



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 19, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 7, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resource Specialist
Steve Hanschka, Clackamas County

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FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

JUN 13 2008

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CLACKAMS COUNTY Local File No.: ZDO-216
(If no number, use none)

Date of Adoption: June 5, 2008 Date Mailed: 6-10-08
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 2-12-08

- Comprehensive Plan Text Amendment
 - Land Use Regulation Amendment
 - New Land Use Regulation
 - Comprehensive Plan Map Amendment
 - Zoning Map Amendment
 - Other: _____
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

ALLOW FISH ENHANCEMENT PROJECTS UPRIGHT
AND REMOVE REDUNDANT PROCESSES FOR
REVIEWING CERTAIN KINDS OF ACTIVITIES IN
STREAM CORRIDOR AREAS.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: NA to _____

Zone Map Changed from: NA to _____

Location: NA Acres Involved: _____

Specify Density: Previous: NA New: _____

Applicable Statewide Planning Goals: 1, 2, 5

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 002-08 (16694)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODFW, USFW, NOAA, NMFS

Local Contact: STEVE HANSEN Area Code + Phone Number: 503-353-4572

Address: 9101 SE SUMMIT BROOK BLVD. City: CLACKAMAS

Zip Code+4: 97015-6612 Email Address: stevehan@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

In the Matter of Amendments to
the Zoning and Development
Ordinance: ZDO-216



ORDER NO.
(Page 1 of 2) 2008-6911

This matter coming regularly before the Board of County Commissioners and it appearing that the County Planning Division Staff has proposed an amendment to the Zoning and Development Ordinance; and

Whereas, it is necessary to revise the Zoning and Development Ordinance to allow Oregon Department of Fish & Wildlife fish enhancement projects outright in River and Stream Corridor Areas; to remove the requirement for a Conditional Use Permit for certain types of activities in stream corridor areas within the Recreational Residential, Mountain Recreational Resort, and Hoodland Residential zoning districts; and to make housekeeping changes; and

Whereas, the amendments are consistent with the Statewide Planning Goals and Guidelines and the Metro Urban Growth Management Functional Plan; and

It further appearing that the Planning Commission, upon considering ZDO-216 at a public hearing held on March 24, 2008, recommended approval of the amendments, and

It further appearing that after appropriate notice, a public hearing was held before the Board of County Commissioners in the Board of County Commissioners Hearing Room, 2051 Kaen Rd., Oregon City, Oregon on April 30, 2008, during which an opportunity to provide testimony and evidence was given; and

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

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}

ORDER NO.
(Page 2 of 2) 2008-6911


It further appearing that, after careful consideration of the proposed amendments, the Board of County Commissioners approved the Planning Commission's recommended amendments; and

Based upon the record, this Board finds that the proposed amendments are in the best interest of the citizens of Clackamas County.

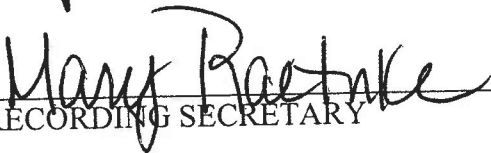
NOW, THEREFORE, IT IS HEREBY ORDERED that amendments to the text of the Zoning and Development Ordinance are adopted as shown on Exhibit A.

ADOPTED this 5th day of June, 2008

BOARD OF COUNTY COMMISSIONERS



LYNN PETERSON, CHAIR



RECORDING SECRETARY

EXHIBIT A**ZDO-216**

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

305 RECREATIONAL RESIDENTIAL DISTRICT (RR) (~~12/20/07~~)

305.01 PURPOSE

This section is adopted to: (3/24/05)

- A. Implement the policies of the Comprehensive Plan for Rural areas regulated by the Mount Hood Community Plan; and (3/24/05)
- B. Maintain and enhance the natural environmental and living qualities of those areas which are recreational residential in character through conservation of natural resources and carefully controlled development. (3/24/05)

305.02 AREA OF APPLICATION

- A. Property may be zoned RR when the site has a Comprehensive Plan designation of Rural; the site is regulated by the Mount Hood Community Plan; the criteria in section 1202 are satisfied; and the following criteria are satisfied: (3/24/05)
 - 1. Parcels are generally 2 acres or smaller; (3/24/05)
 - 2. The area is significantly affected by development; and (3/24/05)
 - 3. There are no natural hazards, and the topography and soils conditions are well-suited for the location of homes. (3/24/05)

305.03 PRIMARY USES

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured dwelling; (3/24/05)
- B. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (3/24/05)
- C. Utility carrier cabinets, subject to Section 830; (3/24/05)
- D. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

305.04 ACCESSORY USES

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- C. Guest houses, subject to Section 833; (3/24/05)
- D. Signs, subject to Section 1010; (3/24/05)
- E. Family daycare providers. (3/24/05)

305.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The following use may be approved by the Planning Director pursuant to Subsection 1305.02: (3/14/02)

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

305.06 CONDITIONAL USES

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)

1. Churches, with a minimum site area of 2 acres, subject to Section 804; (5/22/03)
2. Schools, with a minimum site area of 10 acres, subject to Section 805; (5/22/03)
3. Daycare facilities, subject to Section 807; (5/22/03)
4. Service and recreational uses, subject to Section 813; (5/22/03)
5. Quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses, but none within any stream corridor area or within 100 feet of the average annual high water mark of any stream, river, or other body of water, whichever is greater, subject to Section 818; (5/22/03)
6. Sanitary landfills, debris fills and solid waste transfer stations, with a minimum site area of 3 acres, subject to Section 819; (5/22/03)

7. Public or private energy source developments. Hydroelectric facilities shall be subject to Section 829; (5/22/03)
8. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
9. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
10. Aircraft landing areas for use by emergency aircraft only (fire, rescue, etc.); (3/24/05)
11. Guest ranches, lodges, campgrounds, and similar recreation operations, with a minimum site area of 1 acre; (3/24/05)
- ~~12. Filling, grading, excavating, clearing of vegetation, and installation of public facilities in stream corridor areas; (5/22/03)~~
123. Home occupations to host events, subject to Section 806. (11/30/06)

305.07 PROHIBITED USES

Uses of structures and land not specifically permitted are prohibited. (3/24/05)

305.08 DIMENSIONAL STANDARDS

A. Purpose: The dimensional standards are intended to: (3/24/05)

1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
2. Provide for and protect the unique character, livability, and scenic quality of the Mount Hood community; (3/24/05)
3. Provide for fire safety and protection of all structures;
4. Protect the privacy and livability of on-and offsite dwellings and yard areas;
5. Provide for adequate light and air circulation between structures;
6. Provide for adequate snow slide area between structures above the 3,500-foot elevation; (3/24/05)
7. Ensure consistency in the scale of structures, both vertically and horizontally; and (3/24/05)
8. Provide for adequate open space within a development. (3/24/05)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- B. Minimum Lot Size: New lots of record shall be a minimum of 2 acres in size, except as modified by Section 902. (3/24/05)
- C. Density: Maximum density shall be calculated pursuant to Section 1012. (3/24/05)
- D. Minimum Front Yard Setback: 20 feet from the front lot line or 40 feet from the centerline of the fronting road, whichever is greater, except as provided below: (3/24/05)
 - 1. Corner or Through Lots: Structures on corner or through lots shall observe the minimum front yard setback on one road and shall have the option of maintaining a 15-foot setback or 35 feet from the centerline of the fronting road, whichever is greater, on the other road. Structures located above 3,500 feet in elevation shall have the option of maintaining a 10-foot setback, or 30 feet from the centerline of the fronting road, whichever is greater, on the other road. (3/24/05)
- E. Minimum Side Yard Setback: 10 percent of the lot width calculated at the building line. However, regardless of lot width, a side yard setback shall not be less than 5 feet, and a side yard setback of more than 10 feet shall not be required. (3/24/05)
- F. Minimum Structure Separation: Above 3,500 feet in elevation, separation distance between buildings with contiguous snow slide areas shall be a minimum of 20 feet. "Snow slide area" means the area around a structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure. (3/24/05)
- G. Minimum Rear Yard Setback: 10 percent of the average lot depth. However, regardless of lot depth, a rear yard setback shall not be less than 10 feet, and a rear yard setback of more than 20 feet shall not be required. (3/24/05)
- H. Corner Vision: No sight-obscuring structures or plantings exceeding 30 inches in height shall be located within a 20-foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private driveway, access drive, or private road and a public, county, or state road. Trees located within a 20-foot radius of such an intersection shall be maintained to allow 8 feet of visual clearance below the lowest-hanging branches. (3/24/05)
- I. Lot Coverage: A 20-percent lot coverage limitation shall apply to lots contained in any subdivision recorded prior to September 16, 1974. In a planned unit development, the lot coverage limitation shall be calculated as a percentage of the average lot size. In calculating the average, common areas shall be included in the total area but the result shall be divided only by the number of building lots.

(3/24/05)

- J. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- K. Variances: The requirements of Subsections 305.08(C) through (I) may be modified pursuant to Section 1205. (3/24/05)

305.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. If there is a conflict between Section 1000 and this subsection, this subsection shall govern. (3/24/05)
- B. Community Plans and Design Plans: Development within a Community Plan or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan. If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern. (3/24/05)
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- D. Design Features: All dwellings, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If a dwelling is located on a corner lot, the features shall be visible to the road from which the dwelling takes access. (3/24/05)
 - 1. A covered porch at least 2 feet deep; (3/24/05)
 - 2. An entry area recessed at least 2 feet from the exterior wall to the door; (3/24/05)
 - 3. A bay or bow window (not flush with the siding); (3/24/05)
 - 4. An offset on the building face of at least 16 inches from one exterior wall surface to the other; (3/24/05)
 - 5. A dormer; (3/24/05)
 - 6. A gable; (3/24/05)
 - 7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; (3/24/05)
 - 8. Roofline offsets of at least 16 inches from the top surface of one roof to the

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

top surface of the other; (3/24/05)

9. An attached garage; (3/24/05)
10. Orientation of the long axis and front door to the road; (3/24/05)
11. A cupola; (3/24/05)
12. A tile or shake roof; (3/24/05)
13. Horizontal lap siding

| 306 MOUNTAIN RECREATIONAL RESORT DISTRICT (MRR) (~~12/20/07~~)

306.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Mountain Recreation areas. (3/24/05)

306.02 AREA OF APPLICATION

Property may be zoned MRR when the site has a Comprehensive Plan designation of Mountain Recreation and the criteria in Section 1202 are satisfied. (3/24/05)

306.03 PRIMARY USES

- A. Multifamily dwellings; (3/24/05)
- B. Three-family dwellings; (3/24/05)
- C. Two-family dwellings; (3/24/05)
- D. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home; (3/24/05)
- E. Congregate housing facilities; (3/24/05)
- F. Condominiums, subject to Section 803; (3/24/05)
- G. Nursing homes, subject to Section 810; (3/24/05)
- H. Bus shelters, subject to Section 823; (3/24/05)
- I. Utility carrier cabinets, subject to Section 830; (3/24/05)
- J. Bed and breakfast residences and inns, subject to Section 832; (3/24/05)
- K. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)
- L. Lodging, boarding, and rooming houses for any number of guests; (3/24/05)
- M. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential district. These uses may be designated Open Space Management under Section 702 when

the criteria under Section 1011 are satisfied; (3/24/05)

N. Park and ride facilities; (3/24/05)

O. Hotels, motels, and associated convention facilities, subject to the following criterion: (3/24/05)

1. A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. No such restriction applies in Government Camp or Wemme/Welches. (3/24/05)

306.04 ACCESSORY USES

A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)

B. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts; (3/24/05)

C. Offices, buildings, and facilities required for the operation, administration, and maintenance of any planned recreational resort development; (3/24/05)

D. Parking and loading structures and areas; (3/24/05)

E. Repair and maintenance services; (3/24/05)

F. The 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; (3/24/05)

G. Self-service laundry facilities; (3/24/05)

H. Solar collection apparatus; (3/24/05)

I. Home occupations, subject to Section 822; (3/24/05)

J. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)

K. Family daycare providers; (3/24/05)

L. Signs, subject to Subsection 306.10(I). (3/24/05)

306.05 LIMITED USES

- A. Uses incidental to a primary use, including eating and drinking establishments; sports equipment rental, sale, service, or repair; specialty shops; arts and crafts galleries; personal service establishments; campgrounds; and similar recreational operations are permitted provided: (3/24/05)
1. Limited uses are provided for as an integral part of the general plan of the development; (3/24/05)
 2. Limited uses will not by reason of their location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics have adverse effects on residential uses within or adjoining the zoning district or create traffic congestion or hazards to vehicular or pedestrian traffic; and (3/24/05)
 3. Any application for a limited use is approved in conjunction with or after building permits for the primary use. (3/24/05)

306.06 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The following use may be approved by the Planning Director pursuant to Subsection 1305.02: (3/14/02)

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

306.07 CONDITIONAL USES

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
1. Churches, subject to Section 804; (5/22/03)
 2. Schools, subject to Section 805; (5/22/03)
 3. Daycare facilities, subject to Section 807; (5/22/03)
 4. Service and recreational uses, subject to Section 813, except that associated shops, garages, and general administrative offices may be included with public or private utility services, water storage facilities, and sanitary sewerage treatment systems; (5/22/03)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

5. Quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses, but none within any stream corridor area or within 100 feet of the average annual high water mark of any stream, river, or other body of water, whichever is greater, subject to Section 818; (5/22/03)
6. Sanitary landfills, debris fills, and solid waste transfer or processing stations, subject to Section 819; (5/22/03)
7. Manufactured dwelling parks, subject to Section 825; (5/22/03)
8. Public or private energy source development. Hydroelectric facilities shall be subject to Section 829; (5/22/03)
9. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
10. Personal use airports and helistops; (5/22/03)
11. Recreational uses, including, but not limited to, ski areas and associated uses; (5/22/03)
- ~~12. Filling, grading, excavating, clearing of vegetation, and installation of public facilities in stream corridor areas; (5/22/03)~~
132. Multi-use developments, subject to Section 1016; (11/30/06)
143. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

306.08 PROHIBITED AND PREEXISTING USES

A. Prohibited Uses: The following uses shall be prohibited: (3/24/05)

1. Uses of structures and land not specifically permitted; (3/24/05)
2. The use of a residential trailer or mobile home as a dwelling, except within a lawfully established preexisting manufactured dwelling park or as authorized under Section 1204. (3/24/05)

B. Preexisting Uses: (3/24/05)

1. The minimum lot size for a new lot created for a preexisting dwelling shall be calculated pursuant to Subsection 306.09(B). (3/24/05)
2. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum density for the remaining lot. (3/24/05)

306.09 DIMENSIONAL STANDARDS

A. Purpose: The dimensional standards are intended to: (3/24/05)

1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
2. Provide for and protect the unique character, livability, and scenic quality of the Mount Hood community; (3/24/05)
3. Provide for fire safety and protection of all structures;
4. Protect the privacy and livability of on- and offsite dwellings and yard areas;
5. Provide for adequate light and air circulation between structures;
6. Provide for adequate snow slide area between structures above the 3,500-foot elevation; (3/24/05)
7. Ensure consistency in the scale of structures, both vertically and horizontally; and (3/24/05)
8. Provide for adequate open space within a development. (3/24/05)

B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,980 square feet per dwelling unit in Government Camp. In Wemme/Welches and Rhododendron, the district land area is based on dwelling unit size as follows: (3/24/05)

Dwelling Unit Size (in square feet) (3/24/05)	District Land Area in Wemme/Welches (3/24/05)	District Land Area in Rhododendron (3/24/05)
1200+	7,260	10,890
1000-1199	6,223	8,712
800-999	5,445	7,260
600-799	4,356	5,445
Less than 600	3,111	3,630

C. Scenic Roads: Structures built on lots adjacent to roads designated as scenic roads in the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (3/24/05)

D. Minimum Perimeter Yard Setbacks: 10 feet to 30 feet depending on the

following criteria: (3/24/05)

- a. Yard setback requirements in the abutting zoning district; and (3/24/05)
 - b. Adjacent land use.
- E. Setback Exception: No perimeter yard setback is required from property lines that abut a national forest. (3/24/05)
- F. Minimum Structure Separation: A minimum of 10 feet shall be required between all buildings, on- or off-site. Above 3,500 feet in elevation, the separation distance between buildings with contiguous snowslide areas shall be a minimum of 20 feet. "Snowslide area" means the area around a structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure. (3/24/05)
- G. Maximum Building Height: 40 feet. This provision may be modified to allow a maximum height of 50 feet when necessary to accommodate understructure parking. (3/24/05)
- H. Building Height Exception: The maximum building height for hotel developments in Government Camp shall be 70 feet. This provision shall be modified to allow a maximum height of 87.5 feet when necessary to accommodate understructure parking or where a higher structure will preserve significant natural features or views. (3/24/05)
- I. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- J. Variances: Dimensional standards may be modified pursuant to Section 1205. (3/24/05)

306.10 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. If there is a conflict between Section 1000 and this subsection, this subsection shall govern. In addition, except as otherwise indicated below, the standards applicable to the MR-1 zoning district shall apply. (3/24/05)
- B. Community Plans and Design Plans: Development within a Community Plan or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan. If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern. (3/24/05)
- C. Planned Unit Developments: Developments that meet the criteria in Subsection

1013.02(B) shall be required to develop as planned unit developments, subject to Section 1013. (3/24/05)

D. Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and slopes greater than 25 percent. However, a single-family dwelling may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012. (3/24/05)

E. Access and Circulation:

1. Scenic Roads: Access and on-site circulation shall be designed to limit access points onto roads designated as scenic roads in the Comprehensive Plan, using such techniques as consolidated and shared access or frontage roads, access from other roads fronting the property, internal circulation connections between properties, and cross-easements. (3/24/05)
2. On-site Circulation: The location and design of on-site circulation networks shall: (3/24/05)
 - a. Provide for joint access and circulation drives to and through developments; (3/24/05)
 - b. Provide for continuous pedestrian and bicycle access to primary, accessory, and limited uses within and between developments, and conveniently located bicycle storage facilities; (3/24/05)
 - c. Minimize barriers to handicapped or elderly persons; and (3/24/05)
 - d. Be consistent with the character of the site, requiring minimal disturbance of significant vegetation and slopes.

F. Off-Street Parking and Loading:

1. A minimum of 1 loading area shall be provided for every 50,000 square feet of residential building area, or portion thereof. (3/24/05)
2. A minimum of one off-street parking space shall be provided for every 600 square feet of residential building area. (6/29/06)
3. Sufficient parking space shall be provided for residents and guests and for storage of residents' recreational vehicles. Parking spaces for residents shall

be provided on-site to enable roads to be of minimum width. Clustered parking shall be provided where feasible. (3/24/05)

4. Parking for guests may be provided on- or off-street, taking into consideration street type, street width, anticipated normal traffic movement of emergency and service vehicles (i.e., snow removal equipment), and potential hazards to pedestrians. (3/24/05)

G. Landscaping and Buffering: A minimum of 25 percent of the site area, after subtracting any required dedications for roads, shall be used for landscaping, buffering, and outdoor recreation and activity areas. Particular objectives for landscaping and buffering in this district shall be to: (3/24/05)

1. Provide noise buffering and mitigate air pollution associated with any freeway, expressway, or arterial adjoining a site area; (3/24/05)
2. Define and provide transitions between semi-public, semiprivate and private areas within the site; (3/24/05)
3. Preserve the existing landscape in its natural state as far as possible; and (3/24/05)
4. Utilize, in new landscaping, native compatible trees and vegetation to ensure continuity with the surrounding area. (3/24/05)

H. Building Design: The following standards shall apply to commercial developments in Government Camp. These are recommended for all other developments. (3/24/05)

1. Exterior Building Materials: Primary and accessory structures shall use wood, stone, stone veneer, or stucco for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors visible from roadways. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted. (3/24/05)
2. Roofing Materials: No composition shingles or galvanized or corrugated metal roofs are allowed. (3/3/93)
3. Design: Building design shall meet the design intent of mountain architecture as described in the Government Camp Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style". (3/3/93)

I. Signs: Permanent identification signs shall be subject to Subsections

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1010.09(A)(1) through (5). Signs may be indirectly illuminated and shall be complementary to the unique character of the Mount Hood Community in the use of graphics, symbols, and natural materials. On-site directional signing shall be sensitive to the needs of tourists. Government Camp signs shall comply with Section 1010. (3/24/05)

- J. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

| 312 HOODLAND RESIDENTIAL DISTRICT (HR) (~~12/20/07~~)

312.01 PURPOSE

This section is adopted to: (3/24/05)

- A. Implement the policies of the Comprehensive Plan for Low Density Residential areas regulated by the Mount Hood Community Plan; and (3/24/05)
- B. Maintain and enhance the natural environmental and living qualities of those areas within the Mt. Hood Community which are recreational residential in character through conservation of natural resources and carefully controlled development. (3/24/05)

312.02 AREA OF APPLICATION

Property may be zoned HR when the site has a Comprehensive Plan designation of Low Density Residential; the site is regulated by the Mount Hood Community Plan; and the criteria in Section 1202 are satisfied. (3/24/05)

312.03 PRIMARY USES

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home; (3/24/05)
- B. One attached single-family dwelling per lot on up to 20 percent of the total number of lots in a subdivision or up to 100 percent of the lots in a planned unit development. If three or more dwelling units are attached to one another, design review shall be required pursuant to Section 1102, and Subsection 302.09 shall apply. (3/24/05)
- C. Bus shelters, subject to Section 823; (3/24/05)
- D. Utility carrier cabinets, subject to Section 830; (3/24/05)
- E. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)
- F. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied; (3/24/05)
- G. Park-and-ride facilities. (3/24/05)

312.04 ACCESSORY USES

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. One accessory dwelling unit; (3/24/05)
- C. Livestock, subject to Section 821; (3/24/05)
- D. Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- E. Guest houses, subject to Section 833; (3/24/05)
- F. Signs, subject to Section 1010; (3/24/05)
- G. Solar collection apparatus; (3/24/05)
- H. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)
- I. Family daycare providers. (3/24/05)

312.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The following use may be approved by the Planning Director pursuant to Subsection 1305.02: (3/14/02)

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

312.06 CONDITIONAL USES

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
 - 1. Condominium conversions, subject to Section 803; (5/22/03)
 - 2. Churches, subject to Section 804; (5/22/03)
 - 3. Schools, subject to Section 805; (5/22/03)

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4. Daycare facilities, subject to Section 807; (5/22/03)
5. Nursing homes, subject to Section 810; (5/22/03)
6. Service and recreational uses, subject to Section 813; (6/6/02)
7. Quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses, but none within any stream corridor area or within 100 feet of the average annual high water mark of any stream, river, or other body of water, whichever is greater, subject to Section 818; (5/22/03)
8. Sanitary landfills, debris fills and solid waste transfer stations, with a minimum site area of 3 acres, subject to Section 819; (5/22/03)
9. Public or private energy source development. Hydroelectric facilities shall be subject to Section 829; (5/22/03)
10. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
12. Personal use airports and helistops; (5/22/03)
13. Guest ranches, lodges, campgrounds, and similar recreation operations, with a minimum site area of 1 acre; (5/22/03)
- ~~14.14. Filling, grading, excavating, clearing of vegetation, and installation of public facilities in stream corridor areas; (5/22/03)~~
154. Multi-use developments, subject to Section 1016; (11/30/06)
165. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

312.07 PROHIBITED USES

- A. Uses of structures and land not specifically permitted; (3/24/05)
- B. The use of a residential trailer or mobile home as a dwelling, except within a lawfully established preexisting manufactured dwelling park or as authorized under Section 1204. (3/24/05)

312.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (3/24/05)

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1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
 2. Provide for and protect the unique character, livability, and scenic quality of the Mount Hood community; (3/24/05)
 3. Provide for fire safety and protection of all structures;
 4. Protect the privacy and livability of on- and offsite dwellings and yard areas;
 5. Provide for adequate light and air circulation between structures;
 6. Provide for adequate snow slide area between structures above the 3,500-foot elevation; (3/24/05)
 7. Ensure consistency in the scale of structures, both vertically and horizontally; and (3/24/05)
 8. Provide for adequate open space within a development. (3/24/05)
- B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 10,890 square feet per primary dwelling unit. (3/24/05)
- C. Setback Exception: Notwithstanding Subsections 312.08(D), (E) and (G), no setback is required from property lines that abut a national forest. (3/24/05)
- D. Minimum Front Yard Setback: 20 feet from the front property line or 40 feet from the centerline of the fronting road, whichever is greater, except as provided below: (3/24/05)
1. Scenic Roads: Structures built on lots adjacent to roads designated as scenic roads in the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (3/24/05)
 2. Corner or Through Lots: Structures on corner or through lots shall observe the minimum front yard setback on one road and shall have the option of maintaining a 15-foot setback or 35 feet from the centerline of the fronting road, whichever is greater, on the other road. Structures located above 3,500 feet in elevation shall have the option of maintaining a 10-foot setback, or 30 feet from the centerline of the fronting road, whichever is greater, on the other road. (3/24/05)
- E. Minimum Side Yard Setback: 10 percent of the lot width calculated at the building line. However, regardless of lot width, a side yard setback shall not be less than 5 feet, and a side yard setback of more than 10 feet shall not be required. (3/24/05)

- F. Minimum Structure Separation: Above 3,500 feet in elevation, the separation distance between buildings with contiguous snow slide areas shall be a minimum of 20 feet. "Snow slide area" means the area around the structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure. (3/24/05)
- G. Minimum Rear Yard Setback: 10 percent of the average lot depth. However, regardless of lot depth, a rear yard setback shall not be less than 10 feet, and a rear yard setback of more than 20 feet shall not be required. Attached single-family dwellings shall have a minimum rear yard setback of 20 feet. (3/24/05)
- H. Corner Vision: No sight-obscuring structures or plantings exceeding 30 inches in height shall be located within a 20-foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private driveway, access drive, or private road and a public, county, or state road. Trees located within a 20-foot radius of such an intersection shall be maintained to allow 8 feet of visual clearance below the lowest-hanging branches. (3/24/05)
- I. Maximum Lot Coverage: (3/24/05)
1. Maximum lot coverage for lots developed with attached single-family dwellings shall be 50 percent. (3/24/05)
 2. A 20-percent lot coverage limitation shall apply to lots contained in any subdivision recorded prior to September 16, 1974. In a planned unit development, the lot coverage limitation shall be calculated as a percentage of the average lot size. In calculating the average, common areas shall be included in the total area but the result shall be divided only by the number of building lots. (3/24/05)
- J. Maximum Building Height: 40 feet. This provision may be modified to allow a maximum height of 50 feet when necessary to accommodate understructure parking. Attached single-family dwellings shall have a maximum building height of 35 feet. (3/24/05)
- K. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- L. Variances: Dimensional standards may be modified pursuant to Section 1205. (3/24/05)

312.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. If there is a conflict between Section 1000 and this subsection, this subsection shall govern. (3/24/05)

- B. Community Plans and Design Plans: Development within a Community Plan or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan. If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern. (3/24/05)
- C. Planned Unit Developments: Developments that meet the criteria in Subsection 1013.02(B) shall be required to develop as planned unit developments, subject to Section 1013. (3/24/05)
- D. Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and slopes greater than 25 percent. However, a single-family dwelling may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012. (3/24/05)
- E. Off-Street Parking
1. One off-street parking space shall be provided for each dwelling unit of 800 square feet or less. (6/29/06)
 2. Two off-street parking spaces shall be provided for each dwelling unit of more than 800 square feet. (6/29/06)
 3. On land above 3,500-foot elevation, covered parking shall be provided for structures containing 3 or more dwelling units. (3/24/05)
- F. Access: Consolidated and shared access driveways or frontage roads, cross-easements, or access from other roads or easements fronting the property may be required, as necessary, to limit the number of access points onto a road designated as a scenic road in the Comprehensive Plan. (3/24/05)
- G. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- H. Design Features: All dwellings, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If a dwelling is located on a corner lot, the features shall be visible to the road from which the dwelling takes access. (3/24/05)
1. A covered porch at least 2 feet deep; (3/24/05)

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2. An entry area recessed at least 2 feet from the exterior wall to the door; (3/24/05)
3. A bay or bow window (not flush with the siding); (3/24/05)
4. An offset on the building face of at least 16 inches from one exterior wall surface to the other; (3/24/05)
5. A dormer; (3/24/05)
6. A gable; (3/24/05)
7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; (3/24/05)
8. Roofline offsets of at least 16 inches from the top surface of one roof to the top surface of the other; (3/24/05)
9. An attached garage; (3/24/05)
10. Orientation of the long axis and front door to the road; (3/24/05)
11. A cupola; (3/24/05)
12. A tile or shake roof; (3/24/05)
13. Horizontal lap siding.

| 704 RIVER AND STREAM CONSERVATION AREA (RSCA) (12/4/97)

704.01 PURPOSE

- A. To maintain the integrity of the rivers and streams in Clackamas County by minimizing erosion, promoting bank stability, maintaining and enhancing water quality and fish and wildlife habitats, and preserving scenic quality and recreational potentials; and (12/4/97)
- B. To maintain rivers in their natural state to the maximum extent practicable, thereby recognizing their natural, scenic, historic, economic, cultural and recreational qualities; and
- C. To implement the Rivers Area Design Plan stated in the Comprehensive Plan.

704.02 DEFINITIONS (12/4/97)

Unless specifically defined below, words or phrases used in this classification shall be interpreted to give them the same meaning as they have in common usage and to give this classification its most reasonable application.

- A. Composite Bank Stabilization: A combination of structural and nonstructural bank stabilization methods that includes a revetment of rock with a natural vegetation cover or overlay.
- B. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or any other activity which results in the removal of substantial amounts of vegetation or in the alteration of natural site characteristics.
- C. Mean High Water Line: The bank of any river or stream established by the annual fluctuations of water generally indicated by physical characteristics such as a line on the bank, changes in soil conditions or vegetation line.
- D. Nonstructural Bank Stabilization: The placement of natural vegetation, which may or may not include a filter fabric, along a shoreline whose primary purpose is for bank stabilization.
- E. Structural Bank Stabilization: A man-made, concrete wall or revetment of rock placed along the shoreline whose primary purpose is for bank stabilization.

704.03 AREA OF APPLICATION

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- A. The standards of Section 704 apply to land generally within a quarter mile of the mean high water line of the Clackamas, Sandy/Salmon, Molalla/Pudding, Roaring, Tualatin, and Zig Zag River corridors. Classified as Principal Rivers, these conservation areas are identified in Chapter 3 of the Clackamas County Comprehensive plan. The location of these rivers may vary from these maps if more specific information is provided. (12/4/97)
- B. The standards of Section 704 apply to land located within one hundred (100) feet of the mean high water line of large, Type F streams, except Principal Rivers identified in 704.03A above, identified on Water Protection Rule Classification (WPRC) Maps which are compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas, these large streams are designated in the Comprehensive Plan as those that generally have annual average flows of ten (10) cubic feet per second or greater. (12/4/97)
- C. The standards of Section 704 also apply to land located within seventy (70) feet of the mean high water line of medium Type F streams which are identified on Water Protection Rule Classification (WPRC) Maps compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas, these medium streams are designated in the Comprehensive Plan as those that generally have annual average flows greater than two (2) cubic feet per second and less (10) cubic feet per second. (12/4/97)
- D. The standards of Section 704 also apply to land located within fifty (50) feet of the mean high water line of small Type F streams which are identified on Water Protection Rule Classification (WPRC) Maps compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas, these small streams are designated in the Comprehensive Plan as those that generally have annual average flows less than (2) cubic feet per second. (12/4/97)
- E. The provisions of Section 704 are in addition to those requirements of the State Scenic Waterways Act, Omnibus Oregon Wild and Scenic Rivers Act of 1988, and the Federal Wild and Scenic Rivers Act of 1968. In those areas so designated, the requirements of the County shall be administered subject to the application requirements of 704.08 and prevail when they are more restrictive than State and Federal standards. (2/25/93)

704.04 RIVER AND STREAM SETBACKS (12/4/97)

Minimum setbacks for all primary and accessory structures exceeding one hundred

twenty (120) square feet or 10 feet in height shall be as follows: (12/4/97)

A. Principal River Conservation Area

Primary and accessory structures shall be located at least 100 feet from the mean high water line of the river. This minimum setback may be increased up to 150 feet from the mean high water line to lessen the impact of development. In determining the minimum setback, the following shall be considered:

1. The size and design of any proposed structures;
2. The width of the river;
3. The topography of the land between the site and the river;
4. The type and stability of the soils;
5. The type and density of existing vegetation between the site and the river;
6. Established recreation areas or areas of public access; and
7. Visual impact of any structures.

B. Stream Conservation Area: (12/4/97)

1. Large stream: Minimum one hundred (100) feet from the mean high water line.
2. Medium streams: Minimum seventy (70) feet from the mean high water line of the stream.
3. Small streams: Minimum fifty (50) feet from the mean high water line of the stream.

704.05 STANDARDS FOR DEVELOPMENT (12/4/97)

- A. Residential structures and structures accessory to residential structures which can be seen from Principal Rivers shall be thirty-five (35) feet or less in height. (12/4/97)
- B. Subsurface sewage disposal drainfields are prohibited within 100 feet of the mean high water line, except lots or parcels legally created prior to May 1, 1973 may be approved within 100 feet, but not less than 50 feet, from the mean high water line when consistent with all the provisions of OAR 340, Division 71 as determined by the County Soils staff. (12/4/97)

- C. Commercial or industrial facilities, such as structures, parking and storage areas shall satisfy the setback provisions of Subsection 704.04 and signs shall be screened from view of the Principal Rivers or Stream Conservation Area by an opaque vegetation buffer. These facilities shall be reviewed pursuant to the Design Review provisions of Section 1102. (12/4/97)
- D. Subdivisions and partitions shall be designed, where possible, to allow compliance with the provisions of Section 704. (12/4/97)

704.06 EXCEPTIONS TO THE STANDARDS OF SUBSECTION 704.04

- A. Residential lots of record where lot depth precludes compliance with the setback standards of Subsection 704.04, shall be exempt from these standards. Structures shall be sited the maximum distance from the mean high water line which meets the setback and other standards of the underlying zone. The footprint of structures proposed on lands outside the urban growth boundary shall not exceed 25% of the lot area. All other provisions of Section 704 shall apply. (12/4/97)
- B. Repairs, additions, alterations to, or replacement of structures, roadways, driveways, or other development, which is located closer to a river or stream than permitted by the setback requirements of Subsection 704.04 shall be permitted, provided that such development does not encroach into the setback any more than the existing structures, roadways, driveways, or other development, and complies with the other provisions of Section 704. (12/4/97)
- C. Oregon Department of Fish and Wildlife (ODFW) or other state or federally approved fish enhancement projects shall be exempt from the RSCA application process.
- D. Water dependent uses such as private boat docks, marinas, or boat ramps shall be exempt from the provisions of subsection 704.04, except that structures shall be muted earth tones. All other provisions of Section 704 shall apply to water-dependent uses, and any structure shall be the minimum size necessary to accommodate the use.
- ~~C. Water dependent uses, such as ODFW fish enhancement projects, private boat docks, marinas, or boat ramps, shall be exempt from the provisions of subsection 704.04, except that structures shall be muted earth tones. All other provisions of Section 704 shall apply to water dependent uses, and any structure shall be the minimum size necessary to accommodate the use. (12/4/97)~~
- ~~D. Uses such as roads, bridges, culverts, pipes and power lines that are necessary~~

for crossing streams shall be allowed within the setbacks stated in Subsection 704.04(A), provided they do not create barriers to fish movement and that adverse impacts are mitigated. (12/4/97)

EF. Water impoundments, diversions, detention and retention facilities and hydroelectric facilities shall be exempt from the setback provisions under Subsection 704.04. All such facilities shall comply with all other applicable provisions of this Section and Ordinance, and are subject to review and approval pursuant to applicable State and Federal statutes and administrative rules. (7/26/82)

FG. Structural, nonstructural and composite methods of bank stabilization, as defined in this Section, may be approved subject to Section 703 ~~of the Ordinance~~. Structural methods of bank stabilization shall only be approved when consistent with the following criteria: (12/4/97)

1. The structural improvements are required to protect existing structures; and (12/4/97)
2. The applicant demonstrates nonstructural methods will be insufficient to adequately protect the existing structures; and (12/4/97)
3. The structural method will utilize a composite method as defined in Subsection 704.02. (12/4/97)

GH. The setback and vegetation buffering provisions of this Section may be modified for purposes consistent with the adopted Economic, Social, Environmental and Energy (ESEE) analyses for the applicable watershed. (12/4/97)

704.07 VEGETATION PRESERVATION REQUIREMENTS

- A. A minimum of seventy-five percent (75%) of the setback area (distance) shall be preserved with native vegetation. (12/4/97)
- B. Tree cutting and grading shall be prohibited within the buffer or filter strip, with the following exceptions:
 1. ~~Diseased trees or trees in danger of falling may be removed~~ Trees that endanger life or structures; and
 2. Tree cutting or grading may be permitted in conjunction with those uses listed in subsection 704.05 and 704.06 to the extent necessary to accommodate those uses. Disturbed areas that are outside the footprint of structures and other improvements shall be restored with native vegetation.

3. Vegetation removal may occur when approved by the Oregon Department of Fish and Wildlife ~~(ODFW)~~ upon written notification that such removal is required as part of a river or stream enhancement project. (12/4/97)

C. Commercial forest activities and harvesting practices outside the urban growth boundary shall be subject to the Oregon Forest Practices Act. Commercial forest harvesting activities inside the urban growth boundary shall be reviewed pursuant to the Forest Policies of the Comprehensive Plan.

704.08 APPLICATION REQUIREMENTS

Development or tree-cutting activity, except those activities associated with an Oregon Department of Fish and Wildlife fish enhancement project, shall be reviewed pursuant to a building or grading permit submitted to the Planning Division. The permit application shall be accompanied by such materials as identified below. Examples of such materials include: (12/4/97)

- A. A site plan showing existing vegetation and development, and locations of proposed development or tree-cutting activity; and
- B. Elevations of any proposed structures; and
- C. Exterior materials list for any proposed structures, including type and colors of siding and roofing; and
- D. Cross-section of any area within the vegetative buffer or filter strip where grading, filling or excavating will occur. (12/4/97)
- E. Bank stabilization improvements shall be subject to the application and development requirements of Section 703 ~~of the Ordinance.~~ (12/4/97)
- F. A stream buffer restoration plan showing the location and number and species of native trees and vegetation to be planted.

704.09 ADMINISTRATION OF THIS SECTION

- A. All development and tree-cutting activities on the Clackamas, Molalla, Pudding, Salmon, Sandy, Roaring Tualatin and Zig Zag Rivers controlled by the provisions of Section 704 within a principal river conservation area shall be reviewed by the Planning Division staff to insure consistency with Section 704. Proposed developments on lands within ~~(150)~~ feet of the annual mean high water line shall be reviewed with notice pursuant to Subsection 1305.02. For lands beyond 150 feet of the annual mean high water mark, notice shall be sent to both the U.S. Forest Service and Bureau of Land Management (12/4/97)

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- B. All development and grading permits within Stream Conservation Areas shall be reviewed pursuant to Subsections 104.01(A)(1) through (4). (~~12/4/97~~)
- C. The applicant may appeal to the Hearings Officer a decision of the Planning Division staff as provided under subsection 1305.01K. (7/1/83)



Lynn Peterson
Chair

Bill Kennemer
Commissioner

Martha Schrader
Commissioner

BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

DEPT OF
JUN 13 2008
**LAND CONSERVATION
AND DEVELOPMENT**

CERTIFICATE OF MAILING

I hereby certify that the enclosed Board Order No. 2008-69 was deposited in the mail on June 10, 2008

Signed: _____

Cheryl J. Cornelison, Administrative Assistant
Clackamas County Board of Commissioners
(503) 655-8619

First Class Mail
First Class Mail

**CLACKAMAS
COUNTY**

PUBLIC SERVICES BUILDING
OFFICE OF COUNTY COUNSEL
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