



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/26/2014
Jurisdiction: Clackamas County
Local file no.: ZDO-249
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/22/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 003-14 {22277}
Received: 9/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Clackamas County

Local file no.: **ZDO-249**

Date of adoption: 9/11/14

Date sent: 9/18/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/19/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Yes, many edits were made. However, the scope of the amendments remains substantially similar.

Local contact (name and title): Jennifer Hughes

Phone: 503-742-4518

E-mail: jenniferh@clackamas.us

Street address: 150 Beaver Creek Rd

City: Oregon Cit7y

Zip: 97045-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Chapters 4, 6 and 10; Goal 10

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Amended Sections 106, 202, 309, 312, 314, 601, 602, 824, 825, 903, 1005, 1009, 1012, 1014, 1016, 1018, 1102, 1203, 1206 and 1600; Adopted Sections 315, 838 and 839; and Repealed Sections 301, 302, 303, 304, 311, 313, 1603, 1604, 1605 and 1706

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Part of year two of a five-year "audit" of the zoning ordinance. Amends Comprehensive Plan and zoning ordinance provisions implementing 18 urban residential zones. Addresses permitted uses, dimensional and development standards.

ORDINANCE NO. ZDO-249

An Ordinance amending Chapters 4, 6, and 10 of the Clackamas County Comprehensive Plan and Sections 106, 202, 309, 312, 314, 601, 602, 824, 825, 903, 1005, 1009, 1012, 1014, 1016, 1018, 1102, 1203, 1206 and 1600 of the Clackamas County Zoning and Development Ordinance(ZDO); adopting Sections 315, 838 and 839 of the ZDO; and repealing Sections 301, 302, 303, 304, 311, 313, 1603, 1604, 1605 and 1706 of the ZDO.

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

WHEREAS, the second year of the ZDO audit focused in part on the County's urban residential zoning districts, resulting in a proposal to amend permitted uses, dimensional standards, and development standards in all 18 of these zoning districts; and

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

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

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

WHEREAS, after a duly-noticed public hearing on June 23, 2014, the Clackamas County Planning Commission recommended approval of amendments to the Comprehensive Plan and ZDO; and

WHEREAS, the Board of County Commissioners held a public hearing on July 30, 2014, and orally approved a modified version of the Planning Commission's recommendation; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

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

Section 2: Sections 106, 202, 309, 312, 314, 601, 602, 824, 825, 903, 1005, 1009, 1012, 1014, 1016, 1018, 1102, 1203, 1206 and 1600 of the Clackamas County Zoning and Development Ordinance(ZDO) are hereby amended; Sections 315, 838 and 839 of the ZDO are hereby adopted; and Sections 301, 302, 303, 304, 311, 313, 1603, 1604, 1605 and 1706 of the ZDO are hereby repealed, as shown in Exhibit B, hereto attached.

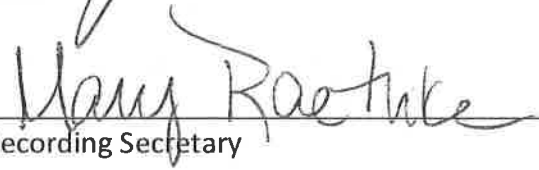
Section 3: This ordinance shall be effective on October 13, 2014.

ADOPTED this 11th day of September, 2014

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary

Clackamas County Comprehensive Plan

Ordinance ZDO-249 Comprehensive Plan Amendments

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

Chapter 4: LAND USE

No changes are made to the preceding sections of Chapter 4.

RESIDENTIAL

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

Low Density Residential areas are those planned primarily for ~~an average up to six units per gross acre, exclusive of density bonuses and Conditional Uses~~ single-family residential development, with a range of lot sizes from 2,500 square feet for attached single-family dwelling ~~townhouse units~~ to 30,000 square feet for sites with environmental constraints.

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

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

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

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

GOALS

- Protect the character of existing low-~~d~~ensity neighborhoods.
- Provide a variety of living environments.
- Provide for development within the carrying capacity of hillsides and environmentally sensitive areas.
- Provide opportunities for those who want alternatives to the single-~~f~~amily house and yard.
- Provide for lower-~~c~~ost, energy-~~e~~fficient housing.

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- Provide for efficient use of land and public facilities, including greater use of public transit.

POLICIES

General Policies

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

Low Density Residential Policies

- 10.0 The following areas may be designated Low Density Residential if any of the following criteria are met:
 - 10.1. Areas where a need for this type of housing exists.

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- 10.2. Areas which are currently developed at low density and where little need exists for redevelopment.
- 10.3. Areas where transportation is limited to collectors and local streets.
- 10.4. Areas where sensitivity to the natural environment or natural hazards indicates a reduced density.

211.0 ~~Determine the density of development by zoning.~~ Zoning of Immediate Urban Low Density Residential areas and conversion of Future Urban areas to Immediate Urban Low Density Residential ~~low density residential~~ shall include zones of 2,500; 5,000; 7,000; 8,500; 10,000; 15,000; 20,000, and ~~through~~ 30,000 square feet (R-2.5 through R-30). The following factors guide the determination of the most appropriate zone:

211.1 Physical site conditions such as soils, slope, and drainage:

- a. Land with soils subject to slippage, compaction or high shrink-swell characteristics shall be zoned for larger lots.
- b. Land with slopes of:
 - 0 percent to Less than 20 percent shall be considered for the R-2.5 through R-8.5 zoning districts ~~zones in the 2,500 to 8,500 square foot range.~~
 - 20 percent and over shall be considered for the R-10 through R-30 zoning districts ~~zones in the 10,000 to 30,000 square foot range.~~
- c. Land with hydrological conditions such as flooding, high water table or poor drainage shall be zoned for larger lots.

211.2 Capacity of facilities such as streets, sewers, water, and storm drainage systems.

211.3 Availability of transit: Land within walking distance (approximately one-quarter mile) of a transit stop should be zoned for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.

211.4 Proximity to jobs, shopping, and cultural activities: Areas in proximity to trip generators shall be considered for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.

211.5 Location of 2,500- and 5,000- square-foot lots: Location of 2,500 and 5,000 square foot lots, implemented by the R-2.5 and R-5 zoning districts, may be

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allowed in Corridor design type areas and where permitted by Community and Design Plans located in Chapter 10.

211.6 Need for neighborhood preservation and variety: Areas ~~that~~^{which} have historically developed on large lots where little vacant land exists should remain zoned consistent with the existing development pattern. Otherwise, unless physical or service problems indicate to the contrary, areas of vacant land shall be zoned for lots of 8,500 square feet or smaller.

211.7 Density average: To achieve an average of 7,500 square feet or less per lot in low density Future Urban areas when conversion to Immediate Urban low density residential occurs, the R-10 zone shall be limited to areas with 20 percent slope and greater. Flexible~~-lot-~~size land divisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.

~~3.0 Through zoning, Neighborhood Commercial uses may be allowed in the Low Density residential plan designation areas according to the criteria in the Commercial Section of this Chapter.~~

412.0 Permit transfer of density within a development even if different zoning districts~~zones~~ or land use plan~~Plan~~ designations are involved. Encourage the transfer of dwelling units from hazardous or environmentally sensitive areas ~~to be transferred~~ to areas which are less hazardous or less expensive to develop. Resulting density on the developed portion of a given site shall not exceed the density allowed in the next~~-~~highest~~-~~density residential land use plan designation~~Plan category~~. Buffering from lower~~-~~density adjacent uses shall be considered in the review process.

513.0 Establish special development criteria and density standards in the following areas (see Policy 6.0 in the Natural Hazards section of Natural Resources and Energy Chapter 3, Natural Resources and Energy~~, Natural Hazards Section Policy 6.0~~):

513.1 On slopes over 20 percent, the following development criteria shall be met:

- a. Avoid major hazard areas
- b. Maintain the stability of the slope
- c. Grade without large or successive pads or terraces and without creating road grades in excess of County standards
- d. Maintain vegetation and natural terrain features to sustain slope stability

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- e. Ensure that existing natural rates of run-off and erosion are not exceeded
- f. Protect visually significant slopes, ravines, ridgelines, or rock outcroppings in their natural state

513.2 In flood hazard areas or wetlands, the following development criteria, as well as the specifications in Chapter 3the Natural Resources chapter, shall be met:

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

513.3 Density standards in these areas shall be as follows:

- a. Land in the flood fringe and land with slopes over 20 percent shall be allowed to develop at no more than 50% percent of the density of the zone. If these lands are not developed, then up to 100 percent of the density may be transferred to more suitable land within the site, depending upon its characteristics. Density should be reduced as slope increases above 20 percent, with development discouraged on slopes over 35 percent.
- b. Land in the floodway, and land on landslides shall not be allowed to develop, except on a lot of record and only after having met the provisions stated in Policiespolicies 5.1, and 5.2, and other relevant Plan requirements. However, 100 percent of the dwelling units allowed in the zoning districtzone may be transferred to more suitable land within the site.

614.0 Ensureinsure adequate provisions for ~~the~~ schools, churches, and recreational facilities which are ~~an~~ integral parts of all residential neighborhoods. The siting of these facilities shall beis subject to conditions ensuringinsuring adequate design and safety, particularly with regard to vehicular and pedestrian access.

715.0 Encourage retention of natural landscape features such as topographic variations, trees, and water areas, and allow variation in housing type and design.

816.0 Require a site analysis for each development in areas designated as Open

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~~Space~~open space or where the County has identified the potential for significant impacts. This requirement may be waived in the event all development is transferred to more suitable land outside of areas designated as Open Space.

~~9.0 The County shall require dedication of designated open space areas where appropriate for purposes of developing the urban park or trails program.~~

~~4017.0~~ Require roads in land divisions to be County roads and connected directly with an improved County road, state road, or city street. Half streets and private roads may be allowed where appropriate.

~~4418.0~~ Develop all land divisions in urban areas with public sewer, public water, drainage controls, pedestrian/bikeway facilities, and underground utilities. Street lighting and street trees may be required. Implementing ordinances shall set standards in which street lighting and street trees will be encouraged or required.

~~4219.0~~ Determine the net density in planned unit developments~~Planned Unit Developments~~ recognizing that up to 15 percent of the gross area is for roadways.

~~4320.0~~ Encourage subdivision design to eliminate direct vehicular access from individual lots onto major or minor arterials. Frontage roads should be used wherever possible.

~~4421.0~~ Require stub streets in land divisions where necessary to provide access to adjacent property.

~~4522.0~~ Develop residential land divisions as planned unit developments~~Planned Unit Developments~~ whenever one or more of the following criteria apply:

- a. Any part of the site is designated Open Space~~open space~~ on Map IV-6, North Urban Area Land Use Plan Map~~(Map IV-6)~~
- b. More than 20 percent of the dwelling units are to be attached or condominiums
- c. Sites are large enough to warrant on-site provision of substantial open and/or recreation space
- d. A large area is specifically identified by the County as needing greater design flexibility, increased open space, or a wider variety of housing types

~~4623.0~~ Require a minimum of 20 percent of the total land area in all planned unit developments~~Planned Unit Developments~~ to be devoted to open space, outdoor recreational areas, or school facilities as required by ~~Public Services~~ Policy 10.0 in the Public Services section of Chapter 7, Public Facilities and Services~~chapter~~. Development for any other uses shall not be allowed. Parkland dedications may be part of the 20-percent open space requirement.

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~~1724.0~~ Require provisions for adequate maintenance prior to final plat approval to ~~insure~~ensure the designated park area will be a community asset.

~~1825.0~~ Allow flexible ~~lot sizes~~ ~~in~~ land divisions provided that the average lot size is consistent with the base zone, as adjusted by density bonuses (see the Density Bonus ~~section~~Section of ~~Housing~~ Chapter 6, Housing).

- a. For detached single-family dwellings, the smallest lot size allowable shall be 80% percent of the minimum lot size allowed by the base density.
- b. For attached single-family dwellings, the smallest lot size allowable shall be 2,000 square feet.
- c. In planned unit development~~Planned Unit Development~~ land divisions, the individual lot size is unrestricted.

~~1926.0~~ Allow one accessory dwelling unit per primary dwelling on a lot of record subject to design standards.

~~20.0~~ ~~Establish a minimum density to help meet regional and local housing needs.~~

Medium Density Residential Policies

~~2127.0~~ The following areas may be designated Medium Density Residential when at least the first two criteria are met:

- a. Areas where a need for this type of housing exists.
- b. Areas with access to a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
- c. Areas located near or adjacent to commercial areas, employment concentrations, or transit stops.
- d. Areas of deteriorating dwellings or structures in neighborhoods to stimulate private investment, infilling, and redevelopment, as long as one or more of the preceding criteria apply.

~~2228.0~~ ~~Determine the density of development through zoning. Zoning of Immediate Urban Medium Density Residential areas shall be consistent with this Plan and the stated purpose of compatible zoning districts. Timing of zoning district application shall be in accord with the orderly development of the County. Limit the~~ The Planned Medium Density (PMD) zoning district ~~shall be limited~~ to areas currently zoned PMD.

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~~2329.0~~ In Medium Density Residential zoning districts, ~~shall~~ provide for reduced density on hazardous land or steep slopes as stipulated in Policy ~~135.3~~.

~~24.0~~ Through zoning, ~~Neighborhood Commercial uses may be allowed in the Medium Density Residential Plan-designated areas according to the criteria in the Commercial Section of this chapter.~~

~~2530.0~~ Encourage variations in density on different parts of a large site and promote a variety in housing type, ownership, and design.

~~2631.0~~ Require in all Medium Density Residential developments a minimum of 25 percent of the total gross areas to be landscaped, natural, and/or recreational areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for passive or active recreation within the development are substituted for gross land area.

~~26.1~~ The County shall require dedication of designated open space areas where appropriate for purposes of developing the urban park or trails program.

~~27.0~~ Require all Medium Density Residential developments to be subject to design review.

~~28.0~~ When necessary, require improvements to existing streets and/or development of new streets to County standards prior to or concurrent with Medium Density Residential development.

~~29.0~~ Require pedestrian access to nearby schools, transit stations, commercial, recreational and employment areas to be convenient and improved to standards determined through design review.

~~30.0~~ Develop all Medium Density Residential areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities, underground utilities and street lighting.

~~3132.0~~ Existing mobile home parks which are designated Medium Density Residential shall not have the designation changed unless a plan for relocation of the existing tenants is submitted and approved. This plan shall demonstrate that existing tenants will be relocated prior to redevelopment of the property.

~~32.0~~ Establish a minimum density to help meet regional and local housing needs.

Medium High Density Residential Policies

33.0 The following areas may be designated Medium High Density Residential when the

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first two and at least one of the remaining criteria are met:

- a. Areas where a need for this type of housing exists.
- b. Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
- c. Areas adjacent to or within walking distance of a significant educational, cultural, recreational, or open space facility or area.
- d. Areas located adjacent or in proximity to a designated commercial or industrial area on the Comprehensive Map.
- e. Areas within 800 feet of a transit line or transit station or within one-quarter mile of such transit facility if easily accessible due to pedestrian amenities such as sidewalks, pedestrian ways, and streetlights.

34.0 In Medium High Density Residential zoning districts, ~~shall~~ provide for reduced density on hazardous land or steep slopes as stipulated in Policy 135.3.

~~35.0 Determine the density of development through zoning. Zoning of Immediate Urban Medium High Density Residential areas shall be consistent with this plan. Timing of zoning district application shall be in accord with the orderly development of the County.~~

~~36~~35.0 Encourage variations in density on different parts of a large site and promote a variety in housing type, ownership, and design.

~~37.0 Through zoning, Neighborhood Commercial uses may be allowed in the Medium High Density Residential Plan designated areas according to the criteria in the Commercial section of this chapter.~~

~~38~~36.0 Require in all Medium High Density Residential developments a minimum of 25 percent of the total gross area to be landscaped, natural, and/or recreational areas.

~~38.1 The County shall require dedication of designated open space areas where appropriate for purposes of developing the urban park or trails program.~~

~~39.0 Require all Medium High Density Residential developments to be subject to the design review process.~~

~~40.0 When necessary, require improvements to existing streets and/or development of new streets to County standards prior to or concurrent with Medium High Density Residential development.~~

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~~41.0—Require pedestrian access to nearby schools, transit stations, commercial, recreational and employment areas to be convenient and improved to standards determined through design review.~~

~~42.0—Develop all Medium High Density Residential areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities, underground utilities, and street lighting.~~

~~43.0—Establish minimum densities to meet regional and local housing needs.~~

High Density Residential Policies

~~44~~37.0 The following areas may be designated High Density Residential when at least the first three criteria are met:

- a. Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.
- b. Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
- c. Areas free from known geologic hazards, flooding, or soils subject to slippage.
- d. Areas adjacent to permanently protected open space or bodies of water as long as the above criteria apply.

~~45~~38.0 ~~In~~ High Density Residential zoning districts, ~~shall~~ provide for reduced density on hazardous land or steep slopes as stipulated in policy ~~135~~136.3.

~~46.0—Determine the density of development through zoning. Zoning of Immediate Urban High Density Residential areas shall be consistent with this Plan and the stated purpose of compatible zoning districts. Timing of zoning district application shall be in accord with the orderly development of the County.~~

~~47~~39.0 Encourage variations in density on different parts of a site and promote a variety of housing type, ownership, and design.

~~48.0—Through zoning, Neighborhood Commercial uses may be allowed in the High Density Residential Plan-designated areas according to the criteria in the Commercial Section of this chapter.~~

~~49~~40.0 If the minimum residential density standard is achieved, allow office, retail, and commercial service ~~commercial~~-uses with limits on floor area and

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~~standards to ensure compatibility with residential uses permitted in High Density Residential areas oriented to on-site residents. Such uses, including food and beverage establishments and professional offices, should be integrated with the residential development.~~

~~5041.0~~ Allow existing commercial uses to remain or improve in High Density Residential areas as long as such uses are integrated with surrounding development.

~~5142.0~~ Require all High Density Residential developments to provide a minimum of 25 percent of the total gross area to be landscaped, natural, and/or recreational areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for passive or active recreation within the development are substituted for gross land area.

~~51.1—The County shall require dedication of designated open space areas where appropriate for purposes of developing the urban park or trails program.~~

~~52.0—Require all High Density Residential developments to be subject to the design review process.~~

~~53.0—When necessary, require improvements to existing streets and/or development of new streets to County standards prior to or concurrent with high density development.~~

~~54.0—Require pedestrian access to nearby schools, transit stations, commercial, recreational and employment areas to be convenient and improved to standards determined through design review.~~

~~5543.0~~ Encourage understructure parking.

~~56.0—Develop all High Density Residential areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities, underground utilities and street lighting.~~

~~57.0—Establish a minimum density to meet regional and local housing needs.~~

Special High Density Residential Policies

~~5844.0~~ The following areas may be designated Special High Density Residential when all of the criteria are met:

- a. Areas located either adjacent or close to employment concentrations in excess of 2,000 employees.

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- b. Areas within walking distance (approximately one-quarter mile) of a major transit station, and with good access to a major or minor arterial.
- c. Areas where impact on adjacent neighborhoods will be minimal.
- d. Areas free from known geologic hazards, flooding, or soils subject to slippage.

~~59.0 Determine the density of development through zoning. Zoning of Special High Density Residential areas shall be consistent with this Plan and the stated purpose of compatible zoning districts. Timing of zoning district application shall be in accord with the orderly development of the County.~~

~~6045.0~~ Encourage variations of density on different parts of a site through high-rise construction.

~~6146.0~~ If the minimum residential density standard is achieved, allow office, retail, office, and commercial service uses with limits on floor area and standards to ensure compatibility with residential uses permitted in Special High Density Residential areas if the minimum residential density is achieved. Mixed uses may either be in the same building as a primary use or in a separate building.

~~6247.0~~ Allow existing commercial uses to remain or improve in Special High Density Residential areas as long as such uses are integrated with surrounding development.

~~6348.0~~ Require all Special High Density Residential developments to provide a minimum of 40 percent of the total gross area to be landscaped, natural, and/or recreation areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for active or passive recreation are substituted for gross land area.

~~63.1 The County shall require dedication of designated open space areas where appropriate for purposes of developing the urban park or trails program.~~

~~64.0 Require all Special High Density Residential developments to be subject to the design review process.~~

~~65.0 When necessary, require improvements to existing streets and/or development of new streets to County standards prior to or concurrent with Special High Density Residential development.~~

~~66.0 Require pedestrian access to nearby schools, transit stations, commercial, recreational and employment areas to be convenient and improved to standards determined through design review.~~

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6749.0 Understructure or underground parking may be required.

~~68.0—Develop all Special High Density Residential areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities, underground utilities and street lighting.~~

~~69.0—Establish through zoning a minimum density to help meet regional and local housing needs.~~

No changes are made to the remaining sections of Chapter 4.

Chapter 6: HOUSING

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

ISSUES

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

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

SUMMARY OF FINDINGS AND CONCLUSIONS

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

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

HOUSING GOALS

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

POLICIES

6.A Housing Choice Policies

- 6.A.1 Encourage development which-that will provide a range of choices in housing type, densities-density, and price and rent ranges-level throughout

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the urban areas of the County.

- 6.A.2 Provide for ~~manufactured~~mobile home park development.
- 6.A.3 Encourage new condominiums of all types, densities, and price ranges but discourage conversion of existing rental units.
- 6.A.4 Encourage an adequate number and variety of rental units including those that allow children.
- 6.A.5 Develop detailed community plans when appropriate to ensure that both housing choice and neighborhood quality and livability goals are ~~obtained~~attained.
- 6.A.6 Encourage a diversity of housing types and densities in ~~planned unit developments~~Planned Unit Developments.
- 6.A.7 Encourage a wide range of housing alternatives for the elderly or handicapped.

6.B Affordable Housing Policies

- 6.B.1 Encourage development of affordable housing (including public subsidized housing) to produce a range of housing prices and rent ranges commensurate with the range of the County's household incomes.
- 6.B.2 Encourage ~~the development of~~ low- and moderate-income housing with good access to employment opportunities.
- 6.B.3 Encourage diversified, affordable housing opportunities for the elderly or handicapped.
- 6.B.4 Support the regional Housing Opportunity Plan (HOP), the County's Community Development Block Grant program, and the County's Public Housing Program as a means to provide more low- and moderate-income housing.
- 6.B.5 Pursue subsidies to provide affordable housing for low- and moderate-income households including the elderly and the handicapped.
- 6.B.6 Encourage more affordable housing by:
 - 6.B.6.1 Providing for higher-density, single-family development by ~~including~~planning for smaller-lot developments, implemented by ~~the R-2.5 to R-8.5, VR-4/5, VR-5/7, and VTH zoning districts~~more

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~~7,000 and 8,500 square foot lots;~~

- 6.B.6.2 Providing for increased capacity for multifamily development at ~~six~~four density levels: Medium, Medium High, High, ~~and~~ Special High, Regional Center High, and Village Apartment;
- 6.B.6.3 Allowing alternative road and improvement standards where appropriate (see ~~roadway~~ the policies in the Roadways section of Transportation Chapter 5, Transportation System Plan);
- 6.B.6.4 Allowing reduced utility and roadway costs through flexible lotting patterns in subdivisions and planned unit developments~~Planned Unit Developments~~;
- 6.B.6.5 Allowing density transfers from hard-to-develop sites in planned developments;
- 6.B.6.6 Providing ~~an~~ expedient, efficient design review, building permit, zoning, and subdivision processes;
- 6.B.6.7 Encouraging growth in areas where public services can be economically provided;
- 6.B.6.8 Encouraging common ~~-~~ wall construction;
- 6.B.6.9 Encouraging more condominiums and manufactured dwellings~~mobile homes~~;
- 6.B.6.10 Emphasizing planned developments resulting in less expensive lots;
- 6.B.6.11 Continuing to allow single ~~-~~ family dwellings~~units~~ to be built on lots of record down to 3,000 square feet (or smaller in zoning districts that permit the platting of smaller lots); and
- 6.B.6.12 Continuing to allow prefabricated housing that meets the Uniform Building Code on individual lots of record within the Portland Metropolitan Urban Growth Boundary.
- 6.B.7 Give priority for relocation into public housing to low ~~-~~ income residents displaced by development of property to commercial, industrial, or multifamily use.
- 6.B.8 Encourage continuation of existing manufactured dwelling~~mobile home~~ parks.

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- 6.B.9 Give every new subdivision of ~~20~~twenty lots or more a density bonus of one lot for every lot reserved for assisted housing to provide an adequate amount of dispersion of assisted housing (see Policy ~~6.H.18-0~~).

6.C Neighborhood Quality Policies

- 6.C.1 Provide for a variety of housing opportunities that are ~~complimentary~~ complementary or compatible with existing neighborhoods.

- 6.C.2 Encourage the maintenance or upgrading of existing neighborhoods.

~~6.C.3 Protect the quality, life-style and values of existing neighborhoods.~~

- 6.C.~~3~~4 Discourage the demolition of housing which can be economically renovated in residential areas.

6.D Urban Infill Policies

- 6.D.1 Make use of existing urban service capacities without damaging the character of existing low-density neighborhoods. ~~This policy will be achieved by the following:~~

- 6.D.1.1 Providing higher-~~density~~ residential land use plan~~Plan~~ designations.
- 6.D.1.2 Locating higher-~~density~~ land use plan~~Plan~~ designations at locations that have minimum impact on existing low-density neighborhoods.
- 6.D.1.3 Encouraging development within Immediate Urban Areas where services are available (see the Immediate Urban Policies section~~policies~~ in ~~Land Use~~ Chapter 4, Land Use).
- 6.D.1.4 Allowing greater flexibility for two- and three-family dwellings~~duplexes and triplexes~~ (see Policies 6.F.1 through 6.F.5~~Policy 6.0~~).
- 6.D.1.5 Establishing a transportation policy that encourages investments to improve the existing system prior to making investments in new roads (see the policies in the Roadways section of Policies in Transportation Chapter 5).
- 6.D.1.6 Protecting existing neighborhoods by designating compatible land uses in existing low-density neighborhoods. (see the Low Density

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Residential ~~Policies~~policies section in ~~Land Use~~ Chapter 4).

- 6.D.1.7 ~~Allowing residences on lots without required road frontage through variance procedure on a case-by-case basis. Encouraging shared~~ Shared access ~~shall be encouraged~~ when developing flag lots.
- 6.D.1.8 Facilitating development on hillsides within the limits of public safety and land suitability. (see the Natural Hazards section of Chapter 3, Natural Resources and Energy~~chapter, Natural Hazards section~~; and ~~Land Use chapter, the~~ Low Density Residential Policies and Open Space sections of Chapter 4.)
- 6.D.1.9 Allowing density transfers from hazard areas to more suitable sites.
- 6.D.1.10 Allowing the use of half-street or private common access drives where appropriate but not exceeding access to more than seven lots.
- 6.D.1.11 Allowing waivers of residential setback requirements pursuant to adopted criteria.
- 6.D.1.12 Allowing waivers of sidewalk and curb requirements along existing road frontage where not in conflict with ~~Chapter 5 Policies 3.0 and 4.0 of the Transportation Chapter, Pedestrian and Bikeways Section.~~
- 6.D.1.13 Protecting the privacy of existing residences by buffer requirements where appropriate.

6.E Multifamily Residential Policies

- 6.E.1 Encourage multifamily residential development consistent with the needs and desire of County residents. (Multifamily residential refers to all development in Village Apartment and Medium, Medium High, High, ~~and~~ Special High, and Regional Center High Density residential land use designations.)
- 6.E.2 Require design review approval for all multiple-family development.
- 6.E.3 Design review will address the following:
 - 6.E.3.1 Energy efficiency and conservation
 - 6.E.3.2 Access to transit

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- 6.E.3.3 Crime prevention including natural surveillance of public areas by residents
 - 6.E.3.4 Open space, including recreation areas and children's play areas
 - 6.E.3.5 Privacy considerations, including private entries, patios, and fencing
 - 6.E.3.6 Noise abatement
 - 6.E.3.7 Shared parking to reduce paved areas
 - 6.E.3.8 Accessibility of parking to units
 - 6.E.3.9 Pedestrian/bicycle facilities on and off site
 - 6.E.3.10 Minimization of impervious ground cover
 - 6.E.3.11 Retention of natural areas and features such as major trees
 - 6.E.3.12 Landscaping
 - 6.E.3.13 Screened parking areas
- 6.E.4 Allow density bonuses for provision of units for low-income residents either through a government-subsidized program or the private sector, and for parks dedication.

6.F Common-Wall Units Policies

- 6.F.1 Encourage "common-wall" dwelling units. (Common-wall refers to all attached dwelling units allowed in Low Density Residential land use plan designations.)
- 6.F.2 Allow as an outright permitted use in all new subdivisions except planned unit developments~~PUDs~~ up to 20 percent of the units to be common-wall construction.
- 6.F.3 Allow as an outright permitted use, all units to be common-wall units in planned unit developments~~Planned Unit Developments (PUDs)~~.
- 6.F.4 Allow as a conditional use a two- or three-family dwelling~~duplex or triplex~~ on individual lots with a lot area per unit equal to approximately two-thirds the average lot area of the base zone.

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~~6.F.5 Allow as a conditional use the conversion of existing single family units to duplexes. The lot area per unit must be approximately two-thirds the average lot area of the base zone.~~

6.G Mobile Homes/Manufactured Dwelling Policies

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

~~6.G.2 Allow mobile home subdivisions of three acres or more in all single family zones subject to standards including skirting of units, minimum unit size, pitched roofs and visual buffering of the subdivision.~~

6.G.~~23~~ Allow ~~outright~~ new manufactured~~mobile~~ home parks as a primary use in Medium Density Residential zoning districts, but not in designated commercial, industrial, or higher-density multifamily areas.

6.G.~~34~~ Allow manufactured dwellings~~mobile homes~~ outright on individual properties consistent with the requirements of rural and natural resources land use plan~~Plan~~ designations in all areas outside uUrban gGrowth bBoundaries.

6.G.~~45~~ Allow manufactured~~mobile~~ homes ~~and manufactured housing~~ within uUrban gGrowth bBoundaries on individual lots subject to size, construction, and design standards.

6.G.~~56~~ ~~All~~ Existing ~~mobile home~~manufactured dwelling parks shall not redevelop unless a plan for relocation of the existing tenants is submitted and approved prior to redevelopment.

6.H Density Bonuses/Bonus Policy

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

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

No changes are made to the preceding portions of Chapter 10.

CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN POLICIES

The following policies shall be applied in the Clackamas Regional Center Design Plan Area.

LAND USE POLICIES

I. LAND USE POLICIES GENERALLY

The following uses are allowed within the Clackamas Regional Center Design Plan Area:

1.0 Mixed Use

Mixed uses shall be allowed in the Clackamas Regional Center Design Plan Area in areas designated Commercial, High Density Residential and Regional Center High Density Residential. A mix of uses will be required to be master planned in Planned Mixed Use designated areas. A mix of uses will be allowed in Station Community Mixed Use designated areas, subject to transit-oriented-development building orientation and design requirements.

2.0 Commercial

The following primarily retail commercial designations shall be provided in the Clackamas Regional Center Design Plan Area: Regional Center Commercial, Retail Commercial and Corridor Commercial.

The following primarily office commercial designations shall be provided in the Clackamas Regional Center Design Plan Area: Regional Center Office and Office Commercial.

Commercial areas within the Clackamas Regional Center Design Plan Area shall:

2.1 Allow a mix of land uses on the development site.

2.2 Create a district accessible by all modes of transportation.

- 2.3 Create walkable districts by providing improvements and urban design features that encourage and support pedestrian use.
- 2.4 Allow land uses that generate pedestrian activity and transit ridership.
- 2.5 Require public or private street layouts that allow for future development of sites with redevelopment potential.
- 2.6 Maintain and improve pedestrian connections between commercial uses, transit corridors, recreation areas, open space and adjacent residential areas.
- 2.7 Locate all buildings to maximize access by emergency vehicles.
- 2.8 Require Design Review for all development.

3.0 Multifamily Residential

The following primarily multifamily residential designations shall be provided in the Clackamas Regional Center Design Plan area: Regional Center High Density Residential, High Density Residential, Medium High Density Residential, and Medium Density Residential.

Multifamily areas within the Clackamas Regional Center Design Plan Area shall:

- 3.1 Establish minimum densities to help meet local and regional housing needs.
- 3.2 Provide for multifamily residential uses within walking distance of public transportation, parks, schools, employment areas and local shopping areas.
- 3.3 Create walkable districts by providing improvements and urban design features that encourage and support pedestrian use.
- 3.4 Locate all buildings to maximize access by emergency vehicles.
- 3.5 Require design review for all development.

4.0 Public and Community Use, Open Space

Public and Community use designations including open space shall be provided in the Clackamas Regional Center Design Plan Area.

5.0 Low Density Residential

Low density residential designations shall be provided in the Clackamas Regional Center Design Plan area.

6.0 Industrial

The following industrial designations shall be provided in the Clackamas Regional Center Design Plan Area: General Industrial, Light Industrial, and Business Park.

II. **LAND USE POLICIES FOR THE CLACKAMAS REGIONAL CENTER DESIGN TYPE AREA**

1.0 Within the Regional Center boundary shown on Map X-CRC-1, areas shall be planned to:

- 1.1 Provide for high intensity development to accommodate projected regional increases in housing and employment, including mixed use development.
- 1.2 Provide for and capitalize on high quality transit service.
- 1.3 Allow for a mix of land uses to support public transportation and bicycle and pedestrian usage.
- 1.4 Provide for the open space and recreation needs of residents and employees of the area.
- 1.5 Support a multi-modal street network.

2.0 Planned Mixed Use

The Planned Mixed Use designation requires master planning and development on key opportunity sites in areas designated for mixed use on the Region 2040 Growth Concept map. Generally, because of size, location, good access, and proximity to supportive land uses and existing or planned transportation improvements, these sites can accommodate more growth than other areas and sites within the plan boundary.

- 2.1 Create an area with a mix of land uses, both within the site itself (mix of uses) and within buildings (mixed uses), which:
 - a. Provide for high employment and residential densities that support use of public transportation.
 - b. Protect key natural features.

- c. Provide for essential public facilities and services, including parks and public spaces.
 - d. Provide for structured parking.
 - e. Are accessible by all modes of transportation.
- 2.2 Establish through zoning required and allowed land uses, transportation improvements, and design standards that encourage and support pedestrian-oriented streets, buildings and public places. Apply specific requirements to specific Planned Mixed Use sites through zoning.
- 2.3 Apply the Planned Mixed Use designation within the Regional Center as shown on Map X-CRC-1.
- 2.4 Sites planned for Planned Mixed Use but zoned for other uses may be converted to Planned Mixed Use zoning when:
- a. Adequate transit services are provided to the site; and,
 - b. Minimum site size requirements are satisfied.

3.0 Regional Center Office

- 3.1 Apply the Regional Center Office designation within the Regional Center boundary shown on Map X-CRC-1 to:
- a. Areas with an historical commitment to office use.
 - b. Areas served by high capacity transit service.
 - c. Areas with high visibility from a freeway.
 - d. Areas generally within ½ mile of a freeway interchange.
- 3.2 Provide support services for office development.

- 3.3 Limit retail uses in order to maximize the land available for office uses and to provide for the highest employment density in the Regional Center.
- 3.4 Require a minimum density to help meet regional employment needs, support public transportation and use land more efficiently.
- 3.5 Create walkable districts within the regional center with improvements, urban design features, and urban design standards that encourage and support pedestrian use.
- 3.6 Require master plans of large sites to allow for future development of sites with redevelopment potential.

4.0 Regional Center High Density Residential

Within the adopted Regional Center boundary, designate areas suitable for the highest density multifamily uses as Regional Center High Density Residential.

- 4.1 Determine the density of development through zoning.
- 4.2 Provide for multifamily residential uses within walking distance of public transportation, parks, schools, employment areas, and local shopping areas.
- 4.3 Allow for a mix of land uses provided the minimum residential density is achieved for the entire development site prior to or concurrent with establishment of other allowed uses.

4.4 Implement dimensional and development standards to address compatibility, function, and aesthetics.

5.0 Regional Center Commercial

Apply the Regional Center Commercial zone to areas with an historic commitment to commercial uses within the adopted Regional Center boundary as shown on Map X-CRC-1.

- 5.1 Provide areas for regional and local shopping.
- 5.2 Require a minimum floor area ratio to help meet regional employment needs, support public transportation and use land more efficiently.
- 5.3 Create walkable districts within the regional center with improvements, urban design features, and urban design standards that encourage and support pedestrian use.

6.0 Amendments to the Clackamas Regional Center Boundary

The Clackamas Regional Center boundary may be amended to include property within the Clackamas Regional Center when all of the following criteria are met:

- 6.1 The property is contiguous to the Clackamas Regional Center boundary.
- 6.2 The area is, or is planned to be, a focus of compact, high density development with a mix of uses.
- 6.3 The area has, or is planned to have, high quality transit service, and a multi-modal street network.
- 6.4 The area has, or is planned to have; a density of 60 persons per acre on lands developed or planned to be developed (not including open space, parks, plazas or natural areas).

III. LAND USE POLICIES FOR CORRIDOR DESIGN TYPE AREAS

1.0 Land uses in Corridors shall be planned to:

- 1.1 Provide for both employment and housing, including mixed use.
- 1.2 Emphasize providing for a high level of bus usage, with land uses and transportation facilities to support bus use.
- 1.3 Encourage and support pedestrian travel with supportive land uses, frequent street connections, and sidewalks and pedestrian-ways.
- 1.4 Provide for vehicular traffic and auto-oriented uses, while expanding the share of trips via transit and other modes.

2.0 Corridor Land Use Designations

A range of land use designations may be applied within a designated Corridor identified on Map X-CRC-1. Each corridor shall include within its area land use designations which provide primarily for employment and shopping, and land use designations that provide primarily for residences.

- 2.1 Commercial designations that may be applied include: Corridor Commercial, Retail Commercial, and Office Commercial. Any site designated for a commercial use shall be located adjacent to the corridor street.
- 2.2 Multifamily designations that may be applied include: High Density Residential and Medium High Density Residential. Multifamily designations should generally be located so as to form a buffer between commercial uses adjacent to the corridor street and low density residential areas located outside the corridor.
- 2.3 Industrial designations that may be applied in corridors include: Light Industrial and Business Park.
- 2.4 Existing single family neighborhoods and mobile home parks should be zoned to discourage redevelopment to other uses.

3.0 Corridor Commercial

- 3.1 The following areas may be designated Corridor Commercial when located within a transportation corridor as identified on Map X-CRC-1 and when all of the following criteria have been met:
 - a. The site has an historical commitment to commercial uses,
 - b. The designation will not cause a decrease in housing capacity in the county,
 - c. The designation will not cause a significant traffic increase on local streets serving residential areas,

- d. Adverse effects including but not limited to traffic and noise, will have a minimal effect on adjacent neighborhoods or can be minimized through on-site improvements, and
 - e. The designation will not substantially increase an existing commercial strip or create new strips.
- 3.2 Provide commercial areas located in transportation corridors to meet local and regional needs for a wide range of goods and services.
 - 3.3 Provide for the sale of large-scale items in areas with good transportation access and minimal conflict with other uses.
 - 3.4 Allow mixed uses in the same building(s) or in a separate building(s) in the development.
 - 3.5 Establish design and dimensional standards that encourage and support pedestrian use.

IV. LAND USE POLICIES FOR THE STATION COMMUNITY DESIGN TYPE AREA

- 1.0 The Regulating Plan Map, which will be incorporated in the Zoning and Development Ordinance, shall be the basis of the design and development standards for the Station Community and shall establish the requirements for street types, block pattern, existing and new streets, building frontage types, and landscaping types.
- 2.0 Within the Station Community boundary shown on Map X-CRC-1, future development and redevelopment shall conform to the Regulating Plan Map, and areas shall be planned to:
 - 2.1 Provide for development utilizing urban design elements that create and support a dynamic, safe and convenient public realm made up of inter-connected streets, parking areas, parks and plazas framed by buildings with facades and entrances facing the streets and meeting other requirements of transit oriented design.

- 2.2 Provide for a mix of retail, services, office and high intensity housing in buildings meeting the requirements of transit oriented design, located on a street network with excellent pedestrian connectivity and supportive of local services, bicycle and pedestrian usage, and high capacity transit ridership.
- 2.3 Support a multi-modal street network with shared, public on-street parking on all but the most heavily traveled streets, building facades and entrances oriented to the street, and parking located to the side and behind buildings.
- 2.4 Provide for the open space and recreation needs of residents and employees of the area.

3.0 Corridor Commercial

- 3.1 Apply the Corridor Commercial designation within the Station Community boundary shown on Map X-CRC-1 to:
 - a. Areas with an historical commitment to retail uses.
 - b. Areas with high visibility and access from a major arterial street.
 - c. Areas located within ½ mile of a high capacity transit station, and providing actual or potential pedestrian connections between high capacity and bus transit.
- 3.2 Create an area with a mix of land uses, both within the site itself (mix of uses) and within buildings (mixed uses), which:
 - a. Provide for high employment and residential densities that support use of public transportation.
 - b. Provide for essential public facilities and services, including shared public parking on public and private streets, accessible and attractive walkways between and through developments, and public spaces.
 - c. Are accessible by all modes of transportation.
 - d. Orient buildings and parking areas to support and encourage pedestrian trips and utilization of high capacity transit.
- 3.4 Establish through zoning required and allowed land uses, transportation improvements, and design standards that encourage and support pedestrian-oriented streets, buildings, and public places.

- a. Require development and redevelopment to meet transit-oriented design requirements.
- 3.5 In designated sectors on the Regulating Plan Map, where substantial shopping center development exists, provide for a limited amount of redevelopment to occur without requiring full compliance with transit-oriented design and connectivity requirements.
- a. Ensure that such redevelopment does not reduce multimodal connectivity or hinder future development of additional planned connections.
- 4.0 Station Community Mixed Use
- 4.1 Apply the Station Community Mixed Use designation within the Station Community boundary shown on Map X-CRC-1 to:
- a. Areas with an historical commitment to residential, office and employment uses.
 - b. Areas in proximity to high capacity transit service.
 - c. Areas with access to major and minor arterial and collector streets.
- 4.2 Create an area with a mix of residential, office, service and service commercial uses within buildings and developments that meet transit oriented development standards, which:
- a. Provide for high employment and residential densities that support use of public transportation.
 - b. Provide for essential public facilities and services, including shared public parking on public and private streets, accessible and attractive walkways between and through developments, and public spaces.
 - c. Orient buildings and parking areas to support and encourage pedestrian trips and utilization of high capacity transit.
- 4.3 Establish through zoning required and allowed land uses, transportation improvements, and design standards that encourage and support pedestrian-oriented streets, buildings, and public places.

- a. Require development and redevelopment to meet transit-oriented design requirements.
- 5.0 Build public and private streets within the Station Community to the standards illustrated in the Street Type cross sections (Figures X-CRC-8 through X-CRC-11).
- 6.0 Study providing on-street parking on 82nd Avenue, if future conditions warrant it.

V. LAND USE POLICIES FOR OTHER AREAS WITHIN THE CLACKAMAS REGIONAL CENTER DESIGN PLAN AREA

- 1.0 A range of land use designations shall be provided in portions of the Clackamas Regional Center Design Plan Area located outside the Regional Center, Corridors, and Station Community.
 - 1.1 Land use designations shall generally increase in level of intensity in areas close to the Regional Center and Corridors.
 - 1.2 Land use designations shall maintain the character of existing neighborhoods by providing for uses and improvements that are consistent with the type and scale of existing development.
 - 1.3 Employment uses shall be provided for in the Regional Center, Corridors, or Station Community, and/or in locations adjacent to streets that are at least minor arterials.

VI. LAND USE POLICIES: LAND USE DESIGNATIONS THAT MAY APPLY THROUGHOUT THE CLACKAMAS REGIONAL CENTER DESIGN PLAN AREA

- 1.0 High Density Residential
 In the High Density Residential district, allow for a mix of land uses as a limited use.

2.0 Low Density Residential – 5,000 and 2,500 square foot lots

In the Low Density Residential ~~land use plan designation~~ district, include 5,000-square-foot and 2,500-square-foot-lot-size low density residential ~~zoning districts~~ zones, subject to Policy 112.0 of the ~~Land Use Chapter~~, Residential ~~section~~ Section of ~~Chapter 4, Land Use~~ the Comprehensive Plan.

3.0 Low Density Residential – ~~Attached Single-Family~~ Attached Dwellings

- 3.1 In Low Density Residential areas, areas may be zoned for ~~attached single-family dwellings~~ attached residences on lots that average 2,500 square feet when the area has access to a residential collector or higher functional class street.
- 3.2 The size of the site and adjoining properties zoned for 2,500-square-foot lots should generally not exceed ~~ten (10)~~ acres. ~~Sites greater than 10 acres must include a combination of attached and detached housing within the allowed Single Family Attached density.~~
- 3.3 Design dwellings to provide variation in architectural appearance.
- 3.4 Require ~~design review~~ Design Review for ~~single family~~ attached ~~single-family dwellings~~ residences.

No changes are made to the remaining portions of Chapter 10.

Ordinance ZDO-249
Amendments to the Zoning and Development Ordinance

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

106 AUTHORIZATION OF SIMILAR USES

106.01 APPLICABILITY

The sections of this Ordinance that regulate individual zoning districts identify the uses permitted in those districts. ~~In addition~~However;

A. In the following zoning districts, uses similar to one or more of the listed uses for that zoning district may be authorized: ~~PMD, RTC, RC, NC, C-2, RCC, RTL, CC, C-3, PMU, SCMU, OA, OC, RCO, VCS, VO, CI, BP, LI, GI, and RI~~Neighborhood Commercial, Community Commercial, General Commercial, Rural Tourist Commercial, Rural Commercial, Office Commercial, Retail Commercial, Office Apartment, Campus Industrial, Light Industrial, General Industrial, Rural Industrial, Business Park, Village Community Service, Village Office, Regional Center Office, Regional Center Commercial, Planned Mixed Use, Corridor Commercial, and Station Community Mixed Use.

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

C. Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, identifies instances where uses similar to a listed conditional use may be authorized as a conditional use.

106.02 PROCESS AND STANDARDS

Authorization of a similar use shall be subject to the following:

- A. A use similar to one or more of the listed uses for the applicable zoning district may be authorized by the Planning Director through an Interpretation processed pursuant to Subsection 1305.03.
- B. A use may not be authorized as a similar use if it is specifically listed as prohibited in the applicable zoning district. “Specifically listed” does not include general references to prohibited uses, such as “uses of structures and land not specifically allowed.”
- C. Similarity to a “preexisting” use may not serve as the basis for authorization of a similar use, even in zoning districts where “preexisting” uses are specifically listed as a primary, accessory, limited, or conditional use.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

202 DEFINITIONS

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

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

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

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

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

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

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

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

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

"Adult cabaret" is an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a

transparent partition) for patrons, either individually, or in groups, where the exhibition material presented is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Bed and Breakfast Inn" provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. Bed and breakfast inns are

subject to Section 832 and all requirements of the underlying district.

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

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

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

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

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

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

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

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

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

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

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

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

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

BULK PLANT: Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. The primary emphasis of uses at the bulk plant level is on hazardous substances. Materials are stored in large permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous

substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FAMILY DAYCARE PROVIDER: A daycare provider who regularly provides daycare to 16 or fewer children, or as amended by ORS 657A.440, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of daycare to more than 16 children, including the children of the provider, regardless of full-time or part-time status, in

the provider's home in the family living quarters shall constitute the operation of a "daycare facility" and shall be subject to the requirements of this Ordinance for daycare facilities.

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

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

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

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

FLOOR AREA RATIO (FAR): A measurement of density expressed as the ratio of square footage of building floor area to the square footage of the net site area. The greater the ratio, the greater the density. For example, a building occupying one-fourth of the net site area has a FAR of .25: 1, or .25; adding a second floor to the same building increases the FAR to .50:1, or .5.

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

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

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

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

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

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

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

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

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

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

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

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

prosecution of a common enterprise.

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

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

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

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

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

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

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

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

community centers, libraries, museums, cemeteries and mausoleums, utility facilities, and similar public and private uses.

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

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

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

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

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

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

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

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

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

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot with street frontage on two streets intersecting at a corner of the lot. A lot within the radius curve of a single street is not a corner lot. A lot with access limited to, and frontage on, a state, County, public or private road and also with frontage on an intersecting private road or access drive is not a corner lot for the purpose of determining setbacks provided that the lot does not take access onto the

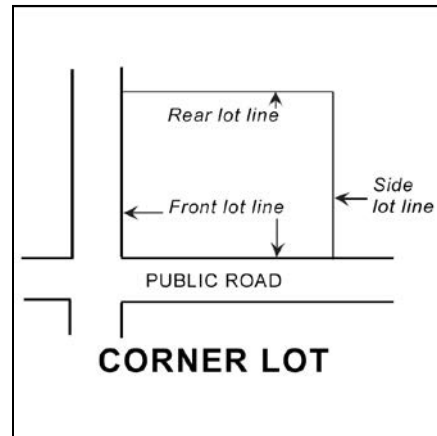
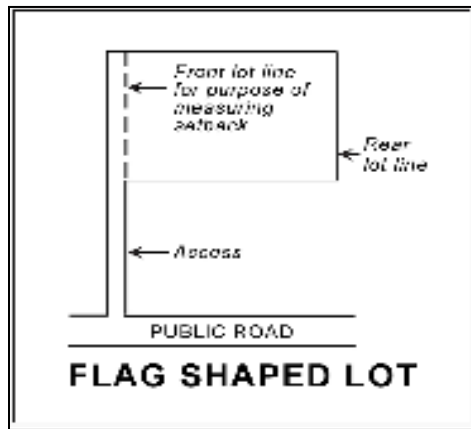
latter abutting private road or access drive. In such a case, the frontage on the latter private road or access drive shall be treated as a side lot line.

LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

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

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

LOT LINE, FRONT: Any boundary line separating the lot from a County, public, state or private road, or access drive. Except as otherwise provided in Subsection 903.07 of this Ordinance, the front lot line of a flag lot, for the purpose of determining setbacks, shall be within the boundaries of the lot by a distance equal to the width of the narrow strip or easement providing access to the lot. The front lot line shall be parallel to the lot line extending from the road to the lot line opposite and most distant from the road. (See following illustration for flag shaped lot).



LOT LINE, REAR: Any boundary line opposite and most distant from the front lot line, and not intersecting a front lot line. In the case of a corner lot, the rear lot line shall be any one of the boundary lines opposite the front lot lines. Any other opposite boundary line shall be a side lot line (see illustration above for corner lot). In the case of a triangular-shaped lot, there shall be no rear lot line for setback purposes.

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

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

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

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

LOT, THROUGH: Lots, other than corner lots, that abut on two or more streets. See also “LOT, DOUBLE FRONTAGE” AND “LOT, REVERSE FRONTAGE”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERHEAD SPRINKLER IRRIGATION SYSTEMS: Systems that deliver water for irrigation from spray heads, rotors or other above-ground emitters that send water through the air.

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

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

PARKING STRUCTURE: A structure having at least two levels which is designed and used for parking vehicles, or a structure having one level of covered parking area under an open space or recreational use. A one level surface parking area, garage or carport shall not be considered a "parking structure" for purposes of this Ordinance.

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

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

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

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

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

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

PLANNING DIRECTOR: The administrative official of Clackamas County, or authorized staff member, designated to administer the responsibilities of the Planning Division.

PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

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

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

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

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

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

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

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

agent, and insurance agent.

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

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

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

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

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

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

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

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

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

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

~~RESIDENTIAL HOME: A dwelling operated as a single housekeeping unit for the purpose of providing food, shelter, personal services, care, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions or circumstances.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict

action or create a special effect or scene.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

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

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

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

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

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

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

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

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

SOIL MOISTURE SENSING DEVICE OR SOIL MOISTURE SENSOR: A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

SOLAR ENERGY SYSTEM: Any solar collector, or other solar energy device, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity. The power generating capacity of a "solar energy system" is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

SOLID WASTE: Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to: garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable; manufactured dwellings or residential trailers which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms "solid waste" or "waste" do not include:

- A. Environmentally hazardous wastes as defined in ORS 466.055;
- B. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;
- C. Septic tank and cesspool pumping or chemical toilet waste;

- D. For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS 459A;
- E. Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;
- F. Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement of Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;
- G. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations;
- H. Sludge derived products applied for beneficial uses on land in landscaping projects.

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

STABLE, BOARDING OR RIDING: Premises that are used by the public for the training, riding, boarding, public exhibition or display of livestock for commercial or noncommercial purposes. An agricultural building, as defined in Chapter 4 of the Uniform Building Code, or premises used for the boarding, training or riding of three or less livestock other than those of the operator of the premises shall not be a "stable" for the purposes of this Ordinance.

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

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

STREAM CORRIDOR AREA: An area including the streambed and a required strip or buffer of land on each side of the streambed necessary to maintain streamside amenities and existing water quality. The width of the stream corridor area varies with the site conditions and shall be determined by on-the-ground investigation, as provided under Subsection 1002.05(B). The intent of the stream corridor area shall be to preserve natural environmental qualities and the function of land to purify water

before it reaches the stream but not to prohibit timber management activities pursuant to the State Forest Practices Act.

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

STREET: See “ROAD”.

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

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

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

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

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

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

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

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

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

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

TRACT: One or more contiguous lots or parcels under the same ownership.

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

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

TRANSIT STOP: Any posted bus or light rail stop.

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

UNDERGROUND STRUCTURE: A structure in which more than 50 percent of the cubic footage of the enclosed, covered space is (1) constructed below the highest elevation of the ground adjoining the structure site prior to excavation; and (2) covered over by ground materials, such as soil, sod, sand or exterior paving, which are continuous on at least one side of the structure with contiguous surface ground materials. Conventional roofing materials may be used to cover any portion of the structure which extends above ground elevation. For an underground structure to be a "dwelling unit" access must be provided to outdoor space at floor level (within two feet of elevation) equal to at least 20 percent of the square footage of the enclosed, covered area of the structure.

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

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

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

UTILITY CARRIER CABINETS: A small enclosure used to house utility equipment intended for offsite service, such as electrical transformer boxes, telephone cable

boxes, cable TV boxes, fire alarm boxes, police call boxes, traffic signal control boxes, and other similar apparatus.

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

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

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

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

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

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

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

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

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

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14]

~~301 URBAN LOW DENSITY RESIDENTIAL DISTRICTS (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30)~~

~~301.01 PURPOSE~~

~~Section 301 is adopted to implement the goals and policies of the Comprehensive Plan for Low Density Residential areas.~~

~~301.02 AREA OF APPLICATION~~

~~One or more of the following factors shall guide the determination of the most appropriate district to apply to a specific property or area:~~

~~A. Physical Site Conditions:~~

- ~~1. Land with soils subject to slippage, compaction, or high shrink-swell characteristics shall be zoned R-15 or R-20.~~
- ~~2. Land with slopes of:
 - ~~a. 0 to 20 percent shall be considered for zones R-2.5, R-5, R-7 or R-8.5~~
 - ~~b. 20 percent or more shall be considered for zones R-10 to R-30.~~~~

~~B. Capacity of Facilities: Land shall be zoned to maximize the capacity of facilities such as streets, sewers, water and storm drainage systems.~~

~~C. Availability of Transit: Land within walking distance (approximately one-quarter mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5.~~

~~D. Proximity to Trip Generators: Areas in close proximity to jobs, shopping, cultural and activity centers shall be zoned R-2.5, R-5, R-7 or R-8.5.~~

~~E. Neighborhood Preservation and Variety: Areas that have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.~~

~~F. Vacant Lands: Unless otherwise dictated by the preceding criteria, areas of mostly vacant and sparsely developed land shall be zoned R-2.5, R-5 or R-7. To achieve an average of 7,500 square feet or less per lot in Low Density Future Urban areas when conversion to Immediate Urban Low Density Residential occurs, the R-10 zone shall be limited to areas exceeding 20 percent slope and to Resource Protection areas. Flexible lot size subdivisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.~~

~~G. R-2.5: In addition to the above criteria, R-2.5 shall be applied only to:~~

- ~~1. Areas located within one-quarter mile of a designated Regional Center, Corridor or Main Street on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community;~~
- ~~2. Areas with access to a residential collector or higher functional class street; and~~
- ~~3. Areas where the size of the site and adjoining properties zoned R-2.5 do not exceed 10 acres.~~

~~301.03 PRIMARY USES~~

~~A. The following are primary uses in the R-2.5 zoning district:~~

- ~~1. One attached single-family dwelling or residential home;~~
- ~~2. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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;~~
- ~~3. When a development site includes areas zoned Medium High Density Residential District (MR-2) as well as areas zoned Urban Low Density Residential, a master plan may be approved for the entire site. The master plan may provide for condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings on both the areas zoned Urban Low Density Residential and the areas zoned MR-2. The following criteria shall be met:
 - ~~a. The maximum number of dwelling units allowed on the overall site pursuant to Section 1012 shall not be exceeded.~~
 - ~~b. The master plan shall provide for the minimum number of attached or detached single-family dwellings required pursuant to Subsection 1012.08 for the portion of the overall site zoned Urban Low Density Residential.~~
 - ~~c. Each single-family dwelling shall be located on a separate lot of record. The minimum lot size for an attached single-family dwelling shall be 2,000 square feet, and the minimum lot size for a detached single-family dwelling shall be 4,000 square feet.~~~~

~~d. Condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings shall be subject to Subsections 313.08 and 313.09; and~~

~~4. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.~~

~~B. The following are primary uses in the R-5 through R-30 zoning districts:~~

~~1. One detached single-family dwelling, residential home or manufactured home. A manufactured home shall be subject to Section 824;~~

~~2. One attached single-family dwelling per lot on 20 percent of the total number of lots in a subdivision or 100 percent of the lots in a planned unit development;~~

~~3. Condominiums, subject to Section 803;~~

~~4. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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;~~

~~5. Propagation, management, and harvesting of forest products. Refer to Subsection 1002.03 regarding a development restriction that may apply if excessive tree removal occurs;~~

~~6. Utility carrier cabinets, subject to Section 830; and~~

~~7. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.~~

~~301.04 ACCESSORY USES~~

~~The following are accessory uses in an Urban Low Density Residential District:~~

~~A. Uses and structures customarily accessory and incidental to a primary use;~~

~~B. A guest house;~~

~~C. Home occupations, including bed and breakfast homestays, subject to Section 822;~~

~~D. A private garage or parking area;~~

~~E. Keeping of not more than two roomers or boarders by a resident family;~~

~~F. Produce stands, subject to Section 815;~~

- ~~G. — Livestock, subject to Section 821;~~
- ~~H. — Signs, subject to Section 1010;~~
- ~~I. — Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~J. — Bus shelters, subject to Section 823;~~
- ~~K. — Solar energy systems;~~
- ~~L. — Rainwater collection systems;~~
- ~~M. — Electric vehicle charging stations for the use of residents and their nonpaying guests;~~
- ~~N. — Family daycare providers; and~~
- ~~O. — Accessory dwelling units in conjunction with detached single-family dwellings.~~

~~301.05 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in an Urban Low Density Residential District, pursuant to Subsection 1305.02:~~

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

~~301.06 — CONDITIONAL USES~~

~~A. — The Hearings Officer may approve the following conditional uses in an Urban Low Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

- ~~1. — Except in the R-2.5 zoning district, two and three family dwellings and the conversion of single family dwellings into two family dwellings, subject to Section 802;~~
- ~~2. — Except in the R-2.5 zoning district, condominium conversions, subject to Section 803;~~
- ~~3. — Churches, subject to Section 804;~~
- ~~4. — Schools, subject to Section 805;~~
- ~~5. — Daycare facilities, subject to Section 807;~~

- ~~6. Cemeteries and crematories, subject to Section 808;~~
- ~~7. Hospitals, subject to Section 809, and helistops for emergency use in conjunction with a hospital;~~
- ~~8. Nursing homes, subject to Section 810;~~
- ~~9. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813;~~
- ~~10. Surface mining, subject to Section 818;~~
- ~~11. Sanitary landfills and debris fills, subject to Section 819;~~
- ~~12. Manufactured home parks, subject to Section 825;~~
- ~~13. Hydroelectric facilities, subject to Section 829;~~
- ~~14. Bed and breakfast residences and inns, subject to Section 832;~~
- ~~15. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;~~
- ~~16. Except in the R-2.5 zoning district, horticulture, nurseries, hydroponics, and similar uses that exceed an accessory use; and~~
- ~~17. The hosting of weddings, family reunions, class reunions, company picnics, and similar events.~~

~~301.07 — PROHIBITED USES~~

~~The following uses are prohibited in an Urban Low Density Residential District:~~

- ~~A. — Uses of structures or land not specifically permitted; and~~
- ~~B. — The use of a residential trailer as a dwelling, except as authorized pursuant to Section 1204.~~

~~301.08 — DIMENSIONAL AND DESIGN STANDARDS~~

- ~~A. — Purpose: The dimensional and design standards are intended to:~~
 - ~~1. — Provide consistent standards ensuring a stable pattern and intensity of development for new and existing neighborhoods;~~
 - ~~2. — Provide for fire safety and protection of all structures;~~
 - ~~3. — Protect the privacy and livability of dwellings and yard areas;~~

- ~~4. Provide for adequate light and air circulation between structures;~~
- ~~5. Provide for, and protect the unique character and livability of each district;~~
- ~~6. Ensure suitable access to each lot with minimum impact on adjacent lots or dwellings; and~~
- ~~7. Ensure consistency in the scale of structures, both vertically and horizontally.~~

~~B. Minimum Lot Size: The minimum lot size shall be as follows, except as modified by Section 902, 1013, or 1014. For subdivisions, partitions, and condominium developments, the maximum and minimum number of primary dwelling units permitted shall be calculated pursuant to Section 1012.~~

- ~~1. R-2.5: 2,500 square feet~~
- ~~2. R-5: 5,000 square feet~~
- ~~3. R-7: 7,000 square feet~~
- ~~4. R-8.5: 8,500 square feet~~
- ~~5. R-10: 10,000 square feet~~
- ~~6. R-15: 15,000 square feet~~
- ~~7. R-20: 20,000 square feet~~
- ~~8. R-30: 30,000 square feet~~

~~C. General Requirements: The minimum dimensional standards for primary structures, except attached single family dwellings, shall be as follows:~~

- ~~1. Minimum front yard setback: 20 feet~~
- ~~2. Minimum rear yard setback: 20 feet~~
- ~~3. Minimum side yard setback: 5 feet~~
- ~~4. Maximum building height: 35 feet~~
- ~~5. Maximum lot coverage:
 - ~~a. Primary use structures: 35 percent~~
 - ~~b. Primary and accessory structures: 40 percent~~
 - ~~c. Lot coverage limitations do not apply to swimming pools.~~~~

~~D. — Exceptions to General Requirements: Subsection 301.08(C) is subject to modification pursuant to Section 900. In addition, the following exceptions apply:~~

~~1. — Accessory Structures: A maximum of four accessory structures are permitted. Minimum setbacks, except as prescribed for accessory dwelling units in Subsection 301.08(G), are as follows:~~

~~a. — Structures 100 square feet or less in area and eight feet or less in height: No side or rear yard setback behind the front building line shall be required for any detached accessory structure~~

~~b. — Structures 101 to 200 square feet in area and structures up to 10 feet in height: The minimum side and rear yard setbacks behind the front building line are three feet for any detached accessory structure and its projections:~~

~~c. — Structures 201 to 500 square feet in area and structures up to 15 feet in height: The minimum side and rear yard setbacks behind the front building line are three feet for one accessory structure and its projections in this category. The three-foot setback requirement shall be increased one foot for each foot of height over 10 feet to a maximum of 15 feet in height. However, the minimum setback shall not exceed the setback requirements of Subsection 301.08(C). The structure and its projections shall be detached and separated from other structures by at least three feet.~~

~~d. — Structures greater than 15 feet in height: Structures greater than 15 feet in height shall comply with the setback requirements of Subsection 301.08(C).~~

~~e. — Structures in excess of 500 square feet: One accessory structure in excess of 500 square feet in area is allowed, subject to the setback requirements of Subsection 301.08(C) and the following provisions:~~

~~i. — The lot is in excess of 10,000 square feet in area.~~

~~ii. — The proposed accessory structure shall be constructed with the same exterior building materials as that of the dwelling, or an acceptable wood or metal substitute. Metal buildings shall include roof overhangs, gutters, downspouts, and a painted steel exterior similar in color to that of the dwelling.~~

~~iii. — The square footage of the accessory structure shall not exceed the square footage of the ground floor of the dwelling.~~

~~iv. — The height of the accessory structure shall not exceed the height of the dwelling.~~

- ~~f. Swimming Pools: The minimum front yard setback for a swimming pool shall be 10 feet. The minimum side and rear yard setbacks for a swimming pool shall be three feet.~~
- ~~2. Corner Lots: One of the required front yard setbacks may be reduced to 15 feet, if the front setback to be reduced abuts a local street, private road, or access drive. The side and rear yards of corner lots shall be designated by the applicant with the minimum setback distance as identified in Subsection 301.08(C).~~
- ~~3. Undersized Lots of Record: For any detached single family dwelling on a lot of record 6,000 square feet or less, the rear yard setback may be reduced to 10 feet, one side yard setback may be reduced to zero and the maximum lot coverage may be increased to 50 percent, provided that: ()~~
 - ~~a. The lot of record was created prior to the application of an Urban Low Density Residential District to the subject lot of record; and~~
 - ~~b. The development occurring within the yard setback area shall not block solar access to an existing window or solar energy system located on the adjacent properties.~~
- ~~E. Variances: Dimensional standards may be modified pursuant to Section 1205.~~
- ~~F. Structure and Façade Design: All dwellings, except temporary dwellings approved pursuant to Subsection 1204, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access):~~
 - ~~1. A covered porch at least two feet deep.~~
 - ~~2. An entry area recessed at least two feet from the exterior wall to the door.~~
 - ~~3. A bay or bow window (not flush with the siding).~~
 - ~~4. An offset on the building face of at least 16 inches from one exterior wall surface to the other.~~
 - ~~5. A dormer.~~
 - ~~6. A gable.~~
 - ~~7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.~~
 - ~~8. Roof line offsets of at least 16 inches from the top surface of one roof to the top surface of the other.~~

- ~~9. An attached garage.~~
- ~~10. Orientation of the long axis and front door to the street.~~
- ~~11. Cupolas.~~
- ~~12. Tile or shake roofs.~~
- ~~13. Horizontal lap siding.~~

~~G. Accessory Dwelling Units: Accessory dwelling units shall be subject to the following development standards:~~

- ~~1. The square footage of an accessory dwelling unit shall not exceed six percent of the area of the lot of record on which it is located, or 720 square feet, whichever is less.~~
- ~~2. Yard setbacks for an accessory dwelling unit shall be the same as those required for a primary dwelling.~~
- ~~3. Only one accessory dwelling unit per lot of record is allowed.~~
- ~~4. An accessory dwelling unit may:
 - ~~a. Be a detached structure;~~
 - ~~b. Be attached to another accessory structure; or~~
 - ~~c. Share at least one building wall, or portion thereof, with the primary dwelling, provided that the accessory dwelling unit has a separate entrance. "Wall" does not include a breezeway, porch, or awning.~~~~
- ~~5. The exterior finish materials of the accessory dwelling unit shall be the same as, or visually match, those of the primary dwelling.~~
- ~~6. The front yard setback shall be no less than the setback of the front façade of the primary dwelling excluding the porch, garage, and architectural features.~~
- ~~7. If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the structure. An exception to this requirement may be granted if there is no ground-level access to the accessory dwelling unit, or if the primary dwelling has additional front entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased. Exceptions shall be subject to Planning Director review pursuant to Subsection 1305.02.~~

- ~~8. In addition to the required parking space(s) for the primary dwelling, one additional off-street parking space located behind the front yard setback line shall be provided for the accessory dwelling unit.~~
 - ~~9. Owner occupancy of either the accessory dwelling unit or the primary dwelling shall be required. A deed restriction requiring owner occupancy of one of the dwelling units shall be recorded prior to issuance of a building permit for the accessory dwelling unit.~~
- ~~H. Condominiums and two and three family dwellings: Shall be subject to design review pursuant to Section 1102.~~
- ~~I. Attached Single Family Dwellings: In addition to the design standards in Subsection 301.08(F), attached single family dwellings shall be subject to the following design standards:~~
- ~~1. Minimum Street Frontage: 25 feet.~~
 - ~~2. Minimum Front and Rear Yard Setbacks: 20 feet.~~
 - ~~3. Minimum Side Yard Setback: 10 feet opposite the common wall. No setback shall be required from any side property line where two dwelling units share a common wall.~~
 - ~~4. Maximum Lot Coverage: 50 percent.~~
 - ~~5. Maximum Building Height: 35 feet.~~
 - ~~6. Roofs: The roof of each attached single family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.~~
 - ~~7. Design Review: Attached single family dwellings shall be subject to design review pursuant to Section 1102.~~

~~301.09 DEVELOPMENT STANDARDS~~

- ~~A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.~~
- ~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~
- ~~C. Off-Street Parking: At least one off-street parking space located behind the front yard setback line shall be provided for each single family dwelling.~~

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

~~302 — MEDIUM DENSITY RESIDENTIAL DISTRICT (MR-1)~~

~~302.01 — PURPOSE~~

~~Section 302 is adopted to implement the goals and policies of the Comprehensive Plan for Medium Density Residential areas.~~

~~302.02 — AREA OF APPLICATION~~

~~Property may be zoned Medium Density Residential District if:~~

- ~~A. — The site has a Comprehensive Plan designation of Medium Density Residential;~~
- ~~B. — The criteria under Section 1202 are satisfied; and~~
- ~~C. — The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such public facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

~~302.03 — PRIMARY USES~~

~~The following are primary uses in the Medium Density Residential District:~~

- ~~A. — Multifamily dwellings;~~
- ~~B. — Three-family dwellings;~~
- ~~C. — Two-family dwellings;~~
- ~~D. — Attached single-family dwellings;~~
- ~~E. — Congregate housing facilities;~~
- ~~F. — Condominiums, subject to Section 803;~~
- ~~G. — Nursing homes, subject to Section 810;~~
- ~~H. — Manufactured dwelling parks, subject to Sections 824 and 825 and a minimum lot size of one acre;~~
- ~~I. — Utility carrier cabinets, subject to Section 830;~~
- ~~J. — Bed and breakfast residences and inns, subject to Section 832;~~
- ~~K. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C); subject to Section 835;~~

- ~~L. — Lodging, boarding, and rooming houses for any number of guests, but not primarily for transients, subject to a minimum lot size of 7,000 square feet; and~~
- ~~M. — Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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.~~

~~302.04 — ACCESSORY USES~~

~~The following are accessory uses in the Medium Density Residential District:~~

- ~~A. — Uses and structures customarily accessory and incidental to a primary use;~~
- ~~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;~~
- ~~C. — Parking structures;~~
- ~~D. — Rental information offices;~~
- ~~E. — Repair and maintenance services;~~
- ~~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;~~
- ~~G. — Solar energy systems;~~
- ~~H. — Rainwater collection systems;~~
- ~~I. — Electric vehicle charging stations;~~
- ~~J. — Home occupations, subject to Section 822;~~
- ~~K. — Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~L. — Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823;~~
- ~~M. — Family daycare providers; and~~
- ~~N. — Signs, subject to Section 1010.~~

~~302.05 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in the Medium Density Residential District, pursuant to Subsection 1305.02:~~

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

~~302.06 — CONDITIONAL USES~~

~~A. — The Hearings Officer may approve the following conditional uses in the Medium Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

- ~~1. — Alteration or expansion of a church which was lawfully established prior to July 14, 1980. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting church and associated facilities prior to July 14, 1980. The use shall be subject to Section 804;~~
- ~~2. — Schools, subject to Section 805;~~
- ~~3. — Daycare facilities, subject to Section 807;~~
- ~~4. — Service and recreational uses, subject to Section 813;~~
- ~~5. — Hydroelectric facilities, subject to Section 829;~~
- ~~6. — Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;~~
- ~~7. — Multi-use developments, subject to Section 1016; and~~
- ~~8. — The hosting of weddings, family reunions, class reunions, company picnics, and similar events.~~

~~302.07 — PROHIBITED AND PREEXISTING USES~~

~~A. — Prohibited Uses: The following uses are prohibited in the Medium Density Residential District:~~

- ~~1. — Uses of structures and land not specifically permitted; and~~
- ~~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.~~

~~B. — Preexisting Uses:~~

- ~~1. Lawfully established single-family dwellings or residential homes may be altered or expanded without review under Section 1206.~~
- ~~2. A new lot created for a lawfully established single-family dwelling shall have a minimum area of 3,630 square feet.~~
- ~~3. Lawfully established single-family dwellings and their accessory structures shall comply with the setback standards of Section 301.~~
- ~~4. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum and minimum density for the remaining lot.~~

~~302.08 — DIMENSIONAL STANDARDS~~

~~A. Purpose: The dimensional standards are intended to:~~

- ~~1. Provide for fire safety and protection of all structures;~~
- ~~2. Protect the privacy and livability of on- and off-site dwellings and yard areas;~~
- ~~3. Provide for adequate light and air circulation between structures;~~
- ~~4. Ensure suitable and safe access to each development with minimum impact on adjacent lots or dwellings; and~~
- ~~5. Provide for adequate open space within a development.~~

~~B. Density and Minimum Lot Size: The district land area for purposes of calculating density pursuant to Section 1012 is 3,630 square feet per dwelling unit. The minimum lot size for an attached single-family dwelling shall be 3,630 square feet, except as modified by Section 1013 or 1014.~~

~~C. Minimum Front Yard Setback: 20 feet. On corner lots, the minimum front yard setback shall apply from both roads, except in the case of a corner lot developed with an attached single-family dwelling, where the minimum front yard setback may be reduced to 10 feet on one of the roads. However, the reduced setback shall not apply to any property line from which vehicular access is taken.~~

~~D. Minimum Rear Yard Setback: 20 feet.~~

~~E. Minimum Side Yard Setback:~~

- ~~1. One story: five feet.~~
- ~~2. Two stories: seven feet, or 10 feet when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district.~~

- ~~3. Three stories: 15 feet.~~
- ~~4. An additional five feet of side yard setback shall be required for each story higher than three stories.~~
- ~~5. Notwithstanding Subsections 302.08(E)(1) through (4), the minimum side yard setback for attached single family dwellings shall be five feet, except when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, where the minimum shall be 10 feet. No setback shall be required from any side lot line where two dwelling units share a common wall.~~

~~F. Accessory Structure Setback Exceptions:~~

- ~~1. Structures of 100 square feet or less in area: No side or rear yard setback behind the front building line shall be required for any detached accessory structure in this category provided that the structure height does not exceed eight feet. Structures in this category that exceed eight feet in height but do not exceed 10 feet in height shall comply with the standards in Subsection 302.08(F)(2).~~
- ~~2. Structures 101 to 200 square feet in area: The side and rear yard setbacks may be reduced to three feet for any detached accessory structure in this category provided that the structure height does not exceed 10 feet.~~
- ~~3. Swimming Pools: The minimum front yard setback shall be 10 feet. The minimum side and rear yard setbacks shall be five feet, except if a side or rear property 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 property line.~~

~~G. Maximum Lot Coverage: 50 percent, except for lots developed with attached single family dwellings, where the maximum shall be 65 percent. Swimming pools are not subject to the maximum lot coverage standard.~~

~~H. Maximum Building Height: None, except in the case of an attached single-family dwelling, where the maximum building height shall be 35 feet.~~

~~I. Minimum Landscaping Area: 25 percent of the lot, except in developments of attached single family dwellings, where the minimum shall be 20 percent of each lot.~~

~~J. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.~~

~~K. Variance: Dimensional standards may be modified pursuant to Section 1205.~~

~~302.09 — DEVELOPMENT STANDARDS~~

- ~~A. — General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.~~
- ~~B. — Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~
- ~~C. — Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.~~

~~303 — HIGH DENSITY RESIDENTIAL DISTRICT (HDR)~~

~~303.01 — PURPOSE~~

~~Section 303 is adopted to implement the goals and policies of the Comprehensive Plan for High Density Residential areas.~~

~~303.02 — AREA OF APPLICATION~~

~~Property may be zoned High Density Residential District if:~~

- ~~A. — The site has a Comprehensive Plan designation of High Density Residential;~~
- ~~B. — The criteria under Section 1202 are satisfied; and~~
- ~~C. — The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

~~303.03 — PRIMARY USES~~

~~The following are primary uses in the High Density Residential District:~~

- ~~A. — Multifamily dwellings;~~
- ~~B. — Three-family dwellings;~~
- ~~C. — Two-family dwellings;~~
- ~~D. — Congregate housing facilities;~~
- ~~E. — Condominiums, subject to Section 803;~~
- ~~F. — Nursing homes, subject to Section 810;~~
- ~~G. — Utility carrier cabinets, subject to Section 830;~~
- ~~H. — Bed and breakfast residences and inns, subject to Section 832; and~~
- ~~I. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.~~

~~303.04 — ACCESSORY USES~~

~~The following are accessory uses in the High Density Residential District:~~

- ~~A. — Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms,~~

~~lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development;~~

~~B. — Parking structures;~~

~~C. — Bus shelters, bike racks, street furniture, drinking fountains, kiosks, art sculptures, and other pedestrian and transit amenities;~~

~~D. — Rental and development information offices;~~

~~E. — Handyman and maintenance services in association with primary, accessory, or limited uses in the development;~~

~~F. — The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;~~

~~G. — Self-service laundry facilities;~~

~~H. — Solar energy systems;~~

~~I. — Rainwater collection systems;~~

~~J. — Electric vehicle charging stations;~~

~~K. — Signs, subject to Section 1010;~~

~~L. — Family daycare providers; and~~

~~M. — Home occupations, subject to Section 822.~~

~~303.05 — LIMITED USES~~

~~Within a Design Plan area, office, retail, and service uses may be included in a High Density Residential development subject to the provisions set forth below:~~

~~A. — Office, retail, and service commercial uses, itemized under Subsections 303.05(B) and (C), may be allowed as part of a development within a Design Plan area when developed concurrently with or after the primary uses, subject to the following limitations and conditions:~~

~~1. — Limited uses may be allowed in developments meeting the minimum residential density in Subsection 303.09(D) for the entire site area. The total combined floor area occupied by all limited uses shall not exceed 10 percent of the total floor area occupied by primary uses.~~

~~— Formula: $.10 \times \text{primary use floor area} = \text{limited use floor area}$~~

- ~~2. All limited uses shall be part of a planned development.~~
- ~~3. Allowing the use(s) 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(s).~~
- ~~4. No outdoor storage of materials associated with the limited use shall be allowed.~~
- ~~5. Uses shall not be of a type or intensity which produce odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.~~
- ~~6. Commercial uses itemized under Subsection 303.05(C) shall be small-scale establishments located and arranged within the development to cater primarily to the shopping and service needs of residents, onsite employees, and area patrons. No single commercial use shall occupy more than 1,500 square feet of floor area.~~

~~B. Limited office uses may be as follows:~~

- ~~1. Offices or studios of the following professions or occupations:
 - ~~a. Accountants, investment counselors, management consultants;~~
 - ~~b. Attorneys;~~
 - ~~c. Architects, landscape architects, and engineers;~~
 - ~~d. Artists, designers, draftsmen, authors, or writers;~~
 - ~~e. Photographers, musicians, and dancers; and~~
 - ~~f. Physicians, surgeons, dentists, psychologists, and counselors; and~~~~
- ~~2. Any office use that the Planning Director finds to be similar to one or more of those specified in Subsection 303.05(B)(1) and consistent with the Comprehensive Plan and the purposes of Section 303. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.~~

~~C. Limited retail and service commercial uses may be as follows:~~

- ~~1. Laundry pickup agency, dry cleaners, and pressing and dry cleaning services that do not require a fireproof vault;~~
- ~~2. Barber or beauty shop, tailor, dressmaker, shoe repair, or similar personal service business;~~

- ~~3. Coffee, pastry or sandwich shop, cafeteria, delicatessen, restaurant, drinking establishment, or pedestrian-oriented fast-food service;~~
- ~~4. Confection, newspaper, magazine, book, gift, stationery, or flower and plant sales;~~
- ~~5. Pharmacy;~~
- ~~6. Grocery and variety stores emphasizing convenience rather than bulk merchandise sales;~~
- ~~7. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited uses;~~
- ~~8. Duplicating services;~~
- ~~9. Self-service postal facilities;~~
- ~~10. Daycare facilities; and~~
- ~~11. Any convenience or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 303.05(C) and consistent with the Comprehensive Plan and the purposes of Section 303. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.~~

~~303.06 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in the High Density Residential District, pursuant to Subsection 1305.02:~~

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

~~303.07 — CONDITIONAL USES~~

~~A. The Hearings Officer may approve conditional uses in the High Density Residential (HDR) District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use:~~

- ~~1. Shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;~~
- ~~2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character~~

~~and scale of such structures in the vicinity, and on a site no larger than necessary for the use and the operational requirements of the use;~~

~~3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and~~

~~4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use.~~

~~B. The following conditional uses may be allowed in the HDR District:~~

~~1. Churches, subject to Section 804;~~

~~2. Service and recreational uses, subject to Section 813;~~

~~3. Hydroelectric facilities, subject to Section 829;~~

~~4. Preschools and nursery schools;~~

~~5. Health clubs and recreational uses that exceed an accessory, limited, or service and recreational use;~~

~~6. The hosting of weddings, family reunions, class reunions, company picnics, and similar events;~~

~~7. Office, retail, and service commercial uses identified in Subsections 303.05(B) and (C) which exceed the conditions specified for such uses, as determined by the Planning Director, or any neighborhood commercial or office use identified in Section 501, provided that:~~

~~a. The proposed use shall provide a needed service commensurate with the population growth of the immediate area; and~~

~~b. The use shall be provided in conjunction with a primary use development on the same site, and the floor area for such use shall be included within the 10 percent floor area allowed for limited uses.~~

~~8. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835, except that such facilities are not subject to Subsections 303.07(A)(1) through (4); and~~

~~9. Multi-use developments, subject to Section 1016, except that such facilities are not subject to Subsections 303.07(A)(1) through (4).~~

~~303.08 PROHIBITED AND PREEXISTING USES~~

~~A. Uses of structures and land not specifically permitted in Section 303 shall be prohibited in the High Density Residential District.~~

~~B. Preexisting legally established commercial uses may be remodeled or expanded subject to staff review with public notice pursuant to Subsection 1305.02, when the following conditions are satisfied:~~

- ~~1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.~~
- ~~2. Limited Area: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.~~
- ~~3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into the residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.~~

~~C. Lawfully established single family dwellings or residential homes may be remodeled or expanded without review under Section 1206.~~

~~D. A new lot may be created for a lawfully established single family dwelling provided that the remaining lot shall be a minimum of one acre in size.~~

~~E. Lawfully established single family dwellings shall comply with the setback standards of Section 301.~~

~~F. Any lot less than one acre in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 303.09(B).~~

~~G. All other legally established preexisting structures and uses not specifically permitted as a primary use in Subsection 303.03 shall be nonconforming uses subject to the provisions of Section 1206.~~

~~303.09 DIMENSIONAL STANDARDS~~

~~A. Purpose: The dimensional standards are intended to:~~

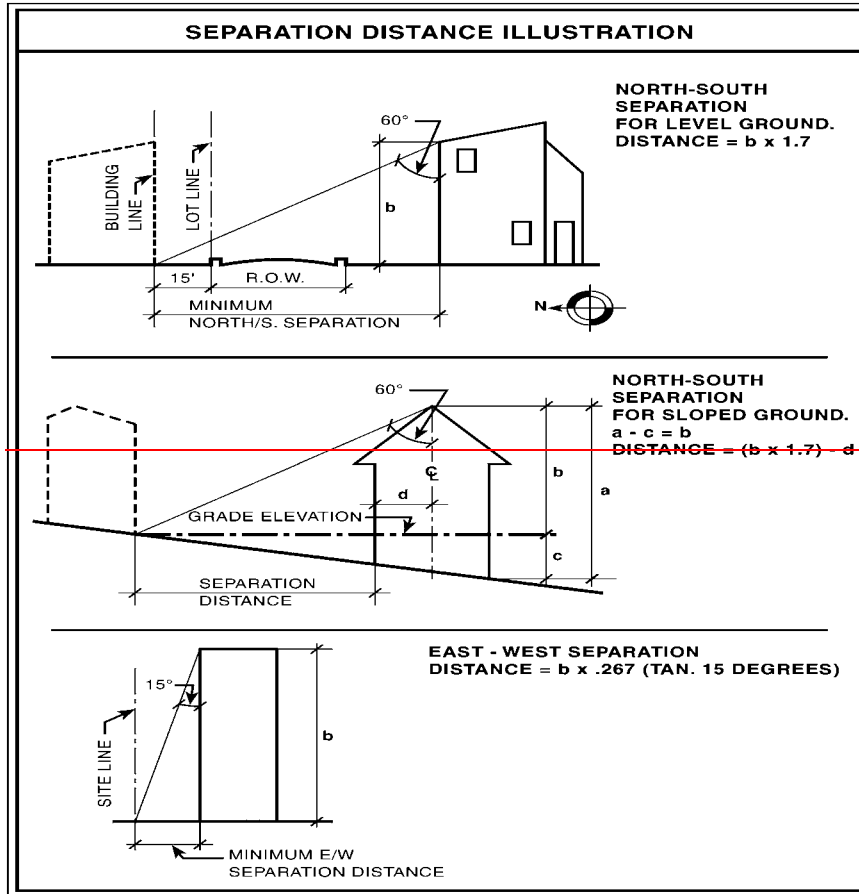
- ~~1. Encourage coordinated development and the most efficient and maximum use of high density areas;~~
- ~~2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;~~
- ~~3. Preserve opportunities for, and encourage, the use of active or passive solar energy systems in the development of any site area within or adjoining this district; and~~

- ~~4. Ensure the provision of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents.~~
- ~~B. Minimum Site Area: A minimum gross site area of one acre, including land dedicated for roadway purposes, shall be required for high density developments. "Site area" for purposes of this section shall be one of the following:
 - ~~1. A single tax lot, or two or more contiguous tax lots under the same ownership.~~
 - ~~2. Two or more contiguous tax lots under separate ownership, provided that:
 - ~~a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and~~
 - ~~b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or~~
 - ~~c. The group shall record, in the office of the County Clerk, a contract in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County approved development plan for the site area.~~~~~~
- ~~C. Undersized Lots: Primary and accessory uses may be established on smaller than one-acre sites which are physically separated from all other undeveloped or underdeveloped properties in this district.~~
- ~~D. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,742 square feet per dwelling unit.~~
- ~~E. Maximum Lot Coverage: 50 percent.~~
- ~~F. Minimum Landscaping Area: 25 percent of the lot.~~
- ~~G. Minimum Front Yard Setback: 15 feet.~~
- ~~H. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building, shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line~~

~~projecting toward the ground north of the building. (See Figure 303-1.) This provision shall be modified as follows:~~

- ~~1. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.~~
 - ~~2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive, parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.~~
 - ~~3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 303.09(I), that area may be included in the required separation distance.~~
- ~~I. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:~~
- ~~1. Documentation and map of the easement is submitted with the development plans for the site areas in question, and~~
 - ~~2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible, and~~
 - ~~3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.~~
- ~~J. Minimum East-West Separation: The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 303-1.)~~

Figure 303-1



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

~~K. — Exceptions to Setback and Separation Requirements: The requirements of this section are not subject to modification pursuant to Sections 903 and 904. However, these requirements may be modified through design review pursuant to Section 1102. Approval shall not be granted unless:~~

- ~~1. The purposes set forth under Subsection 303.09(A) are addressed and satisfied in the proposed design of the development, and~~
- ~~2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.~~

~~303.10 — DEVELOPMENT STANDARDS~~

~~A. — General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.~~

~~B. — Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply~~

~~with the specific policies and standards for the adopted Community or Design Plan.~~

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

~~304 — SPECIAL HIGH DENSITY RESIDENTIAL DISTRICT (SHD)~~

~~304.01 — PURPOSE~~

~~Section 304 is adopted to implement the goals and policies of the Comprehensive Plan for Special High Density Residential areas.~~

~~304.02 — AREA OF APPLICATION~~

~~Property may be zoned Special High Density Residential District if:~~

- ~~A. — The site has a Comprehensive Plan designation of Special High Density Residential;~~
- ~~B. — The criteria in Section 1202 are satisfied; and~~
- ~~C. — The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

~~304.03 — PRIMARY USES~~

~~The following are primary uses in the Special High Density Residential District:~~

- ~~A. — Multifamily dwellings;~~
- ~~B. — Congregate housing facilities;~~
- ~~C. — Condominiums, subject to Section 803;~~
- ~~D. — Nursing homes, subject to Section 810;~~
- ~~E. — Utility carrier cabinets, subject to Section 830; and~~
- ~~F. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.~~

~~304.04 — ACCESSORY USES~~

~~The following are accessory uses in the Special High Density Residential District:~~

- ~~A. — Indoor and outdoor recreational facilities such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development;~~
- ~~B. — Parking structures;~~

- ~~C. — Bus shelters, bike racks, street furniture, drinking fountains, kiosks, art sculptures, and other pedestrian and transit amenities;~~
- ~~D. — Rental and development information offices;~~
- ~~E. — Handyman and maintenance services in association with primary, accessory, or limited uses in the development;~~
- ~~F. — The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;~~
- ~~G. — Self-service laundry facilities;~~
- ~~H. — Solar energy systems;~~
- ~~I. — Rainwater collection systems;~~
- ~~J. — Electric vehicle charging stations;~~
- ~~K. — Family daycare providers; and~~
- ~~L. — Home occupations, subject to Section 822.~~

~~304.05 — LIMITED USES~~

~~Office, retail, and service uses may be included in a Special High Density Residential development subject to the provisions set forth below:~~

- ~~A. — Office, retail, and service commercial uses, itemized under Subsection 304.05(B), may be allowed as part of a development in this district when developed concurrently with, or after, the primary uses, subject to the following limitations and conditions:~~
 - ~~1. — Limited uses may be allowed in developments meeting the minimum residential density of the zoning district for the entire site area. The total combined floor area occupied by all limited uses shall not exceed 15 percent of the total floor area occupied by primary uses.~~

~~Formula: $.15 \times \text{primary use floor area} = \text{limited use floor area}$~~
 - ~~2. — All limited uses shall be part of a planned development, located and arranged within the development to cater primarily to the shopping and service needs of residents, onsite employees, and activity center patrons.~~
 - ~~3. — No outdoor storage of materials associated with the limited use shall be allowed.~~

~~4. Uses shall not be of a type or intensity which produce odor, smoke, fumes, noise, glare, heat or vibration which are detectable outside of the premises and are incompatible with primary uses.~~

~~B. Limited uses may be as follows:~~

~~1. Neighborhood Commercial uses under Subsection 501.03;~~

~~2. Drinking establishments;~~

~~3. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited office uses;~~

~~4. Smoke shop;~~

~~5. Duplicating services;~~

~~6. Self-service postal facilities;~~

~~7. Banking facilities;~~

~~8. Offices; and~~

~~9. Any convenience or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 304.05(B) and consistent with the Comprehensive Plan and the purposes of Section 304. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.~~

~~304.06 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in the Special High Density Residential District, pursuant to Subsection 1305.02:~~

~~A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835.~~

~~304.07 — CONDITIONAL USES~~

~~A. The Hearings Officer may approve conditional uses in the Special High Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use:~~

~~1. Shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area, considering location, size, design, and operating characteristics of the use;~~

- ~~2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity and on a site no larger than necessary for the use and the operational requirements of the use;~~
 - ~~3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and~~
 - ~~4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use.~~
- ~~B. The following conditional uses may be allowed in the Special High Density Residential District:~~
- ~~1. Churches, subject to Section 804;~~
 - ~~2. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813;~~
 - ~~3. Hydroelectric facilities, subject to Section 829;~~
 - ~~4. Health clubs and recreational uses that exceed an accessory, limited, or service and recreational use;~~
 - ~~5. Hotels and associated convention facilities, with a maximum of 80 units per gross acre;~~
 - ~~6. The hosting of weddings, family reunions, class reunions, company picnics, and similar events;~~
 - ~~7. Office, retail, and service commercial uses identified in Subsection 304.05(B) which exceed the allowed floor area specified under Subsection 304.05(A)(1) or any community commercial use identified in Subsection 502.03(A), provided that:
 - ~~a. The proposed use shall provide a needed service commensurate with the population growth of the immediate area; and~~
 - ~~b. The use shall be provided in conjunction with a primary use on the same site which is developed at the maximum allowed density for the site area.~~~~
 - ~~8. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835, except that such facilities are not subject to Subsections 304.07(A)(1) through (4); and~~

- ~~9. Multi-use developments, subject to Section 1016, except that such facilities are not subject to Subsections 304.07(A)(1) through (4).~~

~~304.08 PROHIBITED AND PREEXISTING USES~~

- ~~A. Uses of structures and land in a manner not specifically permitted in Section 304 shall be prohibited in the Special High Density Residential District.~~
- ~~B. Preexisting legally established commercial uses may be remodeled or expanded subject to staff review with public notice pursuant to Subsection 1305.02, where the following conditions are satisfied:~~
- ~~1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.~~
 - ~~2. Limited Area: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.~~
 - ~~3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.~~
- ~~C. Lawfully established single family dwellings or residential homes may be remodeled or expanded without review under Section 1206.~~
- ~~D. A new lot may be created for a lawfully established single family dwelling provided that the remaining lot shall be a minimum of three acres in size.~~
- ~~E. Lawfully established single family dwellings shall comply with the setback standards of Section 301.~~
- ~~F. Any lot less than three acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 304.09(B).~~
- ~~G. All other preexisting legally established structures and uses not specifically permitted as a primary use in Subsection 304.03 shall be nonconforming uses subject to Section 1206.~~

~~304.09 DIMENSIONAL STANDARDS~~

- ~~A. Purpose: The dimensional standards are intended to:~~
- ~~1. Provide for appropriate intensity of uses, and ensure the advantage and prominence of the primary uses of this district;~~

- ~~2. Encourage coordinated development of large areas, and the most efficient and maximum use of Special High Density areas;~~
 - ~~3. Provide for adequate structure separations to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;~~
 - ~~4. Preserve opportunities for, and encourage the use of, active or passive solar energy systems in the development of any site area within or adjoining this district; and~~
 - ~~5. Ensure the provisions of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents.~~
- ~~B. Minimum Site Area: A minimum gross site area of three acres, including land dedicated for roadway purposes, shall be required for developments combining primary, accessory, and limited uses. "Site area" for purposes of this section shall be one of the following:~~
- ~~1. A single tax lot, or two or more contiguous tax lots under the same ownership.~~
 - ~~2. Two or more contiguous tax lots under separate ownership, provided that:~~
 - ~~a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and~~
 - ~~b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or~~
 - ~~c. The group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site areas approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the approved development plan for the site area.~~
- ~~C. Undersized Site Areas: Primary and accessory uses may be established on less than three acre site areas which are physically separated from all other undeveloped or underdeveloped properties in this district.~~
- ~~D. Density: The district land area for purposes of calculating density pursuant to Section 1012 shall be 726 square feet per dwelling unit.~~

~~E. — Minimum Landscaping and Outdoor Surface Area: 40 percent of the lot, as set forth in Section 1009.~~

~~F. — Minimum Front Yard Setback: 15 feet.~~

~~G. — Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part or projection of the structure which first intersects a 60-degree angle projecting toward the ground north of the building. (See Figure 304-1.) This provision shall be modified as follows:~~

~~1. — Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.~~

~~2. — If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site falls within the required separation distance.~~

~~3. — If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 304.09(H), that area may be included in the required separation distance.~~

~~H. — North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:~~

~~1. — Documentation and a map of the easement is submitted with the development plans for the site areas in question, and~~

~~2. — The development plans for the two or more site areas in question are coordinated to the maximum extent possible, and~~

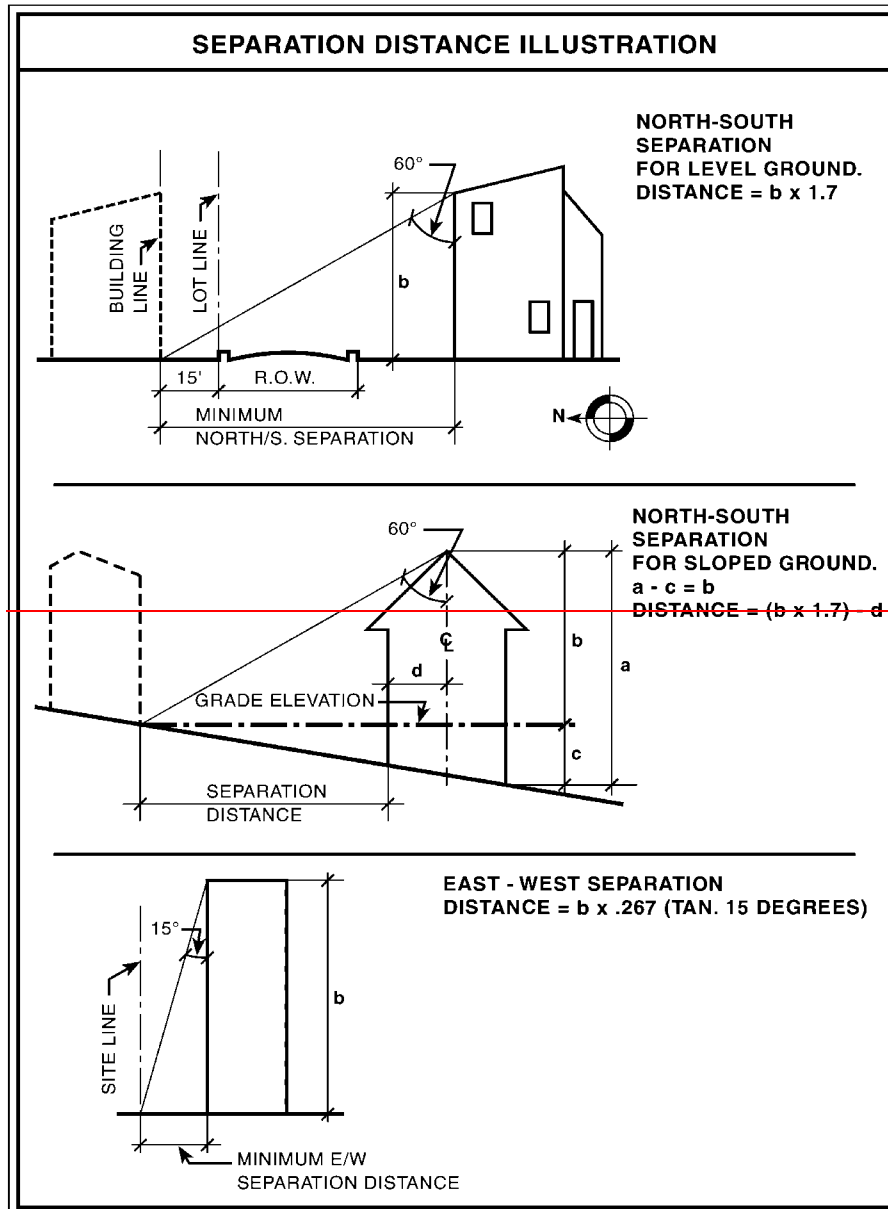
~~3. — Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.~~

~~I. — East-West Separation: The maximum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 304-1.)~~

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

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

Figure 304-1



K. ~~Exceptions to Setback and Separation Standards: The requirements of Subsection 304.09 are not subject to the modifications under Sections 903 and 904. However, these requirements may be modified pursuant to Design Review under Section 1102. Approval shall not be granted unless.~~

- ~~1. The purposes set forth under Subsection 304.09(A) are addressed and satisfied in the proposed design of the development, and~~
- ~~2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.~~

~~304.10 DEVELOPMENT STANDARDS~~

- ~~A. General: Development is subject to the applicable provisions of Sections 1000 and 1100.~~
- ~~B. Community and Design Plans: Development within a Community or Design Plan Area as identified in Chapter 10 of the Comprehensive Plan shall also comply with the specific policies and standards for the Community or Design Plan.~~
- ~~C. Recreational Facilities: A residential development shall provide a least one of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one additional facility for every additional 120 dwelling units, or portion thereof. Indoor recreational facilities over and above the minimum standard, as well as all outdoor recreational facilities, may be counted toward the minimum landscaping and outdoor surface area requirement of Subsection 304.09(E).~~
 - ~~1. An 800-square foot or larger heated swimming pool;~~
 - ~~2. A minimum 1,000-square foot exercise room with exercise equipment and mats;~~
 - ~~3. Two handball/racquetball courts;~~
 - ~~4. Whirlpool and sauna or steam bath rooms;~~
 - ~~5. Minimum 1,200-square foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette;~~
 - ~~6. An 800-square foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation;~~
 - ~~7. A 400-square foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc;~~
 - ~~8. 3,000-square feet of hard surface play area, such as a tennis court, basketball court or half-court, or rollerskating area;~~
 - ~~9. 4,200-square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, or horseshoes; and~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~10. Any other similar facility, as determined by the Planning Director.~~

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

309 RURAL RESIDENTIAL FARM FOREST 5-ACRE DISTRICT (RRFF-5)

309.01 PURPOSE

Section 309 is adopted to implement the policies of the Comprehensive Plan for Rural areas.

309.02 AREA OF APPLICATION

Property may be zoned Rural Residential Farm Forest 5-Acre District when the site has a Comprehensive Plan designation of Rural; the criteria in Policy 11.2 of the Rural section of Chapter 4 of the Comprehensive Plan are satisfied; and the criteria in Section 1202 are satisfied.

309.03 PRIMARY USES

The following are primary uses in the Rural Residential Farm Forest 5-Acre District:

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824;
- B. Current employment of land for general farm uses, including:
 - 1. Raising, harvesting, and selling of crops;
 - 2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees;
 - 3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees;
 - 4. Dairying and the selling of dairy products;
 - 5. Preparation and storage of the products raised on such lands for man's use and animal use;
 - 6. Distribution by marketing or otherwise of products raised on such lands; and
 - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;
- C. The propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.03 regarding a development restriction that may apply if excessive tree removal occurs;
- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources;

- E. Fish and wildlife management programs;
- F. Public and private parks, community gardens, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables, and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit;
- G. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823;
- H. Utility carrier cabinets, subject to Section 830; and
- I. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835.

309.04 ACCESSORY USES

The following are accessory uses in the Rural Residential Farm Forest 5-Acre District:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Home occupations, including bed and breakfast homestays, subject to Section 822;
- C. Produce stands, subject to the parking requirements of Section 1015;
- D. Signs, subject to Section 1010;
- E. Guest houses, subject to Section 833;
- F. Solar energy systems;
- G. Rainwater collection systems;
- H. Electric vehicle charging stations for residents and their nonpaying guests; and
- I. Family daycare providers.

309.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Rural Residential Farm Forest 5-Acre District, pursuant to Subsection 1305.02:

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

309.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Rural Residential Farm Forest 5-Acre District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
1. Churches, subject to Section 804;
 2. Schools, subject to Section 805, except as restricted by Subsection 309.07(E);
 3. Daycare facilities, subject to Section 807;
 4. Cemeteries, subject to Section 808;
 5. Service and recreational uses that exceed the limits of Subsection 309.03(F), subject to Section 813;
 6. Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources, or other subsurface resources, subject to Section 818;
 7. Sanitary landfills and debris fills, subject to Section 819;
 8. Hydroelectric facilities, subject to Section 829;
 9. Bed and breakfast residences and inns, subject to Section 832;
 10. Composting facilities, subject to Section 834;
 11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
 12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines;
 13. Aircraft land uses;
 14. Commercial recreational uses that exceed the limits of Subsection 309.03(F);
 15. Commercial or processing activities that are in conjunction with timber and farm uses; and
 16. Home occupations to host events, subject to Section 806.

309.07 PROHIBITED USES

The following are prohibited uses in the Rural Residential Farm Forest 5-Acre District:

- A. Uses of structures and land not specifically permitted;
- B. Except as approved pursuant to Subsection 902.01(B)(4), a subdivision or partition within the urban growth boundaries of Sandy, Molalla, Estacada, and Canby resulting in the creation of one or more lots or parcels of less than five acres in size;
- C. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size;
- D. Subdivisions in areas defined as Future Urban in Chapter 4 of the Comprehensive Plan; and
- E. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.

309.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
 - 1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
 - 2. Provide for fire safety and protection of all structures;
 - 3. Protect the privacy and livability of dwellings and yard areas; and
 - 4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of five acres in size, except as restricted by Subsections 309.07(B) through (D) or as modified by Section 902, 1013, or 1014. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way.
- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height.
- D. Minimum Side Yard Setback: 10 feet.

- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Comprehensive Plan Map 5-1, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 309.08(B) through (E) may be modified pursuant to Section 1205.

309.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Future Urban Areas: A partition in an area defined as Future Urban by Chapter 4 of the Comprehensive Plan shall be approved only if the proposed locations of improvements, including easements, dedications, structures, wells, and on-site sewage disposal systems are consistent with the orderly future development of the property at appropriate urban densities on the basis of the following criteria in Subsection 304.02. One or more of the following factors shall guide the determination of the most appropriate district to apply to a specific property or area:
 - 1. Physical Site Conditions:
 - a. Land with soils subject to slippage, compaction, or high shrink-swell characteristics shall be zoned R-15 or R-20.
 - b. Land with slopes of:
 - i. 0 to 20 percent shall be considered for zones R-2.5, R-5, R-7 or R-8.5
 - ii. 20 percent or more shall be considered for zones R-10 to R-30.
 - 2. Capacity of Facilities: Land shall be zoned to maximize the capacity of facilities such as streets, sewers, water and storm drainage systems.
 - 3. Availability of Transit: Land within walking distance (approximately one-quarter mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5.
 - 4. Proximity to Trip Generators: Areas in close proximity to jobs, shopping, cultural and activity centers shall be zoned R-2.5, R-5, R-7 or R-8.5.

5. Neighborhood Preservation and Variety: Areas that have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.
 6. Vacant Lands: Unless otherwise dictated by the preceding criteria, areas of mostly vacant and sparsely developed land shall be zoned R-2.5, R-5 or R-7. To achieve an average of 7,500 square feet or less per lot in Low Density Future Urban areas when conversion to Immediate Urban Low Density Residential occurs, the R-10 zone shall be limited to areas exceeding 20 percent slope and to Resource Protection areas. Flexible-lot-size subdivisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.
 7. R-2.5: In addition to the above criteria, R-2.5 shall be applied only to:
 - a. Areas located within one-quarter mile of a designated Regional Center, Corridor or Main Street on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center, Corridors and Station Community;
 - b. Areas with access to a residential collector or higher functional class street; and
 - c. Areas where the size of the site and adjoining properties zoned R-2.5 do not exceed 10 acres.
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-246, 3/1/14]

~~311 — PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT (PMD)~~

~~311.01 — PURPOSE~~

~~Section 311 is adopted to:~~

- ~~A. — Provide for a variety of housing types, including multifamily dwellings, two-family dwellings, or clustered single-family dwellings;~~
- ~~B. — Provide densities which are considered appropriate for those areas with suitable services and facilities for Planned Medium Density Residential land use as designated by the Clackamas County Comprehensive Plan;~~
- ~~C. — Permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while substantially maintaining the same population density;~~
- ~~D. — Permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, offstreet parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size or shape; and~~
- ~~E. — Provide the higher level of site planning and land use controls for residential development. To provide for the retention of open space on those lands less suited for development, and maximum compatibility with adjacent single family neighborhoods.~~

~~311.02 — AREA OF APPLICATION~~

~~The Planned Medium Density Residential District shall apply only to those properties zoned PMD prior to July 15, 1981.~~

~~311.03 — PRIMARY USES~~

~~The following are primary uses in the Planned Medium Density Residential District (PMD):~~

- ~~A. — Multifamily dwellings;~~
- ~~B. — Two-family dwellings;~~
- ~~C. — Clustered single-family dwellings or residential homes;~~
- ~~D. — Congregate housing facilities;~~
- ~~E. — Nursing homes, subject to Section 810;~~

~~F. — Public and private (noncommercial and/or nonprofit) parks, playgrounds, recreational and community buildings and grounds, community gardens, golf courses, tennis courts, and swimming pools, developed in conjunction with a PMD development.~~

~~G. — Bus shelters, subject to Section 823;~~

~~H. — Any use that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03;~~

~~I. — Signs, subject to Section 1010;~~

~~J. — Utility carrier cabinets, subject to Section 830; and~~

~~K. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.~~

~~311.04 — ACCESSORY USES~~

~~The following are accessory uses in the Planned Medium Density Residential District:~~

~~A. — Uses and structures customarily accessory and incidental to a primary use;~~

~~B. — Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~

~~C. — Laundry and storage rooms;~~

~~D. — Rental or sales offices necessary to manage dwelling units within the development;~~

~~E. — Home occupations, subject to Section 822;~~

~~F. — Solar energy systems;~~

~~G. — Rainwater collection systems; and~~

~~H. — Electric vehicle charging stations.~~

~~311.05 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in the Planned Medium Density Residential District, pursuant to Subsection 1305.02:~~

~~A. — Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835.~~

~~311.06 — CONDITIONAL USES~~

~~The Hearings Officer may approve the following conditional uses in the Planned Medium Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

- ~~A. Daycare facilities, subject to Section 807;~~
- ~~B. Telephone exchanges and public utility structures, without shops, garages, or general administrative offices, and city, county, state, federal, service district, or municipal corporation buildings, subject to Section 813;~~
- ~~C. Manufactured dwelling park, subject to Section 825;~~
- ~~D. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsections 311.06(A) through (C); and~~
- ~~E. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835.~~

~~311.07 — DIMENSIONAL AND DEVELOPMENT STANDARDS~~

- ~~A. Development is subject to the applicable provisions of Sections 1000 and 1100.~~
- ~~B. In considering a proposed Planned Medium Density (PMD) project, the following standards shall apply:
 - ~~1. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.~~
 - ~~2. Lot Arrangement: All lots, or structures, within the development shall be designed and arranged to have direct access to or frontage on open space or recreation areas.~~
 - ~~3. Density of Development:
 - ~~a. The number of units permitted upon a parcel of land is calculated after the determination of Land Area (LA). LA shall be computed as that portion of the site in its natural condition suitable for actual residential development, and shall not include:
 - ~~i. Bodies of water, such as lakes, rivers and ponds, and flood hazard districts.~~~~~~~~

~~ii. Lands subject to known hazards, such as landslides, flooding, wet lands and slopes greater than 20 percent.~~

~~iii. Lands underlying regional public facilities, such as regional roads and regional sewer lines that are or will be constructed or administered by public agencies and which primarily serve or will serve the needs of persons other than those who are, or will be, residents of the land in question.~~

~~C. Density and Slope: Permitted uses shall be sited upon the LA. For all residential dwelling uses intended for households, the density of the proposal shall not exceed 12 units per acre of LA on slopes less than eight percent; 10 units per acre of LA on slopes between eight and 12 percent; and four units per acre on slopes between 12 and 20 percent. For group facilities, such as nursing homes and residential treatment centers, the facilities shall be designed for no more than 36 people per acre on slopes less than eight percent; 30 people per acre on slopes between eight and 12 percent; and 12 people per acre on slopes between 12 and 20 percent.~~

~~D. Structure Setback Provisions: Yard setbacks for structures on the perimeter of the project shall be 30 feet, and structures fronting a public, county, or state road shall maintain a 25-foot front yard or 50 feet from the centerline of a public, county, or state road, whichever of the two is the greater. All detached structures shall maintain a minimum separation distance between buildings of 10 feet.~~

~~E. Access and Parking:~~

~~1. Access: PMD developments shall be appropriately located with respect to adequate transportation facilities. All access to and from a PMD development shall be on a street of collector classification or greater.~~

~~2. Recreational Vehicle Parking: Sufficient parking space shall be provided for storage of residents' recreational vehicles. The location of a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use. If located along the outer fringe of the PMD development, it shall be adequately screened from vision from the adjacent properties.~~

~~3. Parking spaces for occupants shall be provided onsite to enable roads to be of minimum width. Cluster type parking shall be provided where feasible. Parking and lot access solutions for individual lots to units must be provided.~~

~~F. Homes Association: For PMD developments that consist of units under separate individual ownerships, a nonprofit incorporated homes association, or an alternative acceptable to the County Counsel's Office, shall be required if other satisfactory arrangements, such as a County service district, have not~~

~~been made for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and reception areas. The following principles shall be observed in the formation of any homes association and reviewed by the County Counsel's Office:~~

- ~~1. A homes association shall be set up before final approval of the PMD development, or any portion thereof;~~
- ~~2. Membership shall be mandatory for each home buyer and any successive buyer;~~
- ~~3. The open space restrictions shall be in perpetuity;~~
- ~~4. The homes association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;~~
- ~~5. Homeowners shall pay their pro rata share of the cost of the assessment levied by the association which shall become a lien on the property; and~~
- ~~6. The association shall be able to adjust the assessment to meet changes needed.~~

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

312 HOODLAND RESIDENTIAL DISTRICT (HR)

312.01 PURPOSE

Section 312 is adopted to:

- A. Implement the policies of the Comprehensive Plan for Low Density Residential areas regulated by the Mount Hood Community Plan; and
- 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.

312.02 AREA OF APPLICATION

Property may be zoned Hoodland Residential District if:

- A. The site has a Comprehensive Plan designation of Low Density Residential;
- B. The site is regulated by the Mount Hood Community Plan; and
- C. The criteria in Section 1202 are satisfied.

312.03 PRIMARY USES

The following are primary uses in the Hoodland Residential District:

- A. One detached single-family dwelling, residential home, or manufactured home. A manufactured home shall be subject to Section 824;
- 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, subject to Section 838. If three or more dwelling units are attached to one another, design review shall be required pursuant to Section 1102.
- C. Bus shelters, subject to Section 823;
- D. Utility carrier cabinets, subject to Section 830;
- E. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835;
- F. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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; and

- G. Park-and-ride facilities.

312.04 ACCESSORY USES

The following are accessory uses in the Hoodland Residential District:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. One accessory dwelling unit;
- C. Produce stands, subject to Section 815;
- D. Livestock, subject to Section 821;
- E. Home occupations, including bed and breakfast homestays, subject to Section 822;
- F. Guest houses, subject to Section 833;
- G. Signs, subject to Section 1010;
- H. Solar energy systems;
- I. Rainwater collection systems;
- J. Electric vehicle charging stations for residents and their nonpaying guests;
- K. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; and
- L. Family daycare providers.

312.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Hoodland Residential District, pursuant to Subsection 1305.02:

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

312.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Hoodland Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
 - 1. Condominium conversions, subject to Section 803;

2. Churches, subject to Section 804;
3. Schools, subject to Section 805;
4. Daycare facilities, subject to Section 807;
5. Nursing homes, subject to Section 810;
6. Service and recreational uses, subject to Section 813;
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;
8. Sanitary landfills, debris fills and solid waste transfer stations, with a minimum site area of 3 acres, subject to Section 819;
9. Public or private energy source development. Hydroelectric facilities shall be subject to Section 829;
10. Bed and breakfast residences and inns, subject to Section 832;
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
12. Personal use airports and helistops;
13. Guest ranches, lodges, campgrounds, and similar recreation operations, with a minimum site area of one acre;
14. Multi-use developments, subject to Section 1016; and
15. The hosting of weddings, family reunions, class reunions, company picnics, and similar events.

312.07 PROHIBITED USES

The following are prohibited use in the Hoodland Residential District:

- A. Uses of structures and land not specifically permitted; and
- 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.

312.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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. 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;
 7. Ensure consistency in the scale of structures, both vertically and horizontally; and
 8. Provide for adequate open space within a development.
- B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 10,890 square feet per primary dwelling unit.
- C. Setback Exception: Notwithstanding Subsections 312.08(D), (E) and (G), no setback is required from property lines that abut a national forest.
- 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:
1. Scenic Roads: Structures built on lots adjacent to roads designated as scenic roads on Comprehensive Plan Map 5-1, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
 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.
- 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 five feet, and a side yard setback of more than 10 feet shall not be required.

- 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.
- 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.~~
- H. Maximum Lot Coverage:
- ~~1.—Maximum lot coverage for lots developed with attached single-family dwellings shall be 50 percent.~~
 - 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.
- I. 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.~~
- J. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- K. Variances: Dimensional standards may be modified pursuant to Section 1205.

312.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- C. 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.

- D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.
- E. 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.
1. A covered porch at least two feet deep;
 2. An entry area recessed at least two feet from the exterior wall to the door;
 3. A bay or bow window (not flush with the siding);
 4. An offset on the building face of at least 16 inches from one exterior wall surface to the other;
 5. A dormer;
 6. A gable;
 7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls;
 8. Roofline offsets of at least 16 inches from the top surface of one roof to the top surface of the other;
 9. An attached garage;
 10. Orientation of the long axis and front door to the road;
 11. A cupola;
 12. A tile or shake roof;
 13. Horizontal lap siding.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-246, 3/1/14]

~~313 — MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT (MR-2)~~

~~313.01 — PURPOSE~~

~~This section is adopted to implement the goals and policies of the Comprehensive Plan for Medium High Density Residential areas.~~

~~313.02 — AREA OF APPLICATION~~

~~Property may be zoned Medium High Density Residential District (MR-2) if:~~

- ~~A. — The site has a Comprehensive Plan designation of Medium High Density Residential;~~
- ~~B. — The criteria in Section 1202 are satisfied; and~~
- ~~C. — The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such public facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

~~313.03 — PRIMARY USES~~

~~The following are primary uses in the Medium High Density Residential District (MR-2):~~

- ~~A. — Multifamily dwellings;~~
- ~~B. — Three family dwellings;~~
- ~~C. — Two family dwellings;~~
- ~~D. — Attached single family dwellings;~~
- ~~E. — Congregate housing facilities;~~
- ~~F. — Condominiums, subject to Section 803;~~
- ~~G. — Nursing homes, subject to Section 810;~~
- ~~H. — Utility carrier cabinets, subject to Section 830;~~
- ~~I. — Bed and breakfast residences and inns, subject to Section 832;~~
- ~~J. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835;~~
- ~~K. — Lodging, boarding, and rooming houses for any number of guests, but not primarily for transients, subject to a minimum lot size of 7,000 square feet;~~

- ~~L. — Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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; and~~

- ~~M. — When a development site includes areas zoned Urban Low Density Residential as well as areas zoned MR-2, a master plan may be approved for the entire site. The master plan may provide for attached and detached single-family dwellings to be located on both the areas zoned MR-2 and the areas zoned Urban Low Density Residential. The following criteria shall be met:
 - ~~1. The maximum number of dwelling units allowed on the overall site pursuant to Section 1012 shall not be exceeded.~~

 - ~~2. The minimum number of attached single-family, two-family, three-family, multifamily, or congregate housing facility dwelling units required pursuant to Subsection 1012.08 for the portion of the overall site zoned MR-2 shall be provided for in the master plan.~~

 - ~~3. Each single-family dwelling shall be located on a separate lot of record, subject to Subsection 301.08.~~~~

~~313.04 — ACCESSORY USES~~

~~The following are accessory uses in the Medium High Density Residential District:~~

- ~~A. — Uses and structures customarily accessory and incidental to a primary use;~~

- ~~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;~~

- ~~C. — Parking structures;~~

- ~~D. — Rental information offices;~~

- ~~E. — Repair and maintenance services;~~

- ~~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;~~

- ~~G. — Solar energy systems;~~

- ~~H. — Rainwater collection systems;~~

- ~~I. Electric vehicle charging stations;~~
- ~~J. Home occupations, subject to Section 822;~~
- ~~K. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~L. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823;~~
- ~~M. Family daycare providers; and~~
- ~~N. Signs, subject to Section 1010.~~

~~313.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in the Medium High Density Residential District, pursuant to Subsection 1305.02:~~

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

~~313.06 CONDITIONAL USES~~

~~A. The Hearings Officer may approve the following conditional uses in the Medium High Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

- ~~1. Alteration or expansion of a church which was lawfully established prior to July 14, 1980. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting church and associated facilities prior to July 14, 1980. The use shall be subject to Section 804;~~
- ~~2. Schools, subject to Section 805;~~
- ~~3. Daycare facilities, subject to Section 807;~~
- ~~4. Service and recreational uses, subject to Section 813;~~
- ~~5. Hydroelectric facilities, subject to Section 829;~~
- ~~6. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;~~
- ~~7. Multi-use developments, subject to Section 1016; and~~

- ~~8. The hosting of weddings, family reunions, class reunions, company picnics, and similar events.~~

~~313.07 — PROHIBITED AND PREEXISTING USES~~

~~A. Prohibited Uses: The following uses are prohibited in the Medium High Density Residential District:~~

- ~~1. Uses of structures and land not specifically permitted; and~~
- ~~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.~~

~~B. Preexisting Uses:~~

- ~~1. Lawfully established single family dwellings or residential homes may be remodeled or expanded without review under Section 1206.~~
- ~~2. A new lot created for a lawfully established single family dwelling shall have a minimum area of 3,000 square feet.~~
- ~~3. Lawfully established single family dwellings and their accessory structures shall comply with the setback standards of Section 301.~~
- ~~4. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum and minimum density for the remaining lot.~~

~~313.08 — DIMENSIONAL STANDARDS~~

~~A. Purpose: The dimensional standards are intended to:~~

- ~~1. Provide for fire safety and protection of all structures;~~
- ~~2. Protect the privacy and livability of on- and off-site dwellings and yard areas;~~
- ~~3. Provide for adequate light and air circulation between structures;~~
- ~~4. Ensure suitable and safe access to each development with minimum impact on adjacent lots or dwellings; and~~
- ~~5. Provide for adequate open space within a development.~~

~~B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 2,420 square feet per dwelling unit. The minimum lot size for an attached single family dwelling shall be 2,420 square feet, except as modified by Section 1013 or 1014.~~

- ~~C. — Minimum Front Yard Setback: 20 feet. On corner lots, the minimum front yard setback shall apply from both roads, except in the case of a corner lot developed with an attached single-family dwelling, where the minimum front yard setback may be reduced to 10 feet on one of the roads. However, the reduced setback shall not apply to any property line from which vehicular access is taken.~~
- ~~D. — Minimum Rear Yard Setback: 20 feet.~~
- ~~E. — Minimum Side Yard Setback:~~
- ~~1. — One story: five feet.~~
 - ~~2. — Two stories: seven feet, or 10 feet when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 district.~~
 - ~~3. — Three stories: 15 feet.~~
 - ~~4. — An additional five feet of side yard setback shall be required for each story higher than three stories.~~
 - ~~5. — Notwithstanding Subsections 313.08(E)(1) through (4), the minimum side yard setback for attached single-family dwellings shall be 5 feet, except when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, where the minimum shall be 10 feet. No setback shall be required from any side lot line where two dwelling units share a common wall.~~
- ~~F. — Maximum Lot Coverage: 50 percent, except for lots developed with attached single-family dwellings, where the maximum shall be 65 percent.~~
- ~~G. — Maximum Building Height: None, except in the case of an attached single-family dwelling, where the maximum building height shall be 35 feet.~~
- ~~H. — Minimum Landscaping Area: 25 percent of the lot, except in developments of attached single-family dwellings, where the minimum shall be 20 percent of each lot.~~
- ~~I. — Exceptions: Dimensional standards are subject to modification pursuant to Section 900.~~
- ~~J. — Variances: Dimensional standards may be modified pursuant to Section 1205.~~

[Amended by Ord. ZDO-224, 5/31/11]

~~313.09 — DEVELOPMENT STANDARDS~~

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- ~~A. — General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.~~
- ~~B. — Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~
- ~~C. — Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.~~

314 FUTURE URBAN 10-ACRE DISTRICT (FU-10)

314.01 PURPOSE

Section 314 is adopted to implement the goals and policies of the Comprehensive Plan for Future Urban areas.

314.02 AREA OF APPLICATION

The Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Comprehensive Plan.

314.03 PRIMARY USES

The following are primary uses in the Future Urban 10-Acre District:

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824;
- B. Current employment of land for general farm uses including:
 - 1. Raising, harvesting, and selling of crops;
 - 2. Feeding, breeding, selling, and management of livestock, poultry, furbearing animals, or honeybees;
 - 3. Selling of products of livestock, poultry, furbearing animals, or honeybees;
 - 4. Dairying and selling of dairy products;
 - 5. Preparation and storage of the products raised on such lands for man's use and animal use;
 - 6. Distribution by marketing or otherwise of products raised on such lands; and
 - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;
- C. Propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.03 regarding a development restriction that may apply if excessive tree removal occurs;
- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources;
- E. Fish and wildlife management programs;

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- F. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to the provisions of Section 823;
- G. Utility carrier cabinets, subject to Section 830; and
- H. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.

314.04 ACCESSORY USES

- A. The following are accessory uses in the Future Urban 10-Acre District:
- B. Uses and structures customarily accessory and incidental to a primary use;
- C. Produce stands, which in addition to selling produce grown on site, may sell agricultural products that are produced in the surrounding community in which the stand is located;
- D. Signs, subject to Section 1010;
- E. Guest houses, subject to Section 833;
- F. Home occupations, including bed and breakfast homestays, subject to Section 822;
- G. Solar energy systems;
- H. Rainwater collection systems; and
- I. Electric vehicle charging stations for residents and their nonpaying guests.

314.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Future Urban 10-Acre District, pursuant to Subsection 1305.02:

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

314.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Future Urban 10-Acre District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
 - 1. Expansion of existing churches, subject to Section 804;
 - 2. Expansion of existing schools, subject to Section 805;

3. Expansion of existing daycare facilities, subject to Section 807;
4. Cemeteries, subject to Section 808;
5. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813;
6. Sanitary landfills, debris fills, and transfer stations, subject to Section 819;
7. Hydroelectric facilities, subject to Section 829;
8. Bed and breakfast residences, subject to Section 832;
9. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
10. Aircraft land uses;
11. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses; and
12. Home occupations to host events, subject to Section 806.

314.07 PROHIBITED USES

The following are prohibited uses in the Future Urban 10-Acre District:

- A. Uses of structures and land not specifically permitted;
- B. Any division of land resulting in the creation of one or more parcels of less than 10 acres in size, except as modified by Subsection 902.01(B)(4);
- C. Residential subdivisions;
- D. The use of a residential trailer as a dwelling, except within a lawfully established pre-existing manufactured dwelling park or as authorized under Section 1204; and
- E. Kennels.

314.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
 1. Provide for fire safety and protection of all structures;
 2. Protect the privacy and livability of dwellings and yard areas; and

3. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as modified by Subsection 902.01(B)(4). For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way.
- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and produce stands of no more than 100 square feet in area and no more than 16 feet in height.
- D. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- E. Minimum Side Yard Setback: 10 feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Comprehensive Plan Map 5-1, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 314.08(C) through (E) may be modified pursuant to Section 1205.

314.09 DEVELOPMENT STANDARDS

- A. General: Development is subject to the applicable provisions of Sections 1000 and 1100.
- B. Partitions: A partition shall be approved only if the proposed locations of improvements, including easements, dedications, structures, wells, and on-site sewage disposal systems are consistent with the orderly future development of the property at appropriate urban densities on the basis of the following criteria: ~~in Subsection 301.02.~~

1. Physical Site Conditions:

- a. Land with soils subject to slippage, compaction, or high shrink-swell characteristics shall be zoned R-15 or R-20.
- b. Land with slopes of:

- i. 0 to 20 percent shall be considered for zones R-2.5, R-5, R-7 or R-8.5
 - ii. 20 percent or more shall be considered for zones R-10 to R-30.
 2. Capacity of Facilities: Land shall be zoned to maximize the capacity of facilities such as streets, sewers, water and storm drainage systems.
 3. Availability of Transit: Land within walking distance (approximately one-quarter mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5.
 4. Proximity to Trip Generators: Areas in close proximity to jobs, shopping, cultural and activity centers shall be zoned R-2.5, R-5, R-7 or R-8.5.
 5. Neighborhood Preservation and Variety: Areas that have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.
 6. Vacant Lands: Unless otherwise dictated by the preceding criteria, areas of mostly vacant and sparsely developed land shall be zoned R-2.5, R-5 or R-7. To achieve an average of 7,500 square feet or less per lot in Low Density Future Urban areas when conversion to Immediate Urban Low Density Residential occurs, the R-10 zone shall be limited to areas exceeding 20 percent slope and to Resource Protection areas. Flexible-lot-size subdivisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.
 7. R-2.5: In addition to the above criteria, R-2.5 shall be applied only to:
 - a. Areas located within one-quarter mile of a designated Regional Center, Corridor or Main Street on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center, Corridors and Station Community;
 - b. Areas with access to a residential collector or higher functional class street; and
 - c. Areas where the size of the site and adjoining properties zoned R-2.5 do not exceed 10 acres.
- C. **Manufactured Dwelling Parks:** Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

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[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-246, 3/1/14]

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

<u>Use</u>	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>R-2.5</u>	<u>VTH</u>	<u>PMD</u>	<u>MR-1</u>	<u>MR-2</u>	<u>HDR</u>	<u>VA</u>	<u>SHD</u>	<u>RCHDR</u>
<u>Accessory Dwelling Units</u> , subject to Section 839	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Accessory Kitchen</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>X</u>	<u>A¹</u>	<u>A¹</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Accessory Buildings and Uses, Customarily Permitted</u> , such as utility service equipment; HVAC units; television antennas and receivers; satellite dishes; amateur (Ham) radio towers; citizen band transmitters and antennas; solar energy systems; rainwater collection systems; electric vehicle charging stations; transit amenities; family daycare providers; garages; carports; bicycle racks; driveways; parking areas; decks; patios; outdoor kitchens; swimming pools; spas; saunas; storage buildings; shops; greenhouses; garden sheds; pet enclosures; arbors; trellises; pergolas; gazebos; fountains; decorative ponds; children’s play structures; sports courts; putting greens; community meeting rooms; recreational facilities, such as recreation and activity rooms, exercise and dance studios, playgrounds, and bicycle and walking trails; plazas; courtyards; self-service laundry facilities; storage rooms; property management and maintenance offices; and cogeneration facilities	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Bed and Breakfast Inns</u> , subject to Section 832	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Bed and Breakfast Residences</u> , subject to Section 832	<u>C</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Bus Shelters</u> , subject to Section 823	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>
<u>Cemeteries</u> , subject to Section 808	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Civic and Cultural Facilities</u> , including art galleries, libraries, museums, and visitor centers	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Churches</u> , subject to Section 804	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>C⁷</u>	<u>C⁷</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>
<u>Congregate Housing Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Daycare Facilities</u> , subject to Section 807	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L⁵,C</u>	<u>C</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Daycare Facilities, Adult</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L⁵,C</u>	<u>C</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Dwellings, Attached Single-Family</u> , subject to Section 838	<u>P^{8,9}</u>	<u>P^{8,10},C^{8,11}</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Dwellings, Clustered Single-Family</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Dwellings, Detached Single-Family</u>	<u>P⁸</u>	<u>P⁸</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Dwellings, Multifamily</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P¹²</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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<u>Use</u>	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>R-2.5</u>	<u>VTH</u>	<u>PMD</u>	<u>MR-1</u>	<u>MR-2</u>	<u>HDR</u>	<u>VA</u>	<u>SHD</u>	<u>RCHDR</u>
<u>Dwellings, Three-Family</u>	<u>C¹³</u>	<u>C¹³</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Dwellings, Two-Family</u>	<u>C¹³</u>	<u>C¹³</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Entertainment Facilities, including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C⁴</u>	<u>X</u>
<u>Fences and Retaining Walls</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C</u>	<u>X</u>	<u>L^{3,14},C</u>	<u>L²,C</u>
<u>Fraternal Organization Lodges</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>
<u>Government Uses, unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>
<u>Guest Houses or Studios, subject to Section 833</u>	<u>A</u>	<u>X</u>	<u>A</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Home Occupations, including bed and breakfast homestays, subject to Section 822</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>
<u>Hotels and Associated Convention Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C¹⁶</u>	<u>L²,C</u>
<u>Hydroelectric Facilities, subject to Section 829</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>
<u>Livestock, subject to Section 821</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Manufactured Home Parks, subject to Sections 824 and 825</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Manufactured Homes, subject to Section 824</u>	<u>P⁸</u>	<u>P⁸</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Multi-Use Developments, subject to Section 1016</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>
<u>Nursing Homes, subject to Section 810</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Use</u>	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>R-2.5</u>	<u>VTH</u>	<u>PMD</u>	<u>MR-1</u>	<u>MR-2</u>	<u>HDR</u>	<u>VA</u>	<u>SHD</u>	<u>RCHDR</u>
<u>Offices, including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Offices and Outpatient Clinics—both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Parking Structures</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>	<u>A</u>	<u>A</u>
<u>Pedestrian Amenities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Produce Stands, subject to Section 815</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Public Utility Facilities¹⁷</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>
<u>Radio and Television Studios, excluding transmission towers</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L³,C⁴</u>	<u>X</u>
<u>Radio and Television Transmission and Receiving Towers and Earth Stations¹⁸</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>X</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>
<u>Recreational Vehicle Camping Facilities, subject to Section 813</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>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; boarding or riding stables; 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; 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 uses¹⁹</u>	<u>P²⁰</u>	<u>P²⁰</u>	<u>P²⁰</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>
<u>Recreational Uses, Government-Owned Golf Courses¹⁹</u>	<u>P²⁰</u>	<u>X</u>	<u>P²⁰</u>	<u>X</u>	<u>C¹⁵</u>	<u>P²¹</u>	<u>P²¹</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Use</u>	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>R-2.5</u>	<u>VTH</u>	<u>PMD</u>	<u>MR-1</u>	<u>MR-2</u>	<u>HDR</u>	<u>VA</u>	<u>SHD</u>	<u>RCHDR</u>
<u>Recreational Uses, including boarding or riding stables, boat moorages, country clubs, gymnastics facilities, golf courses parks, and swimming pools</u> ¹⁹	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>
<u>Retailing—whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, 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, tobacco, toiletries, tools, toys, vehicle supplies, and videos</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Schools, subject to Section 805</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>L^{5,22,23}</u> <u>C^{6,22,23}</u>	<u>X</u>	<u>L^{3,22,23}</u> <u>C^{4,22,23}</u>	<u>L^{2,22,23}</u>
<u>Services, Business, including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Services, Commercial—Construction and Maintenance, including contractors engaged in construction and maintenance of electrical and plumbing systems</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C⁴</u>	<u>X</u>
<u>Services, Commercial—Food and Beverage, including catering and eating and drinking establishments</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Services, Commercial—Maintenance and Repair of any of the following: bicycles, electronic equipment, musical instruments, optical goods, signs, small power equipment, and sporting goods</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C⁴</u>	<u>X</u>
<u>Services, Commercial—Miscellaneous, including food lockers, interior decorating, locksmith, upholstery, and veterinary</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Use</u>	<u>R-5 – R-30</u>	<u>VR-4/5 & VR-5/7</u>	<u>R-2.5</u>	<u>VTH</u>	<u>PMD</u>	<u>MR-1</u>	<u>MR-2</u>	<u>HDR</u>	<u>VA</u>	<u>SHD</u>	<u>RCHDR</u>
<u>Services, Commercial—Personal and Convenience, including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, tanning salons, and video rental. Also permitted are incidental retail sales of products related to the service provided.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Services, Commercial—Studios of the following types: art, dance, music, and photography</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>L⁵,C⁶</u>	<u>X</u>	<u>L³,C⁴</u>	<u>L²</u>
<u>Signs, subject to Section 1010</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>	<u>A²⁴</u>
<u>Telephone Exchanges</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>C¹⁵</u>	<u>X</u>	<u>C¹⁵</u>	<u>C¹⁵</u>
<u>Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Transit Park-and-Rides</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>
<u>Utility Carrier Cabinets, subject to Section 830</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Telecommunication Facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

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

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

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

³ The limited use is permitted subject to the following criteria:

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

⁴ The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.

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

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

⁶ The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The total building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6 to Table 315-1, shall not exceed 10 percent of the total building floor area occupied by primary uses.

- ⁷ This use is limited to alteration or expansion of a church lawfully established prior to July 14, 1980. The use shall not extend beyond the property that was under the ownership of, or occupied by, the preexisting church and associated facilities prior to July 14, 1980.
- ⁸ Except as limited by Subsection 902.02, each lot of record may be developed with only one of the following: attached single-family dwelling (if permitted by Note 9 or 10 to Table 315-1), detached single-family dwelling, or manufactured home.
- ⁹ Attached single-family dwellings are permitted on 100 percent of the lots in a planned unit development and 20 percent of the lots in a subdivision that is not a planned unit development.
- ¹⁰ As a primary use, only two attached single-family dwellings may be attached in succession except in the VR-4/5 District when transferring density from a Resource Protection Area—as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*—in which case this limit does not apply.
- ¹¹ Attached single-family dwellings that do not comply with Note 10 to Table 315-1 are a conditional use.
- ¹² Multifamily dwellings are limited to those containing four dwelling units.
- ¹³ Two- and three-family dwellings are subject to Section 802, *Two- and Three-Family Dwellings*.
- ¹⁴ Only indoor facilities are permitted.
- ¹⁵ Uses similar to this use may be authorized pursuant to Section 106.
- ¹⁶ Hotels in the SHD District are limited to a maximum of 80 units per gross acre.
- ¹⁷ Public utility facilities shall not include shops, garages, or general administrative offices.
- ¹⁸ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹⁹ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ²⁰ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- ²¹ Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- ²² Only commercial schools are permitted.

²³ Schools are not subject to Section 805, *Schools*.

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

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

<u>Standard</u>	<u>R-2.5</u>	<u>R-5</u>	<u>R-7</u>	<u>R-8.5</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-30</u>
<u>Minimum Lot Size²</u>	<u>2,500 square feet</u>	<u>5,000 square feet</u>	<u>7,000 square feet</u>	<u>8,500 square feet</u>	<u>10,000 square feet</u>	<u>15,000 square feet</u>	<u>20,000 square feet</u>	<u>30,000 square feet</u>
<u>Maximum Lot Coverage</u>	<u>40 percent</u>							
<u>Maximum Building Height</u>	<u>35 feet</u>							
<u>Minimum Front Yard Depth</u>	<u>15 feet, except 20 feet to garage and carport motor vehicle entries</u>							
<u>Minimum Rear Yard Depth</u>	<u>20 feet</u>							
<u>Minimum Side Yard Depth</u>	<u>5 feet</u>							

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

² The minimum lot size standards, as modified pursuant to Sections 800, *Special Use Requirements*, 902, *Lot Size Exceptions*, 1013, *Planned Unit Developments*, 1014, *Design Standards for Land Divisions*, 1107, *Property Line Adjustments*, and 1205, *Variance*, apply to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except as limited by minimum lot size standards of Section 800 and Subsection 902.02.

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

<u>Standard</u>	<u>R-2.5</u>	<u>R-5</u>	<u>R-7</u>	<u>R-8.5</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-30</u>
<u>Minimum Lot Size²</u>	<u>2,500 square feet</u>	<u>5,000 square feet</u>	<u>7,000 square feet</u>	<u>8,500 square feet</u>	<u>10,000 square feet</u>	<u>15,000 square feet</u>	<u>20,000 square feet</u>	<u>30,000 square feet</u>
<u>Maximum Lot Coverage</u>	<u>40 percent</u>							
<u>Maximum Building Height</u>	<u>35 feet</u>							
<u>Minimum Front Yard Depth</u>	<u>15 feet, except 20 feet to garage and carport motor vehicle entries</u>							
<u>Minimum Rear Yard Depth</u>	<u>20 feet</u>							
<u>Minimum Side Yard Depth</u>	<u>5 feet</u>							

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

² The minimum lot size standards, as modified pursuant to Sections 800, *Special Use Requirements*, 902, *Lot Size Exceptions*, 1013, *Planned Unit Developments*, 1014, *Design Standards for Land Divisions*, 1107, *Property Line Adjustments*, and 1205, *Variance*, apply to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except as limited by minimum lot size standards of Section 800 and Subsection 902.02.

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

<u>Building Area</u>	<u>Building Height</u>			
	<u>≤ 8 feet</u>	<u>> 8 feet and ≤ 10 feet</u>	<u>> 10 feet and ≤ 15 feet</u>	<u>> 15 feet</u>
<u>≤ 100 square feet</u>	<u>None¹</u>	<u>3 feet side and rear¹</u>	<u>5 feet side and rear</u>	<u>5 feet side, 10 feet rear</u>
<u>> 100 square feet and ≤ 200 square feet</u>	<u>3 feet side and rear¹</u>	<u>3 feet side and rear¹</u>	<u>5 feet side and rear</u>	<u>5 feet side, 10 feet rear</u>
<u>> 200 square feet and ≤ to 500 square feet</u>	<u>5 feet side and rear²</u>	<u>5 feet side and rear²</u>	<u>5 feet side and rear²</u>	<u>5 feet side, 10 feet rear</u>
<u>> 500 square feet</u>	<u>5 feet side; 10 feet rear</u>	<u>5 feet side; 10 feet rear</u>	<u>5 feet side, 10 feet rear</u>	<u>5 feet side, 10 feet rear</u>

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

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

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

<u>Standard</u>	<u>VR-5/7</u>	<u>VR-4/5</u>	<u>VTH</u>
<u>General Standards</u>			
<u>Minimum Lot Size</u> ¹	<u>5,000 square feet</u>	<u>4,000 square feet</u>	<u>2,000 square feet</u> ^{2,3}
<u>Maximum Lot Size</u> ¹	<u>7,000 square feet</u>	<u>5,000 square feet</u>	<u>3,000 square feet</u> ^{2,4}
<u>Maximum Lot Coverage</u>	<u>50 percent</u>	<u>50 percent</u>	<u>65 percent</u>
<u>Maximum Building Height for Primary Dwellings</u>	<u>35 feet</u>		
<u>Maximum Height for Fences and Sight-Obscuring Plantings</u>	<u>6 feet at or behind the building line of the main building; 4 feet forward of the building line of the main building</u>		
<u>Minimum Front Yard Depth for Primary Dwellings</u> ⁵	<u>10 feet for a dwelling with a recessed garage; 19½ feet to the garage door for a dwelling with a non-recessed garage</u> ⁶		<u>10 feet</u> ^{7,8,9,10}
<u>Maximum Front Yard Depth for Primary Dwellings</u> ⁵	<u>18 feet for a dwelling with a recessed garage; 20½ feet to the garage door for a dwelling with a non-recessed garage</u> ^{11,12,13}		<u>18 feet</u> ^{7,8}
<u>Minimum Rear Yard Depth for Primary Dwellings</u> ⁵	<u>15 feet</u>		
<u>Minimum Side Yard Depth for Primary Dwellings</u> ⁵	<u>0 on one side; 5 feet on all other sides</u>		<u>5 feet</u> ^{7,14}
<u>Standard</u>	<u>VR-5/7</u>	<u>VR-4/5</u>	<u>VTH</u>
<u>Accessory Building Standards</u>			
<u>Maximum Number of Accessory Buildings</u>	<u>Two</u>		
<u>Minimum Separation Distance Between an Accessory Building and any other Building</u>	<u>3 feet</u>		
<u>Maximum Building Height</u> ¹⁵	<u>25 feet or the building height of the primary dwelling, whichever is less</u>		

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<u>Maximum Building Area</u>	<u>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.</u>	<u>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.</u>	
<u>Minimum Front Yard Depth⁵</u>	<u>Greater than or equal to the front yard depth of the front facade of the primary dwelling (not including porches, bays, garages, and architectural features)¹⁶</u>		
<u>Accessory Building Minimum Rear and Side Yard Depth Standards in the VR-4/5, VR-5/7, and VTH Districts⁵</u>			
<u>Building Height</u>			
<u>Building Area</u>	<u>≤ 8 feet</u>	<u>> 8 feet and ≤ 20 feet</u>	<u>> 20 feet</u>
<u>≤ 100 square feet</u>	<u>None</u>	<u>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 alley¹⁷</u>	<u>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 alley¹⁷</u>
<u>> 100 square feet</u>	<u>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 alley¹⁷</u>	<u>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^{17,18}</u>	

¹ The minimum and maximum lot size standards, as modified pursuant to Sections 800, Special Use Requirements, 902, Lot Size Exceptions, 1013, Planned Unit Developments, 1014, Design Standards for Land Divisions, 1107, Property Line Adjustments, and 1205, Variance, apply to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except as limited by minimum lot size standards of Section 800 and Subsection 902.02.

- ² The minimum and maximum lot size standards apply only to lots developed with attached single-family dwellings.
- ³ The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use shall be 3,000 square feet.
- ⁴ The maximum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use shall be 5,000 square feet.
- ⁵ In the VR-4/5 and VR-5/7 Districts, the minimum yard depth standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*.
- ⁶ A porch may extend a maximum of four feet into the minimum front yard depth.
- ⁷ The yard depth standards of the VR-4/5 District shall apply to detached single-family dwellings that are nonconforming uses, as well as to buildings that are accessory to such dwellings.
- ⁸ For the purposes of the minimum and maximum front yard depth standards, frontage on a designated accessway shall be considered a front lot line.
- ⁹ On a corner lot, the minimum depth of one front yard shall be eight feet, provided that the yard abuts a road with a functional classification of local or connector.
- ¹⁰ Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front yard depth.
- ¹¹ If a public utility easement precludes compliance with the maximum front yard depth standard, the maximum shall be as close to the front lot line as possible.
- ¹² Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front yard depth standard.
- ¹³ If a lot has more than one front lot line, compliance with the maximum front yard depth standard is required from only two intersecting front lot lines.
- ¹⁴ For the purposes of the minimum side yard depth standard, frontage on a pedestrian connection shall be considered a side lot line.
- ¹⁵ The maximum building height standard applies only to accessory buildings larger than 100 square feet.
- ¹⁶ Except as modified by Subsection 315.05(N), garages in the VR-4/5, VR-5-7, and VTH Districts shall comply with Subsection 315.05(K), 315.05(L), or 1005.09(B), respectively.
- ¹⁷ If a rear or side lot line abuts a pedestrian pathway, sidewalk, or accessway, the minimum yard depth shall be five feet.
- ¹⁸ If the rear lot line abuts an alley, a second-story accessory dwelling unit may cantilever a maximum of four feet into the rear yard.

Table 315-5: Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts

<u>Standard</u>	<u>PMD</u>	<u>MR-1</u>	<u>MR-2</u>	<u>HDR</u>	<u>VA</u>	<u>SHD</u>	<u>RCHDR</u>
<u>District Land Area for Calculating Density Pursuant to Section 1012</u>	<u>3,630 square feet</u>	<u>3,630 square feet</u>	<u>2,420 square feet</u>	<u>1,742 square feet</u>	<u>1,500 square feet</u>	<u>726 square feet</u>	<u>Not Applicable</u>
<u>Minimum Dwelling Units per Net Acre</u>	<u>See Section 1012</u>	<u>See Section 1012</u>	<u>See Section 1012</u>	<u>See Section 1012</u>	<u>See Section 1012</u>	<u>See Section 1012</u>	<u>30¹</u>
<u>Minimum Site Area</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>1 acre^{2,3,4}</u>	<u>Not Applicable</u>	<u>3 acres^{2,3,5}</u>	<u>3 acres^{2,3,5}</u>
<u>Minimum Lot Size</u>	<u>None</u>	<u>None⁶</u>	<u>None⁷</u>	<u>None^{8,9}</u>	<u>None</u>	<u>None^{10,11}</u>	<u>None^{10,11}</u>
<u>Minimum Front Yard Depth</u>	<u>25 feet</u>	<u>20 feet¹²</u>	<u>20 feet¹²</u>	<u>15 feet^{12,13}</u>	<u>10 feet^{14,15}</u>	<u>15 feet^{12,13}</u>	<u>5 feet^{12,13,16}</u>
<u>Maximum Front Yard Depth</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>18 feet¹⁴</u>	<u>None</u>	<u>20 feet^{12,13,16,17}</u>
<u>Minimum Rear Yard Depth</u>	<u>30 feet¹⁸</u>	<u>20 feet¹²</u>	<u>20 feet¹²</u>	<u>See Subsection 1018.12¹²</u>	<u>None^{14,15}</u>	<u>See Subsection 1018.12¹²</u>	<u>See Subsection 1018.12^{12,19}</u>
<u>Minimum Side Yard Depth</u>	<u>30 feet¹⁸</u>	<u>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.^{12,20}</u>		<u>See Subsection 1018.12¹²</u>	<u>None</u>	<u>See Subsection 1018.12¹²</u>	<u>See Subsection 1018.12^{12,21}</u>
<u>Maximum Lot Coverage</u>	<u>None</u>	<u>50 percent²²</u>	<u>50 percent</u>	<u>50 percent</u>	<u>50 percent</u>	<u>None</u>	<u>None</u>
<u>Maximum Building Height</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>45 feet²³</u>	<u>None</u>	<u>None</u>
<u>Minimum Building Separation</u>	<u>10 feet</u>	<u>None</u>	<u>None</u>	<u>See Subsection 1018.12</u>	<u>20 feet between multifamily dwellings</u>	<u>See Subsection 1018.12</u>	<u>See Subsection 1018.12</u>

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

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

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

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

³ Primary and accessory uses may be established on site areas smaller than the minimum site area standard, if the site area is physically separated from all other undeveloped or underdeveloped properties in the subject zoning district.

⁴ The minimum site area standard applies to high density developments.

⁵ The minimum site area standard applies to developments combining primary, accessory, and limited uses.

⁶ The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use shall be 3,630 square feet.

⁷ The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use shall be 3,000 square feet.

⁸ If a lot is created for a detached single-family dwelling classified as a nonconforming use, the minimum lot size for the other lot(s) created by the land division shall be one acre.

⁹ If a lot less than one acre in size results from a property line adjustment, it may not be developed unless combined with other property as provided under Note 2 to Table 315-5.

¹⁰ If a lot is created for a detached single-family dwelling classified as a nonconforming use, the minimum lot size for the other lot(s) created by the land division shall be three acres.

¹¹ If a lot less than three acres in size results from a property line adjustment, it may not be developed unless combined with other property as provided under Note 2 to Table 315-5.

¹² The minimum yard depth standards of Table 315-2, *Dimensional Standards in the Urban Low Density Residential Districts*, as modified by Subsection 315.04(C), apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.

¹³ Yard depth standards may be modified through design review pursuant to Section 1102. Approval shall not be granted unless the modification requested is necessary to allow development of primary uses at densities allowed for the site area.

¹⁴ If the front or rear lot line abuts Sunnyside Road, the minimum yard depth shall be 65 feet from the centerline of Sunnyside Road, and the maximum yard depth shall be 75 feet from the centerline of Sunnyside Road.

¹⁵ Awnings, porches, and bays may extend a maximum of six feet into the minimum yard depth.

¹⁶ For buildings used exclusively for residential purposes, the minimum front yard depth shall be 15 feet, and there shall be no maximum yard depth.

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- ¹⁷ The maximum yard depth may be exceeded to accommodate plazas identified on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*.
- ¹⁸ The minimum yard depth standard applies only from lot lines that are on the perimeter of the project.
- ¹⁹ If the rear yard abuts an OSM District or a residential zoning district other than HDR, SHD, or RCHDR, the minimum rear yard depth shall be 20 feet.
- ²⁰ If the side yard abuts an Urban Low Density Residential, VR-5/7, or VR-4/5 District, the minimum side yard depth for a two-story building shall be 10 feet.
- ²¹ If the side yard abuts an OSM District or a residential zoning district other than HDR, SHD, or RCHDR, the minimum side yard depth shall be 15 feet.
- ²² Maximum lot coverage does not apply to swimming pools.
- ²³ The maximum height of tower elements shall be 60 feet, provided that such elements do not have a footprint exceeding 400 square feet.

601 CAMPUS INDUSTRIAL DISTRICT (CI)

601.01 PURPOSE

Section 601 is adopted to implement the policies of the Comprehensive Plan for Campus Industrial areas.

601.02 AREA OF APPLICATION

The Campus Industrial District shall apply only to those properties zoned Campus Industrial prior to September 9, 2013.

601.03 PRIMARY USES

A. The following business and industrial uses may occupy up to 100 percent of the total floor area of the development:

1. Experimental, film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, and/or noxious or offensive conditions.
2. Industries which manufacture products from, or otherwise process, previously prepared materials which satisfy the following conditions:
 - a. The use is employee-intensive, providing approximately 15 or more jobs for every developed acre of land.
 - b. The use is not of a type or intensity which produces odor, smoke, fumes, noise, glare, heat or vibrations which are incompatible with other primary uses allowed in this district.
 - c. The physical and operational requirements of the use, including type of structure used and volume of heavy truck traffic generated, are similar to other industrial and office uses allowed in this district.
3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing.
4. Trade or community schools primarily serving the business community within the area.
5. Corporate headquarters or regional offices with 50 or more employees.

B. Offices, except corporate headquarters or regional offices allowed under Subsection 601.03(A) and those offices specified as limited uses under Subsection 601.05, may occupy up to 70 percent of the total floor area of the development.

C. High Density Residential uses, subject to Section ~~315303~~, may occupy up to 75 percent of the total floor area of the development. Density and land area used for

this use shall be subject to the limits specified under Subsection 601.08(F), except as provided under Subsection 601.08(G).

- D. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playgrounds, and other similar uses, developed to serve primarily the recreational needs of residents and employees of the district, may occupy up to 100 percent of the floor area of the development.
- E. Utility carrier cabinets, subject to Section 830.
- F. Wireless telecommunication facilities, subject to Section 835.

601.04 ACCESSORY USES

The following are allowed as accessory uses in the Campus Industrial District:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Employee lounges and dining rooms, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and products information and display areas which are included within the primary use structures;
- C. Warehouse or storage structures provided in conjunction with a primary use under Subsection 601.03 on the same site;
- D. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary use within the same development;
- E. Parking structures;
- F. Bus shelters, subject to Section 823;
- G. Signs, subject to Section 1010;
- H. Bicycle racks, pedestrian amenities, and transit amenities;
- I. Rental and development information offices;
- J. Handyman and maintenance services in association with primary, accessory or limited uses in the development;
- K. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;

- L. Self-service laundry facilities;
- M. Solar energy systems;
- N. Rainwater collection systems;
- O. Electric vehicle charging stations;
- P. Temporary buildings for uses incidental to construction. Such buildings shall be removed upon completion or abandonment of the construction work;
- Q. Daycare facilities, subject to Section 807; and
- R. Level one mobile vending units, subject to Section 837.

601.05 LIMITED USES

- A. The following retail and service commercial uses may be allowed on a limited basis as part of the development of this district when developed concurrently with or after the primary uses, subject to the provisions of Subsection 601.05(B):
 - 1. Neighborhood commercial uses under Subsection 501.03.
 - 2. Banks.
 - 3. Clinics for doctors, dentists, chiropractors, naturopathic and counseling treatment personnel, and other health services.
 - 4. Bars and cocktail lounges in conjunction with a restaurant.
- B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:
 - 1. The total combined floor area occupied by all limited uses shall not exceed 10 percent of the total floor area occupied by primary uses.
 - 2. All limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of residents and employees of the district.
 - 3. Uses shall not be or a type of intensity that produce odor, smoke, fumes, noise, glare, heat or vibrations, which are incompatible with associated primary uses in the area.

601.06 CONDITIONAL USES

The Hearings Officer may approve the following conditional uses in the Campus Industrial District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.

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- A. Conversion of multifamily dwellings into condominiums, subject to Section 803;
- B. Service and recreational uses that exceed a primary or accessory use, subject to Section 813;
- C. Hydroelectric facilities, subject to Section 829;
- D. Heliports;
- E. Retail and service commercial uses not included as limited use under Subsection 601.05(A), subject to the additional limitations and conditions of Subsection 601.05(B);
- F. Uses listed as limited uses in Subsection 601.05(A) on a site separate from a primary use, when:
 - 1. The site is physically separated from all other undeveloped or underdeveloped properties in the district; or
 - 2. The site is not physically separated from other undeveloped or underdeveloped sites, but the applicant demonstrates:
 - a. The site is located on a primary access or frontage road, served or planned to be served, by public transit.
 - b. There is no alternative site in the area for the proposed use.
 - c. It is not possible to develop the proposed use in conjunction with a primary use.
- G. Development of a primary use listed in Subsection 601.03 and its associated accessory and limited uses, on a lot or site area which is smaller than the minimum area requirement for the use, and which is not physically separated from all other undeveloped or underdeveloped properties in this district, may be approved when the applicant demonstrates the following:
 - 1. The proposed lot size is not smaller than half the minimum lot size for the use.
 - 2. It is not possible to develop the site in conjunction with an adjacent lot or lots, as provided under Subsection 601.08(B).
 - 3. The purposes set forth under Subsection 601.08(A) are addressed and satisfied in the proposed use and design of the development; and
- H. Multi-use developments, subject to Section 1016.

601.07 PROHIBITED USES

Uses of structures and land not specifically permitted in Section 601 shall be prohibited in the Campus Industrial District, except as provided in Section 106.

601.08 DIMENSIONAL STANDARDS

A. Purpose: The dimensional standards are intended to:

1. Encourage coordinated development, and the most efficient and maximum use of the Campus Industrial District;
2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;
3. Provide for a compatible mix of uses supportive of public transportation facilities;
4. Provide for the protection of adjacent properties; and
5. Provide for open space and outdoor activity areas.

B. Site Area Requirements: A "site area" for purposes of Section 601 shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:

1. A single tax lot, or two or more contiguous tax lots, under the same ownership.
2. Two or more contiguous tax lots under separate ownership, provided that:
 - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
 - b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or

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- c. The group shall record, in the office of the County Clerk, a contract in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County approved development plan for the site area.

C. Minimum Site Area:

1. Developments which include uses under at least two of the primary use categories under Subsection 601.03(A) through (D), shall require a minimum site area of three acres.
2. Developments which include only uses under Subsection 601.03(A) and accessory uses, shall require a minimum site area of two acres.
3. Developments which include only uses under Subsection 601.03(D) shall require a minimum site area of one acre.

D. Undersized Lots: Any primary use under Subsection 601.03, and its associated accessory and limited uses, may be established on a lot smaller than the minimum site area that is physically separated from all other underdeveloped properties in this district, or that is approved as a conditional use under Subsection 601.06(G). However, any lot less than two acres in size resulting from a property line adjustment is not buildable, except for recreational uses under Subsection 601.03(D) on a lot a minimum of one acre in size, unless combined with other property as provided under Subsection 601.08(B).

E. Floor Area Ratio: The maximum floor area for all primary and conditional uses within a site area shall not exceed the net site area multiplied by one (1:1 ratio).

F. Floor Area Requirements: Any primary use or combination of primary uses under Subsections 601.03(A) through (D) may be allowed within a development at floor area percentages, excluding accessory uses, not exceeding those illustrated in Table 601-1.

Table 601-1: Floor area limitations for primary use categories under Subsection 601.03

A	B	C	D
100 percent	70 percent	75 percent	100 percent

1. Land area and density for residential uses shall be as follows:
 - a. No more than 25 percent of a site area may be developed with exclusively high-density residential uses, and associated accessory and limited uses.
 - b. The entire site, or any portion thereof, may be developed with mixed-use structures which combine housing and other primary uses allowed in this district.

- c. The entire area may be used to calculate the allowed density under the district land area standard for the HDR District~~Subsection 303.09(D)~~ and Section 1012, subject to the floor area limitation of this district.
2. Limited Uses: Only primary use floor area may be included for purposes of calculating the allowed limited use floor area for a development.
- G. Exceptions to Floor Area Requirements: The requirements under Subsection 601.08(F) may be modified or waived by the Hearings Officer, pursuant to Section 1300. Approval shall not be granted, unless the applicant provides evidence substantiating compliance with Subsections 601.08(G)(1) through (3), or Subsection 601.08(G)(4):
1. The modification or waiver is consistent with the purposes under Subsection 601.08(A); and
 2. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in this district; and
 3. The proposed use, and location of the use, is compatible with, and complementary to existing or proposed developments within the district area; or
 4. A substantial mix of primary uses has been established within the immediate district area to the extent that all primary use categories under Subsections 601.03(A) through (D) are represented.
- H. Maximum Lot Coverage: 55 percent.
- I. Minimum Perimeter Setback: 15 feet.
1. The following uses may be allowed within a perimeter setback area that fronts on a public, county, or state road:
 - a. Landscaping;
 - b. Bikeways, trails, pedestrian walks and plazas;
 - c. Access driveways; and
 - d. Bus shelters and other pedestrian amenities.
 2. The following uses may be allowed within perimeter setback areas that are adjacent to other site areas:
 - a. Landscaping;
 - b. Bikeways, trails, pedestrian walks, patios, courts;

- c. Coordinated joint-use circulation drives, parking, loading, recreational activity areas, plazas, and
- d. Coordinated joint-use structures.

J. Minimum Street Frontage: 50 feet.

K. Minimum Landscaping Area: 25 percent of the lot.

L. Exceptions to Dimensional Standards: The requirements of Section 601.08 are not subject to modification pursuant to Sections 903 and 904. However, the requirements for lot coverage, perimeter setback, and street frontage may be modified through design review pursuant to Section 1102. Approval shall not be granted unless the variance criteria under Section 1205 are satisfied.

601.09 DEVELOPMENT STANDARDS

The following development standards shall apply in the Campus Industrial District.

- A. General: Development is subject to the applicable provisions of Sections 1000 and 1100.
- B. Community and Design Plans: Development within a Community 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.
- C. Outdoor Storage: No outdoor storage of materials shall be allowed.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13]

602 BUSINESS PARK (BP), LIGHT INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI) DISTRICTS ~~(BP, LI, AND GI)~~

602.01 PURPOSE

Section 602 is adopted to implement the policies of the Comprehensive Plan for Business Park, Light Industrial, and General Industrial areas.

602.02 APPLICABILITY

Section 602 applies to property in the Business Park, Light Industrial, and General Industrial Districts. Property may be zoned Business Park, Light Industrial, or General Industrial District when it has a Comprehensive Plan designation of Business Park, Light Industrial, or General Industrial, respectively, and the criteria in Section 1202, *Zone Change*, are satisfied.

602.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 602-1, *Permitted Uses in the BP, LI, and GI Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorization of Similar Uses*.

A. As used in Table 602-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
4. “X” means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 602-1.

B. Permitted uses are subject to the applicable provisions of Subsection 602.04, *Dimensional Standards*, Subsection 602.05, *Development Standards*, Section 1000, *Development Standards*, Section 1100, *Development Review Process*, and Section 1700, *Clackamas Regional Center Area General Provisions*.

Table 602-1: Permitted Uses in the BP, LI, and GI Districts

Use	BP	LI	GI
<p>A. Construction and Maintenance Contractors</p> <p>This category includes contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.</p>	P	P	P
<p>B. Heavy Truck and Heavy Equipment Uses</p> <p>This category includes sales, rental, storage, repair, and servicing of heavy trucks such as dump trucks, moving trucks, and truck tractors; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; and large cargo trailers such as semitrailers. Sales, rental, storage, repair, and servicing of passenger vehicles, recreational vehicles, and boats are excluded from this category.</p>	X	P	P
<p>C. Indoor Recreational Facilities</p> <p>This category includes indoor facilities for such sports as dance, gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category but are included in the “retail and professional services that cater to daily customers/retail commercial uses” category.</p>	P ¹	P ¹	P ¹
<p>D. Industrial Trade Schools</p> <p>This category includes training facilities whose primary purpose is to provide training to meet industrial needs. These facilities also may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.</p>	P	P	P

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Use	BP	LI	GI
<p>E. Information Services</p> <p>This category includes establishments engaged in producing and distributing information; providing the means to transmit or distribute these products, as well as data or communications; and processing data. Examples include publishing industries such as book, periodical, and software publishing; computer systems design; internet web search services; internet service providers; radio, television, motion picture, and recording studios; computer data storage services; optical scanning and imaging services; and financial transaction processing such as credit card transaction and payroll processing services. These businesses primarily serve other industries or deliver their products to the end user through means other than on-site pickup by the customer. Few general public customer visits per day are generated.</p>	P	P	P
<p>F. Manufacturing</p> <p>This category includes establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.</p>	P	P	P
<p>G. Large-Scale Laundry, Dry-Cleaning, and Carpet-Cleaning Plants</p> <p>These businesses primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p>H. Miscellaneous Industrial Uses</p> <p>This category includes wrecking and salvage of building materials, equipment, and vehicles; tire retreading and recapping; and petroleum, coal, or other fuel storage, refining, reclaiming, distribution, and wholesale trade. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	X	X	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<p>I. Offices</p> <p>This category includes administrative and corporate offices and call centers. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p>J. Repair and Servicing Uses</p> <p>This category includes large-scale repair and servicing of equipment, machinery, and other products. Examples include authorized service centers, welding shops and machine shops. Products are received from and returned to customers primarily by shipping or pickup/delivery by employees of the business. Few general public customer visits per day are generated.</p>	P	P	P
<p>K. Research Facilities and Laboratories</p> <p>This category includes product research and development, product design and testing, medical research, and medical laboratories. Medical laboratories in this category primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p>L. Retail and Professional Services that Cater to Daily Customers/Retail Commercial Uses</p> <p>This category includes the sale of goods and services to the general public. Examples of retail and professional services that cater to daily customers include rental and storage of passenger vehicles, recreational vehicles, and boats; health and fitness clubs; daycare facilities; and financial, insurance, real estate, legal, medical, and dental offices. Examples of retail commercial uses include sales of passenger vehicles, recreational vehicles, and boats; stores; and restaurants. Sales of motor vehicle fuels are excluded from this category.</p>	p ^{2,3,4}	p ^{2,3,4}	A ⁵
<p>M. Towing Establishments, Including Storage of Towed Vehicles</p>	X	P	P

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Use	BP	LI	GI
<p>N. Transportation Uses</p> <p>This category includes the transportation of cargo using motor vehicles or rail spurs and may include loading docks and parking of cargo transport vehicles. Examples include freight terminals, parcel delivery services, moving companies, and parking facilities for long-haul trucks. These uses often are associated with warehousing facilities. This category also includes parking, storage, repair, and servicing of fleet vehicles used for the transport of people. Examples include ambulance services and mass transit and school bus fleet facilities. This category also includes commercial motor vehicle fueling services, such as cardlock fueling stations; however, motor vehicle fueling stations that cater to the general public are prohibited.</p>	X	P	P
<p>O. Utility Carrier Cabinets, subject to Section 830</p>	P	P	P
<p>P. Warehousing and Distribution</p> <p>This category includes establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage facilities are not included in this category.</p>	A	P	P
<p>Q. Wholesale Trade</p> <p>This category includes establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.</p>	P	P	P
<p>R. Wireless Telecommunication Facilities, subject to Section 835</p>	P	P	P
<p>S. Accessory Uses <u>permitted in the R-5 through R-30 Districts</u>, except accessory dwelling units, listed in <u>Table 315-1, Permitted Uses in the Urban Residential Zoning Districts</u> <u>Section 301, Urban Low Density Residential Districts</u>, provided that such uses are accessory to a single-family dwelling that is a nonconforming use</p>	A	A	A
<p>T. Bus Shelters, subject to Section 823</p>	A	A	A
<p>U. Cogeneration Facilities</p>	A	A	A

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Use	BP	LI	GI
V. Electric Vehicle Charging Stations	A	A	A
W. Employee Amenities, such as clinics, daycare facilities, lounges, cafeterias, and recreational facilities	A	A	A
X. Level One Mobile Vending Units, subject to Section 837	A	A	A
Y. Parking, Storage, Repair, and Servicing of Fleet Vehicles	A	A	A
Z. Parking Structures	A	A	A
AA. Pedestrian Amenities	A	A	A
BB. Rainwater Collection Systems	A	A	A
CC. Satellite Dishes	A	A	A
DD. Signs, subject to Section 1010	A ⁶	A ⁶	A ⁶
EE. Solar Energy Systems	A	A	A
FF. Temporary Buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A
GG. 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
HH. Warehouse Event Retail Sales	A ⁷	A ⁷	A ⁷
II. Arenas, Exhibition Halls, and Stadiums	C ¹	C ¹	C ¹
JJ. Composting Facilities, subject to Section 834	X	C	C
KK. Electrical Power Production Facilities	X	X	C
LL. Government and Special District Uses	C ^{8,9}	C ^{8,9}	C ^{8,9}
MM. Heliports	C	C	C
NN. Outdoor Display of Products, subject to Subsection 602.05(B)(1) or (C)(1), provided that such display is associated with a permitted use	X	C	A
OO. Outdoor Entertainment Facilities, including amusement parks, circuses, carnivals, drive-in theatres, and racetracks for automobiles, dogs, horses, and motorcycles	X	X	C
PP. Outdoor Storage Areas larger than allowed by Subsection 602.05(B)(2)(a), provided that such storage is associated with a permitted use	X	C	A

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Use	BP	LI	GI
QQ. Public Utility Facilities	C	C	C
RR. Radio and Television Transmission and Receiving Towers and Earth Stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C	C	C
SS. Recycling Centers and Transfer Stations, subject to Section 819	X	C	P
TT. Retail Services, as follows: auto repairing, overhauling, painting, washing, body and fender work, and reconditioning	X	X	C
UU. Surface Mining, subject to Section 818	X	C	C ¹⁰
VV. Telephone Exchanges	C	C	C

Notes to Table 602-1:

- ¹ In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, places of assembly shall not exceed 20,000 square feet.
- ² Notwithstanding other provisions of Section 602 that may permit outdoor display, storage, or processing, these uses shall be conducted entirely within a building, except the following are permitted: outdoor seating areas associated with a restaurant, outdoor play areas associated with a daycare facility, and similar outdoor amenities. Drive-thru window service facilities are prohibited.
- ³ In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet, and the total building floor area of all such uses in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-use limit is 5,000 square feet of building floor area. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.
- ⁴ Lots of record created on or after September 9, 2013, shall be subject to Note 4 to Table 602-1 in lieu of Note 3 to Table 602-1. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed

5,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. In all cases, the total building floor area of all such uses on the same lot of record shall not exceed 20,000 square feet or 25 percent of the building floor area on the lot of record, whichever is less. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

- ⁵ This use is limited to indoor areas for retail display and retail sales of products manufactured by the same business occupying the premises, as well as related products. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area for such retail display and retail sales shall not exceed 3,000 square feet per business, and the total building floor area of all such retail display and retail sales areas in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-business limit is 5,000 square feet of building floor area.
- ⁶ Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ⁷ Warehouse event retail sales are permitted if the products being sold at the event sale are manufactured, warehoused, or distributed as a primary use on the subject property; no more than one event sale occurs each calendar month; a single event sale lasts a maximum of three consecutive days, which shall be Friday, Saturday, Sunday, or Monday; and the event sales occur indoors.
- ⁸ A government or special district use is a conditional use only if the proposed use does not also fall within one of the categories identified as a primary or accessory use in the applicable zoning district.
- ⁹ In Regionally Significant Industrial Areas (RSIAs) identified on Comprehensive Plan Map IV-8, parks—intended to serve people other than those working or residing in the RSIA—and schools are prohibited.
- ¹⁰ Aggregate batch plant operations are a primary use in the GI ~~zoning d~~District.

602.04 DIMENSIONAL STANDARDS

Dimensional standards applicable in the BP, LI, and GI Districts are listed in Table 602-2. The standards of Table 602-2 are not subject to modification under Section 903, *Setback Exceptions*, but may be modified pursuant to Section 1205, *Variance*.

A. As used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.

Table 602-2: Dimensional Standards

Standard	BP	LI	GI
Minimum Lot Size ¹	3 acres	1 acre ²	1 acre ²
Maximum Front Yard Depth	20 feet ³	0	0
Minimum Front Yard Depth	20 feet ⁴	20 feet ⁴	20 feet ⁴
Minimum Rear Yard Depth, if the rear yard abuts an industrial zoning district	0 ⁴	0 ⁴	0 ^{4,5}
Minimum Rear Yard Depth, if the rear yard abuts a commercial or mixed use zoning district	15 feet ⁴	15 feet ⁴	15 feet ^{4,5}
Minimum Rear Yard Depth, if the rear yard abuts a residential, natural resource, or Open Space Management zoning district	35 feet ⁴	35 feet ⁴	35 feet ^{4,5}
Minimum Side Yard Depth, if the side yard abuts an industrial zoning district	0 ⁴	0 ⁴	0 ^{4,5}
Minimum Side Yard Depth, if the side yard abuts a commercial or mixed use zoning district	15 feet ⁴	15 feet ⁴	15 feet ^{4,5}
Minimum Side Yard Depth, if the side yard abuts a residential, natural resource, or Open Space Management zoning district	35 feet ⁴	35 feet ⁴	35 feet ^{4,5}

Notes to Table 602-2:

- ¹ The minimum lot size standard applies to subdivisions, partitions, and property line adjustments, except that no minimum lot size standard applies to a lot that is developed with a dwelling that is a nonconforming use. Notwithstanding the minimum lot size standard, a lot of record may be developed, subject to other applicable standards of this Ordinance.
- ² The minimum lot size may be reduced to 20,000 square feet, subject to design review approval pursuant to Section 1102 of the overall development plan for the entire lot of record, including access, circulation, parking, landscaping, and proposed building locations.
- ³ The maximum front yard depth standard applies, if required by Subsection 1005.03(L), except that this standard does not apply to dwellings that are nonconforming uses, or to structures that are accessory to such dwellings.
- ⁴ The minimum yard depth requirements of ~~Table 315-2~~Section 304, *Dimensional Standards in the Urban Low Density Residential Districts, as modified by Subsection 315.04(C)*, apply to dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.
- ⁵ The minimum yard depth for a silo, tower, or other specialized storage or processing structure (unless such structure is enclosed in a building) is 35 feet for structures 35 feet or less in height. An additional five feet of yard depth is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height. These greater yard depth standards do not apply if the yard abuts an LI or GI District.

602.05 DEVELOPMENT STANDARDS

The following development standards apply in the BP, LI, and GI Districts.

- A. Outdoor Operations in the BP District: In the operation of a primary use in the BP District:
 1. All display areas shall be located within a building. No outdoor display areas shall be allowed.
 2. No outdoor storage of materials or products shall be allowed.
 3. No outdoor processes shall be employed in the operation of the business.
 4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.
- B. Outdoor Operations in the LI District: In the operation of a primary use in the LI District:

1. All display of products shall be located within an enclosed building. No outdoor display areas shall be allowed. Notwithstanding these limitations, outdoor display of finished products may be permitted as a conditional use, as established by Table 602-1 and provided that, at a minimum, outdoor display areas and items on display shall:
 - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
 - b. Be located a minimum of 15 feet from the front lot line(s);
 - c. Be maintained to project an organized and neat appearance at all times; and
 - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
 2. Limited outdoor storage areas shall be allowed, subject to the following criteria:
 - a. Except as permitted as a conditional use, as established by Table 602-1, outdoor storage may occupy an area no greater than the area of the ground floor of the building(s) on the same premises.
 - b. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front lot lines.
 - c. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.04(B) and 1009.06.
 - d. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except for large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence.
 - e. Outdoor storage areas shall not be used to store waste or recyclable materials.
 3. No outdoor processes shall be employed in the operation of the business.
 4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.
- C. Outdoor Operations in the GI District: In the operation of a primary use in the GI District:

1. Outdoor display of finished products is permitted, provided that outdoor display areas and items on display shall:
 - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
 - b. Be located a minimum of 10 feet from the front lot line(s);
 - c. Be maintained to project an organized and neat appearance at all times; and
 - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
2. Outdoor storage and processing are permitted, subject to the following standards:
 - a. Outdoor storage and processing areas shall be located a minimum of 20 feet from the front lot line(s), a minimum of 15 feet from side or rear lot lines that abut a commercial or mixed use zoning district, and a minimum of 35 feet from side or rear lot lines that abut a residential, natural resource, or Open Space Management zoning district.
 - b. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height and a maximum of 10 feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.04(B) and 1009.06. Outdoor processing areas shall be buffered pursuant to Subsections 1009.05(D) through (F).
 - c. Equipment, stockpiles of materials, and other items located within outdoor storage and processing areas shall be maintained in an orderly fashion.
 - d. Waste materials (by-products that are not further processed or recycled on-premise) shall not accumulate in outdoor storage and processing areas for more than two weeks, except that waste materials from water treatment facilities or surface water retention facilities may accumulate for such longer period as necessitated by Best Management Practices for the facility.
 - e. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters.

D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13]

File ZDO-249
Draft Amendments to the Zoning and Development Ordinance
Draft Date 7/23/14

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

824 MANUFACTURED DWELLINGS

824.01 MINIMUM STANDARDS

Manufactured dwellings shall be subject to the following requirements in all of the zoning districts in which they are allowed:

- A. The manufactured dwelling shall satisfy the requirements for a manufactured dwelling as defined in Section 202 of this Ordinance.
- B. If the manufactured dwelling is to be located in a Rural or Natural Resource ~~zoning district~~zone, it shall contain at least ~~seven hundred (700)~~ square feet of living space. If the manufactured dwelling is to be located in an R-5 through R-30, RR, HR, FU-10, VR-4/5, ~~or~~ VR-5/7 ~~zoning district~~zone or in a manufactured home park or manufactured dwelling park, it shall contain at least ~~one thousand (1,000)~~ square feet of living space and shall be subject to ~~the provisions of Sections~~Subsection 824.03 and Section 825. Living space is measured from the exterior of the manufactured dwelling, excluding any hitch and any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling. This provision does not apply to manufactured dwellings approved pursuant to Ssection 1200 or manufactured dwellings, residential trailers, and recreational vehicles located within pre-existing mobile home parks.
- C. County approved final inspection for the installation of a sewage disposal system.
- D. Placement of the manufactured dwelling upon a foundation or footings according to the requirements of the Oregon Manufactured Dwelling Standards.
- E. Placement of manufactured skirting in those areas around the perimeter of the home which are not developed with a solid wall foundation.
- F. Any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling and which is intended for use either as part of the dwelling or for storage purposes shall be subject to a County building permit if so required by the appropriate state statutes and regulations.

- G. The applicant must obtain an installation/setup permit for the manufactured dwelling from the County Department of Transportation and Development.
- H. Manufactured dwellings shall not be allowed as accessory structures or to be attached to another dwelling.

824.02 STANDARDS FOR MANUFACTURED ~~HOMES~~DWELLINGS IN MANUFACTURED ~~HOMEDWELLING~~ PARKS IN THE URBAN AREA

Manufactured homedwellings in manufactured homedwelling parks in the MR-1 and PMDUrban-Medium-Residential Districts shall be subject to ~~the requirements specified in Subsection 824.01;~~ and the following ~~additional requirements:~~

- A. The factory design of the manufactured homedwelling shall include a roof pitched at a minimum of two ~~(2)~~ inches in ~~twelve (12)~~ inches.
- B. An onsite paved parking area shall be provided for each manufactured homedwelling.
- C. Skirting shall be compatible with exterior design and siding materials of the manufactured homedwelling.
- D. Play Areas. A separate play area shall be provided in all manufactured homedwelling parks that accommodate children under 14 years of age unless each space has a minimum size of 4,000 square feet. Such play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each manufactured homedwelling lot. If the play area abuts a railroad, a street, steep slope, or other similar hazard, then a suitable separation (i.e. fence, large setback, etc.) or other safeguards shall be required.

824.03 STANDARDS FOR MANUFACTURED HOMES TO BE USED AS A PERMANENT DWELLING LOCATED ON INDIVIDUAL LOTS IN THE URBAN AREA

Manufactured homes to be used as a permanent dwelling located on individual lots in the urban area including the R-5 through R-30, RR, HR, FU-10, VR-4/5, and VR-5/7 zones shall be subject to ~~the requirements specified in Subsection 824.01;~~ and the following ~~additional requirements:~~

- A. The factory design of the manufactured home shall include a roof pitched at a minimum of nominal three ~~(3)~~ inches in ~~twelve (12)~~ inches.
- B. The manufactured home shall be placed on an permanent, excavated and back-filled foundation, enclosed at the perimeter with no more than ~~twelve (12)~~ inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than ~~twelve (12)~~ inches of the enclosing material shall be

exposed on the uphill side of the home. If the home is placed on a basement, the ~~twelve (12)~~ inches do not apply.

In addition, the foundation shall include concrete strip footings placed to accommodate interior supports. All transportation mechanisms, including wheels, axles, and hitches, shall be removed.

- C. The manufactured home shall have no bare, unpainted, or galvanized metal roofing or siding materials.
- D. An enclosed garage or carport shall be provided and constructed of like materials and designed for automobile storage with at least 250 square feet of floor area.
- E. A manufactured home is a multiple sectionalized structure which shall contain at least ~~one thousand (1,000)~~ square feet of living space. Living space is measured from the exterior of the manufactured home, excluding any hitch and any extension of or attachment which is not part of the original manufactured home.
- F. Either the manufactured home was constructed after April 1, 1992 or was manufactured under one of Bonneville Power Administration's energy conservation programs (either the Super Good Cents or the Manufactured Housing Acquisition Program).

825 MANUFACTURED DWELLING PARKS AND MANUFACTURED HOME PARKS

825.01 APPLICABILITY

This section shall apply to manufactured dwelling parks and manufactured home parks.

825.02 CONDITIONAL STANDARDS

The following conditional standards shall apply:

- A. Manufactured dwelling parks and manufactured home parks shall comply with the applicable provisions of Section 1000.
- B. The density of manufactured dwellings in a manufactured dwelling park or manufactured home park shall be subject to the density requirements of the underlying zoning district and Section 1012.
- C. Manufactured dwelling parks and manufactured home parks shall observe a minimum front yard setback of 25 feet from all perimeter public streets. Within ~~an~~ MR-1 District zoning district, a minimum perimeter setback of 10 feet from side and rear property lines shall be required.

Within an Urban Low Density Residential District, carports, interior drives and the park perimeter, shall be subject to a minimum setback of 20 feet. A minimum 10-foot separation shall be maintained between manufactured dwellings.

- D. Access drives shall be provided to each manufactured dwelling space, shall be continuous, shall connect with a public street, and shall have a minimum width of 20 feet for interior circulation. The point of access to the street shall be a minimum of 32 feet in width.
- E. A minimum five-foot ~~wide~~, hard-surfaced sidewalk or pathway system shall be provided within the park.
- F. Access drives within the manufactured dwelling park or manufactured home park shall be hard-surfaced according to the standards established by the Department of Transportation and Development for subdivision streets of comparable widths. Each manufactured dwelling space shall be improved with one concrete patio, or rot-resistant wood deck, having a minimum area of 150 square feet, and one crushed rock, or better, manufactured dwelling pad.
- G. Storage and similar accessory structures may be located within any manufactured dwelling space, but shall not be attached to any manufactured dwelling, and shall comply with the setback requirements of Subsection 825.02(CB).

- H. Expansions of a manufactured dwelling park or manufactured home park shall conform substantially with Section 825.
- I. The entire manufactured dwelling park or manufactured home park, or each phase of manufactured dwelling development, shall comply with Section 825 prior to occupancy.
- J. A minimum of 200 square feet of usable outdoor passive or active recreation space shall be provided.
 - 1. Outdoor recreation areas shall be designed for adequate surveillance opportunities.
 - 2. Recreation areas shall be conveniently located and accessible to all manufactured dwellings.
- K. In an Urban Low Density Residential or MR-1 District, a minimum area of one acre shall be required for a manufactured dwelling park or manufactured home park. Land area less than one acre may be added to an approved manufactured dwelling park or manufactured home park.

825.03 REDEVELOPMENT

- A. A manufactured dwelling park shall not be redeveloped with a different use until:
 - 1. The manufactured dwelling park landlord submits a plan for relocation of the existing tenants to the County Administrator or designee of the Administrator which includes a schedule of amounts required to be paid to affected park tenants under Subsection 825.03(B) and a plan for making these payments to affected park tenants upon cancellation of affected rental agreements; and
 - 2. The County Administrator or designee of the Administrator approves the relocation plan and notifies the Planning Director of the approval. The County Administrator or designee of the Administrator may require the park landlord to deposit into escrow the amounts required to be paid to affected park tenants under Subsection 825.03(B) as a condition for approval under this subsection.
- B. If a manufactured dwelling park is to be closed or partially closed under conditions that require a payment under Section 2(1)(b), Chapter 906, Oregon Laws 2007, then in addition to and not in lieu of the payment to be made under Section 2(1)(b), Chapter 906, Oregon Laws 2007, the landlord or other person responsible for making the payment under Section 2(1)(b), Chapter 906, Oregon Laws 2007, shall make an additional payment to each tenant whose rental agreement with the landlord is terminated as a result of the change in use in compliance with Section 2(4), Chapter 906, Oregon Laws

2007. A separate payment shall be made for each space for which a rental agreement is terminated. The amount of the payment shall equal:

1. A sum of \$11,000 for a single-wide manufactured dwelling, \$16,000 for a double wide manufactured dwelling, and \$20,500 for a triple-wide manufactured dwelling; minus
 2. The sum of the payment required to be made under Section 2(1)(b), Chapter 906, Oregon Laws 2007, the tax credit to which the tenant is entitled under Section 17, Chapter 906, Oregon Laws 2007, and any other government assistance to which the tenant is entitled by reason of the change in use of the park, as of the date a relocation plan is submitted for approval under Subsection 825.03(A).
- C. Notwithstanding Subsection 825.03(B), for calendar years beginning on or after January 1, 2009, the payment amount described in Subsection 825.03(B) shall be adjusted by the percentage change by which the monthly averaged consumer price index for the preceding calendar year differs from the monthly averaged consumer price index for the 2007 calendar year. As used in Subsection 825.03(C), “consumer price index” means the US Bureau of Labor Statistics Consumer Price Index - All Urban Consumers (CPI-U), US City Average, All Items.
- D. As used in Subsection 825.03, “manufactured dwelling park” has the meaning given that term in Oregon Revised Statutes 90.100.

[Amended by Ord. ZDO-224, 5/31/11]

838 ATTACHED SINGLE-FAMILY DWELLINGS

838.01 APPLICABILITY

Section 838 applies to attached single-family dwellings.

838.02 GENERAL STANDARDS

Attached single-family dwellings shall comply with Subsection 1005.04(F). However, where Subsections 1005.09(A) and (B) apply and Subsection 1005.04(F) conflicts with Subsections 1005.09(A) and (B), Subsections 1005.09(A) and (B) shall take precedence.

838.03 STANDARDS IN THE URBAN LOW DENSITY RESIDENTIAL DISTRICTS

In the Urban Low Density Residential Districts, attached single-family dwellings shall comply with the following standards:

- A. Street Frontage: The minimum street frontage for each lot of record developed with an attached single-family dwelling shall be 25 feet.
- B. Minimum Side Yard Depth: No minimum side yard depth shall be required from any side lot line where two attached single-family dwellings share a common wall. The minimum side yard depth shall be five feet from any side lot line where two attached single-family dwellings do not share a common wall.
- C. Maximum Lot Coverage: The maximum lot coverage for a lot of record developed with an attached single-family dwelling shall be 50 percent.
- D. Roofs: The roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.

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

In the VR-4/5 and VR-5/7 Districts, attached single-family dwellings shall comply with the following standards:

- A. Minimum Side Yard Depth: No minimum side yard depth shall be required from any side lot line where two attached single-family dwellings share a common wall. The minimum side yard depth shall be five feet from any side lot line where two attached single-family dwellings do not share a common wall.
- B. VTH District Standards: In the VR-4/5 District—when transferring density from a Resource Protection Area, as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*—attached single-family dwellings shall comply with the following standards, if more than two attached single-family dwellings are attached in succession:

1. Subsections 838.05(B) and (C) shall apply in lieu of Subsections 315.05(H) through (K);
2. The dimensional standards for the VTH District, as set forth in Table 315-4, shall apply in lieu of the dimensional standards for the VR-4/5 District, as set forth in Table 315-4; and
3. The minimum landscaping area shall be 25 percent of the lot area.

838.05 STANDARDS IN THE VTH DISTRICT

In the VTH District, attached single-family dwellings shall comply with the following standards:

- A. Minimum Side Yard Depth: No minimum side yard depth shall be required from any side lot line where two attached single-family dwellings share a common wall. The minimum side yard depth shall be five feet from any side lot line where two attached single-family dwellings do not share a common wall.
- B. Configuration: Attached single-family dwellings shall orient to and line streets with a series of attached “rowhouse” units.
- C. Site and Building Design: Attached single-family dwellings shall comply with Subsections 1005.09(A) and (B).

838.06 STANDARDS IN THE MR-1 AND MR-2 DISTRICTS

In the MR-1 and MR-2 Districts, attached single-family dwellings shall comply with the following standards:

- A. Minimum Lot Size: In the MR-1 District, the minimum lot size shall be 3,630 square feet. In the MR-2 District, the minimum lot size shall be 2,420 square feet.
- B. Minimum Front Yard Depth: On corner lots, the minimum front yard depth shall be 20 feet from one front lot line and 10 feet from the other front lot line, except that the minimum shall be 20 feet from any front lot line from which motor vehicle access is taken.
- C. Minimum Side Yard Depth: No minimum side yard depth shall be required from any side lot line where two attached single-family dwellings share a common wall. The minimum side yard depth shall be five feet from any side lot line where two attached single-family dwellings do not share a common wall.
- D. Maximum Lot Coverage: The maximum lot coverage for a lot of record developed with an attached single-family dwelling shall be 65 percent.
- E. Maximum Building Height: The maximum building height shall be 35 feet.

F. Minimum Landscaping Area: The minimum landscaping area shall be 20 percent of each lot of record.

838.07 STANDARDS IN THE HR DISTRICT

In the HR District, attached single-family dwellings shall comply with the following standards:

A. Minimum Rear Yard Depth: The minimum rear yard depth shall be 20 feet. However, no minimum rear yard depth is required from a rear lot line that abuts a national forest.

B. Maximum Lot Coverage: The maximum lot coverage for a lot of record developed with an attached single-family dwelling shall be 50 percent.

C. Maximum Building Height: The maximum building height shall be 35 feet.

D. Minimum Landscaping Area: The minimum landscaping area shall be 20 percent for the development of attached single-family dwellings, if three or more dwelling units are attached to one another.

839 ACCESSORY DWELLING UNITS

839.01 APPLICABILITY

Section 839 applies to accessory dwelling units.

839.02 GENERAL STANDARD

Only one accessory dwelling unit shall be allowed on a lot of record.

839.03 STANDARDS IN THE URBAN LOW DENSITY RESIDENTIAL DISTRICTS

In the Urban Low Density Residential Districts, accessory dwelling units shall comply with the following standards:

A. Maximum Area: The maximum area of an accessory dwelling unit shall be 720 square feet, except in the R-2.5 District, where the maximum shall be 500 square feet.

B. Entrances: If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the structure. An exception to this requirement may be granted if there is no ground-level access to the accessory dwelling unit, or if the primary dwelling has additional front entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased.

C. Owner Occupancy: Owner occupancy of either the accessory dwelling unit or the primary dwelling shall be required. A deed restriction requiring owner-occupancy of one of the dwelling units shall be recorded prior to issuance of a building permit for the accessory dwelling unit.

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

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

A. An accessory dwelling unit either may be located above a detached garage, or it may be integral to a primary dwelling unit.

B. If the accessory dwelling unit is located above a detached garage:

1. The maximum area of the accessory dwelling unit shall be 720 square feet.

2. The accessory dwelling unit shall be subject to the dimensional standards for accessory structures in the VR-4/5 and VR-5/7 Districts listed in Table 315-4 and to Subsections 315.05(H) and (M).

C. If the accessory dwelling unit is integral to a primary dwelling unit, it shall be subject to the dimensional standards for primary dwellings in the VR-4/5 and VR-5/7 Districts listed in Table 315-4 and to Subsections 315.05(H) and (I).

839.05 STANDARDS IN THE VTH DISTRICT

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

A. An accessory dwelling unit either may be located above a detached garage, or it may be integral to a primary dwelling unit.

B. If the accessory dwelling unit is located above a detached garage:

1. The maximum area of the accessory dwelling unit shall be 500 square feet.

2. The accessory dwelling unit shall be subject to the dimensional standards for accessory structures in the VTH District listed in Table 315-4 and to Subsection 315.05(M).

C. If the accessory dwelling unit is integral to a primary dwelling unit, it shall be subject to the dimensional standards for primary dwellings in the VTH District listed in Table 315-4 and to Subsection 1005.09(A).

903 SETBACK EXCEPTIONS

903.01 REVERSE FRONTAGE, DOUBLE FRONTAGE, THROUGH, AND CORNER LOTS

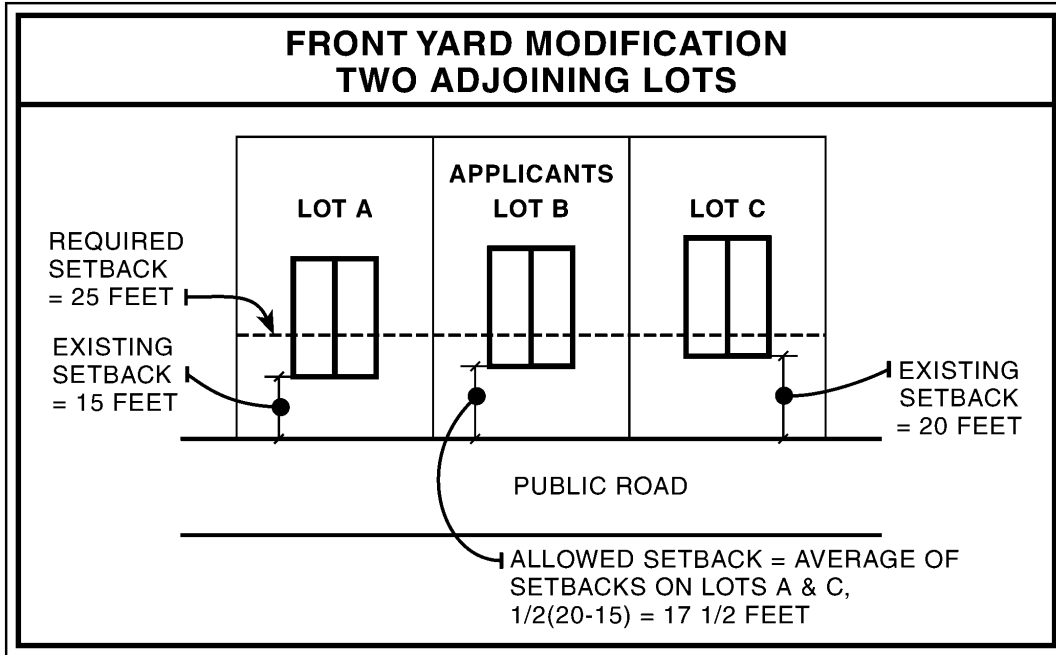
Structures on reverse frontage, double frontage, through, and corner lots shall comply with the front yard setback from both streets, except as provided below:

- A. Reverse Frontage Lots: The lot line abutting one of the streets shall be designated as the rear lot line as provided in Section 202.
- B. Corner Lots: Front yard setback standards for corner lots in the ~~Urban-Low Density Residential, RRRecreational Residential, and HRHoodland Residential zoning D~~istricts are set forth in Sections ~~301, 305, and 312~~, respectively.

903.02 FRONT YARD MODIFICATION

The purpose of this section is to provide for flexibility in administering the front yard setback regulations of this Ordinance in specific situations. The front yard of a lot may be modified to present a continuous appearance when adjoining lots on the same side of the street have front yards less than required. This applies to adjoining lots with nonconforming front yards which existed before the district was adopted. Flag lots are excluded when referring to adjoining lots. The following exceptions to the front yard requirements for a lot are authorized in all districts.

- A. If there are dwellings or structures other than accessory structures on both adjoining lots on the same side of the street with front yards less than the required setback, then the front yard setbacks for the lot shall not be less than the average of the setbacks on the adjoining lots (see illustration for front yard modification, two adjoining lots).



- B. If there is a primary use structure on one adjoining lot on the same side of the street with a front yard less than the required setback, then the front yard for the lot shall not be less than the average of the required setback and the setback on the adjoining lot with the nonconforming setback.
- C. Front yards on corner lots shall not be less than the average of the setback of the front yard on the adjoining lot on the same street and the required setback.
- D. In no case shall signs be considered as structures for the purpose of front yard modifications. When a building setback is modified under these provisions, the setback for the sign provided in conjunction with the building may be modified to the same extent as the modified building setback.

[Amended by Ord. ZDO-224, 5/31/11]

903.03 ADDITIONS TO EXISTING STRUCTURES

When a structure exists at the time when a zone is adopted that would not be allowed in that zone by reasons of setback restrictions, additions to this structure not conforming to the front yard setbacks shall be allowed, provided: (5/21/79)

- A. The setback distance will not be decreased by the addition;
- B. The addition conforms to all other provisions of the zoning district; and
- C. The addition shall not be greater than 40 percent of the square footage on the ground level of the existing structure.

[Amended by Ord. ZDO-224, 5/31/11]

903.04 PUBLIC DEDICATIONS

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 903.03.

[Amended by Ord. ZDO-224, 5/31/11]

903.05 USES EXEMPT FROM SETBACK REQUIREMENTS

Setback limitations stipulated elsewhere in this Ordinance shall not apply to:

- A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state, or municipal corporation;
- B. The side and rear yards of underground structures, except:
 - 1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the applicable zoning district and Subsection 903.06(C) shall apply.
 - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the applicable zoning district;
- C. Entryway approval pursuant to Section 1016;
- D. The side and rear yards of ground-mounted solar energy systems extending less than six feet above finished grade; and
- E. The side and rear yards of rainwater collection facilities extending less than six feet above finished grade.

[Amended by Ord. ZDO-224, 5/31/11]

903.06 PROJECTIONS INTO REQUIRED YARDS

Architectural features and certain structures may project into required yards, as follows:

- A. Architectural features may project into the required yard not more than one-third the distance of the setback requirement, and not exceeding 40 inches into any required yard adjoining a street right-of-way.
- B. Open unenclosed fire escapes may project a distance not exceeding 48 inches.

- C. An uncovered porch, deck, terrace, patio, or underground structure extending no more than two and one-half feet above the finished grade may extend within three feet of a side lot line or within 10 feet of a front or rear lot line.

[Amended by Ord. ZDO-224, 5/31/11]

903.07 FLAG LOTS

The location of side, rear, and front lot lines and yards may be modified during the review of a partition, subdivision, variance, or building permit application to allow flexibility in the placement of structures on flag lots when the following conditions apply:

- A. The modification is consistent with the purposes for the dimensional standards as specified in the applicable zoning district, and
- B. It is not possible to extend an easement to serve additional properties due to physical conditions such as topographic barriers or existing structures; or
- C. It is not necessary to extend an easement to serve additional property because such properties are already fully developed or have access from other existing roads or easements.

[Amended by Ord. ZDO-224, 5/31/11]

1005 SUSTAINABLE SITE AND BUILDING DESIGN

1005.01 PURPOSE

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

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

1005.02 APPLICABILITY

Section 1005 shall apply to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwellings. Subsections 1005.04 (F) ~~and 1005.09 shall~~ also shall apply to attached single-family dwellings. Subsection 1005.09 also shall apply to developments of a single two- or three-family dwelling.

1005.03 GENERAL SITE DESIGN STANDARDS

Development shall be subject to the following standards:

- A. Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.
- B. Cluster and modulate building masses to minimize disturbance of existing significant landforms and vegetation. Through the design review process,

minimum front yard setbacks may be reduced or waived to minimize disturbance of natural landforms or vegetation. If a setback reduction is granted, a program for protection of those landforms and vegetation during construction, and for long-term maintenance, shall be provided.

- C. Incorporate existing significant plants, terrain or other natural features into the landscape design and development.
- D. Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.
- E. Minimum setbacks may be reduced by up to 50 percent as needed to allow improved solar access—as demonstrated by technical standards set forth in Section 1018 or by other credible evidence—when solar panels or other active or passive solar use is incorporated into the building plan.
- F. A continuous, interconnected on-site walkway system meeting the following standards shall be provided.
 - 1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.
 - 2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children’s play areas and plazas.
 - 3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.
 - 4. Walkways shall be constructed with a well drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.
 - 5. Standards for walkways through vehicular areas:
 - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.
 - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.
 - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway

shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.

- d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.
 - e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.
6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.
 - a. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.
 - b. Notwithstanding the remainder of Subsection 1005.03(F)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.
- G. Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front yard setback line.
1. If the minimum front yard setback is less than 20 feet, the setback may be increased to 20 feet provided pedestrian amenities are developed within the setback.
 2. Primary building entrances for buildings used to comply with Subsection 1005.03(G), shall:
 - a. Face the street;
 - b. Be located at an angle facing both the street and a parking lot; or
 - c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.
 3. If a development has frontage on more than one street, Subsection 1005.03(G) must be met on only one frontage, as follows:

- a. If one of the streets is a major transit street, the standard shall be met on that street.
 - b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.
 - c. If neither 1005.03(G)(3)(a) or (b) applies, then the standard shall be met on the longest frontage.
- H. Inside the UGB, parking lots larger than three acres in size shall be built with major on-site vehicular circulation ways that include raised walkways with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
- I. Onsite vehicular circulation aisles for multifamily, mixed use, commercial, institutional and industrial developments shall be a maximum of 24 feet in width, unless additional width is required by the County Roadway Standards or in areas designed for truck circulation.
- J. Inside the UGB:
1. The development shall have no more than the minimum number of driveways allowed by the Department of Transportation and Development on all arterial and collector streets.
 2. For properties having more than one street frontage, driveways shall be located on the street with the lowest functional classification, if feasible.
 3. Driveways shall be no wider than the minimum width allowed by the County Roadway Standards.
 4. Driveways shall be located so as to maximize the number of allowed on-street parking spaces, the number of street trees and optimum street tree spacing.
- K. New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.
1. A private street used to meet the standards in Subsection 1005.03(K) must have raised walking surfaces on both sides, street trees, curbs, and pedestrian-scale street lighting, and must connect at both ends to an existing or proposed street.
 2. If a development has frontage on more than one major transit street, this orientation requirement needs to be met on only one side.
 3. The public entrance orientation requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

- L. New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.
 - 1. For the purpose of Subsection 1005.03(L), a building is located at a major transit stop, if:
 - a. The building is located on a lot that has frontage on the major transit street or an intersecting street; and
 - b. Any portion of the building is within a 200-foot radius of the major transit stop.
 - 2. Lawfully established buildings that do not comply with the maximum setback standard may have additional height added as an expansion without being brought into conformance with the standard.
 - 3. The maximum setback standard does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
- M. Development in Centers, Station Communities or along Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*; X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community*; X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area* is subject to the following standards:
 - 1. Site plans shall illustrate potential future development on the site, including: additional buildings, expansions of proposed buildings, locations of understructure or structured parking, and circulation and connections to adjacent uses. For Corridor Streets, this shall apply to the depth of the multifamily, mixed use, commercial or industrial zoning.
 - 2. The site shall be developed to accommodate the potential future development illustrated.

1005.04 BUILDING DESIGN

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

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

B. Requirements for building entries:

1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.
2. Commercial, mixed-use and institutional buildings sited to comply with 1005.03(G) shall have public entries that face streets and are open to the public during all business hours.

C. The street-facing façade of commercial, mixed-use and institutional buildings sited to comply with 1005.03(G) shall meet the following requirements:

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

D. Requirements for roof design:

1. For buildings with pitched roofs:

- a. Eaves shall overhang at least 24 inches.
 - b. Roof vents shall be placed on the roof plane opposite the primary street.
2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.
- E. Requirements for exterior building materials:
1. Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood's intended visual identity.
 2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
 3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.
 4. Notwithstanding Subsection 1005.04(E)(3) metal may be approved as an exterior building material through design review pursuant to Section 1102 for specific high-image surfaces, canopies, awnings, doors, screening of roof-mounted fixtures, or other architectural features.
- F. Additional building design requirements for multifamily dwellings, two- and three-family dwellings, and attached single-family dwellings:
1. Façades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.
 2. Windows shall be frequent and coordinate with bays and balconies.
 3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.
 4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities.
 5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas shall be completely enclosed and easily accessible to respective dwelling units.

G. Requirements to increase safety and surveillance:

1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.
2. Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.
3. Locate parking and automobile circulation areas to permit easy police patrol.
4. Design landscaping to allow for surveillance opportunities.
5. Addresses shall be clearly marked. Addresses for complexes shall be visible from the street, and addresses of individual businesses and dwelling units shall be clearly marked at a pedestrian scale within the development.
6. Locate mail boxes where they are easily visible and accessible.
7. Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of three feet in height.
8. Locate play areas for clear parental monitoring.

H. Solar access requirements:

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

I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.04(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*; X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community*; X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area*. The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

1. Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.
 2. Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.
 3. Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.
 4. Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings.
 5. In industrial zoning districts, site areas used for vehicular operations, outdoor storage, and outdoor processing to minimize the impacts on adjacent dissimilar uses.
 6. Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.
 7. In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.
 8. In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.
 9. In open space or scenic areas, use natural color tones, lines and materials which blend with the natural features of the site or site background.
- J. Requirements for screening mechanical equipment:
1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.
 2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that blocks at least 80% of the view.
 3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical

equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.04(J)(1) or (2).

K. Requirements for specialized structures in industrial zoning districts:

1. In the GI District, silos, towers, and other specialized storage or processing structures, including metal-sided structures, are permitted as part of a primary use only if such structures are enclosed in a building that complies with the other applicable standards of Subsection 1005.04, or if such structures have the following characteristics:
 - a. Provide windows and canopies, awnings, wood or masonry siding, or other exterior treatment to highlight accessory office areas within the same building, when applicable;
 - b. Use exterior colors which blend with the landscape, such as brown, green, tan, or, in the case of tall structures, such as silos or towers, use light colors that blend with the sky; and
 - c. Do not use bright colors, white, or multiple colors, except as specifically approved pursuant to Section 1102 for trim, accents, or to provide visual interest to equipment or structures that are unique to the particular use.
2. In the BP and LI Districts, silos, towers, and other specialized storage or processing structures are prohibited unless they are enclosed in a building that complies with the other applicable standards of Subsection 1005.04, or unless they are approved as part of a conditional use.

1005.05 OUTDOOR LIGHTING

A. Outdoor lighting devices:

1. Shall be architecturally integrated with the character of the associated structures, site design and landscape.
2. Shall not direct light skyward.
3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;
4. Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;

5. Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and
6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.

B. The following are exempt from Subsection 1005.05(A):

1. Temporary lights used for holiday decorations;
2. Street lights regulated in Section 1006; and
3. Lighting associated with outdoor recreation uses such as ball fields or tennis courts.

1005.06 ADDITIONAL REQUIREMENTS

In addition to the requirements listed in Subsections 1005.03 through 1005.05, development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.

- A. Install a solar energy system in the development.
- B. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:
 1. Modulate building masses to maximize solar access.
 2. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites, as demonstrated by technical standards set forth in Section 1018 or by other credible evidence.
 3. Locate buildings to maximize windbreaks.
 4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.
 5. Utilize deciduous trees to provide summer shade and allow winter sun.
 6. Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.
 7. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.

8. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.
- C. Use highly reflective (high albedo) materials on roof surfaces.
- D. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.
- E. Construct a minimum of 75 percent of walkway area of porous pavement.
- F. Construct a minimum of 75 percent of all parking spaces with porous pavement.
- G. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.
- H. Include additional swales in development landscaping, pursuant to Section 1009. Credit shall be given for additional swale(s) that exceed the requirements of Subsection 1009.04(A)(2) by at least 10 percent of area. For example, if 1009.04(A)(2) requires 200 square feet of swale area, then an additional 20 square feet of swale area would be required.
- I. Collect rainwater from roofs and/or other impervious surfaces and use it for irrigation.
- J. Apply other techniques for onsite storm water treatment identified by the surface water management regulatory authority.
- K. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, mini-parks, and accessways that are open to the general public.
- L. Enhance sidewalks and/or walkways by providing additional width, using higher quality materials; shielding from vehicular traffic with enhanced planting strips, street trees and on-street parking, and/or providing pedestrian amenities that are compatible with the design of the development as well as the neighborhood as a whole.
- M. Coordinate development between adjacent uses to provide for a more attractive and lively streetscape, enhance connections, minimize conflicts and provide common-use areas.
- N. Enhance the pedestrian connection between the development and neighborhood shopping areas, nearby transit, trails, bikeways or parks. Examples include additional width or pedestrian amenities.
- O. Provide functional and accessible rooftop gardens.

- P. For multifamily dwelling units that face the street, raise first floor units a minimum of two feet above street level.
- Q. Provide structured or under-structure parking to meet all or part of the parking need.
- R. Provide no more than the minimum number of surface parking spaces set out in Table 1015-2, all of which shall be no greater than the minimum dimensions allowed in Subsection 1015.04(B)(2).
- S. Lay out sites or orient structures, to maximize significant vistas.
- T. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.
- U. Utilize rail service opportunities abutting the site.
- V. Inside the UGB, a minimum of 75 percent of the street frontage of each lot shall have buildings located at the minimum front setback line. If the minimum front setback is zero, up to 20 feet of additional setback may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
- W. Outside the UGB, or for industrial developments, a minimum of 25 percent of the street frontage of each lot shall have buildings located at the minimum front setback line. Up to 20 feet of additional setback may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
- X. Locate buildings at the minimum side yard setback or within 10 feet of the side setback line, whichever is greater.
- Y. For developments not in Centers, Station Communities or along Corridor Streets site plans shall illustrate potential future buildings and potential future expansions of proposed buildings, locations of understructure or structured parking, and circulation and connections to adjacent uses. Lay out and develop the site to accommodate future additional buildings, circulation and structured parking.

1005.07 MODIFICATIONS

Modification of any standard identified in Subsections 1005.03 and 1005.04 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.

1005.08 REGIONAL CENTER DESIGN STANDARDS

Subsection 1005.08 applies in the Regional Center, as identified on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center.

Corridors, and Station Community. Where these standards conflict with other provisions in Section 1000, Subsection 1005.08 shall take precedence.

A. In the RCHDR District, pedestrian amenities are required in the front yard setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.

1005.09 SUNNYSIDE VILLAGE STANDARDS

Subsection 1005.09 applies in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, Sunnyside Village Plan Land Use Plan Map. Where these standards conflict with other provisions in Section 1000, Subsection 1005.09 shall take precedence.

A. Primary Dwellings in the VTH District: In the VTH District, the following standards apply to primary dwellings:

1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.
2. Porches are required for each unit and shall be located immediately adjacent to the primary entry. Porches shall cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of six feet.
3. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way or designated accessway shall not consist of a blank wall.
4. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.
5. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.

B. Garages and Driveways in the VTH District: In the VTH District, the following standards apply:

1. A detached garage may be placed at the rear of a lot.
2. A front-access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front facade (not including porches, bays, and architectural features) and a minimum of 20 feet from the street right-of-way.
3. A minimum two-foot-deep trellis or bay window shall be placed above the garage opening. The trellis shall extend the full width of the garage, and the bay window shall be a minimum of eight feet in width.
4. If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.

5. If a lot abuts an alley, then garage access from the street is prohibited.
- C. Site Design in the VA District: In the VA District, no direct access is permitted onto Sunnyside Road. Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets.
- D. Entries in the VA District: In the VA District, entries are subject to the following standards:
1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.
 2. Secondary entries may face parking lots or loading areas.
 3. Ground floor units should have entries directly from the street; upper story units may share one or more entries.
- E. Facades in the VA District: In the VA District, facades are subject to the following standards:
1. Building facades shall be designed, at a minimum, with windows, entries, balconies, and bays. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets. Facades facing a street right-of-way or pedestrian path shall not consist of a blank wall.
 2. Windows shall be frequent and coordinate with bays and balconies. Vertical proportions and divided lights are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows facing the front street shall be double-hung or casement windows.
- F. Roofs in the VA District: In the VA District, hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas.
- G. Building Materials in the VA District: In the VA District, exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14]

1009 LANDSCAPING

1009.01 PURPOSE

Section 1009 is adopted to:

- A. Promote sustainable development practices, including energy efficiency, water conservation, reduced use of pesticides and synthetic fertilizers, and onsite storm water containment;
- B. Support clean air and water, wildlife habitat, greenhouse gas reduction, and the retention of existing natural features;
- C. Create compatibility between adjacent land uses, with particular emphasis on mitigating off-site impacts to residential areas;
- D. Provide outdoor recreational space in residential developments;
- E. Encourage the planting of edible gardens;
- F. Create an attractive, safe, and functional pedestrian environment;
- G. Facilitate the safe and efficient movement of traffic through parking lots; and
- H. Enhance the appearance of development.

1009.02 GENERAL PROVISIONS

- A. Landscaping materials shall be selected and sited to produce a hardy and low-maintenance landscaped area with an emphasis on fast-growing plants. Selection shall include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the subject property, building walls and overhangs, and compatibility with existing vegetation to be preserved. Notwithstanding the requirement for hardiness, annuals are permitted as provided in Subsection 1009.02(B).
- B. A variety of plants, intermixed throughout landscaped areas, shall be provided, as follows:
 - 1. Evergreen and deciduous;
 - 2. Trees, shrubs, and groundcover;
 - 3. Plants of varying textures;
 - 4. Plants of varying widths and heights at maturity; and
 - 5. Plants with seasonal color interest (e.g., foliage, flowering perennials, annuals).

- C. The planting of invasive non-native or noxious vegetation shall be prohibited, and existing invasive non-native or noxious vegetation shall be removed.
- D. Landscaped areas shall not be used for other purposes, such as storage or display of automobiles, equipment, merchandise, or materials.
- E. Landscaping of the unimproved area between a property line and the improved portion of an adjacent road right-of-way shall be required when there are no immediate plans to develop or otherwise disturb the unimproved area, and one or more of the following apply:
 - 1. The subject property is located inside the Portland Metropolitan Urban Growth Boundary;
 - 2. Landscaping is necessary to present an appearance consistent with the proposed development as viewed from the road;
 - 3. Landscaping is necessary to reduce dust, noise, erosion, or fire hazard; or
 - 4. The road is designated as a scenic road on Comprehensive Plan Map 5-1, *Scenic Roads*.
- F. Landscaping shall be used to highlight public entrances to buildings, except that this requirement will be waived where buildings are not set back from the front property line.
- G. Where feasible, landscaping shall be required adjacent to walkways and other areas intended for pedestrian use.

1009.03 MINIMUM AREA STANDARDS

- A. Table 1009-1, *Minimum Landscaped Area*, establishes the minimum percentage of the area of the subject property that shall be landscaped.

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1. The minimum landscaping percentage shall be calculated after subtracting any public dedications from the area of the subject property.
2. Landscaping in adjacent rights-of-way shall not count toward compliance with the minimum landscaping percentage.
3. Requirements for surface parking and loading area landscaping, screening and buffering, landscaping strips, and outdoor recreational areas set forth in Section 1009 apply regardless of whether compliance with those requirements results in landscaping a greater percentage of the site than is required by Table 1009-1.
4. Notwithstanding Subsection 1009.03(A), additions to a commercial, industrial, or institutional development which does not currently comply with the minimum landscaping percentage standard, shall require additional landscaping area, as follows:
 - a. Structural additions of 1,000 to 1,999 square feet: An additional five percent of the subject property, but no more than the percentage required by Table 1009-1;
 - b. Structural additions of 2,000 to 4,999 square feet: An additional 10 percent of the subject property, but no more than the percentage required by Table 1009-1;
 - c. Structural additions of 5,000 square feet or more: The percentage required by Table 1009-1; and
 - d. Where successive structural additions occur at different times, the required landscaping percentage shall increase until total conformance is reached.

Table 1009-1: Minimum Landscaped Area

Zoning District	Minimum Landscaped Area
RTL, RCO, RCC, PMU, CC, SCMU ¹	10 percent
NC, C-2, C-3, RTC ² , RC, BP, LI, GI, RI, VCS, VO, VC	15 percent
OC, OA, RCHDR ³	20 percent
MR-1, HDR, PMD, MRR, MR-2, CI, VTH, VA	25 percent, except 20 percent for developments of attached single family dwellings in the MR-1 and MR-2 zoning districts
HR	25 percent for the development of conditional uses; 20 percent for the development of attached single family dwellings, if three or more dwelling units are attached to one another
R-2.5 through R-30, RR, RA-1, RA-2, RRFF-5, FF-10, HR, FU-10, VR-4/5, and VR-5/7	25 percent for the development of conditional uses
SHD	40 percent ⁴

¹ In the SCMU District, the minimum shall be 15 percent for developments of three-family or multifamily dwellings, including mixed-use developments that include these uses.

² In the unincorporated community of Government Camp, as shown on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*, the minimum shall be 10 percent, except that there shall be no minimum for properties with frontage on the Old Mt. Hood Loop Road from E. Wy’ east Trail to E. Olive Street and on E. Little Trail from E. Olive Street to E. Church Street, where public plazas are provided in compliance with Subsection 504.09(E).

~~³ In the RCHDR District, this is the minimum percentage for landscaping, outdoor surface areas, and certain recreational facilities, as regulated by Subsections 1706.10(D) and (E).~~

~~⁴ This is the minimum percentage for certain indoor recreational facilities, as set forth in Subsection 304.10(C), and outdoor surface areas, including the following: landscaping; courtyards; pedestrian plazas; areas dedicated for parks; onsite walkways and bikeways; recreational areas and facilities; and shared yards, decks, terraces, patios, and roof gardens.~~

- B. A minimum of 75 percent of the minimum landscaped area required by Table 1009-1—excluding any area occupied by pedestrian amenities, active recreational areas, or edible gardens—shall be landscaped with native or drought-tolerant plants.
- C. Outdoor recreational areas required by Subsection 1009.08, as well as outdoor recreational areas in the Mountain Recreational Resort District, shall count toward the minimum landscaped area required by Table 1009-1, except that impervious surface area exceeding 25 percent of the outdoor recreational area shall be excluded.
- D. Edible gardens may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1.
- E. Green roofs may comprise a maximum of 25 percent of the minimum landscaped area required by Table 1009-1.
- F. Turf lawn may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1. However, this limitation shall not apply to active recreational areas, provided that no other areas of the subject property are planted in turf lawn, and it shall not apply to cemeteries.
- G. Pedestrian amenities may comprise a maximum of one-third of the minimum landscaped area required by Table 1009-1. However, no more than 15 percent of the minimum landscaped area required by Table 1009-1 and developed with pedestrian amenities shall have an impervious surface.
- H. Area occupied by walls, fences, or trellises constructed to comply with Subsections 1009.04 and 1009.05 shall count toward the minimum landscaped area required by Table 1009-1.
- I. In Medium, Medium High, and High Density Residential Districts, the following may comprise a maximum of 20 percent of the minimum landscaped area required by Table 1009-1: interior courtyards, atriums, solar greenhouses, solariums, roof gardens, indoor recreational areas, and other comparable amenities.
- J. In the SHD District, the minimum landscaped area required by Table 1009-1 shall be met with outdoor surface areas, including the following: landscaping; courtyards; pedestrian plazas; areas dedicated for parks; onsite walkways and bikeways; recreational areas and facilities; and shared yards, decks, terraces, patios, and roof gardens. In addition, indoor recreational facilities identified in Subsection 315.05(F), and over and above the minimum standard set forth in Subsection 315.05(F), may be counted toward the minimum landscaped area required by Table 1009-1.

K. In the RCHDR District, the minimum landscaped area shall be met with shared outdoor surface areas, including the following: landscaping; courtyards; pedestrian plazas; areas dedicated for parks; onsite walkways and bikeways; recreational areas and facilities; and yards, decks, terraces, patios, and roof gardens. In addition, indoor recreational facilities identified in Subsection 315.05(F), and over and above the minimum standard set forth in Subsection 315.05(F), may be counted toward the minimum landscaped area required by Table 1009-1. Also, private outdoor areas may be counted toward meeting the minimum landscaped area required by Table 1009-1, as follows:

1. A maximum of 25 percent of the minimum landscaped area required by Table 1009-1 may be comprised of usable private outdoor space, except that the 25-percent cap does not apply to usable private open space facing streets and accessory to residential development.
2. When living areas face the street, usable balcony space may be applied toward achieving the minimum landscaped area required by Table 1009-1 on a 1:2 ratio (one square foot of credit for every two square feet of balcony space facing the street). The balconies must have non-opaque sides, and be designed to incorporate landscaping or other decorative features.

1009.04 SURFACE PARKING AND LOADING AREA LANDSCAPING

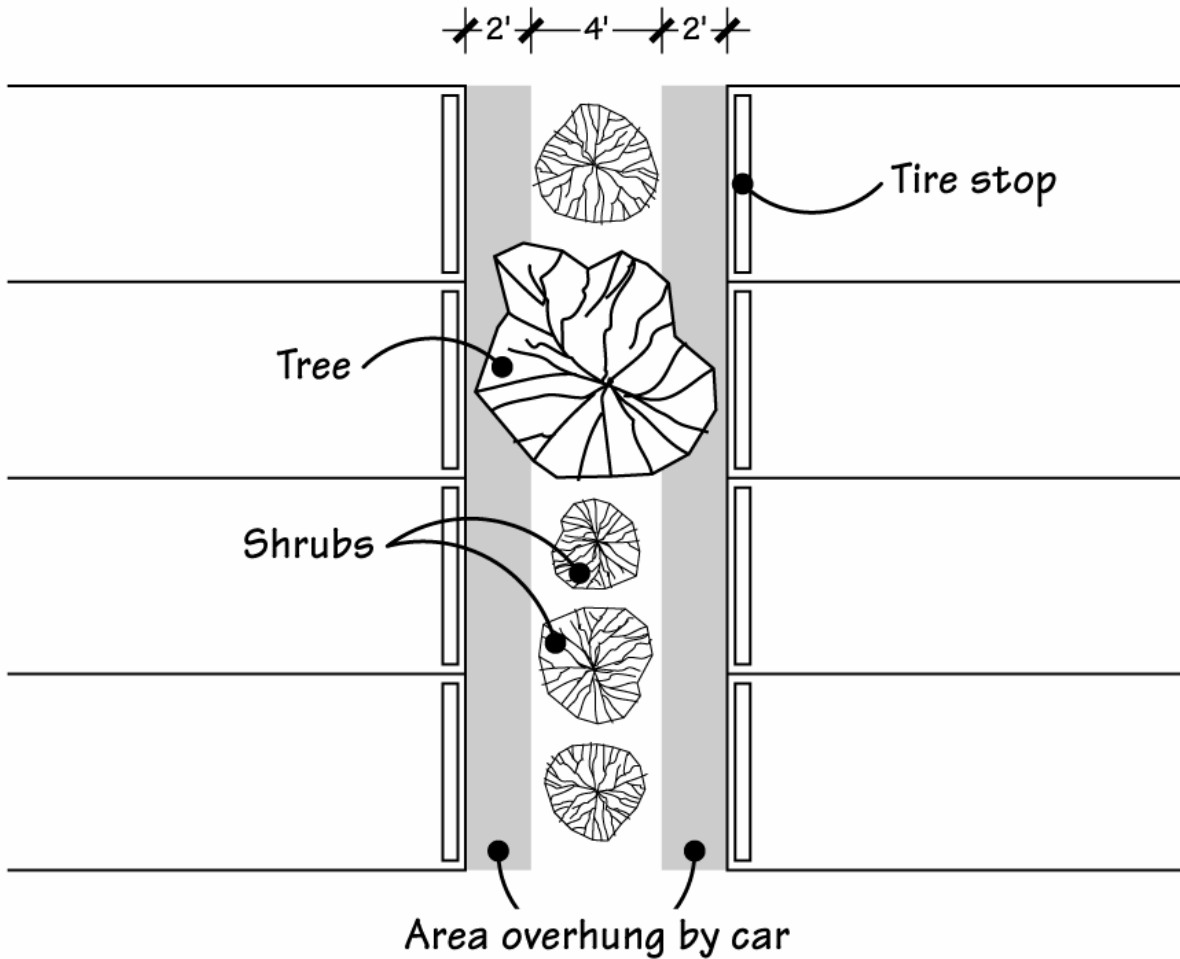
Surface parking and loading areas shall be landscaped as follows:

- A. Surface parking areas that include more than 15 parking spaces shall comply with the following landscaping requirements:
 1. Twenty-five square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the standard shall be reduced to 20 square feet for each parking space developed entirely with porous pavement.
 2. One landscape swale located between two rows of parking spaces, as shown in Figure 1009-1, is required for every six rows of parking spaces, unless all parking spaces are developed entirely with porous pavement. Additional swales beyond the minimum requirement are allowed.
 - a. For the purpose of Subsection 1009.04(A)(2), a “row” of parking spaces is one space deep, meaning that where two spaces abut at their ends, it is considered two “rows”.
 - b. Parking spaces separated by pedestrian or vehicle crossings perpendicular to the row of parking spaces are considered to be part of a single row.
 - c. The first required swale shall be developed for the entire length of the longest row of parking spaces.
 - d. Gaps in a required swale are permitted only to provide for pedestrian and

vehicle crossings.

- e. The parking lot shall be graded to allow surface water to flow into a swale. Curbs shall not separate parking spaces from the swale, and gaps between parking space tire stops are required to allow surface water to flow into a swale.
- f. Swales shall be a minimum of four feet wide.
- g. If the front portions of parking spaces are landscaped as allowed by Subsection 1015.04(B)(11), the landscaped portion of the parking space shall be adjacent and in addition to the swale, as shown in Figure 1009-1.
- h. Turf lawn is prohibited in swales.

Figure 1009-1: Parking Lot Swale

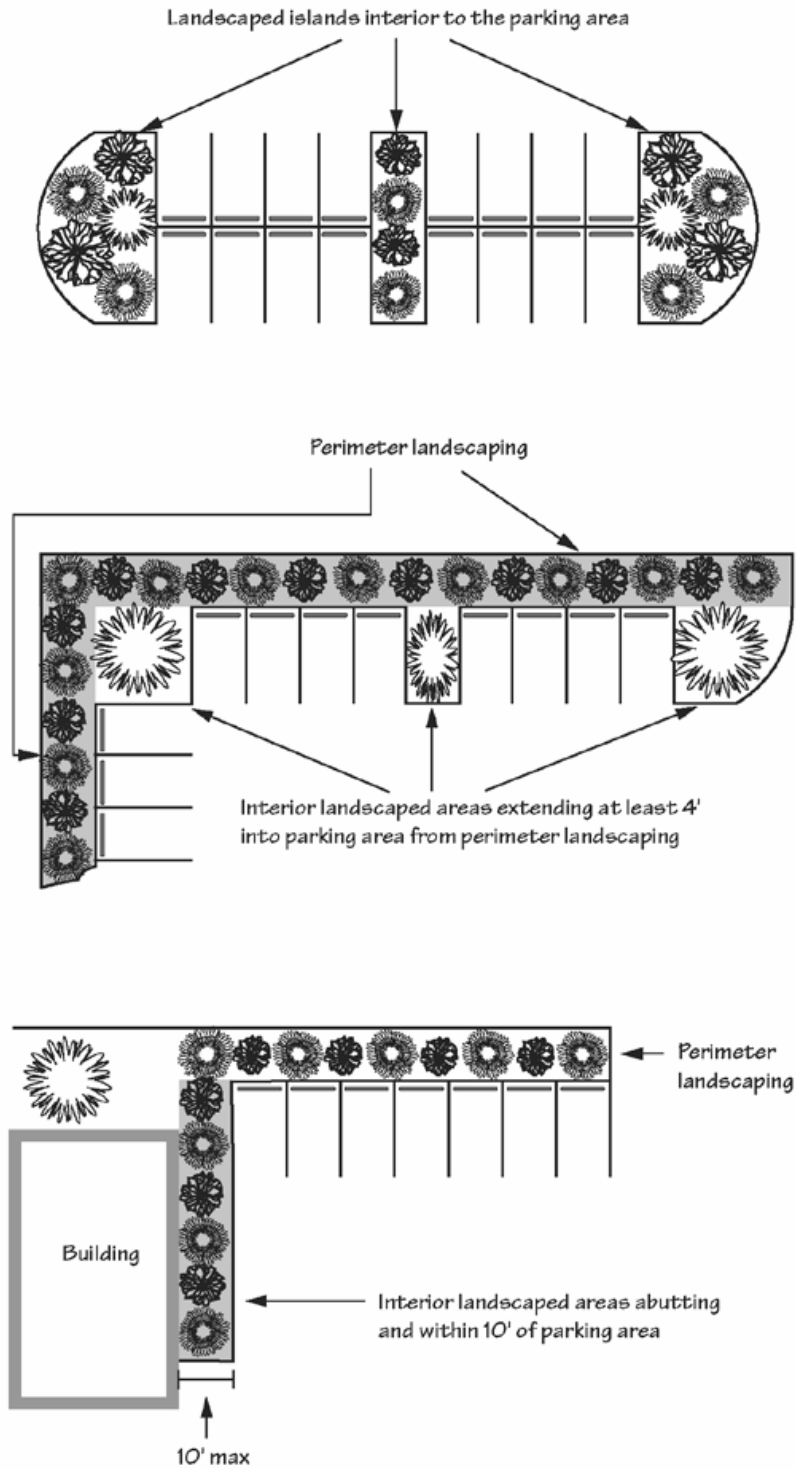


3. Interior landscaping not developed as swales pursuant to Subsection 1009.04(A)(2) shall comply with the following standards:
 - a. It shall be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking. See Figure 1009-2.
 - b. It may join perimeter landscaping as long as the interior landscape area extends at least four feet into the parking area from the perimeter landscape line. See Figure 1009-2.
 - c. Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
 - i. The abutting landscaped area must be in addition to required perimeter landscaping;

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- ii. Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
 - iii. The landscaped area is not abutting and parallel to required perimeter landscaping. See Figure 1009-2.
- d. The interior length and width of landscaped areas shall be a minimum of four feet.

Figure 1009-2: Interior Landscaping



4. Interior landscaped areas, including swales, shall include a minimum of one tree located every eight interior parking spaces, or fraction thereof, except in the Office Apartment (OA), Village Apartment (VA), Village Community Service (VCS), Village Office (VO), and Village Commercial (VC) Districts, where a minimum of one tree shall be located every six interior parking spaces.
 - a. Where necessary to accommodate other design considerations, variable spacing of the trees required by Subsection 1009.04(A)(4) is allowed, but in no case shall there be less than one tree planted in every 12 parking spaces.
 - b. The species of trees required shall be determined on the basis of the growth habit and the need to provide maximum shading of surface parking areas.
- B. Perimeter landscaping requirements for surface parking and loading areas adjacent to abutting properties or rights-of-way are as follows:
 1. A landscaping strip with a minimum width of five feet shall be provided adjacent to the perimeter of the surface parking or loading area, except:
 - a. In the OA, VA, VCS, VO, and VC Districts, the minimum width shall be 10 feet;
 - b. In the BP and LI Districts, the minimum width shall be 15 feet abutting a front lot line; and
 - c. In the GI District, the minimum width shall be 10 feet abutting a front lot line.
 2. The required landscaping strips shall comply with the following standards:
 - a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or a berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior side of the landscaping strip.
 - b. In addition, one tree is required for every 30 linear feet of landscaping strip, or as otherwise required to provide a tree canopy over the landscaping strip.
 - c. Ground cover plants must fully cover the remainder of the landscaped area.

3. A perimeter landscape strip is not required for a surface parking or loading area adjacent to an abutting property if one or more interior driveways connect the two properties and if the abutting property also is developed with a surface parking or loading area adjacent to the shared property line.
4. Required walkways may cross perimeter landscaping strips.

1009.05 SCREENING AND BUFFERING

- A. Screening shall be used to eliminate or reduce the visual impacts of the following:
 1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;
 2. Storage areas;
 3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;
 4. Parking lots within or adjacent to an Urban Low Density Residential, Recreational Residential, Rural Area Residential 1-Acre, Rural Area Residential 2-Acre, Rural Residential Farm Forest 5-Acre, Farm Forest 10-Acre, Hoodland Residential, Future Urban 10-Acre, Village Small Lot Residential, or Village Standard Lot Residential zoning districts; and
 5. Any other area or use, as required by this Ordinance.
- B. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), vegetated earth berms, walls, fences, trellises, proper siting of disruptive elements, building placement, or other design techniques.
- C. Screening shall be required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six feet in height and up to a maximum of 10 feet shall be required around the material or equipment.
- D. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to the buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.
- E. Buffering shall be accomplished by one of the following:
 1. A landscaping strip with a minimum width of 15 feet and planted with:

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- a. At least one row of deciduous and evergreen trees staggered and spaced not more than 30 feet apart;
 - b. At least one row of evergreen shrubs, spaced not more than five feet apart, which will grow to form a continuous hedge at least five feet in height within one year of planting; and
 - c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;
2. A berm with a minimum width of ten feet, a maximum slope of 40 percent on the side away from the area screened from view, and planted with a dense evergreen hedge;
 3. A strip with a minimum width of five feet, and including:
 - a. A masonry wall or sight-obscuring fence not less than five feet in height;
 - b. An evergreen hedge, vines, trees, or shrubs; and
 - c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area; or
 4. Another method that provides an adequate buffer considering the nature of the impacts to be mitigated.
- F. Required walkways shall be accommodated, even if such accommodation necessitates a gap in required screening or buffering.

1009.06 LANDSCAPING STRIPS IN INDUSTRIAL ZONING DISTRICTS

- A. In the BP and LI Districts, a landscaping strip a minimum of 15 feet wide shall be provided along front lot lines.
- B. In the GI District, a landscaping strip a minimum of 10 feet wide shall be provided along front lot lines.

1009.07 FENCES

- A. In the CI District, periphery fences shall not be allowed. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, such as vehicle storage areas or drainage detention facilities. Fences shall not be located where they impede pedestrian or bicycle circulation through or between site areas.

- B. In the BP District, street perimeter fences or walls and guard posts shall meet a minimum setback of 15 feet and shall be of a material, color, and design complementary to the development and to adjoining properties and public access roads.
- C. In the LI District, street perimeter fences or walls shall meet a minimum setback of 15 feet from the front lot line.
- D. In the GI District, street perimeter fences or walls shall meet a minimum setback of 10 feet from the front lot line.

1009.08 OUTDOOR RECREATIONAL AREAS

An outdoor recreational area shall be provided in developments of two-family, three-family, or multifamily dwellings in the Medium Density Residential, Medium High Density Residential, and High Density Residential zoning districts, and in developments of three-family or multifamily dwellings, including mixed-use developments that include these uses, in the Station Community Mixed Use (SCMU) zoning district, as follows:

- A. A minimum of 200 square feet of usable outdoor recreational space per dwelling unit shall be provided for studio, one- bedroom, and two-bedroom units. The minimum shall be increased to 300 square feet per dwelling unit for units with three or more bedrooms. Notwithstanding these requirements, see Subsections 1707.08(D)(1) and (2) for limitations that apply in the SCMU zoning district.
- B. Outdoor recreational areas may be designed for passive or active recreation, including edible gardening.
- C. Outdoor recreational areas shall be designed for adequate surveillance opportunities.
- D. Outdoor recreational areas shall be conveniently located and accessible to all dwelling units.

1009.09 EROSION CONTROL

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

1009.10 PLANTING AND MAINTENANCE

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

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- B. Plants shall not cause a hazard. Plants over walkways, sidewalks, pedestrian pathways, and seating areas shall be pruned to maintain a minimum of eight feet below the lowest hanging branches. Plants over streets and other vehicular use areas shall be pruned to maintain a minimum of 15 feet below the lowest hanging branches.
- C. Plants shall be of a type that, at maturity, typically does not interfere with above- or below-ground utilities.
- D. Plants shall be installed to current nursery industry standards.
- E. Plants shall be properly guyed and staked to current nursery industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- F. Landscaping materials shall be guaranteed in writing by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the County by the developer. The developer also shall submit a signed maintenance contract, or provide a financial guarantee pursuant to Section 1104, covering the landscape maintenance costs during the guarantee period.
- G. Plants shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated shall be sufficiently hardy to thrive under these conditions. Plants shall have vigorous root systems, and be sound, healthy, and free from defects and diseases.
- H. When planted, deciduous trees shall be fully branched, have a minimum caliper of two inches, and have a minimum height of eight feet.
- I. When planted, evergreen trees shall be fully branched and have a minimum height of eight feet.
- J. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches.
- K. Ground cover shall be planted a maximum of 30 inches on center with a maximum of 30 inches between rows. Rows of plants shall be staggered. Ground cover shall be supplied in minimum four-inch containers, except that the minimum shall be reduced to two and one-quarter inches or equivalent if the ground cover is planted a minimum of 18 inches on center.
- L. Plants shall be spaced so that ground coverage three years after planting is expected to be 90 percent, except where pedestrian amenities, rainwater collection systems, or outdoor recreational areas count as landscaping pursuant to Subsection 1009.03. Areas under the drip line of trees count as ground coverage.

- M. Irrigation of plants shall be required, except in wooded areas, wetlands, and in river and stream buffers. The irrigation system shall be automatic, except that hose bibs and manually operated methods of irrigation may be permitted in small landscaped areas close to buildings. Automatic irrigation systems are subject to the following standards:
1. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 2. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
 3. Narrow or irregularly shaped areas, including turf lawn, less than eight feet in width in any direction shall be irrigated with subsurface or low volume irrigation.
 4. Overhead sprinkler irrigation shall not be permitted within two feet of any non-permeable surface. Allowable irrigation within the two-foot setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - a. The landscaped area is adjacent to permeable surfacing and no runoff occurs; or
 - b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - c. The irrigation designer specifies an alternative design or technology, and clearly demonstrates strict adherence to Subsection 1009.10(M)(1).
 - d. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling.
- N. Appropriate methods of plant care and landscaping maintenance shall be provided by the property owner.
- O. Plants shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable methods.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14]

1012 DENSITY

1012.01 PURPOSE

This section is adopted to:

- A. Ensure that the density of development is properly related to natural features, public facilities and services, adjacent land uses, and applicable zoning;
- B. Encourage transferring density and development from any restricted portions of a site to other usable areas of the site;
- C. Provide density bonuses for affordable housing and public recreation amenities;
- D. Provide criteria for calculating maximum and minimum density; and
- E. Ensure that available urban land is used to the maximum extent, consistent with infrastructure availability and limitations.

1012.02 ~~APPLICABILITY~~ APPLICATION OF SECTION

In zoning districts listed in Table 1012-1, this section shall apply to the following administrative actions: subdivisions, partitions, and design review for condominiums, manufactured dwelling parks, manufactured home parks, two-family dwellings, three-family dwellings, or multifamily dwellings, except for:

- A. Two- and three-family dwellings approved pursuant to Section 802; and
- B. Subdivisions and partitions approved pursuant to Subsections 902.01(B)(3) through (5).

1012.03 DEFINITION AND GENERAL PROVISIONS

- A. Density is:
 - 1. The number of dwelling units in a condominium, two-family, three-family, or multifamily development;
 - 2. The number of spaces in a manufactured dwelling park or a manufactured home park; or
 - 3. The number of single-family-dwelling lots in a subdivision or partition.

- B. If the subject property is currently developed with one or more dwelling units that will be retained, such dwelling units shall be included in demonstrating compliance with the maximum and minimum density standards of this section.
- C. If a subdivision or partition is proposed on property currently developed with two-family, three-family, or multifamily dwellings (or with a current design review approval for such development), maximum and minimum density shall be calculated separately for each proposed lot or parcel.
- D. In a zoning district that does not allow new detached single-family dwellings, a lot created for a nonconforming detached single-family dwelling shall not be included in the gross site area used to calculate minimum and maximum density for the remaining lot(s).

1012.04 DISTRICT LAND AREA REQUIREMENTS

District land area is the minimum land area required per primary dwelling unit. The district land area for each zoning district is identified in Tables [1012-1](#) and [1012-2](#), except as may be modified by a variance approved pursuant to Section 1205.

Table [1012-1](#)

Zoning District	District Land Area (in square feet)
Special High Density Residential (SHD)	726
High Density Residential (HDR)	1,742
Medium High Density Residential (MR-2)	2,420
Medium Density Residential (MR-1)	3,630
Planned Medium Density Residential (PMD)	3,630
R-2.5	2,500
R-5	5,000
R-7	7,000
R-8.5	8,500
R-10	10,000
R-15	15,000
R-20	20,000
R-30	30,000
Village Apartment (VA)	1,500
Village Townhouse (VTH)	2,000
Village Small Lot Residential (VR-4/5)	4,000
Village Standard Lot Residential (VR-5/7)	5,000
Mountain Recreational Resort (MRR) in Government Camp	1,980
Mountain Recreational Resort (MRR) in Wemme/Welches and Rhododendron	See Table 1012-2
Hoodland Residential (HR)	10,890
Recreational Resort (RR)	87,120

Table [1012-2](#)

Dwelling Unit Size (in square feet)	District Land Area in MRR DistrictZone in Wemme/Welches	District Land Area in MRR DistrictZone in Rhododendron
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

1012.05 MAXIMUM DENSITY

Developments shall be limited to a maximum density. Except in the MRR, HR, and RR ~~zoning-d~~Districts, maximum density shall be calculated as follows. Exceptions that apply in the VA, VTH, VR-4/5, and VR-5/7 ~~zoning-d~~Districts are established by Subsection 1012.06. Subsection 1012.07 establishes the process to be used in the MRR, HR, and RR ~~zoning-d~~Districts.

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA:
 1. Land dedicated for park sites pursuant to Comprehensive Plan Map X-SV-4 and Section 1602;
 2. The land area of new county, public, or private roads (NR), except:
 - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted.
 - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval.
 - c. No subtraction shall be made for new access drives.
 - d. No subtraction shall be made for NR in the following zoning districts: SHD, HDR, MR-2, MR-1, PMD, and VA.
 3. Any land area of the GSA in the following highly restricted areas (HRA), except that no subtraction shall be made for HRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas:
 - a. Slopes greater than 50 percent;
 - b. Mass movement hazards regulated by Section 1003;
 - c. The floodway of the Floodplain Management District regulated by Section 703;
 - d. The Willamette River and the required buffer area regulated by Section 705;
 - e. Habitat Conservation Areas regulated by Section 706; and

- f. Water Quality Resource Areas regulated by Section 709; and
- 4. Fifty percent of the land area of any portions of the GSA in the following moderately restricted areas (MRA), except that no subtraction shall be made for MRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas. In the event of an overlap between HRA and MRA, the area of overlap shall be classified as HRA:
 - a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and
 - b. Areas outside the floodway but within the Floodplain Management District regulated by Section 703.
- C. Divide the net result by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are represented by the following formula:

$$\{GSA - [NR + HRA + (MRA \times 0.5)]\} / DLA = BD^*$$

* HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(3) and (4). Table [1012-3](#) summarizes the percentages of HRA and MRA that are included in calculating BD.

Table 1012-3

Restricted Area	Percentage of Area Included in Calculating BD When Area is Developed	Percentage of Area Included in Calculating BD When Density is Transferred
Slopes greater than 50 percent	0	100
Mass movement hazards regulated by Section 1003	0	100
The floodway of the Floodplain Management District regulated by Section 703	0	100
The Willamette River and the required buffer area regulated by Section 705	0	100
Habitat Conservation Areas regulated by Section 706	0	100
Water Quality Resource Areas regulated by Section 709	0	100
Slopes equal to or greater than 20 percent and less than or equal to 50 percent	50	100
Areas outside the floodway but within the Floodplain Management District regulated by Section 703	50	100

- D. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:
1. The proposed development shall include a minimum of four dwelling units.
 2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 1012-4.

Table 1012-4

Bonus Category	Maximum Increase in the ULDR and HR Zoning Districts	Maximum Increase in the <u>PMD</u>, MR-1, MR-2, HDR, and MRR Zoning Districts
Affordable Housing: Living units qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.	One unit per affordable unit up to 5 percent of the base density	One unit per affordable unit up to 8 percent of the base density
Park Dedication: Improved site area will be dedicated as a park and accepted by the County or other public agency pursuant to Section 1011.	10 percent of the base density	10 percent of the base density
Habitat Conservation Area: At least 75 percent of the HCA on the subject property will be protected from development by a restrictive covenant or a public dedication.	Not applicable	25 percent of the base density; This bonus density provision is also applicable in the SHD and VA zoning-d Districts.
MAXIMUM TOTAL INCREASE	15 percent of the base density	43 percent of the base density

- E. Any partial figure of one-half or greater shall be rounded up to the next whole number, except in the case of a subdivision or partition of 10 lots or fewer in an Urban Low Density Residential, VR-4/5, or VR-5/7 ~~D~~istrict, in which case partial figures shall be rounded down.
- F. The result is maximum density, except that the result shall be reduced as necessary to:
 1. Comply with the minimum lot size requirements of Section 1013 or 1014, as applicable;
 2. Ensure that, in an R-2.5 ~~zoning-D~~istrict, the density of the developed portion of the site area does not exceed the density allowed in the MR-2 ~~zoning-d~~istrict of one dwelling unit per 2,420 square feet of land area; and

3. Ensure that, in all other Urban Low Density Residential ~~zoning~~ ~~D~~istricts, the density of the developed portion of the site area does not exceed the density allowed in the MR-1 ~~zoning~~ ~~d~~istrict of one dwelling unit per 3,630 square feet of land area.

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

In the VA, VTH, VR-4/5, and VR-5/7 ~~zoning~~ ~~d~~istricts, maximum density shall be calculated pursuant to Subsection 1012.05, except if any restricted areas, as identified in Subsection 1012.05, are to be developed, in which case:

- A. A district land area of one acre shall apply to the restricted areas proposed for development.
- B. Density shall not be transferred from outside restricted areas into restricted areas.
- C. The calculations required under Subsection 1012.05 shall be completed twice, once for the gross site area of restricted areas to be developed and once for the gross site area of the remainder of the subject property.
- D. The steps identified in Subsections 1012.05(B)(3) and (4) shall be omitted when completing the calculations for the restricted areas to be developed.
- E. Partial figures resulting from the calculations for the restricted areas to be developed shall be rounded down.

1012.07 MAXIMUM DENSITY IN THE MRR, HR, AND RR ~~ZONING~~-DISTRICTS

In the MRR, HR, and RR ~~zoning~~ ~~d~~istricts, developments shall be limited to a maximum density, which shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between restricted area categories, the area of overlap shall be classified in the most restrictive category.
 1. The land area of new county, public, or private roads (NR), except:
 - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted.

- b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval.
 - c. No subtraction shall be made for new access drives;
 - 2. Any land area of the GSA in the following highly restricted area (HRA):
 - a. The Floodplain Management District regulated by Section 703;
 - 3. Fifty percent of the land area of the GSA in the following moderately restricted areas (MRA), except in the RR Districtzone, where the subtraction shall be 50 percent of any land area of the MRA that will remain undeveloped and 100 percent of any land area of the MRA that will be developed:
 - a. Slopes greater than 25 percent;
 - b. Mass movement hazards regulated by Section 1003; and
 - c. Wetlands and required buffer areas regulated by Subsection 1002.07 or another public agency; and
 - 4. In the RR Districtzone, any land area of the GSA that is in a river or stream corridor (SC) and will be developed.
 - C. In the RR and HR Districtszones, divide the NSA by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are generally represented by the following formula. However, as provided in Subsections 1012.07(B)(3) and (4), the subtraction for MRA may be increased above the 50-percent level and SC may be inapplicable.
$$\{GSA - [NR + HRA + (MRA \times 0.5) + SC] \} / DLA = BD$$
 - D. In the MRR Districtzone, the calculation in Subsection 1012.07(C) shall be done separately for each proposed unit size category identified in Table 1012-2. This requires the applicant to identify the square footage of the NSA that is attributed to each unit size category. The results of each separate calculation shall be added to determine BD.
 - E. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:
 - 1. The proposed development shall include a minimum of four dwelling

units.

2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table [1012-4](#).
 3. In an MRR ~~Districtzone~~, dwelling units allowed through the bonus density provisions shall be developed with the same unit size mixture as provided in the BD. For example, if a development is proposed with a BD of 50 units of 700 square feet and 50 units of 500 square feet, and a bonus density of 10 units is allowed, the 10 bonus units shall include 5 units of 700 square feet and 5 units of 500 square feet.
- F. In an MRR or HR ~~Districtzone~~, any partial figure of one-half or greater shall be rounded up to the next whole number.
- G. The result is maximum density.

1012.08 MINIMUM DENSITY

In the Urban Low Density Residential, [PMD](#), MR-1, MR-2, HDR, SHD, and VA ~~zoning-Del~~istricts, minimum density shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA:
 1. The land area of new county, public, or private roads and strips of land dedicated adjacent to existing road rights-of-way (NR);
 2. Slopes equal to or greater than 20 percent;
 3. Mass movement hazards regulated by Section 1003;
 4. Areas in the Floodplain Management District regulated by Section 703;
 5. The Willamette River and the required buffer area regulated by Section 705;

6. Habitat Conservation Areas regulated by Section 706, provided that the HCA, or portion thereof, to be subtracted is protected from development by a restrictive covenant or a public dedication, and provided that the subject property was inside the Portland Metropolitan Urban Growth Boundary on January 1, 2002;
 7. Water Quality Resource Areas regulated by Section 709; and
 8. Land to be dedicated to the public for park or open space use.
- C. Divide by the district land area of the applicable zoning district.
- D. Multiply the result:
1. By 80 percent in Urban Low Density Residential ~~zoning-D~~districts. However, partitions in these districts have no minimum density requirement provided a master plan demonstrates that the property can comply with the minimum density standard through future land division;
 2. By 80 percent in the PMD and MR-1 ~~zoning-D~~districts, except in the case of a manufactured ~~homedwelling~~ park where the result shall be multiplied by 50 percent;
 3. By 90 percent in the MR-2, HDR, and SHD ~~zoning-d~~Districts; or
 4. By 50 percent in the VA ~~zoning-d~~District.
- E. Any partial figure of one-half or greater shall be rounded up to the next whole number.
- F. The result is minimum density.

[Amended by Ord. ZDO-245, 7/1/13]

1014 DESIGN STANDARDS FOR LAND DIVISIONS

1014.01 PURPOSE

Section 1014 is adopted to ensure that land divisions occur in an orderly, efficient, sustainable, and cost-effective manner, while preserving the livability of the County.

1014.02 APPLICABILITY

Section 1014 shall apply to subdivisions and partitions.

1014.03 GENERAL DESIGN STANDARDS

- A. Every lot or parcel shall abut or have adequate access to a County, public, or private road or access drive and shall conform to the minimum frontage requirement of the applicable zoning district, unless a variance to these standards is approved.
- B. Lots or parcels shall be designed, when appropriate, to allow for the future re-division of the property and a master plan depicting potential future lot or parcel configurations shall be provided when any proposed lot or parcel is of sufficient size to be re-divided without exceeding the base density of the parent lot or parcel.
- C. Residential lots that have street frontage along two opposite boundaries shall be prohibited, except:
 - 1. For reverse frontage lots necessary to separate residential development from arterial streets;
 - 2. To overcome specific disadvantages of topography, orientation, or parent lot or parcel configuration, as necessary to permit compliance with the minimum density standard required under Section 1012; or
 - 3. Where alleys are provided for rear-loaded lot or parcel layouts.
- D. Developments with reverse frontage lots or parcels shall have a restriction in favor of the County at least one-foot wide along the lot or parcel lines abutting the arterial street, across which there shall be no access. Alternatively, there shall be a note on the final plat stating that direct access to the arterial street will not be allowed.

1014.04 MINIMUM AND MAXIMUM LOT OR PARCEL SIZE

- A. Lots or parcels in subdivisions and partitions shall comply with the minimum and maximum lot size standards of the applicable zoning district, unless a planned unit development is approved pursuant to Section 1013, or except as provided in Subsections 1014.04(B) through (F)~~a flexible lot size~~

~~development is approved pursuant to Subsection 1014.04(B).~~ In any case, the overall density of the subdivision or partition shall comply with Section 1012.

- B. Flexible-lot-size developments are permitted in the following zoning districts and with the following minimum lot or parcel sizes:
1. R-2.5 District: ~~Except as modified by Subsection 301.03(A)(3)(e),~~ The smallest lot or parcel size permitted is 2,000 square feet, except that perimeter lots or parcels adjacent to an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 zoning district shall be a minimum of 2,500 square feet.
 2. R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts: The smallest lot or parcel size permitted is 80 percent of the minimum lot or parcel size specified in the applicable zoning district for detached single-family dwellings and 2,000 square feet for attached single-family dwellings.
 3. ~~VR-5/7 Village Standard Lot Residential~~ District: The smallest lot or parcel size permitted is 4,000 square feet.
 4. ~~VR-4/5 Village Small Lot Residential~~ District: The smallest lot or parcel size permitted is 2,000 square feet.
 5. ~~MR-1 Medium Density Residential District~~ and ~~MR-2 Medium High Density Residential~~ Districts for Attached Single-Family Dwellings: The smallest lot or parcel size permitted is 1,800 square feet.
 6. Rural Residential Farm/Forest 5-Acre District: The smallest lot or parcel size permitted is two acres, and the average lot size shall be no less than five acres.
- C. In the VTH District, except as provided in Subsection 1013.06(D)(3)(a), each lot or parcel for an attached single-family dwelling shall have a minimum size of 2,000 square feet and a maximum size of 3,000 square feet, or each lot or parcel for an attached single-family dwelling shall have a minimum size of 2,000 square feet and the average size of all lots or parcels for attached single-family dwellings shall not exceed 2,500 square feet.
- D. Except as provided in Subsections 1013.06(D)(3)(b), 1014.04(B)(4), and 1014.04(F), each lot or parcel in the VR-4/5 District shall be no smaller than 4,000 square feet and no larger than 5,000 square feet, or each lot or parcel shall be a minimum of 4,000 square feet and the average size of all lots or parcels shall not exceed 5,000 square feet.
- E. Except as provided in Subsections 1013.06(D)(3)(c), 1014.04(B)(3) and 1014.04(F), each lot or parcel in the VR-5/7 District shall be no smaller than 5,000 square feet and no larger than 7,000 square feet, or each lot or parcel shall be a minimum of 5,000 square feet and the average size of all lots or parcels shall not exceed 6,500 square feet.

F. The following are exceptions to the lot and parcel size requirements of Subsections 1014.04(D) and (E):

1. A portion of a property may be left capable of further division if a master plan is provided demonstrating that the remaining property can be developed consistent with applicable standards. Any area included within the master plan shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1014.04(D) and (E).
2. The maximum size of a lot or parcel created for a preexisting dwelling shall be 15,000 square feet when the lot or parcel is not intended to be divided further in the future and no master plan has been prepared. Such a lot shall not be included for purposes of calculating allowable lot or parcel size pursuant to Subsections 1014.04(D) and (E). No maximum lot or parcel size shall apply to preexisting dwellings in a Resource Protection Area, as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*.
3. Resource Protection Area, as shown on Comprehensive Plan Map X-SV-1, shall not be included in the lot- or parcel-size calculations required pursuant to Subsections 1014.04(D) and (E). Instead, density transfer may be used pursuant to Section 1012 or Resource Protection Area may be developed at a density of one dwelling unit per acre.
4. The maximum individual and maximum average lot size standards apply only to lots or parcels for single-family dwellings and manufactured homes.

1014.05 ZERO-LOT-LINE DEVELOPMENTS

Within Urban Low Density Residential zoning districts, subdivisions and partitions may be designed to allow the construction of single-family dwellings, manufactured homes, and accessory structures with zero setback from the side or rear lot line, provided that:

- A. The final approved plat includes a diagram, approved by the County Building Codes Division, indicating the buildable area of each lot; and
- B. Minimum yard setbacks from lot lines on the perimeter of the subdivision or partition shall be the same as are otherwise required in the applicable zoning district.

[Amended by Ord. ZDO-224, 5/31/11]

1016 MULTI-USE DEVELOPMENT

1016.01 PURPOSE

Section 1016 is adopted to:

- A. Implement the goals and policies of the Comprehensive Plan for multi-use developments;
- B. Accommodate and encourage innovation and design excellence in the development of multi-use centers containing a mixture of different uses in close proximity;
- C. Ensure functionally coordinated, aesthetically pleasing, and cohesive site planning and design that maximizes the benefits of multi-use to all individual components of the development;
- D. Ensure compatibility of multi-use developments with the surrounding area and minimize off-site impacts associated with the development;
- E. Provide for the development of sites that, because of their strategic location, can be developed to a higher and better land use development pattern than would otherwise be allowed in the zoning districts in which the sites are located;
- F. Provide focal points for various levels of transportation service (roads, transit, etc.) that can better serve areas of mixed uses and higher concentrations of development;
- G. Recognize the need for a higher level of economic activity, development and employment that multi-use developments generally provide in a community;
- H. Accommodate the changing land use and economic dynamics of the region, including the decentralization of many businesses and services into subregional centers to better serve their clients;
- I. Recognize and accommodate the need to provide for cultural, social, and entertainment interests of the larger community;
- J. Recognize the increasing importance of tourism on the economy of the County, and provide for a variety of attractions and tourist-related services to increase the County's share of this market; and
- K. Facilitate the economic objectives of the Comprehensive Plan, and other adopted County plans.

1016.02 AREA OF APPLICATION

Section 1016 may be applied to sites within the Portland Metropolitan Urban Growth Boundary, or the Hoodland Residential or Mountain Recreational Resort zoning districts, when the sites satisfy the following conditions, and the specific development plan satisfies the criteria under Subsection 1016.03:

- A. The zoning district in which the site is located allows multi-use developments as a conditional use.
- B. The ownerships or parcels are large enough to satisfy the dimensional requirements under Subsection 1016.08(B).
- C. The subject property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided to accommodate the development of the subject property.
- D. The site is suited to and desirable for a mix of different categories of use, one or more of which is not allowed outright in the subject zoning district, considering location, size, shape, access, topography, transportation networks existing or planned for the area, visibility, natural features and existence of improvements and uses which support the higher intensity use of the site associated with multi-use developments.
- E. The use of the site for a multi-use development will not substantially limit, impair, or preclude the use of surrounding properties for uses allowed in the zoning district(s) in which the surrounding properties are located.

1016.03 PROCEDURE FOR REVIEW OF A MULTI-USE DEVELOPMENT

- A. Conditional Use: A Multi-Use Development shall be a conditional use, subject to public hearing review under the provisions of Section 1300. Approval shall be granted when the applicant demonstrates that the site and master plan satisfy the requirements of this Section.
- B. Conceptual Approval/Master Plan: Application for a Multi-Use Development shall include a master plan for the entire property for which the conditional use is requested. The master plan shall address the standards and requirements of Section 1016, and shall be reviewed by the Design Review Committee pursuant to Section 1102.

The recommendation of the Design Review Committee shall be incorporated into the staff report and recommendation to the Hearings Officer. The application and master plan shall include:

1. Identification of proposed use categories, square footage of building area included in each category, and percentage of total building/land area to be used for each category of use, satisfying the provisions of Subsection 1016.04.
 2. Identification of major uses - those uses within the development most likely to generate the most traffic, or otherwise impact public services and facilities - and those uses for which special use provisions have been adopted under Section 800.
 3. A site analysis including the requirements under Subsections 1102.05(A)(7) and (8).
 4. A preliminary site plan including the requirements under Subsections 1102.05(A)(9) through (12), and addressing the purposes under Subsection 1016.01, the site planning and design objectives under Subsection 1016.09(A), and dimensional requirements under Subsection 1016.08.
 5. Proposed phasing of the development, if applicable to satisfy the requirements of Subsection 1016.04(G).
 6. Other information and plans necessary to address the special use provisions of Section 800 for affected uses within the proposed development.
- C. Approval Period: Conditional use approval of a multi-use development is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means:
1. Plans, as required under Subsections 1102.05(A)(7) through (12), are submitted, reviewed, and approved by the Design Review Committee; and
 2. All major development permits shall be obtained and maintained for the approved multi-use development. A "major development permit" is:
 - a. A building permit for a new primary structure that was part of the multi-use development approval; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the multi-use development approval.
 3. In the case of phased developments, the initial application shall specify a timetable for each phase. This proposed timetable shall be subject to review, modification, and/or approval by the Hearings Officer.

- D. Time Extension: If the conditional use approval of a multi-use development is not implemented within the initial approval period established by Subsection 1016.03(C), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.
- E. Modification of Approved Plans: Minor modifications shall be subject to review and approval by the Design Review Committee. All other modifications shall be subject to the same procedure as the original application.
1. The Planning Director shall determine the status of a proposed modification. A modification shall be considered minor only if the portion of the Master Plan being proposed for change:
 - a. Is consistent with the conditions of the prior approval;
 - b. Complies with the provisions of Section 1016 which are in effect at the time of the modification request;
 - c. Does not involve a change in use which results in any of the following:
 - i. The addition of a new category of use not included in the original application;
 - ii. The deletion of a category of use approved in the original application;
 - iii. An increase in the square footage of land area (la) or floor area (fa) exceeding five percent of the "limited" uses, or 10 percent of the "permitted" and/or "required" uses approved in the Master Plan; or
 - iv. The addition of a major use, such as a large commercial amusement, public use, entertainment, or educational facility, which will generate more traffic or use more public facility capacity than anticipated in the findings or record supporting the original application approval;
 - d. Will not result in an increase in traffic or use of public facilities which exceed those capacities on which the original approval was based;
 - e. Will not cause a disturbance to an open space feature, as defined in Subsection 1011.02, and identified and preserved in the Master Plan approval; and
 - f. Does not result in a reduction in required pavement widths or a change in major access locations or major circulation patterns which force more traffic maneuvers onto public, County, or State roads.

2. A modification that satisfies the criteria under Subsection 1016.03(E)(1) shall be reviewed by the Design Review Committee. The Committee may approve, deny, or approve with conditions the proposed modification, in consideration of the following:
 - a. The Ordinance provisions in effect at the time of the original approval of the Master Plan for the development; and
 - b. The consistency of the proposed modification with the design approved in the Master Plan, including site layout, architectural design, vehicle and pedestrian circulation, transit amenities, parking areas, scale of structures and treatment of open spaces, plazas, and landscaping.

1016.04 DETERMINATION OF USES

The following provisions shall determine the uses allowed in a multi-use development. See Table 1016-1 for specific information about what categories of use may be allowed in each district.

- A. Use Selection: Uses shall be selected from those categories (or subcategories) of uses which are "Required," "Permitted" or "Limited" in the underlying district, as specified in Table 1016-1.
- B. "Required" Uses: Those uses which are "required" shall be included at the minimum percent of floor area or land area specified in Table 1016-1.
- C. "Limited" Uses: The total area occupied by "limited" uses shall not exceed the maximum percent of floor area or land area specified in Table 1016-1.
- D. "Permitted" Uses: Uses which are "permitted" may occupy whatever floor area or land area remains after satisfying the minimum "required" use area and subtracting the amount of "limited" use area proposed in the development.

Total area - ("required" + "limited" areas) = "Permitted" area.

- E. Residential District/"Limited" Uses: In low density residential districts at least one-half of the proposed residential units shall be constructed prior to the introduction of "limited" uses into the development. In multifamily districts limited uses located within the same building as dwelling units may be developed concurrently provided the maximum allowed percent of developed floor area for limited uses is not exceeded at any time.

- F. Residential Districts/"Required" Uses: In residential zoning districts the total land area may be used to calculate the base density, as provided under Section 1012, for the underlying zoning district. At least 80 percent of the base density in the Medium Density Residential and High Density Residential zoning districts, and 50 percent of the base density in the Special High Density Residential zoning district shall be provided in the development. Residential units may be clustered to provide for limited uses and preserve natural features or protect restricted areas. However, the density on any acre of land shall not exceed that allowed in the next highest residential Comprehensive Plan category.
- G. Commercial/Industrial Phased Developments: In commercial or industrial zoning district phased developments, the floor area/land area developed for "limited" uses in each phase shall not exceed the floor area/land area developed for other uses in that phase. An increase in the ratio of "limited" to other uses may be proposed and approved for any phase when other protection measures are used, such as binding development agreements, bonding, or other suitable controls over the total development percentages.
- H. Minimum Mix: In commercial and industrial districts, the Master Plan shall include uses from at least three of the primary use categories under Subsection 1016.05.

1016.05 USE CATEGORIES

Uses listed under the following use categories may be included in a Multi-Use Development when allowed in the zoning district pursuant to Table 1016-1, subject to the requirements under Subsection 1016.04.

- A. Office/Manufacturing:
1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturers' representatives, corporate facilities; medical and dental, chiropractic, counseling, and other similar services and clinics; insurance, real estate, travel agencies and membership organization headquarters; studios for artists, photographers, writers, radio and television broadcasting (but not transmission towers).
 2. Research and development operations and testing laboratories; manufacturing and assembly of medical equipment, communications equipment, electronic components, measuring and analyzing instruments; printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting and photo finishing; and similar uses, except those prohibited under Subsection 1016.07, provided that no operation shall be conducted or equipment or chemicals used which would create a hazard or offensive noise, odor, vibration, smoke, dust, or other similar condition.

B. Hospitality/Public Use:

1. Hotels, motels, guest lodges and associated convention facilities; gift shops, newsstands and eating and drinking establishments located within the same building with a motel, hotel, or public use facility; tourist facilities and information services.
2. Health, recreation and exercise facilities, including health clubs, swimming pools, spas, tennis, racquetball, handball courts, golf courses and driving ranges and similar uses.
3. Large scale public use facilities such as auditoriums for live entertainment, operas, concerts and plays; convention facilities not part of a hotel or motel; indoor or outdoor stadia and arenas, spectator sport and multi-use facilities, such as coliseums or domes; exhibition halls, galleries and museums; movie theaters; other public use gathering places of similar nature.
4. A "destination restaurant" may be allowed as a "hospitality" use in the Campus Industrial and Office Commercial zoning districts. A "destination restaurant," for purposes of this Ordinance, is a "full menu establishment" (as defined by the U.S. Census Bureau) with no drive-through service, which satisfies five of the criteria listed below. On sites 40 acres or larger, up to two restaurants meeting four of the seven criteria listed below may be allowed as a "hospitality" use.
 - a. Has a minimum seating capacity of 75;
 - b. Specializes in gourmet, ethnic, or specialty cuisine;
 - c. Includes banquet facilities and services;
 - d. Provides live entertainment at least two nights a week;
 - e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
 - f. Has an OLCC license to serve beer and wine;
 - g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

C. Commercial:

1. Neighborhood retail and service commercial uses listed under Subsection 501.03 which primarily serve the tenants and/or residents of the Multi-Use Development and the immediate surrounding area.
2. Commercial amusement uses such as bowling alleys, game rooms, billiard and pool halls, miniature golf, roller or ice skating rinks, and similar uses, but not those included in Category B, or prohibited under Subsection 1016.07.
3. All retail and service commercial uses except those included under Subsection 1016.05(C)(4); eating and drinking establishments except those qualifying as "hospitality" uses under Subsection 1016.05(B); banks, credit unions, and financial institutions.
4. Sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, trailers, manufactured dwellings, farm or construction equipment and other heavy machinery; lumber yards, fuel yards, carpentry or sheet metal shops; mini-storage and vehicle storage facilities, moving equipment rental; funeral parlors; gasoline service stations.

D. Residential:

1. Low density residential zoning district primary uses, as specified in the underlying zoning district (i.e., R-7 through R-30 and Hoodland Residential).
2. Medium Density Residential zoning district primary uses, subject to Section ~~315302~~.
3. High Density Residential zoning district primary uses, subject to Section ~~315303~~.
4. Special High Density Residential zoning district primary uses, subject to Section ~~315304~~.
5. Mountain Recreational Resort zoning district primary uses, subject to Section 306.

E. Educational: Colleges, universities or graduate centers; business, trade and craft schools; specialty schools in the arts, music, counseling, etc.; and rehabilitation and worker training/retraining centers and facilities.

1016.06 ACCESSORY USES

The following uses may be provided in conjunction with any category of use, or uses, approved under Subsection 1016.03.

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- B. Transit stations, bus shelters, bike racks, pedestrian amenities, and transit amenities.
- C. Parking structures.
- D. Utility carrier cabinets.
- E. Solar energy systems.
- F. Cogeneration facilities.
- G. Radio and television earth stations and dishes.
- H. Daycare facilities associated with a principal use.
- I. Cafeterias, delicatessens, and other such facilities provided for employees of a principal use.
- J. Recycling collection containers, provided all materials are presorted, no processing occurs on-site, and all materials are stored within an enclosed structure or area between pickup days.
- K. Private recreational facilities as part of a multifamily residential complex.
- L. Helistops.
- M. Rainwater collection systems.
- N. Electric vehicle charging stations .
- O. Other uses and structures customarily accessory and incidental to a primary use, as determined by the Design Review Committee.

1016.07 PROHIBITED USES

The following uses shall be prohibited in a multi-use development.

- A. Any category of use, or major use not included on the approved site plan for a multi-use development shall be prohibited in that development. A modification of the approved plan, as provided under Subsection 1016.03(E), shall be required prior to the addition of a new category of use or major use.

- B. New dwellings, manufactured dwellings and manufactured dwelling parks, except as permitted within low density or medium density residential districts.
- C. Outdoor storage of materials or products.
- D. Drive-thru window service, except those associated with a bank, credit union, or other financial institution, subject to Section 827.
- E. Industrial uses listed in Table 602-1 as Conditional Uses in the GI District, except as specifically allowed under Subsection 1016.05.

1016.08 DIMENSIONAL STANDARDS

- A. The dimensional standards are intended to:
 - 1. Provide for and encourage coordinated development and the most efficient use of property within a multi-use development.
 - 2. Ensure adequate structure separation for light, air, fire safety and protection of all uses and structures within the development, and between the development and uses and structures on adjacent properties.
 - 3. Protect adjacent properties and uses from incompatible uses, and provide adequate buffering and transitioning between different uses within the development.
 - 4. Ensure an attractive appearance through the use of open spaces, setbacks, landscaping and pedestrian amenities, plazas, buffering, and retention of significant natural features.
 - 5. Ensure adequate access to property and minimum traffic conflicts and impacts.
- B. A multi-use development shall comply with the following dimensional requirements:
 - 1. Minimum Site Area: For purposes of this section, "site area" shall be as defined in Note 2 to Table 315-5, Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts ~~Subsection 304.09(B)~~.
 - a. Low Density Residential (R-7 through R-30): 30 acres
 - b. Hoodland Residential (HR): 30 acres
 - c. Medium Density Residential (MR-1): 10 acres
 - d. Mountain Recreational Resort (MRR): 10 acres

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- e. High Density Residential (HDR): 5 acres
 - f. Special High Density Residential (SHD): 5 acres
 - g. General Commercial (C-3): 1 acre
 - h. Office Commercial (OC): 10 acres
 - i. Campus Industrial (CI): 20 acres
 - j. Open Space Management (OSM): 20 acres
 - k. A site area less than the above requirements may be allowed when such site is physically separated from all other undeveloped or underdeveloped properties in the underlying district.
- 2. Minimum front yard setbacks:
 - a. From major periphery roads: 25 feet.
 - b. From interior access driveways and circulation roads: 10 feet.
 - 3. Minimum side and rear setbacks: 15 feet.
 - 4. Minimum building separation: The minimum separation between a multifamily residential use located in a separate building on the same site, or on an adjacent site, and any building housing another category of use shall be 50 feet. However, this shall not preclude the mixing of multifamily residential with other categories of use within one building.
 - 5. Minimum site area street frontage: 200 feet, except in the C-3 zoning district, the minimum street frontage shall be 100 feet.
 - 6. Maximum building height: Same as underlying zoning district.
 - 7. Minimum landscaping/open space area requirements: The minimum landscaped area standards under Table 1009-1 shall be modified as follows:
 - a. In the C-3 zoning district, a minimum of 20 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 15 percent for any phase when the applicant demonstrates how the minimum 20-percent requirement will be satisfied.

- b. In the R-7 through R-30, MR-1, HDR, SHD, MRR, HR, OSM, CI, and OC zoning districts, a minimum of 25 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 20 percent for any phase when the applicant demonstrates how the minimum 25-percent requirement will be satisfied.
- C. Exceptions to Dimensional Requirements: The requirements of this subsection are not subject to modification pursuant to the provisions of Section 900. However, except for minimum landscape provisions, these requirements may be reduced up to 20 percent by the Design Review Committee during the review process when such modification is consistent with the purposes under Subsections 1016.01 and 1016.08(A). The effect of the proposed modification on the natural features of the site and on the use and preservation of solar access shall be considered when applicable. Proposed modifications which exceed 20 percent of the requirement shall be subject to Section 1205.

1016.09 DEVELOPMENT STANDARDS

A multi-use development shall comply with the development standards in Section 1000. In addition, the following standards and objectives shall apply:

- A. Site Planning and Design: The master plan and siting of individual uses and buildings within a multi-use development shall address the following objectives:
 - 1. Identity: To create a stimulating environment through the siting of various uses, the use and articulation of open spaces, structure scale, design and texture, and the provision of pedestrian level amenities to produce a strong "sense of place."
 - 2. Pedestrian Circulation: To provide pedestrian access and movement through the site in a manner that maximizes foot traffic exposure to goods and services, and minimizes conflicts with vehicle circulation areas.
 - 3. Transit: To maximize the use of mass transit services through the provision of transit and pedestrian facilities and amenities in cooperation with the regional transit provider.
 - 4. Parking: To minimize the visual impact of parking areas. This may be accomplished through the use of: landscaping techniques; the incorporation of parking structures, as provided under Subsection 1016.09(D); the siting of uses to maximize the "shared parking" provisions of Section 1015; or a combination of these methods.

5. Access/Circulation: To minimize the number of access points onto the site from adjacent roads and provide for traffic circulation between on-site uses, as appropriate.
 6. Visual Access/Traffic Impacts: To maximize visibility and access for uses most dependent upon impulse shopping, or off-the-street business while minimizing traffic impacts on other uses within the development.
 7. Natural Features: To protect the aesthetic and location advantages provided by the terrain and natural features of the site and minimize the alteration thereof as far as practicable.
 8. Impacts: To minimize negative impacts of proposed uses on adjacent properties and uses and ensure the livability of residential areas of the site, when applicable.
- B. Building Design: In addition to the provisions of Section 1005, a multi-use development shall require:
1. Buildings and structures to be designed using materials, architectural styling and features, pedestrian plazas and amenities, and color, texture and scale of architectural elements to produce a mix of complimentary styles which are in scale with each other and demonstrate comparable excellence in design and implementation.
 2. Buildings housing retail commercial uses shall provide ample window area oriented toward pedestrian walkways or plazas, and, when single-story construction is used, shall incorporate design techniques and elements to enhance the scale of the building(s).
- C. Landscaping/Open Space: The minimum percent of landscaping/open space required shall be as specified under Subsection 1016.08(B)(7). In addition to the requirements under Section 1009, the design and development of open space and landscaping in a multi-use development shall:
1. Include street trees and parking area trees which are in scale with the development.
 2. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.
 3. Provide pleasing transitions between uses, soften and buffer utility and loading areas, visually break up parking areas into identifiable subareas, and provide pleasing textures and variety, particularly next to buildings, along walkways, and within plazas.

4. Include open spaces and plazas which are in scale with the development, invite activity appropriate to adjoining uses, and incorporate plant materials, seating, waste receptacles, lighting, and a focal element such as a fountain, sculpture, mural, or other visual art object.
- D. Parking and Circulation: In addition to the standards of Section 1015, the County may require parking structures to serve intensive uses. Factors to be considered include:
1. Topography and other physical characteristics of the site;
 2. Effects on distinctive natural features of the site;
 3. Effects on surface drainage and associated facilities;
 4. Effect on the capacity of the site to absorb the parking and traffic impacts of the intensive use(s);
 5. Effects on the quality of the overall site design in addressing the objectives under Subsection 1016.09(A); and
 6. The benefits associated with structure parking, such as the increase in development intensity and provision of open space amenities, and the ability or inability of such benefits to recoup the added expense associated with such facilities.
- E. Identification/Signing: The provisions of Section 1010 shall be modified as follows:
1. Signing Master Plan: Applications for Multi-Use Developments shall include a comprehensive Signing Plan which shall include:
 - a. elevations illustrating the major sign and sign types;
 - b. maps and drawings indicating location of all proposed signs;
 - c. descriptions of sizes and heights of signs;
 - d. description of how the proposed sign plan satisfies the criteria set forth in this ordinance pertaining to size, design, placement, height, and number of signs.
 2. Standards: The Design Review Committee shall review the Signing Master Plan under the provisions of Section 1010, except as specifically provided below:

- a. Freestanding Signs: One freestanding identification sign may be provided on each public, County or State road from which the development takes access. One additional freestanding sign may be allowed on a public, County or State road when the frontage on that road exceeds 1,000 feet, and two or more major access points are provided. In no case shall the number of freestanding signs exceed four for any Multi-Use Development. The maximum size and height for each freestanding sign shall be determined by the Design Review Committee under Subsection 1010.05(A)(3).
 - b. On-Building Signs: Individual on-building tenant identification signs shall be allowed under the provisions of Subsection 1010.05(B).
 - c. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:
 - i. no onbuilding sign with the same message is facing in the same direction;
 - ii. the sign area does not exceed 30 square feet;
 - iii. the sign does not exceed five feet in height;
 - iv. architectural features may be added to the sign structure provided the total sign size and height are not increased by more than one-third of the above requirements.
 3. Addresses/Road Signs: Street addresses shall be clearly displayed on or in front of each separate building or commercial tenant space. The Planning Division may require that interior circulation roads be named. Such names shall be subject to Planning Division approval. Signs identifying roads within the development shall be installed and maintained by the developer or management association. Directional signs to various uses within the development may be included on the road signs.
- F. Management Association/Easements: The County may require the formation of a management association or other suitable mechanism approved by the County to assure that the following maintenance and liability duties are adequately addressed:
1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
 2. To provide and maintain cross-easements between uses and parcels within the development for parking, circulation, drainage facilities, utilities, and similar elements shared in common.

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3. To adopt and enforce restrictions on the use of open space, landscaping, plazas, and service areas, malls, and other public access areas of the site.
4. To maintain liability insurance and pay local taxes, unless other legally binding mechanism is provided.
5. To assess and collect from members their pro rata share of the cost associated with the responsibilities herein described. The association shall be able to adjust the assessment to meet changes as needed.
6. To make revisions to the bylaws as necessary, subject to County review and approval, when the County determines that such changes protect the intent and purpose of this ordinance and are in the public's interest.

DETERMINATION OF USE CHART (DUC)

	RESIDENTIAL					COMMERCIAL		INDUSTRIAL	
DISTRICTS	LDR	MR-1	HDR	SHD	MRR	C-3	OC	CI	OSM
Minimum Site Area*	30 ac	10 ac	5 ac	5 ac	10 ac	1 ac	10 ac	20 ac	20 ac
Minimum % <u>R</u> la or fa required	80% la	70% fa	50% fa	50% fa	70% fa	N/A	N/A	60% fa	70% la
Minimum % bd required		80% bd	80% bd	50% fa					
Maximum % (L) la or fa allowed	20% la	15% fa	20% fa	25% fa	20% fa	N/A	35% fa	35% fa	30% la
CATEGORY A									
1. Offices	(L)	P	P	P	P	P	P	<u>R</u>	(L)
2. High Tech	X	X	X	X	X	P	P	<u>R</u>	X
CATEGORY B									
1. Hospitality	X	P	P	P	P	P	P	P	(L)
2. Health/Recreation	(L)	P	P	P	P	P	P	P	<u>R</u>
3. Public Use/Cultural	X	P	P	P	P	P	P	P	(L)
CATEGORY C									
1. Neighborhood Commercial	(L)	(L)	(L)	(L)	(L)	P	(L)	(L)	(L)
2. Commercial Amusement	X	X	(L)	(L)	(L)	P	(L)	(L)	(L)
3. Retail/Service	X	X	X	(L)	X	P	(L)	(L)	X
4. Strip/Auto	X	X	X	X	X	P	X	X	X
CATEGORY D									

DETERMINATION OF USE CHART (DUC)

1. Residential (District Density)	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	MR-1 to HDR	HDR	HDR	X
CATEGORY E									
1. Education	(L)	P	P	P	P	P	P	P	(L)

SYMBOL KEY:

P	Permitted Use
<u>R</u>	Required Use (See minimum % required)
la	Land Area
bd	Base Density
(L)	Limited Use (See maximum % allowed)
X	Prohibited Use
fa	Floor Area
*	See Subsections 1016.08(B)(1)(k) and 1016.08(C) for exceptions

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-243, 9/9/13]

1018 SOLAR BALANCE POINT/INFILL ORDINANCE

1018.01 PURPOSE

The purposes of this ordinance are to promote the use of solar energy, to minimize the shading of structures by structures and accessory structures, and, where applicable, to minimize the shading of structures by trees. Decisions related to this ordinance are intended to be ministerial.

1018.02 APPLICATION OF SECTION

This section shall apply to an application for a building permit for all structures in VR-4/5, VR-5/7, R-7, R-8.5, R-10, R-15, R-20, and R-30 zones and all detached single-family dwellings in any zone, except to the extent the Planning Director finds the applicant has shown that one or more of the conditions listed in Subsections 1018.06 and 1018.07 exists, and exemptions or adjustments provided for therein are warranted. In addition, nonexempt vegetation planted on lots subject to Subsection 1017.07 shall comply with the shade point height standards as provided in Subsections 1018.05 and 1018.06. In addition, Subsection 1018.12 shall apply to development in the HDR, SHD, and RCHDR Districts.

1018.03 DEFINITIONS

Words and terms used in this section shall be as defined under Subsection 1017.03.

1018.04 SOLAR SITE PLAN REQUIRED

An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under Subsection 1018.05 and the allowed shade on the proposed structure's solar features as provided in Subsection 1018.08. If applicable, the site plan also shall show the solar balance point for the structure as provided in Subsection 1018.09.

1018.05 MAXIMUM SHADE POINT HEIGHT STANDARD

The height of the shade point shall comply with either A or B below.

- A. Basic Requirement: The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. If necessary, interpolate between the 5-foot dimensions listed in Table A.

$$H = \frac{(2 \times SRL) - N + 150}{5}$$

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension of more than 90 feet shall use a value of 90 feet for this section.

Adjustment to shade point height on sloped lots: The maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the north property line exceeds the average grade at the south property line.

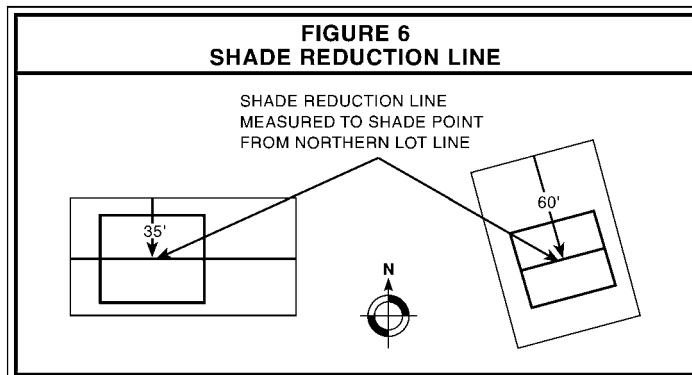
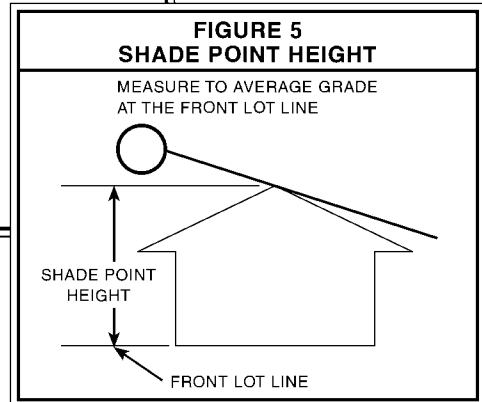
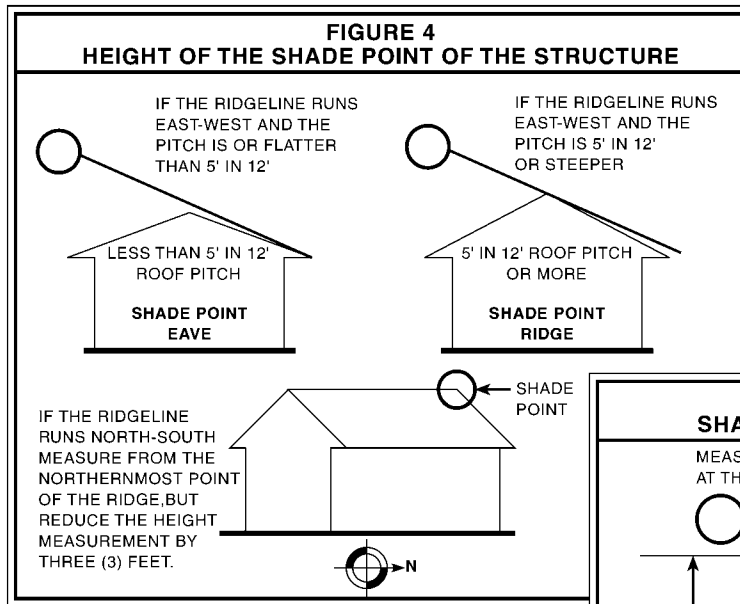


TABLE A
 MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)

LENGTH OF SHADE REDUCTION LINE	<u>North-South Lot Dimension (in Feet)</u>											
	<u>90+</u>	<u>85</u>	<u>80</u>	<u>75</u>	<u>70</u>	<u>65</u>	<u>60</u>	<u>55</u>	<u>50</u>	<u>45</u>	<u>40</u>	
70	40	41	42	43	44							
65	38	39	40	41	42	43						
60	36	37	38	39	40	41	42					
55	34	35	36	37	38	39	40	41				
50	32	33	34	35	36	37	38	39	40			
45	30	31	32	33	34	35	36	37	38	39		
40	28	29	30	31	32	33	34	35	36	37	38	
35	26	27	28	29	30	31	32	33	34	35	36	
30	24	25	26	27	28	29	30	31	32	33	34	
25	22	23	24	25	26	27	28	29	30	31	32	
20	20	21	22	23	24	25	26	27	28	29	30	
15	18	19	20	21	22	23	24	25	26	27	28	
10	16	17	18	19	20	21	22	23	24	25	26	
5	14	15	16	17	18	19	20	21	22	23	24	

- B. Performance Option: The proposed structure or applicable nonexempt vegetation will shade not more than 20 percent of the south-facing glazing of an existing habitable structure(s), or, where applicable, the proposed structure or nonexempt vegetation will comply with Subsections 1017.04B or 1017.04C of the Solar Access Ordinance for New Development. If Subsection 1017.04B, Protected Solar Building Line, is used, nonexempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of nonexempt vegetation over 2 feet.

1018.06 EXEMPTIONS FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD

The Planning Director shall exempt a proposed structure or nonexempt vegetation from Subsections 1018.04 and 1018.05 of this ordinance if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Exempt Lot: When created, the lot was subject to the Solar Access Ordinance for New Development and was not subject to the provisions of Subsection 1017.07 of that ordinance.
- B. Preexisting Shade: The structure or affected nonexempt vegetation will shade an area that is shaded by one or more of the following:

1. An existing or approved building or structure;
 2. A topographic feature;
 3. A nonexempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
- C. Slope: The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- D. Insignificant Benefit: The proposed structure or nonexempt vegetation shades one or more of the following:
1. An undevelopable area; or
 2. The wall of an unheated space, such as a typical garage; or
 3. Less than 20 square feet of south-facing glazing.
- E. Public Improvement: The proposed structure is a publicly owned improvement.

1018.07 ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD

The Planning Director shall increase the maximum permitted height of the shade point determined using Subsection 1018.05 to the extent he/she finds the applicant has shown one or more of the following conditions exists, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Physical Conditions: Physical conditions preclude development of the site in a manner that complies with Subsection 1018.05, due to such things as a lot size less than 3000 square feet, unstable or wet soils, a drainageway, public or private easement, or a right-of-way.
- B. Conflict Between Maximum Shade Point Height and Allowed Shade on Solar Feature Standards: A proposed structure may be sited to meet the solar balance point standard described in Subsection 1018.09 or be sited as near to the solar balance point as allowed by Subsection 1018.09 if:

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1. When the proposed structure is sited to meet the maximum shade point height standard determined using Subsection 1018.05, its solar feature will potentially be shaded as determined using Subsection 1018.08; and
2. The application includes a form provided by the County that:
 - a. Releases the applicant from complying with Subsection 1018.05 and agrees that the proposed structure may shade an area otherwise protected by Subsection 1018.05;
 - b. Releases the County from liability for damages resulting from the adjustment; and
 - c. Is signed by the owner(s) of the property(ies) that would be shaded by the proposed structure more than allowed by the provisions of Subsection 1018.05.

Before the County issues a permit for a proposed structure for which an adjustment has been granted pursuant to Subsection 1018.07B, the applicant shall file the form provided for in Subsection 1018.07B2, above, in the office of the County Recorder with the deeds to the affected properties.

1018.08 ANALYSIS OF ALLOWED SHADE ON SOLAR FEATURE

- A. The applicant is exempt from Subsection 1018.08 if the lot(s) south of and adjoining the applicant's property is exempt from Subsection 1018.05 of this ordinance.
- B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or nonexempt trees on the lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from the adjacent lot(s) to the south to use in calculating the maximum shade height at the north property line:
 1. Existing structure(s) or nonexempt trees; or
 2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table C. If the lot(s) to the south can be further divided, the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.

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- C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection 1018.08B by using the following formula or Table B.

$$SFSH = SH(SGL/2.5)$$

Where: SFSH = The allowed shadow height on the solar feature (see Figure 8)

SH = The height of the shade at the northern lot line of the lot(s) to the south as determined in Subsection 1018.08B

SGL = The solar gain line (the distance from the solar feature to the northern lot line of the adjacent lot(s) to the south)

TABLE B
MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (In Feet)

Distance from Solar Gain Line to Lot Line (in Feet)	<u>Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)</u>												
	<u>22</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>18</u>	<u>17</u>	<u>16</u>	<u>15</u>	<u>14</u>	<u>13</u>	<u>12</u>		
50			2	1									
45			4	3	2	1							
40			6	5	4	3	2	1					
35			8	7	6	5	4	3	2	1			
30			10	9	8	7	6	5	4	3	2	1	
25			12	11	10	9	8	7	6	5	4	3	2
20			14	13	12	11	10	9	8	7	6	5	4
15			16	15	14	13	12	11	10	9	8	7	6
10			18	17	16	15	14	13	12	11	10	9	8
5			20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine (SH) in the above formula.

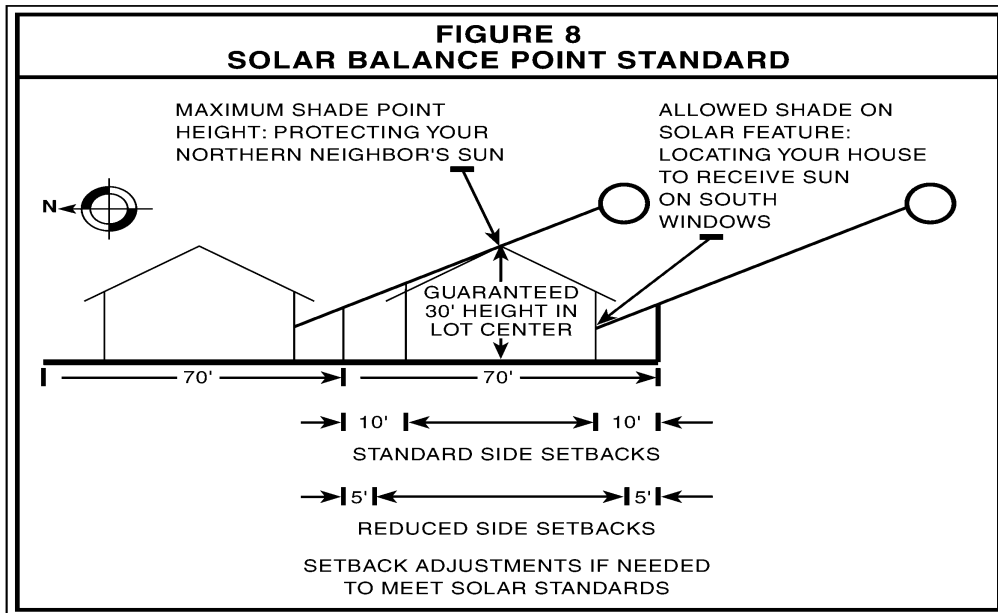
TABLE C

North-South Lot Dimension of Adjacent Lot(s) to the South	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed Shade Height at the North Property Line of Adjacent Lot(s) to the South	12	12	12	13	14	15	16	17	18	19	20	21	22

E. If the allowed shade height on the solar feature calculated in Subsection 1018.08D is higher than the lowest height of the solar feature calculated in Subsection 1018.08C, the applicant shall be encouraged to consider any changes to the structure design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

1018.09 SOLAR BALANCE POINT

If a structure does not comply with the maximum shade point height standard in Subsection 1018.05 and the allowed shade on a solar feature standard in Subsection 1018.08, the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where the location of a structure would be the same for complying with both of these standards.



1018.10 YARD SETBACK ADJUSTMENT

The County shall grant an adjustment to the side, front and/or rear yard setback requirement(s) by up to 50 percent if necessary to build a proposed structure so it complies with either the shade point height standard in Subsection 1018.05, the allowed shade on a solar feature standard in Subsection 1018.08, or the solar balance point standard in Subsection 1018.09 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance. The following are permitted yard setback adjustments:

A. In R-7 and R-8.5 zones:

1. A front yard setback may be reduced to not less than 10 feet.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 3 feet.

B. In R-10, R-15, and R-20 zones:

1. A front yard setback may be reduced to not less than 15 feet.
2. A rear yard setback may be reduced to not less than 15 feet.
3. A side yard setback may be reduced to not less than 5 feet.

1018.11 REVIEW PROCESS

The provisions of this Section, except for Subsection 1018.12, shall be administered by the Planning staff at the time of building permit application. Appeals of staff actions under this section shall be to the Hearings Officer as stated in Section 1305.01K. Subsection 1018.12 shall be administered as part of design review, pursuant to Section 1102, Design Review.

1018.12 MINIMUM AND MAXIMUM SEPARATION DISTANCE IN THE HDR, SHD, AND RCHDR DISTRICTS

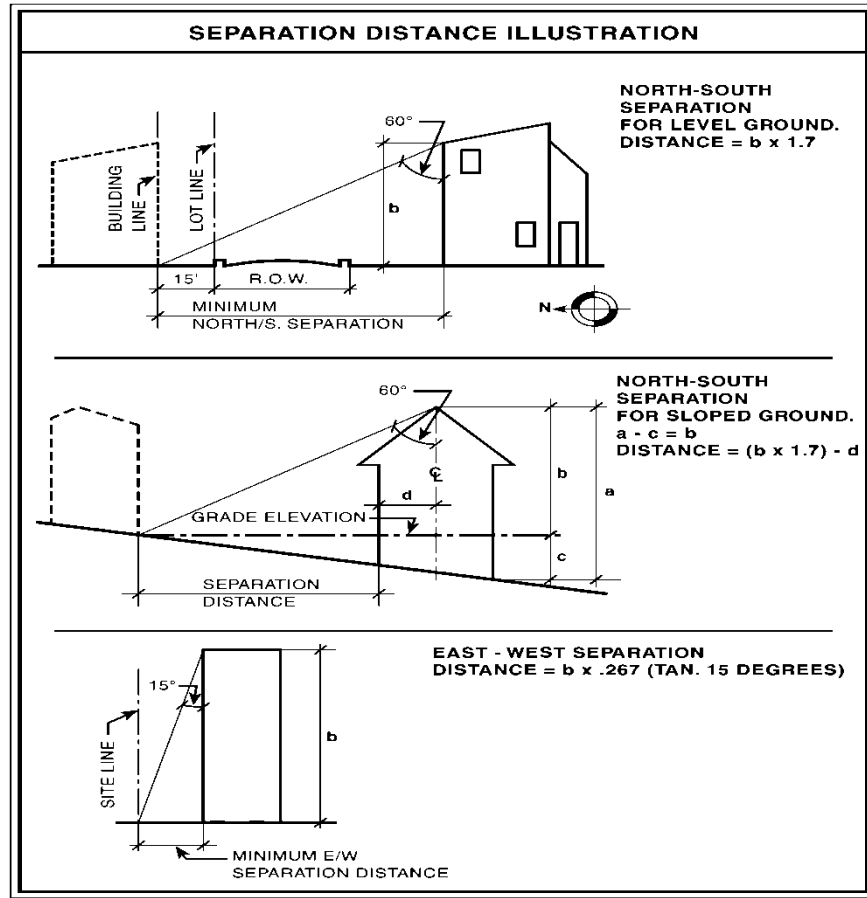
The following standards apply in the HDR, SDH, and RCHDR Districts:

- A. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 1018-1.) This provision shall be modified as follows:

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1. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.
 2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.
 3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 1018.12(B), that area may be included in the required separation distance.
- B. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
1. Documentation and a map of the easement is submitted with the development plans for the site areas in question;
 2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; and
 3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.
- C. Minimum East-West Separation: The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, County or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 1018-1.)
- Formula: Separation = b x .267 (tan 15 degrees)
- D. Separation Exception: The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.

Figure 1018-1: Separation Distance Illustration



E. Exceptions: The standards of Subsection 1018.12 are not subject to modification pursuant to Sections 903, *Setback Exceptions*, and 904, *Other Exceptions*. However, these standards may be modified through design review pursuant to Section 1102, *Design Review*. Approval shall not be granted unless the modification requested is necessary to allow development of primary uses at densities allowed for the site area.

1102 DESIGN REVIEW

1102.01 APPLICABILITY

Section 1102 applies to all development, redevelopment, expansions, and improvements in all commercial, industrial, and multifamily zoning districts and to other uses as required by the Planning Director, the Hearings Officer, or the Board of County Commissioners. For purposes of this provision, the Medium Density Residential District and the Medium High Density Residential District shall be considered “multifamily zoning districts,” even though attached single-family dwellings are a primary use. In addition, in the Urban Low Density Residential Districts, Section 1102 applies to attached single-family dwellings, two-family dwellings, three-family dwellings, and condominiums.

1102.02 CRITERIA AND PROCEDURE

- A. A design review application may be approved pursuant to Subsection 1305.02 if the applicant provides evidence substantiating that the proposed development complies with Section 1000, the standards of the zoning district in which the subject property is located, and all other applicable provisions of this Ordinance.
- B. The Planning Director may review and render a decision on an application for design review or forward the application to the Design Review Committee for review and decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider:
 - 1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements;
 - 2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors;
 - 3. Visual significance; and
 - 4. Impact on neighboring properties, particularly where a project is adjacent to a residential area.
- C. An application shall be forwarded to the Design Review Committee for review and decision if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners.
- D. The Planning Director may consult with individual members of the Design Review Committee at any point during the evaluation of a design review application or in determining compliance with conditions of design review approval.

- E. Design review approval is valid for four years from the date of the final written decision. If the County’s final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
 - 1. “Implemented” means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the design review approval, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A “major development permit” is:
 - i. A building permit for a new primary structure that was part of the design review approval; or
 - ii. A permit issued by the County Engineering Division for parking lot or road improvements required by the design review approval.
- F. If the design review approval is not implemented within the initial approval period established by Subsection 1102.02(E), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.

1102.03 DESIGN REVIEW COMMITTEE

- A. The Board of County Commissioners shall appoint a Design Review Committee and may remove members of the Committee.
- B. Members of the Design Review Committee shall be appointed for a term of four years and may, at the discretion of the Board of County Commissioners, serve more than one term.
- C. The Design Review Committee shall consist of a minimum of seven members and shall include the following:
 - 1. One landscape architect;
 - 2. One architect;
 - 3. One registered engineer;
 - 4. One graphic design representative;
 - 5. One representative from the field of finance or the construction and development industry; and

6. Two members from the general public, who may be from any discipline or group, including any of the above.
- D. The Design Review Committee shall adopt rules to govern its deliberations and decisions and shall keep a record of its proceedings.

1102.04 PREAPPLICATION CONFERENCE

- A. A preapplication conference between the applicant and the Planning Director shall be required prior to submission of an application for design review.
- B. The following subjects shall be reviewed at the preapplication conference:
 1. Description of existing site conditions, including:
 - a. Property location and size;
 - b. Adjacent land uses and potential cooperation or conflict in land use (e.g., shared parking or need for buffers);
 - c. Access to the site for different modes of transportation, including mass transit, trucks, passenger vehicles, bicycles, and pedestrians;
 - d. Designated Open Space or zoning overlays (e.g. Floodplain Management District; River and Stream Conservation Area; Historic Landmarks, Districts, and Corridors);
 - e. Natural features on the site (e.g., land forms, drainage, wooded areas, large trees, wetlands);
 - f. Existing and potential noise sources; and
 - g. Existing uses, structures, circulation, parking, landscaping, and setbacks;
 2. Development concepts and requirements, including:
 - a. Proposed uses, structures, circulation, parking, landscaping, and setbacks;
 - b. Applicable provisions of this Ordinance, the Comprehensive Plan, and other development regulations administered by the County or other service providers. Emphasis will be on identifying and, if possible, resolving conflicts between regulations; and
 - c. Conditions placed on previous development approvals.

1102.05 SUBMITTAL REQUIREMENTS

- A. An application for design review shall include the following:
1. A completed design review application on a form provided by the County Planning Division;
 2. A narrative describing the proposed use;
 3. Calculations demonstrating compliance with the density standards of Section 1012, if applicable;
 4. An engineering geologic study, if required pursuant to Section 1002 or 1003;
 5. Preliminary statements of feasibility, if required pursuant to Sections 1006 and 1007;
 6. A transportation impact study, if required pursuant to Section 1007;
 7. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;
 8. An existing conditions map of the subject property showing:
 - a. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.
 - b. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
 - c. Drainage;
 - d. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003;
 - e. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
 - f. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, of a scale not to exceed

1":400', may be submitted and only those trees that will be affected by the proposed development need be sited accurately;

- g. Location of any overlay zones regulated by Section 700 (e.g. Floodplain Management District, Willamette River Greenway, Historic Landmark);
 - h. Noise sources;
 - i. Sun and wind exposure;
 - j. Significant views; and
 - k. Existing structures, impervious surfaces, utilities, landscaping, and easements;
9. A proposed site plan showing:
- a. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties;
 - b. Property lines and dimensions for the subject property. Indicate any proposed changes to these;
 - c. Natural features to be retained;
 - d. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the subject property;
 - e. The location of at least one temporary benchmark and spot elevations;
 - f. Location and dimensions of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings;
 - g. Approximate location and size of storm drainage facilities;
 - h. Relation to transit; location and dimensions of parking and loading areas, including dimensions of individual parking spaces and drive aisles; bikeways and bicycle racks, sidewalks and pedestrian crossings;
 - i. Orientation of structures showing windows and doors;
 - j. Location and type of lighting;
 - k. Service areas for waste disposal, recycling, loading, and delivery;
 - l. Location of mail boxes; and

- m. Freestanding signs;
- 10. A grading plan showing location and extent of proposed grading, general contour lines, slope ratios, slope stabilization proposals, and natural resources protection consistent with Sections 1002 and 1003;
- 11. Architectural drawings, including:
 - a. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs;
 - b. Building sections;
 - c. Floor plans;
 - d. Color and type of building materials; and
 - e. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination;
- 12. A general landscape development plan, which shall include the elements required on the proposed site plan and:
 - a. Existing plants and groups of plants proposed;
 - b. Description of soil conditions; plans for soil treatment such as stockpiling of topsoil or addition of soil amendments; and plant selection requirements relating to soil conditions;
 - c. Erosion controls, including plant materials and soil stabilization, if any;
 - d. Irrigation system (i.e. underground sprinklers or hose bibs);
 - e. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and
 - f. Open space or recreation areas, if applicable.

1102.06 MAINTENANCE

All approved onsite improvements shall be the ongoing responsibility of the property owner or occupant.

1102.07 COMPLIANCE

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The development shall be completed pursuant to the approved final plans prior to issuance of a certificate of occupancy, except as provided under Section 1104.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1203 **CONDITIONAL USE**

1203.01 GENERAL APPROVAL CRITERIA

The Hearings Officer may approve a conditional use, pursuant to Section 1300, if the applicant provides evidence substantiating the following:

- A. The use is listed as a conditional use in the zoning district in which the subject property is located.
- B. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.
- C. The proposed use is consistent with Subsection 1007.09, and safety of the transportation system is adequate to serve the proposed use.
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.
- E. The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use.
- F. The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, and Section 1000.

1203.02 ZONE-SPECIFIC APPROVAL CRITERIA

Additional conditional use approval criteria apply in specific zoning districts, as follows:

A. In the HDR and SHD Districts, the following criteria apply, except to wireless telecommunication facilities and multi-use developments:

- 1. The proposed use shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area, considering location, size, design, and operating characteristics of the use;
- 2. The proposed use shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity, and on a site no larger than necessary for the use and the operational requirements of the use; and

3. The proposed use shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use.

B. In the RCHDR District, the following criteria apply, except to wireless telecommunication facilities:

1. The proposed use shall have minimal adverse impact on the livability, value, and appropriate development in the surrounding area, considering location, size, design, and operating characteristics of the use;

2. The proposed use shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures on the premises and surrounding area; and

3. The proposed use shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration that can be detected off the premises of the use.

~~1203.02~~ 1203.03 PREAPPLICATION CONFERENCE

A preapplication conference is required, pursuant to Subsection 1301.04, prior to the filing of an application for a conditional use.

~~1203.03~~ 1203.04 APPROVAL PERIOD AND TIME EXTENSIONS

A. Except as set forth in Subsection 1203.04~~3~~(B), approval of a conditional use is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.

1. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:

- a. A building permit for a new primary structure that was part of the conditional use approval; or
- b. A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.

- B. Approval of a conditional use for the following uses is valid for 10 years from the date of the final written decision. With the exception of the length of the approval period, Subsection 1203.0~~43~~(A) applies to these uses. Conditional use approval of these uses shall not have the effect of reserving vehicle trips for purposes of evaluating transportation concurrency for other developments. Instead, the vehicle trips these facilities are expected to generate shall be reserved upon design review approval.
1. Public roads;
 2. Public schools, including colleges and universities;
 3. Public parks;
 4. Public safety facilities, including fire and police facilities;
 5. Public libraries;
 6. Public sanitary sewer facilities;
 7. Public surface water management facilities;
 8. Public water supply facilities; and
 9. Hospitals.
- C. If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.0~~43~~(A), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.
- D. If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.0~~43~~(B), a five-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.

~~1203.04~~1203.05 SUBMITTAL REQUIREMENTS

An application for a conditional use shall include the following:

- A. A completed land use application on a form provided by the Planning Director;
- B. A completed conditional use supplemental application on a form provided by the Planning Director;
- C. Preliminary statements of feasibility required pursuant to Sections 1006 and 1007;

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- D. A description of the proposed use and specific reason(s) for the request;
- E. A vicinity map showing the relationship of the proposed use to the surrounding area;
- F. A site plan of the subject property, including existing and proposed improvements and other information necessary to address the requirements and conditions associated with the use;
- G. Building profiles of proposed new and remodeled structures;
- H. Information addressing the approval criteria in Subsections 1203.01 and 1203.02; and
- I. Any applicable submittal requirements established by Section 800.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1206 NONCONFORMING USE

1206.01 STATUS

A nonconforming use may be continued although not in conformity with the regulations for the zoning district in which the use is located. Nonconforming use status applies to the lot(s) or parcel(s) upon which the nonconforming use is located and may not be expanded onto another lot or parcel, except as provided under Subsection 1206.05. A change in ownership of, or a change of operator of, a nonconforming use shall be permitted.

1206.02 DISCONTINUATION OF USE

If a nonconforming use is discontinued for a period of more than 12 consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of this Ordinance and other regulations applicable at the time of the proposed resumption.

1206.03 RESTORATION OR REPLACEMENT

If a nonconforming use is damaged or destroyed by fire, other casualty, or natural disaster, such use may be restored, replaced, and/or re-established consistent with the nature and extent of the use or structure lawfully established at the time of loss, subject to the following conditions:

- A. Alterations or changes to the nature and extent of the nonconforming use as lawfully established prior to the fire, other casualty, or natural disaster shall not be permitted under Subsection 1206.03, but may be permitted pursuant to Subsection 1206.05.
- B. Physical restoration, replacement, or re-establishment of the nonconforming use shall be lawfully commenced within one year of the occurrence of the damage or destruction. For the purposes of this provision, “lawfully commenced” shall mean the lawful resumption of the nonconforming use and/or the filing of an application for a land use, building, septic, grading, manufactured dwelling or residential trailer placement, plumbing, electrical, or other development permit required by the County or other appropriate permitting agency that is necessary to begin restoration or replacement of the nonconforming use and/or structures.
- C. The nonconforming use status of the use to be restored, replaced, or re-established, and the nature and extent of the nonconforming use, shall be verified pursuant to Subsection 1206.06.

1206.04 MAINTENANCE

Normal maintenance of a nonconforming use necessary to maintain a nonconforming use in good repair is permitted provided there are not significant use or structural alterations as determined by the Planning Director. Normal maintenance may include painting, roofing, siding, interior remodeling, re-paving of access roads and parking/loading areas, replacement of landscaping elements, etc.

1206.05 ALTERATIONS AND CHANGES

- A. Alterations Required by Law: The Planning Director shall permit the alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure, subject to building, plumbing, sanitation, and other specialty code permit requirements in effect at the time the alteration is commenced. The Planning Director shall not impose additional conditions upon the continuation of a nonconforming use when an alteration is required to comply with local or state health or safety requirements, except as provided in Oregon Revised Statutes 215.215 pertaining to the re-establishment of nonfarm uses in an Exclusive Farm Use zoning district.
- B. Alterations Not Required by Law: The Planning Director shall approve an alteration of a nonconforming structure and/or other physical improvements, or a change in the use, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating the following:
 - 1. The alteration in the structure and/or other physical improvements, or change in the use, will, after the imposition of conditions as authorized below, have no greater adverse impact on the neighborhood than the existing use, structure(s), and/or physical improvements; and
 - 2. The nonconforming use status of the existing use, structure(s), and/or physical improvements is verified pursuant to Subsection 1206.06. The verification and alteration/change requests may be combined as a single application.
 - 3. The Planning Director may impose conditions of approval on any alteration of a nonconforming use, structure(s), or other physical improvements permitted under Subsection 1206.05(B), when deemed necessary to ensure the mitigation of any adverse impacts.
- C. Dwellings: A dwelling classified as a nonconforming use may be remodeled, expanded, or replaced without review under Subsection 1206.05(B), provided that the use is not altered from that of a dwelling and that the number of dwelling units is not increased.
- D. Change in Use of a Dwelling: In the LI, GI, and Business Park zoning districts, any change in the use of a dwelling classified as a nonconforming use shall be subject to all requirements for new developments in the zoning district, except as approved pursuant to a temporary permit under Subsection 1204.01.

E. HDR, SHD, and RCHDR Districts: In the HDR, SHD, and RCHDR Districts, commercial uses classified as nonconforming uses may be remodeled or expanded subject to the following criteria:

1. The remodeled or expanded use and operational characteristics of the use will not be detrimental to the surrounding area;
2. The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use; and
3. The remodeled or expanded use or structure and associated operational requirements are integrated into residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.

~~F.~~ Industrial and Business Uses: In the LI and GI zoning districts, expansion, alteration, or change of use of a lawfully established industrial or business use which does not conform to the physical and operational requirements of the zoning district shall require that the use be brought into conformance with those requirements to the extent possible.

1206.06 VERIFICATION OF A NONCONFORMING USE

- A. The Planning Director may approve a request for verification of nonconforming use status, pursuant to Subsection 1305.02, if the applicant:
1. Proves that the nonconforming use lawfully existed at the time of the adoption of zoning regulations, or a change in zoning regulations, which prohibited or restricted the use; and, the nonconforming use has not been subsequently abandoned or discontinued; or
 2. Proves the existence, continuity, nature, and extent of the nonconforming use for the 10-year period immediately preceding the date of the application. Such evidence shall create a rebuttable presumption that the nonconforming use, as proven, lawfully existed at the time of, and has continued uninterrupted since, the adoption of restrictive zoning regulations, or a change in the zoning or zoning regulations, that have the effect of prohibiting the nonconforming use under the current provisions of this Ordinance.

1206.07 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of an alteration of a nonconforming use, pursuant to Subsection 1206.05(B), is valid for a period of four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.

During this four-year period, the approval shall be implemented, or the approval will become void.

1. “Implemented” means all major development permits shall be obtained and maintained for the approved alteration of a nonconforming use, or if no major development permits are required to complete the development contemplated by the approved alteration of a nonconforming use, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained.
 - a. A “major development permit” is:
 - i. A building or manufactured dwelling placement permit for a new primary structure that was part of the alteration of a nonconforming use approval; or
 - ii. A permit issued by the County Engineering Division for parking lot or road improvements required by the alteration of a nonconforming use approval.
- B. Time Extension: If the approval of an alteration of a nonconforming use is not implemented within the initial approval period established by Subsection 1206.07(A), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.

1206.08 VESTED RIGHT DETERMINATION

The Planning Director may approve a request for a vested right determination, pursuant to Subsection 1305.02, if the applicant proves that the requested use was vested under common law.

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-243, 9/9/13]

1600 VILLAGE GENERAL PROVISIONS

- A. Purpose: This section implements the policies of the Sunnyside Village Plan providing for a mixture of single family, townhouse, and multifamily residential as well as retail/office, commercial and business park uses. These uses are located in areas where suitable services and facilities are currently provided or can be provided as development occurs. In addition, this plan area allows for pedestrian friendly development with good connections via the sidewalks, trails and street system from residential areas to parks, open spaces, commercial and office uses.
- B. Area of Application: The Sunnyside Village Plan is applied within the area located generally east of I-205 along the south side of Sunnyside Road between 142nd and 152nd Avenues, including portions of land west of 142nd and east of 152nd, in addition to a section north of the intersection of 142nd and Sunnyside Road. The Sunnyside Village Plan is illustrated on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*.

1600.01 ACCESSWAYS

A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, church, daycare facility, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.

- A. The accessway shall include at least 15 feet of right-of-way and a 10-foot wide paved surface.
- B. Accessways shall be illuminated so that they may be safely used at night.
- C. The maximum height of a fence along such a facility shall not exceed four feet.
- D. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.
- E. The designated East-West pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the County. Planting areas adjacent to the easement with street trees should be provided along at least one side of this accessway. However, alternatives to this standard may be considered through design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.

1600.02 STREETS AND SIDEWALKS

A. The following streets are unique to the Sunnyside Village Plan area, in addition to the arterial and collector streets. (Comprehensive Plan Map X-SV-3, Street Classifications).

1. Connector streets with bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four- to five-foot-wide planting strips, two four-foot-wide bike lanes, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 61 to 63 feet, depending on the planting strip width. If commercial/retail are adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-1.)
2. Connector streets without bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four- to five-foot-wide planting strips, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 53 to 55 feet, depending on the planting strip width. If commercial/retail is adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-2.)
3. Local streets shall include two eight-to-nine-foot-wide travel lanes, two six-inch-wide standard curbs, one eight-foot-wide parking strip, two five-foot-wide sidewalks, and two four-foot-wide tree planting strips. The right-of-way width shall be 43 to 45 feet. (See Comprehensive Plan Figure X-SV-5.)

Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.

4. All streets adjacent to Resource Protection Areas shall have at least one five-foot-wide sidewalk along one side of the street. If there are no significant trees (at least eight inches in diameter) along the Resource Protection Area adjacent to the street, then a minimum four-foot-wide planting strip is required along both sides of the street. If it is determined that a unique view is to be preserved, then the Planning Director will determine if street trees are required.
5. New street connections and private access driveways should be located along arterial and collector roadways within Sunnyside Village to provide safe and efficient traffic operations. New street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3. New street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline.

New individual driveway connections shall not be permitted along arterial and collector roadways. The removal and/or consolidation of existing private driveways on arterial and collector streets should be investigated as redevelopment of properties occurs.

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

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

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

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

The center island shall have a radius of at least 30 feet and shall be landscaped. A vertical feature or monument identifying the entrance to

the Sunnyside Village area should mark the center of the circle and shall be framed by blossoming trees.

9. Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.
 10. For properties with frontage along SE 152nd Drive, adjacent to the proposed realignment of SE 152nd Drive, the applicant's share of costs associated with the realignment of 152nd Drive shall be limited to the dedication of required on-site right-of-way for the realignment of SE 152nd Drive as a collector street, and the guarantee of financing for the required on-site improvements, to collector-street standards, according to the requirements of the County Engineering Division.
- B. Planting strips which include street trees are part of the street cross sections. See Subsection 1007.08 for details.
- C. Sidewalks within Sunnyside Village shall have a minimum unobstructed width of five feet. No street lights, mailboxes, fire hydrants, etc. are allowed within the sidewalk.

1600.03 TRAILS AND PEDESTRIAN CONNECTIONS

An interconnecting system of trails and accessways throughout the Sunnyside Village Plan area shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the Resource Protection areas.

The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school and to adjacent commercial and residential developments.

There shall also be an east-west accessway between 142nd and 152nd, south of Sunnyside Road and above the connector street located north of the neighborhood green and community service area.

The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.

All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to the North Clackamas Parks District in conjunction with development. These connections shall be maintained by and constructed to the standards established by the North Clackamas Parks District.

The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner(s).

1600.04 SIGNS

Freestanding signs shall be constructed of brick, masonry, wood, or other materials that are compatible with the development.

~~1600.05 EXEMPTIONS~~

~~A. The requirements of Subsection 1603.09 do not apply to new homes developed in subdivisions which have received final plat approval prior to August 26, 1993, if there are homes developed or under construction on existing lots within the subdivision.~~

~~B. New homes developed within subdivisions which have received preliminary plat approval within the VR 4/5 District shall meet the standards of Subsections 1603.06(I)(1) and 1603.06(J)(1).~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-239, 9/10/12]

~~1603 VILLAGE STANDARD LOT RESIDENTIAL DISTRICT (VR-5/7) AND
VILLAGE SMALL LOT RESIDENTIAL DISTRICT (VR-4/5)~~

~~1603.01 PRIMARY USES~~

~~The following are primary uses in the Village Standard and Village Small Lot Residential Districts:~~

- ~~A. One detached single family dwelling, residential home, or, subject to Section 824, manufactured home;~~
- ~~B. One attached single family dwelling, provided that no more than two of these dwellings may be attached in succession;~~
- ~~C. One attached single family dwelling in the VR-4/5 zone when transferring density from a Resource Protection Area, subject to Subsections 1604.06(D) through (I) in lieu of Subsections 1603.06(E) through (K);~~
- ~~D. Utility carrier cabinets, subject to Section 830;~~
- ~~E. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and~~
- ~~F. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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.~~

~~1603.02 ACCESSORY USES~~

~~The following are accessory uses in the Village Standard and Village Small Lot Residential Districts:~~

- ~~A. Uses and structures customarily accessory and incidental to a primary use;~~
- ~~B. Accessory dwelling units located either above a detached garage, subject to Subsection 1603.06(G), or integral to the primary dwelling unit, subject to Subsection 1603.06(F);~~
- ~~C. Produce stands, subject to Section 815;~~
- ~~D. Livestock, subject to Section 821;~~
- ~~E. Home occupations, including bed and breakfast homestays, subject to Section 822;~~

- ~~F. Signs, subject to Section 1010;~~
- ~~G. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~H. Bus shelters subject to Section 823, bicycle facilities, pedestrian amenities, and transit amenities;~~
- ~~I. Solar energy systems;~~
- ~~J. Rainwater collection systems;~~
- ~~K. Electric vehicle charging stations for residents and their nonpaying guests; and~~
- ~~L. Family daycare providers.~~

~~1603.03 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Directory may approve the following use in the Village Standard and Village Small Lot Residential Districts, pursuant to Subsection 1305.02:~~

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

~~1603.04 CONDITIONAL USES~~

~~The Hearings Officer may approve the following conditional uses in the Village Standard and Village Small Lot Residential Districts, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

- ~~A. Two and three family dwellings, and the conversion of single family dwellings into two family dwellings, subject to Section 802;~~
- ~~B. Churches, subject to Section 804;~~
- ~~C. Schools, subject to Section 805;~~
- ~~D. Daycare facilities, subject to Section 807;~~
- ~~E. Nursing homes, subject to Section 810;~~
- ~~F. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; and~~
- ~~G. Attached single family dwellings that do not qualify as a primary use pursuant to Subsection 1603.01(B) or (C).~~

~~1603.05 PROHIBITED USES~~

~~The following are prohibited uses in the Village Standard and Village Small Lot Residential Districts:~~

- ~~A. Uses of structures and land not specifically permitted; and~~
- ~~B. The use of a residential trailer or mobile home, except as authorized under Section 1204.~~

~~1603.06 DIMENSIONAL AND DEVELOPMENT STANDARDS~~

- ~~A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.~~
- ~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~
- ~~C. Parks: Streets, public paths, or open space shall abut the entire perimeter of all parks. In no case shall the rear of a building face a park. Street alignments and lot design shall ensure that building fronts or sides face parks, with building sides acceptable along not more than one-third of a park's perimeter.~~
- ~~D. Lot Size:~~
 - ~~1. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR 5/7 zoning district shall be no smaller than 5,000 square feet and no larger than 7,000 square feet, or each lot shall be a minimum of 5,000 square feet and the average size of all lots shall not exceed 6,500 square feet.~~
 - ~~2. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR 4/5 zoning district shall be no smaller than 4,000 square feet and no larger than 5,000 square feet, or each lot shall be a minimum of 4,000 square feet and the average size of all lots shall not exceed 5,000 square feet.~~
 - ~~3. The following are exceptions to the lot size requirements of Subsections 1603.06(D)(1) and (2):~~
 - ~~a. A portion of a property may be left capable of further division if a master plan is provided demonstrating that the remaining property can be developed consistent with applicable standards. Any area included within the master plan shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D)(1) and (2).~~

~~b. The maximum lot size for a new lot created for a preexisting dwelling shall be 15,000 square feet when the parcel is not intended to be divided further in the future and no master plan has been prepared. Such a lot shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D)(1) and (2). No maximum lot size shall apply to preexisting dwellings in a Resource Protection Area.~~

~~c. Resource Protection Area shall not be included in the lot size calculations required pursuant to Subsections 1603.06(D)(1) and (2). Instead, density transfer may be used pursuant to Section 1012 or Resource Protection Area may be developed at a density of one dwelling unit per acre.~~

~~d. The minimum lot size for flexible lot size developments or planned unit developments shall be 4,000 square feet in the VR 5/7 zoning district and 2,000 square feet in the VR 4/5 zoning district.~~

~~4. For subdivisions and partitions, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012.~~

~~E. Maximum Lot Coverage: 50 percent.~~

~~F. Primary Dwellings: The following standards apply to primary dwellings.~~

~~1. Maximum Building Height: 35 feet.~~

~~2. Setbacks: The following standards do not apply in a Resource Protection Area:~~

~~a. Minimum and Maximum Front Yard Setbacks:~~

~~i. The front yard setback of a dwelling with a recessed garage shall be a minimum of 10 feet and a maximum of 18 feet or as close to the street as possible if a public utility easement precludes compliance with the maximum setback standard. Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum setback standard.~~

~~ii. The front yard setback of a primary dwelling with an attached garage extending beyond the front facade shall be 20 feet (plus or minus six inches) from the sidewalk to the foremost point of the side of the garage with the garage door.~~

~~iii. A porch may extend up to four feet into the front yard setback.~~

- ~~iv. A primary dwelling on a lot having more than one street frontage is required to comply with the maximum front yard setback only on two intersecting street frontages. The minimum setback shall be met on all street frontages.~~
 - ~~b. Minimum Side Yard Setback: Five feet, except that no setback shall be required from a side lot line where two attached single-family dwellings share a common wall.~~
 - ~~c. Minimum Rear Yard Setback: 15 feet.~~
 - ~~d. Yard Setbacks in Resource Protection Areas: On lots recorded after November 29, 1995, development of primary dwellings and accessory structures within a Resource Protection Area shall be subject to Design Review, pursuant to Section 1102, and the following criteria:
 - ~~i. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized.~~
 - ~~ii. Compliance with Subsections 1002.02 and 1002.04 shall be demonstrated.~~
 - ~~iii. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area.~~
 - ~~iv. Shared driveways are encouraged and shall be designed to be as narrow as possible, consistent with the requirements of the fire district.~~~~
- ~~3. Facades:~~
- ~~a. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way shall not consist of a blank wall.~~
 - ~~b. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.~~
- ~~4. Entries and Porches: The following standards shall apply in all subdivisions that receive final plat approval after November 29, 1995.~~
- ~~a. If a lot has frontage on a local or connector street or a private street which meets local or connector street design standards, then the primary entry shall be accessed directly from and visible from one of those streets.~~

~~b. A minimum of 50 percent of the dwellings shall have porches. A covered porch or patio shall be placed immediately adjacent to the primary entry. The porch shall have a minimum net depth of 6 feet and a minimum net width of 10 feet.~~

~~5. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.~~

~~G. Accessory Structures: The following standards apply to accessory structures.~~

~~1. A maximum of two accessory structures, including one accessory dwelling unit, may be permitted on a lot.~~

~~2. An accessory structure and its projections shall be detached and separated from other structures by a minimum of three feet.~~

~~3. Only one accessory structure per lot may exceed 100 square feet in area.~~

~~4. Accessory structures greater than 100 square feet in area shall comply with the following requirements:~~

~~a. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.~~

~~b. The square footage of the ground floor of the accessory structure shall not exceed either 600 square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed 720 square feet in size.~~

~~c. The detached accessory structure shall have a maximum building height of 25 feet or the building height of the primary dwelling, whichever is less.~~

~~5. The following setback standards apply to accessory structures, except in a Resource Protection Area:~~

~~a. The front yard setback shall be no less than the setback of the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Subsection 1603.06(J).~~

~~b. No side or rear yard setback shall be required for any detached accessory structure that is 100 square feet or less in area and does not exceed a height of eight feet.~~

~~c. For structures that exceed 100 square feet in area or eight feet in height, rear and side yard setbacks shall be as follows, except where a~~

~~rear or side lot line is adjacent to a pedestrian path, sidewalk, or accessway, in which case a minimum setback of five feet is required.~~

~~i. For structures greater than eight feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and three feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet. The minimum rear yard setback where the rear property line does not abut an alley shall be three feet.~~

~~ii. For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and five feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet, except that a second-level accessory dwelling unit may cantilever up to four feet. The minimum rear yard setback where the rear property line does not abut an alley shall be five feet.~~

~~H. Off-Street Parking: A minimum of one off-street parking space located behind the front yard setback line shall be provided for each dwelling unit.~~

~~I. Driveways:~~

~~1. Driveways shall not exceed a width of 16 feet at the front property line.~~

~~2. For subdivisions that receive final plat approval after November 29, 1995, a minimum of 50 percent of lots developed on alleys shall have alley access only.~~

~~J. Garages:~~

~~1. In the VR-5/7 zone, a minimum of 50 percent of the primary dwellings in a development shall have a garage with a front yard setback that is a minimum of five feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays, and architectural features). The remaining 50 percent of the primary dwellings in a development may have a garage with a front yard setback that is a maximum of five feet less than the front yard setback of the front façade of the primary dwelling (not including porches, bays, and architectural features).~~

~~2. In the VR-4/5 zone, all garages shall have a front yard setback that is a minimum of five feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays and architectural features).~~

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- ~~K. — Fences and Sight Obscuring Plantings: The maximum height of a fence or sight-obscuring planting shall be six feet along the side and rear yards behind the front building line and four feet forward of the front building line.~~
- ~~L. — Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.~~
- ~~M. — Exceptions: Dimensional standards are subject to modification pursuant to Section 900.~~
- ~~N. — Variances: The requirements of Subsection 1603.06 may be modified pursuant to Section 1205.~~

~~1604 — VILLAGE TOWNHOUSE DISTRICT (VTH)~~

~~1604.01 — PRIMARY USES~~

~~The following are primary uses in the Village Townhouse District:~~

- ~~A. — One attached single family dwelling;~~
- ~~B. — Two family dwellings;~~
- ~~C. — Three family dwellings;~~
- ~~D. — Multifamily dwellings containing four dwelling units;~~
- ~~E. — Congregate housing facilities;~~
- ~~F. — Condominiums, subject to Section 803;~~
- ~~G. — Nursing homes, subject to Section 810;~~
- ~~H. — Utility carrier cabinets, subject to Section 830;~~
- ~~I. — Bed and breakfast residences, subject to Section 832;~~
- ~~J. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and~~
- ~~K. — Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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.~~

~~1604.02 — ACCESSORY USES~~

~~The following are accessory uses in the Village Townhouse District:~~

- ~~A. — Uses and structures customarily accessory and incidental to a primary use;~~
- ~~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;~~
- ~~C. — Accessory dwelling units located either above a detached garage, subject to Subsection 1604.06(F) or integral to the primary dwelling unit, subject to Subsection 1604.06(E);~~
- ~~D. — Rental information offices;~~

- ~~E. — Repair and maintenance services;~~
- ~~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;~~
- ~~G. — Solar energy systems;~~
- ~~H. — Home occupations, subject to Section 822;~~
- ~~I. — Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~J. — Bus shelters subject to Section 823, bicycle facilities, pedestrian amenities, and transit amenities;~~
- ~~K. — Rainwater collection facilities;~~
- ~~L. — Electric vehicle charging stations; and~~
- ~~M. — Family daycare providers.~~

~~1604.03 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may approve the following use in the Village Townhouse District, pursuant to Subsection 1305.02:~~

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

~~1604.04 — CONDITIONAL USES~~

~~The Hearings Officer may approve the following conditional uses in the Village Townhouse District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

- ~~A. — Daycare facilities, subject to Section 807;~~
- ~~B. — Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; and~~
- ~~C. — Alteration or expansion of a religious facility which was lawfully established prior to July 1, 1993. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting religious facility and associated facilities prior to July 1, 1993.~~

~~1604.05 PROHIBITED AND PREEXISTING USES~~

~~A. Prohibited Uses: The following uses are prohibited in the Village Townhouse District:~~

- ~~1. Uses of structures and land not specifically permitted; and~~
- ~~2. The use of a residential trailer or manufactured dwelling, except as authorized under Section 1204.~~

~~B. Preexisting Uses:~~

- ~~1. Preexisting single family dwellings and residential homes may be altered or expanded without review under Section 1206.~~
- ~~2. A new lot created for a preexisting single family dwelling shall have a minimum lot size of 3,000 square feet and a maximum lot size of 5,000 square feet.~~
- ~~3. Preexisting dwellings and their accessory structures shall comply with the VR 4/5 setback standards of Section 1603.~~
- ~~4. 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.~~

~~1604.06 DIMENSIONAL AND DEVELOPMENT STANDARDS~~

~~A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.~~

~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~

~~C. Lot Size: Each lot for an attached single family dwelling shall have a minimum size of 2,000 square feet and a maximum size of 3,000 square feet, or each lot shall have a minimum size of 2,000 square feet and the average size of all lots shall not exceed 2,500 square feet. For subdivisions, partitions, and condominium developments, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012. Lots created for congregate care facilities, two and three family dwellings, or multifamily dwellings are not subject to minimum, maximum, or average lot size standards. However, the density provisions of Section 1012 are applicable.~~

~~D. Maximum Lot Coverage: 65 percent.~~

~~E. Primary Dwellings: The following standards apply to primary dwellings.~~

- ~~1. Maximum Building Height: 35 feet.~~
- ~~2. Minimum and Maximum Front Yard Setback: The front yard setback shall be a minimum of 10 feet and a maximum of 18 feet from a street right of way or designated accessway. On a corner lot, one of the required front yard setbacks may be reduced to eight feet when abutting a local or connector street. Awnings, porches, bays, and overhangs may extend up to four feet into this setback.~~
- ~~3. Minimum Side Yard Setback: No side yard setback is required adjacent to another dwelling unit. Any side of a primary dwelling unit which is not a common wall with another dwelling unit shall be set back a minimum of five feet from the side property line and pedestrian connections.~~
- ~~4. Minimum Rear Yard Setback: 15 feet.~~
- ~~5. Configuration and Facades:
 - ~~a. Attached single family dwellings shall orient to and line streets with a series of attached "rowhouse" units.~~
 - ~~b. Front facades shall be designed with balconies and/or bays. Facades facing a street right of way or designated accessway shall not consist of a blank wall.~~
 - ~~c. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.~~~~
- ~~6. Entries and Porches:
 - ~~a. Primary entries shall be accessed directly from a street right of way and must be visible from the street.~~
 - ~~b. Porches are required for each unit and must be located immediately adjacent to the primary entry. Porches must cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of six feet.~~~~
- ~~7. Roofs:

~~Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.~~~~
- ~~F. Accessory Structures: The following standards apply to accessory structures.
 - ~~1. A maximum of two accessory structures, including one accessory dwelling unit, may be permitted on a lot.~~~~

- ~~2.—An accessory structure and its projections shall be detached and separated from other structures by a minimum of three feet.~~
- ~~3.—Only one accessory structure per lot may exceed 100 square feet in area.~~
- ~~4.—Accessory structures greater than 100 square feet in area shall comply with the following requirements:
 - ~~a.—The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.~~
 - ~~b.—The square footage of the ground floor of the accessory structure shall not exceed either 500 square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed 500 square feet in size.~~
 - ~~c.—The detached accessory structure shall have a maximum building height of 25 feet or the building height of the primary dwelling, whichever is less.~~~~
- ~~5.—The front yard setback shall be no less than the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Subsection 1604.06(G).~~
- ~~6.—No side or rear yard setback shall be required for any detached accessory structure that is 100 square feet or less in area and does not exceed a height of eight feet.~~
- ~~7.—For structures that exceed 100 square feet in area or eight feet in height, rear and side yard setbacks shall be as follows, except where a rear or side lot line is adjacent to a street, pedestrian path, sidewalk, or accessway, in which case a minimum setback of five feet is required:
 - ~~a.—For structures greater than eight feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and three feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet. The minimum rear yard setback where the rear property line does not abut an alley shall be three feet.~~
 - ~~b.—For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and five feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet, except that a second level accessory dwelling unit may cantilever up to four feet. The minimum rear yard setback where the rear property line does not abut an alley shall be five feet.~~~~

~~G. — Garages:~~

- ~~1. — A detached garage may be placed at the rear of a lot.~~
- ~~2. — A front access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front facade (not including porches, bays, and architectural features) and a minimum of 20 feet from the street right-of-way.~~
- ~~3. — A minimum two-foot-deep trellis or bay window shall be placed above the garage opening. The trellis shall extend the full width of the garage, and the bay window shall be a minimum of eight feet in width.~~
- ~~4. — If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.~~
- ~~5. — If an alley adjoins a lot, then garage access from the street is prohibited.~~

~~H. — Fences and Sight-Obscuring Plantings: The maximum height of a fence or sight-obscuring planting shall be six feet along the side and rear yards behind the front building line and four feet forward of the front building line.~~

~~I. — Minimum Landscaping Area: 25 percent of the lot area.~~

~~J. — Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.~~

~~K. — Exceptions: Dimensional standards are subject to modification pursuant to Section 900.~~

~~L. — Variances: The requirements of Subsection 1604.06 may be modified pursuant to Section 1205.~~

~~1605 — VILLAGE APARTMENT DISTRICT (VA)~~

~~1605.01 — PRIMARY USES~~

~~The following are primary uses in the Village Apartment District:~~

- ~~A. — Multifamily dwellings;~~
- ~~B. — Three-family dwellings;~~
- ~~C. — Two-family dwellings;~~
- ~~D. — Congregate housing facilities;~~
- ~~E. — Condominiums, subject to Section 803;~~
- ~~F. — Nursing homes, subject to Section 810;~~
- ~~G. — Utility carrier cabinets, subject to Section 830;~~
- ~~H. — Bed and breakfast residences, subject to Section 832;~~
- ~~I. — Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and~~
- ~~J. — Public parks, playgrounds, recreational and community buildings and grounds, community gardens, 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.~~

~~1605.02 — ACCESSORY USES~~

~~The following are accessory uses in the Village Apartment District:~~

- ~~A. — Uses and structures customarily accessory and incidental to a primary use;~~
- ~~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;~~
- ~~C. — Rental information offices;~~
- ~~D. — Repair and maintenance services;~~
- ~~E. — 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;~~

~~F. — Solar energy systems;~~

~~G. — Self-service laundry facilities;~~

~~H. — Home occupations, subject to Section 822;~~

~~I. — Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;~~

~~J. — Bus shelters subject to Section 823, bicycle facilities, pedestrian amenities, and transit amenities;~~

~~K. — Rainwater collection facilities;~~

~~L. — Electric vehicle charging stations; and~~

~~M. — Family daycare providers.~~

~~1605.03 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The Planning Director may allow the following use in the Village Apartment District, pursuant to Subsection 1305.02:~~

~~A. — Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835.~~

~~1605.04 — CONDITIONAL USES~~

~~The Hearings Officer may allow the following conditional uses in the Village Apartment District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.~~

~~A. — Daycare facilities, subject to Section 807; and~~

~~B. — Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835.~~

~~1605.05 — PROHIBITED AND PREEXISTING USES~~

~~A. — Prohibited Uses: Uses of structures and land not specifically permitted are prohibited in the Village Apartment District.~~

~~B. — Preexisting Uses:~~

- ~~1. Preexisting commercial uses may be altered or expanded subject to Planning Director review pursuant to Subsection 1305.02, when the following conditions are satisfied:
 - ~~a. Impact: The altered or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.~~
 - ~~b. Limited Area: The altered or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.~~
 - ~~c. Compatibility: The altered or expanded use or structure and associated operational requirements are integrated into the residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.~~~~
- ~~2. Preexisting single family dwellings and residential homes may be altered or expanded without review under Section 1206.~~
- ~~3. A new lot created for a preexisting single family dwelling shall have a minimum lot size of 3,000 square feet.~~
- ~~4. Preexisting single family dwellings and their accessory structures shall comply with the VR 4/5 setback standards of Section 1603.~~
- ~~5. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum and minimum density for the remaining lot.~~

~~1605.06 — DIMENSIONAL AND DEVELOPMENT STANDARDS~~

- ~~A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.~~
- ~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~
- ~~C. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,500 square feet per dwelling unit.~~
- ~~D. Maximum Building Height: 45 feet, except for tower elements, which may be up to 60 feet in height, but may not exceed a footprint of 400 square feet.~~
- ~~E. Configuration, Setbacks, and Separation:~~

- ~~1. Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets.~~
- ~~2. Building setback from Sunnyside Road shall be a minimum of 65 feet and a maximum of 75 feet from the centerline. Buildings fronting other streets shall be set back a minimum of 10 feet and a maximum of 18 feet from the property line. Awnings, porches, and bays may extend up to six feet into this setback.~~
- ~~3. A minimum 20-foot separation shall be provided between multifamily dwellings.~~

~~F. Maximum Lot Coverage: 50 percent.~~

~~G. Access: No direct access is permitted off of Sunnyside Road.~~

~~H. Entries:~~

- ~~1. Primary entries shall be accessed directly from a street right-of-way and must be visible from the street.~~
- ~~2. Secondary entries may face parking lots or loading areas.~~
- ~~3. Ground floor units should have entries directly from the street; upper story units may share one or more entries.~~

~~I. Facades:~~

- ~~1. Building facades shall be designed, at a minimum, with windows, entries, balconies, and bays. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets. Facades facing a street right-of-way or pedestrian path shall not consist of a blank wall.~~
- ~~2. Windows shall be frequent and coordinate with bays and balconies. Vertical proportions and divided lights are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows facing the front street shall be double-hung or casement windows.~~

~~J. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas.~~

~~K. Materials: Exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged.~~

~~L. Minimum Landscaping Area: 25 percent of the lot.~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- ~~M. — Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.~~
- ~~N. — Exceptions: Dimensional standards are subject to modification pursuant to Section 900.~~
- ~~O. — Variances: The requirements of Subsection 1605.06 may be modified pursuant to Section 1205.~~

~~1706 REGIONAL CENTER HIGH DENSITY RESIDENTIAL DISTRICT (RCHDR)~~

~~[The title of Section 1706 changed by Ord. ZDO 224, 5/31/11]~~

~~1706.01 PURPOSE~~

~~Section 1706 is adopted to:~~

- ~~A. Allow mixed use with an emphasis on high density housing;~~
- ~~B. Provide for densities that support public transportation;~~
- ~~C. Provide multifamily housing in locations accessible by all modes of transportation, particularly public transportation;~~
- ~~D. Provide high density housing close to public transit, employment centers, parks, and shopping areas; and~~
- ~~E. Implement the policies of the Clackamas Regional Center Area Design Plan.~~

~~1706.02 AREA OF APPLICATION~~

~~Property may be zoned Regional Center High Density Residential when one of the following criteria, and the criteria under Section 1202, are satisfied:~~

- ~~A. The site has been designated Special High Density Residential on the Comprehensive Plan and Clackamas Regional Center Area Design Plan;~~
- ~~B. The site is within one-quarter mile of a designated high capacity transit corridor;~~
- ~~C. The site is within the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community.~~

~~1706.03 PRIMARY USES~~

- ~~A. Multifamily dwellings;~~
- ~~B. Congregate housing facilities;~~
- ~~C. Condominiums, subject to Section 803;~~
- ~~D. Nursing homes, subject to Section 810;~~
- ~~E. Utility carrier cabinets, subject to Section 830;~~
- ~~F. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.~~

~~1706.04 — ACCESSORY USES~~

- ~~A. — Indoor and outdoor recreational facilities such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development.~~
- ~~B. — Bike racks, pedestrian amenities, and transit amenities.~~
- ~~C. — Rental and development information offices.~~
- ~~D. — Handyman and maintenance services in association with primary, accessory, or limited uses in the development.~~
- ~~E. — The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker.~~
- ~~F. — Self-service laundry facilities.~~
- ~~G. — Solar energy systems.~~
- ~~H. — Family daycare providers.~~
- ~~I. — Transit park-and-ride facilities.~~
- ~~J. — Parking structures.~~
- ~~K. — Home occupations, subject to Section 822.~~
- ~~L. — Electric vehicle charging stations.~~
- ~~M. — Rainwater collection systems.~~

~~1706.05 — LIMITED USES~~

~~Office, retail, and service uses may be included in a Regional Center Special High Density Residential development subject to the provisions set forth below.~~

- ~~A. — Office, retail, and service commercial uses, listed in 1706.05(B), may be allowed as part of a development in this district when developed concurrently with, or after, the primary use, subject to the following limitations and conditions:
 - ~~1. — Limited uses are allowed only when the minimum residential density for the development site is met.~~~~

- ~~2. Limited uses may be in the same building as a primary use or a separate building within the development.~~
- ~~3. No outdoor storage of materials or display of merchandise associated with the limited use shall be allowed.~~

~~B. Limited uses may be as follows:~~

- ~~1. Neighborhood Commercial uses as listed in Subsection 501.03.~~
- ~~2. Drinking establishments.~~
- ~~3. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited office uses.~~
- ~~4. Duplicating services.~~
- ~~5. Self-service postal facilities.~~
- ~~6. Banking facilities, except drive-through window facilities~~
- ~~7. Offices: Accountants, investment counselors, consultants, attorneys, architects, engineers, artists, designers, writers, musicians, dancers.~~
- ~~8. Any retail or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 1706.05(B) and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.~~

~~1706.06 — USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR~~

~~The following use may be approved by the Planning Director pursuant to Subsection 1305.02:~~

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

~~1706.07 — CONDITIONAL USES~~

- ~~A. Conditional uses may be allowed subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use:~~

- ~~1. Shall have minimal adverse impact on the livability, value, and appropriate development in the surrounding area, considering location, size, design, and operating characteristics of the use;~~

- ~~2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures on the premises and surrounding area;~~
- ~~3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and~~
- ~~4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration that can be detected off the premises of the use.~~

~~B. Uses allowed subject to Subsections 1706.07(A)(1) through (4) are:~~

- ~~1. Churches, subject to Section 804;~~
- ~~2. Service and recreational uses listed in Subsections 813.01(B) and (C), subject to Section 813;~~
- ~~3. Health clubs and recreational uses that exceed an accessory use, limited use, or service and recreational use;~~
- ~~4. Hotels and associated convention facilities.~~

~~C. Uses allowed that are not subject to Subsections 1706.07(A)(1) through (4) are:~~

- ~~1. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835.~~

~~1706.08 PROHIBITED AND PREEXISTING USES~~

~~A. Uses of structures and land in a manner not specifically permitted in this section shall be prohibited in all Regional Center Special High Density Residential districts.~~

~~B. Preexisting legally established commercial uses may be remodeled or expand subject to staff review with public notice pursuant to subsection 1305.02, when the following conditions are satisfied:~~

- ~~1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the surrounding area.~~
- ~~2. Area Limitation: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.~~
- ~~3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into residential development on surrounding properties through building design, exterior materials and~~

~~colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.~~

- ~~C. Lawfully established single family dwellings or residential homes may be remodeled or expanded without review under Section 1206.~~
- ~~D. A new lot may be created for a lawfully established single family dwelling provided that the remaining lot shall be a minimum of three acres in size.~~
- ~~E. Lawfully established preexisting dwellings shall comply with the setback standards of Section 301.~~
- ~~F. Any lot less than three acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 1706.09(B)(1).~~
- ~~G. All other preexisting legally established structures and uses not specifically permitted as a primary use in Subsection 1706.03 shall be noneconforming uses subject to Section 1206.~~

~~1706.09 DIMENSIONAL STANDARDS~~

- ~~A. Purpose: The dimensional standards are intended to:
 - ~~1. Provide for appropriate intensity of uses, and ensure the advantage and prominence of the primary uses of this district;~~
 - ~~2. Encourage coordinated development of large areas, and the most efficient and maximum use of special high density areas;~~
 - ~~3. Provide for adequate structure separation to ensure air and light access, fire safety, and protection for all developments and structures;~~
 - ~~4. Preserve opportunities for, and encourage the use of, active or passive solar energy systems in the development of any site area within or adjoining this district;~~
 - ~~5. Ensure the provisions of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents; and~~
 - ~~6. Provide connectivity between uses both within the site and to public transit, shopping areas, employment areas, schools and parks.~~~~
- ~~B. General Requirements: The following dimensional standards apply:
 - ~~1. Site Area Requirements: A minimum gross site area of three acres, including land dedicated for roadway purposes, shall be required for~~~~

~~developments combining primary, accessory, and limited uses. "Site area" for purposes of this section shall be one of the following:~~

- ~~a. A single tax lot, or two or more contiguous tax lots under the same ownership.~~
- ~~b. Two or more contiguous tax lots under separate ownership, provided that:
 - ~~i. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and~~
 - ~~ii. All individual tax lot ownership's are converted into development shares prior to any building permit being issued for the project, or~~
 - ~~iii. The group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownership's to the development plan for the site areas approved by the County.~~~~

~~No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the approved development plan for the site area.~~

- ~~c. Undersized Site Areas: Primary and accessory uses may be established on less than three-acre site areas which are physically separated from all other undeveloped or underdeveloped properties in this district.~~

~~2. Setbacks:~~

- ~~a. Minimum Front Yard Setback: Five feet, except buildings with residential uses only shall be set back a minimum of 15 feet.~~
- ~~b. Maximum Front Yard Setback: 20 feet, except there is no maximum for buildings used exclusively for residential purposes:
 - ~~i. Pedestrian amenities are required in the setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.~~
 - ~~ii. 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.~~~~

- ~~e. Minimum Side Yard Setback: There is no minimum except when abutting an Open Space Management District (OSM) or more restrictive residential zoning district. The minimum setback is 15 feet when a development abuts one of these zoning districts.~~
- ~~d. Minimum Rear Yard Setback: There is no minimum except when abutting an OSM zoning district or more restrictive residential zoning district. The minimum setback is 20 feet when a development abuts one of these zoning districts.~~
- ~~3. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part or projection of the structure which first intersects a 60-degree angle projecting toward the ground north of the building. This provision shall be modified as follows:
 - ~~a. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.~~
 - ~~b. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site falls within the required separation distance.~~
 - ~~c. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 1706.09(B)(4), that area may be included in the required separation distance.~~~~
- ~~4. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
 - ~~a. Documentation and a map of the easement is submitted with the development plans for the site areas in question;~~
 - ~~b. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; and~~
 - ~~c. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.~~~~
- ~~5. Maximum East-West Separation: The maximum distance on an east-west axis between any building and a site area line, except when abutting a~~

~~public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure.~~

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

~~6. Separation Exception: The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.~~

~~7. Minimum Landscaping and Outdoor Surface Area: 20 percent of the lot, as set forth in Section 1009 and Subsections 1706.10(D) and (E).~~

~~C. Exceptions: The standards of Section 1706.09 are not subject to modification under Sections 903 and 904. However, these standards may be modified in the development review process, pursuant to Subsection 1305.02. Approval shall not be granted unless:~~

~~1. The purposes set forth under Subsection 1706.09(A) are addressed and satisfied in the proposed design of the development, and~~

~~2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.~~

~~1706.10 DEVELOPMENT STANDARDS~~

~~A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, and 1700.~~

~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~

~~C. Density: The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be determined by completing the steps set forth in Subsections 1012.08(A) and (B).~~

~~D. Landscaping and Outdoor Surface Area: The minimum landscaping percentage in Subsection 1706.09(B)(7) shall be met with shared outdoor surface areas, including landscaping; courtyards; pedestrian plazas; areas dedicated for parks; onsite walkways and bikeways; recreational areas and facilities; and yards, decks, terraces, patios, and roof gardens. In addition, indoor recreational facilities may be counted toward meeting the minimum area standard, as set forth in Subsection 1706.10(E), and private outdoor areas may be counted toward meeting the minimum area standard, as follows:~~

- ~~1. A maximum of 25 percent of the minimum landscaping and outdoor surface area may be comprised of usable private outdoor space, except that the 25 percent cap does not apply to usable private open space facing streets and accessory to residential development.~~
 - ~~2. When living areas face the street, usable balcony space may be applied toward achieving the minimum landscaping and outdoor surface area standard on a 1:2 ratio (one square foot of credit for every two square feet of balcony space facing the street). The balconies must have non-opaque sides, and be designed to incorporate landscaping or other decorative features.~~
- ~~E. Recreational Facilities: A residential development shall provide a least one of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one additional facility for every additional 120 dwelling units, or portion thereof. Indoor recreational facilities over and above the minimum standard, as well as all outdoor recreational facilities, may be counted toward the minimum landscaping and outdoor surface area requirement of Subsection 1706.09(B)(7).~~
- ~~1. An 800 square foot or larger heated swimming pool.~~
 - ~~2. A minimum 1,000 square foot exercise room with exercise equipment and mats.~~
 - ~~3. Two handball/racquetball courts.~~
 - ~~4. Whirlpool and sauna or steam bath rooms.~~
 - ~~5. Minimum 1,200 square foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette.~~
 - ~~6. An 800 square foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation.~~
 - ~~7. A 400 square foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc.~~
 - ~~8. 3,000 square feet of hard surface play area, such as a tennis court, basketball court, or roller skating area.~~
 - ~~9. 4,200 square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, or horseshoes.~~
 - ~~10. Any other similar facility, as determined by the Planning Director.~~

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