



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/01/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment  
DLCD File Number 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 16, 2013

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

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

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kay Pollack, Clackamas County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUN 26 2013
	LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **Clackamas County**Local file number: **ZDO-245**Date of Adoption: **6/13/2013**Date Mailed: **6-25-13**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/18/2013☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Sections amended: 806-Home Occupations to Host Events (repeal natural resource lands requirement that use must be associated with a winery or historic landmark, revise definition of 'employee' to comply with case law, add alternative parking lot surfaces); 1002-Protection of Natural Features (simplify purpose, delete redundant standards, and map references); 1010-Signs (relax limits on institutional use signs in rural areas); 504-Rural Tourist Commercial District (delete redundant language).

Does the Adoption differ from proposal? Yes, Please explain below:

Section 806 amended language to permit tents with Home Occupations to Host Events to the full extent allowed by state statute. Section 1010 limited expanded signage opportunities to public uses in the rural area.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

DLCD File No. 003-13 (19744) [17504]



If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Kay Pollack, Senior Planner**

Phone: **(503) 742-4513** Extension:

Address: **150 Beavercreek Rd**

Fax Number: **503-742-4550**

City: **Oregon City**

Zip: **97045-**

E-mail Address: **kayp@co.clackamas.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



DEPT OF

JUN 26 2013

LAND CONSERVATION  
AND DEVELOPMENT

OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

**Stephen L. Madkour**  
County Counsel

**David W. Anderson**  
**Kimberley Ybarra**  
**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Rhett C. Tatum**  
Assistants

## CERTIFICATE OF MAILING

I hereby certify that the enclosed Ordinance No. ZDO-245 was deposited in the mail on June 25, 2013

Signed: \_\_\_\_\_

*Cheryl J. Cornelison*

Cheryl J. Cornelison, Administrative Assistant  
Clackamas County Counsel's Office  
(503) 655-8619



**ORDINANCE NO. ZDO-245**

**An Ordinance amending Sections 504, 806, 1002, and 1010,  
and making conforming amendments to  
Sections 301, 307, 308, 309, 310, 314, 406, 407, 837, 1001, 1011, 1012, and 1603  
of the Clackamas County Zoning and Development Ordinance**

WHEREAS, the Planning Director initiated an amendment to Section 504 of the Zoning and Development Ordinance in order to eliminate duplicate language and an incorrect citation; and

WHEREAS, the Planning Director initiated an amendment to Section 806 of the Zoning and Development Ordinance in order to be in compliance with Land Use Board of Appeals Case No. 2010-106, to expand opportunities for home occupations to host events in natural resource zones, and to allow alternative parking lot surfaces for such events in the rural area; and

WHEREAS, the Planning Director initiated an amendment to Section 1002 of the Zoning and Development Ordinance in order to eliminate inconsistencies and redundancies with other County policies and to clarify map references for Wildlife Habitat Areas, Distinctive Resource Areas, and Significant Natural Areas; and

WHEREAS, the Planning Director initiated an amendment to Section 1010 of the Zoning and Development Ordinance in order to modify signage standards for service, recreational, and institutional uses in the rural areas and to clarify standards for changeable copy signs; and

WHEREAS, the Planning Director initiated conforming numbering amendments to Sections 301, 307, 308, 309, 310, 314, 406, 407, 837, 1001, 1011, 1012, and 1603 of the Zoning and Development Ordinance; and

WHEREAS, an on-going process of amendments to the Zoning and Development Ordinance is necessary to respond to state law, changes in development demands, and public input; and

WHEREAS, it has been a policy of the Board of County Commissioners to include in the county's resource districts all the uses allowed by state law, encourage sound land use and development and improve the Zoning and Development Ordinance 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 all other applicable state and federal laws and regulations; and

WHEREAS, after a duly-noticed public hearing on April 22, 2013, the Clackamas County Planning Commission recommended approval of amendments to Sections 504, 806, 1002, and conforming numbering amendments, but recommended not to adopt amendments to Section 1010; and

WHEREAS, the Board of County Commissioners held a public hearing on May 8, 2013, at which it approved amendments to Sections 504 and 1002 and conforming numbering amendments, as recommended by the Planning Commission; directed staff to make changes related to Section 806 of the Zoning and Development Ordinance, permitting tents with Home Occupations to Host Events to the full extent allowed by state statute; and directed staff to make changes related to Section 1010 of the Zoning and Development Ordinance, limiting expanded signage opportunities to public uses in the rural area; and

WHEREAS, staff did amend language pertaining to the use of tents in Section 806 and develop language to modify signage standards in the rural area for governmental uses in Section 1010; now therefore

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Sections 301, 307, 308, 309, 310, 314, 406, 407, 504, 806, 837, 1002, 1001, 1010, 1011, 1012, and 1603 of the Clackamas County Zoning and Development Ordinance are hereby amended as shown in Exhibit A, hereto attached.

**Section 2:** This ordinance shall be effective on July 1, 2013.

ADOPTED this 13<sup>th</sup> day of June, 2013

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



**Ordinance ZDO-245**  
**Zoning and Development Ordinance Amendments**

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

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

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[The title of Section 301 changed by Ord. ZDO-224, 5/31/11]

**301.01    PURPOSE**

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

[Amended by Ord. ZDO-224, 5/31/11]

**301.02    AREA OF APPLICATION**

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

- A.    Physical Site Conditions:
  - 1. Land with soils subject to slippage, compaction, or high shrink-swell characteristics shall be zoned R-15 or R-20.
  - 2. Land with slopes of:
    - a. 0 to 20 percent shall be considered for zones R-2.5, R-5, R-7 or R-8.5
    - b. 20 percent or more shall be considered for zones R-10 to R-30.
- B.    Capacity of Facilities: Land shall be zoned to maximize the capacity of facilities such as streets, sewers, water and storm drainage systems.
- C.    Availability of Transit: Land within walking distance (approximately one-quarter mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5.
- D.    Proximity to Trip Generators: Areas in close proximity to jobs, shopping, cultural and activity centers shall be zoned R-2.5, R-5, R-7 or R-8.5.
- E.    Neighborhood Preservation and Variety: Areas that have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.
- F.    Vacant Lands: Unless otherwise dictated by the preceding criteria, areas of mostly vacant and sparsely developed land shall be zoned R-2.5, R-5 or R-7.

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

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

[Amended by Ord. ZDO-224, 5/31/11]

### 301.03 PRIMARY USES

- A. The following are primary uses in the R-2.5 zoning district:
1. One attached single-family dwelling or residential home;
  2. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district;
  3. When a development site includes areas zoned Medium High Density Residential District (MR-2) as well as areas zoned Urban Low Density Residential, a master plan may be approved for the entire site. The master plan may provide for condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings on both the areas zoned Urban Low Density Residential and the areas zoned MR-2. The following criteria shall be met:
    - a. The maximum number of dwelling units allowed on the overall site pursuant to Section 1012 shall not be exceeded.



- b. The master plan shall provide for the minimum number of attached or detached single-family dwellings required pursuant to Subsection 1012.08 for the portion of the overall site zoned Urban Low Density Residential.
  - c. Each single-family dwelling shall be located on a separate lot of record. The minimum lot size for an attached single-family dwelling shall be 2,000 square feet, and the minimum lot size for a detached single-family dwelling shall be 4,000 square feet.
  - d. Condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings shall be subject to Subsections 313.08 and 313.09; and
4. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.
- B. The following are primary uses in the R-5 through R-30 zoning districts:
- 1. One detached single-family dwelling, residential home or manufactured home. A manufactured home shall be subject to Section 824;
  - 2. One attached single-family dwelling per lot on 20 percent of the total number of lots in a subdivision or 100 percent of the lots in a planned unit development;
  - 3. Condominiums, subject to Section 803;
  - 4. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district;
  - 5. Propagation, management, and harvesting of forest products. Refer to Subsection 1002.04-03 regarding a development restriction that may apply if excessive tree removal occurs;
  - 6. Utility carrier cabinets, subject to Section 830; and
  - 7. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

#### 301.04 ACCESSORY USES

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

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- A. Uses and structures customarily accessory and incidental to a primary use;
- B. A guest house;
- C. Home occupations, including bed and breakfast homestays, subject to Section 822;
- D. A private garage or parking area;
- E. Keeping of not more than two roomers or boarders by a resident family;
- F. Produce stands, subject to Section 815;
- G. Livestock, subject to Section 821;
- H. Signs, subject to Section 1010;
- I. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;
- J. Bus shelters, subject to Section 823;
- K. Solar energy systems;
- L. Rainwater collection systems;
- M. Electric vehicle charging stations for the use of residents and their nonpaying guests;
- N. Family daycare providers; and
- O. Accessory dwelling units in conjunction with detached single-family dwellings.

[Amended by Ord. ZDO-224, 5/31/11]

301.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

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

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

[Amended by Ord. ZDO-224, 5/31/11]

301.06 CONDITIONAL USES



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- A. The Hearings Officer may approve the following conditional uses in an Urban Low Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
1. Except in the R-2.5 zoning district, two- and three-family dwellings and the conversion of single-family dwellings into two-family dwellings, subject to Section 802;
  2. Except in the R-2.5 zoning district, condominium conversions, subject to Section 803;
  3. Churches, subject to Section 804;
  4. Schools, subject to Section 805;
  5. Daycare facilities, subject to Section 807;
  6. Cemeteries and crematories, subject to Section 808;
  7. Hospitals, subject to Section 809, and helistops for emergency use in conjunction with a hospital;
  8. Nursing homes, subject to Section 810;
  9. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813;
  10. Surface mining, subject to Section 818;
  11. Sanitary landfills and debris fills, subject to Section 819;
  12. Manufactured home parks, subject to Section 825;
  13. Hydroelectric facilities, subject to Section 829;
  14. Bed and breakfast residences and inns, subject to Section 832;
  15. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
  16. Except in the R-2.5 zoning district, horticulture, nurseries, hydroponics, and similar uses that exceed an accessory use; and
  17. The hosting of weddings, family reunions, class reunions, company picnics, and similar events.

[Amended by Ord. ZDO-224, 5/31/11]

301.07 PROHIBITED USES

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

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

[Amended by Ord. ZDO-224, 5/31/11]

301.08 DIMENSIONAL AND DESIGN STANDARDS

- A. Purpose: The dimensional and design standards are intended to:
  - 1. Provide consistent standards ensuring a stable pattern and intensity of development for new and existing neighborhoods;
  - 2. Provide for fire safety and protection of all structures;
  - 3. Protect the privacy and livability of dwellings and yard areas;
  - 4. Provide for adequate light and air circulation between structures;
  - 5. Provide for, and protect the unique character and livability of each district;
  - 6. Ensure suitable access to each lot with minimum impact on adjacent lots or dwellings; and
  - 7. Ensure consistency in the scale of structures, both vertically and horizontally.
- B. Minimum Lot Size: The minimum lot size shall be as follows, except as modified by Section 902, 1013, or 1014. For subdivisions, partitions, and condominium developments, the maximum and minimum number of primary dwelling units permitted shall be calculated pursuant to Section 1012.
  - 1. R-2.5: 2,500 square feet
  - 2. R-5: 5,000 square feet
  - 3. R-7: 7,000 square feet
  - 4. R-8.5: 8,500 square feet
  - 5. R-10: 10,000 square feet
  - 6. R-15: 15,000 square feet

7. R-20: 20,000 square feet
8. R-30: 30,000 square feet
- C. General Requirements: The minimum dimensional standards for primary structures, except attached single-family dwellings, shall be as follows:
  1. Minimum front yard setback: 20 feet
  2. Minimum rear yard setback: 20 feet
  3. Minimum side yard setback: 5 feet
  4. Maximum building height: 35 feet
  5. Maximum lot coverage:
    - a. Primary use structures: 35 percent
    - b. Primary and accessory structures: 40 percent
    - c. Lot coverage limitations do not apply to swimming pools.
- D. Exceptions to General Requirements: Subsection 301.08(C) is subject to modification pursuant to Section 900. In addition, the following exceptions apply:
  1. Accessory Structures: A maximum of four accessory structures are permitted. Minimum setbacks, except as prescribed for accessory dwelling units in Subsection 301.08(G), are as follows:
    - a. Structures 100 square feet or less in area and eight feet or less in height: No side or rear yard setback behind the front building line shall be required for any detached accessory structure
    - b. Structures 101 to 200 square feet in area and structures up to 10 feet in height: The minimum side and rear yard setbacks behind the front building line are three feet for any detached accessory structure and its projections.
    - c. Structures 201 to 500 square feet in area and structures up to 15 feet in height: The minimum side and rear yard setbacks behind the front building line are three feet for one accessory structure and its projections in this category. The three-foot setback requirement shall be increased one foot for each foot of height over 10 feet to a maximum of 15 feet in height. However, the minimum setback shall not exceed the setback requirements of Subsection 301.08(C). The



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structure and its projections shall be detached and separated from other structures by at least three feet.

- d. Structures greater than 15 feet in height: Structures greater than 15 feet in height shall comply with the setback requirements of Subsection 301.08(C).
  - e. Structures in excess of 500 square feet: One accessory structure in excess of 500 square feet in area is allowed, subject to the setback requirements of Subsection 301.08(C) and the following provisions:
    - i. The lot is in excess of 10,000 square feet in area.
    - ii. The proposed accessory structure shall be constructed with the same exterior building materials as that of the dwelling, or an acceptable wood or metal substitute. Metal buildings shall include roof overhangs, gutters, downspouts, and a painted steel exterior similar in color to that of the dwelling.
    - iii. The square footage of the accessory structure shall not exceed the square footage of the ground floor of the dwelling.
    - iv. The height of the accessory structure shall not exceed the height of the dwelling.
  - f. Swimming Pools: The minimum front yard setback for a swimming pool shall be 10 feet. The minimum side and rear yard setbacks for a swimming pool shall be three feet.
- 2. Corner Lots: One of the required front yard setbacks may be reduced to 15 feet, if the front setback to be reduced abuts a local street, private road, or access drive. The side and rear yards of corner lots shall be designated by the applicant with the minimum setback distance as identified in Subsection 301.08(C).
  - 3. Undersized Lots of Record: For any detached single-family dwelling on a lot of record 6,000 square feet or less, the rear yard setback may be reduced to 10 feet, one side yard setback may be reduced to zero and the maximum lot coverage may be increased to 50 percent, provided that:
    - a. The lot of record was created prior to the application of an Urban Low Density Residential District to the subject lot of record; and
    - b. The development occurring within the yard setback area shall not block solar access to an existing window or solar energy system located on the adjacent properties.

E. Variances: Dimensional standards may be modified pursuant to Section 1205.

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- F. Structure and Façade Design: All dwellings, except temporary dwellings approved pursuant to Subsection 1204, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access):
1. A covered porch at least two feet deep.
  2. An entry area recessed at least two feet from the exterior wall to the door.
  3. A bay or bow window (not flush with the siding).
  4. An offset on the building face of at least 16 inches from one exterior wall surface to the other.
  5. A dormer.
  6. A gable.
  7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  8. Roof line offsets of at least 16 inches from the top surface of one roof to the top surface of the other.
  9. An attached garage.
  10. Orientation of the long axis and front door to the street.
  11. Cupolas.
  12. Tile or shake roofs.
  13. Horizontal lap siding.
- G. Accessory Dwelling Units: Accessory dwelling units shall be subject to the following development standards:
1. The square footage of an accessory dwelling unit shall not exceed six percent of the area of the lot of record on which it is located, or 720 square feet, whichever is less.
  2. Yard setbacks for an accessory dwelling unit shall be the same as those required for a primary dwelling.
  3. Only one accessory dwelling unit per lot of record is allowed.
  4. An accessory dwelling unit may:
    - a. Be a detached structure;

- b. Be attached to another accessory structure; or
  - c. Share at least one building wall, or portion thereof, with the primary dwelling, provided that the accessory dwelling unit has a separate entrance. "Wall" does not include a breezeway, porch, or awning.
- 5. The exterior finish materials of the accessory dwelling unit shall be the same as, or visually match, those of the primary dwelling.
  - 6. The front yard setback shall be no less than the setback of the front façade of the primary dwelling excluding the porch, garage, and architectural features.
  - 7. If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the structure. An exception to this requirement may be granted if there is no ground-level access to the accessory dwelling unit, or if the primary dwelling has additional front entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased. Exceptions shall be subject to Planning Director review pursuant to Subsection 1305.02.
  - 8. In addition to the required parking space(s) for the primary dwelling, one additional off-street parking space located behind the front yard setback line shall be provided for the accessory dwelling unit.
  - 9. Owner occupancy of either the accessory dwelling unit or the primary dwelling shall be required. A deed restriction requiring owner-occupancy of one of the dwelling units shall be recorded prior to issuance of a building permit for the accessory dwelling unit.
- H. Condominiums and two- and three- family dwellings: Shall be subject to design review pursuant to Section 1102.
- I. Attached Single-Family Dwellings: In addition to the design standards in Subsection 301.08(F), attached single-family dwellings shall be subject to the following design standards:
- 1. Minimum Street Frontage: 25 feet.
  - 2. Minimum Front and Rear Yard Setbacks: 20 feet.
  - 3. Minimum Side Yard Setback: 10 feet opposite the common wall. No setback shall be required from any side property line where two dwelling units share a common wall.
  - 4. Maximum Lot Coverage: 50 percent.



5. Maximum Building Height: 35 feet.
6. Roofs: The roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
7. Design Review: Attached single-family dwellings shall be subject to design review pursuant to Section 1102.

[Amended by Ord. ZDO-224, 5/31/11]

301.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- C. Off-Street Parking: At least one off-street parking space located behind the front yard setback line shall be provided for each single-family dwelling.
- D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11]

**307 RURAL AREA RESIDENTIAL 1-ACRE DISTRICT (RA-1)**

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**307.01 PURPOSE**

Section 307 is adopted to implement the policies of the Comprehensive Plan for Unincorporated Community Residential areas.

[Amended by Ord. ZDO-224, 5/31/11]

**307.02 AREA OF APPLICATION**

Property may be zoned Rural Area Residential 1-Acre District when the site has a Comprehensive Plan designation of Unincorporated Community Residential and the criteria in Section 1202 are satisfied.

[Amended by Ord. ZDO-224, 5/31/11]

**307.03 PRIMARY USES**

The following are primary uses in the Rural Area Residential 1-Acre District:

- A. Agriculture, horticulture, greenhouses, nurseries, and timber growing. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04-03 regarding a development restriction that may apply if excessive tree removal occurs;
- B. Livestock, subject to Section 821;
- C. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824;
- D. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in the residential district;
- E. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823;
- F. Utility carrier cabinets, subject to Section 830; and
- G. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

**307.04 ACCESSORY USES**

The following are accessory uses in the Rural Area Residential 1-Acre District:

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

[Amended by Ord. ZDO-224, 5/31/11]

**307.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR**

The Planning Directory may approve the following use in the Rural Area Residential 1-Acre District, pursuant to Subsection 1305.02:

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

[Amended by Ord. ZDO-224, 5/31/11]

**307.06 CONDITIONAL USES**

- A. The Hearings Officer may approve the following conditional uses in the Rural Area Residential 1-Acre District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
  - 1. Two-family dwellings, subject to Section 802;
  - 2. Churches, subject to Section 804;
  - 3. Schools, subject to Section 805, except as restricted by Subsection 307.07(C);
  - 4. Daycare facilities, subject to Section 807;



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5. Cemeteries and crematoriums, subject to Section 808;
6. Service and recreational uses, subject to Section 813;
7. Surface mining, subject to Section 818;
8. Sanitary landfills and debris fills, subject to Section 819;
9. Hydroelectric facilities, subject to Section 829;
10. Bed and breakfast residences and inns, subject to Section 832;
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; and
13. Home occupations to host events, subject to Section 806.

[Amended by Ord. ZDO-224, 5/31/11]

307.07 PROHIBITED USES

The following are prohibited uses in the Rural Area Residential 1-Acre District:

- A. Uses of structures and land not specifically permitted;
- B. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size; and
- C. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.

[Amended by Ord. ZDO-224, 5/31/11]

307.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures; and
  3. Protect the privacy and livability of dwellings and yard areas.

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- B. Minimum Lot Size: New lots of record shall be a minimum of one acre in size, except as restricted by Subsection 307.07(B) or as modified by Section 902 or 1013.
- C. Minimum Front Yard Setback: 30 feet.
- D. Minimum Side Yard Setback: 10 feet; however, accessory structures shall have a minimum side yard setback of five feet.
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of five feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 307.08(B) through (E) may be modified pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]

307.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Parking: One off-street parking space located behind the front yard setback line shall be provided for each dwelling unit.
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

**308 RURAL AREA RESIDENTIAL 2-ACRE DISTRICT (RA-2)**

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**308.01 PURPOSE**

Section 308 is adopted to implement the policies of the Comprehensive Plan for Rural areas.

[Amended by Ord. ZDO-224, 5/31/11]

**308.02 AREA OF APPLICATION**

Property may be zoned Rural Area Residential 2-Acre District when the site has a Comprehensive Plan designation of Rural; the criteria in Policy 11.1 of the Rural section of Chapter 4 of the Comprehensive Plan are satisfied; and the criteria in Section 1202 are satisfied.

[Amended by Ord. ZDO-224, 5/31/11]

**308.03 PRIMARY USES**

The following are primary uses in the Rural Area Residential 2-Acre District:

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04-03 regarding a development restriction that may apply if excessive tree removal occurs;
- B. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824;
- C. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in the residential district;
- D. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823;
- E. Utility carrier cabinets, subject to Section 830; and
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

**308.04 ACCESSORY USES**

The following are accessory uses in the Rural Area Residential 2-Acre District:



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

[Amended by Ord. ZDO-224, 5/31/11]

308.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Rural Area Residential 2-Acre District, pursuant to Subsection 1305.02:

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

[Amended by Ord. ZDO-224, 5/31/11]

308.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Rural Area Residential 2-Acre District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
  - 1. Churches, subject to Section 804;
  - 2. Schools, subject to Section 805, except as restricted by Subsection 308.07(C);
  - 3. Daycare facilities, subject to Section 807;
  - 4. Cemeteries and crematoriums, subject to Section 808;
  - 5. Hospitals, subject to Section 809;

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6. Service and recreational uses, subject to Section 813;
7. Surface mining, subject to Section 818;
8. Sanitary landfills and debris fills, subject to Section 819;
9. Hydroelectric facilities, subject to Section 829;
10. Bed and breakfast residences and inns, subject to Section 832;
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines;
13. Aircraft landing areas; and
14. Home occupations to host events, subject to Section 806.

[Amended by Ord. ZDO-224, 5/31/11]

308.07 PROHIBITED USES

The following are prohibited uses in the Rural Area Residential 2-Acre District:

- A. Uses of structures and land not specifically permitted;
- B. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size; and
- C. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.

[Amended by Ord. ZDO-224, 5/31/11]

308.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures; and
  3. Protect the privacy and livability of dwellings and yard areas.
- B. Minimum Lot Size: New lots of record shall be a minimum of two acres in

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size, except as restricted by Subsection 308.07(B) or as modified by Section 902.

- C. Minimum Front Yard Setback: 30 feet.
- D. Minimum Side Yard Setback: 10 feet.
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 308.08(C) through (E) may be modified pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]

308.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Parking: One off-street parking space located behind the front yard setback line shall be provided for each dwelling unit.
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

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

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[The title of Section 309 changed by Ord. ZDO-224, 5/31/11]

**309.01 PURPOSE**

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

[Amended by Ord. ZDO-224, 5/31/11]

**309.02 AREA OF APPLICATION**

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

[Amended by Ord. ZDO-224, 5/31/11]

**309.03 PRIMARY USES**

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

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824;
- B. Current employment of land for general farm uses, including:
  - 1. Raising, harvesting, and selling of crops;
  - 2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees;
  - 3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees;
  - 4. Dairying and the selling of dairy products;
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use;
  - 6. Distribution by marketing or otherwise of products raised on such lands; and
  - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;
- C. The propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.0403



regarding a development restriction that may apply if excessive tree removal occurs;

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

[Amended by Ord. ZDO-224, 5/31/11]

309.04 ACCESSORY USES

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

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

[Amended by Ord. ZDO-224, 5/31/11]

309.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

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

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

[Amended by Ord. ZDO-224, 5/31/11]

309.06 CONDITIONAL USES

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

14. Commercial recreational uses that exceed the limits of Subsection 309.03(F);
15. Commercial or processing activities that are in conjunction with timber and farm uses; and
16. Home occupations to host events, subject to Section 806.

[Amended by Ord. ZDO-224, 5/31/11]

309.07 PROHIBITED USES

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

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

[Amended by Ord. ZDO-224, 5/31/11]

309.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures;
  3. Protect the privacy and livability of dwellings and yard areas; and
  4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.

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- B. Minimum Lot Size: New lots of record shall be a minimum of five acres in size, except as restricted by Subsections 309.07(B) through (D) or as modified by Section 902, 1013, or 1014. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way.
- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height.
- D. Minimum Side Yard Setback: 10 feet.
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Comprehensive Plan Map V-5, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 309.08(B) through (E) may be modified pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]

309.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Future Urban Areas: A partition in an area defined as Future Urban by Chapter 4 of the Comprehensive Plan shall be approved only if the proposed locations of improvements, including easements, dedications, structures, wells, and on-site sewage disposal systems are consistent with the orderly future development of the property at appropriate urban densities on the basis of the criteria in Subsection 301.02.
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11]



**310 FARM FOREST 10-ACRE DISTRICT (FF-10)**

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[The title of Section 310 changed by Ord. ZDO-224, 5/31/11]

**310.01 PURPOSE**

Section 310 is adopted to implement the policies of the Comprehensive Plan for Rural areas.

[Amended by Ord. ZDO-224, 5/31/11]

**310.02 AREA OF APPLICATION**

Property may be zoned Farm Forest 10-Acre District when the site has been designated as Rural by the Comprehensive Plan; the criteria in Policy 11.3 of the Rural section of Chapter 4 of the Comprehensive Plan are satisfied; and the criteria in Section 1202 are satisfied.

[Amended by Ord. ZDO-224, 5/31/11]

**310.03 PRIMARY USES**

The following are primary uses in the Farm Forest 10-Acre District:

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824.
- B. Current employment of land for general farm uses, including:
  - 1. Raising, harvesting, and selling of crops;
  - 2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees;
  - 3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees;
  - 4. Dairying and the selling of dairy products;
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use;
  - 6. Distribution by marketing or otherwise of products raised on such lands; and
  - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;
- C. Propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.0403

regarding a development restriction that may apply if excessive tree removal occurs;

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

[Amended by Ord. ZDO-224, 5/31/11]

#### 310.04 ACCESSORY USES

The following are accessory uses in the Farm Forest 10-Acre District:

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

[Amended by Ord. ZDO-224, 5/31/11]

#### 310.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Farm Forest 10-Acre District, pursuant to Subsection 1305.02:

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

[Amended by Ord. ZDO-224, 5/31/11]

310.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Farm Forest 10-Acre District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
  - 1. Churches, subject to Section 804;
  - 2. Schools, subject to Section 805, except as restricted by Subsection 310.07(C);
  - 3. Daycare facilities, subject to Section 807;
  - 4. Cemeteries, subject to Section 808;
  - 5. Service and recreational uses that exceed the limits of Subsection 310.03(F), subject to Section 813;
  - 6. Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources, or other subsurface resources, subject to Section 818;
  - 7. Sanitary landfills and debris fills, subject to Section 819;
  - 8. Hydroelectric facilities, subject to Section 829;
  - 9. Bed and breakfast residences and inns, subject to Section 832;
  - 10. Composting facilities, subject to Section 834;
  - 11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
  - 12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines;
  - 13. Aircraft land uses;

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14. Public and private parks, campgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses intended for the purpose of obtaining a commercial profit;
15. Commercial or processing activities that are in conjunction with timber and farm uses; and
16. Home occupations to host events, subject to Section 806.

[Amended by Ord. ZDO-224, 5/31/11]

310.07 PROHIBITED USES

The following are prohibited uses in the Farm Forest 10-Acre District:

- A. Uses of structures and land not specifically permitted;
- B. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size; and
- C. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.

[Amended by Ord. ZDO-224, 5/31/11]

310.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures;
  3. Protect the privacy and livability of dwellings and yard areas; and
  4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as restricted by Subsection 310.07(C) or as modified by Section 902 or 1013. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way.



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- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height.
- D. Minimum Side Yard Setback: 10 feet.
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Comprehensive Plan Map V-5, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 310.08(B) through (E) may be modified pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]

310.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

**314 FUTURE URBAN 10-ACRE DISTRICT (FU-10)**

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[The title of Section 314 changed by Ord. ZDO-224, 5/31/11]

**314.01 PURPOSE**

Section 314 is adopted to implement the goals and policies of the Comprehensive Plan for Future Urban areas.

[Amended by Ord. ZDO-224, 5/31/11]

**314.02 AREA OF APPLICATION**

The Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Comprehensive Plan.

[Amended by Ord. ZDO-224, 5/31/11]

**314.03 PRIMARY USES**

The following are primary uses in the Future Urban 10-Acre District:

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824;
- B. Current employment of land for general farm uses including:
  - 1. Raising, harvesting, and selling of crops;
  - 2. Feeding, breeding, selling, and management of livestock, poultry, furbearing animals, or honeybees;
  - 3. Selling of products of livestock, poultry, furbearing animals, or honeybees;
  - 4. Dairying and selling of dairy products;
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use;
  - 6. Distribution by marketing or otherwise of products raised on such lands; and
  - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;
- C. Propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.0403 regarding a development restriction that may apply if excessive tree removal occurs;

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- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources;
- E. Fish and wildlife management programs;
- F. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to the provisions of Section 823;
- G. Utility carrier cabinets, subject to Section 830; and
- H. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

314.04 ACCESSORY USES

- A. The following are accessory uses in the Future Urban 10-Acre District:
- B. Uses and structures customarily accessory and incidental to a primary use;
- C. Produce stands, which in addition to selling produce grown on site, may sell agricultural products that are produced in the surrounding community in which the stand is located;
- D. Signs, subject to Section 1010;
- E. Guest houses, subject to Section 833;
- F. Home occupations, including bed and breakfast homestays, subject to Section 822;
- G. Solar energy systems;
- H. Rainwater collection systems; and
- I. Electric vehicle charging stations for residents and their nonpaying guests.

[Amended by Ord. ZDO-224, 5/31/11]

314.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Future Urban 10-Acre District, pursuant to Subsection 1305.02:

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

[Amended by Ord. ZDO-224, 5/31/11]

314.06     CONDITIONAL USES

- A.     The Hearings Officer may approve the following conditional uses in the Future Urban 10-Acre District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.
1.   Expansion of existing churches, subject to Section 804;
  2.   Expansion of existing schools, subject to Section 805;
  3.   Expansion of existing daycare facilities, subject to Section 807;
  4.   Cemeteries, subject to Section 808;
  5.   Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813;
  6.   Sanitary landfills, debris fills, and transfer stations, subject to Section 819;
  7.   Hydroelectric facilities, subject to Section 829;
  8.   Bed and breakfast residences, subject to Section 832;
  9.   Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835;
  10.   Aircraft land uses;
  11.   Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses; and
  12.   Home occupations to host events, subject to Section 806.

[Amended by Ord. ZDO-224, 5/31/11]

314.07     PROHIBITED USES

The following are prohibited uses in the Future Urban 10-Acre District:

- A.     Uses of structures and land not specifically permitted;
- B.     Any division of land resulting in the creation of one or more parcels of less than 10 acres in size, except as modified by Subsection 902.01(B)(4);
- C.     Residential subdivisions;



- D. The use of a residential trailer as a dwelling, except within a lawfully established pre-existing manufactured dwelling park or as authorized under Section 1204; and
- E. Kennels.

[Amended by Ord. ZDO-224, 5/31/11]

#### 314.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  - 1. Provide for fire safety and protection of all structures;
  - 2. Protect the privacy and livability of dwellings and yard areas; and
  - 3. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as modified by Subsection 902.01(B)(4). For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way.
- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and produce stands of no more than 100 square feet in area and no more than 16 feet in height.
- D. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- E. Minimum Side Yard Setback: 10 feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Comprehensive Plan Map V-5, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- H. Variances: The requirements of Subsections 314.08(C) through (E) may be modified pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]

#### 314.09 DEVELOPMENT STANDARDS

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- A. General: Development is subject to the applicable provisions of Sections 1000 and 1100.
- B. Partitions: A partition shall be approved only if the proposed locations of improvements, including easements, dedications, structures, wells, and on-site sewage disposal systems are consistent with the orderly future development of the property at appropriate urban densities on the basis of the criteria in Subsection 301.02.
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11]

**406        TIMBER DISTRICT (TBR)**

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**406.01    PURPOSE**

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

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12]

**406.02    AREA OF APPLICATION**

Property may be zoned Timber District when the site has a Comprehensive Plan designation of Forest, consistency with Policy 11.0 of the Forest section of Chapter 4 of the Comprehensive Plan is demonstrated, and the criteria in Section 1202 are satisfied.

[Amended by Ord. ZDO-234, 6/7/12]

**406.03    DEFINITIONS**

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

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

- G. Navigation: References an instrument within a waterway or flightway that assists in traveling to a destination for water vessels and aircraft.
- H. Owner: For purposes of a Lot of Record Dwelling, “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.
- I. Ownership: Holding fee title to a lot of record, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. Ownership shall include all contiguous lots of record meeting this definition.
- J. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, hiking, or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
- K. Relative: For purposes of a Temporary Dwelling for Care, “relative” means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the owner.
- L. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed one year.
- M. Tract: One or more contiguous lots of record under the same ownership, including lots of record divided by a County or public road, or land contiguous at a common point. Lots of record divided by a state highway are not considered contiguous.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-234, 6/7/12]

#### 406.04 PRIMARY USES

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Repealed by Ord. ZDO-234, 6/7/12]

#### 406.04 USES AUTHORIZED

Table 406-1 identifies the uses authorized in the Timber District. As used in Table 406-1:



- A. "A" means the use is allowed.
- B. "PDR" means the use is subject to Planning Director Review pursuant to Subsection 1305.02.
- C. "CU" means the use is a Conditional Use, subject to Sections 1203 and 1300.
- D. The "Subject To" column identifies any specific provisions of Subsection 406.05 to which the use is subject.

**Table 406-1: Uses Authorized in the Timber District**

	Type	Use	Subject To
<b>FARM AND FOREST USES</b>	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.034 regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if the primary farm or forest use exists.	
	PDR	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)
	CU	Permanent facility for the primary processing of forest products.	406.05(A)(1) & (5)
	CU	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (5)
	CU	Log scaling and weigh stations.	406.05(A)(1) & (5)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>NATURAL RESOURCE USES</b>	A	Uninhabitable structures accessory to fish and wildlife enhancement.	
	CU	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)

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	Type	Use	Subject To
<b>RESIDENTIAL USES</b>	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05(D)(1)
	PDR	Forest Lot of Record Dwelling.	406.05(A)(2), (3), (4) & (D)(2)
	PDR	Forest Template Test Dwelling.	406.05(A)(2), (3), (4) & (D)(3)
	PDR	160 Acre Forest Dwelling.	406.05(A)(2), (3), (4) & (D)(4)
	PDR	200 Acre Noncontiguous Tract Forest Dwelling	406.05(A)(2), (3), (4) & (D)(5)
	PDR	Caretaker residences for public parks and public fish hatcheries.	406.05(A)(2) & (4)
	PDR	Temporary forest labor camp, subject to Subsection 1204.01, for a period not to exceed one year.	
	PDR	Temporary dwelling for care, subject to Subsection 1204.03.	406.05(A)(1), (2) & (D)(6)
	Type	Use	Subject To
<b>COMMERCIAL USES</b>	A	Family daycare provider.	
	PDR	Home occupation, subject to Section 822.	406.05(A)(1), (2), (4) & (E)(1)
	CU	Home occupation to host events, subject to Section 806.	406.05(A)(1), (2), (4) & (E)(1)
	CU	Home occupation for canine skills training, subject to Section 836.	406.05(A)(1), (2) (4) & (E)(1)
	CU	Private accommodations for fishing on a temporary basis.	406.05(A)(1), (2), (4) & (E)(2)
	CU	Private seasonal accommodations for fee based hunting.	406.05(A)(1), (4) & (E)(3)
	Type	Use	Subject To
<b>MINERAL, AGGREGATE, OIL, AND GAS USES</b>	A	Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries.	
	CU	Mining and processing of oil, gas, or other subsurface resources.	406.05(A)(1), (5) & (F)(1)
	CU	Exploration for and production of geothermal, gas, and oil.	406.05(A)(1), (5) & (F)(2)
	Type	Use	Subject To
<b>TRANSPORTATION USES</b>	A	Widening of roads within existing rights-of-way in conformance with Chapter 5 of the Comprehensive Plan.	
	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	



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	Type	Use	Subject To
<b>TRANSPORTATION USES (cont.)</b>	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	PDR	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	PDR	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	406.05(A)(1)
	PDR	Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	406.05(A)(1)
	CU	Parking of up to seven dump trucks and seven trailers, subject to ORS 215.311.	406.05(A)(1)
	CU	Aids to navigation and aviation.	406.05(A)(1) & (5)
	CU	Expansion of existing airports.	406.05(A)(1)
	CU	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
	CU	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	406.05(A)(1) & (G)(1)
	Type	Use	Subject To
<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES</b>	A	Collocation of antennas on a previously approved wireless telecommunication facility, subject to Subsection 835.04(A).	
	A	Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.	
	A	Water intake facilities, canals and distribution lines for farm irrigation and ponds.	
	A	Solar energy systems.	
	A	Rainwater collection systems as an accessory use.	
	A	Electric vehicle charging stations for residents and their nonpaying guests.	
	A	Meteorological towers.	
	PDR	Wind energy power production systems as an accessory use.	406.05(H)(1)
	PDR	Wireless telecommunication facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835.	406.05(A)(1)

	Type	Use	Subject To
<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES</b> (cont.)	CU	Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835.	406.05(A)(1)
	CU	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (5)
	CU	Reservoirs and water impoundments.	406.05(A)(1), (2) & (5)
	CU	A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation. A composting facility is subject to Section 834.	406.05(A)(1) & (5)
	CU	A disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities, or buildings necessary for its operation.	406.05(A)(1) & (5)
	CU	Commercial utility facilities for the purpose of generating power.	406.05(A)(1), (5) & (H)(2)
	CU	New electric transmission lines.	406.05(A)(1) & (H)(3)
	CU	Television, microwave, and radio communication facilities.	406.05(A)(1), (5) & (H)(4)
<b>PARKS AND PUBLIC/QUASI-PUBLIC USES</b>	Type	Use	Subject To
	A	Private hunting and fishing operations without any lodging accommodations.	
	A	Towers and fire stations for forest fire protection.	
	CU	Fire stations for rural fire protection.	406.05(A)(1) & (5)
	CU	Youth camps on 40 acres or more, subject to OAR 660-006-0031.	406.05(A)(1) & (2)
	CU	Cemeteries.	406.05(A)(1) & (5)
	CU	Firearms training facility.	406.05(A)(1) & (5)
	CU	Private parks and campgrounds.	406.05(A)(1), (2), (5) & (I)(1)
<b>OUTDOOR GATHERINGS</b>	Type	Use	Subject To
	A	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	406.05(J)(1)
	CU	An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	406.05(A)(1) & (J)(2)

[Added by Ord. ZDO-234, 6/7/12]

**406.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR**

[Amended by Ord. ZDO-224, 5/31/11; Repealed by Ord. ZDO-234, 6/7/12]



**406.05 APPROVAL CRITERIA FOR SPECIFIC USES**

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

**A. General Criteria**

1. The use may be allowed provided that:
  - a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
  - b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
2. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.
3. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.
4. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
5. A land division for the use may be approved pursuant to Subsection 406.09(D).

**B. Farm and Forest Uses**

1. Temporary portable facility for the primary processing of forest products grown on-site, subject to Subsection 1204.01, for a period not to exceed one year.

**C. Natural Resource Uses**

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

**D. Residential Uses**

1. Alteration, restoration, or replacement of a lawfully established dwelling that:
  - a. Has intact exterior walls and roof structure;
  - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
  - c. Has interior wiring for interior lights;
  - d. Has a heating system; and
  - e. In the case of replacement, is removed, demolished, or—if not a manufactured dwelling or residential trailer—converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling.
2. Lot of Record Dwelling, subject to the following criteria:
  - a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
  - b. The lot of record on which the dwelling will be sited was acquired by the present owner:
    - i. Prior to January 1, 1985; or
    - ii. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
  - c. The tract on which the dwelling will be sited does not include a dwelling.
  - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
  - e. The property is not capable of producing 5,000 cubic feet per year of commercial tree species.
  - f. The property is located within 1,500 feet of a public road, as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be a BLM road, or a USFS road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the

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- B) 50 – 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of seven lots of record shall fall within the template, and a minimum of four lawfully established dwellings shall exist on the lots within the template area; or
  - C) Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of five lawfully established dwellings shall exist on the lots within the template area.
- iii. The following types of lots of record and dwellings shall not be counted toward satisfying the minimum number of lots of record or dwellings required pursuant to Subsection 406.05(D)(3)(d)(ii) to pass a template test:
- A) Lots of record larger than 80 acres;
  - B) Lots of record created on or after January 1, 1993;
  - C) Dwellings on lots of record larger than 80 acres;
  - D) Dwellings constructed on or after January 1, 1993;
  - E) Lots of record or dwellings located within an urban growth boundary;
  - F) Temporary dwellings; and
  - G) The subject property.
- iv. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of one of the dwellings required by Subsection 406.05(D)(3)(d)(ii) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on which the dwelling will be sited, a minimum of one of the dwellings required by Subsection 406.05(D)(3)(d)(ii) shall be located on the same side of the road as the proposed dwelling.
4. 160 Acre Minimum Forest Dwelling, subject to the following criteria:
- a. The tract on which the dwelling is to be sited is at least 160 acres.



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

E. Commercial Uses

- 1. The home occupation shall not unreasonably interfere with other uses permitted in the zoning district in which the subject property is located and shall not be used as justification for a zone change.

2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to the following:
  - a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  - b. Only minor incidental and accessory retail sales are permitted; and
  - c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  - d. Accommodations must be located within one-quarter mile of fish bearing Class I waters.
3. Private seasonal accommodations for fee hunting operations may be allowed subject to the following:
  - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  - b. Only minor incidental and accessory retail sales are permitted; and
  - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

F. Mineral, Aggregate, Oil, and Gas Uses

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

G. Transportation Uses

1. Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance, with:
  - a. The adoption of an exception to the goal related to forest lands and to any other applicable goal with which the facility or improvement does not comply; or

- b. Compliance with ORS 215.296 for those uses identified by rule of the Oregon Land Conservation and Development Commission as provided in Section 3, Chapter 529, Oregon Laws 1993.

H. Utility and Solid Waste Disposal Facility Uses

1. Wind energy power production systems as an accessory use, provided:
  - a. The system is not a commercial power generating facility;
  - b. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;
  - c. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;
  - d. The system is prohibited if tower lighting for aviation safety is required;
  - e. The system will be located outside an urban growth boundary on a minimum of one acre;
  - f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;
  - g. The system is set back a distance not less than the tower height plus one blade from all property lines; and
  - h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.
2. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829.
3. New electric transmission lines with right-of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

4. Television, microwave, and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower.

I. Parks, Public, and Quasi-Public Uses

1. Private parks and campgrounds: Campgrounds in private parks shall only be those allowed by Subsection 406.05(I)(1). A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes, subject to the following:
  - a. These areas may be occupied by a tent, travel trailer or recreational vehicle;
  - b. These uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
  - c. The overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive six month period;
  - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

J. Outdoor Gatherings

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

[Added by Ord. ZDO-234, 6/7/12]

406.06     **CONDITIONAL USES**

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Repealed by Ord. ZDO-234, 6/7/12]

406.06     **PROHIBITED USES**

Uses of structures and land not specifically permitted are prohibited.

[Amended by Ord. ZDO-230, 9/26/11; Renumbered, amended, and title changed by Ord. ZDO-234, 6/7/12]



406.07 TEMPORARY USES

[Amended by Ord. ZDO-224, 5/31/11; Repealed by Ord. ZDO-234, 6/7/12]

406.07 DIMENSIONAL STANDARDS

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

[Added by Ord. ZDO-234, 6/7/12]

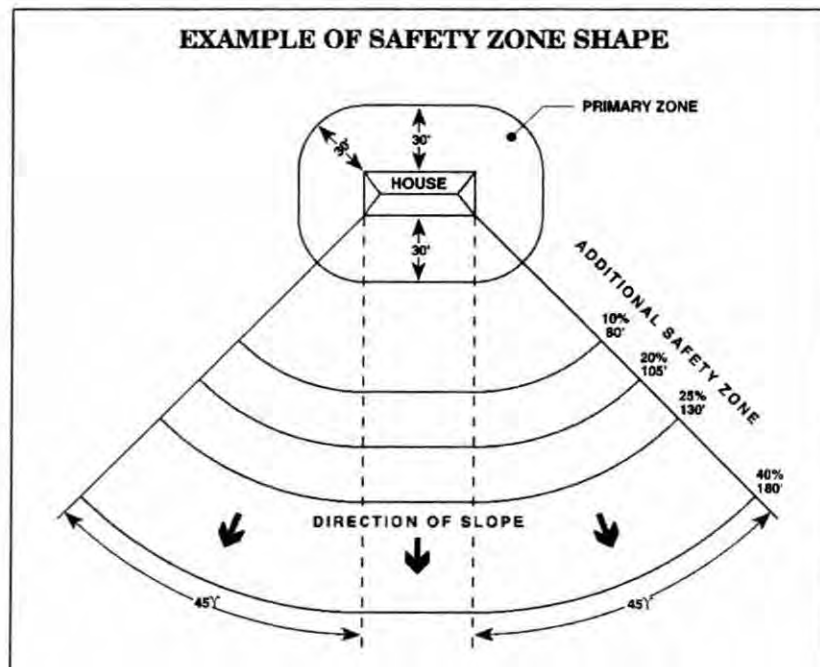
## 406.08 DEVELOPMENT STANDARDS

- A. **Fire-Siting Standards for New Structures:** Fuel-free break areas shall be provided surrounding any new structure approved pursuant to a land use application based on standards in effect on or after February 5, 1990, as follows:
1. A primary fuel-free break area shall be maintained surrounding any new structure, including any new dwelling.
    - a. The primary safety zone is a fire fuel break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the structure. As slope increases, the primary safety zone shall increase away from the structure and down the slope at a 45-degree angle from the structure, in accordance with Table 406-2 and Figure 406-1:

**Table 406-2: Minimum Primary Safety Zone**

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

**Figure 406-1: Example of Primary Safety Zone**



- b. If a structure cannot be sited on the subject property to meet this standard due to the size, shape, topography, or other physical characteristics of the property, the standard may be modified by one or both of the following alternatives:
  - i. Irrevocable easements for a primary safety zone may be obtained from adjacent property owners so that the primary safety zone can be maintained. The easement(s) shall be recorded with the County Clerk; and
  - ii. The area of an existing road right-of-way or access easement adjacent to the subject property may be utilized to satisfy the primary safety zone requirement.
2. For any new dwelling, a secondary fuel-free break area shall be cleared and maintained on land surrounding the dwelling that is owned or controlled by the owner.

- a. The secondary fuel-free break extends around the primary safety zone required pursuant to Subsection 406.08(A)(1). The goal of the secondary fuel-free break shall be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel-free break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. The minimum width of the secondary fuel-free break shall be the lesser of:
    - i. 100 feet; or
    - ii. The distance from the dwelling to the edge of land surrounding the dwelling that is owned or controlled by the owner.
  3. Structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705, respectively. Structures shall be sited so that a primary safety zone can be completed around the structure outside of the river or stream corridor setback/buffer area. The area within the river or stream setback/buffer area shall be exempt from the secondary fuel-free break area requirements.
  4. The fuel-free break standards shall be completed and approved by the Planning Director prior to issuance of any septic, building, or manufactured dwelling permits. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner.
- B. Additional Fire-Siting Standards for New Dwellings: The following fire-siting standards shall apply to any new dwelling approved pursuant to a land use application based on standards in effect on or after February 5, 1990.



1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, an alternative means for protecting the dwelling from fire hazards shall be provided. The means selected may include a fire sprinkling system, onsite equipment and water storage, or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
  2. The dwelling shall have a fire retardant roof.
  3. The dwelling shall not be sited on a slope of greater than 40 percent.
  4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
- C. Compatibility Siting Standards: The following compatibility siting standards shall apply to any new structure, including any new dwelling, approved pursuant to a land use application based on standards in effect on or after February 5, 1990.
1. Structures shall be sited on the subject property so that:
    - a. They have the least impact on nearby or adjoining forest or agricultural lands;
    - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
    - c. The amount of forest lands used to site access roads, service corridors, and structures is minimized; and
    - d. The risks associated with wildfire are minimized.

2. Siting criteria satisfying Subsection 406.08(C)(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the subject property least suited for growing trees.
3. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's (OWRD) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR Chapter 629). Evidence of a domestic water supply means:
  - a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - b. A water use permit issued by the OWRD for the use described in the application; or
  - c. Verification from the OWRD that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.
- D. Property Line Adjustments: Property line adjustments shall be subject to Section 1107.
- E. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11; Renumbered, amended, and title changed by Ord. ZDO-234, 6/7/12]

#### 406.09 LAND DIVISIONS

Land divisions are permitted, if consistent with one of the following options and Oregon Revised Statutes Chapter 92. A land division is subject to Planning Director review pursuant to Subsection 1305.02.

- A. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved if each new lot of record is a minimum of 80 acres in size, as established by Subsection 406.07(A).
- B. Multiple Dwelling Land Divisions: A lot of record may be divided subject to Subsection 406.05(A)(2) and the following provisions:
  1. At least two lawfully established dwellings existed on the lot of record prior to November 4, 1993;

2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.05(D)(1);
3. Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size;
4. At least one of the existing dwellings is located on each lot or parcel created under this provision;
5. The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director indicating the land is no longer subject to the statewide planning goals for lands zoned for Forest use;
6. A lot of record may not be divided under this provision if an existing dwelling on the lot of record was approved through a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot of record;
7. Existing structures shall comply with the minimum setback standards of Subsections 406.07(B) through (D) from new property lines; and
8. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

C. Homestead Dwelling Land Division: A land division may be approved for the establishment of a parcel for an existing dwelling, subject to the following criteria:

1. The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
2. The dwelling existed prior to June 1, 1995;
3. The remaining parcel, not containing the existing dwelling, is:
  - a. At least 80 acres; or
  - b. The remaining parcel, not containing the existing dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres;

4. The remaining parcel, not containing the existing dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal;
  5. The landowner shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the existing dwelling, has been recorded with the County Clerk. The restriction shall state that the parcel is not entitled to a dwelling unless subsequently authorized by law or goal and shall be irrevocable unless a statement of release is signed by the Planning Director that the law or goal has changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural or forest land; and
  6. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- D. Conditional Use Divisions: A land division creating parcels less than 80 acres in size may be approved for a conditional use to which Subsection 406.05(A)(5) is applicable, subject to the following criteria:
1. The parcel created for the conditional use shall be the minimum size necessary for the use.
  2. Either the conditional use was approved pursuant to Subsections 406.05(A)(1) and (2), or—for those uses not subject to Subsections 406.05(A)(1) and (2)—compliance with Subsections 406.05(A)(1) and (2) shall be demonstrated.
  3. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- E. Parks/Open Space/Land Conservation Divisions: A land division for a provider of public parks or open space, or a not-for-profit land conservation organization, may be approved subject to ORS 215.783. In addition, the landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. Forest Practice Divisions: A land division creating parcels less than 80 acres in size may be approved, subject to the following criteria:
1. The division will facilitate a forest practice as defined in ORS 527.620.



2. There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice.
3. Parcels created pursuant to Subsection 406.09(F):
  - a. Shall not be eligible for siting of a new dwelling;
  - b. Shall not serve as the justification for the siting of a future dwelling on other lots of record;
  - c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
  - d. Shall not result in a parcel of less than 35 acres, except:
    - i. Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - ii. Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than 80 acres or the minimum size required for dwellings approved under OAR 660-006-0027(2).

[Amended by Ord. ZDO-224, 5/31/11; Renumbered, amended, and title changed by Ord. ZDO-234, 6/7/12]

#### 406.10 SUBMITTAL REQUIREMENTS

An application for any use requiring review by the Planning Director pursuant to Subsection 1305.02 shall include:

- A. A complete Land Use Application form;
- B. An accurate site plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and proposal;
- C. An application fee; and
- D. A Supplemental Application form addressing each of the applicable approval criteria for the proposed use.

[Amended by Ord. ZDO-230, 9/26/11; Renumbered and amended by Ord. ZDO-234, 6/7/12]

406.11 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of an administrative action under Section 406 is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented. "Implemented" means:
1. For a land division, the final plat shall be recorded with the County Clerk. If a final plat is not required under Oregon Revised Statutes Chapter 92, deeds with the legal descriptions of the new parcels shall be recorded with the County Clerk; or
  2. For all other administrative actions, a building or manufactured dwelling placement permit for a new primary structure that was the subject of the administrative action shall be obtained and maintained. If no building or manufactured dwelling placement permit is required, all other necessary County development permits shall be obtained and maintained.
- B. Time Extension: If the approval of an administrative action is not implemented within the initial approval period established by Subsection 406.11(A), a two-year time extension may be approved by the Planning Director pursuant to Subsection 1305.02, and subject to Subsection 1305.05.
- C. Subsections 406.11(A) and (B) do not apply to home occupations or conditional uses, which shall be subject to any applicable approval period and time extension provisions of Sections 822 or 1203.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Renumbered and amended by Ord. ZDO-234, 6/7/12]

**407 AG/FOREST DISTRICT (AG/F)**

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**407.01 PURPOSE**

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

**407.02 AREA OF APPLICATION**

Property may be zoned Ag/Forest District when the site has a Comprehensive Plan designation of Forest, consistency with Policy 11.0 of the Forest section of Chapter 4 of the Comprehensive Plan is demonstrated, and the criteria in Section 1202 are satisfied.

**407.03 DEFINITIONS**

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

**407.04 USES AUTHORIZED**

Table 407-1 identifies the uses authorized in the Ag/Forest District. As used in Table 407-1:

- A. "A" means the use is allowed.
- B. "PDR" means the use is subject to Planning Director Review pursuant to Subsection 1305.02.
- C. "CU" means the use is a Conditional Use, subject to Sections 1203 and 1300.
- D. The "Subject To" column identifies any specific provisions of Subsection 401.05 or 406.05 to which the use is subject.



**Table 407-1: Uses Authorized in the Ag/Forest District**

	Type	Use	Subject To
<b>FARM AND FOREST USES</b>	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.034 regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if the primary farm or forest use exists.	
	PDR	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)
	PDR	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141.	401.05(A)(1) & (B)(1)
	CU	Permanent facility for the primary processing of forest products.	406.05(A)(1) & (5)
	CU	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (5)
	CU	Log scaling and weigh stations.	406.05(A)(1) & (5)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>NATURAL RESOURCE USES</b>	A	Uninhabitable structures accessory to fish and wildlife enhancement.	
	A	Creation of, restoration of, or enhancement of wetlands.	
	PDR	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1) & (C)(1)
	CU	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)
<b>RESIDENTIAL USES</b>	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05(D)(1)



**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>RESIDENTIAL USES (cont.)</b>	PDR	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property and listed on the National Register of Historic Places.	401.05(A)(3)
	PDR	Forest Lot of Record Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(2), (3), (4) & (D)(2)
	PDR	Agricultural Lot of Record Dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (D)(2), (3), or (4)
	PDR	Agricultural Dwelling in conjunction with a farm use on High Value Farmland on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (D)(5)
	PDR	Agricultural Dwelling in conjunction with a farm use on Low Value Farmland on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (D)(6)
	PDR	Agricultural Dwelling customarily provided in conjunction with a commercial dairy farm on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (D)(7)
	PDR	Agricultural 160 acre test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3), (4) & (D)(8)
	PDR	Agricultural Capability test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3), (4) & (D)(9)
	PDR	Agricultural Nonfarm dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3), (4) & (D)(10)
	PDR	Agricultural Accessory farm dwelling for a relative on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (D)(11)
	PDR	Agricultural Accessory farm dwelling for year-round and seasonal farm workers on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (D)(12)
	PDR	Forest Template Test Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(2), (3), (4) & (D)(3)
	PDR	160 Acre Forest Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(2), (3), (4) & (D)(4)
	PDR	200 Acre Noncontiguous Tract Forest Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(2), (3), (4) & (D)(5)
	PDR	Caretaker residences for public parks and public fish hatcheries.	406.05(A)(2) & (4)
	PDR	Temporary forest labor camp, subject to Subsection 1204.01, for a period not to exceed one year.	
	PDR	Temporary dwelling for care, subject to Subsection 1204.03.	406.05(A)(1), (2) & (D)(6)
	PDR	Room and board arrangements for a maximum of five unrelated persons in existing dwellings.	401.05(A)(1) & (3)
	PDR	Residential home or facility as defined in ORS 197.660, in existing dwellings.	401.05(A)(1) & (3)

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b><u>COMMERCIAL USES</u></b>	A	Family daycare provider.	
	A	Dog training classes.	401.05(E)(9)
	A	Dog testing trials.	401.05(E)(10)
	PDR	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(o).	401.05(E)(1)
	PDR	Home occupation, subject to Section 822.	406.05(A)(1), (2), (4) & (E)(1)
	PDR	A landscape contracting business.	401.05(A)(1) & (E)(2)
	PDR	Agri-tourism single event.	401.05(A)(1) & (E)(3)
	PDR	Agri-tourism for up to 6 events or activities.	401.05(A)(1) & (E)(4)
	PDR	A winery as described in ORS 215.452 or 215.453 but not a restaurant open more than 25 days per calendar year, subject to ORS 215.452 or 215.453, whichever is applicable.	
	CU	A large winery with a restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.	401.05(A)(1), (E)(5) & (6)
	CU	Home occupation to host events, subject to Section 806.	406.05(A)(1), (2), (4) & (E)(1)
	CU	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel that exceeds the standards of ORS 215.203(2)(b)(K) or Subsection 401.05(B)(1).	401.05(A)(1) & (E)(6)
	CU	Agri-tourism additional events not to exceed 18 events on a minimum of 80 acres.	401.05(A)(1) & (E)(7)
	CU	Private accommodations for fishing on a temporary basis.	406.05(A)(1), (2), (4) & (E)(2)
	CU	Private seasonal accommodations for fee based hunting.	406.05(A)(1), (4) & (E)(3)
	CU	An aerial fireworks display business.	401.05(A)(1) & (E)(8)
	CU	Commercial dog boarding kennels.	401.05(A)(1)
	CU	Dog training classes or testing trials that cannot be established under Subsection 401.05(E)(9) or (10).	401.05(A)(1)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b><u>MINERAL, AGGREGATE, OIL, AND GAS USES</u></b>	A	Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries.	
	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>MINERAL, AGGREGATE, OIL, AND GAS USES (cont.)</b>	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	CU	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (F)(1) & (F)(1)(a)
	CU	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (F)(1) & (F)(1)(b)
	CU	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (F)(1) & (F)(1)(c)
	CU	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 407.	401.05(A)(1), (F)(1) & (F)(1)(d)
	CU	Mining and processing of oil, gas, or other subsurface resources.	406.05(A)(1), (5) & (F)(1)
	CU	Exploration for and production of geothermal, gas, and oil.	406.05(A)(1), (5) & (F)(2)
<b>TRANSPORTATION USES</b>	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
	A	Widening of roads within existing rights-of-way in conformance with Chapter 5 of the Comprehensive Plan.	
	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	PDR	Parking of no more than seven log trucks, subject to ORS 215.311.	401.05(A)(1)
	PDR	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	PDR	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	406.05(A)(1)



**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>TRANSPORTATION USES (cont.)</b>	PDR	Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	406.05(A)(1)
	CU	Parking of up to seven dump trucks and seven trailers, subject to ORS 215.311.	406.05(A)(1)
	CU	Aids to navigation and aviation.	406.05(A)(1) & (5)
	CU	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) & (G)(2)
	CU	Expansion of existing airports.	406.05(A)(1)
	CU	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
	CU	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	401.05(G)(1)
<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES</b>	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
	A	Collocation of antennas on a previously approved wireless telecommunication facility, subject to Subsection 835.04(A).	
	A	Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.	
	A	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
	A	Water intake facilities, canals and distribution lines for farm irrigation and ponds.	
	A	Solar energy systems.	
	A	Rainwater collection systems as an accessory use.	
	A	Electric vehicle charging stations for residents and their non-paying guests.	
	A	Meteorological towers.	
	PDR	Wind energy power production systems as an accessory use.	406.05(H)(1)
	PDR	Wireless telecommunication facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835.	406.05(A)(1)
	PDR	Composting operations and facilities on high value farmland.	401.05(A)(1) & (H)(3)
	CU	Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835.	406.05(A)(1)
	CU	Composting facilities on low value farmland.	401.05(A)(1) & (H)(4)



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<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES (cont.)</b>	CU	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (5)
	CU	Reservoirs and water impoundments.	406.05(A)(1),(2) & (5)
	CU	A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation.	406.05(A)(1) & (5)
	CU	A disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities, or buildings necessary for its operation.	406.05(A)(1) & (5)
	CU	Commercial utility facilities for the purpose of generating power.	406.05(A)(1), (5) & (H)(2)
	CU	New electric transmission lines.	406.05(A)(1) & (H)(3)
	CU	Television, microwave, and radio communication facilities.	406.05(A)(1), (5) & (H)(4)
<b>PARKS, PUBLIC, AND QUASI-PUBLIC USES</b>	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
	A	Private hunting and fishing operations without any lodging accommodations.	
	A	Towers and fire stations for forest fire protection.	
	A	Land application of reclaimed water, agricultural process or industrial process water, or biosolids for agricultural, horticultural, or forest production, or for irrigation in connection with a use allowed in the EFU zoning district, subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468(B).095.	
	A	Onsite filming and activities accessory to onsite filming for 45 days or less.	
	PDR	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.	401.05(A)(1) & (I)(1)
	PDR	Community centers.	401.05(A)(1), (5) & (I)(3)
	PDR	Living history museum.	401.05(A)(1), (5) & (I)(4)
	PDR	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.	401.05(A)(1)
	PDR	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.	401.05(A)(1)

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<b>PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)</b>	PDR	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education.	401.05(A)(5)
	PDR	Fire service facilities providing rural fire protection services.	401.05(A)(1)
	CU	Operations for extraction and bottling of water.	401.05(A)(1)
	CU	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.	401.05(A)(1)
	CU	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.	401.05(A)(1) & (5)
	CU	Golf courses.	401.05(A)(1), (5) & (I)(7)
	CU	Youth camps on 40 acres or more, subject to OAR 660-006-0031.	406.05(A)(1) & (2)
	CU	Cemeteries.	406.05(A)(1) & (5)
	CU	Firearms training facility.	406.05(A)(1) & (5)
	CU	Private parks and campgrounds.	406.05(A)(1), (2), (5) & (I)(1)
	CU	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.	406.05(A)(1) & (5)
<b>OUTDOOR GATHERINGS</b>	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
	A	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	406.05(J)(1)
	CU	An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	406.05(A)(1) & (J)(2)

**407.05 PROHIBITED USES**

Uses of structures and land not specifically permitted are prohibited.

**407.06 DIMENSIONAL STANDARDS**

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

**407.07 DEVELOPMENT STANDARDS**

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

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407.08 LAND DIVISIONS

Subsection 406.09, which establishes land division standards in the Timber District, shall apply in the Ag/Forest District.

407.09 SUBMITTAL REQUIREMENTS

Subsection 406.10, which establishes submittal requirements in the Timber District, shall apply in the Ag/Forest District.

407.10 APPROVAL PERIOD AND TIME EXTENSION

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

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-241, 1/1/13]



**504 RURAL TOURIST COMMERCIAL DISTRICT (RTC)**

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**504.01 PURPOSE**

Section 504 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas regulated by the Mount Hood Community Plan.

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

**504.02 AREA OF APPLICATION**

Property may be zoned Rural Tourist Commercial District when:

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

[Amended by Ord. ZDO-224, 5/31/11]

**504.03 PRIMARY USES**

The following are primary uses in the Rural Tourist Commercial District to serve the surrounding community and tourists. A mixture of small-scale uses within a building or complex is encouraged:

- A. Uses listed in Subsections 501.03(A) and (B), at a scale appropriate to serve the surrounding community;
- B. Accounting and income tax service;
- C. Antique and second hand stores;
- D. Arts and crafts stores, including manufacturing of the crafts to be sold in that store, and craft classes;
- E. Auto and truck repair services, and sale of replacement parts;
- F. Banks, credit unions, savings and loans;
- G. Billiard halls and game rooms;
- H. Book and stationery stores;
- I. Building materials retailers and plumbing, electrical and building contractors;
- J. Clothing stores;



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- K. Community and government services such as community action agencies, extension services, fire stations, tourist information, forest service and post offices;
- L. Doctor and dentist offices;
- M. Firewood sale;
- N. Feed stores, including wholesale and retail sales and storage;
- O. Food lockers;
- P. Garden store, including wholesale and retail sales of seeds, seedlings and nursery stock, fertilizer and mulch;
- Q. Gunsmith;
- R. Houseware and household appliance and equipment sales and repair;
- S. Insurance agents;
- T. Leather goods and hides sales;
- U. Locksmith;
- V. Logging contractors;
- W. Liquor stores;
- X. Museums;
- Y. Offices, meeting rooms, rental and sales outlets and equipment storage for organizations related to farm or forestry uses such as water boards, farmers co-ops, granges, wholesalers or retailers of farm or forestry equipment, materials and products;
- Z. Pottery and ceramic goods, including manufacturing of pottery to be sold in that store, and classes;
- AA. Real Estate Agents;
- BB. Service stations, subject to Section 820;
- CC. Electric vehicle charging stations;
- DD. Taverns;
- EE. Upholstery shops, including retail sales;

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- FF. Veterinary services and clinics;
- GG. Churches, subject to Section 804;
- HH. Public utility installations;
- II. Recreational vehicle camping facilities, subject to Subsection 813.01(D);
- JJ. Motels, hotels, and resort accommodations are subject to the density provisions of Subsection 504.08(L). Commercial uses associated with hotel/motel facilities and resort accommodations (i.e. restaurants, gift shops, conference rooms) are allowed subject to the limitations of Subsection 504.08(J);
- KK. Park and ride lots, facilities, and bus shelters, subject to Section 823;
- LL. Community parking structures in Government Camp, to the extent that they are consistent with an adopted community parking plan;
- MM. Public and private schools, and trade schools;
- NN. Detached single-family dwellings on lots of record existing on December 7, 1983. Such dwellings established in Government Camp are exempt from Government Camp specific standards, except for minimum setback standards;
- OO. Utility carrier cabinets, subject to Section 830;
- PP. Sports equipment rental, sale, service, or repair;
- QQ. Other uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
- RR. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; and
- SS. Mobile vending units, subject to Section 837.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12]

504.04 ACCESSORY USES

The following are accessory uses in the Rural Tourist Commercial District:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;

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- C. Solar energy systems;
- D. Rainwater collection systems;
- E. Signs, subject to Section 1010;
- F. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker; and
- G. Recyclable drop-off sites, subject to Section 819.

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

504.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the Rural Tourist Commercial District, pursuant to Subsection 1305.02:

- A. Wireless telecommunication facilities listed in Subsection 835.05, subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

504.06 CONDITIONAL USES

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

- A. Recycling centers and transfer stations, subject to Section 819;
- B. Hydroelectric facilities, subject to Section 829;
- C. Theme parks and amusement parks;
- D. Mini-storage facilities, consistent with the building design standards of Subsection 504.09(C)(4) and having a minimum 15-foot setback between the front property line and the developed portion of the site, excluding landscaping. No outside storage shall be permitted; and
- E. Recreational activities such as, but not limited to, ski areas and associated uses.

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

504.07 PROHIBITED AND PREEXISTING USES

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The following are prohibited uses in the Rural Tourist Commercial District:

- A. Uses of structures and land not specifically allowed.
- B. New detached single-family dwellings on lots created after December 7, 1983, except when accessory to a primary use. However, a dwelling which lawfully existed on December 7, 1983, shall not be a nonconforming use, and may be altered or expanded without review under Section 1206.
- C. The use of a mobile home or residential trailer as a permanent dwelling or office except within a recreational vehicle or trailer park.
- D. All other preexisting uses and structures not specifically permitted in Section 504 shall be nonconforming uses subject to Section 1206.
- E. Pre-existing structures in Government Camp which lawfully existed prior to February 8, 2007, shall not be identified as a nonconforming use and may be altered or expanded in compliance with the standards of Sections 504 and 1102.

[Amended by Ord. ZDO-224, 5/31/11]

504.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  - 1. Provide for protection of surrounding properties and the historic character of the Mt. Hood Community;
  - 2. Ensure that the minimum operational requirements of the development are provided onsite;
  - 3. Establish the maximum limits of development;
  - 4. Provide for coordinated, pleasing and efficient utilization of Rural Tourist Commercial areas; and
  - 5. Provide a safe, pedestrian-oriented environment and community gathering areas in the Government Camp core commercial district that extends from E. Wy'East Trail to E. Union Street and E. Lige Lane (First Street) to Highway 26.
- B. Setback from National Forest: No setback is required where development abuts a National Forest.
- C. Minimum Front Yard Setback: 25 feet, except:
  - 1. In Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*,



the minimum front yard setback from a property line abutting Government Camp Loop shall be four feet. However, there is no minimum setback from Government Camp Loop for a building cantilever. Structures shall be designed to include measures to protect the public and vehicles from snow slide incidents. These measures shall be implemented in compliance with the State of Oregon Structural Specialty Code and Subsection 504.08(G). A corner lot with frontage on Government Camp Loop shall comply with a minimum front yard setback of 10 feet from the property line abutting the other road.

2. Except as established by Subsection 504.08(C)(1), in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, a corner lot shall comply with the 25-foot minimum front yard setback from one of the front lot lines and shall comply with a 10-foot minimum front yard setback from the other front lot line.
- D. Maximum Front Yard Setback: None, except in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, the maximum front yard setback from a property line abutting Government Camp Loop shall be 10 feet. An exception to this requirement is allowed to accommodate public plaza space.
  - E. Minimum Rear Yard Setback: 10 feet. When a rear yard abuts a more restrictive zone, the minimum setback shall be 20 feet.
  - F. Minimum Side Yard Setback: 10 feet. When a side yard abuts a more restrictive zone, the minimum setback shall be 20 feet. However, in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, there is no minimum side yard setback, except as may be required to comply with Subsection 504.08(G).
  - G. Minimum Building Separation Requirement: A minimum of 10 feet shall be required between all buildings on- or off-site, except above 3,500 feet elevation, where the separation distance between buildings with contiguous snow slide areas shall be a minimum of 20 feet. "Snow slide area" means the area around a structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure.
  - H. Minimum Landscaping Area: 15 percent of the lot. However, in Government Camp Village, as shown on Comprehensive Plan Map X-MH-4, 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 504.09(E).
  - I. Government Camp Maximum Building Height: The maximum building height shall be 70 feet. This provision shall be modified to allow a height

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increase up to 25 percent when necessary to accommodate understructure parking, or to preserve natural features or views.

- J. Government Camp Commercial Development Floor Area Limitation: The maximum floor area allowed for commercial development is 8,000 square feet per use. A use shall be defined as a separate leaseable space. Commercial uses customarily associated with hotel, motel, or resort uses shall be allowed up to 8,000 square feet per use in addition to the area taken up by the hotel itself.
- K. Rhododendron Rural Service Center Floor Area Limitation: 4,000 square feet per building.
- L. Density: The maximum number of hotel, motel, or resort units per acre shall be as follows:
1. Government Camp Village: Hotel/motel accommodations in Government Camp Village may be provided up to a maximum of 50 units per acre, with a limitation of 100 units per development.
  2. Other Villages: Units allowed per acre shall be determined on the basis of the unit size and village density, as specified on the following chart:

Unit Size (in square feet)	Maximum Number of Units per Acre in Wemme/Welches Resort Community	Maximum Number of Units per Acre in Rhododendron Rural Service Center
1,200 +	6	4
1,000-1,199	7	5
800-999	8	6
600-799	10	8
400-599	14	12
200-399	32	22

- M. Hotels/Motels: Hotels and motels are allowed if served by community sewer, up to a maximum of 35 units within Rural Community or Rural Service Center, and no limit within Resort Communities.
- N. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- O. Variances: The standards of Subsection 504.08 may be modified pursuant to Section 1205.

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

504.09 DEVELOPMENT STANDARDS

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

- B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- C. Government Camp Design Standards: The following standards shall apply to Government Camp and shall govern where any standards are in conflict with other provisions of Section 504. These standards shall apply to all new development and, where reasonable, to remodels.
1. Main Entrance Siting: Properties with street frontage on Government Camp Loop shall locate the main entrance and pedestrian amenities on Government Camp Loop.
  2. Loading and Delivery: Shall not be located on Government Camp Loop unless there is no other access.
  3. Walkways: Walkways parallel to Government Camp Loop are not required, however if a walkway is extended from the existing 10-foot-wide sidewalk fronting Government Camp Loop, it shall be constructed of materials consistent with the existing 10-foot-wide sidewalk. Covered walkways may be provided along the building frontage of development on properties with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street. When a covered walkway is constructed it shall be a permanent structure at a minimum of 8-feet in width and attached to the building, it shall not project beyond the property lines, and shall be consistent with the building design and materials and existing 10-foot sidewalk fronting Government Camp Loop. A covered walkway shall extend along the entire frontage of the building.
  4. Exterior Building Materials: Building and accessory structures shall use wood, stone, stone veneer, stucco, for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic based and be combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around the building exteriors with street frontage. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.
  5. Roofing Materials: No non-architectural composition shingles or galvanized or corrugated metal roofs are allowed.
  6. Design: Building design shall meet the design intent of mountain architecture styles as described in the Government Camp Village Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style".



D. Signs: In addition to the provisions of Section 1010, all signs in the Rural Tourist Commercial District (RTC) shall be complimentary to the unique historic character of the Mt. Hood corridor in the use of graphics, symbols, lighting and natural materials. In addition, identification and onsite directional signing shall be sensitive to the needs of tourists. Identification signing may be provided for each distinctive village or area designated in the Mt. Hood Community Plan subject to approval by the State Highway Division and the Design Review Committee. ~~Government Camp signs shall comply with the sign provisions of Subsection 1010.09.~~

E. Government Camp 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 landscape requirements.

1. Square footage required: A minimum of 100 square feet of plaza space may be provided for developments with up to 1999 square feet. Developments 2000 square feet and larger may provide a minimum of 150 square feet. This shall be developed as one contiguous space. Developments 5000 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: 10 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 1999 square feet of floor area. One additional seating space shall be provided for each 1000 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.

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



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

**806 HOME OCCUPATIONS TO HOST EVENTS**

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**806.01 APPLICABILITY**

Section 806 ~~shall apply~~applies in the RR, RA-1, RA-2, RRFF-5, FF-10, FU-10, EFU, TBR, and AG/F ~~zoning-d~~Districts.

**806.02 DEFINITIONS**

Unless specifically defined in Subsection 806.02, words or phrases used in Section 806 shall be interpreted to give them the same meaning as they have in common usage and to give Section 806 its most reasonable application.

- A. Employee: Any on-site person, whether they work full-time or part-time in the home occupation business, including, but not limited to, the operator, partners, assistants, and any other persons or family members participating in the operation of the business. Except in the EFU, TBR, and AG/F Districts, this definition does not apply to persons employed by contract to provide services for a single event, such as caterers, photographers, and florists.
- B. Events: Weddings, family reunions, class reunions, company picnics, and similar gatherings.
- C. Operator: The person who conducts the home occupation, has majority ownership interest in the business, lives full-time in a dwelling on the subject property and is responsible for strategic decisions and day-to-day operations of the business.

**806.03 CONDITIONAL STANDARDS**

A home occupation to host events shall comply with the following standards:

- A. The home occupation shall be sited on a lot of record that contains a lawfully established dwelling.
- B. The operator of the home occupation shall be a resident of the property on which the home occupation is located.
- C. The home occupation shall have no more than five full-time or part-time employees on the site.
- D. In the EFU, TBR, and AG/F Districts, The home occupation shall be operated substantially in:
  - 1. The dwelling; or

2. Other buildings ~~or areas~~ which are normally associated with uses permitted in the zoning district in which the subject property is located, ~~or~~

E. Temporary tents are allowed as follows:

1. In the EFU, TBR and AG/F Districts, temporary tents are permitted to the extent consistent with Subsection 806.03(D).
2. In a zoning district other than EFU, TBR, and AG/F, one temporary tent is permitted and additional temporary tents may be permitted.
3. Temporary tents may ~~One temporary tent. The tent shall~~ be placed on the subject property no more than 24 hours before the event and must be removed no more than 24 hours after the event.

E.F. The construction of any structure that would not otherwise be allowed in the zoning district in which the subject property is located shall be prohibited.

~~F. In the EFU and AG/F zoning districts, either the subject property, or a portion thereof, shall be located in a Historic Landmark (HL) overlay zoning district, or a winery as defined in Oregon Revised Statutes (ORS) 215.452 shall be present on the subject property prior to the operation of the home occupation. In the TBR zoning district, the subject property, or a portion thereof, shall be located in an HL overlay zoning district.~~

- ~~1. If the subject property is removed from the HL overlay zoning district, or the winery is discontinued for more than one year, the conditional use approval shall become null and void.~~
- ~~2. If the subject property is wholly or partially within an HL overlay zoning district (and does not otherwise qualify for the home occupation based on the presence of a winery), events shall be confined to the area within 250 feet of a historic landmark structure. However, office activities, parking, onsite sewage disposal, and other similar elements of the home occupation may occur outside this area. The distance from the historic landmark structure 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 this standard.~~

- G. If the subject property is located in or adjacent to an EFU, TBR, or AG/F ~~zoning d~~District, prior to operating the home occupation, the applicant shall record a written irrevocable statement in the deed records of the County binding upon the landowner, and the landowner's successors in interest, acknowledging the right of adjacent and nearby farm and forest operators to employ accepted farm and forest management practices and prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under



Oregon Revised Statutes (ORS) 30.936 or 30.937. Impacts from farming and forest practices may include, but are not limited to: noise, dust, spray, smoke, vibrations, and visual impacts.

- H. In the EFU, TBR, and AG/F ~~zoning-d~~Districts, the evaluation of compliance with Subsection 1203.01(D) shall include consideration of impacts on dwellings even though dwellings are not primary uses in these zoning districts.
- I. During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00 p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.
- J. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.
- K. A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time.
- L. The maximum number of guests for any single event shall not exceed 300. However, a lower limit may be imposed based on site capacity constraints.
- M. All lighting used during events shall be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.
- N. Noise shall be regulated as follows:
  - 1. From 7:00 a.m. until 10:00 p.m. on Friday and Saturday and until 9:00 p.m. on all other days of the week, the average peak sound pressure level of the noise shall not exceed the greater of 60 dB(A) or the ambient noise level when measured off the subject property. During all other hours, the average peak sound pressure level of the noise shall not exceed the greater of 50 dB(A) or the ambient noise level when measured off the subject property.
    - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 806.03(N)(1).
    - b. Subsection 806.03(N)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
  - 2. A noise study may be required to demonstrate compliance with Subsection 806.03(N)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in



good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

- O. The home occupation shall comply with Section 1015, except as modified by this subsection.
  - 1. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.
  - 2. The minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.
  - 3. On-street parking shall be prohibited on the day of an event.
  - 4. An alternative to the parking area surface required pursuant to Subsection 1015.03(C) may be approved based on the following criteria:
    - a. It is appropriate considering season, duration, and intensity of use.
    - b. It shall be surfaced with hardy grasses, wood chips, or other similar organic materials sufficient to adequately stabilize the ground surface for parking.
    - c. In order to minimize tracking of soil onto the roadway, a driveway surfaced with screened gravel or better must extend a minimum of 200 feet in length from the interior edge of the roadway that provides access to the subject property. A traffic management plan must direct all vehicular traffic along the required driveway prior to such traffic entering the roadway.
- P. Restroom facilities shall be regulated as follows:
  - 1. Portable restroom facilities shall include hand-sanitizing or hand-washing facilities.
  - 2. Portable restroom facilities shall be subject to the standards of the service provider and the County Water Environment Services Department (WES).
  - 3. Portable restroom facilities shall be screened from adjacent properties and rights-of-way by sight-obscuring fences or plantings and shall be located a minimum of 50 feet from all property-lot lines.

4. Use of on-site sewage disposal facilities shall be subject to approval by ~~the County Water Environment Services Department~~ WES.
- Q. One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
- R. Equipment, furniture, goods, and other amenities used for events shall be stored indoors on non-event days. The use shall not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature, except for those characteristics normally associated with or allowed for a primary use in the subject zoning district, on non-event days.
- S. The use shall comply with any applicable requirements of the Oregon Liquor Control Commission.

[Amended by Ord. ZDO-224, 5/31/11]

## **837 MOBILE VENDING UNITS**

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### **837.01 APPLICABILITY**

Section 837 shall apply to mobile vending units, except mobile vending units that are part of a farmer's market. Except as set forth in Section 837, mobile vending units are exempt from Sections 1000 and 1102.

[Added by Ord. ZDO-231, 1/31/12]

### **837.02 LEVEL ONE MOBILE VENDING UNITS**

Except as established by Subsection 837.02, level one mobile vending units are exempt from regulation under this Ordinance. No permit to operate a level one mobile vending unit is required under this Ordinance. A level one mobile vending unit is one that complies with the following standards:

- A. The mobile vending unit shall operate on a designated route and not stop at a fixed location for more than two hours during the workday. Storage of such a unit during hours outside the workday is not regulated by Section 837, but remains subject to any other applicable provisions of this Ordinance, which may include compliance with Sections 1000 and 1102.
- B. The mobile vending unit shall be entirely self-contained with no connections to onsite utilities; no outdoor seating; and no storage outside the unit. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground.

[Added by Ord. ZDO-231, 1/31/12]

### **837.03 LEVEL TWO MOBILE VENDING UNITS**

Approval of a level two mobile vending unit is a ministerial action and is not subject to review as set forth in Subsection 104.01. A level two mobile vending unit permit shall be approved, subject to the following standards:

- A. Qualifying Site: The mobile vending unit shall be located on a developed site. A developed site is one that has previously received design review approval and where that approval has been implemented. Alternatively, if not located on a developed site, the mobile vending unit shall remain on the subject property for no more than 120 days in a calendar year. For the purpose of this standard:
  - 1. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.



2. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
- B. Maximum Number: Except as allowed under Subsection 837.02, no more than two mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.
  - C. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New structures, such as restroom buildings, trash enclosures, and gazebos, are prohibited, except that a fence may be constructed pursuant to Subsection 837.03(Q).
  - D. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
  - E. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.
  - F. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit, such as awnings or canopies, shall be excluded when calculating the square footage.
  - G. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
    1. Five feet from any structure or mobile vending unit;
    2. Ten feet from any front lot line, except in the Rural Tourist Commercial District in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*, where the minimum front yard setback from a property line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front yard setback of 10 feet from the property line abutting the other road; and
    3. Five feet from any side or rear lot line, except if such lot line abuts one of the following zoning districts, in which case the minimum shall be 15 feet: any urban or rural residential zoning district regulated by Section 300, Village Standard Lot Residential District (VR-5/7), Village Small Lot Residential District (VR-4/5), Village Townhouse District (VTH), and Village Apartment District (VA).



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- H. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
    - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
    - b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
  2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
  3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.
- I. Portable Sanitation Facilities: Portable toilets are prohibited. Portable hand-washing facilities are permitted but may not drain to the surface.
- J. Sewage Disposal: Inside the Portland Metropolitan Urban Growth Boundary (UGB) and the Mount Hood urban area, subsurface sewage disposal is prohibited unless allowed by Subsection 1006.07(B).
- K. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways. However, occupying existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking.
- L. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
- M. Driveway Access: No new or modified driveway access is permitted.

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- N. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.
- O. Surfacing: Inside the UGB, the mobile vending unit shall be placed on an existing hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better.
- P. Drive-thru Service: Drive-thru service is prohibited.
- Q. Screening: If the mobile vending unit is located less than 20 feet from one of the following zoning districts, the unit shall be screened from the lot line abutting that zoning district: any zoning district regulated by Section 300, VR-5/7, VR-4/5, VTH, and VA. Required screening:
1. May be provided by an existing structure, a fence, or a hedge;
  2. Shall be sight-obscuring; and
  3. Shall have a minimum height of six feet.
- R. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.03(G).
- S. Signs: Signs are permitted pursuant to Section 1010.
- T. Trash Receptacle: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit.
- U. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

[Added by Ord. ZDO-231, 1/31/12]

837.04 LEVEL THREE MOBILE VENDING UNITS

The Planning Director may approve a level three mobile vending unit, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating the following:

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- A. Maximum Number: Except as allowed under Subsection 837.02, no more than four mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.
- B. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New accessory structures may be constructed, as follows:
1. A maximum of two restroom structures, provided that the combined square footage does not exceed 200;
  2. A maximum of two storage buildings, provided that the combined square footage does not exceed 200;
  3. One trash enclosure; and
  4. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g. decks, picnic shelters), provided that the combined square footage does not exceed 200 square feet per mobile vending unit and that no single structure exceeds 200 square feet.
- C. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
- D. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.
- E. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit that are supported entirely by the unit and do not touch the ground shall be excluded when calculating the square footage.
- F. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
1. Five feet from any structure or another mobile vending unit;
  2. Ten feet from any front lot line, except in the Rural Tourist Commercial District in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*, where the minimum front yard setback from a property line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front yard setback of 10 feet from the property line abutting the other road; and

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3. Five feet from any side or rear lot line, except if such lot line abuts one of the following zoning districts, in which case the minimum shall be 15 feet: any zoning district regulated by Section 300, Village Standard Lot Residential District (VR-5/7), Village Small Lot Residential District (VR-4/5), Village Townhouse District (VTH), and Village Apartment District (VA).
- G. Structure Setbacks: Structures allowed under Subsection 837.04(B) shall comply with the setback standards of the zoning district in which the subject property is located.
- H. Hillsides, Significant Trees or Wooded Areas, and Mass Movement Hazard Areas: The development shall be subject to Subsections 1002.02~~3~~, 1002.04~~5~~ and 1003.02, as applicable.
- I. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
  1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
    - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
    - b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
  2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
  3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.
- J. Portable Sanitation Facilities: Portable toilets are prohibited, unless they are connected to a sanitary sewer system or a subsurface sewage disposal system. Portable hand-washing facilities are permitted but may not drain to the surface.
- K. Sewage Disposal: Inside the Portland Metropolitan Urban Growth Boundary (UGB) and the Mount Hood urban area, subsurface sewage disposal is prohibited unless allowed by Subsection 1006.07(B).



- L. Lighting: Outdoor lighting shall be subject to Subsection 1005.05.
- M. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways.
- N. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
- O. Driveway Access: Approval of driveway access shall be subject to the Clackamas County Roadway Standards.
- P. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items or structures shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.
- Q. Surfacing: Inside the UGB, the mobile vending unit shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface unless a permeable surface is required to reduce surface runoff, as determined by the Department of Transportation and Development. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.
- R. Drive-thru Service: A mobile vending unit may include drive-thru service only if drive-thru service is allowed as a primary or accessory use in the zoning district in which the subject property is located. Drive-thru service shall be subject to Section 827 and if applicable, Section 1700.
- S. Screening and Buffering: The proposed development shall be subject to the screening and buffering provisions of Subsection 1009.05.
- T. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.03(G).

- U. Landscaping Requirements: If the subject property does not have a previously approved landscape plan, compliance with Subsections 1009.02 (A) through (E), 1009.04(B), and 1009.08 shall be required.
- V. Signs: Signs are permitted pursuant to Section 1010.
- W. Off-street Automobile Parking Spaces on a Developed Site: On a developed site, the mobile vending unit, attachments to the mobile vending unit, customer queuing areas, and portable accessory items may occupy existing off-street automobile parking spaces, provided that such spaces are not simultaneously used for parking. A developed site is one that has previously received design review approval and where that approval has been implemented. In addition, no new off-street parking spaces are required. However, new structures may be located in existing off-street automobile parking spaces only if such spaces are in excess of the minimum number required for existing development.
- X. Off-street Automobile Parking Spaces on an Undeveloped Site: On an undeveloped site, a minimum of two off-street parking spaces per mobile vending unit is required. An undeveloped site is one that does not have an implemented design review approval.
- Y. Automobile Parking Area Requirements: The development of new automobile parking areas shall comply with Section 1015.
- Z. Refuse and Recycling Standards: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit. In addition, compliance with Section 1021 shall be required.
- AA. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

[Added by Ord. ZDO-231, 1/31/12]

#### 837.05 LEVEL FOUR MOBILE VENDING UNITS

If a proposed mobile vending unit exceeds the standards of both a level two and a level three mobile vending unit, it may be approved as a level four mobile vending unit, subject to Sections 1000 and 1102, as well as the standards applicable to the zoning district in which the subject property is located. In addition, compliance with Subsection 837.04 shall be required, except where a more restrictive standard is applicable pursuant to other provisions of this Ordinance.

[Added by Ord. ZDO-231, 1/31/12]

#### 837.06 SUBMITTAL REQUIREMENTS

The following submittal requirements shall apply to applications for level two and three mobile vending units:

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- A. An application for a level two mobile vending unit permit shall include the following:
1. A completed level two mobile vending unit application form on a form provided by the Planning Director;
  2. Information sufficient to address the approval criteria in Subsection 837.03; and
  3. A site plan of the subject property drawn to scale and including:
    - a. The lot lines;
    - b. The location of existing structures and mobile vending units on the development site;
    - c. The proposed location of the mobile vending unit and any portable accessory items, such as picnic tables and trash cans;
    - d. The dimensions of the proposed mobile vending unit;
    - e. The proposed distance between the mobile vending unit and adjacent lot lines, as well as the proposed separation distance between the unit and other onsite structures or mobile vending units;
    - f. The type and location of any proposed onsite utility connections for the mobile vending unit;
    - g. The location of existing loading areas, driveways, onsite circulation drives, parking lot aisles, bicycle and automobile parking spaces, and walkways;
    - h. The location of windows and doors on the mobile vending unit that are proposed to be used for service to customers;
    - i. The location of existing landscaping; and
    - j. The dimensions, height, location, and lighting (if any) of proposed signs.
- B. An application for a level three mobile vending unit permit shall include:
1. A completed level three mobile vending unit application form on a form provided by the Planning Director; and
  2. The applicable items identified in Subsection 1102.05.

[Added by Ord. ZDO-231, 1/31/12]

**837.07 PREAPPLICATION CONFERENCE**

A preapplication conference is required, pursuant to Subsection 1301.04, prior to the filing of an application for a level three or four mobile vending unit.

[Added by Ord. ZDO-231, 1/31/12]

**837.08 APPROVAL PERIOD AND TIME EXTENSION**

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- A. A level two or three mobile vending unit 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. "Implemented" means all necessary County development permits shall be obtained and maintained for the approved development.
- B. If a level three mobile vending unit approval is not implemented within the initial approval period established by Subsection 837.08(A), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.
- C. A level four mobile vending unit approval is subject to the approval period and time extension provisions of Subsection 1102.02.

[Added by Ord. ZDO-231, 1/31/12]



**1001 GENERAL PROVISIONS****1001.01 APPLICABILITY**

- A. Except where a different applicability standard is set forth elsewhere in Section 1000, Section 1000 shall apply to partitions; subdivisions; institutional, commercial, and industrial developments; manufactured dwelling parks; condominiums; multifamily dwellings; two- and three-family dwellings; and attached single-family dwellings where three or more dwelling units are attached to one another. Notwithstanding this provision, level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837.
- B. Except where a different applicability standard is set forth elsewhere in Section 1000, the following portions of Section 1000 shall apply to detached single-family dwellings, and attached single-family dwellings where two dwelling units are attached to one another:
  - 1. Subsection 1002.0~~23~~<sup>23</sup>, *Hillsides*;
  - 2. Subsection 1002.0~~56~~<sup>56</sup>, *River and Stream Corridors*;
  - 3. Subsection 1002.0~~67~~<sup>67</sup>, *Deer and Elk Winter Range* ~~Wildlife Habitats and Distinctive Resource Areas~~;
  - 4. Subsection 1002.07, *Mount Hood Resource Protection Open Space*;
  - 5. Subsection 1002.08, *Significant Natural Areas*;
  - ~~4~~ Section 1003, *Hazards to Safety*;
  - ~~5~~ Section 1004, *Historic Protection*;
  - ~~6~~ Section 1006, *Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency*;
  - ~~7~~ Subsection 1007.06, *Pedestrian and Bicycle Facilities*;
  - ~~8~~ Subsection 1007.10, *Fee in Lieu of Construction*; and
  - ~~9~~ Subsection 1008.03, *General Standards*.

**1001.02 CONFLICTS**

If standards in this Ordinance conflict with one another to the extent that it is not possible for development to comply with both, or all, of the conflicting standards, the conflicts shall be resolved by giving precedence as follows, in descending order of importance:

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- A. Standards required in Section 700 for an overlay zoning district;
- B. Standards required in Section 800 for a special use;
- C. Standards required in Chapter 10 of the Comprehensive Plan or Sections 1600, 1602, or 1700 for a community or design plan area;
- D. Standards required in the section of this Ordinance that regulates the underlying zoning district in which the subject property is located; and
- E. Standards required in Section 1000. If conflicts arise in the application of the various standards in Section 1000, identification and resolution of such conflicts shall be a function of the development review process set forth in Section 1100, where applicable.

1001.03 OTHER CODES

Development shall be subject to the following codes, which are hereby incorporated into this Ordinance:

- A. Oregon Specialty Codes, including: Structural, Residential, Mechanical, Plumbing, Electrical, Manufactured Dwelling Installation, Energy Efficiency, and Solar Installation;
- B. Oregon Fire Code;
- C. Chapter 9.01 of the Clackamas County Code, *Uniform Code for the Abatement of Dangerous Buildings*;
- D. Chapter 9.02 of the Clackamas County Code, *Application and Enforcement of the Clackamas County Building Code*;
- E. Chapter 9.03 of the Clackamas County Code, *Excavation and Grading*;
- F. The Clackamas County Roadway Standards; and
- G. Any other code adopted by the Board of County Commissioners.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12]

## 1002 PROTECTION OF NATURAL FEATURES

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### 1002.01 PURPOSE

Section 1002 is adopted to implement the policies of the Comprehensive Plan for the protection of natural features.

~~Section 1002 is adopted to:~~

- ~~A. — Protect the natural environmental and scenic features of the County;~~
- ~~B. — Encourage site planning and development practices which protect and enhance significant natural features such as streams, swales, hillsides, ridges, rock outcroppings, views, large trees, and wooded areas;~~
- ~~C. — Provide ample open space; and~~
- ~~D. — Create a human environment compatible and harmonious with the natural environment.~~

### ~~1002.02 GENERAL TERRAIN PREPARATION~~

- ~~A. — All developments shall be planned, designed, constructed, and maintained with maximum regard to significant natural terrain features and topography, such as hillside areas, floodplains, and other significant land forms.~~
- ~~B. — Developments shall be planned, designed, constructed, and maintained to:~~
  - ~~1. — Avoid substantial probability of:~~
    - ~~a. — Accelerated erosion;~~
    - ~~b. — Pollution, contamination, or siltation of lakes, rivers, and streams;~~
    - ~~c. — Damage to vegetation; and~~
    - ~~d. — Injury to wildlife and fish habitats; and~~
  - ~~2. — Minimize the removal of trees and other native vegetation that stabilize hillsides; retain moisture; reduce erosion, siltation, and nutrient runoff; and preserve the natural scenic character.~~

### 1002.02<sup>3</sup> HILLSIDES

All development proposed on slopes of 20 percent or greater shall be subject to the following standards:

- A. No partition or subdivision shall create any new lot or parcel which cannot be

developed under the provisions of Subsection 1002.023.

- B. Development on land over 35-percent slope—and residential development on land over 25-percent slope in the RR, MRR, and HR zoning districts—shall be subject to Planning Director review pursuant to Subsection 1305.02.

1. Approval shall not be granted unless the following conditions are satisfied:

- a. An engineering geologic study approved by the County establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include the items listed in Subsection 1003.02(B)(2).
- b. Access to the site is approved by the County and the affected fire district pursuant to the engineering geologic study and associated conditions. Design review shall be required if construction of such access requires cut and fill, blasting, tree cutting, retaining walls, or other terrain alterations which detract from the natural scenic quality of the site.
- c. Design review of the proposed design of structures and re-vegetation plans shall be required to ensure preservation or rapid reestablishment of the scenic quality of the site.
- d. A plan for storm drainage and erosion control is approved by the County pursuant to Subsection 1008.02.
- e. Other provisions of Subsection 1002.02 are addressed and satisfied by the proposal.
- f. When a building is proposed, the applicant shall, in addition to satisfying the above conditions, demonstrate that at least one of the following conditions applies:
  - i. It is not feasible to either transfer the density (in the case of residential development) or to develop on a portion of the site which is less sloped; or
  - ii. Unique characteristics of the site, such as, but not limited to, vistas or solar exposure, could be better utilized by the proposed siting of structures with less or equal overall disturbance of the property than would occur otherwise under the provisions of this Ordinance.

2. Approval of a permit under Subsection 1002.023(B) is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval



shall be implemented, or the approval will become void.

- a. "Implemented" means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the approved permit, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
    - i. A building or manufactured dwelling placement permit for a new primary structure that was part of the approved development; or
    - ii. A permit issued by the County Engineering Division for parking lot or road improvements required by the approved development.
  3. If the approval of a permit is not implemented within the initial approval period established by Subsection 1002.023(B)(2), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.
- C. Grading, stripping of vegetation, and lot coverage by structures and impervious surfaces shall be limited to no more than 30 percent of slopes 20 percent or greater. Variances to this standard may be granted pursuant to Section 1205. A variance shall not be granted unless the proposed development satisfies the following conditions:
1. The proposed lot coverage shall not exceed the maximum lot coverage standard of the zoning district;
  2. The additional lot coverage, grading, or stripping shall not:
    - a. Decrease the stability of the slope;
    - b. Appreciably increase erosion, sedimentation, or drainage flow from the property; or
    - c. Adversely impact high priority open space as defined in Section 1011.
  3. Measures shall be employed to minimize grading or filling to accomplish the development.
  4. Disturbed areas shall be compacted if necessary and re-vegetated as soon as practical and before the annual wet season.
- D. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.

- E. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided.
- F. Roads shall be of minimum width, with grades consistent with County specifications. One-way streets may be allowed.
- G. Re-vegetation of all graded areas shall be the responsibility of the developer and shall occur as soon as feasible following the final grading. Maintenance of the slopes shall be the responsibility of the developer until the property ownership is transferred.

1002.034 DEVELOPMENT RESTRICTION FOLLOWING EXCESSIVE TREE REMOVAL

Subsection 1002.034 applies to land inside the Portland Metropolitan Urban Growth Boundary, except land specially assessed as forestland on September 28, 2010.

- A. Definitions: Unless specifically defined in Subsection 1002.034(A), words or phrases used in Subsection 1002.034 shall be interpreted to have the same meaning as they have in common usage and to give Subsection 1002.034 its most reasonable application.
  - 1. Christmas Tree: A tree of a marketable species and evidencing periodic maintenance practices of shearing for Douglas fir, fir, and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, and soil cultivation.
  - 2. Diameter Breast Height (d.b.h.): A tree's diameter measured by diameter tape at four and one-half feet above grade on the uphill side. On multi-stem trees, the stem with the largest diameter shall be measured.
  - 3. Hazardous Tree: A tree that, by reason of disease, infestation, age, or other condition, presents a known or immediate hazard to people or property.
  - 4. Nuisance Tree: Any tree of the following species: tree of heaven (*Alnus altissima*), single seed hawthorn (*Crataegus monogyna*), English holly (*Ilex aquifolium*), plums (*Prunus* hybrids, which are not commercial nursery species), sweet cherry (*Prunus avium*), English laurel (*Prunus laurocerasus*), Portuguese laurel (*Prunus lusitanica*), black locust (*Robinia pseudoacacia*), European mountain ash (*Sorbus aucuparia*), and any listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System.
  - 5. Orchard Tree: A tree maintained for the production of fruit or nuts for human consumption.
  - 6. Tree: Any woody plant with at least one well-defined stem.

7. **Tree Removal:** The act of removing a tree by digging up or cutting down, or the effective removal through damage to a tree or its root system. Effective removal shall include any procedure the natural result of which is to cause the death or substantial destruction of a tree, including, but not limited to: topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree, girdling, and placing fill in excess of six inches deep over the root zone. Tree removal does not include routine pruning or trimming.
- B. **Excessive Tree Removal:** Excessive tree removal is the removal of more than three trees—excluding those identified as exempt in Subsection 1002.034(E)—on a lot of record in a calendar year.
- C. **Development Restriction:** If excessive tree removal occurred in the five years immediately preceding the date that a complete application is filed for design review, a subdivision, a partition, or a conditional use, the application will be denied. (This restriction applies to a conditional use under Section 1203, but not to a greenway conditional use under Section 705.)
- D. **Exception to Development Restriction:** Notwithstanding Subsection 1002.034(C), a minor modification of a previous design review, subdivision, partition, or conditional use approval may be approved pursuant to Subsection 1305.01(L).
- E. **Exempt Trees:** Removal of the following exempt trees is not excessive tree removal, regardless of the number of such trees removed. However, removal of the listed trees may be regulated under other provisions of this Ordinance, such as Section 705, *Willamette River Greenway*, Section 706, *Habitat Conservation Area District*, and Section 709, *Water Quality Resource Area District*, or by conditions of approval on a previous land use decision.
1. Trees with a d.b.h. of less than six inches;
  2. Trees required to be removed by local, state or federal law or regulation, or by a fire official;
  3. Trees removed by a public utility—or required by a public utility to be removed—in order to maintain, repair, or replace an existing utility line;
  4. Trees removed by a public utility—or required by a public utility to be removed—in order to construct a new utility line, unless the purpose of the new line is to serve future development of the subject property;
  5. Orchard trees;
  6. Christmas trees;

7. Trees planted on the site of a commercial nursery and grown for commercial purposes;
8. Nuisance trees;
9. Dead trees, where death resulted from an accident or non-human cause;
10. Diseased or hazardous trees, where the condition resulted from an accident or non-human cause;
11. Trees, the removal of which is authorized by approval of an administrative action under this Ordinance; and
12. Trees removed prior to September 28, 2010.

1002.045 TREES AND WOODED AREAS

- A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted. Site planning and design techniques which address incorporation of trees and wooded areas in the development plan include, but are not limited to, the following:
  1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees;
  2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows;
  3. Use of flexible road standards as provided in Subsection 1007.04(B)(3), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain;
  4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009.
  5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area;
  6. Retention of trees which are necessary to ensure the stability of clumps or groves of trees considering the type of trees, soil and terrain conditions,



exposure to prevailing winds, and other site-specific considerations;

7. Use of trees and wooded areas to buffer, screen, or provide transitions between different or conflicting uses on and off the site;
8. Use of flexible-lot-size and planned unit development designs to minimize disturbance of wooded areas;
9. Siting of uses and structures to utilize the natural microclimates created by wooded areas and trees to reduce extremes in temperature, provide wind protection, filter pollutants, and replenish oxygen and moisture to the air; and
10. Use of other development techniques described in Subsection 1011.03(C).

B. Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by:

1. Avoiding disturbance of the roots by grading and filling activity;
2. Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces;
3. Pruning or topping of trees which will be in parking areas or near buildings, as necessary, to maintain proper balance between top growth and roots, reduce windfall potential, and provide adequate vision clearances for safe vehicular circulation; and
4. Requiring, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection of specified wooded areas or specimen trees, as recommended by the arborist or horticulturist.

#### 1002.056 RIVER AND STREAM CORRIDORS

The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary.

A. Developments shall be planned, designed, constructed, and maintained so that:

1. River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices; and
2. Buffers or filter strips of natural vegetation are retained along all river and stream banks.

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- B. Except in the case of a river or stream subject to Section 704 or 705, the minimum structure setback from a river or perennial streambed shall be equal to the distance necessary to maintain or improve upon existing water quality. This distance shall be determined by a site investigation, but will not exceed 150 feet. Investigation shall consider:
1. Soil types;
  2. Types and amount of vegetative cover;
  3. Bank stability;
  4. Slope of the land abutting the river or stream;
  5. Hazards of flooding;
  6. River or stream character; and
  7. Any special Comprehensive Plan designation or management program.
- C. For water impoundments, diversions, and hydropower facilities, reasonable mitigation of adverse impacts to fisheries, wildlife, water quality, and flow shall be required commensurate with the intensity of the proposed use and resulting generating capacity.

~~1002.067~~ DEER AND ELK WINTER RANGE ~~WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS~~

Development in deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, shall be designed to minimize adverse wildlife impacts.

- A. ~~Developments on land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary shall be designed to:~~
- ~~1. Protect native plant species, aquatic habitats, and endangered or otherwise important wildlife species; and~~
  - ~~2. Minimize adverse wildlife impacts in sensitive habitat areas, such as deer and elk winter range below 3,000 feet in elevation, riparian areas, and wetlands.~~

1002.07 MOUNT HOOD RESOURCE PROTECTION OPEN SPACE

~~B.~~ Development in areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3, *Resource Protection Open Space*, proposed in or within 100 feet of natural wetlands shall be designed to:



- A4. Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover;
- B2. Provide compatibility with the continued performance of wetland functions, such as:
  - 1a. Conservation of soil, vegetation, water, fish, and wildlife;
  - 2b. Low-intensity, dispersed outdoor recreation, such as hiking and nature study; and
  - 3e. Utility easements, but only on peripheral areas and where alternative alignments are impractical;
- C3. Eliminate the need for filling, dumping, and/or excavating in the wetland proper, unless approved pursuant to Subsection 1011.04; and
- D4. Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainageways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.

#### 1002.08 SIGNIFICANT NATURAL AREAS

Five significant natural areas are identified as unique/natural features on Comprehensive Plan Map III-2, *Scenic & Distinctive Resource Areas*. These areas are more specifically referred to as Williams Lake Bog, the land at Marmot, Multorpor Bog, Delphridge, and Wilhoit Springs.

~~C. In these significant natural areas identified by the County, building and road construction, filling and excavation, paving, and tree removal the following shall be restricted, to the extent necessary to protect the unique or fragile character or features that are the basis for their designation the unique/natural feature designation in the Comprehensive Plan: building and road construction, filling and excavation, paving, and tree removal. Restrictions may be modified pursuant to Subsection 1011.04. Outside the Portland Metropolitan Urban Growth Boundary, forest practices on forestlands shall be subject to the Oregon Forest Practices Act.~~

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

**1010 SIGNS**

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**1010.01 PURPOSE**

The provisions of Section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

**1010.02 GENERAL PROVISIONS**

- A. Permits Required: If a sign other than one named in Subsection 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.
- B. Along State Highways: All off-premises signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Oregon Motorists Information Act.
- C. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in Section 1010.
- D. Address Display: The signing program for a multifamily, commercial, or industrial development shall include the display of the street number(s) for the development on the sign or building where it can be seen from adjacent roads and meet fire district standards.
- E. Sign Clearances: A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding and projecting signs.
- F. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.
- G. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning districts in which they are located.
- H. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.
- I. Illuminated Signs:
  - 1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle.
  - 2. The light intensity of an illuminated sign shall conform to or be less than the accepted standards of the sign industry, as provided by the Oregon



Electric Sign Association.

3. ~~The Design Review Committee may approve an electronic message center. No other~~ Except for an electronic message center sign approved pursuant to Subsection 1010.14, no sign or illuminating devices shall have blinking, flashing, or fluttering lights.
- J. Signs or displays containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.
- K. Moving Signs: No sign, sign structure, or portion thereof, except flags (as per Subsection 1010.12) and temporary displays (as per Subsection 1010.13(B)) shall be designed to rotate, flutter, or appear to move.
- L. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in a safe condition, in compliance with all building and electrical codes, and in conformance with Section 1010, at all times.
- M. Preexisting Signs: Notwithstanding Section 1206, signs and sign structures existing prior to September 12, 1996, which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of Section 1010 shall be subject to the following provisions:
  1. Alterations to a nonconforming sign which reduce or do not increase its noncompliance with the provisions of this Ordinance, including changes in display surface, sign areas, height, and setback, may be allowed subject to review under Subsection 1010.05, and
  2. Failure to use the copy area of a nonconforming sign for purposes permitted under Section 1010 for a period of more than 12 consecutive months shall constitute a "discontinuation of use" as provided under Subsection 1206.02 and such sign shall be removed or modified to satisfy all applicable requirements of Section 1010 and the underlying zoning district.
- N. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.
- O. Sign Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.
- P. Site: For purposes of Section 1010, a "site" shall be the entire "site area" of the development as it is defined in Subsection 601.09(B), and onsite signs

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shall be those permanent signs which are oriented towards internal circulation roads, driveways, and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways.

Q. Incidental signs shall not exceed three square feet per side.

1010.03 EXEMPT SIGNS:

A. The following signs do not require a sign permit, but must meet other provisions of Section 1010:

1. Signs having an area three square feet or less;
2. Signs listed as temporary under Subsection 1010.13; and
3. Government owned or posted signs in the public right-of-way.

B. The following signs are not regulated by this Ordinance:

1. Incidental signs;
2. Product dispensers, such as beverage, newspaper, and recycling machines;
3. Window signs
4. Signs painted on or attached to a level one mobile vending unit. A level one mobile vending unit is one that complies with Subsection 837.02.

1010.04 PROHIBITED SIGNS:

The following signs and sign characteristics are prohibited:

- A. Temporary signs, except as provided by Subsection 1010.13;
- B. Portable signs, except as provided by Subsection 1010.07(A)(2)(d), 1010.09(C)(2), or 1010.13;
- C. Animated signs, except as provided by Subsection 1010.1409(D);
- D. Roof signs, except integral roof signs in Commercial and Industrial zoning districts;
- E. Signs that obstruct free and clear vision of a traffic sign or signal from intended users, or otherwise constitute a traffic impediment;
- F. Signs imitating or resembling official traffic signs or signals;
- G. Any sign imitating or resembling an official county street or road sign, unless the sign is approved pursuant to Chapter 7.05, *Addressing and Road Naming*,

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of the Clackamas County Code;

- H. Colored lights which might in any way be confused with or construed to be traffic signals or lights on emergency vehicles;
- I. Strobe lights and signs containing strobe lights;
- J. Any sign that emits sound, odor, or visible matter; and
- K. Multiple reader signs designed to be read as a continued statement.

1010.05 DESIGN REVIEW

The size, materials, design, color, lighting, and location of signs and supporting structures for all permanent signs greater than 60 square feet in area, shall be subject to design review pursuant to Section 1102 and the following criteria:

- A. Design: Signs shall be designed to be compatible with other development on the site, other nearby signs, other elements of street and site furniture, and adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
- B. Scale: The scale of the sign, letter size, and design shall be appropriate for roadway or walkway visibility.

1010.06 RESIDENTIAL SIGNS IN URBAN AND RURAL RESIDENTIAL DISTRICTS AND FUTURE URBAN DISTRICTS

- A. Residential Signs in Urban Low Density and Future Urban Districts:
  - 1. Shall not exceed three square feet.
  - 2. Shall be located inside the dwelling or located flat against the dwelling.
  - 3. Only one such sign shall be permitted upon the premises.
  - 4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).
  - 5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used, except as provided in Subsection 1010.13.
- B. Signs in Rural Residential Districts:
  - 1. Shall not exceed eight square feet per side or six feet in height.
  - 2. Only one such sign shall be permitted upon the premises.

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3. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.
4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).
5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used, except as provided in Subsection 1010.13.

C. Freestanding signs for multifamily developments or subdivisions:

1. Maximum total sign area: 32 square feet per side.
2. Maximum number: No more than one freestanding sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
  - a. When an additional sign is located at a major public access point located on a different public road, or
  - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign, or
  - c. In mixed-use developments, a separate monument sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.
  - d. In the case of signs permitted under Subsection 1010.06(C)(2)(a) or (b), neither sign shall exceed the maximum sign size allowed.
3. Maximum top-of-sign height: Five feet above the finished ground elevation (not including berms or mounds specifically created for the sign).
4. Setbacks: Behind property line.

1010.07 SIGNS IN NATURAL RESOURCE DISTRICTS.

A. Commercial signs:

1. Shall not exceed 32 square feet. Signs may be two sided.
2. Freestanding commercial signs:
  - a. Maximum top-of-sign height: Eight feet above finished ground elevation (not including berms or mounds specifically created for the sign).



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- b. Maximum number: The maximum number of signs shall be four. (11/6/97)
  - c. Setback: Behind front property line.
  - d. May include portable signs when anchored in accordance with Subsection 1010.13(A)(5).
  - e. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
3. Building commercial signs:
- a. Maximum number: One
  - b. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
- B. Residential signs as per Subsection 1010.06(B).
- C. Institutional uses as per Subsection 1010.08.

1010.08 SIGNS FOR SERVICE, RECREATIONAL, ~~AND~~ INSTITUTIONAL, AND GOVERNMENTAL USES

~~A.~~ In residential and natural resource zoning districts, the following standards shall apply to signs in urban residential, rural residential, future urban, and natural resource zoning districts for service and recreational uses regulated by Section 813, and to signs for institutional uses.

~~A.1.~~ Maximum Area: 32 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.

~~B.2.~~ Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

~~C.3.~~ Maximum Number: One freestanding and one building sign shall be permitted upon the premises.

~~D.4.~~ Maximum Top-of-Sign Height: Five feet for a freestanding sign.

B. Notwithstanding Subsection 1010.08(A), in residential and natural resource zoning districts outside the Portland Metropolitan Urban Growth Boundary, the following standards shall apply to signs for governmental uses.

1. Maximum Area: 60 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.

2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises, except if the subject property has frontage on two different streets, an additional sign may be permitted under the following conditions:
  - a. If the subject property has a driveway entrance on each street frontage, one freestanding sign may be oriented to each street frontage; or
  - b. If one of the street frontages abuts a state highway, one freestanding sign may be oriented to each street frontage; or
  - c. A second building sign oriented to the second street frontage may be permitted in lieu of a second freestanding sign allowed pursuant to Subsection 1010.08(B)(3)(a) or (b).
4. Maximum Top-of-Sign Height: 20 feet for a pole sign, five feet for a monument sign.

1010.09 COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Commercial freestanding signs:

1. Number: Only one sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless through design review pursuant to Section 1102, the following is determined:
  - a. An additional sign is needed to provide identification of the development at major public access points located on two different public roads, and/or
  - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.
  - c. In mixed use developments a separate freestanding sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.
  - d. In the case of signs permitted under Subsection 1010.09(A)(1)(a) or (b), neither sign shall exceed the maximum sign size allowed.
  - e. For General Commercial (C-3) and Retail Commercial (RTL) zoning districts, one additional freestanding sign may be allowed on a public, County, or State road when the frontage on that road exceeds 450 feet. In no case shall the number of freestanding signs exceed four for any development. The additional signs shall be a maximum of 60 square feet. This provision for an additional freestanding sign shall not allow an additional sign on any site located on a corner which qualifies for an additional sign by reason of that corner location under Subsection

1010.09 (A)(1)(a).

2. Maximum top-of-sign height:
  - a. Pole signs: In C-3 and RTL zoning districts, 25 feet. In all other Commercial zoning districts, 20 feet.
  - b. Monument signs: In all Commercial zoning districts, six feet. In all industrial zoning districts, five feet.
3. Maximum Sign Area: 60 square feet. Signs may be two sided. For developments of more than one use included on the same site, a sign area may be increased above this requirement an additional 10 square feet per tenant, up to a maximum of 200 square feet, subject to Subsection 1010.05. Additionally, multiple-tenant signs shall use a common background.
4. Setbacks: Behind property line.
5. The sign supporting structure shall not be counted for purposes of determining sign area.
6. Illumination: Such signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

B. Building commercial signs:

1. Number: The maximum sign area may be distributed among any number of signs.
2. Maximum size:
  - a. If there is not a freestanding sign on the same site frontage, then one and one-half square feet of sign area per linear footage of the occupant's primary building wall.
  - b. If there is a freestanding sign on the same site frontage, then one square foot of sign area per linear footage of the occupant's primary building wall.
  - c. Wall signs based on the sign rights of a primary building wall may be placed on a secondary building wall; they may not be placed onto another primary building wall.
  - d. Each tenant shall be allowed a minimum 32 square feet of building sign area.
  - e. In no case shall a building sign exceed 200 square feet.



3. Design: Building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.
4. Illumination: Building signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

C. Mobile Vending Unit Signs:

1. The number and area of signs on a mobile vending unit are unrestricted. However, such signs shall be located flat against the unit, and no portion of any sign shall extend above the roof of the unit. These signs may be internally or externally illuminated, provided that any required utility connections for such illumination comply with Section 837.
2. Each mobile vending unit may have one portable menu or sandwich board sign a maximum of six square feet in area. This sign shall be located within 10 feet of the mobile vending unit and shall be located outside the unit only during unit operating hours.

~~D. — Electronic message center signs, and other changeable copy signs, may be incorporated into a permanent commercial sign in a Commercial or Industrial zoning district. Approval shall not be granted unless the following criteria are satisfied:~~

- ~~1. Only one such sign shall be used in a development.~~
- ~~2. The changeable copy sign or electronic message center shall be included in the maximum sign area allowed under Subsection 1010.09(A)(3) or 1010.09(B)(2), and shall not exceed 80 percent of the total sign area.~~
- ~~3. The electronic message center shall be integrated into the design of the sign.~~
- ~~4. All segments of a message shall be completed within 12 seconds.~~

1010.10 ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS

- A. Directory: A directory is an onsite sign which identifies and directs traffic to a number of tenants, uses, or buildings within a development.
- B. Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two square feet per tenant, use, or building specifically identified, up to a maximum of 40 square feet.
- C. Directories, including those attached to buildings, that are oriented toward pedestrian circulation areas shall be a maximum of 24 square feet in area, and a maximum of eight feet in top-of-sign height.



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- D. An onsite monument sign for an individual building within a development may be allowed as an alternative to a building sign, provided such sign shall:
1. Be located adjacent to the building being identified.
  2. Not exceed 12 square feet in area.
  3. Not exceed four feet in top-of-sign height.
  4. Use materials and colors that are the same, or substantially the same, as those used on the building identified by the sign.

1010.11 OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS

- A. A temporary permit may be approved, renewable after five years. Criteria for approval:
1. Shall be allowed only in Natural Resource zoning districts.
  2. The sign shall provide the actual registered name of a business and directions to the business (e.g., left or right, an arrow, one-quarter mile, etc.).
  3. A maximum of three offsite traffic control identification signs are allowed for each business.
  4. Maximum distance of business from offsite traffic control identification sign: Five miles.
  5. A maximum of two offsite traffic control signs shall be located at any one site.
- B. Development Standards
1. Maximum size: Shall not exceed four square feet per side.
  2. Setback: Behind the front property line.
  3. Illumination: Offsite traffic control and identification signs shall not be illuminated.

1010.12 FLAGS

Flags are allowed in all zoning districts, subject to the following:

- A. Number: Three flags per site.
- B. Maximum size: No flag shall exceed 40 square feet.

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- C. Height: Top of pole supporting flag shall not exceed 35 feet above finished ground elevation (not including berms or mounds specifically created for the sign).
- D. All flags shall be located on one pole.

1010.13 TEMPORARY DISPLAYS AND SIGNS

- A. Temporary signs may be displayed under the following conditions and limitations:
  - 1. Number: Only one temporary sign shall be displayed for a site.
  - 2. Time Period and Duration: Shall not be displayed for a total time period exceeding 60 days in any calendar year.
  - 3. Size and Height Limits: Same size and height limits as a permanent sign for the same site.
  - 4. Setbacks: Behind front property line.
  - 5. Anchoring: All signs approved under this provision shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
  - 6. Exceptions: No temporary sign shall be allowed under this provision for any business or development which has a changeable copy sign incorporated into its permanent sign.
- B. Temporary displays (pennants, banners, streamers, strings of lights, and beacon lights) may be displayed according to Subsections 1010.13(A)(2) and (5) and 1010.02(N).

1010.14 CHANGEABLE COPY SIGNS

Electronic message centers signs and other changeable copy signs may be incorporated into permanent signs permitted pursuant to Subsections 1010.08 or 1010.09. Approval shall not be granted unless the following criteria are satisfied:

- A. Only one such sign shall be used in a development.
- B. The changeable copy sign or electronic message center sign shall be included in the maximum sign area allowed under Subsections 1010.09(A)(3) or 1010.09(B)(2), and Subsections 1010.08 (A)(1) or (B)(1), and shall not exceed 80 percent of the total sign area.
- C. The changeable copy sign or electronic message center sign shall be integrated into the design of the sign.

D. All segments of a message shall be completed within 12 seconds.

1010.1~~54~~ GOVERNMENT CAMP SIGN STANDARDS

- A. Area of Application: Subsection 1010.~~4415~~ shall apply to all permanent identification signs for commercial developments in the Rural Tourist Commercial (RTC) and Mountain Recreational Resort zoning districts in Government Camp and in the Hoodland Residential zoning district on properties with frontage on Government Camp Loop Road. The purpose of these sign standards is to provide a consistent design theme in the commercial areas.
- B. Conformance: Signs shall comply with the other applicable provisions of Section 1010, except as otherwise provided in Subsection 1010.~~4415~~. Where there are conflicts, Subsection 1010.~~4415~~ shall govern. A sign plan must be submitted to the Design Review Committee which shows:
1. Total signage allowed for the proposed sign frontage, face area of existing signage, and face area of proposed signage;
  2. The design of the sign and sign support including dimensions, materials, colors, sign copy, lighting, and graphics; and
  3. A site plan and building elevation showing placement of existing and proposed signs on the site.
- C. Preexisting Signs: Signs and sign structures existing prior to February 10, 1993, that complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of Section 1010 shall be subject to the provisions of Section 1206 and Subsection 1010.02~~(M)~~. ~~Preexisting Signs~~, except:
1. Any permanent sign which is nonconforming in any manner other than individual size shall be brought into conformance with the provisions of this Ordinance prior to any expansion or change in use which requires design review or a conditional use permit. Total signage area of existing and new signs may not exceed the maximum established in these standards. No occupancy permit shall be issued until a sign plan is submitted.
  2. Should any permanent nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement costs at the time of damage, it shall be reconstructed or replaced in conformance with these sign standards.
  3. Placement of a new sign where existing signage is greater than the total allowed, or where the new sign will make the total greater, requires removal of an amount of existing signage to keep the total signage area



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under the limit.

4. Where a Clackamas County Development Agency incentive program is in effect, all nonconforming signs, except those that are nonconforming in size alone, must be brought into conformance or removed by February 10, 1996.

D. Design Standards: Signs shall comply with Subsection 1010.05 and the following conditions:

1. Design: Sign design and support structure shall uphold the rustic, mountain environment of Government Camp through a Cascadian design theme.
2. Materials:
  - a. Signs and support structures are limited to wood or wood exterior, stone, brick, etched or stained glass, wrought iron, or non-shiny metal. Plywood may be used for signs only if it is heavily painted and/or edged to obscure the plywood texture and the surface is sealed to keep it from delaminating.
  - b. Neon signs are permitted inside windows only.
  - c. Plastic may be used only in the letters of sign copy or the portion of a sign with changeable copy.
  - d. Signs in the RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26 or with frontage on U.S. Highway 26 may be constructed of plastic if the design intent is upheld.
3. Colors: No reflective or fluorescent colors shall be used on signs or support structures.
4. Lighting: The source of the lighting shall be external and obscured from the pedestrian. Internally lit signs are permitted only where the letters of the copy are illuminated or in RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26, or in signs on U.S. Highway 26 frontage.
5. Changeable Copy: Electronic message center sign area copy and or changeable copy sign area copy is limited to no more than 20 percent of total signage allowed.
6. Scale: Signs shall be kept in scale with pedestrians and buildings.
7. Placement: Signs shall be incorporated into the design of the building and



shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.

E. Total Signage Area:

1. Developments less than three acres in size:
  - a. Total signage area shall be determined by the lineal feet of building frontage per street. This shall be a minimum of 30 square feet of signage plus one square foot for every five feet of building frontage greater than 30 lineal feet.
  - b. Buildings two stories or taller may increase the total signage allowed by 50 percent.
  - c. Only frontages on streets shall be used to determine total signage per frontage per development.
  - d. Signage shall not be transferred between frontages.
2. Developments over three acres in size:
  - a. Total signage area shall be determined by lineal street frontage. This shall be a minimum of 30 square feet of signage plus one square foot of signage per five lineal feet of street frontage greater than 30 feet.
  - b. Internal signs not readily visible from the street shall not be subject to total signage area restrictions in Subsection 1010.154(E)(2)(a).
3. Developments with U.S. Highway 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to Oregon Department of Transportation sign regulations. One sign shall be allowed per development per U.S. Highway 26 frontage and will be handled on a case-by-case basis. Signage shall conform to the Government Camp design intent to the degree possible.

F. Types of Signs Permitted:

1. Freestanding or monument signs:
  - a. Shall be situated within setback.
  - b. Shall have a maximum of one ground mounted sign per 50 feet of lineal building frontage.
  - c. Shall have a maximum face area of 24 square feet.
  - d. Shall have a maximum top-of-sign height of 12 feet.

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- e. Shall be on a base or wooden supports; poles are permitted only if integrated into a base. Any metal poles must be free of peeling paint and rust.
2. Building signs:
- a. Shall have a maximum face area of 24 square feet.
  - b. Shall not extend more than 10 inches from the wall.
  - c. Sign or components shall not exceed top of roofline or extend beyond the face area of the building.
3. Projecting signs:
- a. Shall not extend more than two feet into the public right-of-way, project farther than five feet from the building, or exceed top of roofline immediately above.
  - b. Shall not exceed one projecting sign per 25 feet of lineal building frontage.
  - c. Shall have a maximum face area of 12 square feet; buildings over two stories may have signs of up to 24 square feet.
  - d. Supporting structure may not exceed sign's height or width by more than two feet or extend higher than roofline.
4. Window signs readily visible from outside the building:
- a. Shall have a maximum face area of 30 percent of total window area per frontage; maximum sign size per individual window sign is 12 square feet.
  - b. Interior neon window signs readily visible from the street shall not exceed 10 percent of the total window area per street frontage. No more than 20 percent of an individual window should be covered with neon. Neon signs within these limits shall not be counted toward the total signage area.
5. Awning/overhead or walkway covering signs:
- a. Shall be completely positioned on awning, overhead, or covered walkway.
  - b. Shall have a maximum face area of 24 square feet.

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[Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-224, 5/31/11]

## **1011 OPEN SPACE AND PARKS**

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### **1011.01 PURPOSE**

Section 1011 is adopted to:

- A. Preserve a network of open space resources within the urban area;
- B. Protect sensitive or hazardous open space resources from incompatible development; and
- C. Provide land that meets the open space and recreation needs of the people.

### **1011.02 AREA OF APPLICATION**

- A. Section 1011 applies to areas generally indicated as Open Space on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*, or on the Mt. Hood Community Plan Map when one or more of the following open space resources is present:
  - 1. Willamette River Greenway;
  - 2. Distinctive urban forests;
  - 3. Hillsides of more than 20 percent slope;
  - 4. Areas of confirmed land movement hazard;
  - 5. Areas of severe erosion or unstable soil;
  - 6. Areas of high visual sensitivity;
  - 7. Significant natural areas; and
  - 8. Other distinctive or unique natural areas, or areas of serious natural hazard.
- B. Section 1011 also applies to areas generally indicated as Open Space on the Mt. Hood Community Plan Map when one or more of the following open space resources is present:
  - 1. Bodies of water, such as rivers, lakes, or lagoons;
  - 2. Special flood hazard areas, as defined in Section 703;
  - 3. Land within 100 feet of mean low water of all major rivers and 50 feet of other perennial streams; and



4. Wetlands, including recharge areas.

C. Open space regulated pursuant to Subsection 1011.02(A) or (B) shall be categorized as follows:

1. "High priority" open space shall be the following:

- a. Land or water necessary to assure a continuous network of open space (e.g., stream corridor, forested hillside);
- b. Land over 35 percent slope;
- c. Confirmed land movement hazard areas;
- d. Areas judged to have severe erosion potential due to soil type, geologic structure, and vegetation;
- e. Bodies of water such as rivers, lakes, or lagoons;
- f. Wetlands; and
- g. Significant natural areas.

2. "Second priority" open space shall be the following:

- a. Land greater than 20 percent slope and less than 35 percent slope;
- b. Distinctive urban forests;
- c. Land within a special flood hazard area, as defined in Section 703, or within 25-year flood limits where special flood hazard areas have not been designated;
- d. Land used as a recharge area for wetlands; and
- e. Areas of high visual sensitivity.

1011.03 DEVELOPMENT STANDARDS AND LIMITATIONS

- A. Site planning and development shall avoid disturbance of identified open space resources, except as provided in Subsections 1011.03(B) and (C). Full use should be made of density transfers pursuant to Section 1012, siting of structures and roads, and other appropriate means of designing the development around the open space.
- B. "High priority" open space shall be preserved outright, except:
  - 1. Development on hillsides over 35 percent slope shall be subject to Subsection 1002.023(B).

2. Commercial or industrial developments affecting wetlands or significant natural areas may be allowed, subject to Subsection 1011.04 and when permitted by the U.S. Army Corps of Engineers and the Oregon Division of State Lands.
- C. "Second priority" open space shall be preserved to the maximum extent possible making full use, as necessary, of techniques which reduce the need for land coverage, and disturbance of open space features. Various site plan and development options shall be identified and applied on a case-by-case basis pursuant to the open space review process under Section 1103. Site plan and development techniques may include but are not limited to:
1. Multistory construction;
  2. Elevated pole structures;
  3. Understructure parking;
  4. Reduction of parking requirements as provided under Subsection 1015.04(F)(2)(a) and (b);
  5. Clustering of buildings;
  6. Minimized driveway areas, use of shared driveways and loading areas;
  7. Reduction of road widths or use of one-way roads to accommodate terrain or other features; and
  8. Siting of buildings to maximize transit and pedestrian orientation.
- D. Satisfying the requirement for open space in commercial and industrial developments may count for up to 60 percent of the landscape requirement. Satisfying the open space requirement in residential developments may count for all of the 20-percent open space requirement in planned unit developments and up to 80 percent of the multifamily landscape requirements, including outdoor recreation space. (See Subsection 1009.03 for landscape requirements.)
- E. All open space requirements of Section 1011 shall be met using one or more of the following options:
1. Dedication to the public;
  2. Placement under a legally responsible group, such as a homeowner's association;
  3. Preservation through conservation easements but maintained by individual land owners; or

4. Some other suitable mechanism acceptable to the County.

[Amended by Ord. ZDO-224, 5/31/11]

1011.04 CONFLICT RESOLUTION FOR WETLANDS AND SIGNIFICANT NATURAL AREAS

High priority open space wetlands and significant natural areas shall not be disturbed unless approved by the Planning Director, pursuant to Subsection 1305.02, for a specific commercial or industrial development plan. Approval shall not be granted unless the applicant demonstrates that the following social, economic, energy, and appropriate environmental considerations are addressed and satisfied:

- A. Social: The proposed development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.
- B. Economic:
  1. The wetland or significant natural area must be disturbed for reasonable use of the site and, if not disturbed, the applicant would be substantially damaged.
  2. The use proposed is a benefit to the community and meets a substantial public need or provides for a public good which clearly outweighs retention of the wetland or significant natural area.
- C. Energy:
  1. Disturbance of the open space will not require public costs, including maintenance, due to secondary impacts, or exacerbate existing conditions.
  2. The development, as proposed, supports the Comprehensive Plan policies for energy efficient land use considering such things as transportation costs, efficient utilization of urban services, area self-sufficiency, and retention of natural features which create microclimates conducive to energy efficiency.
- D. Environmental: Disturbance of the wetland or significant natural area is minimized, as provided under Subsection 1011.03(C) and the review process and conditions of development pursuant to Section 1103, and the following specific conditions are satisfied:
  1. Wetlands:
    - a. The wetland can be altered without substantial adverse impact upon

the character of the area, and function of the wetland.

- b. The wetland does not support rare or endangered species.
  - c. Elimination, alteration, or relocation does not significantly alter water movement, including normal levels or rates of runoff into and from wetlands.
  - d. The proposed use or alteration of the wetland is approved by the U.S. Army Corps of Engineers and the Oregon Division of State Lands.
2. Significant Natural Areas: A study conducted by a person or persons with expertise related to the natural features of the site identified by the County shall be required. The study shall include:
- a. An evaluation of the sensitivity or fragility of the elements of the natural area to be affected, including types of activity, development, or alteration which is likely and unlikely to disturb or destroy those elements;
  - b. An evaluation of the preservation value of the natural area, or portion thereof, to be disturbed or destroyed by the proposed development, addressing status, need for representation, diversity, naturalness, viability, defensibility, and security;
  - c. An evaluation of the proposed development, and alternative development proposals, as they relate to the fragility and/or preservation value of the natural area identified under Subsection 1011.04(D)(2)(a) and (b); and
  - d. Findings to support the following:
    - i. The proposed development will not disturb the significant feature(s) of the site identified by the County; or
    - ii. The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the natural area on or adjacent to the site; and
    - iii. The site is suitable for the type of development proposed from a geologic standpoint. This may require an engineering geologic study.

#### 1011.05 PARK AND EASEMENT DEDICATIONS

- A. The standards and requirements of Section 1011 shall be applied whenever land is to be dedicated for a park, recreation area, or easement.



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- B. The park classifications and standards of Policies 1.1 through 1.5 in the Parks and Recreation section of Chapter 9 of the Comprehensive Plan shall be followed in the dedication and development of parks and recreation areas.

## **1012 DENSITY**

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### **1012.01 PURPOSE**

This section is adopted to:

- A. Ensure that the density of development is properly related to natural features, public facilities and services, adjacent land uses, and applicable zoning;
- B. Encourage transferring density and development from any restricted portions of a site to other usable areas of the site;
- C. Provide density bonuses for affordable housing and public recreation amenities;
- D. Provide criteria for calculating maximum and minimum density; and
- E. Ensure that available urban land is used to the maximum extent, consistent with infrastructure availability and limitations.

### **1012.02 APPLICATION OF SECTION**

In zoning districts listed in Table 1, this section shall apply to the following administrative actions: subdivisions, partitions, and design review for condominiums, manufactured dwelling parks, two-family dwellings, three-family dwellings, or multifamily dwellings, except for:

- A. Two- and three-family dwellings approved pursuant to Section 802; and
- B. Subdivisions and partitions approved pursuant to Subsections 902.01(B)(3) through (5).

### **1012.03 DEFINITION AND GENERAL PROVISIONS**

- A. Density is:
  - 1. The number of dwelling units in a condominium, two-family, three-family, or multifamily development;
  - 2. The number of spaces in a manufactured dwelling park; or
  - 3. The number of single-family-dwelling lots in a subdivision or partition.

- B. If the subject property is currently developed with one or more dwelling units that will be retained, such dwelling units shall be included in demonstrating compliance with the maximum and minimum density standards of this section.
- C. If a subdivision or partition is proposed on property currently developed with two-family, three-family, or multifamily dwellings (or with a current design review approval for such development), maximum and minimum density shall be calculated separately for each proposed lot or parcel.
- D. In a zoning district that does not allow new detached single-family dwellings, a lot created for a nonconforming detached single-family dwelling shall not be included in the gross site area used to calculate minimum and maximum density for the remaining lot(s).

#### 1012.04 DISTRICT LAND AREA REQUIREMENTS

District land area is the minimum land area required per primary dwelling unit. The district land area for each zoning district is identified in Tables 1 and 2, except as may be modified by a variance approved pursuant to Section 1205.

**Table 1**

<b>Zoning District</b>	<b>District Land Area (in square feet)</b>
Special High Density Residential (SHD)	726
High Density Residential (HDR)	1,742
Medium High Density Residential (MR-2)	2,420
Medium Density Residential (MR-1)	3,630
R-2.5	2,500
R-5	5,000
R-7	7,000
R-8.5	8,500
R-10	10,000
R-15	15,000
R-20	20,000
R-30	30,000
Village Apartment (VA)	1,500
Village Townhouse (VTH)	2,000
Village Small Lot Residential (VR-4/5)	4,000
Village Standard Lot Residential (VR-5/7)	5,000
Mountain Recreational Resort (MRR) in Government Camp	1,980

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<b>Zoning District</b>	<b>District Land Area (in square feet)</b>
Mountain Recreational Resort (MRR) in Wemme/Welches and Rhododendron	See Table 2
Hoodland Residential (HR)	10,890
Recreational Resort (RR)	87,120

**Table 2**

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

**1012.05 MAXIMUM DENSITY**

Developments shall be limited to a maximum density. Except in the MRR, HR, and RR zoning districts, maximum density shall be calculated as follows. Exceptions that apply in the VA, VTH, VR-4/5, and VR-5/7 zoning districts are established by Subsection 1012.06. Subsection 1012.07 establishes the process to be used in the MRR, HR, and RR zoning districts.

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA:
  1. Land dedicated for park sites pursuant to Comprehensive Plan Map X-SV-4 and Section 1602;



2. The land area of new county, public, or private roads (NR), except:
  - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted.
  - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval.
  - c. No subtraction shall be made for new access drives.
  - d. No subtraction shall be made for NR in the following zoning districts: SHD, HDR, MR-2, MR-1, and VA.
3. Any land area of the GSA in the following highly restricted areas (HRA), except that no subtraction shall be made for HRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas:
  - a. Slopes greater than 50 percent;
  - b. Mass movement hazards regulated by Section 1003;
  - c. The floodway of the Floodplain Management District regulated by Section 703;
  - d. The Willamette River and the required buffer area regulated by Section 705;
  - e. Habitat Conservation Areas regulated by Section 706; and
  - f. Water Quality Resource Areas regulated by Section 709; and
  - ~~g. Significant natural areas regulated by Section 1002; and~~
4. Fifty percent of the land area of any portions of the GSA in the following moderately restricted areas (MRA), except that no subtraction shall be made for MRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas. In the event of an overlap between HRA and MRA, the area of overlap shall be classified as HRA:
  - a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and

- b. Areas outside the floodway but within the Floodplain Management District regulated by Section 703.

- C. Divide the net result by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are represented by the following formula:

$$\{GSA - [NR + HRA + (MRA \times 0.5)]\} / DLA = BD^*$$

\* HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(3) and (4). Table 3 summarizes the percentages of HRA and MRA that are included in calculating BD.

**Table 3**

<b>Restricted Area</b>	<b>Percentage of Area Included in Calculating BD When Area is Developed</b>	<b>Percentage of Area Included in Calculating BD When Density is Transferred</b>
Slopes greater than 50 percent	0	100
Mass movement hazards regulated by Section 1003	0	100
The floodway of the Floodplain Management District regulated by Section 703	0	100
The Willamette River and the required buffer area regulated by Section 705	0	100
Habitat Conservation Areas regulated by Section 706	0	100
Water Quality Resource Areas regulated by Section 709	0	100
Significant natural areas regulated by Section 1002	0	100

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<b>Restricted Area</b>	<b>Percentage of Area Included in Calculating BD When Area is Developed</b>	<b>Percentage of Area Included in Calculating BD When Density is Transferred</b>
Slopes equal to or greater than 20 percent and less than or equal to 50 percent	50	100
Areas outside the floodway but within the Floodplain Management District regulated by Section 703	50	100

- D. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:
1. The proposed development shall include a minimum of four dwelling units.
  2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 4.

**Table 4**

<b>Bonus Category</b>	<b>Maximum Increase in the ULDR and HR Zoning Districts</b>	<b>Maximum Increase in the MR-1, MR-2, HDR, and MRR Zoning Districts</b>
Affordable Housing: Living units qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.	One unit per affordable unit up to 5 percent of the base density	One unit per affordable unit up to 8 percent of the base density
Park Dedication: Improved site area will be dedicated as a park and accepted by the County or other public agency pursuant to Section 1011.	10 percent of the base density	10 percent of the base density

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Habitat Conservation Area: At least 75 percent of the HCA on the subject property will be protected from development by a restrictive covenant or a public dedication.	Not applicable	25 percent of the base density; This bonus density provision is also applicable in the SHD and VA zoning districts.
<b>MAXIMUM TOTAL INCREASE</b>	<b>15 percent of the base density</b>	<b>43 percent of the base density</b>

- E. Any partial figure of one-half or greater shall be rounded up to the next whole number, except in the case of a subdivision or partition of 10 lots or fewer in an Urban Low Density Residential, VR-4/5, or VR-5/7 district, in which case partial figures shall be rounded down.
- F. The result is maximum density, except that the result shall be reduced as necessary to:
  - 1. Comply with the minimum lot size requirements of Section 1013 or 1014, as applicable;
  - 2. Ensure that, in an R-2.5 zoning district, the density of the developed portion of the site area does not exceed the density allowed in the MR-2 zoning district of one dwelling unit per 2,420 square feet of land area; and
  - 3. Ensure that, in all other Urban Low Density Residential zoning districts, the density of the developed portion of the site area does not exceed the density allowed in the MR-1 zoning district of one dwelling unit per 3,630 square feet of land area.

**1012.06 MAXIMUM DENSITY IN THE VA, VTH, VR-4/5, AND VR-5/7 ZONING DISTRICTS**

In the VA, VTH, VR-4/5, and VR-5/7 zoning districts, maximum density shall be calculated pursuant to Subsection 1012.05, except if any restricted areas, as identified in Subsection 1012.05, are to be developed, in which case:

- A. A district land area of one acre shall apply to the restricted areas proposed for development.
- B. Density shall not be transferred from outside restricted areas into restricted areas.
- C. The calculations required under Subsection 1012.05 shall be completed twice, once for the gross site area of restricted areas to be developed and



once for the gross site area of the remainder of the subject property.

- D. The steps identified in Subsections 1012.05(B)(3) and (4) shall be omitted when completing the calculations for the restricted areas to be developed.
- E. Partial figures resulting from the calculations for the restricted areas to be developed shall be rounded down.

1012.07 MAXIMUM DENSITY IN THE MRR, HR, AND RR ZONING DISTRICTS

In the MRR, HR, and RR zoning districts, developments shall be limited to a maximum density, which shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between restricted area categories, the area of overlap shall be classified in the most restrictive category.
  - 1. The land area of new county, public, or private roads (NR), except:
    - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted.
    - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval.
    - c. No subtraction shall be made for new access drives;
  - 2. Any land area of the GSA in the following highly restricted area (HRA):
    - a. The Floodplain Management District regulated by Section 703;

3. Fifty percent of the land area of the GSA in the following moderately restricted areas (MRA), except in the RR zone, where the subtraction shall be 50 percent of any land area of the MRA that will remain undeveloped and 100 percent of any land area of the MRA that will be developed:
    - a. Slopes greater than 25 percent;
    - b. Mass movement hazards regulated by Section 1003; and
    - c. Wetlands and required buffer areas regulated by ~~Subsection~~Section 1002.07 or another public agency; and
  4. In the RR zone, any land area of the GSA that is in a river or stream corridor (SC) and will be developed.
- C. In the RR and HR zones, divide the NSA by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are generally represented by the following formula. However, as provided in Subsections 1012.07(B)(3) and (4), the subtraction for MRA may be increased above the 50-percent level and SC may be inapplicable.
- $$\{GSA - [NR + HRA + (MRA \times 0.5) + SC] \} / DLA = BD$$
- D. In the MRR zone, the calculation in Subsection 1012.07(C) shall be done separately for each proposed unit size category identified in Table 2. This requires the applicant to identify the square footage of the NSA that is attributed to each unit size category. The results of each separate calculation shall be added to determine BD.
- E. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:
1. The proposed development shall include a minimum of four dwelling units.
  2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 4.

3. In an MRR zone, dwelling units allowed through the bonus density provisions shall be developed with the same unit size mixture as provided in the BD. For example, if a development is proposed with a BD of 50 units of 700 square feet and 50 units of 500 square feet, and a bonus density of 10 units is allowed, the 10 bonus units shall include 5 units of 700 square feet and 5 units of 500 square feet.  
(3/24/05)

- F. In an MRR or HR zone, any partial figure of one-half or greater shall be rounded up to the next whole number.
- G. The result is maximum density.

#### 1012.08 MINIMUM DENSITY

In the Urban Low Density Residential, MR-1, MR-2, HDR, SHD, and VA zoning districts, minimum density shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA:
  1. The land area of new county, public, or private roads and strips of land dedicated adjacent to existing road rights-of-way (NR);
  2. Slopes equal to or greater than 20 percent;
  3. Mass movement hazards regulated by Section 1003;
  4. Areas in the Floodplain Management District regulated by Section 703;
  5. The Willamette River and the required buffer area regulated by Section 705;
  6. Habitat Conservation Areas regulated by Section 706, provided that the HCA, or portion thereof, to be subtracted is protected from development by a restrictive covenant or a public dedication, and provided that the subject property was inside the Portland Metropolitan Urban Growth Boundary on January 1, 2002;
  7. Water Quality Resource Areas regulated by Section 709; and

~~8. Significant natural areas regulated by Section 1002; and~~

~~9.8. Land to be dedicated to the public for park or open space use.~~

- C. Divide by the district land area of the applicable zoning district.
- D. Multiply the result:
  - 1. By 80 percent in Urban Low Density Residential zoning districts. However, partitions in these districts have no minimum density requirement provided a master plan demonstrates that the property can comply with the minimum density standard through future land division;
  - 2. By 80 percent in the MR-1 zoning district, except in the case of a manufactured dwelling park where the result shall be multiplied by 50 percent;
  - 3. By 90 percent in the MR-2, HDR, and SHD zoning districts; or
  - 4. By 50 percent in the VA zoning district.
- E. Any partial figure of one-half or greater shall be rounded up to the next whole number.
- F. The result is minimum density.



**1603 VILLAGE STANDARD LOT RESIDENTIAL DISTRICT (VR-5/7) AND  
VILLAGE SMALL LOT RESIDENTIAL DISTRICT (VR-4/5)**

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**1603.01 PRIMARY USES**

The following are primary uses in the Village Standard and Village Small Lot Residential Districts:

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home;
- B. One attached single-family dwelling, provided that no more than two of these dwellings may be attached in succession;
- C. One attached single-family dwelling in the VR-4/5 zone when transferring density from a Resource Protection Area, subject to Subsections 1604.06(D) through (I) in lieu of Subsections 1603.06(E) through (K);
- D. Utility carrier cabinets, subject to Section 830;
- E. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and
- F. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district.

[Amended by Ord. ZDO-224, 5/31/11]

**1603.02 ACCESSORY USES**

The following are accessory uses in the Village Standard and Village Small Lot Residential Districts:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Accessory dwelling units located either above a detached garage, subject to Subsection 1603.06(G), or integral to the primary dwelling unit, subject to Subsection 1603.06(F);
- C. Produce stands, subject to Section 815;
- D. Livestock, subject to Section 821;

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- E. Home occupations, including bed and breakfast homestays, subject to Section 822;
- F. Signs, subject to Section 1010;
- G. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;
- H. Bus shelters subject to Section 823, bicycle facilities, pedestrian amenities, and transit amenities;
- I. Solar energy systems;
- J. Rainwater collection systems;
- K. Electric vehicle charging stations for residents and their nonpaying guests; and
- L. Family daycare providers.

[Amended by Ord. ZDO-224, 5/31/11]

1603.03 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Directory may approve the following use in the Village Standard and Village Small Lot Residential Districts, pursuant to Subsection 1305.02:

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

[Amended by Ord. ZDO-224, 5/31/11]

1603.04 CONDITIONAL USES

The Hearings Officer may approve the following conditional uses in the Village Standard and Village Small Lot Residential Districts, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.

- A. Two- and three-family dwellings, and the conversion of single-family dwellings into two-family dwellings, subject to Section 802;
- B. Churches, subject to Section 804;
- C. Schools, subject to Section 805;
- D. Daycare facilities, subject to Section 807;
- E. Nursing homes, subject to Section 810;

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- F. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; and
- G. Attached single-family dwellings that do not qualify as a primary use pursuant to Subsection 1603.01(B) or (C).

[Amended by Ord. ZDO-224, 5/31/11]

1603.05 PROHIBITED USES

The following are prohibited uses in the Village Standard and Village Small Lot Residential Districts:

- A. Uses of structures and land not specifically permitted; and
- B. The use of a residential trailer or mobile home, except as authorized under Section 1204.

[Amended by Ord. ZDO-224, 5/31/11]

1603.06 DIMENSIONAL AND DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.
- B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- C. Parks: Streets, public paths, or open space shall abut the entire perimeter of all parks. In no case shall the rear of a building face a park. Street alignments and lot design shall ensure that building fronts or sides face parks, with building sides acceptable along not more than one-third of a park's perimeter.
- D. Lot Size:
  - 1. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR-5/7 zoning district shall be no smaller than 5,000 square feet and no larger than 7,000 square feet, or each lot shall be a minimum of 5,000 square feet and the average size of all lots shall not exceed 6,500 square feet.
  - 2. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR-4/5 zoning district shall be no smaller than 4,000 square feet and no larger than 5,000 square feet, or each lot shall be a minimum of 4,000 square feet and the average size of all lots shall not exceed 5,000 square feet.

3. The following are exceptions to the lot size requirements of Subsections 1603.06(D)(1) and (2):
    - a. A portion of a property may be left capable of further division if a master plan is provided demonstrating that the remaining property can be developed consistent with applicable standards. Any area included within the master plan shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D) (1) and (2).
    - b. The maximum lot size for a new lot created for a preexisting dwelling shall be 15,000 square feet when the parcel is not intended to be divided further in the future and no master plan has been prepared. Such a lot shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D)(1) and (2). No maximum lot size shall apply to preexisting dwellings in a Resource Protection Area.
    - c. Resource Protection Area shall not be included in the lot-size calculations required pursuant to Subsections 1603.06(D)(1) and (2). Instead, density transfer may be used pursuant to Section 1012 or Resource Protection Area may be developed at a density of one dwelling unit per acre.
    - d. The minimum lot size for flexible-lot-size developments or planned unit developments shall be 4,000 square feet in the VR-5/7 zoning district and 2,000 square feet in the VR-4/5 zoning district.
  4. For subdivisions and partitions, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012.
- E. Maximum Lot Coverage: 50 percent.
- F. Primary Dwellings: The following standards apply to primary dwellings.
1. Maximum Building Height: 35 feet.
  2. Setbacks: The following standards do not apply in a Resource Protection Area.
    - a. Minimum and Maximum Front Yard Setbacks:
      - i. The front yard setback of a dwelling with a recessed garage shall be a minimum of 10 feet and a maximum of 18 feet or as close to the street as possible if a public utility easement precludes compliance with the maximum setback standard. Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum setback standard.



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- ii. The front yard setback of a primary dwelling with an attached garage extending beyond the front facade shall be 20 feet (plus or minus six inches) from the sidewalk to the foremost point of the side of the garage with the garage door.
  - iii. A porch may extend up to four feet into the front yard setback.
  - iv. A primary dwelling on a lot having more than one street frontage is required to comply with the maximum front yard setback only on two intersecting street frontages. The minimum setback shall be met on all street frontages.
  - b. Minimum Side Yard Setback: Five feet, except that no setback shall be required from a side lot line where two attached single-family dwellings share a common wall.
  - c. Minimum Rear Yard Setback: 15 feet.
  - d. Yard Setbacks in Resource Protection Areas: On lots recorded after November 29, 1995, development of primary dwellings and accessory structures within a Resource Protection Area shall be subject to Design Review, pursuant to Section 1102, and the following criteria:
    - i. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized.
    - ii. Compliance with Subsections 1002.023 and 1002.045 shall be demonstrated.
    - iii. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area.
    - iv. Shared driveways are encouraged and shall be designed to be as narrow as possible, consistent with the requirements of the fire district.
3. Facades:
- a. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way shall not consist of a blank wall.
  - b. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.

4. Entries and Porches: The following standards shall apply in all subdivisions that receive final plat approval after November 29, 1995.
  - a. If a lot has frontage on a local or connector street or a private street which meets local or connector street design standards, then the primary entry shall be accessed directly from and visible from one of those streets.
  - b. A minimum of 50 percent of the dwellings shall have porches. A covered porch or patio shall be placed immediately adjacent to the primary entry. The porch shall have a minimum net depth of 6 feet and a minimum net width of 10 feet.
5. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.

G. Accessory Structures: The following standards apply to accessory structures.

1. A maximum of two accessory structures, including one accessory dwelling unit, may be permitted on a lot.
2. An accessory structure and its projections shall be detached and separated from other structures by a minimum of three feet.
3. Only one accessory structure per lot may exceed 100 square feet in area.
4. Accessory structures greater than 100 square feet in area shall comply with the following requirements:
  - a. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.
  - b. The square footage of the ground floor of the accessory structure shall not exceed either 600 square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed 720 square feet in size.
  - c. The detached accessory structure shall have a maximum building height of 25 feet or the building height of the primary dwelling, whichever is less.
5. The following setback standards apply to accessory structures, except in a Resource Protection Area:
  - a. The front yard setback shall be no less than the setback of the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Subsection 1603.06(J).

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- b. No side or rear yard setback shall be required for any detached accessory structure that is 100 square feet or less in area and does not exceed a height of eight feet.
  - c. For structures that exceed 100 square feet in area or eight feet in height, rear and side yard setbacks shall be as follows, except where a rear or side lot line is adjacent to a pedestrian path, sidewalk, or accessway, in which case a minimum setback of five feet is required.
    - i. For structures greater than eight feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and three feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet. The minimum rear yard setback where the rear property line does not abut an alley shall be three feet.
    - ii. For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and five feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet, except that a second-level accessory dwelling unit may cantilever up to four feet. The minimum rear yard setback where the rear property line does not abut an alley shall be five feet.
- H. Off-Street Parking: A minimum of one off-street parking space located behind the front yard setback line shall be provided for each dwelling unit.
- I. Driveways:
- 1. Driveways shall not exceed a width of 16 feet at the front property line.
  - 2. For subdivisions that receive final plat approval after November 29, 1995, a minimum of 50 percent of lots developed on alleys shall have alley access only.
- J. Garages:
- 1. In the VR-5/7 zone, a minimum of 50 percent of the primary dwellings in a development shall have a garage with a front yard setback that is a minimum of five feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays, and architectural features). The remaining 50 percent of the primary dwellings in a development may have a garage with a front yard setback that is a maximum of five feet less than the front yard setback of the front facade of the primary dwelling (not including porches, bays, and architectural features).

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2. In the VR-4/5 zone, all garages shall have a front yard setback that is a minimum of five feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays and architectural features).
- K. Fences and Sight-Obscuring Plantings: The maximum height of a fence or sight-obscuring planting shall be six feet along the side and rear yards behind the front building line and four feet forward of the front building line.
- L. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.
- M. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.
- N. Variances: The requirements of Subsection 1603.06 may be modified pursuant to Section 1205.

[Amended by Ord. ZDO-224, 5/31/11]





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**First Class Mail**

DEPT OF  
JUN 26 2013  
LAND CONSERVATION  
AND DEVELOPMENT

Attn: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Ste. 150  
Salem, OR 97301-2540