



Oregon

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

Date: May 13, 2015
Jurisdiction: Clackamas County
Local file no.: ZDO-253
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/06/2015. 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.: 003-15 {23594}
Received: 5/6/2015

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-253**

Date of adoption: April 30, 2015

Date sent: 5/6/2014

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): 2/2/15

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 done throughout the review and adoption process; however, the substance of the amendment package is consistent with the original proposal.

Local contact (name and title): Jennifer Hughes

Phone: 503-742-4518

E-mail: jenniferh@clackamas.us

Street address: 150 Beaver Creek Rd

City: Oregon City

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:

Chapter 4 was amended. Chapter 4 primarily implements Goal 2.

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:

Repealed Sections 803, Condominiums; 1101, General Provisions; 1104, Completion of Improvements and Bonding; & 1106, Partitions; Added Sections 840, Farmers' Markets; and 1311, Completion of Improvements, Sureties, and Maintenance; Amended Sections 202, 315, 316, 317, 510, 511, 512, 513, 601, 602, 604, 706, 710, 711, 1007, 1009, 1013, 1017, 1102, 1103, 1105, 1107, 1202, 1203, 1204, 1205, 1206 and 1307.

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 3 of 5-year audit of Zoning and Development Ordinance. Amends processing standards and approval criteria for various types of discretionary and development permits.

ORDINANCE NO. ZDO-253

An Ordinance amending Chapter 4 of the Clackamas County Comprehensive Plan and Sections 202, 315, 316, 317, 510, 511, 512, 513, 601, 602, 604, 706, 710, 711, 1007, 1009, 1013, 1017, 1102, 1103, 1105, 1107, 1202, 1203, 1204, 1205, 1206 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO); adopting Sections 840 and 1311 of the ZDO; and repealing Sections 803, 1101, 1104 and 1106 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 updated, streamline and clarify the County's land use regulations; and

WHEREAS, the third year of the ZDO audit is focused in part on the development review process and criteria for discretionary permits, resulting in a proposal to amend the related ZDO provisions; and

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

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

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

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

WHEREAS, after a duly-noticed public hearing on March 23, 2015, 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 April 8, 2015, 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: Chapter 4 of the Clackamas County Comprehensive Plan is hereby amended as shown in Exhibit A, hereto attached.

Section 2: Sections 202, 315, 316, 317, 510, 511, 512, 513, 601, 602, 604, 706, 710, 711, 1007, 1009, 1013, 1017, 1102, 1103, 1105, 1107, 1202, 1203, 1204, 1205, 1206 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) are hereby amended; Sections 840 and 1311 of the ZDO are hereby adopted; and Sections 803, 1101, 1104 and 1106 of the ZDO are hereby repealed, as shown in Exhibit B, hereto attached.

Section 3: This ordinance shall be effective on June 1, 2015.

ADOPTED this 30th day of April, 2015

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary

Clackamas County Comprehensive Plan

Ordinance ZDO-253 Comprehensive Plan Amendments

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

Chapter 4: LAND USE

No amendments are made to the portions of Chapter 4 that precede the Commercial section.

COMMERCIAL

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

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

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

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

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

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

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use category.

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

GOALS

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

POLICIES

Neighborhood Commercial and All Urban Commercial Plan Designations

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

Neighborhood Commercial

- 4.0 Implement a Neighborhood Commercial zoning district, which may be applied to sites with a land use plan designation of Low Density Residential, Medium Density Residential, Medium High Density Residential, or High Density Residential. The Neighborhood Commercial zoning district may be applied to sites within residential areas which either have an historical commitment to neighborhood commercial uses, or satisfy all the following criteria:
 - 4.1 The conditional use criteria of the Zoning and Development Ordinance.
 - 4.2 The new site, or expanded site, is necessary to provide convenience commercial uses which are not currently available within the service area. "Service area", for purposes of this policy, shall be either:
 - a. The readily accessible area within 2,000 feet of the proposed site; or
 - b. A defined area with a minimum of 500 existing or potential dwelling units which are closer to the proposed site, and have as good or better access to the proposed site, than to existing commercial sites considering distance and topographical barriers. Potential dwelling units shall be determined on the basis of existing zoning.
 - 4.3 Each Neighborhood Commercial site should be a maximum of one acre in size. To allow clustering of convenience uses, additional area may be added up to a maximum total area of two acres.
 - 4.4 Sites shall have direct access to a street of at least a collector classification and preferably an arterial.
 - 4.5 Sites should not include more than one quadrant of an intersection. If more than one quadrant is approved, it shall be shown that undue traffic congestion will not result.
- 5.0 Cluster buildings in Neighborhood Commercial areas to prevent strip development and require buildings to be compatible in design and scale with the surrounding neighborhood.
- 6.0 Require that improvements to streets be made when necessary prior to or concurrent with development. Bicycle/pedestrian facilities shall be provided.

Community Commercial

- 7.0 The following areas may be designated Community Commercial when the first criterion is met or all of the other criteria are met:

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- a. Areas having an historical commitment to commercial uses.
 - b. Areas which are separated from similar commercial uses by a least one-half mile. Each Community Commercial area should not exceed 10 acres.
 - c. Areas having direct access to a street of at least a minor arterial classification. Siting should not result in significant traffic increase on local streets serving residential areas.
 - d. Areas which do not increase an existing commercial strip.
- 8.0 Require improvements to streets and/or transit access when necessary prior to or concurrent with development.
- 9.0 Require sidewalks and bicycle facilities.
- 10.0 Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.
- 11.0 Require curbs, drainage controls, underground utilities, and street lighting.

Office Commercial

- 12.0 The following areas may be designated Office Commercial:
- a. Properties or areas currently developed with office commercial uses or committed to such uses, or which are adjacent to properties developed or committed to such uses, and are required in order to protect such uses from incompatible development.
 - b. Properties offering high visibility from a major highway or arterial which will not draw traffic through single-family neighborhoods.
 - c. Properties or areas which provide a buffer between residential and commercial or industrial properties.
- 13.0 Allow, as primary uses, institutional and cultural facilities, high-density housing, and bed and breakfast establishments.
- 14.0 Allow service commercial uses with limits on the percent of floor area to be occupied.

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~~15.0~~ Allow staff variances from dimensional standards up to twenty percent without public notice.

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

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

178.0 Discourage the use of large semi-trailer trucks while providing for local delivery-sized vehicles.

189.0 Provide for high-quality building and site design through the application of strict development standards.

1920.0 Protect and promote Office Commercial areas for developments which project a positive image.

204.0 Require sidewalks, drainage controls, underground utilities, and street lighting.

Office Apartment

212.0 Areas may be designated Office Apartment when they meet Policy 212.1 or 212.2:

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

212.2 The area to be considered by the land use application is located on a Corridor street and the majority of the area is within 150 feet of the Corridor street right-of-way, and meets the following criteria:

- a. Access to the site will meet transportation safety standards and not cause an unacceptable level of service on the Corridor street; and
- b. The site can be developed consistent with access management plans that have been prepared for the Corridor street, e.g., Map X-SC-5, and consistent with access management requirements implemented by the Zoning and Development Ordinance and the County Roadway Standards.

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

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- | 234.0 Allow congregate housing facilities and nursing homes as limited uses.
- | 245.0 Allow compatible land uses as limited uses with limits on the amount of floor space used by the limited use.
- | 256.0 For each Office Apartment site area, a master plan for the entire contiguous site area designated Office Apartment shall be submitted for approval with any land use application. The master plan shall include a plan for consolidation of vehicular accesses for the entire site area. Master plan approval for Office Apartment site areas shall be required prior to allowing development or land divisions.
- | 267.0 Development shall comply with the following design requirements:
 - a. Developments shall be designed at a pedestrian scale, with pedestrian amenities provided and pedestrian-oriented design used to support non-auto trips to the facility.
 - b. Developments shall be designed in a series of low-rise buildings.
 - c. Buildings shall be oriented towards streets.
 - d. Development shall be integrated with the neighborhood using secondary accesses or, at minimum, pedestrian-only access to adjacent residential areas.
 - e. Strict development standards shall be applied to provide for high-quality building and site design.
 - f. Sidewalks, drainage controls, underground utilities, and street lighting shall be required.
 - g. Improvements to streets and/or pedestrian and transit access shall be required when necessary, prior to, or concurrent with development.
 - h. Access shall be limited and defined to facilitate efficient and safe traffic movements. Joint access provisions for vehicular and pedestrian movement between developments shall be required when uses are complementary or compatible.

General Commercial

- | 278.0 The following areas may be designated General Commercial when either the first criterion is met or all of the other criteria are met:

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- a. Areas having an historical commitment to commercial uses.
- b. Areas necessary to serve the shopping needs of County residents.
- c. Areas having access to a street of at least a major arterial classification or to a high capacity transit corridor. Siting should not result in significant traffic increase on local streets serving residential areas.
- d. Areas which do not increase an existing commercial strip or create new strips.
- e. Areas where adverse effects, such as traffic and noise, will have a minimal effect on adjacent neighborhoods or can be minimized through on-site improvements.
- f. Areas near employment centers.

| ~~289.0~~ Require improvements to streets and/or transit access when necessary prior to or concurrent with development.

| ~~2930.0~~ Require sidewalks and bicycle facilities.

| ~~304.0~~ Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.

| ~~312.0~~ Require curbs, drainage controls, underground utilities, and street lighting.

| ~~323.0~~ Allow manufacturing (excluding primary processing of raw materials) and high-density housing within General Commercial areas.

Retail Commercial

| ~~334.0~~ Provide for retail commercial areas incorporating high standards and an attractive image, to meet regional shopping needs for a wide range of goods and services accessible by transit and automobile in areas such as the Clackamas Town Center.

| ~~345.0~~ Provide for development oriented toward mass transit and pedestrian amenities.

| ~~356.0~~ The following areas may be designated Retail Commercial when either the first criterion is met or all of the other criteria are met:

- a. Areas having an historical commitment to commercial uses.
- b. Areas necessary to serve the shopping needs of County residents.

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

| ~~367.0~~ Require improvements to streets and/or transit access when necessary prior to or concurrent with development.

| ~~378.0~~ Require sidewalks and bicycle facilities.

| ~~389.0~~ Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.

| ~~3940.0~~ Require curbs, drainage controls, underground utilities, and street lighting.

| ~~404.0~~ Allow high-density housing within Retail Commercial areas.

No amendments are made to the remainder of Chapter 4. |

~~803~~ ~~CONDOMINIUMS~~

~~803.01~~ ~~The establishment of condominiums shall be subject to ORS 100 and Section 1000.~~

~~803.02~~ ~~Prior to recording, a proposed condominium plat shall be reviewed and approved by the Planning Director and the County Road Official for compliance with the provisions of the underlying zoning district, County Roadway Standards, and other relevant provisions of this ordinance.~~

~~803.03~~ ~~The proposed plat of a condominium development shall bear the following approval signature blocks in addition to County Assessor, County Surveyor, and County Clerk signature blocks:~~

~~A. APPROVED _____, (YEAR)
CLACKAMAS COUNTY PLANNING DIVISION~~

~~BY _____
DIRECTOR, PLANNING DIVISION~~

~~B. APPROVED _____, (YEAR)
CLACKAMAS COUNTY ROAD OFFICIAL~~

~~BY _____
DEPUTY~~

~~1101 — GENERAL PROVISIONS~~

~~1101.01 — PURPOSES~~

- ~~A. To guide future growth and development in accordance with the Comprehensive Plan and other related County Ordinances.~~
- ~~B. To provide for an efficient process to review development.~~
- ~~C. To provide a framework by which development proposals are reviewed to insure safe, functional, energy-efficient developments, which are compatible with the natural and man-made environment.~~
- ~~D. To provide a review mechanism to resolve potential conflicts between development standards, and between development and open space resources.~~

~~1101.02 — DEVELOPMENT PERMIT APPROVAL~~

- ~~A. Building, grading, parking, land use, sign and other required development permits shall not be issued, nor final plats approved, for a use subject to review under this section until a plan is approved.~~

~~1104 — COMPLETION OF IMPROVEMENTS AND BONDING~~

~~1104.01 — OCCUPANCY PERMIT~~

~~Before the occupancy permit is approved, the developer shall construct or install the required improvements or shall provide the County with a deposit, letter of credit, performance bond, or other surety satisfactory to the Planning Director, in which assurance is given to the County that all improvements will be carried out in accordance with the standards of this Ordinance, the terms of the final development review, and other required County permits.~~

~~1104.02 — TERMS OF THE BOND OR SURETY~~

~~The surety shall set the time for completion of improvements and shall be sufficient to cover the cost of work for the year that completion is anticipated. The surety shall be forfeited to the County if the permittee does not complete the improvements by the time scheduled. The surety shall remain in the custody of the County until the obligation is completed or the surety is forfeited, or shall be placed in an escrow account available to the County.~~

~~1104.03 — NONCOMPLIANCE~~

- ~~A. — If the staff finds that a permittee has not completed improvements as required, staff shall notify, in writing, the permittee and the surety holder of the specific noncompliance. Within 30 days of receipt of the written notice, the permittee or the surety holder shall proceed diligently to complete the obligation.~~
- ~~B. — If the permittee or the surety holder does not commence compliance within 30 days, or has so commenced but fails to proceed diligently to complete the compliance, or the compliance is not completed in accordance with the requirements of the development permit, the County may take any or all of the following actions:~~
- ~~1. — Enter upon the site of the development and carry out the improvements necessary to complete the requirements of the development permit;~~
 - ~~2. — Notify the permittee and the surety holder of the permittee's failure to complete the improvements;~~
 - ~~3. — Demand payment from the permittee for the costs of completion of the improvements; and~~
 - ~~4. — Notify the surety holder that the reimbursement for the costs of completion is due and payable to the County, or appropriate as much of a cash deposit, letter of credit, or other assets as is necessary to recover the costs of completion.~~

~~1104.04 — INSUFFICIENT SURETY~~

~~If the amount of the surety is not sufficient to compensate the County fully for the costs of improvements, the amount due the County is a lien in favor of the County upon the entire real property of the owner of the development subject to the development permit. The lien attaches upon the filing with the County Recorder of notice of the claim for the amount due for the completion of the improvements. The notice shall demand the amount due, allege the insufficiency of the surety to compensate the County fully for the costs of completion of the improvements, and allege the permittee's failure to complete the improvements as required by the development permit and this Ordinance.~~

~~1104.05 — DAMAGE AND MAINTENANCE~~

~~The developer of any subdivision, partition, or development shall construct, maintain, repair, replace, and shall be responsible for any damage to curbs, sidewalks, pavement, and driveway approaches, shall keep the pavement area free of debris, soil, or foreign matter at all times, shall be responsible for the efficient operation of all sumps or catchbasins in all streets included in the development, for a period of time not exceeding two years from the date set in the surety for completion of improvements, or until 90 percent of the units have been constructed, whichever occurs first.~~

~~1104.06 — COUNTY ASSISTANCE~~

~~Inspections or other assistance shall be provided by the County at reasonable cost to the developer, and may include reimbursement for related materials and services furnished by the County to assist in proper completion of improvements.~~

~~1104.07 — MAINTENANCE MECHANISMS~~

~~In the PMU and SCMU Districts, the County may require the formation of a maintenance agreement or other suitable mechanism, to be recorded in the deed of the subject property, to ensure that the following maintenance responsibilities 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; and~~
- ~~2. To maintain landscaping, street furniture, storm drainage, and similar streetscape improvements developed in the public right-of-way.~~

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-250, 10/13/14]

~~1106 — PARTITIONS~~

~~1106.01 — APPLICABILITY~~

~~Section 1106 applies to partitions, except as follows:~~

- ~~A. Land divisions in the Exclusive Farm Use, Timber, and Ag/Forest zoning districts shall comply with the requirements for land divisions specified in Sections 401, 406, and 407, respectively, and are not subject to the partitioning process described in Section 1106. However, final plats are required pursuant to Subsection 1106.06 and Oregon Revised Statutes (ORS) Chapter 92, except as noted therein or in Subsection 1106.01(B).~~
- ~~B. Parcels larger than 10 acres (based on the best available records) within a partition plat need not be surveyed; however, all partitions containing parcels smaller than 80 acres (based on the best available records) shall have a final plat that conforms to ORS Chapter 92 and Subsection 1106.06. The plat shall be prepared by an Oregon registered professional land surveyor.~~

~~1106.02 — GENERAL PROVISIONS~~

- ~~A. Partitions shall comply with this Ordinance and Oregon Revised Statutes Chapter 92.~~
- ~~B. Partitions are subject to Section 1000.~~
- ~~C. Development on a parcel in a recorded partition plat is subject to the requirements of the zoning district in which the parcel is located at the time of development.~~
- ~~D. For partitions creating three parcels, none of the parcels within an approved partition may be redivided within the same calendar year the final partition plat is recorded, except through the subdivision process identified in Section 1105. Additionally, a partition must be recorded prior to submittal of an application for redivision of any parcel.~~

~~1106.03 — SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLAT REVIEW~~

~~In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a partition shall include:~~

- ~~A. Applications shall include a preliminary plat drawn to scale of not less than one inch equals 20 feet nor more than one inch equals 200 feet. The following information shall be provided on the preliminary plat or by separate cover:
 - ~~1. Complete names, addresses and phone numbers of the owners of the property to be divided;~~~~

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- ~~2. Property description of the proposed partition by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses;~~
 - ~~3. Dimensions and size in square feet or acres of all proposed parcels;~~
 - ~~4. Individual parcel designation, e.g. Parcel 1, Parcel 2;~~
 - ~~5. Contiguous property under the same ownership as the subject property, including property descriptions;~~
 - ~~6. North arrow;~~
 - ~~7. All adjacent roads (noting whether public or private), including name and road width;~~
 - ~~8. Location of well(s) or name of water district;~~
 - ~~9. Type of sewage disposal and name of sewer district if applicable;~~
 - ~~10. Zoning;~~
 - ~~11. All existing structures on the property and their setbacks from existing and proposed property lines. Note whether property lines referred to are existing or proposed;~~
 - ~~12. Location of any septic tank(s) and drainfield(s);~~
 - ~~13. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable;~~
 - ~~14. Locations of all seasonal and perennial drainage channels, including their name if known, width, depth and direction of flow;~~
 - ~~15. Other pending applications, including building permits, on the subject property;~~
 - ~~16. All easements, including widths, labeled as existing or proposed; and~~
 - ~~17. Contour lines at two-foot intervals if 10 percent slope or less, five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.~~
- ~~B. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsections 1102.04(F) and (G) and Section 1103. The analysis required under these provisions may be incorporated in the partition application review process.~~

~~C. An application shall be accompanied by preliminary statements of feasibility required pursuant to Section 1006.~~

~~1106.04 PRELIMINARY PLAT REVIEW~~

~~A partition requires review as a Type II application pursuant to Section 1307.~~

~~1106.05 APPROVAL PERIOD AND TIME EXTENSION~~

~~A. Approval of a preliminary plat 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 final plat shall be recorded with the County Clerk, or the approval will become void.~~

~~B. If a final plat is not recorded within the initial approval period established by Subsection 1106.05(A), a two-year time extension may be approved pursuant to Section 1310.~~

~~1106.06 FINAL PLAT REVIEW~~

~~A. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat, and if all conditions of approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify approval by signing the plat and shall transmit the approved plat to the County Surveyor for inspection.~~

~~B. No building or manufactured home placement permit shall be issued, or parcel sold, transferred, or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk.~~

~~1106.07 REPLATS OF PARTITIONS~~

~~A. If a partition, or any portion thereof, is replatted, the number of parcels in the replatted area shall not exceed the number previously approved for the area, unless all of the following provisions are satisfied:~~

- ~~1. The gross site area of the affected partition is increased, or is of sufficient size to allow additional parcels, or the zoning on the property has been changed since the previous approval, permitting a greater density on all, or part, of the original partition.~~
- ~~2. The allowed density is recalculated under Section 1012, *Density*, on the basis of the gross site area of the original partition and any additions to the gross site area, and, if applicable, on the basis of the new zoning.~~

- ~~3.—All existing parcels within the partition which are not affected by the replat, including additional parcels which may be created by partition under existing zoning, shall be subtracted from the base density of the original partition area in determining allowed density for the replatted portion.~~
- ~~4.—All open space requirements of the original partition, if applicable, shall be satisfied by the replatted partition, or portion thereof.~~
- ~~5.—The replat application shall be signed by all owners of the property within the portion of the partition being replatted.~~
- ~~6.—The replatted partition, or portion thereof, including any additional site area, shall be reviewed and approved under the same standards and procedures as a new partition.~~

~~1106.08 — VACATION~~

~~All, or a portion of, a recorded partition plat may be vacated pursuant to Subsection 1105.10.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-250, 10/13/14]

840 FARMERS' MARKETS

840.01 APPLICABILITY

Section 840 applies to farmers' markets.

840.02 PROCEDURE

A farmers' market requires review as a Type II application pursuant to Section 1307.

840.03 STANDARDS AND CRITERIA

A farmers' market shall be subject to the following standards and criteria:

A. Location: If the farmer's market will be in a residential zoning district, it shall be located at an institutional use and shall have different days and times of operation than the institutional use.

B. Parking: If the farmers' market will be in a commercial or industrial zoning district and is proposed to operate when regular business operations are being conducted, adequate parking shall be provided pursuant to Section 1015, *Parking and Loading*.

1. Fifty percent of the total area occupied by farmers' market stalls shall be calculated as developed area for the purpose of determining minimum required parking spaces.

2. Parking spaces occupied by farmers' market stalls shall not be counted as available spaces during farmers' market operation.

C. Hours of Operation:

1. The farmers' market may be conducted on a maximum of two days each week.

2. If the farmers' market is to be located in a residential zoning district, it may be operated (including setup and dismantling) only between the hours of 8 a.m. and 8 p.m.

D. Signage:

1. The farmers' market may display 20 square feet of signage on each street frontage of the site on which the market is held.

2. Each farmers' market stall may display 10 square feet of signage at the stall.

3. Signage shall be subject to Subsection 1010.13(A)(5).

4. Signage may be displayed only during the hours of farmers' market operation.

1311 COMPLETION OF IMPROVEMENTS, SURETIES, AND MAINTENANCE

1311.01 COMPLIANCE WITH APPROVED PLANS

Development authorized by an approved land use permit shall be completed pursuant to the approved final plans prior to recording of a final plat or issuance of a certificate of occupancy, except as provided under Section 1311.

1311.02 COMPLETION OF REQUIRED IMPROVEMENTS AND CONDITIONS AND SURETIES

To ensure the timely and satisfactory completion of improvements required pursuant to conditions of approval and other conditions of a land use permit, a performance surety may be required from an applicant by the Planning Director prior to the release of a final plat, issuance of a certificate of occupancy, or similar approval sought.

A. The principles and procedures for performance surety, warranty, and acceptance of work set forth in Section 190 of the County Roadway Standards shall apply to any improvements required pursuant to conditions of approval and other conditions of a land use permit for which a performance surety is sought.

B. The receipt and acceptance of performance sureties and warranties shall be administered by the County consistent with the principles and procedures set forth in Section 190 of the County Roadway Standards.

1311.03 DAMAGE AND MAINTENANCE

The developer of any subdivision, partition, or other development shall construct, maintain, repair, replace, and shall be responsible for any damage to curbs, sidewalks, pavement, and driveway approaches; shall keep the pavement area free of debris, soil, or foreign matter at all times; and shall be responsible for the efficient operation of all drainage facilities in all streets included in the development until the surety is released by the County.

1311.04 MAINTENANCE MECHANISMS

All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant. The County may require the recording of a maintenance agreement or other suitable mechanism, in the County Deed Records, to ensure that the following maintenance responsibilities are adequately addressed:

A. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, roads, surface water management, recreation areas, signing, lighting, shared wells, and similar facilities; and

B. To maintain landscaping, street furniture, storm drainage, and similar streetscape improvements developed in the public right-of-way.

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.

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

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

FAMILY DAYCARE PROVIDER: A daycare provider who regularly provides daycare to 16 or fewer children, or as amended by ORS 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.

GOVERNMENT CAMP: The unincorporated community of Government Camp, as

identified on Comprehensive Plan Map X-MH-4, Government Camp Village Plan, Land Use Plan & Boundary.

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

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

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

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

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

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

INSTITUTIONAL USE: The use of land and/or structures for activities such as 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.

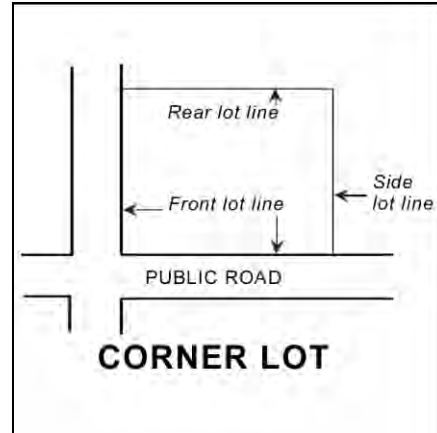
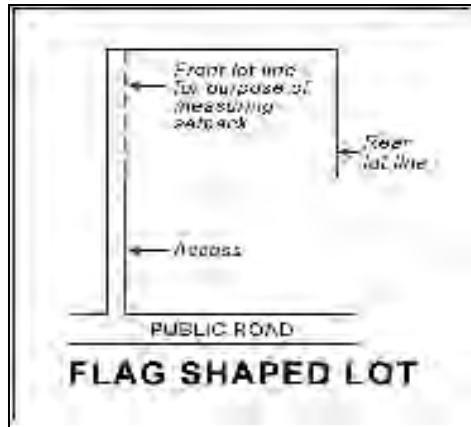
LOT, CORNER: A lot with street frontage on two streets intersecting at a corner of the lot. A lot within the radius curve of a single street is not a corner lot. A lot with access limited to, and frontage on, a state, County, public or private road and also with frontage on an intersecting private road 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.

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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

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

315.01 PURPOSE

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

315.02 APPLICABILITY

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

315.03 USES PERMITTED

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

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

B. As used in Table 315-1:

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

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

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

B. As used in Table 315-1:

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

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

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

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

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Use	R-5 – R-30	VR-4/5 & VR- 5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
utility service equipment; 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											
Bed and Breakfast Inns , subject to Section 832	C	X	C	X	X	P	P	P	X	L ³ ,C ⁴	L ²
Bed and Breakfast Residences , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
Bus Shelters , subject to Section 823	A	A	A	A	P	A	A	A	A	A	X

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Cemeteries , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Churches , subject to Section 804	C	C	C	X	X	C ⁷	C ⁷	C	X	C	C
Congregate Housing Facilities	X	X	X	P	P	P	P	P	P	P	P
Daycare Facilities , subject to Section 807	C	C	C	C	C	C	C	L ⁵ ,C	C	L ³ ,C ⁴	L ²
Daycare <u>Services</u> Facilities, Adult	C	C	C	C	C	C	C	L ⁵ ,C	C	L ³ ,C ⁴	L ²
Dwellings, Attached Single-Family , subject to Section 838	P ^{8,9}	P ^{8,10} ,C ^{8,11}	P	P	X	P	P	X	X	X	X
Dwellings, Clustered Single-Family	X	X	X	X	P	X	X	X	X	X	X
Dwellings, Detached Single-Family	P ⁸	P ⁸	X	X	X	X	X	X	X	X	X
Dwellings, Multifamily	X	X	X	P ¹²	P	P	P	P	P	P	P
Dwellings, Three-Family	C ¹³	C ¹³	X	P	P	P	P	P	P	X	X
Dwellings, Two-Family	C ¹³	C ¹³	X	P	P	P	P	P	P	X	X
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C ⁴	X
Fences and Retaining Walls	P	P	P	P	P	P	P	P	P	P	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L ⁵ ,C	X	L ^{3,14} , C	L ² ,C
Fraternal Organization Lodges	C ¹⁵	X	C ¹⁵	X	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵
Government Uses , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ¹⁵	X	C ¹⁵	X	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵
Guest Houses or Studios , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹⁶	A	A	A	A	A	A	A	A	A	A	A
Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use	C	X	X	X	X	X	X	X	X	X	X
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	X	C	X	X	C	C	C	X	C	X
Hotels and Associated Convention Facilities	X	X	X	X	X	X	X	X	X	C ¹⁷⁶	L ² ,C
Hydroelectric Facilities , subject to Section 829	C	X	C	X	X	C	C	C	X	C	X
Livestock , subject to Section 821	A	A	A	X	X	X	X	X	X	X	X

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Manufactured Home Parks , subject to Sections 824 and 825	C	X	C	X	C	P	X	X	X	X	X
Manufactured Homes , subject to Section 824	P ⁸	P ⁸	X	X	X	X	X	X	X	X	X
Multi-Use Developments , subject to Section 1016	C	X	X	X	X	C	X	C	X	C	X
Nursing Homes , subject to Section 810	C	C	C	P	P	P	P	P	P	P	P
Offices , including <u>accounting services</u> , 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, <u>income tax services</u> , insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Offices and Outpatient Clinics —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²

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Use	R-5 – R-30	VR-4/5 & VR- 5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Parking Structures	X	X	X	X	X	A	A	A	X	A	A
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Produce Stands , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
Public Utility Facilities ¹⁸⁷	C ¹⁵	X	C ¹⁵	X	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵
Radio and Television Studios , excluding transmission towers	X	X	X	X	X	X	X	X	X	L ³ ,C ⁴	X
Radio and Television Transmission and Receiving Towers and Earth Stations ¹⁹⁸	C ¹⁵	X	C ¹⁵	X	X	C ¹⁵	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵
Recreational Vehicle Camping Facilities , subject to Section 813	X	X	X	X	X	C ¹⁵	C ¹⁵	C ¹⁵	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
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; <u>equine facilities</u> ; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; tables and seating; and similar recreational uses ²⁰⁺⁹	P ²¹⁰	P ²¹⁰	P ²¹⁰	P ²²⁺	P ²²⁺	P ²²⁺	P ²²⁺	P ²²⁺	P ²²⁺	P ²²⁺	P ²²⁺
Recreational Uses, Government-Owned Golf Courses ²⁰⁺⁹	P ²¹⁰	X	P ²¹⁰	X	C ¹⁵	P ²²⁺	P ²²⁺	C ¹⁵	X	C ¹⁵	C ¹⁵
Recreational Uses , including boarding or riding stables , boat moorages, country clubs, <u>equine facilities</u> , gymnastics facilities, golf courses, parks, and swimming pools ²⁰⁺⁹	C ¹⁵	X	C ¹⁵	X	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, <u>firewood</u> , flowers, food, furniture, garden supplies, <u>gun supplies</u> , <u>guns</u> , hardware, <u>hides</u> , interior decorating materials, jewelry, <u>leather</u> , 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, <u>tableware</u> , tobacco, toiletries, tools, toys, vehicle supplies, and videos	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Schools , subject to Section 805	C	C	C	X	X	C	C	L ^{5,2,3,2,2} 43 C ^{6,2,3,2,2} 43	X	L ^{3,2,3,2,2} 43 C ^{4,2,3,2,2} 43	L ^{2,2,3,2,2} 43

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

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, <u>and</u> tanning salons, and video rental . Also permitted are incidental retail sales of products related to the service provided.	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Services, Commercial—Studios of the following types: art, <u>craft</u> , dance, music, and photography	X	X	X	X	X	X	X	L ⁵ ,C ⁶	X	L ³ ,C ⁴	L ²
Signs , subject to Section 1010	A ²⁵⁴	A ²⁵⁴	A ²⁵⁴	A ²⁵⁴	A ²⁵⁴	A ²⁵⁴ ₄	A ²⁵⁴ ₄	A ²⁵⁴	A ²⁵⁴ ₄	A ²⁵⁴	A ²⁵⁴
Telephone Exchanges	C ¹⁵	X	C ¹⁵	X	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	X	C ¹⁵	C ¹⁵
Temporary Buildings for Uses Incidental to Construction Work . Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A	A	A	A	A	A
Transit Park-and-Rides	X	X	X	X	X	X	X	X	X	X	A

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Utility Carrier Cabinets , subject to Section 830	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C	C	C	C	C	C	C	C	C	C

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

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

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

³ The limited use is permitted subject to the following criteria:

- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
- b. The total building floor area occupied by all limited uses shall not exceed 15 percent of the total building floor area occupied by primary uses.
- c. No outdoor storage of materials associated with the use shall be allowed.

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- 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 A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 315-1.

¹⁷⁶ Hotels in the SHD District are limited to a maximum of 80 units per gross acre.

¹⁸⁷ Public utility facilities shall not include shops, garages, or general administrative offices.

¹⁹⁸ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

²⁰¹⁹ This use may include concessions, restrooms, maintenance facilities, and similar support uses.

²¹⁰ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

²²¹ Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

²³² Only commercial schools are permitted.

²⁴³ Schools are not subject to Section 805, *Schools*.

²⁵⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

315.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the urban residential zoning districts are listed in Tables 315-2, *Dimensional Standards in the Urban Low Density Residential Zoning Districts*; 315-3, *Minimum Side and Rear Yard Depths for Certain Accessory Buildings in the Urban Low Density Residential Districts*; 315-4, *Dimensional Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-5, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*; and in Subsections 315.04(C) and (D). As used in Tables 315-2 through 315-5, numbers in superscript correspond to the notes that follow each table.
- B. Modifications: The standards in Tables 315-2 through 315-5 may be modified pursuant to Sections 800, *Special Use Requirements*; ~~Section~~ 902, *Lot Size Exceptions*; ~~Section~~ 1013, *Planned Unit Developments*; ~~Section~~ 1014, *Design Standards for Land Divisions*; ~~Section~~ 1107, *Property Line Adjustments*; and ~~Section~~ 1205, *Variance*. Except in the HDR, SHD, and RCHDR Districts, the standards in these tables also may be modified pursuant to Sections 903, *Setback Exceptions*; and ~~Section~~ 904, *Other Exceptions*.
- C. Exceptions in the Urban Low Density Residential Districts: In the Urban Low Density Residential Districts, exceptions apply to the dimensional standards of Table 315-2 as follows:
1. Maximum lot coverage does not apply to swimming pools.
 2. Maximum lot coverage is 50 percent for a lot of record that is 6,000 square feet or less in area, was created prior to the application of an Urban Low Density Residential District to the subject lot of record, and is developed with a detached single-family dwelling.
 3. For a detached single-family dwelling, minimum rear yard depth is 10 feet and there is no minimum side yard depth from one side lot line if:
 - a. The dwelling is developed on a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record; and
 - b. The portion of the dwelling sited within the minimum yard depth area ordinarily required by Table 315-2 does not block solar access to an existing window or solar energy system located on the adjacent properties.
 4. The minimum front yard depth for an accessory swimming pool shall be 10 feet. The minimum side and rear yard depths for an accessory swimming pool shall be three feet.
 5. The minimum yard depths shown in Table 315-3 apply to accessory buildings that comply with the following criteria:

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

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

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
Minimum Lot Size ²	2,500 square feet	5,000 square feet	7,000 square feet	8,500 square feet	10,000 square feet	15,000 square feet	20,000 square feet	30,000 square feet
Maximum Lot Coverage	40 percent							
Maximum Building Height	35 feet							
Minimum Front Yard Depth	15 feet, except 20 feet to garage and carport motor vehicle entries							
Minimum Rear Yard Depth	20 feet							
Minimum Side Yard Depth	5 feet							

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

Building Area	Building Height			
	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet and ≤ 15 feet	> 15 feet
≤ 100 square feet	None ¹	3 feet side and rear ¹	5 feet side and rear	5 feet side, 10 feet rear
> 100 square feet and ≤ 200 square feet	3 feet side and rear ¹	3 feet side and rear ¹	5 feet side and rear	5 feet side, 10 feet rear
> 200 square feet and ≤ to 500 square feet	5 feet side and rear ²	5 feet side and rear ²	5 feet side and rear ²	5 feet side, 10 feet rear
> 500 square feet	5 feet side; 10 feet rear	5 feet side; 10 feet rear	5 feet side, 10 feet rear	5 feet side, 10 feet rear

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

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

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

Standard	VR-5/7	VR-4/5	VTH
General Standards			
Minimum Lot Size ¹	5,000 square feet	4,000 square feet	2,000 square feet ^{2,3}
Maximum Lot Size ¹	7,000 square feet	5,000 square feet	3,000 square feet ^{2,4}
Maximum Lot Coverage	50 percent	50 percent	65 percent
Maximum Building Height for Primary Dwellings	35 feet		
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of the main building; 4 feet forward of the building line of the main building		
Minimum Front Yard Depth for Primary Dwellings ⁵	10 feet for a dwelling with a recessed garage; 19½ feet to the garage door for a dwelling with a non-recessed garage ⁶		10 feet ^{7,8,9,10}
Maximum Front Yard Depth for Primary Dwellings ⁵	18 feet for a dwelling with a recessed garage; 20½ feet to the garage door for a dwelling with a non-recessed garage ^{11,12,13}		18 feet ^{7,8}
Minimum Rear Yard Depth for Primary Dwellings ⁵	15 feet		
Minimum Side Yard Depth for Primary Dwellings ⁵	0 on one side; 5 feet on all other sides		5 feet ^{7,14}
Standard	VR-5/7	VR-4/5	VTH
Accessory Building Standards			
Maximum Number of Accessory Buildings	Two		
Minimum Separation Distance Between an Accessory Building and any other Building	3 feet		
Maximum Building Height ¹⁵	25 feet or the building height of the primary dwelling, whichever is less		

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Standard	VR-5/7	VR-4/5	VTH
Accessory Building Standards			
Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.		Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.
Minimum Front Yard Depth ⁵	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		
Accessory Building Minimum Rear and Side Yard Depth Standards in the VR-4/5, VR-5/7, and VTH Districts⁵			
Building Height			
Building Area	≤ 8 feet	> 8 feet and ≤ 20 feet	> 20 feet
≤ 100 square feet	None	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley ¹⁷	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
> 100 square feet	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley ¹⁷		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}

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 1005.12(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

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
District Land Area for Calculating Density Pursuant to Section 1012	3,630 square feet	3,630 square feet	2,420 square feet	1,742 square feet	1,500 square feet	726 square feet	Not Applicable
Minimum Dwelling Units per Net Acre	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	30 ¹
Minimum Site Area	Not Applicable	Not Applicable	Not Applicable	1 acre ^{2,3,4}	Not Applicable	3 acres ^{2,3,5}	3 acres ^{2,3,5}
Minimum Lot Size	None	None ⁶	None ⁷	None ^{8,9}	None	None ^{10,11}	None ^{10,11}
Minimum Front Yard Depth	25 feet	20 feet ¹²	20 feet ¹²	15 feet ^{12,13}	10 feet ^{14,15}	15 feet ^{12,13}	5 feet ^{12,13,16}
Maximum Front Yard Depth	None	None	None	None	18 feet ¹⁴	None	20 feet ^{12,13,16,17}
Minimum Rear Yard Depth	30 feet ¹⁸	20 feet ¹²	20 feet ¹²	See Subsection 1018.12 ¹²	None ^{14,15}	See Subsection 1018.12 ¹²	See Subsection 1018.12 ^{12,19}
Minimum Side Yard Depth	30 feet ¹⁸	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}		See Subsection 1018.12 ¹²	None	See Subsection 1018.12 ¹²	See Subsection 1018.12 ^{12,21}
Maximum Lot Coverage	None	50 percent ²²	50 percent	50 percent	50 percent	None	None
Maximum Building Height	None	None	None	None	45 feet ²³	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1018.12	20 feet between multifamily dwellings	See Subsection 1018.12	See Subsection 1018.12

- ¹ Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).
- ² Minimum site area means minimum gross site area, including land dedicated for roadway purposes. Site area means one of the following:
 - A single tax lot, or two or more contiguous tax lots under the same ownership; or
 - Two or more contiguous tax lots under separate ownership, provided that:
 - All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and
 - All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project; or the group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County-approved development plan for the site area.
- ³ Primary and accessory uses may be established on site areas smaller than the minimum site area standard, if the site area is physically separated from all other undeveloped or underdeveloped properties in the subject zoning district.
- ⁴ The minimum site area standard applies to high density developments.
- ⁵ The minimum site area standard applies to developments combining primary, accessory, and limited uses.
- 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.
- 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.

315.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Condominiums: Except in the VR-5/7 and VR-4/5 Districts, any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums, pursuant to Section 803: detached single-family dwellings, attached single-family dwellings, two-family dwellings, three-family dwellings, and multifamily dwellings. In the case of ~~attached~~ single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record.

- B. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.

- C. Structure and Façade Design in the Urban Low Density Residential Districts: In the Urban Low Density Residential Districts, ~~all~~ single-family dwellings and manufactured homes, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the roadstreet. ~~If the single-family dwelling or manufactured home is located (if on a corner lot, the features shall be visible from~~ the features shall be visible from ~~to the roadstreet from which~~ the roadstreet from which ~~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. A roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other;
 - 9. An attached garage;
 - 10. Orientation of the long axis and front door to the street;
 - 11. A cupola;
 - 12. A tile, shake, or composition roof; and

13. Horizontal lap siding.

- D. Shipping Containers: Freight shipping containers used as accessory buildings shall be located behind the building line of the main building, and the exterior shall be painted similar in color to that of the main building.
- E. Metal Accessory Buildings in the Urban Low Density Residential Districts: In the Urban Low Density Residential Districts, metal accessory buildings greater than 500 square feet in area shall include roof overhangs, gutters, and downspouts, and the exterior shall be painted similar in color to that of the dwelling.
- F. Recreational Facilities in the SHD and RCHDR Districts: In the SHD and RCHDR Districts, a residential development shall provide a least one of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one additional facility for every additional 120 dwelling units, or portion thereof.
1. An 800-square-foot or larger heated swimming pool;
 2. A minimum 1,000-square-foot exercise room with exercise equipment and mats;
 3. Two handball/racquetball courts;
 4. Whirlpool and sauna or steam bath rooms;
 5. Minimum 1,200-square-foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette;
 6. An 800-square-foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation;
 7. A 400-square-foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc;
 8. 3,000 square feet of hard-surface play area, such as a tennis court, basketball court, or roller-skating area;
 9. 4,200 square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, and horseshoes; and
 10. Any other similar facility, as determined by the Planning Director.
- G. Parks in the VR-4/5 and VR-5/7 Districts: Streets, public paths, or open space shall abut the entire perimeter of all parks. In no case shall the rear of a building face a park. Street alignments and lot design shall ensure that building fronts or

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

- H. Resource Protection Areas in the VR 4/5 and VR 5/7 Districts: On lots recorded after November 29, 1995, development of primary dwellings and accessory structures within a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, shall be subject to design review, pursuant to Section 1102, and the following criteria:
1. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized.
 2. Compliance with Subsections 1002.02 and 1002.04 shall be demonstrated.
 3. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area.
 4. Shared driveways are encouraged and shall be designed to be as narrow as possible, consistent with the requirements of the fire district.
- I. Single-Family Dwellings in the VR-4/5 and VR-5/7 Districts: In the VR-4/5 and VR-5/7 Districts, the following standards apply to attached single-family dwellings and detached single-family dwellings:
1. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way shall not consist of a blank wall.
 2. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.
 3. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.
 4. The following standards shall apply in all subdivisions that receive final plat approval after November 29, 1995.
 - a. If a lot has frontage on a local or connector street or a private street which meets local or connector street design standards, then the primary entry shall be accessed directly from and visible from one of those streets.
 - b. A minimum of 50 percent of the single-family dwellings shall have porches. A covered porch or patio shall be placed immediately adjacent to the primary entry. The porch shall have a minimum net depth of six feet and a minimum net width of 10 feet.
- J. Driveways in the VR-4/5 and VR-5/7 Districts: The following standards apply in the VR-4/5 and VR-5/7 Districts:

1. Driveways shall not exceed a width of 16 feet at the front lot line, unless the subject property is developed with a garage that has at least three side-by-side (as opposed to tandem) garage bays, in which case the maximum driveway width shall be 24 feet at the front lot line.
 2. For subdivisions that receive final plat approval after November 29, 1995, a minimum of 50 percent of lots developed on alleys shall have alley access only.
- K. Garages in the VR-4/5 District: In the VR-4/5 District, all garages shall have a front yard depth to the garage door that is a minimum of five feet greater than the front yard depth to the front façade of the primary dwelling (not including porches, bays, and architectural features).
- L. Garages in the VR 5/7 District: In the VR-5/7 District, a minimum of 50 percent of the primary dwellings in a development shall have a garage with a front yard depth to the garage door that is a minimum of five feet greater than the front yard depth to the front façade of the primary dwelling (not including porches, bays, and architectural features). The remaining 50 percent of the primary dwellings in a development may have a garage with a front yard depth to the garage door that is a maximum of five feet less than the front yard depth to the front facade of the primary dwelling (not including porches, bays, and architectural features).
- M. Accessory Structures in the VR-4/5, VR-5/7, and VTH Districts: In the VR-4/5, VR-5/7, and VTH Districts, accessory buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling.
- N. Exemptions in the VR-4/5 and VR-5/7 Districts:
1. Neither the dimensional standards for primary dwellings in the VR-4/5 and VR-5/7 Districts listed in Table 315-4, nor the requirements of Subsections 315.05(G) through (M), apply to new homes developed in subdivisions which have received final plat approval prior to August 26, 1993, if there are homes developed or under construction on existing lots within the subdivision.
 2. In the VR-4/5 District, new homes developed within subdivisions which have received preliminary plat approval prior to August 26, 1993, may comply with Subsection 315.05(L) in lieu of Subsection 315.05(K).

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14]

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

316.01 PURPOSE

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

316.02 APPLICABILITY

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

316.03 USES PERMITTED

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

B. As used in Table 316-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 316-1.

C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Subsection 316.05, *Development Standard*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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

<u>Use</u>	<u>RA-1</u>	<u>RA-2</u>	<u>RR</u>	<u>RRFF-5</u>	<u>FF-10</u>	<u>FU-10</u>
<u>Accessory Buildings and Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Accessory Kitchens</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>
<u>Aircraft Land Uses</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Aircraft Landing Areas</u>	<u>X</u>	<u>C</u>	<u>C²</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Bed and Breakfast Inns, subject to Section 832</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>
<u>Bed and Breakfast Residences, subject to Section 832</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Bus Shelters, subject to Section</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

317.01 PURPOSE

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

317.02 APPLICABILITY

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

317.03 USES PERMITTED

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

B. As used in Table 317-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "X" means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 317-1.

C. Permitted uses are subject to the applicable provisions of Subsection 317.04, *Dimensional Standards*; Subsection 317.05, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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

Use	MRR	HR
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
Accessory Dwelling Units , subject to Section 839	X	A
Accessory Kitchens	A ¹	A ¹
Airports, Personal-Use	C	C
Bed and Breakfast Inns , subject to Section 832	P	C
Bed and Breakfast Residences , subject to Section 832	P	C
Bus Shelters , subject to Section 823	P	P
Campgrounds	C	C
Churches , subject to Section 804	C	C
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	L ²	X
Congregate Housing Facilities	P	X
Daycare Facilities , subject to Section 807	C	C
Daycare Services, Adult	C	C
Dwellings, Attached Single-Family , subject to Section 838	P ³	P ^{3,4}
Dwellings, Detached Single-Family	P ³	P ³
Dwellings, Multifamily	P	X
Dwellings, Three Family	P	X
Dwellings, Two-Family	P	X
Energy Source Development	C	C
Farmers’ Markets, subject to Section 840	<u>A</u>	<u>A</u>
Fraternal Organization Lodges	C ⁵	C ⁵
Government Uses , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ⁵	C ⁵
Guest Houses and Studios , subject to Section 833	X	A
Guest Ranches and Lodges	X	C
Helistops, Personal-Use	C	C

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Use	MRR	HR
Home Occupations , including bed and breakfast homestays, subject to Section 822 ⁶	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels ⁷	P ⁸	X
Hydroelectric Facilities , subject to Section 829	C	C
Livestock , subject to Section 821	A	A
Manufactured Homes , subject to Section 824	P ³	P ³
Manufactured Home Parks , subject to Section 825	C	X
Mobile Vending Units , subject to Section 837	L ^{2,9}	X
Motels ⁷	P ⁸	X
Multi-Use Developments , subject to Section 1016	C	C
Nursing Homes , subject to Section 810	P	C
Parking Structures	A	X
Produce Stands , subject to Section 815	A	A
Public Utility Facilities	C ⁵	C ^{5,10}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{5,11}	C ^{5,11}
Recreational Uses , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails ¹²	C ⁵	C ⁵
Recreational Uses, Government-Owned , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses ¹²	P ¹³	P ¹⁴
Recreational Uses, Government-Owned Golf Courses ¹²	P ¹³	P ¹⁴
Recreational Vehicle Camping Facilities , subject to Section 813	C ⁵	C ⁵
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	L ²	X

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Use	MRR	HR
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ²	X
Services, Commercial—Maintenance and Repair , of any of the following: bicycles and sporting goods	L ²	X
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L ²	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	L ²	X
Schools , subject to Section 805	C	C
Signs , subject to Section 1010	A ¹⁵	A ¹⁵
Surface Mining , subject to Section 818	X	X
Telephone Exchanges	C ⁵	C ⁵
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
Transit Park-and-Rides	P	P
Transfer Stations , subject to Section 819	C	C
Utility Carrier Cabinets , subject to Section 830	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C

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

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

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

- ³ Except as limited by Subsection 902.02, each lot of record may be developed with only one of the following: attached single-family dwelling, detached single-family dwelling, or manufactured home.
- ⁴ Attached single-family dwellings are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
- ⁵ Uses similar to this may be authorized pursuant to Section 106, *Authorization of Similar Uses*.
- ⁶ A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 317-1.
- ⁷ Also permitted are associated convention facilities.
- ⁸ A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- ⁹ Only level three and four mobile vending units are permitted.
- ¹⁰ Public utility facilities shall not include shops, garages, or general administrative offices.
- ¹¹ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹² This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ¹³ Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- ¹⁴ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- ¹⁵ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

317.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the MRR and HR Districts are listed in Table 317-2, *Dimensional Standards in the MRR and HR Districts*. As used in Table 317-2, numbers in superscript correspond to the notes that follow the table.
- B. Modifications: The standards in Table 317-2 may be modified pursuant to Section 800, *Special Use Requirements*; Section 902, *Lot Size Exceptions*; Section 903, *Setback Exceptions*; Section 904, *Other Exceptions*; Section 1013, *Planned*

Unit Developments; Section 1107, *Property Line Adjustments*; and Section 1205, *Variance*s.

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

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012, <i>Density</i>	See Section 1012	10,890 square feet
Minimum Front Yard Depth	15 feet, except 20 feet to garage and carport motor vehicle entries ¹	15 feet, except 20 feet to garage and carport motor vehicle entries ²
Minimum Rear Yard Depth	10 feet ^{3,4,5}	15 feet ⁴
Minimum Side Yard Depth	10 feet ^{3,4,5}	5 feet ⁴
Maximum Lot Coverage	None	40 percent
Maximum Building Height	40 feet ^{6,7}	40 feet ⁶
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	4,000 square feet, except 8,000 square feet in Government Camp ⁸	Not Applicable

¹ In Government Camp, the minimum front yard depth shall be 10 feet, except 20 feet to garage and carport motor vehicle entries.

² For a corner lot in Government Camp, the minimum depth of one of the front yards shall be 10 feet, except 20 feet to garage and carport motor vehicle entries.

³ The minimum rear and side yard depth standards applicable in the HR District apply to detached single-family dwellings and manufactured homes, as well as to structures that are accessory to such detached single-family dwellings and manufactured homes.

⁴ If the yard abuts a national forest, there shall be no minimum yard depth.

⁵ Except as established by Note 3 or 4 to Table 317-2, if a rear yard or a side yard abuts an HR District or abuts a lot in the MRR District developed with a single-family dwelling or a manufactured home, the applicable minimum yard depth standard for a building shall be based on the height of that building, as follows:

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

- ⁶ The maximum building height may be increased to 50 feet to accommodate understructure parking.
- ⁷ For a hotel in Government Camp, the maximum building height shall be 70 feet and may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.
- ⁸ No maximum applies to hotels and motels.

317.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Condominiums: Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums, ~~pursuant to Section 803~~: detached single-family dwellings, attached single-family dwellings, two-family dwellings, three-family dwellings, and multifamily dwellings. In the case of single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record.
- B. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.
- C. Structure and Façade Design: Single-family dwellings and manufactured homes, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If the single-family dwelling or manufactured home is located on a corner lot, the features shall be visible from the road from which the single-family dwelling or manufactured home takes access.
 - 1. A covered porch at least two feet deep;

2. An entry area recessed at least two feet from the exterior wall to the door;
 3. A bay or bow window (not flush with the siding);
 4. An offset on the building face of at least 16 inches from one exterior wall surface to the other;
 5. A dormer;
 6. A gable;
 7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls;
 8. A roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other;
 9. An attached garage;
 10. Orientation of the long axis and front door to the street;
 11. A cupola;
 12. A tile, shake, or composition roof; and
 13. Horizontal lap siding.
- D. Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and on slopes greater than 25 percent. However, a single-family dwelling or manufactured home may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012, *Density*.

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

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

Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Accessory Uses, Customarily Permitted, <u>such as including amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms storage of building maintenance and landscape maintenance equipment, television antennas and receivers, and transit amenities, trellises, and utility service equipment</u>	A	A	A	A	A	A	A	A	A	A	A
Accessory Uses, Customarily Permitted Accessory to a Dwelling⁴, such as amateur (Ham) radio towers; arbors; carports; citizen band transmitters and antennas; community meeting rooms; courtyards; decks; decorative ponds; driveways; family daycare providers;	A	A	A	A	A	A	A	A	A	A	A

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
garages; garden sheds; gazebos; HVAC units; outdoor kitchens; parking areas; patios; pergolas; pet enclosures; plazas; recreational facilities, such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails; self-service laundry facilities; shops; storage buildings/rooms; television antennas and receivers; trellises; and utility service equipment											
Assembly Facilities , including auditoriums, churches, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts ⁴⁵	C	P	P,C ⁴⁴ ₅	P	P	P	P	P	S	P,C ^{44,5}	P,C ⁴⁴ ₅
Bed and Breakfast Residences and Inns , subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
Bus Shelters , subject to Section 823	A	A	P	P	P	P	P	P	A	P	P
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
Congregate Housing Facilities	X	X	P ^{6,7}	P ⁸	P ⁸	P ⁸	P	P	L	P ⁸	P ^{6,7}
Daycare Facilities, subject to Section 807	P	P	P	P	P	P	P	P	P	L ¹⁰ ,C	L ¹¹ ,C
Daycare Services, Adult	P	P	P	P	P	P	P	P	P	L ¹⁰ ,C	L ¹¹ ,C
Drive-Thru Window Services , subject to Section 827	C	A	A ¹²	A	A	A	A ¹³	X	X	A ¹³	A ¹³
Dwellings, Attached Single-Family	X	A	X	A	X	A	P	P	L ¹⁴	X	X
Dwellings, Detached Single-Family	A	A	X	A	X	A	X	X	X	X	X
Dwellings, Multifamily	X	X	P ⁶	P ⁸	P ⁸	P ⁸	P	P	L ⁹	P ⁸	P ⁶

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Dwellings, Three-Family	X	X	X	P	P	P	P	P	L ⁹	P ⁸	X
Dwellings, Two-Family	X	A	X	P	P	P	P	P	L ⁹	P ⁸	X
Electric Vehicle Charging Stations	A,C	P	A	A,C	P	P	A	A	A	A	A
Employee Amenities , including cafeterias, clinics, daycare facilities ¹⁵ , fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A ¹⁶	A ¹⁶	A ¹⁶
Entertainment Facilities , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17,18}	S	C ^{17,32}	L ^{11,17}
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	P ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17,18}	L ^{17,38}	C ¹⁷	L ^{17,19}
Government Uses , including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
Heliports	X	X	C ²⁰	C	C	C	X	X	X	C ²⁰	C ²⁰
Helistops	X	X	C ²⁰	C	C	C	C	C	X	C ²⁰	C ²⁰
Home Occupations , subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
Hospitals , subject to Section 809	X	X	X	X	X	X	X	X	X	C	C
Hotels	P	P	P	P	P	P	P	P ¹⁸	S	L ^{10,21} ,C ²¹	P ²¹
Hydroelectric Facilities , subject to Section 829	X	C	X	C	X	C	X	X	X	X	X
Manufacturing , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	S ³⁹	S ⁴⁰	S	S	P	P	S	P ^{22,23}	S	P ²⁴	S

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Mobile Vending Units , subject to Section 837	P	P	P	P	P	P	P	P	A ²⁵	A ²⁵	A ²⁵
Motels	P	P	P	P	P	P	P	P ¹⁸	S	L ^{10,26} , C ²⁶	L ¹¹
Multi-Use Developments , subject to Section 1016	X	X	X	X	X	C	X	X	X	C	X
Nursing Homes , subject to Section 810	X	X	X	X	X	X	P	P	L	X	X
Offices , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: <u>accounting services</u> , architectural services, business management services, call centers, employment agencies, engineering services, governmental services, <u>income tax services</u> , insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P	P	P	P	P	P	P	P	P	P
Offices and Outpatient Clinics —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P	P	P	P	P	P	P	P	P	P
Parking Lots	A	A	A	A	P	P	A	A	A	P ²⁷	A
Parking Structures	X	A ²⁸	P ²⁷	P ²⁷	P	P	A	A	A ²⁸	P ²⁷	P ²⁷
Parks, Government-Owned , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; <u>boarding or riding stables</u> ;	P	P	P	P	P	P	P	P	P	P	P

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities ; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; nature preserves and wildlife sanctuaries; picnic areas and structures; play equipment and playgrounds; tables and seating; and similar recreational uses. Accessory uses to a park may include concessions, maintenance facilities, restrooms, and similar support uses.											
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Public Utility Facilities	S	C	C ²⁹	C ²⁹	C	C	S	S	S	S	S
Race Tracks, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Radio and Television Studios , excluding transmission towers	C	P	P	P	P	P	P	P	S	P	P
Radio and Television Transmission and Receiving Towers and Earth Stations ³⁰	S	C	S	S	C	C	S	S	S	S	S
Radio and Television Transmission and Receiving Earth Stations	S	C	C	C	C	C	A	S	S	S	S
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	P ¹⁷	P ¹⁷	P ¹⁷	P	P	P	P ¹⁷	P ^{17, 18}	S	C ¹⁷	L ^{17, 19}
Recyclable Drop-Off Sites , subject to Section 819	A	A	X	X	A	A	X	X	X	X	X

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Research Facilities and Laboratories , including medical laboratories, medical research, product design and testing, and product research and development	S	S	S	S	P	P	P ²⁴	P	P ³¹	P ³¹	P ²⁴
Retailing —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
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, <u>firewood</u> , flowers, food, furniture, garden supplies, <u>gun supplies</u> , <u>guns</u> , hardware, <u>hides</u> , interior decorating materials, jewelry, <u>leather</u> , 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, <u>tableware</u> , tobacco, toiletries, tools, toys, vehicle supplies, and videos-	P	P	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
Retailing —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C ³²	L ¹¹
Retailing —whether by sale, lease, or rent—of any of the following new or used products: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers	X	X	X	P	P	P	X	X	X	X	X

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers											
Schools ³³	P ³⁴	P ³⁴	P	P	P	P	P	P	L ³⁵	P	P
Service Stations , subject to Section 820	C	P	X	C	P	P	X	X	X	X	X
Services, Business , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P	P	P	P	P	P	P	P	P	P	P
Services, Commercial	S	S	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
Services, Commercial—Car Washes	S	S	X	C	P	P	P	X	X	X	X
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C ³²	L ¹¹
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	P	P	P	P	P	P	P	P ¹⁸	L ³⁸	L ¹⁰ ,C ³⁶	L ¹¹
Services, Commercial—Maintenance and Repair of any of the following: <u>appliances</u> , bicycles, electronic equipment, <u>guns</u> , <u>housewares</u> , musical instruments, optical goods, signs, small power equipment, and sporting goods, <u>and tools</u>	P	P	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C ³²	L ¹¹
Services, Commercial—Maintenance and Repair of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstery, and veterinary	P	P	P	P	P	P	P	P ¹⁸	S	C ³²	L ¹¹
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.	P	P	P	P	P	P	P	P ¹⁸	L ³⁸	L ¹⁰	L ¹¹
Services, Commercial—Mini-Storage/Self-Storage Facilities	S	S	X	C	P	P	X	X	S	X	X
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	X	C	P	P	X	X	X	X	X
Services, Commercial—Storage of any of the following: boats; heavy trucks such as dump	X	X	X	C	P	P	X	X	X	X	X

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers											
Services, Commercial—Studios of the following types: art, <u>craft</u> , dance, and music, <u>and photography</u>	P	P	P	P	P	P	P	P ¹⁸	S	P	P
Services, Commercial—Truck Stops	X	X	X	X	P	P	X	X	X	X	X
Services, Information , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	S	S	S	S	P	P	P	P ²²	P	P	P
Signs , subject to Section 1010	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷	A ³⁷
Stadiums, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Telephone Exchanges	S	C	C	C	C	C	S	S	S	S	S
Temporary Buildings for Uses Incidental to Construction Work , provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A	A	A	A	A	A	A	A	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A	A	A	A	A	A
Transit Facilities , including transit centers, transit park-and-rides, transit stations, and transit	S	S	P	P	P	P	P	P	S	P	P

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU ¹	SCMU	OA ^{2,3}	OC	RCO
stops											
Utility Carrier Cabinets , subject to Section 830	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.04, subject to Section 835	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.05, subject to Section 835	P	P	P	P	P	P	P	X	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	X	X	X	X	X	X	X	X	X	X

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

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

³ A maximum of 40 percent of the total building floor area on a site may be limited use(s). Limited uses may be allowed as part of a development when developed concurrently with, or after, the primary use(s).

~~⁴ These uses shall be for residents and their nonpaying guests and on-site employees and shall not be permitted for commercial purposes.~~

~~^{4S} Churches are not subject to Section 804, *Churches*.~~

~~⁵ An assembly facility with a maximum capacity of more than 500 people is a conditional use.~~

⁶ Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the RCHDR District. This requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.

⁷ A congregate housing facility shall have a minimum of four dwelling units.

⁸ Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the HDR District. With the exception of compliance with the maximum density standard, this requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.

⁹ Two-family, three-family and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.

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- ¹⁰ The maximum combined building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.
- ¹¹ The use is permitted only in a multistory building with a primary use—up to a maximum building floor area equal to the building floor area of the first floor—or on the ground-level floor of a freestanding parking structure. However, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:
- a. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.
 - b. If the primary use in the same development is an office use, as defined in Note 27 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
 - c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
 - d. The eating and drinking establishment shall be developed concurrently with or after a primary use is developed on the site.
- ¹² Drive-thru window service is prohibited on streets designated as Main Streets on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*.
- ¹³ Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.
- ¹⁴ Attached single-family dwellings, subject to the density standards of the VTH District, may be developed in the same building as a primary use.
- ¹⁵ Daycare facilities as an employee amenity are not subject to Section 807.
- ¹⁶ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ¹⁷ Only indoor facilities are permitted.
- ¹⁸ A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 18 to Table 510-1 shall not exceed 40,000 square feet in a single building.
- ¹⁹ The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:
- a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
 - i. The minimum FAR for the office use shall be 0.75; and

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ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.

b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.

c. The fitness facility or recreational sports facility shall be developed concurrently with or after a primary use is developed on the site.

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

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

22 These uses are permitted with a maximum of 10,000 square feet of building floor area per building, if part of a mixed-use development and if the combined building floor area of the use, and any other uses subject to Note 22 of Table 510-1, does not exceed 25 percent of the building floor area of the mixed-use development.

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

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

25 Only level one mobile vending units are permitted.

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

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

28 This use is limited to understructure parking.

29 Only substations are permitted.

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

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

32 The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 32 to Table 510-1, shall be 20 percent of the building floor area of primary uses in the same development.

33 Schools are not subject to Section 805, *Schools*.

34 Only commercial schools are permitted.

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- ³⁵ Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- ³⁶ An eating and drinking establishment may be permitted as a conditional use, provided that it complies with a minimum of five of the following criteria:
- a. Has a minimum seating capacity of 75;
 - b. Specializes in gourmet, ethnic, or specialty cuisine;
 - c. Includes banquet facilities and services;
 - d. Provides live entertainment at least two nights a week;
 - e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
 - f. Has an Oregon Liquor Control Commission license to serve beer and wine; or
 - g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.
- ³⁷ Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ³⁸ An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 38 to Table 510-1, shall be 10 percent of the total building floor area in the same development.
- ³⁹ In the NC District, sign production is a conditional use.
- ⁴⁰ In the C-2 District, sign production is a permitted use.
- ~~⁴¹ An assembly facility with a maximum capacity of more than 500 people is a conditional use.~~

510.04 DIMENSIONAL STANDARDS

Dimensional standards applicable in the urban commercial and mixed-use zoning districts are listed in Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*. The standards of Table 510-2 may be modified pursuant to Section 800, *Special Use Requirements*; Section 902, *Lot Size Exceptions*; Section 903, *Setback Exceptions*; Section 904, *Other Exceptions*; [Section 1013, Planned Unit Developments](#); Section 1107, *Property Line Adjustments*; and Section 1205, *Variance*. As used in Table 510-2, numbers in superscript correspond to the notes that follow Table 510-2.

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

Standard	NC	C-2	RCC	RTL ¹	CC	C-3	PMU	SCMU	OA	OC ¹	RCO
Minimum Lot Size	7,260 square feet ^{2,3}	None	1 acre ^{3,4}	½ acre ^{4,5}	None	None	PMU1: None PMU2: 2 acres PMU3: 3 acres PMU4: ½ acre PMU5: 10 acres PMU6: 5 acres	½ acre ^{3,6}	None	1 acre ^{4,5}	2½ acres ^{3,4}
Minimum Street Frontage	None	None	None	None	None	None	None	100 feet ⁷	None	None	None
Maximum Front Yard Depth	20 feet ⁸	20 feet ⁸	20 feet ^{9,10}	20 feet ⁸	20 feet ⁸	20 feet ⁸	20 feet ^{9,10,11}	See Subsection 1005.10	20 feet ⁸	20 feet ⁸	20 feet ^{9,10}

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Standard	NC	C-2	RCC	RTL¹	CC	C-3	PMU	SCMU	OA	OC¹	RCO
Minimum Front Yard Depth	0	15 feet	5 feet ¹²	15 feet	15 feet	15 feet	None	See Subsection 1005.10	10 feet	15 feet	5 feet ¹²
Minimum Rear Yard Depth	0	0 ¹³	0 ¹⁴	0 ¹⁵	0 ¹⁵	0 ¹⁵	0 ^{11,13}	See Subsection 1005.10	10 feet ¹⁶	10 feet ¹⁷	0 ¹⁸
Minimum Side Yard Depth	0	0 ¹⁹	0 ¹⁹	0 ²⁰	0 ²⁰	0 ²⁰	0 ^{11,19}	See Subsection 1005.10	6 feet ²¹	10 feet ²²	0 ¹⁹
Maximum Building Height	35 feet	None ²³	None	None	None	None	None	None	45 feet	None ²⁴	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development ²⁵	None	None	None	None, except as set forth in Table 510-3	None	None	None	0.5 for primary office uses on lots of 2½ acres or less; 1.0 for primary office uses on lots greater than 2½ acres ^{25, 26, 27}

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Standard	NC	C-2	RCC	RTL ¹	CC	C-3	PMU	SCMU	OA	OC ¹	RCO
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None, except as set forth in Subsection 510.05(I)(1)	None	None	None	None
Minimum Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use ²⁸	None	None	None	None, except as set forth in Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development ²⁸	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use or with a limited use other than a fitness facility or a freestanding restaurant ²⁸

Notes to Table 510-2:

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- 1 The dimensional standards, as well as the minimum landscaped area standard in Table 1009-1, *Minimum Landscaped Area*, may be modified as part of a design review approval pursuant to Section 1102, if such modification is consistent with the goals and policies of the Comprehensive Plan. The effect of the proposed modification on the natural features of the subject property and the use and preservation of solar access shall be considered, if applicable.
- 2 The minimum lot size for land with a Comprehensive Plan land use plan designation of Low Density Residential shall be the same as that allowed by the zoning district that applied to the subject property immediately prior to the application of the NC zoning district.
- 3 The minimum lot size standard applies only to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, an undersized lot of record may be developed, subject to other applicable standards of this Ordinance.
- 4 No minimum lot size standard applies to a lot created by partition or subdivision or adjusted through a property line adjustment, provided that the newly created or adjusted lot is developed only with a dwelling classified as a nonconforming use and uses accessory to that dwelling.
- 5 The minimum lot size standard applies to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, an undersized lot of record may be developed with primary, accessory, and limited uses, provided that the lot of record is physically separated from all other undeveloped or underdeveloped properties in the same zoning district as the subject property. In addition, contiguous undersized lots of record may be aggregated for development purposes, if such aggregation results in land area equal to or greater than the minimum lot size. Alternatively, contiguous undersized lots of record may be aggregated for development purposes, if such aggregation satisfies the requirement to demonstrate that the undersized site is physically separated from all other undeveloped or underdeveloped properties in the same zoning district as the subject property.
- 6 The minimum is 2,000 square feet for a lot developed only with an attached single-family dwelling and uses accessory to that dwelling.
- 7 The minimum street frontage standard applies only to subdivisions, partitions, and property line adjustments. The minimum for a lot of record developed only with an attached single-family dwelling, and uses accessory to that dwelling, shall be 20 feet. A lot of record with frontage on more than one street shall meet the minimum on each street.
- 8 The maximum front yard depth standard applies only if required by Subsection 1005.03(L).

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- ⁹ The maximum front yard depth standard shall be met for all buildings, except as set forth in Note 8 to Table 510-2. However, if a lot has more than one front yard, the standard must be met for only one. A private road used to satisfy the maximum front yard depth standard must comply with the standards in Subsection 1005.08(G). The maximum front yard depth from Main Streets identified on Comprehensive Plan Map X-CRC-3 is 10 feet.
- ¹⁰ The maximum front yard depth may be exceeded to the minimum extent necessary to accommodate pedestrian amenities. Freestanding parking structures are exempt from the maximum front yard depth, except from Main Streets identified on Comprehensive Plan Map X-CRC-3.
- ¹¹ In lieu of complying with the standard, an applicant for master plan or design review approval on a site of 25 acres or larger may submit for approval alternate yard depth standards, which will be reviewed as part of the application. The alternative standards, or any part thereof, shall be approved if they are found to be equally effective as the regular standards in establishing a visual image, sense of place, and quality pedestrian environment for the area.
- ¹² There is no minimum yard depth from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.
- ¹³ If the rear yard abuts a residential or OSM zoning district, the minimum shall be 15 feet.
- ¹⁴ If the rear yard abuts a residential or OSM zoning district, the minimum shall be 35 feet.
- ¹⁵ If the rear yard abuts a residential or OSM zoning district, the minimum shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- ¹⁶ If the rear yard abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: 10 feet for the portion of a building that is 25 feet or less in height; 20 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- ¹⁷ If the rear yard abuts a residential zoning district, the minimum shall be 35 feet.
- ¹⁸ If the rear yard abuts a residential or OSM zoning district, the minimum shall be 35 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 39 feet.

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- ¹⁹ If the side yard abuts a residential or OSM zoning district, the minimum shall be 15 feet.
- ²⁰ If the side yard abuts a residential or OSM zoning district, the minimum side yard setback shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- ²¹ If the side yard abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: six feet for the portion of a building that is 25 feet or less in height; 16 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- ²² If the side yard abuts a residential zoning district, the minimum shall be 35 feet.
- ²³ If the subject property abuts a residential or OSM zoning district, the maximum building height shall be 35 feet.
- ²⁴ If the building is located less than 100 feet from an Urban Low Density Residential, VR-4/5, or VR-5/7 District, the maximum building height shall be equal to the building's distance from the Urban Low Density Residential, VR-4/5, or VR-5/7 District.
- ²⁵ Floor area ratio shall be calculated pursuant to Subsection 1005.03(R).
- ²⁶ With an approved master plan, a lot greater than two and one-half acres may be developed in phases provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
- ²⁷ For the purposes of this provision, "office uses" include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Offices and Outpatient Clinics, and Research Facilities and Laboratories.
- ²⁸ Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

510.05 DEVELOPMENT STANDARDS

The following development standards apply:

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

- G. Site-Specific Standards in the PMU District: Six sites have a Comprehensive Plan designation of PMU. These sites are designated PMU1 through PMU6 and are identified on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*. When one of these sites is zoned Planned Mixed Use District, a site number corresponding to the number designated by the Comprehensive Plan is assigned. A PMU site shall comply with the specific standards for that site identified in Table 510-3, *Site-Specific Requirements for the PMU District*. As used in Table 510-3, numbers in superscript correspond to the notes that follow Table 510-3.

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

Land Uses & Areas Required	PMU1
Office uses ¹ , minimum square feet	525,000 square feet
Retail, entertainment, hotel, service commercial, theater, or equivalent, minimum square feet	500,000 square feet
Dwelling units, minimum number	200 dwelling units; demonstrate ability to accommodate 600 dwelling units
Public plaza	one-half- to one-acre plaza
Entertainment/recreational facility	
Transit facilities	
Land Uses & Areas Required	PMU 2, 3, 4, and 5
Office uses ¹ or residential uses ² , minimum site area	50 percent
Office uses ¹ , minimum floor area ratio (FAR)	0.5 for office uses on lots of two and one-half acres or less; 1.0 for office uses on lots greater than two and one-half acres, calculated pursuant to Subsection 1005.03(R). With a master plan approved pursuant to Subsection 1102.02(B)(2), a lot greater than two and one-half acres may be developed in phases, provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
Retail uses and service commercial uses, minimum FAR	0.3, calculated pursuant to Subsection 1005.03(R)
Residential density ²	The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).
Land Uses & Areas Required	PMU6
Phase one, minimum FAR	0.3, calculated pursuant to Subsection 1005.03(R)
Subsequent phases, minimum FAR	0.6, calculated pursuant to Subsection 1005.03(R)
Dwelling units, minimum number	395

Notes to Table 510-3:

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

H. PMU1 Standards: In the PMU District, the following standards apply to site PMU1:

1. May expand the existing mall with retail or other uses;
2. Preserve Phillips Creek and enhance Phillips Creek Greenway;
3. Accommodate and provide proportionate share of streetscape improvements on Monterey Avenue, 82nd Avenue, Sunnyside Road, and the internal circulation network; and
4. Coordinate internal circulation network with the street and transit system.

I. PMU6 Standards: In the PMU District, the following standards apply to site PMU6:

1. Exclusively retail uses larger than 40,000 square feet of gross leasable ground floor area per building or business shall be prohibited, unless it can be otherwise demonstrated through the master planning process that desired levels of transportation connectivity will be provided.
2. The master plan shall contain a minimum of 10 percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:
 - a. The open space area shall be shown on the master plan and recorded by final plat or separate instrument; and
 - b. If approved by the County, the open space shall be conveyed in accordance with one of the following methods:

- i. By dedication to the County as publicly owned and maintained open space. Open space proposed for dedication to the County must be acceptable to the County with regard to the size, shape, location, improvement, and environmental condition; or
 - ii. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners association, or other legal entity, with the County retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the County.
 3. As part of the master plan review required pursuant to Subsection 1102.02(B)(2), a construction phasing plan shall demonstrate that the order in which buildings identified in the master plan will be constructed complies with the following:
 - a. Nonresidential buildings may be constructed prior to construction of dwelling units provided that the total floor area of nonresidential buildings constructed (excluding parking structures) does not exceed 50 percent of the total nonresidential floor area approved in the master plan (excluding parking structures).
 - b. The remaining nonresidential buildings may only be constructed after construction of dwelling units is underway. The ratio of constructed dwelling units to the minimum number of dwelling units required shall equal or exceed the ratio of constructed nonresidential floor area (excluding parking structures) to the total nonresidential floor area approved in the master plan (excluding parking structures). For the purposes of Subsection 510.05(I)(3)(b), “constructed dwelling units” shall mean that, at a minimum, building permits have been issued and the framing inspection by the County Building Codes Division has been approved.
 - c. The County may approve a construction phasing plan that does not meet the standards in Subsections 510.05(I)(3)(a) and (b) where the applicant demonstrates that the orderly development of the property would be furthered by allowing construction of a greater percentage of nonresidential floor area.
 4. Monterey Avenue shall be constructed between SE Stevens Road and SE Bob Schumacher Road at the functional road classification of Collector, with a median planted with street trees and ground cover.
- J. Outdoor Operations in the SCMU District: In the SCMU District, outdoor displays, processes, or storage, except for the storage of solid waste and recyclables either as required by Section 1021 or as an accessory use to an attached single-family dwelling, are prohibited.

- K. Outdoor Operations in the OA District: In the OA District, all primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure. For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Office and Outpatient Clinics, and Research Facilities and Laboratories.
- L. Outdoor Storage and Display in the OC District: In the OC District, outdoor storage or display of materials or products is prohibited.
- M. Outdoor Sales, Storage, and Display in the RCO District: In the RCO District, outdoor sales, storage, or display of materials or products is prohibited.
- N. Condominiums: Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums, pursuant to Section 803: detached single-family dwellings, attached single-family dwellings, two-family dwellings, three-family dwellings, and multifamily dwellings. In the case of attached single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record.
- O. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.
- ~~P. Community Plans and Design Plans: Development within a Community or Design Plan area identified in Chapter 10, *Community Plans and Design Plans*, of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~

[Added by Ord. ZDO-250, 10/13/14]

511 VILLAGE COMMUNITY SERVICE DISTRICT (VCS)

511.01 PURPOSE

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

511.02 APPLICABILITY

Section 511 applies to land in the VCS District.

511.03 USES PERMITTED

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

A. As used in Table 511-1:

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

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

Table 511-1: Permitted Uses in the VCS District

Use	VCS
Accessory Uses, Customarily Permitted , including bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
Assembly Facilities , including auditoriums, community centers, and senior centers	P
Athletic Clubs	C
Bus Shelters , subject to Section 823	A
Civic and Cultural Facilities , including art galleries, libraries, and museums	P ¹ , C ²
Community Gardens	P

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Use	VCS
Daycare Facilities , subject to Section 807	P
Daycare Services, Adult	P
Electric Vehicle Charging Stations	A
Employee Amenities , including cafeterias, clinics, daycare facilities ³ , fitness facilities, lounges, and recreational facilities	A ⁴
<u>Farmers' Markets, subject to Section 840</u>	<u>P</u>
Government Uses , including fire stations, police stations, and post offices	P
Offices , including developer sales offices and professional offices	C
Offices , including government offices and utility offices	P
Pedestrian Amenities	P
Public Recreation Facilities	P
Recyclable Drop-off Sites , subject to Section 819	A
Schools	P
Signs , subject to Section 1010	A ⁵
Telecommuting Support Services , including photocopying centers with fax and computer facilities	P
Temporary Buildings for Uses Incidental to Construction Work , provided that such buildings shall be removed upon completion or abandonment of the construction work	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-Site Prior to On-Site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A
Utility Carrier Cabinets , subject to Section 830	P
Wireless Telecommunication Facilities Listed in Subsections 835.04 and 835.05 , subject to Section 835	P
Wireless Telecommunication Facilities Listed in Subsection 835.06(A) , subject to Section 835	C

Notes to Table 511-1:

¹ Libraries and museums are a primary use.

² Art galleries are a conditional use.

- ³ Daycare facilities as an employee amenity are not subject to Section 807.
- ⁴ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ⁵ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

511.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VCS District.

- A. Yard Depth: The yard depth from the east-west collector road and the diagonal connector roads shall be zero. Minimum yard depth from lot lines abutting residential areas shall be five feet.
- B. Maximum Building Height: Maximum building height shall be 35 feet, except that the maximum height of tower elements shall be 60 feet, provided that such elements do not have a footprint exceeding 400 square feet.

511.05 DEVELOPMENT STANDARD

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

[Added by Ord. ZDO-250, 10/13/14]

512 VILLAGE OFFICE DISTRICT (VO)

512.01 PURPOSE

Section 512 is adopted to implement the policies of the Comprehensive Plan for Village Office areas.

512.02 APPLICABILITY

Section 512 applies to land in the VO District.

512.03 USES PERMITTED

Uses permitted in the VO District are listed in Table 512-1, *Permitted Uses in the VO District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorization of Similar Uses*.

A. As used in Table 512-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “L” means the use is a limited use.
4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. Numbers in superscript correspond to the notes that follow Table 512-1.

B. Permitted uses are subject to the applicable provisions of Subsection 512.04, *Dimensional Standards*, Subsection 512.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

Table 512-1: Permitted Uses in the VO District

Use	VO
Accessory Uses, Customarily Permitted , including bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
Assembly Facilities , including auditoriums, churches, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	C ^{2, 3}
Bus Shelters , subject to Section 823	A

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Civic and Cultural Facilities , including art galleries, libraries, and museums	C ²
Daycare Facilities , subject to Section 807	L ^{4,5} ,C ⁶
Daycare Services, Adult	L ^{4,7} ,C ⁶
Educational Institutes	C ¹
Electric Vehicle Charging Stations	A
Employee Amenities , including cafeterias, clinics, daycare facilities ⁸ , fitness facilities, lounges, and recreational facilities	A ⁹
<u>Farmers' Markets, subject to Section 840</u>	<u>P</u>
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	C
Manufacturing , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	P ¹⁰
Mobile Vending Units, Level One , subject to Section 837	A
Offices , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P
Offices and Outpatient Clinics —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P
Pedestrian Amenities	P
Radio and Television Studios , excluding transmission towers	C ¹
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	C
Recyclable Drop-off Sites , subject to Section 819	A
Research Facilities and Laboratories , including medical laboratories, medical research, product design and testing, and product research and development	P ¹¹

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Services, Business , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ⁴
Services, Information , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	P
Signs , subject to Section 1010	A ¹²
Studios of the following types: art, dance, and music	C ¹
Temporary Buildings for Uses Incidental to Construction Work , provided that such buildings shall be removed upon completion or abandonment of the construction work	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-Site Prior to On-Site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A
Trade Schools. Trade schools provide training in occupational skills. These facilities also may be referred to as technical schools, vocational schools, and career schools.	C ¹
Utility Carrier Cabinets , subject to Section 830	P
Wireless Telecommunication Facilities Listed in Subsections 835.04 and 835.05 , subject to Section 835	P

Notes to Table 512-1:

- ¹ This use is permitted only if there is no opportunity to locate it on land zoned Village Commercial District prior to annexation to the City of Happy Valley.
- ² This use is permitted only if there is no opportunity to locate it either in the VCS District or on land zoned VCS prior to annexation to the City of Happy Valley.
- ³ An assembly facility shall have a maximum capacity of 500 people.
- ⁴ The maximum building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.
- ⁵ The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 children.
- ⁶ The use shall be located in the southern half of the VO District and shall be oriented toward the adjacent residential neighborhood.

- ⁷ The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 adults.
- ⁸ Daycare facilities as an employee amenity are not subject to Section 807.
- ⁹ Employee amenities shall be located in the same structure as the use to which they are accessory.
- ¹⁰ This use is allowed only if it has physical and operational requirements that are similar to those of other primary uses allowed in the VO District.
- ¹¹ No operation shall be conducted, or equipment used, that would create any of the following: hazards, noxious conditions, or offensive conditions.
- ¹² Temporary signs regulated under Subsection 1010.13(A) are a primary use.

512.04 DIMENSIONAL STANDARDS

- A. Maximum Front Yard Depth: The maximum front yard depth shall be 50 feet from the centerline of 142nd Avenue, 75 feet from the centerline of Sunnyside Road, and 10 feet from lot lines abutting any other road. The maximum front yard depth may be exceeded to the minimum extent necessary to accommodate proposed pedestrian amenities.
- B. Minimum Front Yard Depth: The minimum front yard depth shall be 40 feet from the centerline of 142nd Avenue, 65 feet from the centerline of Sunnyside Road, and five feet from lot lines abutting any other road. Awnings or other overhangs may extend a maximum of four feet into the minimum front yard depth.
- C. Rear Yard Depth: The maximum and minimum front yard depth standards for yards abutting 142nd Avenue and Sunnyside Road shall apply even if a lot line abutting 142nd Avenue or Sunnyside Road is designated as a rear lot line pursuant to Subsection 903.01(A).
- D. Maximum Building Height: Maximum building height shall be 45 feet, except that the maximum height of tower elements shall be 60 feet, provided that such elements do not have a footprint exceeding 400 square feet.

511.05 DEVELOPMENT STANDARD

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

[Added by Ord. ZDO-250, 10/13/14]

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

513.01 PURPOSE

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

513.02 APPLICABILITY

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

513.03 USES PERMITTED

A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorization of Similar Uses*.

B. As used in Table 513-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
4. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
5. “X” means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 513-1.

C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; Subsection 513.05, *Development Standard*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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

<u>Use</u>	<u>RTC</u>	<u>RC</u>
<u>Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment</u>	<u>A</u>	<u>A</u>
<u>Assembly Facilities, including auditoriums, churches¹, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts</u>	<u>P</u>	<u>P,C²</u>
<u>Bed and Breakfast Inns, subject to Section 832</u>	<u>P</u>	<u>P</u>
<u>Bed and Breakfast Residences, subject to Section 832</u>	<u>P</u>	<u>P</u>
<u>Bus Shelters, subject to Section 823</u>	<u>P</u>	<u>P</u>
<u>Civic and Cultural Facilities, including art galleries, libraries, museums, and visitor centers</u>	<u>P</u>	<u>P</u>
<u>Contractors, Logging</u>	<u>P</u>	<u>P</u>
<u>Daycare Facilities, subject to Section 807</u>	<u>P</u>	<u>P</u>
<u>Daycare Services, Adult</u>	<u>P</u>	<u>P</u>
<u>Drive-Thru Window Services, subject to Section 827</u>	<u>X</u>	<u>A</u>
<u>Dwellings, Detached Single-Family</u>	<u>P³,A</u>	<u>A</u>
<u>Electric Vehicle Charging Stations</u>	<u>P</u>	<u>P</u>
<u>Employee Amenities, including cafeterias, clinics, daycare facilities⁴, fitness facilities, lounges, and recreational facilities</u>	<u>A</u>	<u>A</u>
<u>Entertainment Facilities, including arcades, billiard halls, and movie theaters</u>	<u>P</u>	<u>P</u>
<u>Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations</u>	<u>P</u>	<u>P</u>
<u>Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs</u>	<u>P</u>	<u>P</u>
<u>Government Uses, including fire stations, police stations, and post offices</u>	<u>P</u>	<u>P</u>
<u>Government Uses, unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district</u>	<u>S</u>	<u>C</u>
<u>Home Occupations, including bed and breakfast homestays, subject to Section 822</u>	<u>A</u>	<u>A</u>
<u>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</u>	<u>C</u>	<u>C</u>

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<u>Use</u>	<u>RTC</u>	<u>RC</u>
<u>Hotels</u>	<u>P⁵</u>	<u>S⁶</u>
<u>Hydroelectric Facilities</u> , subject to Section 829	<u>C</u>	<u>C</u>
<u>Mobile Vending Units</u> , subject to Section 837	<u>P</u>	<u>P</u>
<u>Motels</u>	<u>P⁵</u>	<u>S⁶</u>
<u>Offices</u> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	<u>P</u>	<u>P</u>
<u>Offices and Outpatient Clinics</u> —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>P</u>	<u>P</u>
<u>Parking Lots</u>	<u>A</u>	<u>A</u>
<u>Parking Structures, Community</u>	<u>P⁷</u>	<u>X</u>
<u>Pedestrian Amenities</u>	<u>P</u>	<u>P</u>
<u>Public Utility Facilities</u>	<u>S</u>	<u>C</u>
<u>Radio and Television Transmission and Receiving Towers and Earth Stations</u>	<u>S⁸</u>	<u>C⁸</u>
<u>Recreational Uses</u> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails ⁹	<u>C</u>	<u>C</u>
<u>Recreational Uses, Government-Owned</u> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses ⁹	<u>P</u>	<u>P</u>
<u>Recreational Uses, Government-Owned Golf Courses</u> ⁹	<u>P</u>	<u>P</u>
<u>Recreational Vehicle Camping Facilities</u> , subject to Section 813	<u>P</u>	<u>X</u>
<u>Recycling Centers</u> , subject to Section 819	<u>C</u>	<u>C</u>
<u>Recyclable Drop-Off Sites</u> , subject to Section 819	<u>A</u>	<u>A</u>
<u>Resort Accommodations</u>	<u>P⁵</u>	<u>S⁶</u>
<u>Retailing</u> —whether by sale, lease, or rent—of any of the following new or used products: Class I, III, and IV all-terrain vehicles, as defined by Oregon Revised Statutes Chapter 801; motorcycles; and snowmobiles	<u>S</u>	<u>P</u>
<u>Retailing</u> —whether by sale, lease, or rent—of any of the following new	<u>P</u>	<u>P</u>

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<u>Use</u>	<u>RTC</u>	<u>RC</u>
<u>or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos</u>		
<u>Retailing</u> —whether by sale, lease, or rent—of any of the following new or used products: <u>animal feed, building materials, farm equipment, forestry equipment, and livestock supplies</u>	<u>P</u>	<u>P</u>
<u>Schools</u> ¹⁰	<u>P</u>	<u>P,C</u> ^{2,11}
<u>Service Stations</u> , subject to Section 820	<u>P</u>	<u>P</u>
<u>Services, Commercial—Construction and Maintenance</u> , including <u>contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems</u>	<u>P</u>	<u>P</u>
<u>Services, Commercial—Food and Beverage</u> , including <u>catering and eating and drinking establishments</u>	<u>p</u> ¹²	<u>p</u> ¹²
<u>Services, Commercial—Maintenance and Repair</u> of any of the following: <u>appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools</u>	<u>P</u>	<u>P</u>
<u>Services, Commercial—Maintenance and Repair</u> of any of the following: <u>all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles</u>	<u>P</u>	<u>P</u>
<u>Services, Commercial— Maintenance and Repair</u> of any of the following: <u>boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles</u>	<u>S</u>	<u>P</u>
<u>Services, Commercial—Miscellaneous</u> , including <u>food lockers, interior decorating, locksmith, upholstery, and veterinary</u>	<u>P</u>	<u>P</u>
<u>Services, Commercial—Mini-Storage/Self-Storage Facilities</u>	<u>C</u> ¹³	<u>C</u>
<u>Services, Commercial—Personal and Convenience</u> , including <u>barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.</u>	<u>P</u>	<u>P</u>
<u>Services, Commercial—Storage</u> of any of the following: <u>all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles</u>	<u>S</u>	<u>C</u>
<u>Services, Commercial—Storage</u> of any of the following: <u>boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as</u>	<u>S</u>	<u>C</u>

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<u>Use</u>	<u>RTC</u>	<u>RC</u>
<u>backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles</u>		
<u>Services, Commercial—Studios of the following types: art, craft, dance, music, and photography</u>	<u>P</u>	<u>P</u>
<u>Signs, subject to Section 1010</u>	<u>A¹⁴</u>	<u>A¹⁴</u>
<u>Telephone Exchanges</u>	<u>S</u>	<u>C</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>Temporary Buildings for Uses Incidental to Construction Work.</u> Such buildings shall be removed upon completion or abandonment of the construction work.	<u>A</u>	<u>A</u>
<u>Theme Parks and Amusement Parks</u>	<u>C</u>	<u>S</u>
<u>Transfer Stations, subject to Section 819</u>	<u>C</u>	<u>C</u>
<u>Transit Park-and-Rides</u>	<u>P</u>	<u>P</u>
<u>Utility Carrier Cabinets, subject to Section 830</u>	<u>P</u>	<u>P</u>
<u>Wholesaling—whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings</u>	<u>P</u>	<u>P</u>
<u>Wireless Telecommunication Facilities listed in Subsections 835.04 and 835.05, subject to Section 835</u>	<u>P</u>	<u>P</u>

¹ Churches are not subject to Section 804, Churches.

² A church, fraternal organization lodge, or school is a conditional use if the building floor space exceeds 4,000 square feet.

³ On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.

⁴ Daycare facilities as an employee amenity are not subject to Section 807, Daycare Facilities.

⁵ A hotel, motel, or resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre or 100 units in total, whichever is less. A hotel, motel, or resort accommodations development in Rhododendron shall be limited to a maximum number of units per acre calculated pursuant to Table 1012-2, or 35 units in total, whichever is less. A hotel, motel, or resort accommodations development in Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 1012-2.

⁶ If a hotel, motel, or resort accommodations development is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).

- ⁷ Parking structures are permitted only in Government Camp and only if they are consistent with an adopted community parking plan.
- ⁸ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ⁹ This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ¹⁰ Schools are not subject to Section 805, *Schools*.
- ¹¹ Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.
- ¹² Drive-in restaurants are prohibited.
- ¹³ No outside storage shall be permitted.
- ¹⁴ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

513.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the RTC and RC Districts are listed in Tables 513-2, *Dimensional Standards in the RTC and RC Districts, Except in Government Camp*, and 513-3, *Dimensional Standards in Government Camp*. As used in Tables 513-2 and 513-3, numbers in superscript correspond to the notes that follow the tables.

B. Modifications: The standards in Tables 513-2 and 513-3 may be modified pursuant to Section 800, *Special Use Requirements*; Section 903, *Setback Exceptions*; Section 904, *Other Exceptions*; Section 1013, *Planned Unit Developments*; Section 1107, *Property Line Adjustments*; and Section 1205, *Variance*.

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

<u>Standard</u>	<u>RTC</u>	<u>RC</u>
<u>Minimum Lot Size</u>	<u>None</u>	<u>None¹</u>
<u>Minimum Front Yard Depth</u>	<u>25 feet</u>	<u>30 feet</u>
<u>Minimum Rear Yard Depth</u>	<u>10 feet^{2,3}</u>	<u>10 feet⁴</u>
<u>Minimum Side Yard Depth</u>	<u>10 feet^{2,5}</u>	<u>10 feet⁶</u>
<u>Maximum Building Floor Space</u>	<u>4,000 square feet⁷</u>	<u>4,000 square feet^{7,8}</u>

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<u>per Commercial Use in an Unincorporated Community</u>		
<u>Maximum Building Floor Space per Commercial Use outside an Unincorporated Community</u>	<u>Not Applicable</u>	<u>3,000 square feet^{7,9}</u>

¹ The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.

² If the yard abuts a national forest, there shall be no minimum yard depth.

³ If the rear yard abuts an RR or HR District, the minimum shall be 20 feet.

⁴ If the rear yard abuts a residential zoning district, the minimum shall be 20 feet.

⁵ If the side yard abuts an RR or HR District, the minimum shall be 20 feet.

⁶ If the side yard abuts a residential zoning district, the minimum shall be 20 feet.

⁷ No maximum applies to hotels, motels, and resort accommodations.

⁸ A lawfully established commercial use that existed on December 20, 2001, and serves the community or the travel needs of people passing through the area, may expand to occupy a maximum of 4,000 square feet of building floor space or 50 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

⁹ A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

Table 513-3: Dimensional Standards in Government Camp

<u>Standard</u>	<u>RTC</u>
<u>Minimum Front Yard Depth unless the Front Yard abuts Government Camp Loop</u>	<u>10 feet, except 20 feet to garage and carport motor vehicle entries</u>
<u>Minimum Front Yard Depth if the Front Yard abuts Government Camp Loop</u>	<u>4 feet¹</u>
<u>Maximum Front Yard Depth if the Front Yard abuts Government Camp Loop</u>	<u>10 feet²</u>

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<u>Minimum Rear Yard Depth</u>	<u>10 feet^{3,4}</u>
<u>Minimum Side Yard Depth</u>	<u>None</u>
<u>Maximum Building Height</u>	<u>70 feet⁵</u>
<u>Minimum Building Separation above 3,500 Feet in Elevation</u>	<u>20 feet between buildings with contiguous snow slide areas</u>
<u>Maximum Building Floor Space per Commercial Use</u>	<u>8,000 square feet⁶</u>

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

² The maximum front yard depth standard may be exceeded to the minimum extent necessary to accommodate public plaza space. Detached single-family dwellings are exempt from complying with the maximum front yard depth standard.

³ If the rear yard abuts a national forest, there shall be no minimum yard depth.

⁴ If the rear yard abuts an HR District, the minimum shall be 20 feet.

⁵ The maximum building height may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.

⁶ No maximum applies to hotels, motels, and resort accommodations.

513.05 DEVELOPMENT STANDARD

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

Ordinance ZDO-252
Zoning and Development Ordinance Amendments

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:

- 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, ~~RTC, RC,~~ CI, BP, LI, GI, and RI Districts;
- B. In the following zoning districts, uses similar to one or more of the listed limited uses for that zoning district may be authorized as a limited use: HDR, SHD, ~~and~~ RCHDR, and MRR Districts;
- C. Tables 315-1, Permitted Uses in the Urban Residential Zoning Districts, 316-1, Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts, and 317-1, Permitted Uses in the MRR and HR Districts, ~~identify~~ identifies instances where uses similar to a listed conditional use may be authorized as a conditional use; ~~and~~
- D. Conditional uses similar to one or more of the listed conditional uses for the Historic Landmark, Historic District, and Historic Corridor overlay zoning district may be authorized; ~~and~~
- ~~E. Uses similar to one or more of the listed uses in Section 813, Service and Recreational Uses, may be authorized in those zoning districts that permit service and recreational uses pursuant to Section 813.~~

106.02 PROCESS AND STANDARDS

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

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

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- 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.
- 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; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

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.~~

601.02 APPLICABILITY

Section 601 applies to land in the Campus Industrial (CI) District.

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 315, may occupy up to 75 percent of the total floor area of the development. Density and land area used for this use shall be subject to the limits specified under Subsection 601.08(F), except as provided under Subsection 601.08(G).
- D. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playgrounds, and other similar uses, developed to serve primarily the recreational needs of residents and employees of the district, may occupy up to 100 percent of the floor area of the development.
- E. Utility carrier cabinets, subject to Section 830.
- F. Wireless telecommunication facilities, subject to Section 835.

601.04 ACCESSORY USES

The following are ~~permitted~~allowed as accessory uses in the ~~CI~~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 ~~permitted~~allowed on a limited basis as part of the development of ~~the Cl~~this District when developed concurrently with or after the primary uses, subject to ~~the provisions of~~ Subsection 601.05(B):
 - 1. The following neighborhood commercial uses:
 - a. Apparel stores and dressmaking shops;
 - b. Bakery shops;
 - c. Catering establishments;
 - d. Confectionery stores;
 - e. Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service;
 - f. Drug stores;
 - g. Fabric and dry goods stores;
 - h. Florist and gift shops;

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- i. Grocery and produce stores;
 - j. Hardware and garden supplies;
 - k. Meat and fish markets;
 - l. Barber and beauty shops;
 - m. Clothes pressing, alterations, and tailoring shops;
 - n. Daycare facilities and other adult or child care facilities, operated during the daytime, subject to Section 807;
 - o. Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;
 - p. Exercise and tanning studios;
 - q. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs;
 - r. Photo finishing;
 - s. Shoe repair;
 - t. Veterinarian services and pet supplies;
 - u. Video rental stores;
 - v. Bed and breakfast residences and inns, subject to Section 832;
 - w. Preexisting retail or service commercial uses; and
 - x. Mobile vending units, subject to Section 837;
2. Banks;
 3. Clinics for doctors, dentists, chiropractors, naturopathic and counseling treatment personnel, and other health services; and
 4. Bars and cocktail lounges in conjunction with a restaurant.
- B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:
1. The total combined floor area occupied by all limited uses shall not exceed 10 percent of the total floor area occupied by primary uses.

2. All limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of residents and employees of the district.
3. Uses shall not be 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 following are conditional uses in the CI District, approval of which is subject to Section 1203:

- A. Conversion of multifamily dwellings into condominiums, subject to Section 803;
- B. ~~The following Service and recreational~~ uses that exceed a primary or accessory use, ~~subject to Section 813;~~
 1. Recreational areas, uses, and facilities, including country clubs, lodges, fraternal organizations, swimming pools, gymnastics facilities, golf courses, equine facilities, boat moorages, parks, and concessions;
 2. City, county, state, federal, service district, and municipal corporation uses or buildings;
 3. Telephone exchanges and public utility structures without shops, garages, or general administrative offices;
 4. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; and
 5. Recreational vehicle camping facilities, subject to Section 813;
- C. Hydroelectric facilities, subject to Section 829;
- D. Heliports;
- E. Retail and service commercial uses not included as limited use under Subsection 601.05(A), subject to the additional limitations and conditions of Subsection 601.05(B);
- F. Uses listed as limited uses in Subsection 601.05(A) on a site separate from a primary use, when:
 1. The site is physically separated from all other undeveloped or underdeveloped properties in the district; or

2. The site is not physically separated from other undeveloped or underdeveloped sites, but the applicant demonstrates;
 - a. The site is located on a primary access or frontage road, served or planned to be served, by public transit.
 - b. There is no alternative site in the area for the proposed use.
 - c. It is not possible to develop the proposed use in conjunction with a primary use.
- G. Development of a primary use listed in Subsection 601.03 and its associated accessory and limited uses, on a lot or site area which is smaller than the minimum area requirement for the use, and which is not physically separated from all other undeveloped or underdeveloped properties in this district, may be approved when the applicant demonstrates the following:
 1. The proposed lot size is not smaller than half the minimum lot size for the use.
 2. It is not possible to develop the site in conjunction with an adjacent lot or lots, as provided under Subsection 601.08(B).
 3. The purposes set forth under Subsection 601.08(A) are addressed and satisfied in the proposed use and design of the development; and
- H. Multi-use developments, subject to Section 1016.

601.07 PROHIBITED USES

Uses of structures and land not specifically permitted in Section 601 shall be prohibited in the ~~CI Campus Industrial~~ District, except as provided in Section 106, *Authorization of Similar Uses.*

601.08 DIMENSIONAL STANDARDS

The following dimensional standards apply in the CI District.

- A. Purpose: The dimensional standards are intended to:
 1. Encourage coordinated development, and the most efficient and maximum use of the ~~CI 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
 - 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 and Section 1012, subject to the floor area limitation of this district.
- 2. Limited Uses: Only primary use floor area may be included for purposes of calculating the allowed limited use floor area for a development.
- G. Exceptions to Floor Area Requirements: The requirements under Subsection 601.08(F) may be modified or waived subject to compliance with Subsections 601.08(G)(1) through (3), or Subsection 601.08(G)(4):
 - 1. The modification or waiver is consistent with the purposes under Subsection 601.08(A); and
 - 2. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in this district; and
 - 3. The proposed use, and location of the use, is compatible with, and complementary to existing or proposed developments within the district area; or

4. A substantial mix of primary uses has been established within the immediate district area to the extent that all primary use categories under Subsections 601.03(A) through (D) are represented.

H. Maximum Lot Coverage: 55 percent.

I. Minimum Perimeter Setback: 15 feet.

1. The following uses may be allowed within a perimeter setback area that fronts on a public, county, or state road:
 - a. Landscaping;
 - b. Bikeways, trails, pedestrian walks and plazas;
 - c. Access driveways; and
 - d. Bus shelters and other pedestrian amenities.
2. The following uses may be allowed within perimeter setback areas that are adjacent to other site areas:
 - a. Landscaping;
 - b. Bikeways, trails, pedestrian walks, patios, courts;
 - c. Coordinated joint-use circulation drives, parking, loading, recreational activity areas, plazas, and
 - d. Coordinated joint-use structures.

J. Minimum Street Frontage: 50 feet.

~~K. Minimum Landscaping Area: 25 percent of the lot.~~

~~L-K.~~ Exceptions to Dimensional Standards: The requirements of ~~Subsection~~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 ~~CICampus Industrial~~ District.

- A. General: Development is subject to the applicable provisions of Sections 1000, Development Standards, and 1100, Development Review Process.

~~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.B. 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; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

602 BUSINESS PARK (BP), LIGHT INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI) DISTRICTS

602.01 PURPOSE

Section 602 is adopted to implement the policies of the Comprehensive Plan for Business Park, Light Industrial, and General Industrial areas.

602.02 APPLICABILITY

Section 602 applies to landproperty in the Business Park (BP), Light Industrial (LI), and General Industrial (GI) 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 Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 602-1.

B. Permitted uses are subject to the applicable provisions of Subsection 602.04, *Dimensional Standards*, Subsection 602.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

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Table 602-1: Permitted Uses in the BP, LI, and GI Districts

Comment [JH1]: This table will be reorganized in alphabetical order by the name of the use.

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>Farmers' Markets, subject to Section 840</p>	<u>P</u>	<u>P</u>	<u>P</u>
<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

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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>Q-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 permitted in the R-5 through R-30 Districts, except accessory dwelling units, listed in Table 315-1, Permitted Uses in the Urban Residential Zoning Districts, provided that such uses are accessory to a single-family dwelling that is a nonconforming use</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
H -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

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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 District.

602.04 DIMENSIONAL STANDARDS

Dimensional standards applicable in the BP, LI, and GI Districts are listed in Table 602-2, *Dimensional Standards in the BP, LI, and GI Districts*. 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*s.

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A. As used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.

Table 602-2: Dimensional Standards in the BP, LI, and GI Districts

Standard	BP	LI	GI
Minimum Lot Size ¹	3 acres	1 acre ²	1 acre ²
Maximum Front Yard Depth	20 feet ³	None	None
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

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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, *Design Review*, of the overall development plan for the entire lot of record, including access, circulation, parking, landscaping, and proposed building locations.
- 3 The maximum front yard depth standard applies, if required by Subsection 1005.03(L), except that this standard does not apply to dwellings that are nonconforming uses, or to structures that are accessory to such dwellings.
- 4 The minimum yard depth requirements of Table 315-2, *Dimensional Standards in the Urban Low Density Residential Districts*, as modified by Subsection 315.04(C), apply to dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.
- 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

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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:

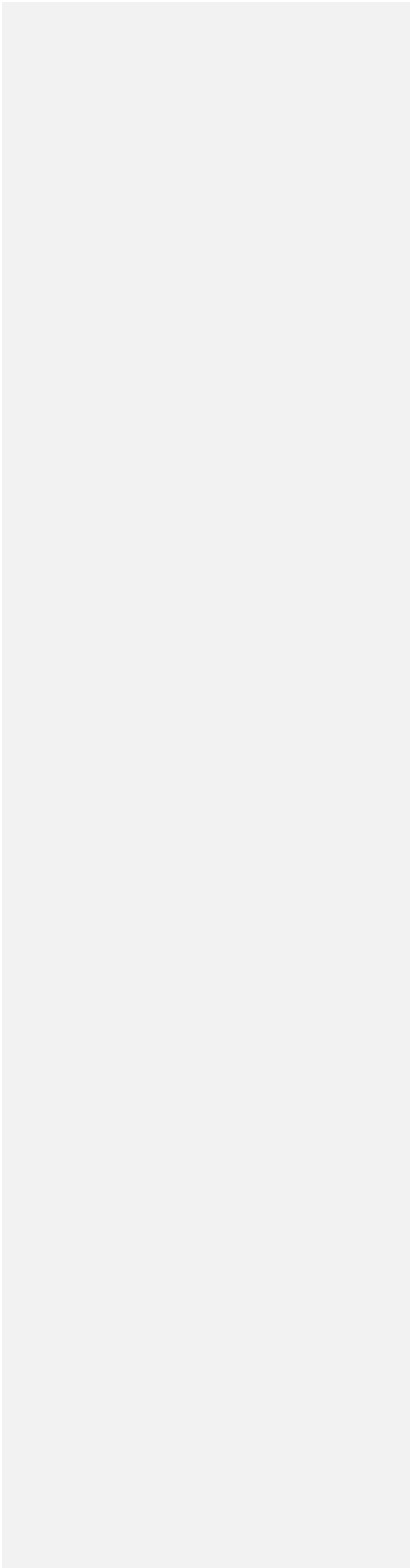
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- a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
 - b. Be located a minimum of 10 feet from the front lot line(s);
 - c. Be maintained to project an organized and neat appearance at all 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.

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[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14]



604 RURAL INDUSTRIAL DISTRICT (RI)

604.01 PURPOSE

Section 604 is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas.

604.02 APPLICABILITY

Section 604 applies to land in the Rural Industrial (RI) District.

604.03 USES PERMITTED

Uses permitted in the RI District are listed in Table 604-1, *Permitted Uses in the RI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorization of Similar Uses*.

A. As used in Table 604-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
4. Numbers in superscript correspond to the notes that follow Table 604-1.

B. Permitted uses are subject to the applicable provisions of Subsection 604.04, *Dimensional Standards*, Subsection 604.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

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Table 604-1: Permitted Uses in the RI District

Comment [JH1]: This table will be reorganized in alphabetical order by the name of the use.

Use	RI
A - Construction and Maintenance Contractors 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
F - Farmers' Markets, subject to Section 840	<u>P</u>
B - Indoor Recreational Facilities This category includes indoor facilities for such sports as dance, gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.	P
C - Lawfully Established Industrial Uses that existed on December 20, 2001, and are not otherwise listed in Table 604-1	P
D - Light Metal and Fiberglass Fabrication	P
E - Manufacturing 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 ¹
F - Ornamental and Horticultural Nurseries	P
G - Repair and Refinishing of Furniture and Household Goods	P
H - Repair of Motor Vehicles	P
I - Retail Sales of Lumber and Building Materials	P
J - Sales, Rental, Storage, Repair, and Servicing of equipment and materials associated with farm and forest uses, road maintenance, mineral extraction, and construction	P
K - Sheet Metal and Machine Shops	P
L - Small Power Production Facilities, provided that if it is a hydroelectric facility, it shall be subject to Section 829	P
M - Upholstery Shops	P

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Use	RI
N -Utility Carrier Cabinets, subject to Section 830	P
O -Veterinary Hospital	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. This category includes the transportation and distribution of cargo using motor vehicles or rail spurs and may include loading docks and parking of cargo transport vehicles. Mini-storage facilities are not included in this category.</p>	P ¹
<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 ¹
R -Wireless Telecommunication Facilities, subject to Section 835	P
S -Accessory Uses permitted in the RA-2 District, provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A
T -Bus Shelters, subject to Section 823	A
U -Cogeneration Facilities	A
V -Dwellings	A
W -Electric Vehicle Charging Stations	A
X -Employee Amenities, such as clinics, daycare facilities, lounges, cafeterias, and recreational facilities	A
Y -Level One Mobile Vending Units, subject to Section 837	A
Z -Offices	A
AA -Parking, Storage, Repair, and Servicing of Fleet Vehicles	A
BB -Pedestrian Amenities	A
CC -Rainwater Collection Systems	A
DD -Recyclable Drop-off Sites, subject to Section 819	A
EE -Retail Sales of products that are manufactured on the subject property, distributed from the subject property, warehoused on the subject property, or sold on a wholesale basis from the subject property	A

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Use	RI
FF -Satellite Dishes	A
GG -Signs, subject to Section 1010	A ²
HH -Solar Energy Systems	A
I -Temporary Buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.	A
J -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
KK -Animal Slaughtering and Rendering, Distillation of Bones, and Leather Tanning	C
LL -Auto Wrecking Yard and Junkyards, subject to Section 817	C
MM -Composting Facilities, subject to Section 834	C
NN -Government and Special District Uses	C ³
OO -Heliports	C
PP -Hosting of weddings, family reunions, class reunions, company picnics, and similar events	C
QQ -Incineration and Reduction of Offal, Dead Animals, and Solid Waste	C
RR -Manufacturing, transportation, distribution, warehousing, and wholesale trade of the following: explosive materials and devices, fertilizer, natural gas, pesticides, petroleum, and petroleum products	C
SS -Private commercial, noncommercial, or nonprofit recreational areas, uses, and facilities, including country clubs, lodges, fraternal organizations, swimming pools, gymnastics facilities, golf courses, equine facilities, boat moorages, parks, and concessions	C
TT -Public Utility Facilities without shops, garages, or general administrative offices.	C
UU -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
VV -Recycling Centers and Transfer Stations, subject to Section 819	C
WW -Surface Mining, subject to Section 818	C
XX -Telephone Exchanges	C

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Notes to Table 604-1:

- ¹ Manufacturing, transportation, distribution, warehousing, and wholesale trade of certain products are conditional uses, when specifically listed as such in Table 604-1.
- ² Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- ³ 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.

604.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the RI District.

- A. Minimum Front Yard Depth: The minimum front yard depth is 30 feet.
- B. Minimum Rear Yard Depth: The minimum rear yard depth is 30 feet if the rear yard abuts a residential zoning district and 10 feet if the rear yard abuts a commercial zoning district. In either case, an additional five feet of yard depth is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height.
- C. Minimum Side Yard Depth: The minimum side yard depth is 30 feet if the side yard abuts a residential zoning district and 10 feet if the side yard abuts a commercial zoning district. In either case, an additional five feet of yard depth is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height.
- D. Nonconforming Dwellings: Notwithstanding Subsections 604.04(B) and (C), the minimum rear and side yard depth standards applicable in the RA-2 District apply to dwellings that are nonconforming uses, as well as to uses that are accessory to such dwellings.
- E. Minimum Lot Size: There is no minimum lot size standard, except within the Portland Metropolitan Urban Growth Boundary, where the minimum lot size is 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition~~land division~~, but not to a property line adjustment.
- F. Maximum Building Floor Space:
 1. For an industrial use within an unincorporated community, the maximum building floor space per use shall be 40,000 square feet, except that no limit shall apply to:
 - a. Uses authorized under Statewide Planning Goals 3 and 4;
 - b. Expansion of a use that existed on December 5, 1994;

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- c. Uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a);
 - d. New uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and
 - e. Uses sited on abandoned or diminished mill sites.
2. For an industrial use outside an unincorporated community, the maximum building floor space per use shall be 39,500 square feet, except:
- a. No limit shall apply to the primary processing of raw material produced in rural areas or to uses sited on abandoned or diminished mill sites.
 - b. A lawfully established use that existed on December 20, 2001 may expand to occupy a maximum of 40,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

G. Modifications: The minimum yard depth standards are subject to modification under Section 903, *Setback Exceptions*, and may be modified pursuant to Section 1205, *Variance*.

604.05 DEVELOPMENT STANDARD

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

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13]

710 SENSITIVE BIRD HABITAT DISTRICT (SBH)

710.01 PURPOSE

Section 710 is adopted to:

- A. Conserve sensitive bird resources by protecting nesting and rearing habitat and providing buffer areas;
- B. Establish standards and procedures for evaluating and permitting developments which affect sensitive bird habitat areas;
- C. Implement the sensitive bird policies of the Natural Resources and Energy Chapter of the Comprehensive Plan; and
- D. Enhance coordination between County, state, federal, and other jurisdictional agencies regarding development activities in or near sensitive bird sites.

710.02 APPLICABILITY/ADOPTION OF REPORTS

- A. The Sensitive Bird Habitat District (SBH) is an overlay district that consists of sensitive bird habitat areas as identified in the Comprehensive Plan policies and Sensitive Bird Inventory completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 16 provisions. The sensitive habitat area to be protected pursuant to Section 710 shall be defined as the area necessary to protect the sensitive bird site from impacts adverse to its nesting and rearing activities. The area protected is dependent upon the specific species as described in the Comprehensive Plan Inventory and Economic, Social, Environmental, and Energy (ESEE) findings and conclusions. The standards and procedures of the SBH District apply to all development, alterations, and vegetation removal within any portion of a sensitive bird site habitat or buffer area. Should the County be notified by the Oregon Department of Fish and Wildlife that a sensitive bird site area no longer exists within an SBH District, development activities and uses shall not be subject to the provisions of Section 710.
- B. The sensitive bird habitat areas administered through these provisions are based upon the Comprehensive Plan Inventory and Economic, Social, Environmental and Energy (ESEE) findings and conclusions. The Inventory maps and ESEE reports are hereby adopted by reference and declared to be part of this Ordinance.

710.03 DEFINITIONS

Unless specifically defined below, words or phrases used in Section 710 shall be interpreted to give them the same meaning as they have in common usage and to give Section 710 its most reasonable application.

- A. Alteration: A use which adversely impacts the condition of a sensitive bird habitat site and/or buffer area. Alterations include, but are not limited to,

buildings or other structures, grading, filling, dredging, draining, channelizing, mining, paving (including sidewalks, roads and bike paths), surface water management facilities, or other land uses that adversely impact the existing vegetation, hydrology, wildlife or wildlife habitat.

- B. Development: A partition, subdivision, or property line adjustment which may or may not include an alteration.
- C. Economic, Social, Environmental and Energy (ESEE) Analysis: The analysis conducted pursuant to Statewide Planning Goal 5 in which the County evaluates the conflicting use economic, social, environmental and energy consequences and the Board of County Commissioners reached a decision of which, if any, conflicting use(s) would be allowed fully or on a limited basis.
- D. Rookery: A discrete area that contains one or more Great Blue Heron nests.
- E. Sensitive Bird Habitat: The nesting, rearing and roosting area of sensitive birds as identified in the Comprehensive Plan.
- F. Sensitive Bird, Buffer: An area around a sensitive bird site, determined to be appropriate for the specific species, that is included on the planned and zoned SBH District overlay maps
- G. Sensitive Bird Habitat, Edge or Boundary: The boundary of a sensitive bird habitat area as mapped on the Comprehensive Plan Sensitive Bird Habitat Inventory maps. Generally, the edge or boundary is the line, represented by a horizontal line regardless of elevation between sensitive bird habitat areas and nonsensitive bird habitat areas.

710.04 USES IN SENSITIVE BIRD HABITAT AREAS

- A. Alterations and developments consistent with the underlying zoning district located within an SBH District may be granted, subject to review of an SBH District Permit, which shall require review as a Type II application pursuant to Section 1307 and shall be subject to the following standards and criteria:
 - 1. The proposal is consistent with Policy 11.0 of the Wildlife Habitats and Distinctive Resource Areas Section of the Natural Resources and Energy Element of the Comprehensive Plan;
 - 2. A mitigation plan demonstrates the proposed alteration or development will not disrupt the nesting or rearing habitat; and
 - 3. Vegetation and construction management plans demonstrate the alteration or development will be consistent with the provisions Section 710.
- B. Prohibited Uses:

Vegetation removal within the buffer is prohibited unless the removal is permitted in conjunction with a vegetation and construction management plan described in Subsection 710.04(A)(3).

C. Exempt Uses:

1. Modifications that do not extend beyond the footprint of legally established uses, structures, and facilities are exempt from the provisions of this subsection.
2. Commercial forest practices subject to Oregon Revised Statutes (ORS) Chapter 527 and the Oregon Administrative Rules (OARs) adopted pursuant thereto.
3. Agricultural practices subject to ORS 30.930 through ORS 30.939 and the OARs adopted pursuant thereto.

710.05 DEVELOPMENT STANDARDS

The following standards shall apply to alterations or development in sensitive bird habitat areas.

- A. Based on the biology and characteristics of the species and characteristics of the site, the proposed alteration or development shall provide protection that will prevent destruction or abandonment of the subject site.
- B. Alteration activities shall be prohibited during the nesting season unless the Oregon Department of Fish and Wildlife determines in writing the proposed alteration will not be disruptive to the nest or rookery. Alterations necessary to (1) repair or reconstruct septic systems or structures damaged or (2) destroyed by fire or natural causes are exempt from this provision.
- C. New roads, driveways, or public trails shall be located the greatest distance possible from the nest or rookery unless topographic, vegetation, or structural features will provide greater visual or noise buffer to the nest or rookery.
- D. Existing vegetation buffers the nest or rookery and shall be retained unless removal is granted pursuant to Subsection 710.04(A).
- E. No land divisions or property line adjustments shall be approved which would result in the location of a structure within the designated sensitive habitat area.
- F. Exterior lighting for new uses shall be sited and shielded away from the nest or rookery.
- G. Residential lots of record where lot configuration precludes compliance with these provisions shall be exempt when proposed structures are sited the maximum practical distance from the rookery.

- H. Additions to existing structures which are located closer than the required buffer shall be permitted provided the addition complies with the remaining provisions of this subsection
- I. Sensitive bird habitat areas disturbed by alterations considered pursuant to Subsection 710.04(A) shall be re-vegetated with plants not identified on the Planning Director's Prohibited Plant List at a pre-removal or greater density within 90 days of completion, considering Subsection 710.05(B), or a surety agreement shall be provided pursuant to Section ~~13114104~~, *Completion of Improvements, Sureties, and Maintenance*. The developer shall submit a written contract guaranteeing vegetation survival of at least 80 percent for a minimum one-year period.
- J. Prior to commencing alteration or construction activities on parcels containing sensitive bird habitat, the edge of the SBH District and buffer area, as identified on the County maps, shall be clearly marked with stakes connected by flagging. The applicant shall retain this temporary marking until construction is completed and vegetation on the site is reestablished.

710.06 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for an SBH District Permit in sensitive bird habitat and buffer areas considered pursuant to Subsection 710.04(A) shall include the following:

- A. A site plan showing existing natural features and the proposed development on the site(s), including proposed alterations, vegetation removal, surface water sources, tree cutting activity, utilities, easements, and location of the nesting or rookery site and respective buffer;
- B. A written analysis describing how the proposal is consistent with Policy 11.0 of the Wildlife Habitats and Distinctive Resource Areas Section of the Natural Resources and Energy Element of the Comprehensive Plan;
- C. A written construction management plan describing the timing and sequence of construction activities, equipment, surface water management, and erosion control plan; and
- D. A vegetation plan that includes the species and quantity to be removed and planted, and any maintenance activities that will be used to ensure survival and growth of the vegetation.

710.07 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of an SBH District Permit is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate

decision. During this four-year period, the approval shall be implemented.
“Implemented” means:

1. “Implemented” means all major development permits shall be obtained and maintained, or if no major development permits are required to complete the development contemplated by the approved SBH District Permit, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A “major development permit” is:
 - a. A building or manufactured dwelling placement permit for a new primary structure that was part of the SBH District Permit approval; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements that were part of the WRG permit approval.
- B. Time Extension: If the approval of an SBH District Permit is not implemented within the initial approval period established by Subsection 710.07(A), a two-year time extension may be approved, pursuant to Subsection 1310.

[Amended by Ord. ZDO-248, 10/13/14]

711 GOVERNMENT CAMP OPEN SPACE MANAGEMENT DISTRICT (GCOSM)

711.01 PURPOSE

The intent of the Government Camp Open Space Management District is to preserve and manage the Government Camp Village open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation, water quality treatment facilities, natural protection areas and pedestrian networks. Management of these resources will help protect, enhance and maintain the quality of living and environmental character of the Government Camp Village.

711.02 AREAS OF APPLICATION

The Government Camp Open Space Management District shall apply to those areas within the Government Camp Village, as described in the Mount Hood Community Plan, and have the following characteristics:

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Public and private recreation areas, including areas used for skiing, skating, skateboarding, hiking, biking and other similar activities.
- C. Natural and historic areas that are dedicated to the public or preserved through an easement.
- D. Areas that buffer existing residential development for the purpose of providing privacy and maintaining the natural character and quality of living in the community.
- E. Areas necessary for utility facilities, such as sewage treatment plants, public water facilities or water quality treatment facilities.

711.03 PRIMARY USES

- A. Public and private outdoor recreation areas, including hiking and biking trails, and ski transportation facilities such as chairlifts and gondolas.
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas.
- C. Utility carrier cabinets, subject to Section 830.
- D. Water quality treatment facilities, except those listed as conditional uses in Subsection 711.05.

711.04 ACCESSORY USES

- A. Accessory uses listed below may be allowed provided landscaping in compliance with Section 1009 is used to obscure visual impacts:
1. Restroom and locker room facilities;
 2. Information and interpretive centers, provided they are not enclosed;
 3. Maintenance buildings and support facilities customarily associated with a primary use;
 4. Rainwater collection facilities;
 5. Solar collection systems; and
 6. Electric vehicle charging stations.

711.05 CONDITIONAL USES

- A. The following are conditional uses in the GCOSM District, approval of which is subject to Section 1203, ~~Conditional Use for conditional uses and Subsection 504.07(J) for commercial development. Approval shall not be granted if the proposed use requires a new access to Highway 26 or additional parking, unless such access and parking receive approval from the Oregon Department of Transportation.~~
1. Medical clinics, when associated with and incidental to a primary use;
 2. Sport shops, restaurants, and other concession sales uses when associated and incidental to a primary use; and
 3. Sewage treatment plants.

B. Conditional uses are subject to the following standards and criteria:

1. Approval shall not be granted if the proposed use requires a new access to Highway 26 or additional parking, unless such access and parking receive approval from the Oregon Department of Transportation.
2. The maximum building floor space per commercial use shall be 8,000 square feet.

711.06 PROHIBITED USES

- A. Private outdoor recreation uses that generate vehicular trips, excluding uses for the Summit or Multorpor Ski Bowl Ski Areas that do not exceed the United States Forest Service (USFS) Persons at One Time (PAOT) limits. See the table below for the PAOT limits:

US Forest Service Permitted Recreation Facility	US Forest Service Persons at One Time (PAOT) limits
Summit Ski Area	1500
Multorpor Ski Bowl (Ski Bowl West and Ski Bowl Multorpor Combined)	7800

711.07 BUFFER AREAS

- A. Buffer areas shall be maintained in natural vegetation, except for minor developments such as:
 1. Extending and connecting trail systems;
 2. Posting directional, interpretative and warning signs not exceeding three square feet for trails;
 3. Bridges or constructed walkways;
 4. Lift and tram towers; and
 5. Development of connecting roads to lands within ~~the Government Camp Urban Unincorporated Community boundary~~ shall be minimized to the fullest possible extent.

711.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
 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 Mt. Hood Community;
 3. Provide for fire safety and protection, and adequate snowslide area, between all structures;
 4. Protect the privacy and livability of on- and off-site dwellings and yard areas; and
 5. Provide for adequate open space within and between developments.
- B. Perimeter Requirements For All Structures:
 1. Minimum Front Yard ~~Depth~~~~Setback~~: 30 feet.

2. Minimum Rear Yard ~~Depth~~~~Setback~~: 30 feet.
3. Minimum Side Yard ~~Depth~~~~Setback~~: 10 feet.

711.09 DEVELOPMENT STANDARDS

~~Development of Ce~~conditional uses in the ~~GCOSM Government Camp Open Space Management~~ District ~~are~~is subject to the applicable provisions of Section 1000, ~~Development Standards~~, and the review procedures ~~of set forth in~~ Section 1102, ~~Design Review~~. In addition, ~~improvements shall meet~~ the following ~~development~~ standards ~~apply~~:

- A. Landscape the site to produce a setting appropriate to the area's character and development's function.
- B. Provide an efficient internal circulation system and facilities layout plan. Additionally, provide for both motorized and non-motorized connections to external circulation systems and trails.
- C. Maximize access for pedestrians, bicyclists, transit riders, and the disabled in active recreation areas.
- D. Park facilities shall comply with the classifications and standards ~~of~~ ~~in~~ ~~the~~ ~~Parks~~ ~~and~~ ~~Recreation~~ ~~s~~ ~~Section~~ of ~~Chapter~~ ~~9, Open Space, Parks, and Historic Sites, of~~ the Comprehensive Plan.
- E. Screening and buffering of adjacent residential zoning districts shall occur pursuant to Section 1009, ~~Landscaping~~.

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

1007 ROADS AND CONNECTIVITY

1007.01 PURPOSE

Section 1007 is adopted to:

- A. Provide for safe, efficient, convenient, and economical movement of vehicles, freight, transit, bicycles, and pedestrians on a balanced and sustainable transportation system network;
- B. Implement the provisions of Chapters 5 and 10 of the Comprehensive Plan pertaining to the design and construction of necessary transportation system improvements required in conjunction with new development;
- C. Protect public safety through functional, efficiently designed improvements addressing the impact of new development upon the roadway system;
- D. Support sustainable development by efficient utilization of land and resources;
- E. Facilitate and encourage the use of non-auto modes of transportation, such as transit, walking, and bicycling;
- F. Provide a highly interconnected transportation system with suitable access and route choices for pedestrians, bicyclists, and drivers;
- G. Support improved public health by providing safe and attractive pedestrian and bicycle facilities;
- H. Reduce vehicle miles traveled;
- I. Create walkable centers, corridors, and neighborhoods with pedestrian, bicycle, and vehicular connections within and between destinations;
- J. Reduce impacts from the transportation system on vegetation, natural features, neighborhoods, and public facilities; and
- K. Recognize and support the importance of streets and streetscapes as an ubiquitous aspect of the public realm in our landscape, and build streets that support and enhance community interaction.

1007.02 APPLICABILITY

Section 1007 applies to the design of new and reconstructed transportation improvements in public rights-of-way, private roads, and accessways required through development permit approvals that are subject to Section 1007.

1007.03 GENERAL PROVISIONS

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

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

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

 - 2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, *Potentially Buildable Residential Sites > 5 Acres in UGB*, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.03(C)(2).

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

4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.
 5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.
 6. Access to state highways shall require a road approach permit issued by the Oregon Department of Transportation pursuant to Oregon Revised Statutes Chapter 374.
 7. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.
- D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.
 - E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.
 - F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.
 - G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

1007.04 PUBLIC AND PRIVATE ROADWAYS

- A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.

1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.
2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map 5-5, *Metro Regional Street Design Classifications*, shall provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not limited to, the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes.
3. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, *Scenic Roads*, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:
 - a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and
 - b. Turnouts shall be provided at viewpoints or for recreational needs.
4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:
 - a. On-street parking;
 - b. Street trees;
 - c. Street lighting;
 - d. Pedestrian amenities; and
 - e. Truck routes shall be specified for deliveries to local businesses.
5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial areas, the needs of vehicles shall take precedence.

6. In the NC, OA, VCS, and VO Districts, landscaping, crosswalks, additional lighting, signalization, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.
- B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.
1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.
 2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.
 3. These standards may be deviated from when the County finds that safe and efficient alternate designs would better accommodate:
 - a. Sustainable development features such as “Green Streets” as described in Metro’s *Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002)*, which shall be allowed within the UGB and in unincorporated communities;
 - b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;
 - c. Preservation of existing significant trees and native vegetation;
 - d. Preservation of natural terrain and other natural landscape features;
 - e. Achievement of maximum solar benefit for new development through orientation and block sizing;
 - f. Existing forest or agricultural uses;
 - g. Existing development;
 - h. Scenic qualities;
 - i. Planned unit developments;
 - j. Local access streets less than 200 feet in length which are not extendible; and
 - k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.

- C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.
- D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:
 - 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and
 - 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.
- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- F. Road frontage improvements within the UGB and in Mt. Hood urban villages shall include:
 - 1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;
 - 2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.06;
 - 3. Transit amenities as specified in Subsection 1007.07; and
 - 4. Street trees as specified in Subsection 1007.08.
- G. Within public and county rights-of-way, the following uses may be permitted, subject to compliance with the Clackamas County Roadway Standards:
 - 1. Solar energy systems owned and operated by a public entity or utility;
 - 2. Electric vehicle charging stations owned and operated by a public entity or utility; and
 - 3. On-street parking within the UGB.

1007.05 PRIVATE ROADS AND ACCESS DRIVES

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:
 - 1. When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;
 - 2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;
 - 3. Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;
 - 4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
 - 5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.04(D).

1007.06 PEDESTRIAN AND BICYCLE FACILITIES

- A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- B. Pedestrian and Bicycle Facility Design: Pedestrian and bicycle facilities shall be designed to:
 - 1. Minimize conflicts among automobiles, trucks, pedestrians, and bicyclists;
 - 2. Provide safe, convenient, and an appropriate level of access to various parts of the development and to locations such as schools, employment centers, shopping areas, adjacent developments, recreation areas and open space, and transit corridors;

3. Allow for unobstructed movements and access for transportation of disadvantaged persons; and
 4. Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, *Planned Bikeway Network, Urban*, 5-2b, *Planned Bikeway Network, Rural*, and 5-3, *Essential Pedestrian Network*; North Clackamas Parks and Recreation District's (NCPRD) Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.
- C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.06 for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.
- D. Requirement for Sidewalk Construction: Within the UGB, sidewalks shall be constructed, as required in Subsection 1007.06(F), for two-family dwellings, detached single-family dwellings, attached single-family dwellings where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.
- E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.
- F. Sidewalk Location: Sidewalks required by Subsection 1007.06(C) or (D) shall be constructed on:
1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if:
 - a. The road is not a through road;
 - b. The road is 350 feet or less in length and cannot be extended; or
 - c. In consideration of the factors listed in Subsection 1007.04(B)(3).
 2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three

or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed; and

3. Local or collector road street frontage(s) of a lot upon which a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but
 - a. The requirement shall be waived if the dwelling is a replacement for one destroyed by an unplanned fire or natural disaster; and
 - b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.
- G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:
1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;
 2. No sidewalk exists adjacent to the site;
 3. Redevelopment potential along the road is limited; or
 4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.
- H. Sidewalk and Pedestrian Pathway Width: Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, *Minimum Sidewalk and Pedestrian Pathway Width*, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

Table 1007-1: Minimum Sidewalk and Pedestrian Pathway Width

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

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.
 2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign.
 3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This five-foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The landscape strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards.
 4. Uses located in the Campus Industrial, Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.
- I. Accessways: Accessways shall comply with the following standards:
1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length.
 2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, church, daycare center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. Where required, accessways shall be

constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands.

3. An accessway shall include at least a 15-foot-wide right-of-way and an eight-foot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable bollards or other large objects may be used to bar motor vehicular access.
 4. So that they may be safely used at night, accessways shall be illuminated by street lights or luminaires on shorter poles. Separate lighting shall not be required if existing lighting adequately illuminates the accessway.
 5. Fences are not required, but the height of a fence along an accessway shall not exceed six feet.
 6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process.
- J. Accessways in Sunnyside Village: The following standards apply in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, hereinafter referred to as Sunnyside Village. Where these standards conflict with Subsection 1007.06(I), Subsection 1007.06(J) shall take precedence.
1. A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, church, daycare facility, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.
 - a. An accessway shall include at least 15 feet of right-of-way and a 10-foot-wide paved surface.
 - b. Accessways shall be illuminated so that they may be safely used at night.
 - c. The maximum height of a fence along an accessway shall not exceed four feet.
 - d. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.
 - e. The designated east-west pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the County. Planting areas adjacent to the easement with street trees should be provided along at least

one side of this accessway. However, alternatives to this standard may be considered through design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.

K. Bikeways: Bikeways shall be required as follows:

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

L. Trails:

Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, *Open Space Network & Recreation Needs*; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.

M. Trails and Pedestrian Connections in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.06(M) shall take precedence.

1. An interconnecting system of trails and accessways throughout Sunnyside Village shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the resource protection areas.
2. The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school, and to adjacent commercial and residential developments.
3. There also shall be an east-west accessway between 142nd Avenue and 152nd Drive, south of Sunnyside Road and north of Oregon Trail Drive.

4. The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.
 5. All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to NCPRD in conjunction with development. These connections shall be maintained by and constructed to the standards established by NCPRD.
 6. The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner.
- N. Pedestrian and Bicycle Circulation: The pedestrian and bicycle circulation connections shown on Comprehensive Plan Maps X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*, X-CRC-7, *Clackamas Regional Center Area Design Plan Pedestrian and Bicycle Circulation Network*, and X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, shall be provided.

1007.07 TRANSIT AMENITIES

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

1007.08 STREET TREES

- A. Within the Portland Metropolitan Urban Growth Boundary, street trees are required on all road frontage—except frontage on private roads or access drives—for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:
1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.
 2. Street trees to be planted shall be chosen from a County-approved list of street

trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development. Trees listed in Table 1007-2, *Prohibited Street Trees*, shall not be planted as street trees.

3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.
4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.
5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.

Table 1007-2: Prohibited Street Trees

Scientific Name	Common Name	Reason for Prohibition
Acer macrophyllum	Big-leaf Maple	Leaves block drainage; Roots buckle sidewalks
Acer negundo	Box Elder	Insect prone; Weak wood
Acer saccharinum	Silver Maple	Shallow roots; Weak wood
Aesculus hippocastanum	Common Horsechestnut	Messy fruits
Betulus species	Birches	Insect prone; Weak wood
Carya species	Hickories	Fruits cause litter and safety problems
Catalpa species	Catalpas	Seed pods cause litter problem
Corylus species	Filberts	Fruits cause litter and safety problems
Crataegus species	Hawthorns	Thorns; Fruits cause litter and safety problems
Fraxinus species	Ashes	Seed pods cause litter problem

Scientific Name	Common Name	Reason for Prohibition
Gleditsia triacanthos	Honey Locust (species, does not include horticultural variants)	Seed pods cause litter problem
Juglans species	Walnuts	Fruits cause litter problem
Morus species	Mulberries	Fruits cause litter and safety problems
Populus species	Poplars	Shallow roots; Weak wood
Robinia species	Locusts	Weak wood; Suckers
Salix Species	Willows	Shallow roots; Weak wood
Ulmus fulva	Slippery Elm	Insect prone; Shallow roots; Weak wood
Ulmus pumila	Siberian Elm	Shallow roots; Weak wood

B. Street trees required for developments in the Clackamas Regional Center Area, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*, shall comply with the following standards:

1. Street trees are required along all streets, except for drive aisles in parking lots.
2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.
3. Street trees are required along private access streets under the following conditions:
 - a. On both sides when the access point is a signalized intersection;
 - b. On both sides when the street section has four or more lanes at the access point;
 - c. On both sides when the private street is developed to comply with building orientation standards;

- d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1700.03(C) and 1700.04(B); and
 - e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.
4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11, *Clackamas Regional Center Area Design Plan Fuller Road Station Community, Type "E" Pedestrian/Bicycle Connection*, for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.08(A) and (B).
- C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.
- D. Street trees are required for developments in the Sunnyside Village Community Plan area, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, along both sides of all connector and local streets, and as set forth in Subsection 1007.11~~0~~. In addition:
- 1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are required. If a larger canopy (greater than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.
 - 2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.
 - 3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Landscape

strips or tree wells are required along streets with a classification below connector status.

1007.09 TRANSPORTATION FACILITIES CONCURRENCY

- A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrently with the new development it is required to serve or, within a reasonable period of time following the approval of new development.
- B. Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.
- C. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
 - 1. Development that is located:
 - a. In the Light Industrial, General Industrial, or Business Park District; and
 - b. North of the Clackamas River; and
 - c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and
 - d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and
 - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).
 - 2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;
 - 3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
 - 4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;
 - 5. Home occupations to host events, which are approved pursuant to Section 806; and
 - 6. Development in the Government Camp Village, as shown on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan Land Use Plan &*

Boundary, that is otherwise consistent with the Comprehensive Plan and zoning designations for the Village.

- D. As used in Subsection 1007.09(C), “adequate” means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS) , as established by Comprehensive Plan Tables 5-2a, *Performance Evaluation Measures for the Urban Area*, and 5-2b, *Performance Evaluation Measures for the Rural Area*.
- E. For the purpose of calculating capacity as required by Subsections 1007.09(C) and (D), the following standards shall apply:
 - 1. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards, except that the method of calculating capacity on state facilities is established by the Oregon Highway Plan.
 - 2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards.
 - 3. Capacity shall be evaluated for motor vehicle traffic only.
- F. As used in Subsection 1007.09(C), “timely” means:
 - 1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
 - 2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;
 - 3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction’s capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
 - 4. Alternatively, “timely” means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
 - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:

- i. Complete the necessary improvements; or
 - ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance~~104~~. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.
 - 5. For a phased development, the first phase shall satisfy Subsections 1007.09(F)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:
 - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.
 - b. Necessary improvements for a particular phase shall either:
 - i. Comply with Subsections 1007.09(F)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or
 - ii. Comply with Subsection 1007.09(F)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.
- G. As used in Subsection 1007.09(F), "necessary improvements" are:
- 1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.09(D).
 - a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
 - b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

- H. As an alternative to compliance with Subsection 1007.09(C), the applicant may make a voluntary substantial contribution to the transportation system.
1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
 - a. A complete project or a segment of a roadway identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*, 5-3b, *Preferred Capital Projects*, or 5-3c, *Long-Term Capital Projects*; the Statewide Transportation Improvement Plan (STIP); or the capital improvement plan (CIP) of a city or another county.
 - i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in Comprehensive Plan Table 5-3a, 5-3b, or 5-3c; the STIP; or the CIP of a city or another county—will be completed within five years;
 - b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards;
 - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1st of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in the County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:
 - i. $\text{Change in Average Market Value} \times 0.50 + \text{Change in Construction Cost Index} \times 0.50 = \text{Minimum Construction Cost Adjustment Factor}$
 - ii. After the adjustment factor is applied to the previous year’s minimum construction cost, the result shall be rounded to the nearest thousand.
 2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
 - a. Complete the substantial contribution; or
 - b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit,

performance bond, or other surety satisfactory to county staff pursuant to Section ~~1311~~~~H04~~. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

1007.10 FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007; located within the Portland Metropolitan Urban Growth Boundary (UGB) and required for a partition, a two- or three-family dwelling (where no more than one such dwelling is proposed), an attached or detached single-family dwelling, or a manufactured dwelling; the developer may elect to pay a fee in lieu of construction as follows.

- A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local or collector road that is not identified on Comprehensive Plan Map 5-3, *Essential Pedestrian Network*, and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or
- B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map 5-3; payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met:
 - 1. The improvements are included in the Five-Year Capital Improvement Program;
 - 2. The improvements are located on a road where significant topographical or natural feature constraints exist; or
 - 3. The improvements are located on a local or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements.
- C. For a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling, the fee in lieu of construction shall be \$25.00 per lineal foot of frontage. The fee shall be adjusted annually to account for the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index. The annual adjustment shall be made in January on the date that the ENR publishes its first index of the year.
- D. For a partition, a three-family dwelling, or an attached single-family dwelling where three or more dwelling units are attached to one another, the fee in lieu of

construction shall be equal to the estimated cost of constructing the required frontage improvements and shall be calculated as follows.

1. A frontage improvement cost construction estimate acceptable to the Department of Transportation and Development shall be completed by an engineer who is registered by the State of Oregon.
 2. The elements to be considered when calculating the fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, curb, sidewalk, and retaining wall.
- E. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local or collector roads within the UGB.

1007.1~~10~~ STREETS AND SIDEWALKS IN SUNNYSIDE VILLAGE

The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.1~~10~~ shall take precedence.

- A. Connector streets with bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four- to five-foot-wide planting strips, two four-foot-wide bike lanes, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 61 to 63 feet, depending on the planting strip width. If commercial/retail are adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-1, *Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes.*)
- B. Connector streets without bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four- to five-foot-wide planting strips, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 53 to 55 feet, depending on the planting strip width. If commercial/retail is adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-2, *Sunnyside Village Plan Connector Street with Planting Strips.*)
- C. Local streets shall include two eight-to-nine-foot-wide travel lanes, two six-inch-wide standard curbs, one eight-foot-wide parking strip, two five-foot-wide sidewalks, and two four-foot-wide tree planting strips. The right-of-way width shall be 43 to 45 feet. (See Comprehensive Plan Figure X-SV-5, *Sunnyside Village Plan Local Street with Planting Strips.*)

Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.

- D. 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.
- E. New street connections and private access driveways should be located along arterial and collector roadways within Sunnyside Village to provide safe and efficient traffic operations. New street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3, *Sunnyside Village Plan Street Classifications*. New street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline.

New individual driveway connections shall not be permitted along arterial and collector roadways. The removal and/or consolidation of existing private driveways on arterial and collector streets should be investigated as redevelopment of properties occurs.

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

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

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

diverters should consist of low raised curbs and/or special paving. The travel lane within the circle should allow for easy merging.

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

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

- I. Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.
- J. For properties with frontage along 152nd Drive, adjacent to the proposed realignment of 152nd Drive, the applicant's share of costs associated with the realignment of 152nd Drive shall be limited to the dedication of required on-site right-of-way for the realignment of 152nd Drive as a collector street, and the guarantee of financing for the required on-site improvements, to collector-street standards, according to the requirements of the County Engineering Division.

1007.1~~2~~¹ VACATIONS

Road and Access Easement Vacations: In the RTL and CC Districts, road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.

1007.1~~3~~² TRAFFIC MANAGEMENT PLANS

In the OA and VO Districts, a traffic management plan shall be submitted with each development application. The plan shall address, but is not limited to, the following traffic management mechanisms:

- A. Physical site controls on existing traffic;
- B. P.M. peak hour existing traffic limitations;
- C. Traffic monitoring;
- D. Restrictions on the number of parking spaces;
- E. Transportation/transit information center;

F. Flextime, staggered working hours; and

G. Carpool and vanpool spaces and similar ride share programs.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14]

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.
 - 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	15 percent
OC, OA, RCHDR	20 percent
MR-1, HDR, PMD, MRR, MR-2, CI, VTH, VA	25 percent
HR	25 percent for the development of conditional uses
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

¹ In the SCMU District, the minimum shall be 15 percent for developments of three-family or multifamily dwellings, including mixed-use developments that include these uses.

² In Government Camp, the minimum shall be 10 percent, except that there shall be no minimum for properties with frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street, where public plazas are provided in compliance with Subsection 1009.12(A).

- 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 1009.09, as well as outdoor recreational areas in the ~~MRR 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.
 - 1. In the Clackamas Regional Center Area, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors, and Station Community*, pedestrian amenities used to meet the minimum landscaped area required by Table 1009-1 shall comply with the following standards:
 - a. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.
 - b. Pedestrian areas shall include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with seating; and drinking fountains.

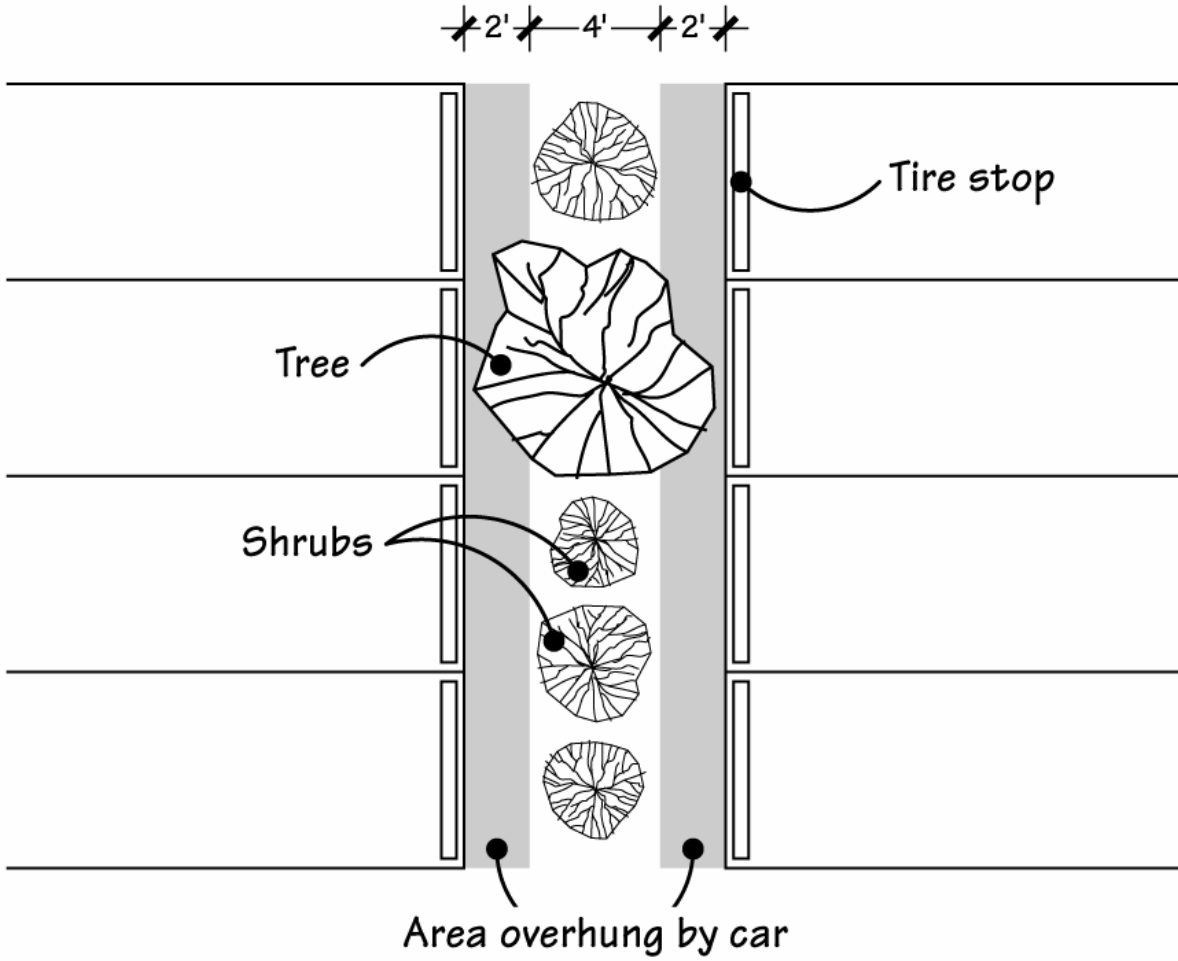
- H. Area occupied by walls, fences, or trellises constructed to comply with Subsections 1009.04 and 1009.05 shall count toward the minimum landscaped area required by Table 1009-1.
- I. In ~~the MR-1, MR-2, and HDR~~Medium, Medium-High, and High Density Residential Districts, the following may comprise 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:

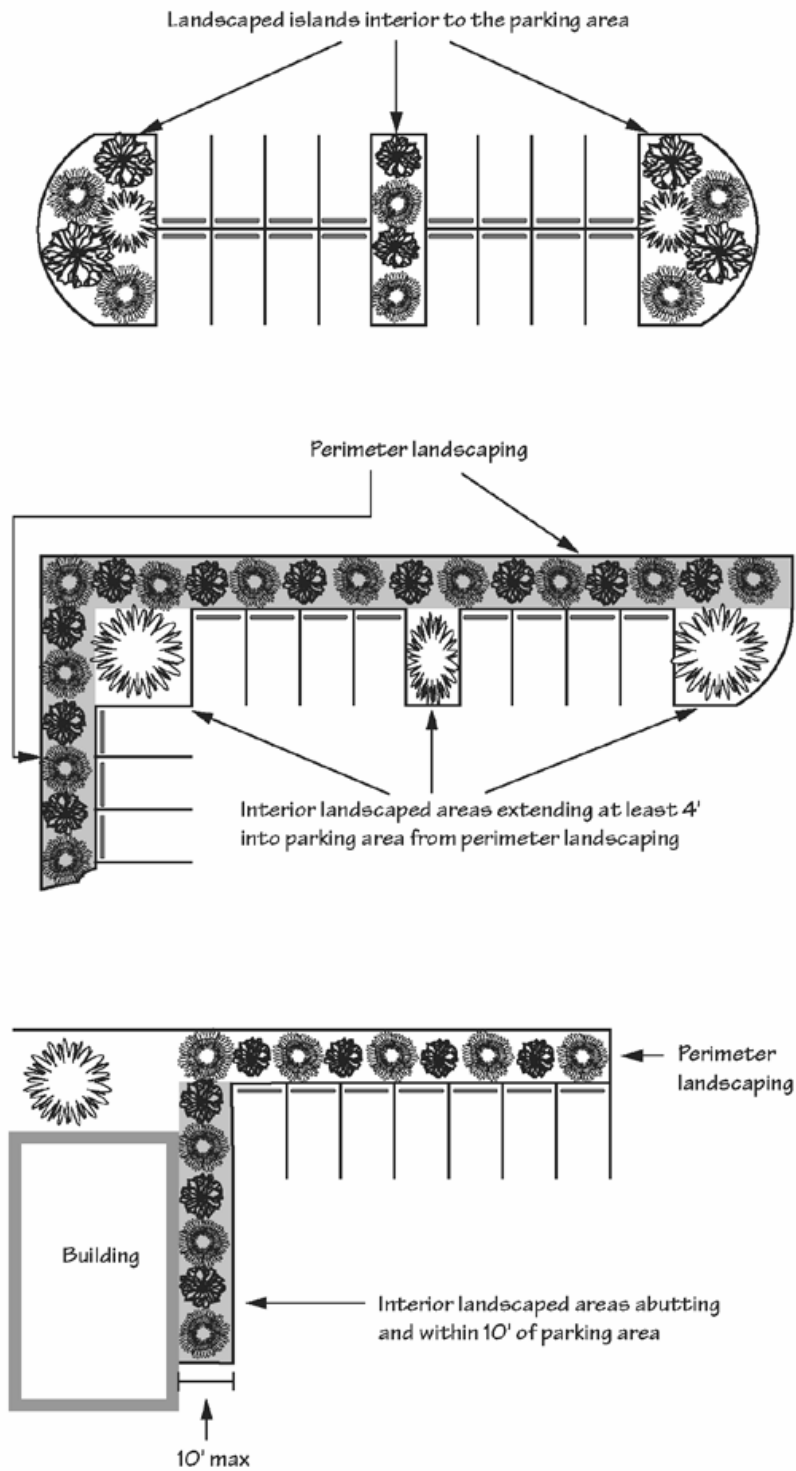
- A. Surface parking areas that include more than 15 parking spaces shall comply with the following landscaping requirements:
 1. Twenty-five square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the standard shall be reduced to 20 square feet 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;
 - 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), and Village Office (VO)~~ Districts, where a minimum of one tree shall be located every six interior parking spaces.
 - a. Where necessary to accommodate other design considerations, variable spacing of the trees required by Subsection 1009.04(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, and VO Districts, the minimum width shall be 10 feet;
 - b. In the BP and LI Districts, the minimum width shall be 15 feet abutting a front lot line; and
 - c. In the GI District, the minimum width shall be 10 feet abutting a front lot line.
 2. The required landscaping strips shall comply with the following standards:
 - a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or a berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior side of the landscaping strip.
 - 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, VR-5/7, VR-4/5, Recreational Residential, RA-1Rural Area Residential 1 Acre, RA-2Rural Area Residential 2 Acre, RR, RRFF-5Rural Residential Farm Forest 5-Acre, FF-10Farm Forest 10-Acre, FU-10, or HRHoodland 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 SCENIC ROADS

In the RA-1, RA-2, RRF-5, FF-10, FU-10, MRR, and HR Districts, 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.

1009.07 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.

1009.08 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.

1009.09 OUTDOOR RECREATIONAL AREAS

An outdoor recreational area shall be provided in developments of two-family, three-family, or multifamily dwellings in the ~~MR-1 Medium Density Residential~~, ~~MR-2 Medium High Density Residential~~, and ~~HDR High Density Residential zoning~~ districts, and in developments of three-family or multifamily dwellings, including mixed-use developments that include these uses, in the SCMU 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. However, in the SCMU District:
 - 1. The requirement shall apply only to the first 20 dwelling units per acre, or prorated equivalent thereof; and
 - 2. The amount of required outdoor recreational area may be reduced, to the minimum extent necessary, if—when combined with the minimum landscaping requirements of Subsections 1005.10(L), 1009.04, and 1009.05—full compliance would result in landscaping more than 15 percent of the lot.
- 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.

1009.10 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.

1009.11 PLANTING AND MAINTENANCE

- A. Impervious weed barriers (e.g, plastic sheeting) are prohibited.
- B. Plants shall not cause a hazard. Plants over walkways, sidewalks, pedestrian pathways, and seating areas shall be pruned to maintain a minimum of eight feet below the lowest hanging branches. Plants over streets 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 [1311404, Completion of Improvements, Sureties, and Maintenance](#), 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 1009.11(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.

1009.12 GOVERNMENT CAMP RTC DISTRICT STANDARDS

Subsection 1009.12 applies in Government Camp in the RTC District. Where these standards conflict with other provisions in Section 1000, *Development Standards*, Subsection 1009.12 shall take precedence.

A. Landscaping and Plaza Space: Development with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street may provide a combination of landscaping and onsite public plaza space. Plaza space shall be permanent space open to the public. The plaza space shall be integrated into the development and be both accessible and visible from Government Camp Loop or Little Trail where there is no frontage on Government Camp Loop. The following requirements shall apply along Government Camp Loop from Wy'East Trail to Olive Street and along Little Trail from Olive Street to Church Street, if plazas are established to comply with the landscaping requirements.

1. Square footage required: A minimum of 100 square feet of plaza space may be provided for developments with up to 1,999 square feet. Developments 2,000 square feet and larger may provide a minimum of 150 square feet. This shall be developed as one contiguous space. Developments 5,000 square feet and larger may develop the plaza as two separate plazas.
2. Plaza surface materials: Surface materials shall consist of textured concrete, concrete mixed with aggregate, rock, rock veneer, pavers, bricks, or wood. No asphalt is permitted.
3. Plaza landscaping: Ten percent of the total plaza area shall be landscaped with planters and/or hardy native vegetation.
4. Seating: A minimum of three permanent adult seating spaces shall be provided in the plaza for developments with up to 1,999 square feet of floor area. One additional seating space shall be provided for each 1,000 square feet of development. Seating spaces shall be constructed of wood, wrought iron, rock, rock veneer, or textured concrete.
5. Garbage receptacles: At least one garbage receptacle shall be provided in the plaza. Receptacles shall be clad in wood or stone.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14]

1013 PLANNED UNIT DEVELOPMENTS

1013.01 PURPOSE

Section 1013 is adopted to:

- A. Encourage a creative approach in the development of land and an efficient, aesthetic, and desirable use of open area, while maintaining the same population density permitted in the zoning district in which the project is located;
- B. Allow flexibility in design, placement of buildings, use of open space, circulation facilities, and off-street parking areas;
- C. Utilize the potential of sites characterized by special features of geography, topography, size, and shape; and
- D. Allow a mixture of densities between zoning districts when more than one district is included in the development.

1013.02 APPLICABILITY

- A. Planned unit developments may be established in urban and rural residential, commercial, or industrial districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purpose of Section 1013. Notwithstanding the preceding statement, planned unit developments are not permitted in the FU-10 District.
- B. Developments on property in an Urban Low Density Residential, MRR, or HR District shall be developed as planned unit developments when at least one of the following criteria applies:
 - 1. The site is larger than one acre and 10 percent or more of the site is designated Open Space on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*; X-MH-1, *Resource Protection Open Space*; X-MH-2, *Resource Protection Open Space*; X-MH-3, *Resource Protection Open Space*; or X-MH-5, *Government Camp Village Plan Resource Protection Open Space*; or
 - 2. The proposed development includes attached single-family dwellings on more than 20 percent of the proposed lots. Developments in the R-2.5 District are exempt.

1013.03 PRIMARY USES

- A. Uses listed as primary uses in the zoning district in which the development is located.

1013.04 ACCESSORY USES

- A. Recreational facilities, including, but not limited to, tennis courts, swimming pools, and playgrounds;
- B. Open space uses, including, but not limited to, nature trails, bird sanctuaries, and nature conservatories;
- C. Offices, buildings, and facilities required for the operation, administration, and maintenance of any planned unit development and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas; and
- D. Bus shelters, subject to Section 823.

1013.05 CONDITIONAL USES

- A. In a residential zoning district, the following are conditional uses, approval of which is subject to Section 1203.
 - 1. Churches, subject to Section 804;
 - 2. Schools, subject to Section 805;
 - 3. Libraries;
 - 4. Community halls;
 - 5. Convenience establishments of a commercial and service nature, including stores, laundry and dry-cleaning agencies and establishments, beauty shops, barber shops, and convenience grocery stores (but specifically excluding gas stations, repair garages, and drive-through eating and drinking establishments) provided:
 - a. Such convenience establishments shall be an integral part of the general plan of development for the planned unit development and provide facilities related to the needs of the prospective residents.
 - b. Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of one-half acre per 100 dwelling units.
 - c. Such convenience establishments shall be located, designed, and operated to efficiently serve frequent trade and service needs of persons residing in the planned unit development and not persons residing elsewhere.
 - d. Such convenience establishments shall not, by reason of their location, construction, manner or hour of operation, signs, lighting, parking

arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the zoning district or create traffic congestion or hazards to vehicular or pedestrian traffic.

- e. Such convenience establishments are prohibited unless existing as a part of a planned unit development of a minimum of 100 dwelling units. No building permit for any convenience establishment shall be issued until a minimum of 100 dwelling units are constructed within a development.

1013.06 DIMENSIONAL AND DEVELOPMENT STANDARDS

- A. General: If the standards of Section 1013 conflict with other provisions in Section 1000, *Development Standards*, Section 1013 shall take precedence.
- B. 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.
- C. Lot Arrangement: All lots within the development shall have reasonable access to open space or recreation areas.
- D. Minimum Lot Size:
 - 1. Designated nonresidential tracts are exempt from the specified minimum lot size.
 - 2. The maximum density permitted under Section 1012, *Density*, shall not be exceeded.
 - 3. Minimum lot sizes for each zoning district apply as follows. There is no minimum lot size where none is specified. Notwithstanding the remainder of Subsection 1013.06(D)(3), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres in the following zoning districts: RA-1, RA-2, RRFF-5, FF-10, RC, and RI.
 - a. VTH District: 2,000 square feet
 - b. VR-4/5 District: 2,000 square feet
 - c. VR-5/7 District: 4,000 square feet
 - d. RR, RA-2, RRFF-5, and FF-10 Districts: Two acres, except that the minimum lot size in the RRFF-5 and FF-10 Districts within the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy shall be five acres.

- E. Maximum Number of Lots: In the RA-2, RR, RRFF-5, and FF-10 Districts, the number of residential lots in a planned unit development shall not exceed 10.
- F. Open Space:
1. A minimum of 20 percent of the gross site area shall be open space.
 2. Open space tracts may include bicycle or pedestrian trails; natural or landscaped buffer areas; covered bus stops; significant natural vegetation or landscape features; and community recreation facilities, such as tennis courts, recreation buildings, or swimming pools.
 3. Open space shall not include parking areas, except those areas in conjunction with recreation facilities, or roadways.
 4. Filling or placement of debris within the open space area is prohibited, unless specifically authorized by the Planning Director.
 5. Private vehicle access easements serving neighboring properties are prohibited within the open space area.
 6. Developments shall be designed so that no dwelling unit is located more than 1000 feet from an open space area.
 7. Individual open space areas should be large enough to be usable unless the open space is intended to protect significant natural features from impacts associated with use or development. As a guideline, a minimum of 5,000 square feet is suggested.
 8. Prior to final plat approval, all improvements associated with the open space, such as recreation centers, swimming pools, and tennis courts, shall be constructed or a surety shall be provided to the County pursuant to Section ~~1311+104~~, *Completion of Improvements, Sureties, and Maintenance Bonding*.
- G. Community Services:
1. The County may request the dedication of proposed open space land which is reasonably suited for use as a County or North Clackamas Parks and Recreation District (NCPRD) park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the County or NCPRD to maintain such parks.
 2. Planned unit developments of 250 lots or dwelling units shall be required to dedicate land for school uses when determined necessary to meet the needs of the school district. This dedicated land may be calculated as part of the required open space.

H. Minimum Yard Requirements:

1. Perimeter Yard Depths: Yard depths from lot lines on the perimeter of the plat shall be the same as are required in the applicable zoning district.
2. Minimum Side Yard Depth: None.
3. Minimum Front Yard Depth: 20 feet, except where the applicable zoning district permits a smaller front yard depth.
4. Minimum Rear Yard Depth: None.

I. Maximum Lot Coverage: In the Urban Low Density Residential Districts, the maximum lot coverage shall be 65 percent.

J. Parking:

1. A minimum of two off-street parking spaces per dwelling unit shall be provided.
2. Off-street parking may be provided on each lot or in parking areas in proximity to the dwelling units they serve.
3. Guest parking may be required after consideration of street type, width, traffic volume, transit amenities, and pedestrian circulation.
4. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, recreational vehicle parking shall be located so as to be compatible with the surrounding development. If located on the perimeter of the development, it shall be screened from adjacent properties.

K. Homeowners Association:

1. A nonprofit incorporated homeowners association, or an alternative acceptable to the Office of County Counsel, shall be required if other satisfactory arrangements, such as a County service district, have not been made for ownership of, improving, operating, and maintaining common facilities, including open space, roads, drives, service and parking areas, and recreation areas, and for snow removal and storage. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the Office of County Counsel:
 - a. A homeowners association shall be incorporated prior to approval and recording of the final plat, or any portion thereof.
 - b. Membership shall be mandatory for each home buyer and any successive

buyer.

- c. The open space restrictions and homeowners association shall continue in perpetuity, unless the planned unit development approval is modified pursuant to Section 1309, or a new application provided for by this Ordinance is filed and approved.
 - d. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners shall pay their pro rata share of the cost, or the assessment levied by the association shall become a lien on the property.
 - f. The homeowners association shall be able to adjust the assessment to meet changes needed.
2. An alternative to a homeowners association may include deed restrictions or conservation easements when the County determines such will protect the purpose of this Ordinance and be in the public's interest.

1013.07 REVIEW PROCEDURE

- A. Planned unit developments are subject to review pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats or 1106, Partitions.*

[Amended by Ord. ZDO-248, 10/13/14]

1017 SOLAR ACCESS ~~ORDINANCE~~ FOR NEW DEVELOPMENT

1017.01 PURPOSE

The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

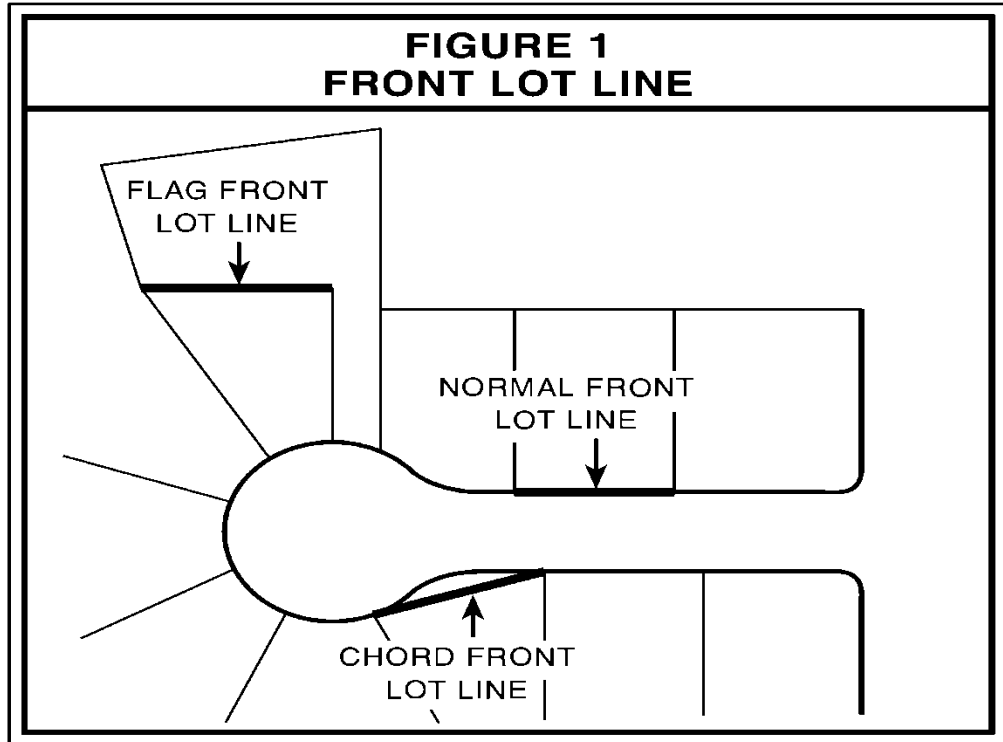
1017.02 APPLICATION OF SECTION

The solar design standard in Subsection 1017.04 shall apply to applications for a development to create lots in VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 zones and for dwellings in any zone, except to the extent the Planning Director finds the applicant has shown that one or more of the conditions listed in Subsections 1017.05 and 1017.06 exist, and exemptions or adjustments provided for therein are warranted.

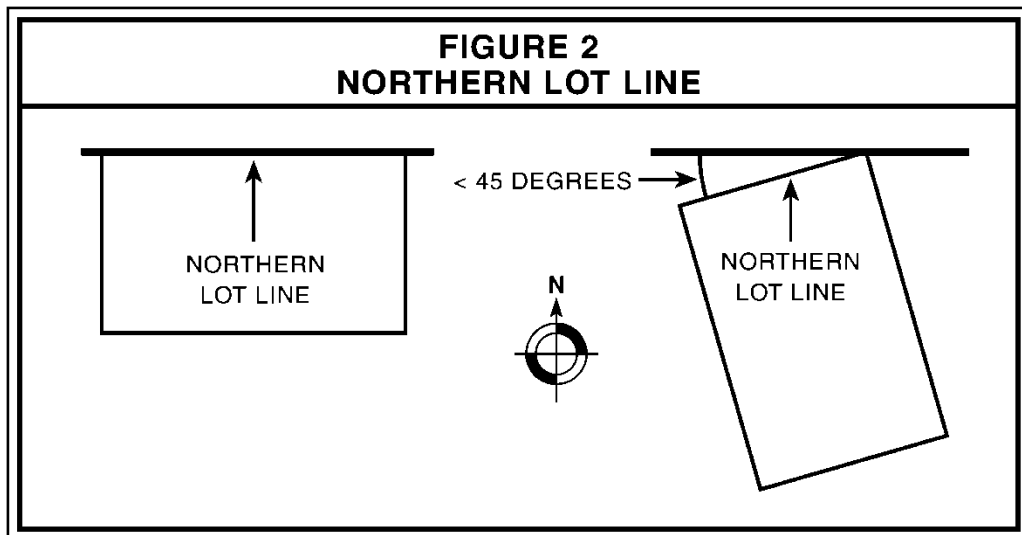
1017.03 DEFINITIONS

Words and terms used in Sections 1017, 1018, and 1019 are defined as follows:

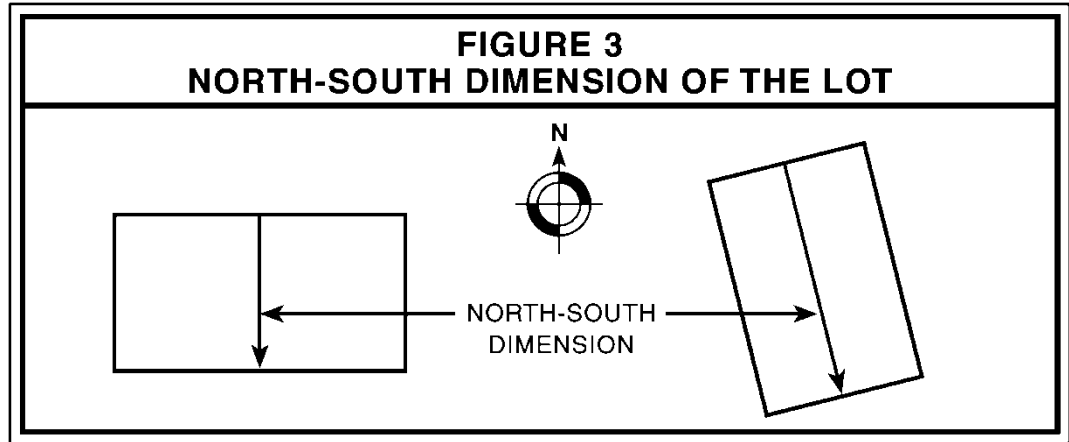
- A. CROWN COVER: The area within the drip line or perimeter of the foliage of a tree.
- B. DEVELOPMENT: Any short plat, partition, subdivision, or planned unit development created under the County's land division or zoning regulations.
- C. EXEMPT TREE OR VEGETATION: The full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; and any vegetation listed as exempt on a plat map, a document recorded with the plat, or a solar access permit.
- D. FRONT LOT LINE: For the purposes of the solar access regulations, a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).



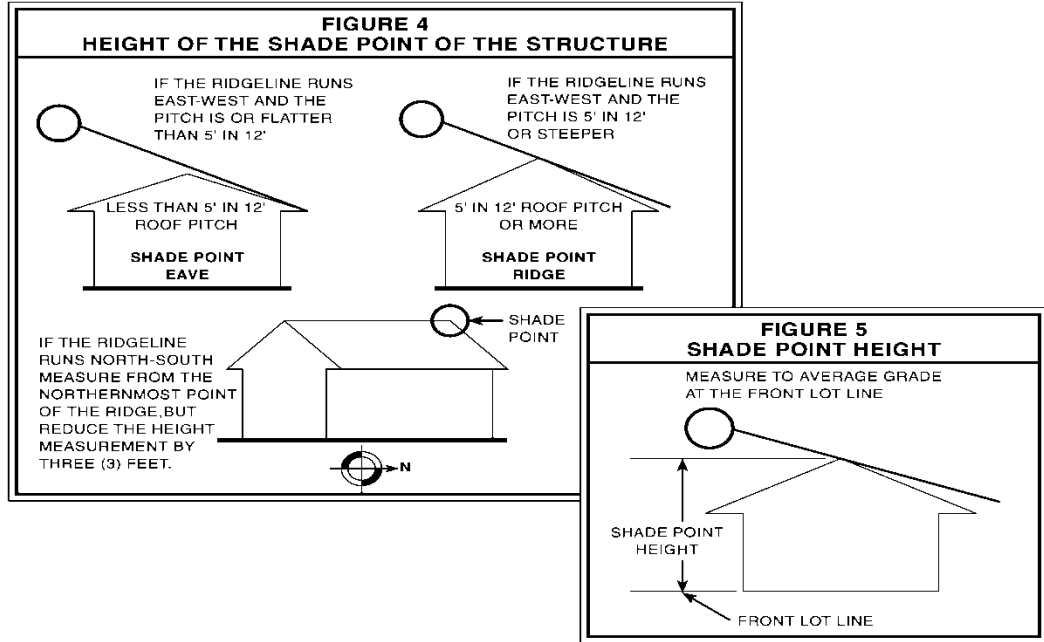
- E. NONEXEMPT TREE OR VEGETATION: Vegetation that is not exempt.
- F. NORTHERN LOT LINE: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line.



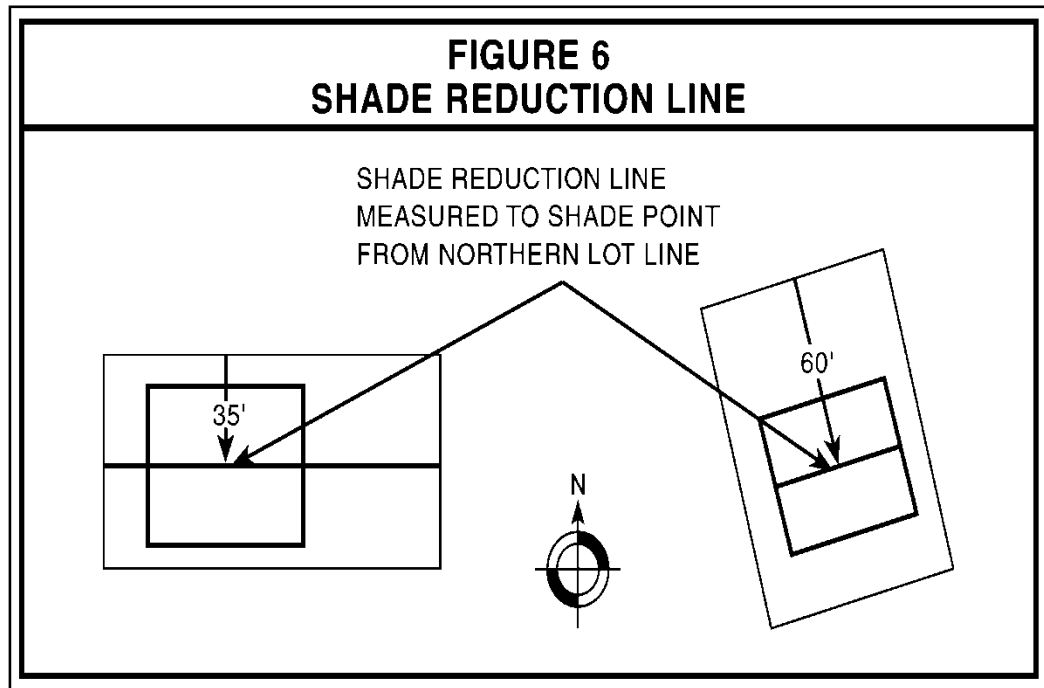
- G. NORTH-SOUTH DIMENSION: The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).



- H. PROTECTED SOLAR BUILDING LINE: A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or nonexempt trees (see Figure 10).
- I. SHADE: A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
- J. SHADE POINT: The part of a structure or nonexempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south, except a shadow cause by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eaves of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

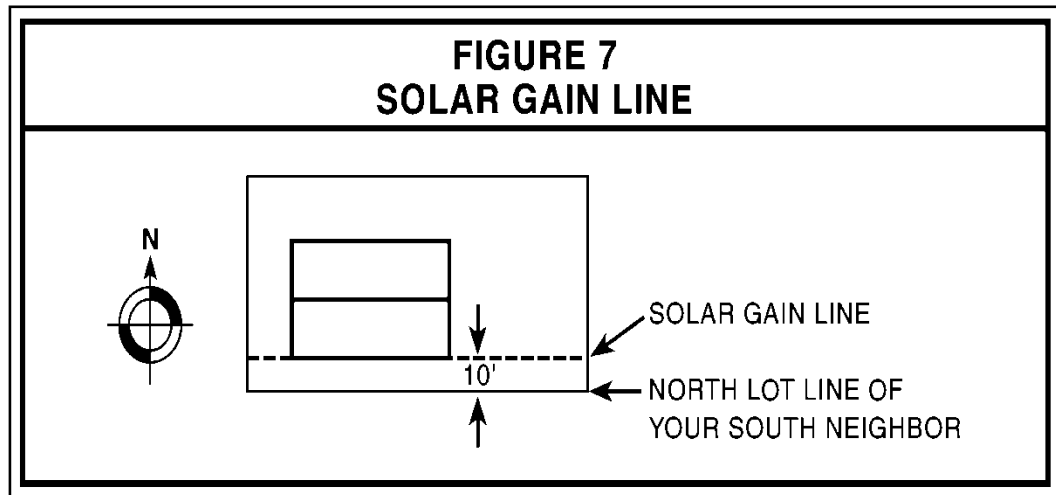


K. SHADE REDUCTION LINE: A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).



L. SHADOW PATTERN: A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).

- M. **SOLAR ACCESS HEIGHT LIMIT:** A series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a Solar Access Permit (see Figure 11).
- N. **SOLAR ACCESS PERMIT:** A document issued by the County that describes the maximum height that nonexempt vegetation is allowed to grow on lots to which a solar access permit applies.
- O. **SOLAR FEATURE:** A device or combination of devices or elements that use or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. Examples of a solar feature include a solar greenhouse, a solar hot water heater, or a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.
- P. **SOLAR GAIN LINE:** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.



- Q. **SOUTH OR SOUTH-FACING:** True south, or 20 degrees east of magnetic south.
- R. **SUNCHART:** One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director (?). The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

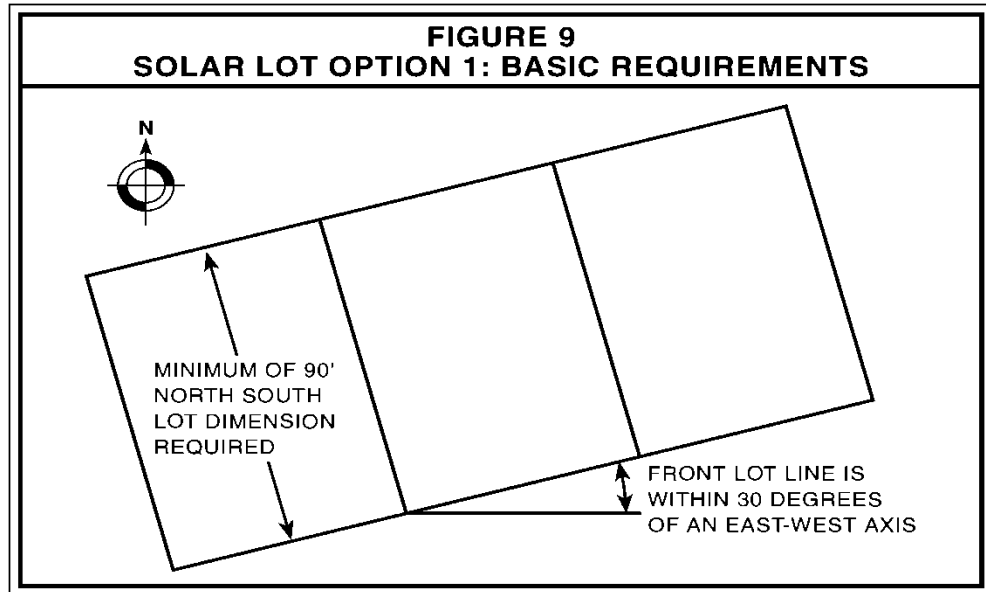
- S. UNDEVELOPABLE AREA: An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

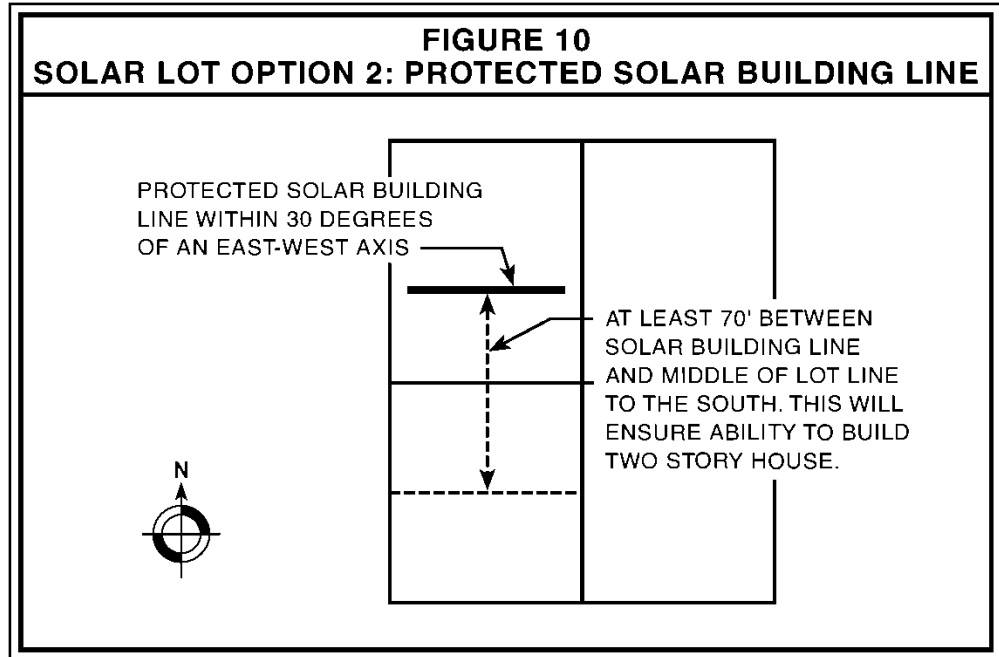
1017.04 DESIGN STANDARD

At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this subsection.

A. Basic Requirement: (See Figure 9). A lot complies with Subsection 1017.04 if it

1. Has a north-south dimension of 90 feet or more; and





2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
- B. Protected Solar Building Line Option: (See Figure 10). In the alternative, a lot complies with Subsection 1017.04 if a solar building line is used to protect solar access as follows:
1. A protected solar building line for the lot to the north is designated on the plat or documents recorded with the plat; and
 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and
 3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
 4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or nonexempt vegetation.
- C. Performance Option: In the alternative, a lot complies with Subsection 1017.04 if:
1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from the shade of structures and nonexempt trees; or

2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of south and protected from the shade of structures and nonexempt trees.

1017.05 EXEMPTIONS FROM DESIGN STANDARD

A development is exempt from Subsection 1017.04 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 1017.04 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site.

If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 1017.04.

- A. Slopes: The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- B. Off-site Shade: The site, or a portion of the site for which the exemption is sought, is within the shadow of off-site features such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.
 1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
 2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
 3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
 4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.
- C. On-site Shade: The site, or a portion of the site for which the exemption is

requested:

1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or
2. Contains nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.
3. Compliance with Subsection 1017.04 would prevent the development from meeting the minimum density provisions in Section 1012.

1017.06 ADJUSTMENT TO DESIGN STANDARD

The Planning Director shall reduce the percentage of lots that must comply with Subsection 1017.04 to the minimum extent necessary if he/she finds the applicant has shown that one or more of the following site characteristics apply:

- A. Density and Cost: If the design standard in Subsection 1017.04 is applied, either the resulting density is less than that proposed, the minimum density is less than that required in Section 1012, or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 1017.04 would reduce density or increase per-lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development.
 1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor.
 2. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.

3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
 4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
- B. Development Amenities: If the design standard in Subsection 1017.04 is applied to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 1017.04 is relevant to whether a significant development amenity is lost or impaired.
- C. Existing Shade: Nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, have a crown cover over at least 80 percent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of nonexempt trees on the site or using an aerial photograph.
1. Shade from nonexempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and the trees do not need to be removed for a driveway or other development.
 2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, the shade is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

1017.07 PROTECTION FROM FUTURE SHADE

Structures and nonexempt vegetation must comply with the Solar Balance Point Ordinance for existing lots (Section 1018) if located on a lot that is subject to the solar design standard in Subsection 1017.04 or if located on a lot south of and adjoining a lot that complies with Subsection 1017.04.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 1017.07. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.

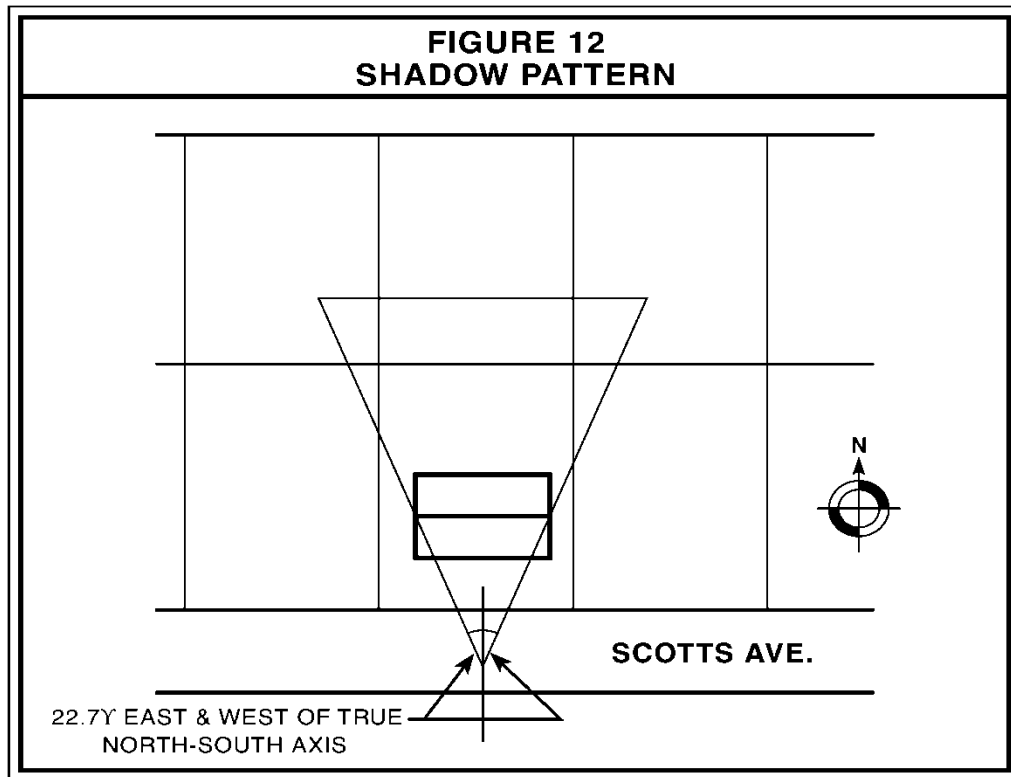
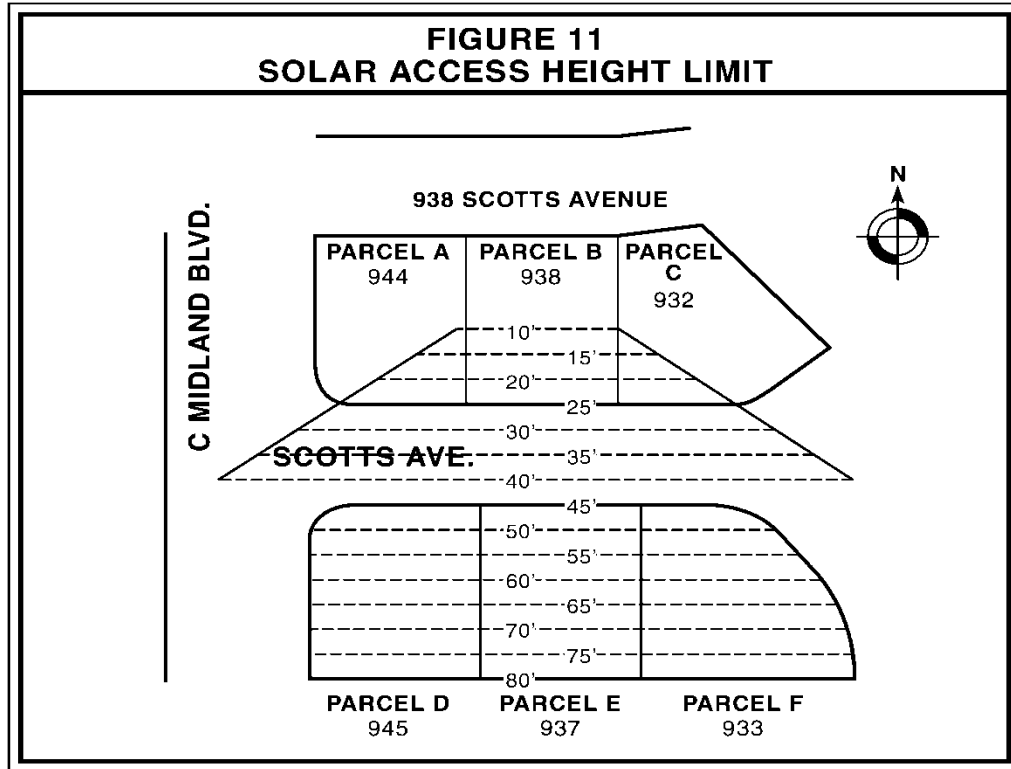
1017.08 APPLICATION

An application for approval of a development subject to this ordinance shall include:

- A. Maps and text sufficient to show the development complies with the solar design standard of Subsection 1017.04, except for lots for which an exemption or adjustment from Subsection 1017.04 is requested, including at least:
 - 1. The north-south lot dimension and front lot line orientation of each proposed lot.
 - 2. Protected solar building lines and relevant building site restrictions, if applicable.
 - 3. For the purpose of identifying trees exempt from Subsection 1017.07, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter, and species, and stating that they are to be retained and are exempt.
 - 4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Subsection 1017.04 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsection 1017.05 and 1017.06, respectively.

1017.09 REVIEW PROCESS

Review of new developments for compliance with these standards shall be a part of the review process stipulated in Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats* ~~and Section 1106~~.



1102 DESIGN REVIEW

1102.01 PURPOSE AND APPLICABILITY

Section 1102 ~~is adopted to provide standards, criteria, and procedures under which design review may be approved. Design review is required for~~applies to all:

- A. ~~De~~development, redevelopment, expansions, and improvements in ~~all~~ commercial and industrial, ~~and multifamily~~ zoning districts, except for uses approved through a zone change to NC District;
- B. Development, redevelopment, expansions, and improvements in the following residential zoning districts: VTH, PMD, MR-1, MR-2, HDR, VA, SHD, RCHDR, and MRR;
- C. The following uses in the Urban Low Density Residential Districts: attached single-family dwellings, two-family dwellings, three-family dwellings, and condominiums;
- D. Attached single-family dwellings in the HR District if three or more dwelling units are attached to one another;
- E. Master plans required pursuant to Subsection 1102.03; and
- F. ~~to O~~ther 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. In addition, in the HR District, Section 1102 applies to attached single-family dwellings if three or more dwelling units are attached to one another and to condominiums.~~

~~1102.02~~ **CRITERIA AND PROCEDURE**

- ~~A. Except as set forth in Subsection 1102.02(F), design review shall require a Type II application pursuant to Section 1307. The proposed development shall be subject to Section 1000, *Development Standards*, the standards of the zoning district in which the subject property is located, and all other applicable provisions of this Ordinance.~~
- ~~B. Where master plan approval is required, application for such approval shall be processed pursuant to Section 1102. Master plan approval shall be required as follows:~~

- ~~1. In the RTL District, a master plan shall be required for phased development and shall be submitted for design review with the application for the first phase of development.~~
- ~~2. In the PMU District, a master plan shall be required for the entire property for which development is proposed and shall address the standards and requirements of this Ordinance. The master plan shall include:
 - ~~a. Estimated square feet or number of units of required uses, and density (floor area ratio or units per acre);~~
 - ~~b. General location of buildings, density (floor area ratio or units per acre), number of stories;~~
 - ~~c. Proposed phasing of the development. Each phase shall demonstrate compliance with the requirements of the PMU District;~~
 - ~~d. A traffic impact study;~~
 - ~~e. Proposed transportation improvements, consistent with the Clackamas Regional Center Area Design Plan, including:
 - ~~i. Traffic impacts of development on the overall street system based on the traffic impact study;~~
 - ~~ii. Private streets, as to be use to meet building orientation requirements; and~~
 - ~~iii. Phasing of streets in coordination with phased development;~~~~
 - ~~f. Parking ratios for surface parking, total number of parking spaces, type; if structured, location and feasibility (dimensions);~~
 - ~~g. Open space and significant natural features to be protected, including designated greenways, wetlands, creeks and streams, riparian habitat, and wooded areas;~~
 - ~~h. Existing or proposed parks; and~~
 - ~~i. A development narrative that demonstrates compliance with the requirements of the PMU District and with the traffic impact study.~~~~
- ~~3. Upon application for development of any portion of the OA District, the applicant shall submit a master plan pursuant to Sections 1000 and 1100 for the site area consisting of all contiguous tax lots designated Office Apartment, to ensure compliance with this Ordinance.~~

- ~~4. Upon application for development of any portion of the VCS District, the applicant shall submit a master plan for the entire site, to ensure compliance with this Ordinance.~~
 - ~~5. Upon application for development of any portion of the VO District, the applicant shall submit a master plan for the entire district, to ensure compliance with this Ordinance.~~
 - ~~6. In the Clackamas Regional Center Area, as shown on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*, a master plan for sites capable of future development shall be submitted for design review with the application for the first phase of development. However, in the RCO District, this requirement is limited to sites larger than two and one-half acres that are capable of future development. The master plan shall address the standards and requirements of this Ordinance, and should include:
 - ~~a. General location of all proposed uses and improvements;~~
 - ~~b. General building dimensions, number of stories, square footage of commercial uses, and number of dwelling units of residential uses;~~
 - ~~c. Internal circulation, including that for auto, transit, pedestrian, and freight service;~~
 - ~~d. Transportation connections to the external street system, including off-site circulation and site access;~~
 - ~~e. Open space and natural features to be protected;~~
 - ~~f. Urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*, that are required on the subject property;~~
 - ~~g. A demonstration that proposed street layout will accommodate future growth; and~~
 - ~~h. General location of public facilities and private utilities.~~~~
- ~~C. 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 recommendation prior to rendering a decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider:~~
- ~~1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements;~~

- ~~2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors;~~
 - ~~3. Visual significance; and~~
 - ~~4. Impact on neighboring properties, particularly where a project is adjacent to a residential area.~~
- ~~D. An application shall be forwarded to the Design Review Committee for review and recommendation if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners.~~
- ~~E. 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.~~
- ~~F. Subsections 1102.02(C) through (E) do not apply to master plan review in the PMU District, which shall instead require a Type III application pursuant to Section 1307.~~
- ~~G. 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.~~~~
- ~~H. If the design review approval is not implemented within the initial approval period established by Subsection 1102.02(G), a two-year time extension may be approved pursuant to Section 1310.~~
- ~~I. Notwithstanding Subsections 1102.02(G) and (H), approval of a master plan in the PMU District is valid for 10 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 ten-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary County development permits shall be obtained and maintained for the development contemplated by the approved master plan.~~

~~J. If the approval of a master plan in the PMU District is not implemented within the initial approval period established by Subsection 1102.02(I), a five-year time extension may be approved pursuant to Section 1310.~~

~~1102.03 DESIGN REVIEW COMMITTEE~~

~~A Design Review Committee shall be established pursuant to Subsection 1307.03 and shall have the responsibilities assigned to it by Section 1102.~~

1102.0~~2~~4 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for design review shall include:

A. A narrative describing the proposed use;

~~B. Calculations demonstrating compliance with the density standards of Section 1012, if applicable;~~

~~BC.~~ An engineering geologic study, if required pursuant to Section 1002, Protection of Natural Features, or 1003, Hazards to Safety;

~~CD.~~ Preliminary statements of feasibility, if required pursuant to Section 1006, Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency;

~~DE.~~ A transportation impact study, if required pursuant to Section 1007, Roads and Connectivity;

~~E. Calculations demonstrating compliance with Section 1012, Density, if applicable;~~

F. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;

G. An existing conditions map of the subject property showing:

1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.

2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
 3. Drainage;
 4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003;
 5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
 6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, ~~at a scale of not more than to exceed 1" inch equals 400' feet~~, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
 7. Location of any overlay ~~zoning districts~~ ~~zones~~ regulated by Section 700, ~~Special Districts (e.g. Floodplain Management District, Willamette River Greenway, Historic Landmark)~~;
 8. Noise sources;
 9. Sun and wind exposure;
 10. Significant views; and
 11. Existing structures, impervious surfaces, utilities, landscaping, and easements;
- H. A proposed site plan showing:
1. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties;
 2. Property lines and dimensions for the subject property. Indicate any proposed changes to these;
 3. Natural features to be retained;
 4. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the subject property;
 5. The location of at least one temporary benchmark and spot elevations;

6. Location and dimensions of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings;
 7. Approximate location and size of storm drainage facilities;
 8. Relation to transit; location and dimensions of parking and loading areas, including dimensions of individual parking spaces and drive aisles; bikeways; ~~and~~ bicycle racks; sidewalks; walkways; and pedestrian crossings;
 9. Orientation of structures showing windows and doors;
 10. Location and type of lighting;
 11. Service areas for waste disposal, recycling, loading, and delivery;
 12. Location of mail boxes; and
 13. Freestanding signs;
- I. 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;
 - J. Architectural drawings, including:
 1. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs;
 2. Building sections;
 3. Floor plans;
 4. Color and type of building materials; and
 5. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination;
 - K. A general landscape development plan, which shall include the elements required on the proposed site plan and:
 1. Existing plants and groups of plants proposed;
 2. Description of soil conditions; plans for soil treatment such as stockpiling of topsoil or addition of soil amendments; and plant selection requirements relating to soil conditions;
 3. Erosion controls, including plant materials and soil stabilization, if any;

4. Irrigation system (i.e. underground sprinklers or hose bibs);
 5. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and
 6. Open space or recreation areas, if applicable.
- L. In addition to the requirements of Subsection 1102.024(H), the proposed site plan submitted with an application for design review in the PMU District shall include the following:
1. The specific location (footprints) of buildings, orientation, setbacks; and pedestrian amenities provided with buildings;
 2. Specific square feet or number of units for each use, floor area ratios or site coverage, as required in Table 510-3, *Site-Specific Requirements for the PMU District*;
 3. Transportation improvements necessary to meet the conditions of the approved master plan for the subject property;
 4. Parking areas, parking ratios, number of spaces, dimensions, and circulation for structure parking;
 5. Location of public amenities, including the urban design elements required on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*;
 6. Specific internal traffic circulation improvements for all modes of transportation to accommodate projected traffic needs based on the traffic impact study; and
 7. Public facilities and private utilities needs and location.

~~M. An application for design review in the PMU District shall include a development narrative that demonstrates compliance with the requirements of the PMU District and with the traffic impact study.~~

1102.03 APPROVAL CRITERIA

Design review requires review as a Type II application pursuant to Section 1307, Procedures—except that design review of a master plan in the PMU District requires review as a Type III application pursuant to Section 1307—and shall be subject to the following standards and criteria:

- A. The proposed development shall be subject to Section 1000, *Development Standards*, and the standards of the applicable zoning district.

B. Master plan approval shall be required as follows:

1. In the PMU District, a master plan shall be required for the entire property for which development is proposed and shall address the applicable standards of this Ordinance. The master plan shall include:
 - a. Estimated square feet or number of units of required uses, and density (floor area ratio or units per acre);
 - b. General location of buildings, density (floor area ratio or units per acre), number of stories;
 - c. Proposed phasing of the development. Each phase shall demonstrate compliance with the requirements of the PMU District;
 - d. A traffic impact study;
 - e. Proposed transportation improvements, consistent with the Clackamas Regional Center Area Design Plan, including:
 - i. Traffic impacts of development on the overall street system based on the traffic impact study;
 - ii. Private streets, as to be use to meet building orientation requirements; and
 - iii. Phasing of streets in coordination with phased development;
 - f. Parking ratios for surface parking, total number of parking spaces, type; if structured, location and feasibility (dimensions);
 - g. Open space and significant natural features to be protected, including designated greenways, wetlands, creeks and streams, riparian habitat, and wooded areas;
 - h. Existing or proposed parks; and
 - i. A development narrative that demonstrates compliance with the requirements of the PMU District and with the traffic impact study.
2. Upon application for development of any portion of the OA District, the applicant shall submit a master plan pursuant to Sections 1000 and 1100 for the site area consisting of all contiguous tax lots with a Comprehensive Plan land use designation of Office Apartment, to ensure compliance with this Ordinance.

3. Upon application for development of any portion of the VO District, the applicant shall submit a master plan for the entire VO District, to ensure compliance with this Ordinance.
4. In the Clackamas Regional Center Area, as shown on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*, a master plan for sites capable of future development shall be submitted with the design review application for the first phase of development. However, in the RCO District, this requirement is limited to sites larger than two and one-half acres that are capable of future development. The master plan shall address the applicable standards of this Ordinance, and should include:
 - a. General location of all proposed uses and improvements;
 - b. General building dimensions, number of stories, square footage of commercial uses, and number of dwelling units of residential uses;
 - c. Internal circulation, including that for auto, transit, pedestrian, and freight service;
 - d. Transportation connections to the external street system, including off-site circulation and site access;
 - e. Open space and natural features to be protected;
 - f. Urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*, that are required on the subject property;
 - g. A demonstration that proposed street layout will accommodate future growth; and
 - h. General location of public facilities and private utilities.

1102.04 DESIGN REVIEW COMMITTEE

A Design Review Committee shall be established pursuant to Subsection 1307.03 and shall have the responsibilities assigned to it by Subsection 1102.04.

A. The Planning Director may review and render a decision on a Type II application for design review or forward the application to the Design Review Committee for review and recommendation prior to rendering a decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider:

1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements;

2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors;
 3. Visual significance; and
 4. Impact on neighboring properties, particularly where a project is adjacent to a residential area.
- B. An application shall be forwarded to the Design Review Committee for review and recommendation if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners.
- C. The Planning Director may consult with individual members of the Design Review Committee at any point during the evaluation of a design review application or in determining compliance with conditions of design review approval.

1102.05 APPROVAL PERIOD AND TIME EXTENSION

- A. Except as set forth in Subsection 1102.05(B), approval of design review is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
1. Implemented means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the design review approval, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
 - a. A building permit for a new primary structure that was part of the design review approval; or
 - b. A permit issued by the County for parking lot or road improvements required by the design review approval.
- B. Approval of design review for a master plan in the PMU District is valid for 10 years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this ten-year period, the approval shall be implemented, or the approval will become void. Implemented means all necessary County development permits shall be obtained and maintained for the development contemplated by the approved master plan.

C. If the design review approval is not implemented within the initial approval period established by Subsection 1102.05(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.

D. If the approval of a master plan in the PMU District is not implemented within the initial approval period established by Subsection 1102.05(B), a five-year time extension may be approved pursuant to Section 1310.

~~1102.05 — MAINTENANCE~~

~~All approved onsite improvements shall be the ongoing responsibility of the property owner or occupant.~~

~~1102.06 — COMPLIANCE~~

~~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; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

1103 OPEN SPACE REVIEW

1103.01 APPLICABILITY

Section 1103 applies to development that affects an open space resource described in Section 1011, and shown generally on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*, as Resource Protection, Major Hazards, or Public and Community Use Open Space.

1103.02 PROCEDURE

Open space review shall require a Type II application pursuant to Section 1307 and shall be subject to the following:

- A. The required site analysis and development plans shall be reviewed to ensure that all Comprehensive Plan policies, Ordinance, and development standards relevant to the open space resource designation are being satisfied.
- B. The probable impact of the proposed development on relevant natural systems or features, in particular on resources of area-wide significance, shall be evaluated.
- C. The potential for conservation easements, public acquisition, dedication, or any other available means of securing parts of the site as a park, trail, or other open space resource shall be evaluated.
- D. Alternative development proposals that better protect the open space resources through the appropriate use of such techniques as density transfers, commonwall structures, multistory buildings, parking structures, under-structure parking, and reduced parking requirements near transit lines, shall be identified. The intent of this is to assist the applicant in using the various provisions of the Comprehensive Plan, Ordinance, and development standards to achieve the best possible balance of development and open space protection.

1103.03 APPROVAL PERIOD AND TIME EXTENSION

- A. Open space 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 open space review approval, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory

structure) shall be obtained and maintained. A “major development permit” is:

- a. A building or manufactured dwelling placement permit for a new primary structure that was part of the open space review approval; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the open space review approval.
- B. If the open space review approval is not implemented within the initial approval period established by Subsection 1103.03(A), a two-year time extension may be approved pursuant to Section 1310.

1103.04 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for open space review shall include:

- A. Building or manufactured dwelling placement permit submittal requirements for single-family dwellings on lots of record created prior to January 31, 1980, shall include any materials reasonably necessary for adequate review of the project's impact on the open space resource. Examples are:
 1. A site plan showing existing natural features of the subject property and existing development, as well as proposed development, tree cutting activity, or other modification of open space resources; and
 2. Cross-section of any area within the open space resource where terrain modifications will occur.
- B. Submittal requirements for subdivisions and partitions shall be those identified in Section 11056, Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats.
- ~~C. Submittal requirements for planned unit developments shall include a vicinity map and an existing conditions map as required by Subsections 1102.04(F) and (G), in addition to the other requirements set forth in this Ordinance.~~
- CD. Submittal requirements for commercial, industrial, and multifamily developments shall be those identified in Section 1102, Design Review.

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14]

1107 PROPERTY LINE ADJUSTMENTS

1107.01 PURPOSE AND APPLICABILITY

Section 1107 is adopted to provide standards, criteria, and procedures under which a applies to property line adjustments may be approved.

1107.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a property line adjustment shall include a tentative plan for the proposed property line adjustment. The plan shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet and shall include the following information:

- A. Lot line dimensions and size in square feet or acres of the two lots of record that are the subject of the application;
- B. Identification of the area(s) proposed to be adjusted from one lot of record to the other;
- C. North arrow;
- D. Adjacent roads (noting whether public or private), including road names and road rights-of-way or easement widths;
- E. Locations and dimensions of existing and proposed driveways;
- F. Location of wells or name of water district;
- G. Location of on-site wastewater treatment systems or name of sanitary sewer district;
- H. Easements, including widths and types, labeled as existing or proposed, specifically noting whom they serve; and
- I. Existing structures and the distance from each structure to existing and proposed lot lines.

~~1107.02 DEFINITIONS~~

~~A. Property Line Adjustment: A relocation of a common property line between two abutting lots of record, where an additional lot of record is not created, and any existing lot of record reduced in size by the adjustment complies with the provisions of this Ordinance.~~

~~B. Lot of Record: See definition in Section 202. As used in this section, the words~~

~~“lot” and “parcel” are synonymous with the term “lot of record”.~~

- ~~C. Lot: A single unit of land created by the subdivision of land including the recording of an approved subdivision plat under the provisions of Oregon Revised Statutes (ORS) Chapter 92 and Section 1105.~~
- ~~D. Parcel: A single unit of land created by the partitioning of land including the recording of an approved partition plat under the provisions of ORS Chapter 92 and Section 1106.~~
- ~~E. Plat: A final recorded subdivision plat, replat or partition plat consistent with ORS Chapter 92 and this Ordinance.~~
- ~~F. Property Line: The division line(s) between two abutting lots of record.~~
- ~~G. Replat: The act of platting the lots, parcels, tracts and/or easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision or partition.~~
- ~~H. Undersized Lot or Parcel: A lot of record that does not satisfy the district land area requirement established in Subsection 1012.04 or the minimum lot size established in the underlying zoning district. A lot or parcel of land that is less than the district land area requirement or the minimum lot size and approved pursuant to the flexible lot size development provisions of Subsection 1014.04(B) shall not be considered an undersized lot or parcel.~~

1107.03 GENERAL APPROVAL CRITERIA PROVISIONS

~~A property line adjustment requires review as a Type I application pursuant to Section 1307, *Procedures*, except that an application filed pursuant to Subsection 1107.04(B)(2)(b), 1107.04(B)(2)(c), or 1107.04(C)(3) requires review as a Type II application pursuant to Section 1307. A property line adjustment shall be subject to the following standards and criteria~~ Property line adjustments shall be consistent with the following provisions:

- ~~A. A property line adjustment is subject to the minimum and maximum lot size standards of the applicable zoning district, as may be modified pursuant to Subsection 1013.06(D) or 1014.04, except as follows:~~
 - ~~1. If a lot of record is smaller than the minimum lot size standard, as may be modified pursuant to Subsection 1013.06(D) or 1014.04, its size may be reduced, provided that it is not in an EFU, TBR, or AG/F District. Notwithstanding this provision, a lot of record that is larger than 3,000 square feet shall not be reduced to less than 3,000 square feet, unless such a reduction complies with the minimum lot size standard of the applicable zoning district, as may be modified pursuant to Subsection 1013.06(D) or 1014.04.~~

2. If a lot of record is larger than the maximum lot size standard, as modified by Subsection 1014.04, its size may be reduced even if the reduction is not sufficient to comply with the maximum lot size standard.
 3. If a lot of record in an EFU, TBR, or AG/F District is smaller than the minimum lot size standard, its size may be reduced subject to Subsection 1107.04.
- ~~A. Property line adjustments involving lots or parcels of land shall satisfy the setback and lot size provisions of the underlying zoning district except, when located within an urban or rural zoning district, an adjustment between undersized lots or parcels may be granted when the adjustment is consistent with all remaining provisions of this subsection. A lot or parcel exceeding the minimum lot or parcel size of the underlying zoning district shall not be reduced to less than the minimum lot or parcel size of the underlying zoning district. An existing lot or parcel containing at least 3,000 square feet of area shall not be reduced in size such that the resulting size of the lot or parcel is less than 3,000 square feet.~~
- B. Subsequent subdivision or partition (or development of dwelling units subject to Section 1012, *Density*) of a lot of record that was the subject of a property line adjustment shall be limited as follows:
1. A property line adjustment shall not be used to later permit development that exceeds the maximum density established by Section 1012. In calculating density, all lots or parcels (or dwelling units subject to Section 1012) within both lots of record that were the subject of the property line adjustment shall be included.
 2. In a zoning district not subject to Section 1012, a property line adjustment shall not be used to later permit a subdivision or partition that reduces the minimum average lot size below the minimum lot size standard. In calculating the minimum average lot size, all lots or parcels within both lots of record that were the subject of the property line adjustment shall be included.
- CB. A property line adjustment is subject to the minimum yard depth standards of the applicable zoning district, except that if a lawfully established nonconforming yard depth exists, the property line adjustment may be approved if it does not reduce that depth. ~~Property line adjustments involving lots or parcels of land with nonconforming setbacks shall be granted provided the adjustment does not further reduce the setback and the adjustment satisfies the remaining provisions Section 1107. Prior to Planning Director approval of the final property line adjustment record of survey map required pursuant to Subsection 1107.06, yard depths~~Setbacks for all existing structures on the subject property shall be verified by a ~~stamped site plan; or a stamped letter stating that no structures exist, prepared and stamped by an Oregon registered professional land surveyor prior to final Planning Director approval of the required plat or property line adjustment~~ “Record of Survey” map. If no structures exist, the surveyor may submit a

stamped letter so stating.

~~DC.~~ A property line adjustment ~~is shall be~~ prohibited between lots ~~of record or~~ parcels of land separated by ~~a~~ Urban, Rural, Forest, or Agriculture Comprehensive Plan land use plan designation boundary boundaries, as identified on Comprehensive Plan Map IV-3, *Lake Oswego Land Use Plan Map*, IV-4, *West Linn Land Use Plan Map*, IV-5, *Oregon City Land Use Plan Map*, IV-6, *North Urban Area Land Use Plan Map*, or IV-7, *Non-Urban Area Land Use Plan*, and *Mt. Hood Corridor Land Use Plan*, if the boundary separates an Urban, Unincorporated Community, or Rural Plan designation from an Agriculture or Forest Plan designation, except an adjustment may be granted when it results in an increase in the size of ~~the~~ a lot of record with the Agriculture or Forest Plan designation or parcel of land within a natural resource zoning district. ~~However,~~ a Approval of such an adjustment shall not result in a reconfigured lot of record ~~the property~~ qualifying for a ~~rural/natural resource~~ land division pursuant to Subsection 902.01 (B)(5).

~~ED.~~ A property line adjustment ~~is prohibited shall not be permitted~~ between lots ~~of record or~~ parcels of land separated by the Portland Metropolitan Urban Growth Boundary or the unincorporated community boundary of Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, or Zigzag Village ~~Mount Hood urban area village boundary~~.

~~E.~~ A property line adjustment shall not be used to exceed the base density in the underlying zoning district(s).

~~F.~~ A property line adjustment shall not result in the adjustment of a dwelling from one lot of record to the other unless the lot of record receiving the dwelling otherwise complies with all applicable standards of this Ordinance for the siting of a dwelling.

~~F.~~ A property line adjustment application shall not be used to replat duly recorded subdivision or partition plats. For purposes of this section, any proposal to reconfigure property lines within a plat that effectively vacates lots, parcels, tracts, easements, or roads; or increases or decreases the number of lots or parcels; or results in a significant reconfiguration of the plat, as determined by the Planning Director, shall be considered a replat and reviewed pursuant to the subdivision or partition provisions of this Ordinance.

~~G.~~ A pProperty line adjustments shall comply with ~~satisfy the requirements of~~ Oregon Revised Statutes Chapter 92.

1107.04 EFU, TBR, AND AG/F DISTRICT APPROVAL CRITERIA ~~AGRICULTURAL LANDS ZONING DISTRICTS~~

In addition to the standards and criteria in Subsection 1107.03, a property line adjustment in the EFU, TBR, or AG/F District shall be subject to the following

standards and criteria:

- A. A property line adjustment shall not be used to reconfigure a lot ~~of record, parcel,~~ or tract ~~of land~~, the effect of which is to qualify a lot of record, parcel, or tract for the siting of a dwelling.
- B. A property line adjustment for a lot ~~of record, parcel, or tract of land in areas designated Agriculture on Comprehensive Plan Map IV-7, Non-Urban Area Land Use Plan, and Mt. Hood Corridor Land Use Plan,~~ without an approved homestead, nonfarm use, ~~nonforest use, or farm~~ management plan, or forest management plan may be ~~approved~~ permitted pursuant to the following provisions:
1. A property line adjustment for a lot ~~of record, parcel, or tract of land exceeding larger than~~ 80 acres may be approved ~~if when~~ the adjustment does not reduce ~~the lot of record any lot, parcel, or tract of land~~ to less than 80 acres.
 2. A property line adjustment for a lot ~~of record, parcel, or tract of land less smaller~~ than 80 acres may be approved pursuant to the following provisions:
 - a. The property line adjustment will:
 - i. Not reduce ~~the size of the lot of record by an undersized lot, parcel, or tract of land~~ more than five percent; and
 - ii. Only one reduction is approved pursuant to this provision; or
 - b. Both lots of record are in the EFU District and tThe resulting configuration (size) is determined to be at least as appropriate for the continuation of the existing commercial agricultural enterprise on each lot of record property, as compared to the original configuration, ~~provided:; or~~
 - ~~i. It is consistent with applicable provisions of this Ordinance and state regulations; and~~
 - ~~ii. Previous land use decisions, if any, are modified consistent with applicable provisions of this Ordinance; or~~
 - c. Both lots of record are in the EFU District and tThe ~~adjustment undersized lot, parcel, or tract of land~~ complies withsatisfies the provisions for siting a dwelling not in conjunction with a farm use as required by Oregon Administrative Rules (OAR) 660-33-100(711) and Section 401, Exclusive Farm Use District~~the underlying zoning district.~~
- C. A property line adjustment for a lot ~~of record, parcel, or tract of land in areas designated Agriculture on Comprehensive Plan Map IV-7,~~ with an approved

homestead, ~~or nonfarm use~~, or nonforest use may be approved pursuant to the following provisions:

1. Both lots of record~~properties~~ have an approved homestead, ~~or nonfarm use~~, or nonforest use; or
2. The adjustment ~~affects only one property line and~~ does not result in an increase in the size of the homestead, ~~or nonfarm use~~, or nonforest use lot of record~~property~~; or
3. Both lots of record are in the EFU District and tThe adjustment complies with/satisfies the provisions for siting a dwelling not in conjunction with a farm use as required by OAR 660-33-100(~~744~~) and Section 401~~the underlying zoning district~~.

~~1107.05 — FOREST LANDS ZONING DISTRICTS~~

~~A. A property line adjustment shall not be used to reconfigure a lot, parcel, or tract of land, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling.~~

~~B. Property line adjustments for a lot, parcel, or tract of land without an approved homestead, nonforest use, or farm/forest management plan in areas designated Forest on Comprehensive Plan Map IV-7, Non-Urban Area Land Use Plan, and Mt. Hood Corridor Land Use Plan, may be permitted when the adjustment is consistent with these provisions:~~

- ~~1. Property line adjustments for lots, parcels, or tracts of land exceeding 80 acres may be approved when the adjustment does not reduce any lot, parcel, or tract of land to less than 80 acres.~~
- ~~2. Property line adjustments for lots, parcels, or tracts of land less than 80 acres may be approved pursuant to the following provisions:~~

~~a. The property line adjustment will:~~

- ~~i. Not reduce an undersized lot, parcel, or tract of land more than five percent; and~~
- ~~ii. Only one reduction is approved pursuant to this provision.~~

~~C. A property line adjustment for a lot, parcel, or tract of land with an approved homestead or nonforest use in areas designated Forest on Comprehensive Plan Map IV-7 may be approved pursuant to the following:~~

- ~~1. Both properties have an approved homestead or nonforest use; or~~

- ~~2. The adjustment affects only one property line and does not result in an increase in the size of the homestead or nonfarm use property.~~

1107.05 APPROVAL PERIOD

Approval of a property line adjustment is valid for two years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the requirements of Subsection 1107.06(C) shall be satisfied, or the approval will become void.

~~1107.06 SUBMITTAL REQUIREMENTS~~

~~In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a property line adjustment shall include a tentative plan drawn to scale of not less than one inch equals 20 feet nor more than one inch equals 200 feet, and containing at a minimum, the following:~~

- ~~A. Complete names, addresses, and phone numbers of the owners of the tracts to be adjusted;~~
- ~~B. Description of the subject properties by Tax Lot Numbers, Quarter Section, Section, Township, and Range and if available, addresses;~~
- ~~C. Dimensions and size in square feet or acres of all proposed tracts to be adjusted;~~
- ~~D. Identification arrows showing the property proposed to be transferred;~~
- ~~E. Adjacent tracts under the same ownership as the subject properties, including description by Tax Lot Numbers, Quarter Section, Section, Township, and Range and, if available, addresses;~~
- ~~F. North arrow;~~
- ~~G. Adjacent roads (noting whether public or private), including name and road width;~~
- ~~H. Location of wells or name of water district, if applicable;~~
- ~~I. Type of sewage disposal or name of sewer district, if applicable;~~
- ~~J. Zoning;~~
- ~~K. All existing structures on the tracts and their setbacks to property lines. Note whether property lines referred to are existing or proposed;~~
- ~~L. Location of any septic tanks and drainfields;~~

~~M. Natural drainage ways, streams, wetlands, or other significant natural features of the tracts;~~

~~N. Other pending applications, including building permits, on the subject tracts; and~~

~~O. All easements, including widths and types, labeled as existing or proposed, specifically noting the use and whom they serve.~~

1107.067 RECORD OF SURVEY MAP REVIEW PROCESS

If a property line adjustment application is approved, finalizing the adjustment requires the filing of a record of survey map unless the County Surveyor waives this requirement. The applicant shall comply with the following:

~~A. Procedures: An application for a property line adjustment shall be processed as a Type I application pursuant to Section 1307, except that an application filed pursuant to Subsection 1107.04(B)(2)(b), 1107.04(B)(2)(e), or 1107.04(C)(3) shall be processed as a Type II application pursuant to Section 1307.~~

~~B. Approval Period: Approval of a property line adjustment application is valid for two 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 two-year period, the requirements of Subsection 1107.07(E) shall be satisfied, or the approval will become void.~~

AC. Draft Record of Survey Map or Plat: Prior to filing of the final property line adjustment ~~“Record of Survey” map (record of survey map) or reoordation of the final plat~~, a copy of a draft record of survey ~~map or plat~~ shall be submitted to the Planning Director for review.

BD. Final Planning Director Approval of the Record of Survey Map or Plat: If the record of survey ~~map or plat~~ is consistent with the approved tentative plan, and if all conditions of ~~planning~~ approval have been satisfied, the Planning Director shall sign the record of survey ~~map or plat~~.

CE. Filing and Recording of the Record of Survey Map and Deed(s), or Recordation of the Plat: The record of survey ~~map~~ shall be filed with the County Surveyor's Office pursuant to the standards and procedures of that office, ~~the County Code~~ and the relevant provisions of Oregon Revised Statutes (ORS) Chapters 92 and 209. Additionally, revised legal descriptions of the properties affected by the adjustment ~~(for new deeds)~~ shall be prepared by a registered professional land surveyor, refer to the record of survey ~~map~~ that is filed at the County Surveyor's Office, and be recorded with the County Clerk. ~~Alternatively, if required, a plat consistent with the County Surveyor's standards and procedures, County Code, and the relevant provisions of ORS Chapters 92 and 209 shall be recorded with the County Clerk.~~

DF. Deed Requirements: A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to ~~the~~ original recorded documents, and signatures of all parties with proper acknowledgement.

~~G. Building Permits: No building permits shall be issued for a tract that is dependent upon a property line adjustment until the record of survey and the revised legal descriptions of the subject properties have been submitted to the County Surveyor's Office and recorded with the County Clerk, or until the plat is recorded with the County Clerk.~~

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14]

1105 SUBDIVISIONS, PARTITIONS, REPLATS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS

1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, condominium plat, or vacation of a recorded plat may be approved, except:

- A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.07; and
- B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter 97 are exempt from Section 1105. Except as may be otherwise required by Section 808, Oregon Revised Statutes Chapter 97, or other applicable regulations, Section 1105 applies to subdivisions, including subdivisions for cemetery purposes.

~~1105.02 GENERAL PROVISIONS~~

- ~~A. Subdivisions shall comply with this Ordinance and Oregon Revised Statutes Chapter 92.~~
- ~~B. Subdivisions are subject to Section 1000.~~

1105.023 SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, or replat shall include:

- ~~A. Applications shall include Five~~²⁰ copies of ~~the~~ preliminary plat for the proposed subdivision, partition, or replat. The preliminary plat shall prepared by an Oregon registered professional engineer or professional land surveyor; be drawn to a scale of not less than one inch equals ~~250~~ feet ~~and not~~^{or} more than one inch equals 200 feet. If the preliminary plat ~~is drawings are~~ larger than 11 inches by 17 inches, ~~a minimum of~~ five reduced-sized, legible copies of the preliminary plat shall be submitted on eight-and-one-half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be ~~included~~^{provided} on the preliminary plat or by separate ~~attachment~~^{cover}:

- ~~1. Complete names, addresses and phone numbers of all property owners, applicants, engineers and land surveyors;~~

- 1. Source of domestic water and location of any existing and proposed wells;

2. Method of wastewatersewage disposal and location of any existing and proposed on-site wastewater treatment systems;
- ~~3. Existing zoning;~~
- ~~4.3. Existing and pProposed utility lines and facilitiesutilities;~~
- ~~5.4. Calculations demonstrating thatjustifying the proposed density complies with the minimum and maximum density standards ofpursuant to Section 1012, Density, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;~~
5. Locations, dimensions, and area of each lot, parcel, and tract;
- ~~6. Subdivision name that has been approved pursuant to Subsection 1105.05(D);~~
- ~~7.6. Date the drawing of the preliminary plat was preparedmade;~~
- ~~8. Property description of the proposed subdivision by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses;~~
- ~~9.7. North arrow;~~
- ~~10. Vicinity map showing the location of the subdivision relative to well known landmarks in all directions, at a scale of one inch equals 2,000 feet or some other scale that better depicts the area, and at least four inches by four inches in size;~~
- ~~11.8. Identification of each lot or parceland block by number;~~
- ~~12. Gross acreage of property being subdivided;~~
- ~~13. Locations, dimensions and area of each lot and tract;~~
- ~~14.9. Locations and widths of all roads abutting the subject propertysubdivision site, including roadand their legal and common names and numbers, direction of drainage, and approximate grades, and whether public or private;~~
- ~~15.10. Locations and widths of all proposed roads, including and their proposed names, approximate grades, and radii of curves, and note whether public or private;~~
- ~~16.11. Location and width of legal access to the subdivision or partition, other than public or Ceounty roads, if applicable;~~
- ~~17.12. Contour lines at two-foot intervals if 10 percent slope or less, or five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information;~~

~~18.13.~~ Locations of all seasonal and perennial drainage channels, including their names, if known, ~~width, depth~~ and direction of flow;

~~19.14.~~ Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose(s);

~~20.15.~~ Locations and dimensions of all existing and proposed driveways; and pedestrian walkways ~~and existing structures on the subject property~~;

16. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;

~~21.17.~~ Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;

~~22. Contiguous property under the same ownership as the subject property, including property descriptions;~~

~~23.18.~~ Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable; ~~and~~

~~24.19.~~ Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; ~~and~~

20. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to Oregon Revised Statutes 92.090;

B. Preliminary statements of feasibility required pursuant to Section 1006, *Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency*;

~~CB. _____ For a proposed subdivision or partition that includes Any application involving land property designated Open Space by the Comprehensive Plan, shall also satisfy the submittal requirements of Subsections 1102.04(F) and (G) and Section 1103. The analysis required under these provisions may be incorporated in the subdivision application review process. a vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;~~

D. For a proposed subdivision or partition that includes land designated Open Space by the Comprehensive Plan, an existing conditions map of the subject property showing:

1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.

2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
 3. Drainage;
 4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003, *Hazards to Safety*;
 5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
 6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photograph, at a scale of not more than one inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
 7. Location of any overlay zoning districts regulated by Section 700, *Special Districts*;
 8. Noise sources;
 9. Sun and wind exposure;
 10. Significant views; and
 11. Existing structures, impervious surfaces, utilities, landscaping, and easements; and
- ~~C. Except for applications submitted pursuant to Subsection 1105.10, each application shall be accompanied by a boundary survey map of the property being platted. The survey map shall be prepared by an Oregon registered professional land surveyor and shall have been accepted for filing with the County Surveyor.~~
- ~~D. An application shall be accompanied by preliminary statements of feasibility required pursuant to Section 1006.~~
- E. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.07, occur in two or more phases pursuant to Subsection 1105.03(D).

1105.03 APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, *Procedures*. A minor subdivision or a partition requires review as a Type II

application pursuant to Section 1307. A replat that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Section 1000, *Development Standards*.

B. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Chapters 11.01 and 11.02 of the County Code.

C. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Oregon Revised Statutes Chapters 92 and 209.

D. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following:

1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, *Density*, for the gross site area included in all such phases.

2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the entire subdivision.

3. Future phases shall be shown upon the initial and subsequent final plats as a “Tract Reserved for Future Development.”

4. As deemed necessary by the County or special districts, dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.

1105.04 ADDITIONAL APPROVAL CRITERIA FOR REPLATS

The number of lots or parcels in the replatted area shall not exceed the number previously approved for the area, unless:

A. The gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original plated area;

- B. The allowed density is recalculated pursuant to Section 1012, *Density*, on the basis of the gross site area of the original platted area and any additions to the gross site area, and, if applicable, on the basis of the new zoning;
- C. All existing lots or parcels within the plat that are not affected by the replat, including additional lots or parcels that may be created by subdivision or partition under existing zoning, are subtracted from the maximum density of the original plat area in determining allowed density for the replatted portion; and
- D. All open space requirements of the original plat, if applicable, are satisfied by the replatted subdivision or partition, or portion thereof.

1105.05 CONDOMINIUM PLATS

If condominium platting is proposed as part of a design review application pursuant to Section 1102, *Design Review*, a separate condominium plat application is not required. Otherwise, a condominium plat requires review as a Type I application pursuant to Section 1307, *Procedures*. A condominium plat shall be subject to the following standards and criteria:

- A. The proposed condominium plat shall comply with the applicable provisions of Section 1000, *Development Standards*.
- B. The proposed condominium plat shall comply with the applicable provisions of Oregon Revised Statutes Chapter 100.
- C. If a proposed condominium plat is approved, finalizing the condominium plat requires the completion of a final plat.
 - 1. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the condominium plat application have either been completed or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall signify approval by signing the plat.
 - 2. Unless waived by the County Surveyor, after Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements.
 - a. County Assessor;
 - b. County Surveyor; and
 - c. County Road Official.

3. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent plat records of the County.

1105.06 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a preliminary plat for a subdivision, partition, replat, or condominium is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.
- B. If a final plat is not recorded within the initial approval period established by Subsection 1105.06(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. If a phasing plan and schedule are approved pursuant to Subsection 1105.03(D), the following shall apply in lieu of Subsections 1105.06(A) and (B):
 1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed four years from the date of the final written decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision.
 2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed two years from the end of the prior phase approval period.
 3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.
 4. If a final plat for any phase is not recorded within the initial approval period for that phase, a two-year time extension for that phase and all subsequent phases may be approved pursuant to Section 1310.
 5. In no case shall a phasing schedule or any time extensions permit the recording of any phase more than 10 years after the date of preliminary plat approval.

~~1105.04 PRELIMINARY PLAT REVIEW~~

- A. ~~Major subdivisions are all divisions of property creating 11 or more lots in the same calendar year and require review as a Type III application pursuant to Section 1307.~~

~~B. Minor subdivisions are all divisions of property creating four to 10 lots in the same calendar year and require review as a Type II application pursuant to Section 1307.~~

1105.075 ~~FORM OF~~ FINAL PLAT REVIEW

If a preliminary plat for a subdivision, partition, or replat is approved, finalizing the subdivision, partition, or replat requires the completion of a final plat, except that a final plat is not required for a partition in which all parcels are larger than 80 acres. The applicant shall comply with the following:

- A. The form and content of the final plat shall comply~~be prepared in a form and with information consistent with the County's final decision approving the subdivision or partition application and applicable relevant~~ provisions of Chapters 11.01 and 11.02 of the County Code, Oregon Revised Statutes (ORS) Chapter 92, and ORS 209.250.
- B. Unless waived by the County Surveyor, ~~t~~The final plat shall contain, at a minimum, the following information:
1. The lines and names of all streets and other public ways, parks, playgrounds, and easements dedicated to the public or granted for the use of the owners within the ~~platsubdivision~~ and to whom the easement will be conveyed;
 2. The length and bearings of all straight lines, curves, radii, arcs, and the semi-tangents of all curves;
 3. All dimensions along the lot lines of each lot or parcel, in feet and decimals of a foot~~to the nearest hundredth of a foot~~, with the true bearings and any other data necessary for the location of any lot line in the field;
 4. Suitable primary control points, approved by the County Surveyor, and description and ties to these control points, to which all dimensions, angles, bearings, and similar data given on the plat ~~map~~ shall be referred;
 5. The location and complete physical descriptions of all permanent monuments found or set, including full physical descriptions of Public Land Survey Corners (monument and accessories) shown on the plat. Record references for the found monuments shall be cited;
 6. The plat numbers and, if applicable, names of all platted subdivisions, partitions, condominiums, and cemeteries, and the legal numbers and names of all roads adjacent to the ~~platsubdivision~~;
 7. The date(s) monuments were set (so identified), the date(s) the final plat was prepared (so identified), a north arrow, and ~~a~~ graphical and ~~an~~ engineering scales;

8. The boundary of the divided ~~land tract~~, with the bearings, curves, and distances marked, as determined by a field survey made by an Oregon registered professional land surveyor, and to close with a linear error of closure of not more than one foot in 10,000 feet. In addition, the survey shall be performed with the reference to the Federal Geodetic Control Committee guidelines for third order class II;
9. Any easements or notes required by the County ~~Department of Transportation and Development, County Department of Water Environment Services, or~~ other public service providers; ~~or the County Surveyor~~ and the locations, widths, and purposes of all existing easements of record, including instrument numbers; and
10. Open space and common ownerships ~~within the plat~~ shall be labeled on the final plat as tracts ~~and their use and ownership identified~~. Labeling of tracts shall be alphabetical beginning with the letter “A”, and no missing letters shall be allowed. The ownership, purpose, use, and maintenance of tracts shall be identified on the plat.

DC. All Homeowners Association Agreements, Articles, and Bylaws, and other similar items required or proposed shall be submitted with the final plat for review by the Planning Director; the Office of County Counsel, and ~~if requested,~~ by the County Surveyor (if the County Surveyor so requests).

1. The Planning Director shall not approve the final plat ~~shall not be approved by the Planning Director~~ until the Homeowners Association Agreement, Articles, and Bylaws are approved by the County.
2. The Homeowners Association Agreement, Articles, and Bylaws shall be consistent with ORS Chapters 92 and ~~ORS Chapter~~ 94, if appropriate.
3. A certificate of formation of a nonprofit corporation, with a state seal, for the Homeowners Association shall be submitted with the final plat for review by the Planning Director.
4. After Planning Director approval, signed and notarized original documents of the Homeowners Association Agreement, Articles, and Bylaws and the certificate of formation described in Subsection 1105.075(DC)(3) shall be submitted for recording at the same time as the final plat is submitted to the County Clerk. The final plat shall contain references to such documents.

E. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat and the conditions of approval included in the County’s final decision on the subdivision, partition, or replat application have either been completed or guaranteed pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, the Planning Director shall signify approval by signing the plat.

F. Unless waived by the County Surveyor, after Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements.

1. County Assessor;
2. County Surveyor;
3. Board of County Commissioners; and
4. County Road Official.

G. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent plat records of the County.

~~D. Proposed plat names shall be subject to approval by the County Surveyor, pursuant to ORS 92.090. An applicant shall obtain plat name approval prior to submittal of the preliminary plat.~~

~~1105.06—APPROVAL PERIOD AND TIME EXTENSION~~

~~A. Except as provided under Subsection 1105.07, approval of a preliminary plat 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 final plat shall be recorded with the County Clerk, or the approval will become void.~~

~~B. If a final plat is not recorded within the initial approval period established by Subsection 1105.06(A), a two-year time extension may be approved pursuant to Section 1310.~~

~~1105.07—PHASING OF A SUBDIVISION~~

~~A. As part of preliminary plat approval, a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be authorized. Approval of a phasing plan and schedule may be granted in consideration of such factors as the size of the proposed development, complexity of development issues, required improvements, and other factors deemed relevant.~~

~~B. Approval Periods and Time Extension:~~

- ~~1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed four years from the date of the final written decision.~~

~~If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.~~

- ~~2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed two years from the end of the prior phase approval period.~~
- ~~3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.~~
- ~~4. Except if prohibited by Subsection 1105.07(B)(5), if a final plat for any phase is not recorded within the initial approval period for that phase, a two-year time extension for that phase and all subsequent phases may be approved pursuant to Section 1310.~~
- ~~5. In no case shall a phasing schedule or any time extensions be granted permitting the recording of any phase more than 10 years after the date of preliminary plat approval.~~

~~C. The total number of lots in all recorded phases of a subdivision shall not exceed the maximum density allowed under Section 1012 for the gross site area included in all such phases.~~

~~D. If one or more open space tracts are required as a condition of approval, the first phase shall include all required open space tracts for the entire subdivision.~~

~~E. Future phases shall be shown upon the initial and subsequent plats as a "Tract Reserved for Future Development".~~

~~F. As deemed necessary by the Planning Director, County Engineering Division, or special districts; dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.~~

~~1105.08 FINAL PLAT REVIEW~~

~~A. The final plat shall be submitted to the Planning Director for review. If the plat is consistent with the approved preliminary plat and the conditions of approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify approval by signing the plat.~~

~~B. After Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements.~~

- ~~1. County Assessor;~~

- ~~1. County Surveyor;~~
- ~~2. Board of County Commissioners; and~~
- ~~3. County Road Official~~

~~C. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent file records of the County Clerk.~~

~~1105.09 REPLATS OF RECORDED SUBDIVISION PLATS~~

~~A. If a subdivision plat, or any portion thereof, is replatted, the number of lots in the replatted area shall not exceed the number previously approved for the area, unless all of the following provisions are satisfied:~~

- ~~1. The gross site area of the affected subdivision plat is increased, or is of sufficient size to allow additional lots, or the zoning on the property has been changed since the previous approval, permitting a greater density on all, or part, of the original platted area.~~
- ~~2. The allowed density is recalculated under Section 1012 on the basis of the gross site area of the original platted area of the subdivision and any additions to the gross site area, and, if applicable, on the basis of the new zoning.~~
- ~~3. All existing lots within the subdivision plat which are not affected by the replat, including additional parcels or lots which may be created by partition or subdivision under existing zoning, shall be subtracted from the base density of the original plat area in determining allowed density for the replatted portion.~~
- ~~4. All open space requirements of the original subdivision, if applicable, shall be satisfied by the replatted subdivision, or portion thereof.~~
- ~~5. The replat application shall be signed by all owners of the property within the portion of the plat being replatted.~~
- ~~6. The replatted subdivision, or portion thereof, including any additional site area, shall be reviewed and approved under the same standards and procedures as a new land division of the same size.~~

~~1105.108~~ VACATIONS OF RECORDED PLATS OR PORTIONS THEREOF

A. The County may initiate proceedings to vacate public property pursuant to Oregon Revised Statutes (ORS) 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes.

B. The property owner may initiate vacation proceedings of public or private property by filing with the Planning Director an application that includes the following:

1. A description of the property proposed to be vacated, including any recorded legal descriptions or recorded plat;
2. A recent title report on each property proposed to be vacated that was prepared under the criteria of the County Surveyor;
3. A statement of the reasons for requesting that the plat, or portions thereof, be vacated;
4. The complete names, addresses, and phone numbers of all persons holding any recorded right, title, or interest in or to each property proposed to be vacated;
5. The complete names, addresses, and phone numbers of all persons owning any improvements being constructed on any public property proposed to be vacated;
6. The complete names, addresses, and phone numbers of all persons owning any real property abutting any public property proposed to be vacated; and
7. If the petition is for vacation of property that will be redivided in any manner, a preliminary subdivision or partition plat showing the proposed redivision.

CB. Approval of a plat vacation ~~request~~ shall be granted only if the vacation is in the public interest. The determination of whether a vacation is in the public interest shall include, but not necessarily be limited to, the following findings:

1. Will not result in the vacation of public roads necessary to serve the area or adjacent properties;
2. Will not interfere with the need to provide public facilities such as sewer and water; and
3. Will not jeopardize the potential for development of other properties pursuant to the Comprehensive Plan designation for the area.

DC. Plat vacations shall be reviewed by the Planning Director if the proceedings for vacation were initiated by a petition that contains the notarized signatures of owners and contract purchasers of 100 percent of property proposed to be vacated and abutting any public property proposed to be vacated. The petition must indicate the owners' and contract purchasers' approval of the proposed vacation.

ED. Except as provided in Subsection 1105.~~0810~~(DE), plat vacations shall be reviewed by the Hearings Officer at a hearing conducted pursuant to Section 1307, Procedures.

FE. After considering vacation proceedings pursuant to Subsection 1105.~~0810~~(ED) or 1105.~~0810~~(DE), the Planning Director or Hearings Officer, respectively, shall issue a report and recommendation to the Board of County Commissioners for approving or denying the vacation of property. The report shall include an assessment of whether the vacation is in the public interest as required by Subsection 1105.~~0810~~(CB). Notice of the Planning Director's or Hearings Officer's recommendation shall be provided pursuant to Subsection 1307.09(A)(1) or 1307.10(E), respectively.

GF. The Board of County Commissioners shall consider the Planning Director's or Hearings Officer's recommendation to approve or deny the proposed vacation. If the Board of County Commissioners approves the proposed vacation, the Board Order shall:

1. State that the plat, or portion thereof, is vacated;
2. Describe the exact location of each property to be vacated using a description prepared by and bearing the seal and original signature of an Oregon registered professional land surveyor or other appropriate means of description; and
3. Authorize the County Surveyor to mark the vacation on the plat officially recorded with the County Clerk and on the exact copy filed with the County Surveyor.

HG. The Board Order vacating a plat, or portion thereof, shall be recorded with the County Clerk and certified copies of the recorded order shall be filed with the County Surveyor and the County Assessor. The order shall become effective upon recording.

1105.09 SUBDIVISIONS OF MANUFACTURED DWELLING PARKS AND MOBILE HOME PARKS

The conversion of an existing or approved manufactured dwelling park or mobile home park to a subdivision requires review as a Type I application pursuant to Section 1307, Procedures, and shall be subject to the submittal, review, and platting requirements of Oregon Revised Statutes (ORS) 92.830 through 92.845. Where ORS 92.830 through 92.845 conflict with the provisions of this Ordinance, ORS 92.830 through 92.845 shall take precedence.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14]

1202 ZONE CHANGES

1202.01 PURPOSE AND APPLICABILITY

Section 1202 is adopted to provide standards, criteria, and procedures under which a change to the zoning maps (hereinafter referred to as a zone change) may be approved.

1202.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a zone change shall include a site plan of the subject property showing existing improvements, and a vicinity map showing the relationship of the subject property to the surrounding area. An application for a zone change to NC District also shall include:

- A. The requirements listed in Subsection 1102.02;
- B. A vicinity map, drawn to scale, showing the uses and location of improvements on adjacent properties and properties across any road; and
- C. A site plan, drawn to scale, showing the following:
 - 1. Property dimensions and area of property;
 - 2. Access to property;
 - 3. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;
 - 4. Location of existing and proposed parking; and
 - 5. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.

1202.03 GENERAL APPROVAL CRITERIA

A zone change requires review as a Type III or IV application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

- A. Approval of the proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan;
- B. If development under the proposed new zoning district designation has a need for any of the following public services: sanitary sewer, surface water management, and/or water service, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plans: sanitary sewer, surface water management, and water. The cumulative impact of the

proposed zone change and development of other properties under existing zoning designations shall be considered.

- C. The transportation system is adequate, as defined in Subsection 1007.09(D), and will remain adequate with approval of the proposed zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from Subsection 1202.034(C). For the purpose of this criterion:
1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a 20-year period beginning with the year that a complete zone change and use application is submitted pursuant to Section 1307.
 2. It shall be assumed that all improvements identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*; the Statewide Transportation Improvement Plan; and the capital improvement plans of other local jurisdictions are constructed.
 3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
 4. Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E).
 5. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
- D. The proposed zone change proposal, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.
- E. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

1202.042 ~~ZONE CHANGE TO~~ NC DISTRICT APPROVAL CRITERIA

If the application requests a zone change to NC District, approval of the zone change shall include approval of a specific use for the subject property, including a specific site development plan.

A. In addition to the standards and criteria in Subsection 1202.03, a zone change to NC District shall be subject to the following standards and criteria:

~~A. The applicant shall provide evidence substantiating the following:~~

1. The characteristics of the subject property are suitable for the proposed use

considering size, shape, location, topography, existence of improvements, and natural features.

2. 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.
3. The proposed use complies with any applicable requirements of the NC District and any overlay zoning district(s) in which the subject property is located, Section 800, Special Use Requirements, and Section 1000, Development Standards.

~~B. Application submittal requirements include the following:~~

- ~~1. The requirements listed in Subsection 1102.04;~~
- ~~2. A vicinity map, drawn to scale, showing the following:
 - ~~a. Uses and location of improvements on adjacent properties and properties across any road;~~
 - ~~b. Location of all commercial uses within 2000 feet, identifying the uses; and~~~~
- ~~3. A site plan, drawn to scale, showing the following:
 - ~~a. Property dimensions and area of property;~~
 - ~~b. Access to property;~~
 - ~~c. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;~~
 - ~~d. Location of existing and proposed parking; and~~
 - ~~e. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.~~~~

~~BC.~~ Design review pursuant to Section 1102, Design Review, is not required for a use approved through a zone change to NC District. ~~Minor M~~modifications to the approved use, including the approved site development plan, shall be processed pursuant to Subsection 1307.16(M) or Section 1309, Modification~~1305.04. Modifications that exceed the approval criteria for a minor modification are subject to Hearings Officer review pursuant to Section 1300 and require compliance with Subsections 1202.02(A) and (B).~~

1202.053 ALTERNATE ZONING DISTRICT DESIGNATION

An application for a zone change may include aAn applicant may request for the

approval of an alternate zoning district designation if it is found that the applicant's preferred designation does not comply with the approval criteria but the alternate designation does. ~~An alternate designation may be substituted only if the notice of application and hearing, required pursuant to Section 1307, includes all requested designations in its description of the applicant's proposal.~~

~~1202.04 — FINAL APPROVAL~~

~~Approval of a zone change is final on the date of the County's final written decision. If the County's final written decision is appealed, approval of a zone change is final on the date of the final appellate decision.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

1203 **CONDITIONAL USES**

1203.01 PURPOSE AND APPLICABILITY

Section 1203 is adopted to provide standards, criteria, and procedures under which a conditional use may be approved.

1203.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a conditional use shall include:

A. Preliminary statements of feasibility required pursuant to Section 1006, *Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency*;

B. A vicinity map showing the relationship of the proposed use to the surrounding area;

C. A site plan of the subject property showing existing and proposed improvements; and

D. Building profiles of proposed new and remodeled structures.

1203.03+ GENERAL APPROVAL CRITERIA

A conditional use requires review as a Type III application pursuant to Section 1307. Procedures, and shall be subject to the following standards and criteria:

A. The use is listed as a conditional use in the zoning district in which the subject property is located.

B. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.

C. The proposed use ~~complies 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 ~~proposed use proposal is consistent with~~ satisfies the applicable 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 any overlay zoning district(s) in which the subject property is located, Section 800, Special Use Requirements, and Section 1000, Development Standards.

1203.042 ~~VCS DISTRICT~~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.~~

~~C. In the NC District, the following criteria apply:~~

- ~~1. The proposed use shall be needed to serve primarily the convenience commercial needs of the neighborhood, considering accessibility of similar uses.~~

~~2. The proposed use shall not substantially increase traffic through the neighborhood.~~

~~3. The proposed use shall not diminish the amenities of the neighborhood.~~

~~D. In the RCC District, the proposed use shall not interfere with, or intrude into or between, pedestrian-oriented uses or developments.~~

~~E. In the RTL District, the following criteria apply, except to hydroelectric facilities:~~

~~1. The proposed use shall not interfere with, or intrude into or between, pedestrian-oriented uses or developments.~~

~~2. The proposed use shall not require, or result in a demand for, additional traffic signals or street improvements beyond those planned for the area without the proposed use.~~

~~F. In addition to the standards and criteria in Subsection 1203.03 the VCS District, a conditional use—except a wireless telecommunication facility—in the VCS District shall be subject to the following standards and criteria apply, except to wireless telecommunication facilities:~~

~~A1. The proposed use shall provide community facilities, such as including meeting rooms, recreation rooms, (gymnasiums), or performance facilities, or similar space.~~

~~B2. The cCommunity facilities required by Subsection 1203.04(A) shall be made available on an ongoing basis to the whole community for little or no cost.~~

~~C3. The cCommunity facilities required by Subsection 1203.04(A) shall be a minimum of 3,000 square feet or one-third of the usable floor area built, whichever is greater.~~

~~G. In the VO District, the following criteria apply:~~

~~1. The proposed use shall address an existing neighborhood need, considering proximity of similar uses.~~

~~2. The proposed use shall not substantially increase traffic through the neighborhood, require an additional curb cut, or create greater noise or congestion than a permitted use.~~

~~3. The use shall not diminish the amenities of the neighborhood.~~

~~4. The use shall be compatible in size, scale, general appearance, and building materials with surrounding buildings.~~

1203.053 APPROVAL PERIOD AND TIME EXTENSION

A. Except as set forth in Subsection 1203.053(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 1203.053(A) applies to these uses. Conditional use approval of these uses shall not have the effect of reserving vehicle trips for purposes of evaluating transportation concurrency for other developments. Instead, the vehicle trips these facilities are expected to generate shall be reserved when the approval is implemented pursuant to Subsection 1203.05(A)~~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 1203.053(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- D. If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.053(B), a five-year time extension may be approved pursuant to Section 1310.

~~1203.04 SUBMITTAL REQUIREMENTS~~

~~In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a conditional use shall include:~~

- ~~A. Preliminary statements of feasibility required pursuant to Section 1006;~~
- ~~B. A vicinity map showing the relationship of the proposed use to the surrounding area;~~
- ~~C. 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; and~~
- ~~D. Building profiles of proposed new and remodeled structures.~~

1203.06 DISCONTINUATION

If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

1204 TEMPORARY PERMITS

1204.01 PURPOSE AND APPLICABILITY

Section 1204 is adopted to provide standards, criteria, and procedures under which a temporary permit may be approved. Temporary permits may be approved in any zoning district, except that temporary permits for uses otherwise prohibited are not permitted in the EFU, TBR, and AG/F Districts.

1204.02 TEMPORARY USE OTHERWISE PROHIBITED

A. ~~A temporary permit for a use otherwise prohibited may be permitted in any zoning district except the EFU, TBR, and AG/F Districts.~~ A temporary permit for a use otherwise prohibited requires review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

1. The use for which a temporary permit is requested is not listed as a primary permitted, accessory, limited, or conditional use in the applicable underlying zoning district;
2. There is no reasonable alternative to the temporary use;
3. The permit will be necessary for a limited time;
4. The temporary use will not include the construction of a substantial structure or require a permanent commitment of the land; and
5. The temporary use will not have a materially adverse effect on the surrounding area.

B. A temporary permit for a use otherwise prohibited may be approved for a period not to exceed one year. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed one year. A renewal shall be subject to the same approval criteria as an initial permit. A temporary permit for a use otherwise prohibited may be renewed an unlimited number of times.

1204.03 TEMPORARY DWELLING WHILE BUILDING

~~A temporary permit for a dwelling while building may be permitted in any zoning district.~~

A. A temporary permit for a dwelling while building shall require review as a Type I application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

1. The temporary dwelling will be a manufactured dwelling that does not comply with all applicable requirements for a permanent dwelling, a residential trailer, or a recreational vehicle.
 2. A building permit to construct a permanent dwelling has been issued for the lot of record, ~~parcel~~, or tract on which the temporary dwelling will be located; and
 3. The temporary dwelling will be occupied by the owner of the subject lot of record, ~~parcel~~, or tract.
- B. If a valid building permit for a permanent dwelling on the subject lot of record, ~~parcel~~, or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- C. A temporary permit for a dwelling while building shall be subject to the following conditions of approval:
1. The temporary dwelling shall be connected to a sanitary sewer system or to an on-site wastewater treatmentsewage disposal system approved by the Soils Section of the County Department of Water Environment Services.
 2. The temporary dwelling shall comply with the primary structure minimum yard depthsetback standards for primary buildings in ~~of~~ the applicableunderlying zoning district.
 3. If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject propertylot, parcel, or tract when the permit expires or the permanent dwelling is occupied, whichever first occurs. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject propertylot, parcel, or tract or placed in a stored condition when the permit expires or the permanent dwelling is occupied, whichever first occurs. ~~For the purposes of this provision, Aa~~ recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatmentsewage disposal system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.
- D. A temporary permit for a dwelling while building may be approved for a period not to exceed two years. The permit may not be renewed. ~~For the purposes of this provision, Aa~~ renewal shall be the same or any substantially similar application filed within two years of the date a previous temporary permit for a dwelling while building expired.
- ~~E. If the proposed temporary dwelling is a manufactured dwelling that complies with all requirements for a permanent dwelling in the underlying zoning district, a~~

~~temporary permit shall not be required. Instead the manufactured dwelling may be approved as a permanent dwelling to be replaced by the new permanent dwelling upon completion of construction.~~

1204.0~~4~~3 TEMPORARY DWELLING FOR CARE

~~A temporary permit for a dwelling for care may be permitted in any zoning district.~~

- A. A temporary permit for a dwelling for care requires review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:
1. The temporary dwelling will be a manufactured dwelling, residential trailer, or recreational vehicle.
 2. The temporary dwelling will be occupied by a person or persons who require(s) care or who will provide care. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the temporary dwelling provided such occupancy is consistent with the remaining provisions of Subsection 1204.0~~4~~3.
 3. The temporary dwelling will be located on the same lot ~~of record, parcel,~~ or tract as a lawfully established permanent dwelling. The permanent dwelling will be occupied by the person(s) receiving care from the occupant(s) of the temporary dwelling or by the person(s) providing care to the occupant(s) of the temporary dwelling. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the permanent dwelling, provided such occupancy is consistent with the remaining provisions of Subsection 1204.0~~4~~3.
 4. There exists a need for care. The need shall be documented by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient, generally indicate that an age-related and/or medical condition results in a need for care, and substantiate that the type of assistance required by the patient is consistent with the type of assistance identified in the definition of ~~“care”~~ in Subsection 1204.0~~4~~3(B).
 5. There exists no reasonable housing alternative in the form of adequate housing on the subject lot ~~of record, parcel,~~ or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together shall be made based on the size and floor plan of the permanent dwelling with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider; and

6. There exists no reasonable alternative care provider. Alternative care providers who shall be considered include:
 - a. Other adults who live with the care recipient; and
 - b. Other relatives of the care recipient who live nearby. This alternative shall only be considered in cases where the care recipient currently resides on the subject lot ~~of record, parcel,~~ or tract; and
 7. There is no other temporary dwelling for care on the subject lot ~~of record, parcel,~~ or tract.
- B. As used in Subsection 1204.043, “care” means assistance, required as a result of age ~~and~~/or poor health, that is given to a specific person in the activities of daily living, which may include, but are not necessarily limited to, bathing, grooming, eating, medication management, ambulation, and transportation, ~~and~~/or “care” means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in Subsection 1204.043, “care” does not include assistance with improvement or maintenance of property in the absence of a documented need for assistance with personal activities or a need for personal supervision due to cognitive impairment. “Care” does not include financial hardship alone.
- C. A temporary permit for a dwelling for care shall be subject to the following conditions of approval:
1. ~~Sewage disposal:~~—The temporary dwelling shall be connected to a sanitary sewer system or to an on-site ~~wastewater treatmentsewage disposal~~ system approved by the ~~Soils Section of the County Department of Water Environment Services~~. The temporary dwelling shall use the same on-site ~~wastewater treatmentsewage disposal~~ system used by the permanent dwelling, if that ~~disposal~~-system is adequate to accommodate the additional dwelling ~~as determined by the Soils Section of the County Department of Water Environment Services~~. An exception may also be granted if more than one lawfully established on-site ~~wastewater treatmentsewage disposal~~ system exists on the subject lot ~~of record, parcel,~~ or tract.
 2. ~~Setbacks:~~—The temporary dwelling shall comply with the ~~primary structure minimum yard depthsetback~~ standards ~~for primary buildings in~~of the ~~applicableunderlying~~ zoning district.
 3. ~~Utilities/services:~~—All water, electricity, natural gas, and sanitary sewer service for the temporary dwelling shall be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. An exception may be granted if the utility provider substantiates that separate service is required or if more than one ~~lawfullylegally~~ established service exists on the subject lot ~~of record, parcel,~~ or tract.

4. ~~Driveway entrance:~~ The temporary dwelling shall use the same driveway entrance as the permanent dwelling, although the driveway may be extended. An exception may be granted if more than one lawfully established driveway entrance to the subject lot ~~of record, parcel,~~ or tract exists.
5. ~~Separation distance:~~ The temporary dwelling shall be located within 100 feet of the permanent dwelling. This distance shall be measured from the closest portion of each structure. This distance may be increased if the applicant provides evidence substantiating that steep slopes, significant natural features, significant existing landscaping, existing structures, other physical improvements, or other similar constraints prevent compliance with the separation distance standard. The increase shall be the minimum necessary to avoid the constraint. An exception may also be granted if the temporary dwelling will be sited in the same or substantially similar location as a previous, lawfully established temporary dwelling for care.
6. ~~Deed statement:~~ A written statement shall be recorded in the County deed records recognizing that a dwelling approved pursuant to Subsection 1204.04~~3~~ is temporary and that the temporary permit is not transferable when the property is conveyed to another party.
7. ~~Rental income:~~ The temporary dwelling shall not be a source of rental income.
8. ~~Removal/storage:~~ If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject ~~property lot, parcel, or tract~~ when the permit expires or the need for care ceases, whichever first occurs. An exception to this provision may be granted if a temporary manufactured dwelling is converted to a permanent dwelling. Such a conversion shall ~~only~~ be allowed only if the temporary dwelling complies with all applicable standards requirements of this Ordinance for a permanent dwelling, ~~and if the conversion will not result in the subject lot, parcel, or tract's violating including any that limit the number of dwelling units permitted on the subject property the density standards of the underlying zoning district.~~ If the temporary dwelling is a recreational vehicle, it shall be removed from the subject ~~property lot, parcel, or tract~~ or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. ~~For the purposes of this provision, Aa~~ recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatment sewage disposal system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.

D. A temporary permit for a dwelling for care may be approved for a period not to exceed two years in the EFU, TBR, and AG/F Districts and for a period not to

exceed three years in any other zoning district. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed two years in the EFU, TBR, and AG/F Districts and three years in any other zoning district. A temporary permit for a dwelling for care may be renewed an unlimited number of times.

- E. In lieu of Subsections 1204.043(A) and (B), a renewal application shall be subject to the following standards and criteria:
 - 1. The circumstances that provided the basis on which the previous permit was granted remain substantially similar.
 - 2. A renewal application shall be accompanied by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient and substantiate that the level of assistance required is substantially similar to, or greater than, the level required when the previous permit was granted.
- F. An application shall be evaluated as a renewal application rather than a new application if the permit is requested for the same lot of record, parcel, or tract and the same care recipient as the previous permit.

1204.054 TEMPORARY ~~STRUCTURE FOR~~ EMERGENCY SHELTER

~~A temporary permit for a structure for emergency shelter may be permitted in any zoning district.~~

- A. A temporary permit for ~~a structure for~~ emergency shelter ~~shall~~ requires review as a Type I application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:
 - 1. A lawfully established dwelling or business located on the subject lot of record, parcel, or tract has been destroyed, substantially damaged, or rendered unsafe to occupy due to fire or natural disaster.
 - 2. The temporary ~~shelterstructure will~~ shall be a manufactured dwelling that does not comply with all applicable requirements for a permanent dwelling, a residential trailer, or a recreational vehicle for residential purposes, or a commercial office trailer for business purposes.
- B. A temporary permit for ~~a structure for~~ emergency shelter shall be initially approved for 60 days. If replacement or repair of the dwelling or business is lawfully commenced within 60 days of the date the permit is initially approved, the approval shall automatically be extended for two years from the date of initial approval. ~~For the purposes of this provision, "Lawfully commenced" shall~~ means the filing of a complete application for a land use, building, on-site wastewater treatmentseptic, grading, manufactured dwellinghome placement and

~~installation~~, plumbing, electrical, or other development permit required by the County or other appropriate permitting agency that is necessary to begin replacement or repair of the destroyed or damaged structure. If replacement or repair is not lawfully commenced within 60 days of the date the temporary permit is initially approved, the temporary permit shall become void on the sixty-first day.

C. A temporary permit for ~~a structure for~~ emergency shelter shall be subject to the following conditions of approval:

1. The temporary ~~shelterdwelling or commercial structure~~ shall be connected to a sanitary sewer system or to an on-site ~~wastewater treatmentsewage disposal~~ system approved by the ~~Soils Section of the County Department of Water Environment Services~~.
2. The temporary ~~shelterdwelling or commercial structure~~ shall comply with the ~~primary structureminimum yard depthsetback~~ standards for primary buildings ~~in~~of the applicableunderlying zoning district.
3. If the temporary ~~shelterstructure~~ is a manufactured dwelling, residential trailer, or commercial office trailer, it shall be removed from the subject ~~propertylot, parcel, or tract~~ when the permit expires or the permanent ~~buildingstructure~~ is occupied, whichever first occurs. If the temporary ~~shelterstructure~~ is a recreational vehicle, it shall be removed from the subject ~~propertylot, parcel, or tract~~ or placed in a stored condition when the permit expires or the permanent ~~buildingstructure~~ is occupied, whichever first occurs. ~~For the purposes of this provision, a~~ recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site ~~wastewater treatmentsewage disposal~~ system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.

D. A temporary permit for ~~a structure for~~ emergency shelter may not be renewed. ~~For the purposes of this provision, a~~ renewal shall be the same or any substantially similar application filed within two years of the date a previous temporary permit for ~~a structure for~~ emergency shelter expired.

~~1204.05 — TEMPORARY FARMERS' MARKET~~

~~A temporary permit for a farmers' market may be permitted.~~

~~A. A temporary permit for a farmers' market shall require review as a Type II application pursuant to Section 1307 and shall be subject to the following standards and criteria:~~

- ~~1. Location: The farmers' market will be located:~~

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- ~~a. On a site in an RTC, RC, NC, C-2, RCC, RTL, CC, C-3, PMU, SCMU, OA, OC, RCO, VCS, VO, CI, BP, LI, GI, or RI District; or~~
- ~~b. At an institutional use in any zoning district, provided that the institutional use has different days and times of operation than the proposed market.~~
- ~~2. Parking: If the market is proposed under Subsection 1204.05(A)(1)(a) to operate when regular business operations are being conducted, the applicant must demonstrate that adequate parking is provided pursuant to Section 1015, *Parking and Loading*.
 - ~~a. Fifty percent of the total area occupied by market stalls shall be calculated as developed area for the purpose of determining minimum required parking spaces.~~
 - ~~b. Parking spaces occupied by market stalls shall not be counted as available spaces during market operation.~~~~
- ~~3. Hours of Operation:
 - ~~a. The market may be conducted on a maximum of two days each week.~~
 - ~~b. If the market is to be located in an RR, MRR, RA-1, RA-2, RRFF-5, FF-10, HR, FU-10, Urban Low Density Residential, VR-4/5, VR-5/7, VTH, PMD, MR-1, MR-2, HDR, SHD, VA, or RCHDR District, the market may only be operated (including setup and dismantling) between the hours of 8 a.m. and 8 p.m.~~~~
- ~~4. Signage:
 - ~~a. The market may display 20 square feet of signage on each street frontage of the site on which the market is held.~~
 - ~~b. Each farmers' market stall may display 10 square feet of signage at the stall.~~
 - ~~c. Signage shall be subject to Subsection 1010.13(A)(5).~~
 - ~~d. Signage may be displayed only during the hours of market operation.~~~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

1205 VARIANCES

1205.01 PURPOSE AND APPLICABILITY

Section 1205 is adopted to provide standards, criteria, and procedures under which a variance to a dimensional standard of this Ordinance may be approved. However, a variance is prohibited to the following dimensional standards:

~~A variance from a standard or requirement of this Ordinance may be approved, except when one or more of the following applies:~~

~~A. The proposed variance would allow a use which is not permitted in the zoning district in which the subject property is located;~~

~~B. Another procedure and/or criteria is specified in this Ordinance for modifying or waiving the particular requirement or standard;~~

~~C. Modification of the requirement or standard is prohibited within the zoning district in which the subject property is located;~~

~~D. An exception from the requirement or standard is allowed in the zoning district in which the subject property is located;~~

A. The minimum lot size standards in the RA-2, RR, FU-10, EFU, TBR, and AG/F Districts;

BE. The ~~proposed variance is to the~~ minimum lot size standard or, in the case of a flexible-lot-size or planned unit development, the minimum average lot size standard ~~if and the variance~~ would result in reducing the minimum by more than 10 percent. Subsection 1205.01(~~BE~~) is not applicable to partitions of lots of record that are divided by a public road ~~and located in a residential zoning district;~~
~~or~~

C. The 20-acre minimum lot size standard inside the Portland Metropolitan Urban Growth Boundary in the RA-1, RA-2, RRFF-5, FF-10, RC, and RI Districts.

D. The fuel-free break standards of Subsection 406.08;

E. The maximum building floor space standards in the MRR, RTC, RC, and RI Districts;

F. Standards applicable in the CI District pursuant to Subsections 601.08(C) through (F); and

G. Dimensional standards established in Sections 703 through 710, 712, and 713.

~~F. The request is for a variance to the minimum lot size standard in the RR, RA-2, FU-10, EFU, TBR, or AG/F District.~~

1205.02 APPROVAL CRITERIA

A variance ~~to a dimensional~~~~from a requirement~~ or standard of this Ordinance requires review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

A. Compliance with the applicable ~~dimensional~~~~requirement~~ or standard of this Ordinance would create a hardship due to one or more of the following conditions:

1. The physical characteristics of the land, improvements, or uses are not typical of the area. When the requested variance is needed to correct an existing violation of this Ordinance, that violation shall not be considered as a condition "not typical of the area".

2. The subject property cannot be developed to an extent comparable with other similar properties in the area if the ~~requirement~~ or standard is satisfied.

3. The subject property is an Urban Low Density Residential, RA-1, RRFF-5, FF-10, or HR District, the requested variance is to the minimum lot size standard, and more than 50 percent of the lots of record that are within one-half mile of the subject property and located in the same zoning district as the subject property are smaller than the minimum lot size standard.

~~3.4.~~ Compliance with the ~~requirement~~ or standard would eliminate a significant natural feature of the subject property.

~~4.5.~~ Compliance with the ~~requirement~~ or standard would reduce or impair the use of solar potential on the subject property or adjacent properties.

B. Strict adherence to the ~~dimensional~~~~requirement~~ or standard is unnecessary because the proposed variance from the standard ~~or requirement~~ will reasonably satisfy all the following objectives:

1. Will not adversely affect the function or appearance of the development and use on the subject property;

2. Will not impose limitations on other properties and uses in the area, including uses that would be allowed on vacant or underdeveloped properties; and

3. Will result in the minimum variance needed to alleviate the hardship.

~~3. Will accomplish the purpose(s) for the standard as set forth in this Ordinance.~~

~~C. Approval of the application will allow the property to be used only for purposes authorized by this Ordinance; and~~

~~D.C. The proposed variance is consistent~~Approval of the application complies

with the applicable goals and policies of the Comprehensive Plan.

1205.03 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a variance is valid for four years from the date of the final ~~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. For a variance directly related to an application for a partition or subdivision, ~~"implemented"~~ means that the final plat of the partition or subdivision shall be recorded with the County Clerk.
 2. For any other variance, ~~"implemented"~~ means all major development permits shall be obtained and maintained, or if no major development permits are required to complete the development contemplated by the approved variance, ~~"implemented"~~ means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A ~~"major development permit"~~ is:
 - a. A building or manufactured dwelling placement permit for a new primary structure that was part of the variance approval; or
 - b. A permit issued by the County ~~Engineering Division~~ for parking lot or road improvements that were part of the variance approval.
- B. If the approval of a variance is not implemented within the initial approval period established by Subsection 1205.03(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension.

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248; 10/13/14]

1206 NONCONFORMING USES AND VESTED RIGHTS

1206.01 PURPOSE AND APPLICABILITY

Section 1206 is adopted to provide standards, criteria, and procedures under which a nonconforming use may be continued, restored, replaced, maintained, altered, changed, and verified and under which a vested right may be determined.

1206.0~~2~~¹ 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) of recorder parcel(s) upon on which the nonconforming use is located and may not be expanded onto another lot of record or parcel, except as provided under Subsection 1206.0~~6~~⁵. A change in ownership of, or a change of operator of, a nonconforming use is shall be permitted.

1206.0~~3~~² DISCONTINUATION OF USE

- A. 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 to with the requirements of this Ordinance and other regulations applicable at the time of the proposed resumption.
- B. Notwithstanding Subsection 1206.03(A) and pursuant to Oregon Revised Statutes 215.130(7)(b), a nonconforming surface mining use shall not be deemed to be discontinued for any period after July 1, 1972, provided:
 - 1. The owner or operator was issued and continuously renewed a state or local surface mining operating permit, or received and maintained a state or local exemption from surface mining regulation; and
 - 2. The surface mining use was not inactive for a period of 12 consecutive years or more. Inactive means no aggregate materials were excavated, crushed, removed, stockpiled, or sold by the owner or operator of the surface mine.

1206.0~~4~~³ 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 1206.0~~4~~³, but may be permitted pursuant to Subsection 1206.0~~6~~⁵.

- 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 issuance of an application for~~ a land use, building, on-site wastewater treatment system~~septic~~, grading, manufactured dwelling ~~placement~~, ~~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 and resumption of the nonconforming use.
- 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 1206.076.

1206.054 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. Normal maintenance may include painting;~~;~~ roofing;~~;~~ siding;~~;~~ interior remodeling;~~;~~ re-paving of access roads, and parking areas, or loading areas; replacement of landscaping elements;~~;~~ ete and similar actions.

1206.065 ALTERATIONS AND CHANGES

- A. Alterations Required by Law: The alteration of any nonconforming use shall be permitted 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. Additional conditions shall not be imposed 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 ~~the an~~ EFU Exclusive Farm Use zoning Ddistrict.
- B. Alterations Not Required by Law: An alteration of a nonconforming structure ~~and/or~~ other physical improvements, or a change in the use, ~~shall require~~ review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:
1. The alteration ~~in the structure and/or other physical improvements, or change in the use,~~ will, after the imposition of conditions pursuant to Subsection 1206.06(B)(4) as authorized below, have no greater adverse impact on the neighborhood than the existing ~~use, structure(s), and/or other~~ physical improvements, or use; and

2. The nonconforming use status of the existing use, structure(s), and/or physical improvements is verified pursuant to Subsection 1206.076. ~~The verification and alteration/change requests may be combined as a single application.~~
3. The alteration or change will not expand the nonconforming use from one lot of record to another unless:
 - a. The lot of record on which expansion is proposed and the lot of record on which the nonconforming use currently is established have been part of the same tract continuously since the date the nonconforming use became nonconforming; or
 - b. The expansion would allow only for facilities necessary to support the nonconforming use, such as driveways, storm water management facilities, and on-site wastewater treatment systems.
43. Conditions of approval may be imposed on any alteration of a nonconforming use, structure(s), or other physical improvements, or a change in the use, permitted under Subsection 1206.065(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:~~

- ~~1. In the RCC, RTL, CC, C-3, SCMU, and OA Districts, a dwelling classified as a nonconforming use may be converted to house any use permitted in the respective zoning district, subject to all requirements of this Ordinance for new development.~~
- ~~2. In the OC, RCO, and VO Districts, a dwelling classified as a nonconforming use may be converted to house any primary use permitted in the respective zoning district, subject to all requirements of this Ordinance for new development.~~
- ~~3. In the LI, GI, and BP 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. OC and RCO Districts: In the OC and RCO Districts, commercial or industrial uses classified as nonconforming uses may remodel or upgrade the premises, subject to design review approval pursuant to Section 1102, *Design Review*. However, any change of use or alteration which expands the use shall be subject to Subsection 1206.05(A) or (B), whichever is applicable.~~

~~G. LI and GI Districts: In the LI and GI 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.~~

1206.076 VERIFICATION OF A NONCONFORMING USE

~~A. Verification of nonconforming use status shall require~~ review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria may be approved if the applicant:

~~A1. Proves that T~~he 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. Once an applicant has verified that a nonconforming use was lawfully established, an applicant need not prove the existence, continuity, nature, and extent of the nonconforming use for a period exceeding 20 years immediately preceding the date of application for verification; or

~~B2. Proves T~~he existence, continuity, nature, and extent of the nonconforming use for the 10-year period immediately preceding the date of the application is proven. 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.

1206.087 APPROVAL PERIOD AND TIME EXTENSION

A. Approval Period: Approval of an alteration of a nonconforming use, pursuant to Subsection 1206.065(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 1206.087(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension.

1206.098 VESTED RIGHT DETERMINATION

A vested right determination shall require review as a Type II application pursuant to Section 1307, Procedures, and shall be approved 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; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

1307 PROCEDURES

1307.01 PURPOSE

Section 1307 is adopted to:

- A. Implement the goals and policies of the Comprehensive Plan for citizen involvement and the planning process;
- B. Establish uniform procedures for the review of land use applications and legislative land use proposals;
- C. Facilitate timely review of land use applications by the County;
- D. Clarify the land use application review process for applicants; and
- E. Enable the public to effectively participate in the County's land use permit decision-making process.

1307.02 APPLICABILITY

Section 1307 applies to all land use permit applications and all legislative land use proposals under this Ordinance.

- A. No person shall engage in or cause development to occur without first obtaining the necessary land use permit approvals required by, and according to the procedures in, Section 1307.
- B. Where the provisions of Section 1307 conflict with other provisions of this Ordinance, the more specific provisions shall control.

1307.03 REVIEW AUTHORITIES

A. Review Authorities, Generally: Review authorities are those who are designated to make recommendations or decisions regarding land use permit applications and legislative land use proposals. Table 1307-1 lists the land use permits and legislative land use proposals that are provided for by this Ordinance and establishes:

- 1. The review authority charged with making the initial decision;
- 2. The review authority charged with making the decision on the initial County-level appeal, if any;
- 3. The review authority charged with making the decision on the second County-level appeal, if any; and
- 4. Those circumstances where an additional review authority is charged with

making a recommendation on the application or proposal to the decision maker.

- B. Planning Director: Pursuant to Oregon Revised Statutes 215.042, the Planning Director is the County official designated to administer land use planning in the County. In this role, the Planning Director administers the Comprehensive Plan and this Ordinance, issues decisions on certain land use permit applications, and provides administrative support to other review authorities. As used in this Ordinance, the term Planning Director includes any County staff member authorized by the Planning Director to fulfill the responsibilities assigned to the Planning Director by this Ordinance.
- C. Hearings Officer: Pursuant to ORS 215.406, the Hearings Officer is appointed by the Board of County Commissioners to conduct public hearings and issue decisions on certain land use permit applications.
- D. Historic Review Board: The Historic Review Board is designated as an advisory body on matters pertaining to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district and has the powers and duties described in Sections 707 and 1307.
1. The Historic Review Board shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.
 2. Historic Review Board members shall have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of historic preservation. Three positions on the Historic Review Board shall be filled as follows:
 - a. One architect, with knowledge in historic restoration;
 - b. One contractor, with expertise in construction techniques applied to historic structures; and
 - c. One representative from a historic group in the County.
 3. Unless otherwise provided for, members of the Historic Review Board shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
 4. If a member of the Historic Review Board does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
 5. A member whose term has ended may continue to serve on the Historic Review Board until the Board of County Commissioners renews that term or

appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(D)(3).

6. The Historic Review Board shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.
 7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- E. Design Review Committee: The Design Review Committee is designated as an advisory body on matters pertaining to the design review process and has the powers and duties described in Sections 1102 and 1307.
1. The Design Review Committee shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.
 2. Five positions on the Design Review Committee shall be filled as follows:
 - a. One landscape architect;
 - b. One architect;
 - c. One registered engineer;
 - d. One graphic design representative; and
 - e. One representative from the field of finance or the construction and development industry.
 3. Unless otherwise provided for, members of the Design Review Committee shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
 4. If a member of the Design Review Committee does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
 5. A member whose term has ended may continue to serve on the Design Review Committee until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(E)(3).
 6. The Design Review Committee shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to

those bylaws, and County, state, and federal law.

7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- F. Planning Commission: The Planning Commission is designated as the land use planning advisory body to the Board of County Commissioners and acts as the decision maker on an initial appeal of the Planning Director's interpretation of the Comprehensive Plan. The Planning Commission shall have the powers and duties described in Section 1307 and such other powers and duties as may be imposed on it by County, state, or federal law.
1. The Planning Commission shall be composed of nine members, designated in positions labeled 1 through 9, appointed by and serving at the pleasure of the Board of County Commissioners.
 2. Members of the Planning Commission shall be residents of the various geographic areas of the County. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade, or profession.
 3. Unless otherwise provided for, members of the Planning Commission shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
 4. If a member of the Planning Commission does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
 5. A member whose term has ended may continue to serve on the Planning Commission until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(F)(3).
 6. The Planning Commission shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.
 7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.

- G. Board of County Commissioners: The Board of County Commissioners is the governing body of the County and is the final County decision maker on legislative land use proposals and certain land use permit applications.

1307.04 REVIEW PROCEDURE TYPES

- A. Land use permits and legislative land use proposals provided for under this Ordinance are classified as one of four types, each of which is subject to a corresponding review procedure. The four types are described as follows:
1. Type I permits are ministerial in nature and involve land use actions governed by non-discretionary standards and clear and objective approval criteria. Approval of a Type I permit may require imposition of conditions of approval to ensure compliance with this Ordinance. The Type I procedure is an administrative review process, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.
 2. Type II permits are administrative in nature and involve land use actions governed by standards and approval criteria that generally require the exercise of limited discretion. Impacts associated with the land use action may require imposition of conditions of approval to minimize those impacts and to ensure compliance with this Ordinance. The Type II procedure is an administrative review process, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.
 3. Type III permits are quasi-judicial in nature, and involve land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.
 4. Type IV proposals are legislative in nature, and involve the creation, broad-scale implementation, or revision of public policy. These include amendments to the text of the Comprehensive Plan or this Ordinance. Large-scale changes in the Comprehensive Plan Land Use Plan maps and zoning maps also may be characterized as legislative where a larger number of property owners are directly affected.
- B. Table 1307-1 lists the land use permits and legislative land use proposals that are provided for by this Ordinance and assigns a procedure type to each. In the event that the procedure type for a land use permit application is not identified in Table

1307-1, specified elsewhere in this Ordinance, or otherwise required by law, the Planning Director shall determine the applicable procedure based on the guidelines in Subsection 1307.04(A). Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

1. As used in Table 1307-1:
 - a. “PD” means Planning Director.
 - b. “HO” means Hearings Officer.
 - c. “BCC” means Board of County Commissioners
 - d. Numbers in superscript correspond to the notes that follow Table 1307-1.

Table 1307-1: Land Use Permits by Procedure Type

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
AG/F District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(A)]	I	No	PD	No County-Level Appeal
AG/F District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(4)]	III	No	HO	No County-Level Appeal
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 407-1	II	No	PD	HO
Comprehensive Plan Map Amendment ¹	III or IV	Type III Only	BCC	No County-Level Appeal
Comprehensive Plan Text Amendment	IV	No	BCC	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Conditional Use	III	Yes	HO	No County-Level Appeal
<u>Condominium Plat²</u>	<u>I</u>	<u>No</u>	<u>PD</u>	<u>No County-Level Appeal</u>
<u>Conversion of a Manufactured Dwelling Park or a Mobile Home Park to a Subdivision</u>	<u>I</u>	<u>No</u>	<u>PD</u>	<u>No County-Level Appeal</u>
Design Review ²³	II	Yes	PD	HO
<u>Design Review of a Master Plan in the PMU District</u>	<u>III</u>	<u>Yes</u>	<u>HO</u>	<u>No County-Level Appeal</u>
EFU District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(A)]	I	No	PD	No County-Level Appeal
EFU District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(4)]	III	No	HO	No County-Level Appeal
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1	II	No	PD	HO
<u>Farmers' Market</u>	<u>II</u>	<u>No</u>	<u>PD</u>	<u>HO</u>
Floodplain Development	II	No	PD	HO
Floodway, Fish Enhancement Project [pursuant to Subsection 703.07(F)]	I	No	PD	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Habitat Conservation Area District	See Subsection 706.06	No	See Subsection 706.06	See Subsection 706.06
Historic Landmark, Historic District, and Historic Corridor, Maintenance	I	No	PD	No County-Level Appeal
Historic Landmark, Historic District, and Historic Corridor, Major Alteration ³⁴	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Minor Alteration	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Moving or Demolition ³⁴	II ³	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, New Construction ³⁴	II ³	Yes	PD	HO
Home Occupation, Major, New, with an Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, New, without an Exception	II	No	PD	HO
Home Occupation, Major, Renewal, with a New Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, Renewal, without a New Exception	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Interpretation, Comprehensive Plan ⁴⁵	II	No	PD	PC
Interpretation, Zoning and Development Ordinance ⁵⁶	II	No	PD	HO
Mineral and Aggregate Overlay District, Extraction Area Permit	I	No	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Impact Area Permit	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Two	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Three	II	Yes	PD	HO
Modification	II	No	PD	HO
Nonconforming Use, Alteration not Required by Law	II	No	PD	HO
Nonconforming Use, Verification	II	No	PD	HO
Open Space, Conflict Resolution for Wetlands and Significant Natural Areas	II	No	PD	HO
Open Space Review	II	No	PD	HO
Partition	II	Yes	PD	HO
Principal River Conservation Area	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Private Use Airport and Safety Overlay Zone, Expansion of Existing Use [pursuant to Subsection 712.05(B)]	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, New Use [pursuant to Subsection 712.06]	III	No	HO	No County-Level Appeal
Public Use Airport and Safety Overlay Zones, Use Permitted Subject to Review [pursuant to Subsection 713.05]	III	No	HO	No County-Level Appeal
Property Line Adjustment [except pursuant to Subsection 1107.04(B)(2)(b), 1107.04(B)(2)(c), or 1107.04(C)(3)]	I	No	PD	No County-Level Appeal
Property Line Adjustment [pursuant to Subsection 1107.04(B)(2)(b), 1107.04(B)(2)(c), or 1107.04(C)(3)]	II	No	PD	HO
<u>Replat (number of lots or parcels proposed to increase)</u>	<u>II</u>	<u>Yes</u>	<u>PD</u>	<u>HO</u>
<u>Replat (number of lots or parcels proposed to decrease or remain the same)</u>	<u>I</u>	<u>No</u>	<u>PD</u>	<u>No County-Level Appeal</u>
Sensitive Bird Habitat District, Alteration or Development	II	No	PD	HO
Sign Permit	I	No	PD	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Slopes, Development [pursuant to Subsection 1002.02(A)]	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.02(B)]	II	No	PD	HO
Stream Conservation Area	II	No	PD	HO
Subdivision, Major	III	Yes	HO	No County-Level Appeal
Subdivision, Minor	II	Yes	PD	HO
TBR District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal
TBR District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 406-1	II	No	PD	HO
Temporary Dwelling for Care	II	No	PD	HO
Temporary Dwelling while Building	I	No	PD	No County-Level Appeal
Temporary Farmers' Market	II	No	PD	HO
Temporary Structure for Emergency Shelter	I	No	PD	No County-Level Appeal
Temporary Use Otherwise Prohibited	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Time Extension	II	No	PD	HO
Variance	II	No	PD	HO
Vested Right Determination	II	No	PD	HO
Water Quality Resource Area District	See Subsection 709.06	No	See Subsection 709.06	See Subsection 709.06
Willamette River Greenway	II	No	PD	HO
Willamette River Greenway, Timber Harvest [pursuant to Subsection 705.03(I)]	II	No	PD	HO
Wireless Telecommunication Facility [pursuant to Subsection 835.04]	I	No	PD	No County-Level Appeal
Wireless Telecommunication Facility, with an Adjustment [pursuant to Subsection 835.05]	III	No	HO	No County-Level Appeal
Wireless Telecommunication Facility, without an Adjustment [pursuant to Subsection 835.05]	II	No	PD	HO
Zone Change ⁶⁷	III or IV	Type III Only	HO, Type III BCC, Type IV	No County-Level Appeal
Zoning and Development Ordinance Text Amendment	IV	No	BCC	No County-Level Appeal

Notes to Table 1307-1:

¹ The Type III process shall be modified to include Planning Commission public hearing and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing. In the case of a Comprehensive Plan amendment related to the designation of a Historic Landmark, Historic District, or Historic Corridor, both the Type III and Type IV processes shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.

² If condominium platting is proposed as part of a design review application, a separate condominium plat application is not required.

³² The Type II process may be modified, pursuant to Subsection 1102.02(B) or (C), to include Design Review Committee review and recommendation to the Planning Director prior to issuance of the Planning Director’s decision.

⁴³ The Type II process shall be modified to include Historic Review Board review and recommendation to the Planning Director prior to issuance of the Planning Director’s decision.

⁵⁴ The Type II process shall be modified to allow the Planning Commission’s decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.13(E)(1).

⁶⁵ The Type II process shall be modified to allow the Hearings Officer’s decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.13(E)(2).

⁷⁶ In the case of a zone change related to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the Type III process shall be modified to designate the Board of County Commissioners as the initial decision review authority and to include Historic Review Board review and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing, and the Type IV process shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.

C. Notwithstanding any other provision in Section 1307, except for an application for an interpretation of the Comprehensive Plan, an applicant may choose to process a Type II land use permit application using the Type III procedure, and the Hearings Officer shall be the review authority for the initial decision. The decision of the Hearings Officer shall be the final decision of the County, except for an application for an interpretation of this Ordinance, in which case appeal to

the Board of County Commissioners is allowed pursuant to Subsection 1307.13(E)(2).

1307.05 PRE-APPLICATION CONFERENCE

- A. Purpose: Pre-application conferences are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- B. Applicability: Table 1307-1 identifies the land use permit applications for which pre-application conferences are mandatory. Pre-application conferences are voluntary for all other land use permit applications.
- C. Submittal Requirements: Pre-application conference requests shall include:
1. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
 - a. The names, mailing addresses, and telephone numbers of the applicant(s);
 - b. The address of the subject property, if any, and its assessor's map and tax lot number;
 - c. The size of the subject property;
 - d. The Comprehensive Plan designation and zoning district of the subject property;
 - e. The type of application for which the pre-application conference is requested;
 - f. A brief description of the proposal for which the pre-application conference is requested; and
 - g. Signature(s) of the applicant(s), authorizing the filing of the pre-application request.
 2. Additional information necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow County staff to review and comment; and
 3. Payment of the applicable fee, pursuant to Subsection 1307.15.

- D. Scheduling: Upon receipt of a complete application, the Planning Director will schedule the pre-application conference. The Planning Director will coordinate the involvement of other County departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- E. Summary: Subsequent to the pre-application conference, the Planning Director will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the County or any other outside agency or service provider on the merits of the proposal.
- F. Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences: A follow-up pre-application conference is required for those mandatory pre-application conferences that have already been held when:
 - 1. A complete application relating to the proposed development has not been submitted within one year of the pre-application conference; or
 - 2. The proposed use, layout, or design of the proposed development has changed significantly.

1307.06 REVIEW OF MULTIPLE APPLICATIONS

When multiple land use permits for the same property are required or proposed by an applicant, all of the applications may be filed concurrently. Each application shall be processed separately using the procedure identified in Table 1307-1 for that application, except that applications filed concurrently shall be processed through a consolidated procedure if:

- A. One of the applications is a Type III application for a Comprehensive Plan map amendment, in which case the Type III Comprehensive Plan map amendment procedure shall be used;
- B. Multiple land use permit applications are subject to the same procedure type with the same initial decision and appeal review authorities. Applications for an interpretation of this Ordinance are excluded from this consolidation provision; or
- C. The applicant elects to process multiple applications through a consolidated procedure, if such consolidation is consistent with Subsection 1307.04(C).

1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- A. Initiation of Applications: Type I, II, and III land use permit applications may be initiated by:
 - 1. The owner of the subject property;

2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;
 3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority; or
 4. If the application is for Comprehensive Plan designation or zoning of a Historic District or Historic Corridor, the owners or contract purchasers of at least 60 percent of the property within the area to be so designated or zoned.
- B. Initiation of Legislative Proposals: Type IV legislative land use proposals may be initiated by the Board of County Commissioners, the Planning Commission, or the Planning Director. However, initiation of a legislative proposal does not obligate the County to further processing of the proposal pursuant to Subsection 1307.11, or prevent the County from discontinuing the processing of the proposal at any point prior to decision.
- C. Application Submittal: Type I, II, and III land use permit applications are subject to the following submittal requirements:
1. The following shall be submitted for an application to be complete:
 - a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
 - i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - ii. The address of the subject property, if any, and its assessor's map and tax lot number;
 - iii. The size of the subject property;
 - iv. The Comprehensive Plan designation and zoning district of the subject property;
 - v. The type of application being submitted;
 - vi. A brief description of the proposal; and
 - vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.
 - b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each

applicable approval criterion and standard and each item on the supplemental application form;

- c. Any additional information required under this Ordinance for the specific land use permit sought; and
- d. Payment of the applicable fee, pursuant to Subsection 1307.15.

2. The Planning Director, at his or her sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the application.

32. Each application, when received by the Planning Director, shall be date-stamped with the date the application was received.

D. Completeness of a Type I Application: If a Type I application is not complete when submitted, and the applicant does not make it complete within 30 days of submittal, the application is void.

E. Completeness Review for Type II and III Applications: After it is submitted, a Type II or III land use permit application shall be reviewed for completeness, as follows:

- 1. Except as otherwise provided under Oregon Revised Statutes 215.427, the Planning Director shall review an application for completeness within 30 days of its receipt.
- 2. Determination of completeness shall be based upon the submittal requirements of Subsection 1307.07(C)(1) and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the County will make a favorable decision on the application.
- 3. If an application is determined to be complete, review of the application shall commence.
- 4. If an application is determined to be incomplete, written notice shall be provided to the applicant within 30 days of receipt of the application, identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. The application shall be deemed complete upon receipt by the Planning Director of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or

- c. Written notice from the applicant that none of the missing information will be provided.
5. If the application was complete when first submitted, or the applicant submits additional information, as described in Subsection 1307.07(E)(4), within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
6. On the 181st day after first being submitted, the application is void, if the applicant has been notified of the missing information as required under Subsection 1307.07(E)(4) and has not submitted the missing information or otherwise responded, as provided in Subsection 1307.07(E)(4).

1307.08 TYPE I MINISTERIAL PROCEDURES

Type I land use permit applications are subject to the following procedure:

- A. Notice of Application: Notice of application is not provided.
- B. Decision: The review authority shall approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision.
- C. Notice of Decision: A copy of the decision shall be mailed to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof.
- D. Appeal: The review authority's decision is the final decision of the County.

1307.09 TYPE II ADMINISTRATIVE PROCEDURES

Type II land use permit applications are subject to the following procedures:

- A. Notice of Application: Notice of application shall be provided as follows:
 1. A minimum of 20 days prior to the issuance of a decision, written notice of application shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
 - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;
 - ii. 500 feet of the subject property, and contiguous properties under the

- same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
- iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district;
- c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
 - d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - e. Cities, as prescribed in applicable urban growth management agreements;
 - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
 - h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
 - i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
2. At a minimum, notice of application shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
 - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The name and telephone number of the County staff member to contact where additional information may be obtained;
 - e. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are

available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;

- f. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and
 - g. A statement that subsequent to the closing of the public comment period, a decision will be issued and mailed to everyone entitled to the initial notice of the application.
3. A minimum of 20 days prior to the issuance of a decision, a copy of the submitted application shall be mailed to those identified in Subsections 1307.09(A)(1)(d) through (i).
- B. Decision: The review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
 2. The conditions of approval, if any;
 3. The street address or other easily understood geographical reference to the subject property;
 4. The name and telephone number of the County staff member to contact where additional information may be obtained;
 5. A statement that the complete application file is available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
 6. The date the review authority's decision becomes effective, unless appealed;
 7. A statement that the decision will not become final until the period for filing an appeal with the County has expired without the filing of an appeal;
 8. A statement that any person who is adversely affected or aggrieved or who is entitled to written notice under Subsection 1307.09(C) may appeal the decision by filing a written appeal, and including the date and time by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, the appeal fee, and where further information may be

obtained concerning the appeal process; and

9. A statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

C. Notice of Decision: A copy of the decision shall be mailed to those identified in Subsection 1307.09(A)(1).

D. Appeal: The review authority's decision is the final decision of the County, unless an appeal is filed pursuant to Subsection 1307.13.

1307.10 TYPE III QUASI-JUDICIAL PROCEDURES

Type III land use permit applications are subject to the following procedures:

A. Notice of Application and Public Hearing: Notice of application and public hearing shall be provided as follows:

1. Notice shall be provided to the Oregon Department of Land Conservation and Development (DLCD), if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
2. A minimum of 35 days prior to the first evidentiary hearing on the application, a copy of the submitted application shall be mailed to:
 - a. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - b. Cities, as prescribed in applicable urban growth management agreements;
 - c. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - d. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
 - e. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
 - f. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.

3. A minimum of 20 days prior to the first evidentiary hearing of each review authority on the application, written notice of the application and hearing shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
 - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;
 - ii. 500 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
 - iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district.
 - iv. If the application is for a zone change to apply the MAO District, the distances set forth in Subsections 1307.10(A)(3)(b)(i) through (iii) shall be increased to 1,000 feet from the outer boundary of the proposed impact area under Section 708;
 - c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
 - d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - e. Cities, as prescribed in applicable urban growth management agreements;
 - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
 - g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
 - h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification;

- i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416; and
 - j. Tenants of a mobile home or manufactured dwelling park, as defined in ORS 446.003, when property that includes all or part of such mobile home or manufactured dwelling park is the subject of an application for a Comprehensive Plan map amendment, zone change, or both. Notice to such tenants shall be mailed no more than 40 days before the first evidentiary hearing.
4. At a minimum, notice of application and hearing shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
 - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - e. Date, time, and location of the hearing;
 - f. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;
 - g. The name and telephone number of the County staff member to contact where additional information may be obtained;
 - h. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
 - i. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a cost established by the Board of County Commissioners;
 - j. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
 - k. A statement that subsequent to the close of the public hearing, a decision will be issued and mailed as required by Subsection 1307.10(E).
5. If the application is for a Comprehensive Plan amendment, notice of the date, time, location, and purpose of the Planning Commission's hearing and the

Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first evidentiary hearing, by publication in a newspaper of general circulation in the County. However, if the application applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.

- B. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.
- C. Public Hearing: A public hearing shall be held before the review authority, for the purpose of receiving testimony regarding the application.
- D. Decision: The review authority shall consider the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
 2. The conditions of approval, if any;
 3. The street address or other easily understood geographical reference to the subject property;
 4. The date the review authority's decision becomes effective, unless appealed; and
 5. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal; the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
- E. Notice of Decision: A copy of the decision shall be mailed to:
1. Those identified in Subsections 1307.10(A)(3)(a) and (d) through (i);
 2. Anyone who provided evidence, argument, or testimony as part of the record;

3. Anyone who made a written request for notice of decision; and
 4. DLCD, if required pursuant to ORS 197.615. Procedures for the giving of the required notice to DLCD shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.
- F. Appeal: The review authority's decision is the final decision of the County, except as may be provided for interpretation applications pursuant to Subsection 1307.13(E). Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

1307.11 TYPE IV LEGISLATIVE PROCEDURES

Type IV legislative land use proposals are subject to the following procedures:

- A. Notice of Proposal and Public Hearing: Notice of proposal and hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development, if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
 2. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, a minimum of 35 days prior to the first public hearing, a copy of the text, showing proposed additions and deletions, shall be made available to the public for review. All active community planning organizations, hamlets, and villages that are recognized by the County shall be notified when it becomes available.
 3. A minimum of 20 days prior to the first public hearing of each review authority on the proposal, written notice of the proposal and hearing shall be mailed to:
 - a. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, all active community planning organizations, hamlets, and villages that are recognized by the County;
 - b. For proposed Comprehensive Plan Land Use Plan map amendments and zone changes, any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
 - c. Cities, as prescribed in applicable urban growth management agreements; and
 - d. Those special districts and government agencies deemed by the Planning

Director to have an interest in the proposal.

4. At a minimum, notice of proposal and hearing shall include:
 - a. An explanation of the nature of the proposal;
 - b. Date, time, and location of the hearing;
 - c. The name and telephone number of the County staff member to contact where additional information may be obtained; and
 - d. For Comprehensive Plan Land Use Plan map amendments and zone changes, a copy of the proposed map change(s).
 5. Notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first public hearing, by publication in a newspaper of general circulation in the County. However, if the legislative land use proposal applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Proposal Review and Staff Report: The Planning Director shall consider the proposal, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the proposal, comments received to-date, and the relevant issues associated with the proposal. Each staff report shall make a recommendation to the review authority.
- C. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission, for the purpose of receiving testimony regarding the proposal.
- D. Planning Commission Recommendation: The Planning Commission shall consider the record and may make a recommendation to the Board of County Commissioners to adopt, adopt with modifications, or decline to adopt the proposal. If no recommendation is made by the Planning Commission and no extension is granted by the Board of County Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a recommendation.
- E. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners, for the purpose of receiving testimony regarding the proposal.
- F. Decision: The Board of County Commissioners shall consider the record and may adopt, adopt with modifications, or decline to adopt the proposal; remand the matter back to the Planning Commission for further consideration; or table the

matter. The decision of the Board of County Commissioners to adopt or adopt with modifications shall be by ordinance.

G. Notice of Decision: Notice of decision shall be provided as follows:

1. A maximum of 20 days after the decision is made it shall be submitted to the Oregon Department of Land Conservation and Development (DLCD). Procedures for the giving of the required notice shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.
2. On the same day the decision is submitted to DLCD, the County shall mail, or otherwise deliver, notice to persons who both participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or this Ordinance and requested in writing that the County give notice of the change. The notice shall:
 - a. State how and where the materials described in Subsection 1307.11(G)(1)(a) through (d) may be obtained;
 - b. Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;
 - c. List the locations and times at which the public may review the decision and findings; and
 - d. Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.

H. Appeal: The Board of County Commissioners' decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals or the Oregon Land Conservation and Development Commission, as determined by state law.

1307.12 PUBLIC HEARINGS

Subsection 1307.12 applies to public hearings held pursuant to Section 1307, except that only Subsections 1307.12(A), (B), (E) through (H), and (J) apply to public hearings in a Type IV proceeding.

- A. Procedure, Generally: Public hearings shall be conducted in accordance with Oregon Revised Statutes (ORS) 197.763, Subsection 1307.12, and any bylaws or rules of procedure adopted by the review authority. Subsection 1307.12 authorizes the Hearings Officer, Planning Commission, and Board of County Commissioners to adopt rules of procedure for the conduct of hearings.
- B. Parties: Any interested party shall be entitled to participate in a public hearing.

- C. Order of Proceeding: The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted bylaws or rules of procedure of the review authority, as appropriate.
1. Jurisdictional Objections: Before receiving the staff report or testimony on the application, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the review authority has the discretion to proceed or terminate the hearing.
 2. Disclosure Statement: The review authority (or individual member thereof), or its designee, shall read the land use disclosure statement, which shall include:
 - a. A list of the applicable substantive criteria, or a reference to the staff report, where a list of the criteria can be found;
 - b. A statement that testimony, argument, and evidence must be directed toward the criteria described in Subsection 1307.12(C)(2)(a) or other criteria in the Comprehensive Plan or land use regulation which the person believes to apply to the decision;
 - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 3. Call for Ex Parte Contacts: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact. If the review authority is the Hearings Officer, he or she shall declare any ex parte contacts and state for the record the nature and content of the contact.
 4. Call for Abstentions: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member must abstain from participation in the hearing due to conflicts of interest. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises. If the review authority is the Hearings Officer, he or she shall declare any potential conflicts of interest. The Hearings Officer shall

state the nature of the conflict, and if the nature of the conflict is such that the Hearings Officer cannot fulfill his or her duty to be a fair and impartial decision maker, the Hearings Officer shall recuse himself or herself from hearing the matter.

5. Staff Report: The Planning Director shall present a report and recommendation concerning the proposal.
6. Presentation of the Application:
 - a. Applicant's case;
 - b. Community planning organizations, hamlets, and villages. Appearance by a representative from any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village, to present the organization's position on the proposal;
 - c. Public testimony; and
 - d. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters that were introduced during the hearing.
7. Close of Hearing: No additional testimony, evidence, or argument shall be accepted after the close of the hearing unless the record is held open by the review authority.
8. Reopened Hearing: The hearing may be reopened by the review authority, prior to decision, to receive additional testimony, evidence, or argument. Notice shall be provided to the same persons who received notice of the original hearing and to anyone who provided evidence, argument, or testimony as part of the record.
9. Deliberations: If the review authority is the Planning Commission or Board of County Commissioners, deliberations shall immediately follow the hearing, except that deliberations may be delayed to a subsequent date and time certain. If the review authority is the Hearings Officer, deliberations will not occur, and the Hearings Officer will instead take the matter under advisement.
10. Remand: The Board of County Commissioners may remand any matter previously considered by the Planning Commission back to the Planning Commission for further review.
11. Recommendation or Decision: When the review authority is the Planning Commission or Board of County Commissioners, the recommendation or decision, as applicable, will be voted on and announced during a public meeting.

D. Ex Parte Contact:

1. The review authority shall not do any of the following:
 - a. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate;
 - b. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with a particular application, unless the parties are afforded an opportunity to contest the material so noted; or
 - c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. Individuals representing the review authority may inspect the site alone but must put the circumstances of the inspection on record.
2. A party may challenge the review authority, or individual member thereof, on the grounds of Subsection 1307.12(D)(1), or that such individual has a legal conflict of interest as defined by ORS 244.020(1) or ORS 244.120. A challenge and the decision thereon by the review authority shall be entered in the record of the application.
3. While every effort must be made to avoid ex parte contact, no decision of the review authority shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1307.12(D)(1), if the review authority (or individual member thereof) receiving the contact:
 - a. Places on the record the substance of any written or oral ex parte communication concerning the decision or action; and
 - b. Has a public announcement made of the content of the communication, and of the parties' right to rebut the substance of the communication, at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.
4. A communication between County staff and the review authority (or individual member thereof) shall not be considered an ex parte contact for purposes of Subsection 1307.12(D)(1).

E. Evidence and Exhibits:

1. All evidence may be received unless excluded by the review authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the approval of the land use

permit or legislative land use proposal more or less probable than it would without the evidence. Evidence may be received subject to a later ruling regarding its admissibility.

2. The review authority may exclude cumulative, repetitious, or immaterial evidence, but erroneous admission of evidence by the review authority shall not preclude action by the review authority or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
 3. All evidence shall be offered and made a part of the record in the application or legislative proceeding; and, except for matters stipulated to and except as provided in Subsection 1307.12(E)(4), no other factual information or evidence shall be considered in the recommendation or decision.
 4. The review authority may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within specialized knowledge. Except in a Type IV proceeding, interested parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The review authority may utilize experience, technical competence, and specialized knowledge in evaluation of the evidence presented.
 5. All exhibits received shall be marked so as to provide identification upon review. Such exhibits may be returned when the period for review has expired, but shall otherwise be preserved by the Planning Director.
- F. Time Limits: The review authority may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. No person may speak more than once without obtaining permission from the review authority.
- G. Questioning: The review authority (or individual member thereof) or County staff may question any person who testifies. The applicant and other parties to the proceeding shall not have the right to question or cross-examine any person who testifies.
- H. Scope of Testimony: Except in a Type IV proceeding, testimony shall be directed towards the applicable standards and criteria that apply to the proposal. The review authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the review authority may call for those in favor and those in opposition to rise, and the review authority shall note the numbers of such persons for the record.
- I. Continuances and Open Record Periods:

1. All documents or evidence relied upon by the applicant shall be submitted to the County and be made available to the public. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the review authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.
2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The review authority shall either continue the public hearing, pursuant to Subsection 1307.12(I)(2)(a), or leave the record open for additional written evidence, argument, or testimony, pursuant to Subsection 1307.12(I)(2)(b).
 - a. If the review authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, argument, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, argument, or testimony for the purpose of responding to the new written evidence. Only one continuance is available of right under Subsection 1307.12(I)(2)(a); provided, however, nothing in Subsection 1307.12(I)(2)(a) shall restrict the review authority, in its discretion, from granting additional continuances.
 - b. If the review authority leaves the record open for additional written evidence, argument, or testimony, the record shall be left open for at least seven days. The review authority may leave the record open for an additional period of at least seven days for any participant to respond to new evidence submitted during the prior open-record period. However, if the review authority has not provided for this additional open-record period, any participant may file a written request with the Planning Director for an opportunity to respond to new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is left open. If such a request is filed, the review authority may reopen the record pursuant to Subsection 1307.12(I)(4).
 - c. A continuance or extension granted pursuant to Subsection 1307.12(I)(2) shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.

3. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and place certain, in which case notice of the continued hearing shall be given as though it were the initial hearing.
4. If the record is reopened to admit new evidence, argument, or testimony, any person may raise new issues which relate to the new evidence, argument, testimony, or criteria for decision-making which apply to the matter at issue. Notice of the reopened record shall be provided to any person who presented evidence, argument, or testimony as part of the record prior to the date the record was reopened.
5. Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.

J. Record of Hearing:

1. A verbatim record of the proceeding shall be made by written, mechanical, or electronic means, which record need not be transcribed except upon review on the record.
2. The record of proceedings is comprised of:
 - a. The Comprehensive Plan and this Ordinance, all of which shall be automatically incorporated into the record;
 - b. The application or legislative proposal that initiated the proceeding;
 - c. All testimony, argument, evidence, and exhibits submitted prior to the close of the record of the proceeding;
 - d. Any staff reports submitted prior to the close of the record of the proceeding;
 - e. Any electronic presentation used by either staff, applicant, or other participant in the proceeding;
 - f. The verbatim record, as provided in Subsection 1307.12(J)(1);
 - g. Minutes, if any, of the hearing;
 - h. A verbatim record, as provided in Subsection 1307.12(J)(1), of any public meeting after the close of the hearing at which the proceeding is discussed

by or acted upon by the review authority;

- i. Minutes, if any, of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority; and
- j. The written decision.

1307.13 APPEALS

Subsection 1307.13 applies to all appeals processed by the County of decisions issued under Section 1307. Table 1307-1 identifies those land use permit decisions that may be appealed at the County level and the applicable review authority for those appeals.

- A. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business.
- B. Notice of Appeal: Notice of appeal shall be made on a form prescribed by the Planning Director and shall be accompanied by the appeal fee. The notice of appeal shall contain:
 1. Identification of the decision sought to be appealed, including its assigned file number, the name of the applicant, and the decision date;
 2. The name, mailing address, and telephone number of the appellant;
 3. The nature of the decision being appealed and the grounds for appeal; and
 4. Signature(s) of the appellant(s), or the duly authorized representative(s) thereof, authorizing the filing of the appeal.
- C. Proper Filing of Notice of Appeal: The failure to file a timely and complete notice of appeal is a jurisdictional defect, and the Planning Director shall not accept a notice of appeal that does not comply with Subsections 1307.13(A) and (B). The Planning Director's determination that an appellant has failed to comply with Subsections 1307.13(A) and (B) shall be final.
- D. Appeal Procedures; Scope: Appeals are subject to the following procedures:
 1. De Novo Review: Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level review authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record of the appeal. For purposes of Subsection 1307.13(D)(1), the record of the initial proceeding consists of

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- a. Those items listed in Subsections 1307.12(J)(2)(a) through (d) and (j); and
 - b. Those items listed in Subsections 1307.12(J)(2)(e) through (i), to the extent that any prior hearing(s) or public meeting(s) were conducted in reaching the decision that is being appealed.
2. Notice of Public Hearing: Notice of public hearing shall be provided as follows:
- a. A minimum of 20 days prior to the first evidentiary hearing on the appeal, written notice of the appeal and hearing shall be mailed to:
 - i. Those who were entitled to notice pursuant to Subsection 1307.09(A)(1);
 - ii. The appellant; and
 - iii. Anyone who previously provided evidence, argument, or testimony as part of the record.
 - b. At a minimum, notice of hearing shall include those elements identified in Subsection 1307.10(A)(4), except that 1307.10(A)(4)(i) will reference the appealed decision, rather than the staff report.
3. Public Hearing: A public hearing shall be held before the appeal review authority, for the purpose of receiving testimony regarding the application.
4. Decision: The appeal review authority shall consider the record and affirm the decision, affirm the decision with additional conditions or modifications, or reverse the decision. The appeal review authority shall issue a written decision in the form of an order, which shall be signed and dated, that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include the elements identified in Subsection 1307.10(D)(1) through (5).
5. Notice of Decision: A copy of the written order shall be mailed to:
- a. Those identified in Subsection 1307.10(E); and
 - b. The appellant.
6. Appeal: Except where an additional County-level appeal is provided pursuant to Subsection 1307.13(E), the appeal review authority's decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

E. Review of an Interpretation by the Board of County Commissioners:

1. A second County-level appeal is provided for applications for an interpretation of the Comprehensive Plan, where the Board of County Commissioners shall review the decision of the Planning Commission on appeal. Processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given to:
 - a. Those identified in Subsections 1307.09(A)(1)(a), (d) through (f), and (i);
 - b. The appellant;
 - c. Anyone who provided evidence, argument, or testimony as part of the record; and
 - d. Anyone who made a written request for notice of decision.
2. A second County-level appeal is provided for applications for an interpretation of this Ordinance, where the Board of County Commissioners may choose to review the decision of the Hearings Officer on appeal but is not required to do so.
 - a. If the Board of County Commissioners accepts the appeal, processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given pursuant to Subsection 1307.13(E)(1).
 - b. If the Board of County Commissioners denies a request for review, it shall do so in writing. Notice of the denial shall be given pursuant to Subsection 1307.13(E)(1). If the Board of County Commissioners denies a request for review, the decision of the Hearings Officer stands as the final decision of the County. The period for appeal to the Oregon Land Use Board of Appeals commences on the date of mailing of the Board of County Commissioners' denial of review.

- F. Effect of Judicial or Administrative Review: Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the County shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any development permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by County Counsel, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.

- G. Remand from the Land Use Board of Appeals: The County shall take final action on decisions remanded by the Oregon Land Use Board of Appeals (LUBA) within one year of the effective date of LUBA's final order, unless the applicant requests in writing that the County proceed with the application pursuant to Oregon Revised Statutes (ORS) 215.435(2)(a), in which case the provisions of ORS 215.435 shall apply. The effective date of LUBA's final order shall be determined pursuant to ORS 215.435(1).

1307.14 CONDITIONS OF APPROVAL

Approval of a Type I, II, or III land use permit may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

- A. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no time is set forth, within a reasonable time. Failure to fulfill any conditions within the time limitations provided shall be grounds for the Planning Director to initiate revocation of the approved land use permit pursuant to Subsection 1307.16(L).
- B. Conditions shall be imposed to ensure compliance with the standards and approval criteria applicable to the land use permit, or shall be reasonably calculated to fulfill public needs emanating from the proposed land uses as set forth in the application, in the following respects:
1. Protection of the public from the potentially deleterious effects of the proposed use; or
 2. Fulfillment of the need for public services created by the proposed use.
- C. The review authority may find compliance with an applicable approval criterion by imposing conditions necessary to ensure compliance and finding that it is feasible for the conditions to be satisfied. Notwithstanding this provision, where conditions require state agency permits to be obtained, the review authority need only find substantial evidence to demonstrate that the applicant is not precluded from obtaining such state agency permits as a matter of law.
- D. A ~~surety bond, cash deposit, or other security, in a form to be prescribed by the Planning Director,~~ may be required from the applicant, in an amount sufficient to ensure compliance with one or more conditions of approval, subject to Section 1311, Completion of Improvements, Sureties, and Maintenance.

1307.15 FEES

Fees are for the purposes of defraying administrative costs and are subject to the following:

- A. Fees payable at the time of application or appeal are established by separate order

of the Board of County Commissioners.

- B. The failure to submit the required fee with an application or appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. An active community planning organization that is recognized by the County may file appeals without fee, provided the decision to file an appeal is made at a public meeting held in compliance with Oregon Revised Statutes 192.610 to 192.690.
- D. Appeal fees shall be refunded if the appellant prevails. Any other fee refund policy shall be established by separate order of the Board of County Commissioners.
- E. The County Administrator or designee may reduce or waive fees upon showing of just cause to do so.

1307.16 GENERAL PROVISIONS

- A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.
- B. Property Owner's Signature: When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that he or she is buying the property under contract, the Planning Director and the review authority, if other than the Planning Director, may accept these statements to be true, unless the contrary be proved, and except where otherwise in this Ordinance more definite and complete proof is required. Nothing herein shall prevent the Planning Director or the review authority, if other than the Planning Director, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.
- C. Property Owner Notice: Where notice to property owners of record is required by Section 1307, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal need not be notified of the application, decision, or hearing. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in Section 1307 shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.

- D. Method of Mailing: When mailing is required by Section 1307, first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.
- E. Burden of Proof: Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.
- F. Argument and Evidence: For the purposes of Section 1307:
1. Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by any party. Argument does not include facts.
 2. Evidence means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by any party to be relevant to the proposal.
- G. Withdrawal: Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.
- H. Final Action Deadline: Except as modified by ORS 197.763, the County shall take final action on a land use permit application that is subject to Oregon Revised Statutes (ORS) 215.427, including resolution of all County appeals, within the time period specified by ORS 215.427, unless the applicant provides written request for an extension of such period pursuant to ORS 215.427(5).
- I. Effective Date of Decision: The County's final decision on a Type I, II, or III land use permit application becomes effective on:
1. The day the final decision is issued, if no appeal at the County level is allowed;
 2. The day after the appeal period expires, if an appeal at the County level is allowed, but no notice of appeal is timely filed;

3. The day the decision is issued by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County's final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed; or
 4. The date of mailing of the Board of County Commissioners' denial of review, pursuant to Subsection 1307.13(E)(2)(b).
- J. Reissuing a Decision: The review authority may reissue a Type I, II, or III decision as a result of a clerical error, a misstatement of facts, or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period, if any, or after the filing of an appeal. Notice of the reissued decision shall be given in the same manner as notice of the original decision. A new appeal period equal to that of the original decision shall be provided from the date of mailing of the amended decision.
- K. Re-filing an Application: If a Type II or III land use permit application is denied, or a Type II or III land use permit is revoked pursuant to Subsection 1307.16(L), an applicant may re-file for consideration of the same or substantially similar application only if:
1. At least two years have passed after either final denial of an application by the County or revocation of a permit; or
 2. The review authority finds that one or more of the following circumstances render inapplicable all of the specific reasons for the denial:
 - a. A change, which is material to the application, has occurred in this Ordinance, the Comprehensive Plan, or other applicable law; for the purposes of this provision, "change" includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Section 1308;
 - b. A mistake in facts, which was material to the application, was considered by the review authority;
 - c. There have been changes in circumstances resulting in new facts material to the application;
 - d. A change has occurred in the zoning of the subject property, or adjacent property, that substantially affects the merits of the application; or
 - e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application.

- L. Revocation of Approval: An approval of a Type II or III land use permit may be revoked, as follows:
1. The Planning Director may initiate a public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation.
 2. Revocation of approval shall be reviewed using the Type III procedure. The Hearings Officer shall be the review authority, and the decision of the Hearings Officer shall be the final decision of the County.
 3. Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.
- M. Modifications: Except as permitted pursuant to Section 1309:
1. A modification to an approved Type I, II, or III land use permit, or conditions thereto, shall be processed as a new application; and
 2. A modification to conditions of approval for a Type II or III land use permit shall be considered only if one or more of the circumstances identified in Subsection 1307.16(K)(2) apply.

[Added by Ord. ZDO-248, 10/13/14]