater than one acre, major onsite circulation drive aisles and lanes crossing to adjacent developments shall not have parking spaces accessing directly onto them.
8. Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.
9. Except for parallel spaces, parking spaces heading into landscaped areas or along the perimeter of a parking lot shall be provided with a sturdy tire stop at least four inches high and located two feet within the space to prevent any portion of a car within the lot from extending over the property line.
10. For parking spaces heading into a landscaped area, the area in front of the tire stop that is included in the parking space dimension may be landscaped instead of paved or graveled according to the following standards:
 - a. Landscaping shall be ground cover plants only;
 - b. The area in front of the tire stop that is included in the parking space dimension shall be in addition to the required minimum dimension for a landscape planter; and
 - c. The landscaped area in front of the tire stop may count toward overall site landscaping requirements established in Table 1009-1, *Minimum Landscaped Area*. However, it may not count toward perimeter landscaping requirements established in Section 1009.03(B)(1).

B. Parking Minimums: The minimum number of parking spaces listed in Tables 1015-1, *Automobile Parking Space Requirements*, and 1015-2, *Minimum Automobile Parking Space Requirements for Dwellings*, applies unless modified in Subsection 1015.02(D).

1. In case of expansion of a building or use that, prior to the expansion, does not meet the minimum parking space requirements in Table 1015-1 or 1015-2, the following provisions shall apply:
 - a. The minimum number of additional parking spaces required shall be based only on the floor area or capacity added and not the area or capacity existing prior to the expansion.
 - b. If the enlargement covers any of the pre-expansion parking spaces, lost parking spaces shall be replaced, in addition to any required additional spaces.
2. In the event more than one use occupies a single structure or parcel, the total minimum requirement for parking shall be the sum of the minimum requirements of the several uses computed separately.

C. Parking Maximums:

1. Within the UGB, the parking maximums listed for Urban Zone A in Table 1015-1 and Note 4 of Table 1015-2 apply when an area has 20-minute peak hour transit service within one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit.
2. Within the UGB, areas not meeting the requirements of Subsection 1015.02(C)(1), are subject to the parking maximums listed in Table 1015-1, Urban Zone B.
3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-1:
 - a. Existing parking spaces may be retained, replaced, or eliminated, provided that after the expansion, the total number of remaining spaces complies with the minimum parking space requirement of Table 1015-1 for the entire development; and
 - b. Additional parking spaces are allowed only if required to comply with the minimum parking space requirement of Table 1015-1 for the entire development after the expansion.

Table 1015-1: Automobile Parking Space Requirements¹

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Amusement Parks, Riding Academies, and Camps (per 1000 square feet of serving area)	0.8	None	None
Bank with Drive-in	4.3	5.4	6.5
Bed and Breakfast Residences and Inns	1 for each guest room and 1 for the operator	None	None
Bowling Alleys (per alley)	3	None	None
Child Care Facilities	0.5 In addition, a passenger-loading area shall be provided on the site.	None	None
Dwellings (see Table 1015-2)			
Home Occupations for Canine Skills Training	1 per canine handler, based on the maximum number of handlers permitted for any single training session. An additional space shall be provided for each employee.	None	None

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Home Occupations to Host Events	1 space per 3 guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.	None	None
Hospitals	0.5	None	None
Hotels and Motels (per unit)	1	None	None
Industrial, Manufacturing, and Processing Facilities			
Zero to 24,999 square feet	1.5	None	None
25,000 to 49,999 square feet	1.42	None	None
50,000 to 79,999 square feet	1.25	None	None
80,000 square feet and greater	1	None	None
Medical and Dental Clinics	3.5	4.9	5.9
Movie Theaters (per seat)	0.3	0.4	0.5
Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children (per bed)	0.2	None	None
Office Uses (includes Office Park, “Flex-Space”, Government Office and Miscellaneous Services)	2.7	3.4	4.1

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, <u>or 1 per 100 sq. ft. in main assembly room, exclusive of chancel or stage</u>). If <u>unless</u> a school, <u>child care facility</u> , daycare , or similar facility is proposed in conjunction with primary use, in which case it shall have separate parking requirement.	0.25; or 1 per 5.3 feet of bench length in main assembly room	0.6	0.8
Produce Stands (per stand)	4	None	None
Recreational Vehicle Camping Facilities	1 per campsite (in addition to the space required for parking the recreational vehicle) and 1 per employee at peak employment period	None	None
Restaurants: Fast Food with drive-thru window service	9.0	12.4	14.9
Restaurants: With no drive-thru window service, Taverns	15.0	19.1	23
Retail/Commercial, including shopping centers	4.1, except in the Clackamas Regional Center Area, 3.0	5.1	6.2
Retail stores with bulky merchandise, such as furniture, appliances, automobiles, service/repair shops	2	5.1	6.2
Schools: Colleges, Universities, and High Schools (per student or staff member)	0.2	0.3	0.3

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 employees, customers and visitors, determined through Conditional Use process.	None	None
Tennis and Racquetball Courts	1	1.3	1.5
Theaters, Dance Halls, Community Clubs, Skating Rinks, Public Meeting Places (per seat, or 1 per 100 sq. ft. exclusive of stage)	0.25	None	None
Warehouse and Storage Distribution, and Terminals (air, rail, truck, water, etc.) **Maximum parking requirements apply only to warehouses 150,000 gross square feet or greater.			
Zero to 49,999 square feet	0.3	None	None
50,000 square feet and over	0.2	0.4**	0.5**

¹ Parking requirements are expressed as number of spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

Table 1015-2: Minimum Automobile Parking Space Requirements for Dwellings¹

Dwelling Type	Zoning District								
	R-5 – R-30	VR-4/5 & VR-5/7	VTH	MR-1 & MR-2	SCMU	HR ²	MRR	RA-1 & RA-2	All Other Zoning Districts
Accessory Dwelling Unit	0	0	0	N/A	N/A	1	1	0	0
Accessory Historic Dwelling	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
Congregate Housing Facility (per resident)	N/A	N/A	0.25	0.25	0.25	N/A	0.25	N/A	0.25
Cottage Cluster	1	1	N/A	N/A	N/A	N/A	N/A	N/A	0
Detached Single-Family Dwelling or Manufactured Dwelling (located on an individual lot)	1, located behind the front setback line	1, located behind the front setback line	N/A	N/A	N/A	1 per dwelling unit 800 square feet or less 2 per dwelling unit greater than 800 square feet	1 per 600 square feet of residential building area	1, located behind the front setback line	0
Duplex or Triplex	1 ³	1 ³	1.5	1.5	1.5	N/A	1 per 600 square feet of residential building area	Duplex in RA-1: 1.5 All others: N/A	1.5
Manufactured Dwelling (located in a manufactured dwelling park)	2	N/A	N/A	2, if located in MR-1 N/A, if located in MR-2	N/A	N/A	2	N/A	2

Dwelling Type	Zoning District								
	R-5 – R-30	VR-4/5 & VR-5/7	VTH	MR-1 & MR-2	SCMU	HR ²	MRR	RA-1 & RA-2	All Other Zoning Districts
Multifamily Dwelling: Per studio/zero-bedroom or one-bedroom dwelling unit	N/A	N/A	N/A	1	1	N/A	1	N/A	1
Per two-bedroom dwelling unit	N/A	N/A	N/A	1.25	1.25	N/A	1.25	N/A	1.25
Per three-bedroom dwelling unit	N/A	N/A	N/A	1.5	1.5	N/A	1.5	N/A	1.5
Quadplex	1 ³	1 ³	Same as multifamily dwelling in all other zoning districts	Same as multifamily dwelling	Same as multifamily dwelling	N/A	Same as multifamily dwelling	N/A	Same as multifamily dwelling
Townhouse	1	1	1, located in a garage	2	1 ⁴	1 per dwelling unit 800 square feet or less 2 per dwelling unit greater than 800 square feet	1 per 600 square feet of residential building area	N/A	1 ⁵

¹ Minimum parking requirement is expressed as number of spaces per dwelling unit, unless otherwise stated. N/A means the dwelling type is not allowed in the applicable zoning district.

² On land above 3,500 feet in elevation, covered parking shall be provided for structures containing three or more dwelling units.

³ No additional parking spaces shall be required for conversion of a detached single-family dwelling to middle housing.

⁴ The parking exception in Subsection 1015.02(D)(3)(b) does not apply to townhouses. Maximum parking for townhouses in Urban Zone A is two spaces per townhouse.

⁵ In the R-2.5 District, the required parking shall be located behind the front setback line.

D. Exceptions to Parking Requirements:

1. Parking maximums in Table 1015-1 and Note 4 to Table 1015-2 may be increased for the following:
 - a. Parking spaces in parking structures;
 - b. Fleet parking spaces;
 - c. Designated employee carpool spaces;
 - d. User-paid spaces; and
 - e. Parking spaces for vehicles for sale, lease, or rent.
2. Parking minimums in Table 1015-2 may be reduced by 40 percent for multifamily dwelling units on sites within a one-quarter mile walking distance of a light rail station. Walking distance is measured along public roads, walkways, or accessways.
3. Parking minimums in Tables 1015-1 and 1015-2, or as calculated pursuant to Subsection 1015.02(D)(2), may be reduced for the following:
 - a. The total minimum requirement for parking spaces may be reduced up to 20 percent per use when shared parking is utilized.
 - b. In commercial and industrial zoning districts, available permitted on-street parking spaces on a development's street frontage may be counted toward required parking. To count as an on-street parking space, the space must comply with the minimum dimensions for a parking space established by Subsections 1015.02(A)(2) and (4).
 - c. Motorcycle parking may substitute for required automobile parking spaces as follows:
 - i. Up to five spaces or five percent of required automobile parking, whichever is less, may be utilized.
 - ii. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
 - iii. Each motorcycle space must be at least four feet wide and eight feet deep.
 - d. Electric vehicle charging stations may be installed according to the following standards:

- i. Two spaces or five percent of the minimum required parking spaces, whichever is greater, may be utilized for electric vehicle charging stations and identified exclusively for such use.
 - ii. Additional parking spaces of the minimum required parking may be utilized for electric vehicle charging stations, provided they are not identified exclusively for such use.
 - iii. Any portion of parking spaces provided that are beyond the required minimum number of parking spaces may be utilized for electric vehicle charging stations, regardless of whether they are identified exclusively for such use.
4. A parking cap applies in the SCMU District. The total number of parking spaces provided for nonresidential development (either onsite or offsite) shall not exceed the parking cap, regardless of the number of pre-existing parking spaces. Parking maximums and minimums established by Tables 1015-1 and 1015-2 shall be adjusted to the extent necessary to comply with the parking cap. The parking cap shall be calculated by the following formula:

$\text{Parking Cap} = \text{Gross Acres of the Development Site} \times 67 \text{ Parking Spaces}$
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1015.03 BICYCLE PARKING STANDARDS

A. Bicycle parking areas shall meet the following on-site locational requirements:

1. Bicycle parking racks shall be located in proximity to an entrance but shall not conflict with pedestrian needs.
2. At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building.
3. Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.
4. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered in one or several locations within 50 feet of each building's entrance.
5. If the bicycle parking is not easily visible from the street or main building entrance, then a sign must be posted near the building entrance indicating the location of the parking facilities.

- B. Bicycle parking shall be designed to meet the following requirements:
1. When more than seven bicycle parking spaces are required, a minimum of 50 percent of the spaces shall be covered. All of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, quadplexes, and multifamily dwellings shall be covered.
 2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.
 3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.
 4. Required bicycle parking spaces shall be illuminated.
 5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.
 6. Bicycle parking space dimensions and standards:
 - a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.
 - b. An aisle a minimum of five feet wide must be provided for bicycle maneuvering.
 - c. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
 - d. Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if comparable dimensions, maneuvering, and clearance are provided to the user.
 - e. Bicycle racks must accommodate both:
 - i. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
 - ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.

7. The minimum number of bicycle parking spaces listed in Table 1015-3, *Minimum Required Bicycle Parking Spaces*, are required. If a listed use is located within the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-3, whichever is greater.
8. Within the UGB, quadplexes not developed pursuant to Section 845, *Triplices, Quadplexes, Townhouses, and Cottage Clusters*, and multifamily residential, commercial, and institutional developments 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 1015-3: 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)
Quadplexes not approved pursuant to Section 845 and 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 1015-3.

1015.04 OFF-STREET LOADING STANDARDS

- A. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.
- B. In cases of expansion of a building or use, that prior to the expansion, does not meet the minimum loading berth requirements in Table 1015-4, *Minimum Required Off-Street Loading Berths*, the following provisions shall apply:
 1. The minimum number of additional loading berths required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.
 2. If the expansion covers any pre-expansion loading berths, lost loading berths shall be replaced, in addition to any required additional berths.
- C. In the event several uses occupy a single structure or parcel of land and share the same loading berths, the total requirement for off-street loading shall be reduced by up to 25 percent of the sum of the requirements of the several uses computed separately.
- D. The minimum off-street loading berths listed in Table 1015-4 are required.

Table 1015-4: 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	

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			
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	

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	

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
Industrial, Manufacturing, Warehousing, Storage, Processing, and Terminals	Square feet of floor area		60 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 16,000	1	
	16,001 to 40,000	2	
	40,001 to 64,000	3	
	64,001 to 96,000	4	
	96,001 to 128,000	5	
	128,001 to 160,000	6	
	160,001 to 196,000	7	
	For each additional 36,000	1 additional berth	

[Added by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-277, 1/1/22; Amended by Ord. ZDO-282, 7/1/22]

From: REID Kelly * DLCD <Kelly.REID@dlcd.oregon.gov>
Sent: Thursday, June 15, 2023 3:32 PM
To: Fritzie, Martha
Subject: Comment on ZDO-287 from DLCD

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

Hi Martha,

Please include this comment from DLCD in the record for Clackamas County ZDO-287.

The proposed changes in ZDO-287 include making places of worship a primary use in industrial zoning districts. DLCD recognizes the importance of the state's and county's employment lands and urges the county to consider allowing places of worship only through a conditional use process in industrial zones. The Metro region lacks employment lands that are development-ready; and it is imperative that industrial land be preserved for employment uses that will provide needed jobs, as well as tax base, for the county and the region.

We understand that the proposal limits assembly uses in the Regionally Significant Industrial Areas to 20,000 square feet or less. While placing a limitation on the size is helpful, it is not sufficient to protect the industrial land base. Places of worship often locate on multi-acre sites and include large parking lots as well as large open yard areas, which could erode the land base for industrial uses well beyond the 20,000 square foot building area. Furthermore, the limitation only applies to Regional Significant Industrial lands, and not to other industrially-zoned lands in the County.

We also would like to highlight the County's Comprehensive Plan goals and policies regarding employment lands, including:

- *Industrial Areas description: Areas set aside primarily for industrial activities. Supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses.*
- *Regionally Significant Industrial Areas description: Areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. These areas, like Industrial Areas, are set aside primarily for industrial activities. Supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. Supporting uses are limited to an even greater degree than in Industrial Areas.*
- *Policy 8.A.2 Encourage maintenance of sufficient vacant lands to provide room for the future expansion or relocation of the County's industry and business.*
- *Policy 8.B.1 Provide sufficient industrial land of the types identified in the Industrial section of Chapter 4, Land Use.*

The language in the Comprehensive Plan clearly intends to limit non-industrial uses within the industrial zones, and for those non-industrial uses, it appears they are intended to serve the industrial uses, such as banks or restaurants catering to the people who work in the county's industrial businesses. It is unlikely that a place of worship would be considered a

'supporting' use in this manner; allowing places of worship as a primary use in industrial zones is inconsistent with the County's Comprehensive Plan.

Last, the county does not have an up-to-date Economic Opportunity Analysis (EOA) that determines whether there are ample industrially-zoned lands to accommodate growth over the next 20-years. In fact, it appears that the County has not updated its EOA since 1989. Without an analysis of the County's industrial land supply, it is difficult to justify a zoning change that would potentially reduce that supply.

DLCD would be happy to assist the county, including through funding support, in conducting an Economic Opportunity Analysis to assess the employment land supply in Clackamas County. The Department responded to several inquiries from Clackamas County planners in 2022 that indicated the County's intent to apply for a TA grant for the purposes of updating its Economic Opportunity Analysis during the 2023-25 biennium. We would advise that the County undertake this important work prior to consideration of allowing non-industrial uses as a primary use in its valuable industrial zones.

Thank you,



Kelly Reid

Regional Representative for Multnomah and Clackamas Counties
Portland Metro Regional Solutions
Pronouns: She/her
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