



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

NOTICE OF ADOPTED AMENDMENT

December 14, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 002-06



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: December 28, 2006

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

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

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

Cc: Doug White, DLCD Community Services Specialist
Ron Eber, DLCD Farm/Forest Specialist
Jennifer Hughes, Clackamas County

<paa> ya/

FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

DEC 08 2006

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

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Clackamas County Local File No.: ZDO-207
(If no number, use none)
Date of Adoption: NOVEMBER 30, 2006 Date Mailed: DECEMBER 7 2006
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 2/8/06

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
allows the hosting of events as a home occupation/conditional use in natural resource and rural/future urban residential zones. adopts standards for review of these uses; housekeeping amendments

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

specific approval criteria vary somewhat from the original proposal

Plan Map Changed from: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 3, 4, 9

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-06 (15003)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Jennifer Hughes Area Code + Phone Number: 503-353-4518
Address: 9101 SE Sunnyside Blvd City: Clackamas
Zip Code+4: 97015 Email Address: jenniferh@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

In the Matter of Amendments to
the Zoning and Development
Ordinance: ZDO-207



ORDER NO. **2006-517**
(Page 1 of 2)

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

Whereas, it is necessary to add a new Section 806 to the Zoning and Development Ordinance; revise the text of Sections 401, 406, 407, 813, 1010 and 1022 of the Zoning and Development Ordinance; and adopt conforming amendments to Sections 301 through 310, 312, 313, 314, 505 and 604 of the Zoning and Development Ordinance; and

Whereas, it is necessary to revise the Zoning and Development Ordinance in order to allow a home occupation to host events as a conditional use in the RR, RA-1, RA-2, RRFF-5, FF-10, FU-10, EFU, TBR, and AG/F zoning districts; to establish criteria for the approval of such uses; to clarify that the hosting of events is a conditional use in other zoning districts that currently allow service and recreational uses; to relocate and clarify the sign standards for service and recreational uses; and to make housekeeping changes; and

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

It further appearing that the Planning Commission, upon considering ZDO-207 at public hearings held on March 27, 2006 and April 24, 2006, recommended approval of the amendments, and

It further appearing that after appropriate notice, public hearings were held before the Board of County Commissioners in the Board of County Commissioners Hearing Room, 2051 Kaen Rd., Oregon City, Oregon on May 3, 2006; June 7, 2006; August 2, 2006; September 6, 2006; and October 25, 2006, during which an opportunity to provide testimony and evidence was given; and

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
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}

ORDER NO. 2006-517
(Page 2 of 2)

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


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

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

ADOPTED this 30 day of NOV, 2006

BOARD OF COUNTY COMMISSIONERS


BILL KENNEMER, CHAIR


RECORDING SECRETARY

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

EXHIBIT A

ZDO-207

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

| 401 EXCLUSIVE FARM USE DISTRICT (EFU) ~~(4/13/06)~~

401.01 PURPOSE

- A. To preserve agricultural use of agricultural land.
- B. To protect agricultural lands from conflicting uses, high taxation and the cost of public facilities unnecessary for agriculture.
- C. To maintain and increase the agricultural economic base of Clackamas County.
- D. To increase agricultural income and employment by creating conditions which further the growth and expansion of agriculture and which attract related industries.
- E. To maintain and improve the quality of air, water and land resources.
- F. To conserve scenic and open space.
- G. To protect wildlife habitats.

401.02 AREA OF APPLICATION

- A. The Exclusive Farm Use District shall be applied to those areas which are generally suitable for small and large scale agricultural uses. Criteria to be considered are:
 - 1. Lands suitable for or characterized by small or large scale agricultural uses; such as the raising of poultry, fur bearing animals, and livestock and the growing of berries, nursery stock, vegetables, grains and field crops.
 - 2. Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils or identified as agricultural soil by more detailed data. (1/9/03)
 - 3. Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices. (1/9/03)

4. Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.
5. Lands designated and acknowledged as Agriculture on the County's Comprehensive Plan map. (1/9/03)

401.03 DEFINITIONS

Unless specifically defined below or in Section 202 words or phrases used in this section shall be interpreted to give them the same meaning as they have in common usage and to give this section its most reasonable application. (1/9/03)

- A. Agricultural Land: As defined in Oregon Administrative Rule 660-33-0020. (1/9/03)
- B. Farm Use: As defined in ORS 215.203. (1/9/03)
- C. High Value Farmland: As defined in ORS 215.710 and OAR 660-033-0020(8). (1/9/03)
- D. Low Value Farmland: All land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8). (1/9/03)
- E. Date of Creation and Existence: When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel 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, parcel or tract.
- F. Tract: One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a county or public road, or contiguous at a common point. Lots or parcels divided by a State Highway are not considered contiguous. (1/9/03)
- G. Golf Course: As defined in Subsection 407.06(B)(31). (1/9/03)
- H. Irrigated: Agricultural Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this section, an area or tract

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within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract. (1/9/03)

- I. Farm Stand: A structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment. (1/9/03)
 - J. 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.
 - K. Historic Property: As defined in ORS 358.480. (1/9/03)
 - L. Accessory Farm Dwelling: Includes all types of residential structures allowed by the applicable state building code. (7/1/04)
- 401.04 PRIMARY USES ALLOWED ON LOW AND HIGH VALUE FARMLAND (1/9/03)
- A. Farm uses as defined in ORS 215.203. (1/9/03)
 - B. Nonresidential buildings customarily provided in conjunction with farm uses. (1/9/03)
 - C. Accessory buildings customarily incidental to an existing dwelling. (1/9/03)
 - D. Propagation and harvesting of a forest product. (1/9/03)
 - E. Creation of, restoration of, or enhancement of wetlands. (1/9/03)
 - F. Alteration, restoration, or replacement of a lawfully established dwelling. A lawfully established dwelling is a single family dwelling which has: (1/9/03)
 - 1. Intact exterior walls and roof structure; (1/9/03)

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2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
 3. Interior wiring for interior lights; and (1/9/03)
 4. A heating system. (1/9/03)
 5. The dwelling to be replaced shall be removed, demolished, or if not a manufactured dwelling, converted to an allowable use within 90 days of the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced must be removed from the property within 30 days of the occupancy of the new dwelling. (1/9/03)
 6. If the dwelling to be replaced is located on a portion of the lot not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records to the County Clerk an irrevocable deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. Any release shall be signed by the Count and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. (7/1/04)
- G. A winery as described in ORS 215.452. (1/9/03)
- H. Farm stands. (1/9/03)
- I. Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.05 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). (1/9/03)
- J. 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). (1/9/03)
- K. Climbing and passing lanes within a public right-of-way existing as of July 1, 1987. (1/9/03)
- L. 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. (1/9/03)

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- M. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (1/9/03)
- N. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (1/9/03)
- O. Reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under ORS Chapter 215. (1/9/03)
- P. Collocation of wireless telecommunication facilities listed in Subsection 835.04(A), subject to Section 835, provided such facilities include an existing tower that is over 200 feet in height. (7/1/04)

| 401.05 PRIMARY USES ALLOWED ON LOW VALUE FARM-LAND ~~(1/9/03)~~

- A. The breeding, kenneling and training of greyhounds for racing. (1/9/03)
- B. Public or private schools, including all buildings essential to the operation of a school. Schools shall not be sited within 3 miles of an Urban Growth Boundary. (1/9/03)
- C. Churches and cemeteries in conjunction with churches. Churches shall not be sited within 3 miles of an Urban Growth Boundary. (1/9/03)

401.06 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (1/9/03)

- A. The following uses may only be approved where it: (1/9/03)
 - 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (1/9/03)
 - 2. Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. (1/9/03)
- B. Unless specified otherwise the following uses may be allowed on Low and High Value Farmland subject to Subsection 1305.02. (1/9/03)
 - 1. A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000

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square feet of floor area, exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet of floor area to the processing activities within another building supporting farm uses. A processing facility shall comply with Subsection 401.10(G) and other applicable siting standards, but the standards shall not be applied in a manner that prohibits the siting of the processing facility. (1/9/03)

2. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located. (1/9/03)
3. Parking of 7 or fewer log trucks. The term "parking" does not include a maintenance/repair facility. The parking/storage of other forestry equipment is not permitted. (1/9/03)
4. The propagation, cultivation, maintenance and harvesting of aquatic species. (1/9/03)
5. Dwellings and other building customarily provided in conjunction with farm uses subject to Subsection 401.09(E) or (F) and OAR 660-033-0135. (1/9/03)
6. A dwelling on real property used for farm use if the dwelling is located on the same lot or parcel as the dwelling of the farm operator and occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator subject to Subsection 401.09(H). (1/9/03)
7. Accessory farm dwellings customarily provided in conjunction with farm use subject to Subsection 401.09(I). (1/9/03)
8. One single family Lot of Record dwelling on a lawfully created lot or parcel subject to Subsection 401.09(B), (C) or (D). Lot of Record dwellings proposed on High Value Farmland composed of Class 1 or 2, or

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prime or unique Soils, shall be reviewed by the Hearings Officer subject to Section 1300. (1/9/03)

9. One manufactured dwelling, residential trailer or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative, as defined in Subsection 401.03(J), of the resident, subject to Subsection 1204.03. (1/9/03)
10. Replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all other applicable provisions of this Section. (1/9/03)
11. Residential home or facility as defined in ORS 197.660, in existing dwellings. (1/9/03)
12. Farmworker housing as defined in Subsection 202, subject to Subsection 401.09(I). (1/9/03)
13. Home occupations as provided in ORS 215.448 and Section 822. (1/9/03)
14. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels. (1/9/03)
15. 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. (1/9/03)
16. Improvement of public road 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. (1/9/03)
17. Utility facilities necessary for public service, including wetland waste water treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided. (1/9/03)

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18. Collocation of wireless telecommunication facilities listed in Subsection 835.05(A)(2), subject to Section 835, provided such facilities include an existing tower that is over 200 feet in height. (1/9/03)
 19. Parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120. (1/9/03)
 20. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. (1/9/03)
 21. Single family dwelling, not provided in conjunction with farm use subject to Subsection 401.09(G). (1/9/03)
 22. Fire service facilities providing rural fire protection services. (1/9/03)
- C. The following uses may be allowed on Low Value Farmland subject to Subsection 1305.02. (1/9/03)
1. Private parks, playgrounds, hunting and fishing preserves and campgrounds except as provided for in Subsection 401.08(F). (7/1/04)
 - a. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational areas such as swimming pools, tennis courts, retail stores or gas stations. (7/1/04)
 - b. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. A "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. (7/1/04)

401.07 CONDITIONAL USES

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

- A. Except for uses listed under Subsections 401.07(B)(4) and (C)(2), the use may only be approved where it:

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1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (1/9/03)
 2. Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. (1/9/03)
- B. The following uses may be allowed on Low and High Value Farmland, subject to Subsection 401.07: ~~(1/9/03)~~
1. Commercial activities that are in conjunction with farm use but not including the processing of farm crops as provided for in Subsection 401.06(B)(1). (7/1/04)
 2. ~~Mineral~~~~MINERAL~~, ~~aggregate~~~~AGGREGATE~~, ~~oil~~~~OIL~~, ~~and~~~~AND~~ ~~gas~~~~GAS~~ ~~uses~~~~USES~~; Pursuant to ORS 215.298, a land use permit is required for mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A permit for mining of aggregate shall be issued only for a site included on an inventory acknowledged in the Comprehensive Plan. (1/9/03)
 - a. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources, subject to ORS 215.298. (1/9/03)
 - b. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within 2 miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed. (1/9/03)
 - c. Processing of other mineral resources and other subsurface resources. (1/9/03)
 - d. 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 Subsection 401.04(I). (1/9/03)
 3. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service. A personal use airport as used in this ~~sub~~Section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than

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those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation. (1/9/03)

4. Roads, highways and other transportation facilities, and improvements not allowed under Subsections 401.04 ~~through~~ 401.06. Such uses may be established, subject to the adoption of an Exception to Statewide Planning Goal 3, Agricultural Lands, and to any other applicable Statewide Planning Goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in Oregon Administrative Rules 660-012-00035 and 660-012-0065. (1/9/03)
5. Transmission towers over 200 feet in height. Towers supporting wireless telecommunication facilities are subject to Section 835. (1/9/03)
6. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than ~~twelve~~ (12) acres on High Value Farmland, or more than 20 acres on Low Value Farmland, from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4. (1/9/03)
7. An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks, and is subject to ORS 215.297. (7/1/04)
8. A home occupation to host events, subject to Section 806.

C. The following uses may be allowed on Low Value Farmland subject to Subsection 401.07. (1/9/03)

1. Dog kennels not as described in Subsection 401.05(A).
2. A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities, or buildings necessary for its operation. (1/9/03)
3. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245

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by the Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation. (1/9/03)

4. Composting facilities, subject to Section 834. (1/9/03)

5. Golf courses, subject to Subsection 407.06(B)(31). (1/9/03)

401.08 PROHIBITED AND PREEXISTING USES: (1/9/03)

- A. Structures and uses of land not specifically mentioned in this Section. (1/9/03)
- B. Bed and Breakfast Residences and Inns. (1/9/03)
- C. Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010. (1/9/03)
- D. Any lot division, or property line adjustment, except those approved pursuant to Subsection 401.10 and Section 1107. (4/13/06)
- E. Subdivisions, except as provided for in Subsection 401.10(A). (1/9/03)
- F. All other legally established preexisting uses and structures not specifically permitted in Section 401 shall be nonconforming uses subject to Section 1206. (1/9/03)
- G. Preexisting uses on High Value Farmland which are located wholly within this zone may be maintained, enhanced or expanded on the same tract subject to Section 1206, except golf courses may be expanded to no more than 18 holes. (1/9/03)
- H. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director (1/9/03)

401.09 CRITERIA FOR DWELLINGS:

A permanent dwelling may be established under the following applicable provisions, when the applicant provides a complete application as required in Section 401.11 and subject to Subsections 1001.02 and 1305.02. The landowner for any dwelling approved under this Section shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937. (1/9/03)

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- A. The SCS Soils Atlas for Clackamas County shall be used to determine the soil classification and soil rating for a specific lot or parcel, except;
1. For purposes of approving a Lot of Record Dwelling application, the applicant may submit a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.
 2. For Nonfarm Dwelling applications, the applicant may submit a more detailed site specific soils report from a soils scientist who is certified as a soils classifier by the ARCPACS (A Federation of Certifying Boards in Agronomy, Biology, Earth and Environmental Sciences) and submit a statement from the county Soils Section of the Water and Environment Services that finds the analysis in the report to be soundly and scientifically based. (1/9/03)
- B. LOT OF RECORD DWELLING; When determined to be located on Low Value Farmland; subject to the following criteria: (1/9/03)
1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
 2. The lot or parcel has been under the continuous ownership of the present owner who either; (1/9/03)
 - a. Acquired the lot or parcel prior to January 1, 1985; or (1/9/03)
 - b. Acquired the lot or parcel by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985; (1/9/03)
 3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
 4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)
 5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan, this ordinance and other provisions of law; (1/9/03)

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6. When the lot or parcel on which the dwelling will be sited is part of a tract, all remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed; (1/9/03)
 7. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2 or can be adequately mitigated. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife suggests to the county that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed 1 unit per 80 acres or 1 unit per 40 acres, if clustered within 200 feet. (1/9/03)
 8. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the effective date of the land use decision. (1/9/03)
- C. LOT OF RECORD DWELLING: When determined to be located on High Value Farmland consisting predominantly of Class III and IV Soil; subject to the following criteria: (1/9/03)
1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
 2. The lot or parcel has been under the continuous ownership of the present owner who either; (1/9/03)
 - a. Acquired the lot or parcel prior to January 1, 1985; or (1/9/03)
 - b. Acquired the lot or parcel by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985; (1/9/03)
 3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
 4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)
 5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan, this ordinance and other provisions of law; (1/9/03)

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6. When the lot or parcel on which the dwelling will be sited is part of a tract, all remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed; (1/9/03)
 7. The tract is no more than 21 acres; (1/9/03)
 8. The tract is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or, the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; (1/9/03)
 9. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2 or the impacts can be adequately mitigated so as not to interfere. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife suggests to the county that in the absence of impact mitigation measures, winter range is seriously considered impacted by residential densities which exceed 1 unit per 80 acres or 1 unit per 40 acres, if clustered within 200 feet. (1/9/03)
 10. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the land use decision becomes final. (1/9/03)
- D. LOT OF RECORD DWELLING: When determined to be located on High Value Farmland consisting predominantly of Prime, Unique, Class I or II Soils if a Hearings Officer review pursuant to Subsection 1300 finds the following: (1/9/03)
1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
 2. The lot or parcel has been under the continuous ownership of the present owner who either; (1/9/03)
 - a. Acquired the lot or parcel prior to January 1, 1985; or (1/9/03)

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- b. Acquired the lot or parcel by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)
5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan, this ordinance and other provisions of law; (1/9/03)
6. When the lot or parcel on which the dwelling will be sited is part of a tract, all remaining portions of the tract are required to be consolidated into a single lot or parcel; (1/9/03)
7. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; (1/9/03)
8. The dwelling will comply with the provisions of 401.07(A)(1) and (2); (1/9/03)
9. The dwelling will not materially alter the stability of the overall land use pattern in the area; (1/9/03)
10. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2 or can be adequately mitigated. (Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife suggests to the county that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed 1 unit per 80 acres or 1 unit per 40 acres, if clustered within 200 feet). (1/9/03)
11. An approval to construct a dwelling granted under this Section may be transferred to any other person after the effective date of the land use decision. (1/9/03)

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E. DWELLING IN CONJUNCTION WITH A FARM USE ON HIGH VALUE FARMLAND: A primary farm dwelling for the farm operator may be allowed subject to the following criteria: (1/9/03)

1. The subject tract is currently employed in farm use that produced at least \$80,000 in gross annual income from the sale of farm products in the last 2 years or 3 of the last 5 years; (1/9/03)
2. The lot or parcel on which the dwelling will be sited was lawfully created; (1/9/03)
3. Except as permitted in Subsection 401.09(I), there is no other dwelling on the subject tract; (1/9/03)
4. The dwelling will be occupied by a person or persons who produced the commodities which generated the income; (1/9/03)
5. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross annual income attributed to the tract. Only gross annual income from land owned, not leased or rented, shall be counted. (1/9/03)
6. An irrevocable deed restriction shall be recorded with the County Clerks Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, accessory relative farm dwellings, temporary hardship dwelling or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used again to qualify any other parcel for a primary farm dwelling. (7/1/04)
7. Only a lot or parcel zoned for farm use in Clackamas County or a contiguous county may be used to meet the gross income requirements. (1/9/03)

F. DWELLING IN CONJUNCTION WITH A FARM USE ON LOW VALUE FARMLAND: A primary farm dwelling for the farm operator may be allowed on low value farmland subject to the following criteria: (1/9/03)

1. Income Test; Criteria: (1/9/03)
 - a. The subject tract is currently employed for the farm use that produced at least \$32,500 in gross annual income from the sale of farm products in the last 2 or 3 of the last 5 years; (1/9/03)

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- b. Except as permitted in Subsection 401.09(I), there is no other dwelling on the subject tract; (1/9/03)
 - c. The lot or parcel on which the dwelling will be sited was lawfully created; (1/9/03)
 - d. The dwelling will be occupied by a person or persons who produced the commodities which generated the income; (1/9/03)
 - e. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted; or (1/9/03)
 - f. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. (1/9/03)
 - g. Only a lot or parcel zoned for farm use in Clackamas County or a contiguous county may be used to meet the gross income requirements. (1/9/03)
 - h. An irrevocable deed restriction shall be recorded with the County Clerks Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, accessory relative farm dwellings, temporary hardship dwelling or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used to qualify any other parcel for a primary farm dwelling. (7/1/04)
2. 160 Acre Test; Criteria:
- a. The parcel on which the dwelling will be located is at least 160 acres; (1/9/03)
 - b. The subject tract is currently employed in a farm use; (1/9/03)
 - c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock at a commercial scale; (1/9/03)
 - d. Except as permitted in Subsection 401.09(I), there is no other dwelling on the subject tract; or (1/9/03)

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3. Capability Test; Criteria: (1/9/03)

- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; (1/9/03)
- b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection 401.09(F)(3)(a); (1/9/03)
- c. The subject tract is currently employed in farm use at a level capable of producing the annual gross sales required in Subsection 401.09(F)(3)(b); (1/9/03)
- d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres; (1/9/03)
- e. Except as permitted in Subsection 401.09(I), there is no other dwelling on the subject tract; (1/9/03)
- f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection 401.09(F)(3)(c). (1/9/03)

G. DWELLING NOT IN CONJUNCTION WITH A FARM USE: A dwelling for a nonfarm use may be allowed subject to the following criteria: (1/9/03)

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; (1/9/03)
2. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils; (1/9/03)
3. The dwelling will be sited on a lot or parcel lawfully created before January 1, 1993; (1/9/03)
4. The dwelling shall not materially alter the stability of the overall land use pattern of the area. The County shall consider the cumulative impact of

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possible new nonfarm dwellings and parcels on other lots in the area similarly situated, subject to OAR 66-033-0130(4)(a)(D)(i) through (iii). (7/1/04)

- a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a "distinct agricultural area" based on topography, soils types, land use pattern, or the type of farm operations or practices that distinguish it from other adjacent agricultural areas. Findings shall describe the study area, its boundaries, and the location of the subject parcel with this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area; and to the extent OAR 660-033-0130(4)(a)(D)(ii) is applicable. (7/1/04)
 - b. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area. (7/1/04)
5. The dwelling shall comply with such other conditions as the county considers necessary. (1/9/03)
 6. Prior to Planning approval for issuance of a building or manufactured dwelling permit, the applicant shall notify the County Assessor that the lot or parcel is no longer being used for farmland and; request the County Assessor to disqualify the lot or parcel for special assessment under ORS 308.370, 308.765, 321.257 to 321.381, 321.730 or 321.815 and; pay any additional tax imposed upon disqualification from special assessment. A lot or parcel that has been disqualified pursuant to this Section shall not requalify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel. (1/9/03)
- H. ACCESSORY FARM DWELLING - RELATIVE; An accessory farm dwelling for a relative of the farm operator may be allowed subject to the following criteria: (1/9/03)

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1. The accessory farm dwelling shall be located on the same lot or parcel as the primary farm dwelling of the farm operator; (1/9/03)
 2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)
 3. The accessory farm dwelling shall be occupied by a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin, of the farm operator or the farm operator's spouse, whose assistance in the management and farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. The size, type, and intensity of the farm operation shall be used to evaluate the need for the dwelling; (1/9/03)
 4. The accessory farm dwelling shall be occupied by person whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management of the farm use of the farm. A farm operator is a person who operates a farm , doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; (7/1/04)
 5. There are no other dwellings on the lot or parcel that are vacant or currently occupied by persons not working on the subject farm and that could reasonably be used as an accessory farm dwelling.
 6. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days. (1/9/03)
- I. ACCESSORY FARM DWELLING - NONRELATIVE: An accessory farm dwelling for a Nonrelative of the farm operator may be allowed subject to the following criteria:
1. The accessory farm dwelling shall be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; (1/9/03)
 2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)

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3. The accessory farm dwelling shall be located: (1/9/03)
 - a. On the same lot or parcel as the primary farm dwelling; or (1/9/03)
 - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or (1/9/03)
 - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to Section 401; or (1/9/03)
 - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The county shall require all accessory farm dwellings approved in this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or (7/1/04)
 - e. On a parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements of Subsection 401.09(E)(1) or 401.09(F)(1) whichever is applicable. (1/9/03)
4. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; (1/9/03)
5. The primary farm dwelling to which the proposed dwelling would be accessory, shall meet one of the following: (1/9/03)
 - a. On Low Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use, as defined in ORS 215.203, and produced at least \$32,500 in gross annual

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income from the sale of farm products within the last 2 years or 3 of the last 5 years; or (1/9/03)

- b. On land identified as High Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last 2 years or 3 of the last 5 years; (1/9/03)
6. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross annual income from land owned, not leased or rented, shall be counted. (1/9/03)
7. Any proposed land division or property line adjustment of a lot or parcel for an accessory farm dwelling approved pursuant to this Subsection shall not be approved. If it is determined that an accessory farm dwelling satisfies the requirements for a dwelling in conjunction with a farm use under Subsection 401.09(E or F), a parcel may be created consistent with the minimum parcel size requirements in Subsection 401.10(A); (1/9/03)
8. An accessory farm dwelling approved pursuant to this Subsection shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 401.06(B)(21). (1/9/03)
9. At any time the dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days. (1/9/03)

401.10 LAND DIVISIONS, DIMENSIONS AND ADJUSTMENTS (1/9/03)

Land divisions proposed for primary uses may be permitted by the Planning Director, subject to Subsection 1305.02. All land divisions under this subsection shall be subject to ORS Chapter 92. Lot divisions shall be processed and reviewed consistent with the following criteria: (1/9/03)

- A. Land Divisions: All new parcels shall be at least 80 acres. Land divisions for primary uses may be permitted by the Planning Director pursuant to Subsection 1305.02. (1/9/03)
- B. Conditional Use Divisions: The Hearings Officer may approve a division of land for nonfarm uses, except dwellings, set out in ORS 215.283(2) if the Hearings Officer finds that the parcel for the nonfarm use is not larger than the

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minimum size necessary for the use. Such land divisions shall be received pursuant to Section 1300. (1/9/03)

- C. Nonfarm Use Land Divisions: Lots less than 80 acres in size may be approved by the Planning Director pursuant to Subsection 1305.02 and subject to the following criteria: (1/9/03)
 - 1. The originating lot or parcel is at least 80 acres, and is not stocked to the requirements under ORS 527.610 to 527.770, (1/9/03)
 - 2. The lot is composed of at least 95% Class VI through Class VIII agricultural soils, and composed of at least 95% soils not capable of producing 50 cubic feet per acre per year of wood fiber; (1/9/03)
 - 3. The new lot or parcel for a dwelling will not be smaller than 20 acres; (1/9/03)
 - 4. The criteria in Section 401.09(G)(1,2,4,5 and 6) are satisfied. (1/9/03)
- D. Historic property land divisions subject to Section 707. (1/9/03)
- E. Property line adjustments shall be subject to Section 1107. (4/13/06)
- F. Right-of-Way Inclusion: For purposes of satisfying the lot size requirements of this district, lots which 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. Lots which front on state and federal highways may not include the land area between the front property line and the middle of the road right of way. (1/9/03)
- G. Structure Setbacks:
 - 1. Minimum front yard setback: 30 feet. (1/9/03)
 - 2. Minimum rear yard setback: 30 feet (1/9/03)
 - 3. Minimum side yard setback: 10 feet (1/9/03)
 - 4. Minimum setbacks for accessory structures: Accessory structures shall maintain a minimum front yard setback of 30 feet and minimum rear and side yard setbacks of 10 feet. (1/9/03)
 - 5. Corner Visions: No sight-obscuring structures or plantings exceeding 30 inches in height shall be located within a 20 foot radius of the lot corner nearest the intersection of two public, county or state road, or from the

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intersection of a private driveway or easement and a public, county or state road. Trees located within a 20 foot radius of any such intersection shall be maintained to allow 8 feet of visual clearance below the lowest hanging branches. (1/9/03)

401.11 SUBMITTAL REQUIREMENTS

- A. Planning Director Review: An application for any use requiring review by the Planning Director pursuant to Subsection 1305.02 shall include the following: (1/9/03)
1. A complete Land Use Application Form;
 2. Accurate Site Plan drawn to scale on 8.5"x 11" or 8.5"x 14" paper, showing the property and proposal;
 3. Application fee;
 4. Supplemental Application Form addressing each of the applicable approval criteria for the proposed use.
 5. Farm dwellings requiring a justification of income shall include tax forms, farm receipts, or other appropriate documentation demonstrating the income produced from the subject property. (1/9/03)

401.12 PERMIT EXPIRATION

- A. A discretionary decision except as provided in Subsection 401.12(C) and a land division, made after (1/9/03), approving a proposed development is void 2 years after the date of mailing of the final decision if the development is not initiated within that period. For purposes of this Subsection, a development is initiated if all necessary development permits are approved by the Planning Division and submitted to the Building Services Division. (1/9/03)
- B. One extension period of up to 12 months may be granted if:
1. The applicant makes a written request for an extension; (1/9/03)
 2. The written request is submitted prior to the expiration of the approval period; (1/9/03)
 3. The applicant identifies reasons that prevented the beginning or continuing of the development within the approval period; (1/9/03)

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4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. (1/9/03)
- C. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for 4 years after the date of mailing of the final decision; and (1/9/03)
1. One extension period of up to 2 years may be granted. (1/9/03)
 2. For the purposes of this provision, "residential development" only includes the dwellings provided for under Section 401. (1/9/03)
- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. (1/9/03)

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| 406 TIMBER DISTRICT (TBR) (4/13/06)

406.01 PURPOSE

- A. To conserve forest lands.
- B. To protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of timber as the leading use on forest land.
- C. To conserve, protect and enhance watersheds, wildlife and fisheries resources, agriculture and recreational opportunities that are compatible with the primary intent of the zone.
- D. To minimize wildfire hazards and risks.

406.02 AREA OF APPLICATION

- A. Lands suitable for forest use; or
- B. Lands predominantly capable of generating at least 85 cubic feet of timber per acre per year; or
- C. Areas containing lots or parcels generally 80 acres or larger.

406.03 DEFINITIONS

- A. "Auxiliary" means 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 is 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. "Temporary structures" include on site 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 1 year. (1/9/03)
- C. "Owner" means 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, niece, nephew, stepparent, stepchild, grandparent, or grandchild, of the owner or a business entity owned by any one or combination of these family members. (1/9/03)

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- D. "Ownership" means holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. For purposes of section 406, ownership shall include all contiguous parcels, lots or tracts meeting this definition.
- E. "Tract" means one or more contiguous lots or parcels under the same ownership
- F. "Forest operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- G. "Cubic foot per acre per year", as defined in OAR 660-06-005(2).
- H. "Cubic foot per tract per year", as defined in OAR 660-06-005(3).
- I. "Date of creation and existence". When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel 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, parcel, or tract.
- J. "Historic Property", as defined in ORS 358.480. (1/9/03)

406.04 PRIMARY USES (1/9/03)

- 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;
- B. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- C. 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;
- D. Alteration, restoration or replacement of a lawfully established dwelling that has: (1/9/03)
 - 1. Intact exterior walls and roof structures; (1/9/03)
 - 2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
 - 3. Interior wiring for interior lights; (1/9/03)

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4. A heating system; (1/9/03)
 5. The dwelling to be replaced shall be 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. (1/9/03)
- E. Widening of roads within existing rights-of-way in conformance with the transportation element of the Comprehensive Plan including public road and highway projects as described below. (1/9/03)
1. Climbing and passing lanes within the right- of-way existing as of July 1, 1987;
 2. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
 4. Minor betterment of existing public roads 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.
- F. Farm uses as defined in ORS 215.203;
- G. 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;
- H. Private hunting and fishing operations without any lodging accommodations;
- I. Towers and fire stations for forest fire protection;
- J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- K. 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;

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- L. Accessory buildings and uses customarily incidental to and in conjunction with any of the uses listed as a primary use in Subsection 406.04, may be established only if a primary use exists; (1/9/03)
- M. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- N. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (7/1/04)
- O. Uninhabitable structures accessory to fish and wildlife enhancement. (7/1/04)

406.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The following uses may be allowed subject to Subsection 1305.02. In addition, dwellings shall be subject to Subsection 1001.02. (1/9/03)

- A. HOME OCCUPATIONS, as defined in ORS 215.448, subject to Section 822 and the following criteria: (1/9/03)
 - 1. The parcel upon which the home occupation is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
 - 2. The home occupation will not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands;
 - 3. The home occupation meets the siting standards of Subsection 406.09; (1/9/03)
 - 4. If road access to the home occupation 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, or the United States Forest Service, 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 written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937. (1/9/03)

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B. LOT OF RECORD DWELLING, subject to the following criteria: (1/9/03)

1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
2. The lot or parcel on which the dwelling will be sited was acquired by the present owner: (1/9/03)
 - a. Prior to January 1, 1985; or (1/9/03)
 - b. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)
5. The siting requirements described in Subsection 406.09 shall be met; (1/9/03)
6. The property is not capable of producing 5,000 cubic feet per year of commercial tree species; (1/9/03)
7. 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 Bureau of Land Management or Forest Service roads; (1/9/03)
8. The proposed dwelling is not prohibited by this ordinance or the Comprehensive Plan, or any other provisions of law; (1/9/03)
9. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is approved. (1/9/03)
10. The County Assessor's Office shall be notified of all approvals granted under this subsection. (1/9/03)
11. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the land use decision becomes final. (1/9/03)

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C. FOREST TEMPLATE DWELLING, subject to the following criteria; (1/9/03)

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
3. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
4. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
5. If road access to the dwelling 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, or the United States Forest Service, 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; (1/9/03)
6. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937; (1/9/03)
7. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
8. The tract upon which the dwelling will be sited shall pass a template test, conducted as follows: (1/9/03)
 - a. A 160 acre square template shall be centered upon the subject tract. The template may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the subject tract and, to the maximum extent possible, have its length aligned with the road or perennial stream. (1/9/03)

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- b. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the SCS Soils Atlas, of: (1/9/03)
 - 1. 0 - 49 cubic feet per acre per year of wood fiber production, at least part of a minimum of 3 lots of record shall fall within the template, and a minimum of 3 lawfully established dwellings shall exist on the lots within the template area; or (1/9/03)
 - 2. 50 - 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 7 lots of record shall fall within the template, and a minimum of 4 lawfully established dwellings shall exist on the lots within the template area; or (1/9/03)
 - 3. 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 5 lawfully established dwellings shall exist on the lots within the template area. (1/9/03)
- c. The following types of lots of record and dwellings shall not be counted toward satisfying Subsection 406.05(C)(8)(b): (1/9/03)
 - 1. Lots of record larger than 80 acres; (1/9/03)
 - 2. Lots of record created on or after January 1, 1993; (1/9/03)
 - 3. Dwellings on lots of record larger than 80 acres; (1/9/03)
 - 4. Dwellings constructed on or after January 1, 1993; (1/9/03)
 - 5. Lots of record or dwellings located within an urban growth boundary; and (1/9/03)
 - 6. Temporary dwellings. (1/9/03)
 - 7. The subject property. (7/1/04)
- 9. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of 1 of the dwellings required by Subsection 406.05(C)(8)(b) 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 1 of the dwellings required by Subsection 406.05(C)(8)(b) shall be located on the same side of the road as the proposed dwelling. (1/9/03)

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D. FOREST DWELLING, 160 ACRE MINIMUM, subject to the following criteria:
(1/9/03)

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling is to be sited is at least 160 acres; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
5. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
6. If road access to the dwelling 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, or the United States Forest Service, 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; (1/9/03)
7. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner and the landowner's successors in interest, 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 ORS 30.936 or 30.937; (1/9/03)
8. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)

E. 200 ACRE NONCONTIGUOUS TRACT DWELLING, subject to the following criteria: (1/9/03)

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)

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3. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of 2 or more tracts that total 200 acres or more; (1/9/03)
4. 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; (1/9/03)
5. None of the parcels or tracts used to total 200 acres may already contain a dwelling. (1/9/03)
6. All parcels or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest; (1/9/03)
7. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
8. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
9. If road access to the dwelling 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, or the United States Forest Service, 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; (1/9/03)
10. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937; (1/9/03)
11. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)

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- F. REPLACEMENT DWELLINGS FOR HISTORIC HOUSES: A replacement dwelling to be used in conjunction with a farm use may be approved if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all other applicable provisions of this section. (1/9/03)
- G. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3) subject to Section 835. (7/1/04)

406.06 CONDITIONAL USES

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203, ~~and any applicable provisions of Section 800, and the following criteria listed below.;~~ (5/22/03)
1. The proposed use ~~shall~~ will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.; (1/9/03)
 2. The proposed use ~~shall~~ will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel.; (1/9/03)
 3. A written irrevocable statement shall be recorded in the deed records of the ~~C~~county binding upon the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937. (1/9/03)
 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 Bureau of Land Management, or the ~~United States~~ Forest Service, 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. (1/9/03)
- B. CONDITIONAL USES: (1/9/03)
1. Permanent facility for the primary processing of forest products;
 2. Permanent facilities for logging equipment repair and storage;
 3. Log scaling and weigh stations;

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4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes, subject to the following: (1/9/03)
 - a. These areas may be occupied by a tent, travel trailer or recreational vehicle; (1/9/03)
 - b. These uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. (1/9/03)
 - c. The overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive 6 month period; (1/9/03)
 - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within 3 miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4. (1/9/03)
5. Public parks including only those uses specified under OAR 660-034-0035 subject to the state park master plan and including caretaker residences, ~~subject to that meet the all applicable provisions standards of set forth in~~ Subsections 406.05(C)(1) through (7); ~~(1/9/03)~~
6. 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;
7. 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; ~~(1/9/03)~~
8. 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;
9. 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;
10. Fire stations for rural fire protection;
11. 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

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operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829. (1/9/03)

12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
13. Reservoirs and water impoundments;
14. Cemeteries;
15. 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) with rights-of-way 50 feet or less in width;
16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects; ~~(7/1/04)~~
17. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
18. Aids to navigation and aviation;
19. Aircraft land uses, subject to the provisions of Section 712 or 713; ~~(3/14/02)~~
20. Expansion of existing airports, subject to Section 712 or 713; ~~(7/1/04)~~
21. 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;
22. Public road and highway projects as follows; ~~described below.~~
 - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; and
 - b. 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; and
 - c. 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;
23. Composting ~~f~~Facilities, subject to Section 834; ~~(1/9/03)~~

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24. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; ~~(3/14/02)~~

25. Youth ~~c~~amps on 40 acres or more, subject to OAR 660-006-0031. ~~(1/9/03)~~

406.07 TEMPORARY USES

The following temporary uses may be allowed subject to Subsection 1305.02. (1/9/03)

- A. Temporary portable facility for the primary processing of forest products grown on-site, subject to Subsection 1204.01, for a period not to exceed 1 year; (1/9/03)
- B. Temporary forest labor camp subject to Subsection 1204.01 for a period not to exceed 1 year; (1/9/03)
- C. 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 as defined in Subsection 406.03(C) and subject to Subsection 1204.03. (1/9/03)

406.08 PROHIBITED AND PREEXISTING USES (1/9/03)

- A. Structures and uses including temporary uses of land not specifically mentioned in this Section.
- B. Outdoor advertising displays, advertising signs or advertising structures except as provided in Section 1010. (1/9/03)
- C. Any land division, or property line adjustment, except those approved pursuant to Subsection 406.10. (1/9/03)
- D. Subdivisions, except as provided in Subsection 406.10(A) and (B). (1/9/03)
- E. Legally established preexisting uses and structures not specifically permitted in Section 406 shall be nonconforming uses subject to Section 1206. (1/9/03)
- F. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (1/9/03)

406.09 SITING STANDARDS FOR DWELLINGS AND STRUCTURES (1/9/03)

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A. Purpose

1. Ensure compatibility between the new dwelling or structure and the forest and agricultural operations. (1/9/03)
2. Minimize wildfire hazards and risks.

B. Fire Siting Standards. The following fire siting standards shall apply to all structures greater than 120 square feet in size including, new dwellings, and replacement dwellings not located within 100 feet of the existing dwelling except as provided for in Subsection 406.10(G) (1/9/03)

1. The dwelling shall have a fire retardant roof.
2. The dwelling shall not be sited on a slope of greater than 40 percent. (1/9/03)
3. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
4. If the rural fire district or the Oregon Department of Forestry determines that an on-site water supply is required, then the following criteria shall be met: (1/9/03)

a. Access:

If a water supply such as a swimming pool, pond, stream, or lake of 4,000 gallons or more exists within 100 feet of the driveway or road and the access has an average grade of 10 percent or less and a maximum grade of 15 percent, an all-weather approach to a point within 15 feet of the water's edge shall be provided. The all-weather approach shall provide a turnaround area with a 50 foot outside radius. If this standard cannot be met, then an all-weather approach and turnaround shall be constructed as per the requirements of the local emergency services provider. (1/9/03)

b. Identification:

Emergency water supplies shall be clearly marked along the access route with a permanent county approved sign.

5. Fuel Break Standards:

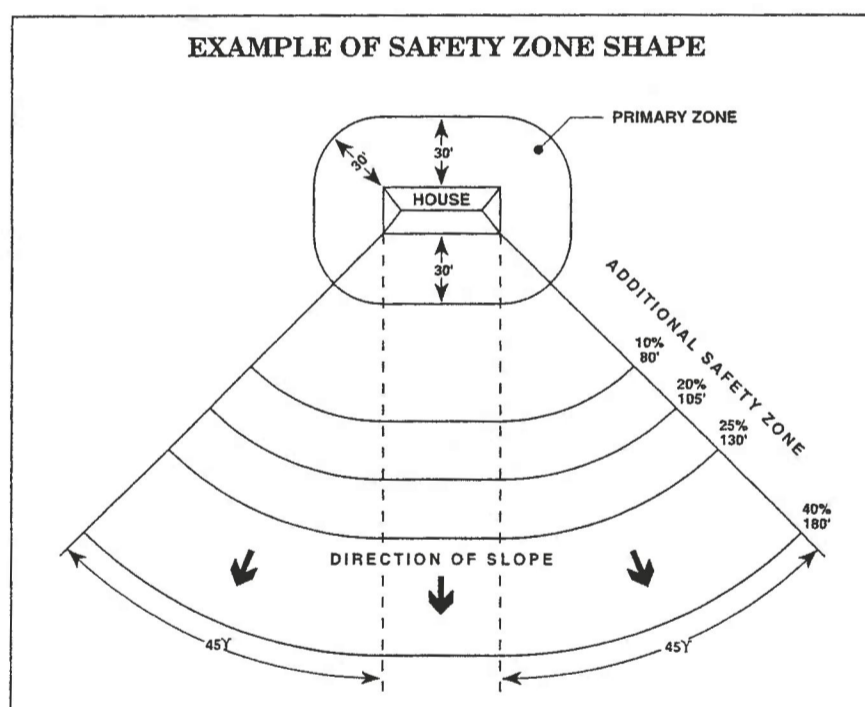
a. Primary Safety Zone:

The primary safety zone is a fire 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.

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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 8 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 house. As slope increases, the primary safety zone shall increase away from the house and down the slope at a 45 degree angle from the house, in accordance with the following table and chart: (1/9/03)

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



b. Secondary Fuel Break:

The secondary fuel break is a fuel break extending a minimum of 100 feet around the primary safety zone. The goal of the secondary fuel 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 break shall be pruned and spaced so

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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.

- c. If a dwelling or other structure cannot be sited on a parcel to meet these standards due to the size, shape, topography, or other physical characteristics of the property, the standards may be modified subject to the following criteria: (1/9/03)
 - 1. Irrevocable easements for fuel breaks are obtained from adjacent property owners so that the fuel break standards can be completed and maintained. The easement(s) shall be recorded with the County Clerk. The dwelling shall be sited a minimum of 30 feet from the front, side and rear property lines; or (1/9/03)
 - 2. The dwelling shall be sited a minimum of 30 feet from the front, rear and side property lines. Where a primary and secondary fuel break cannot be accomplished around the dwelling due to an inadequate setback distance, a primary fuel break shall be completed from the dwelling to the property line.
 - 3. Dwellings and 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. All dwellings shall be sited so that a primary fuel break can be completed around the dwelling 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 break requirements. (1/9/03)
- d. The area of an existing state, county, public or private road right of way adjacent to the subject property may be utilized to satisfy the fuel break requirements, providing all dwellings and structures are sited a minimum of 30 feet from the front, rear and side property lines. (1/9/03)
- e. A variance to the 30 foot front, side or rear setbacks may be allowed subject to Section 1205. (1/9/03)
- f. The fuel break standards shall be completed and approved by the Planning Division staff prior to issuance of any septic, building or manufactured dwelling permits. Maintenance of the fuel breaks shall be the continuing responsibility of the property owner. (1/9/03)

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- C. Compatibility Siting Standards: Siting of development shall comply with the provisions of Sections 1002 and 1003. Conditional use and temporary structures shall be sited to minimize impact on sensitive wildlife areas identified on Table III-1 and Map III-2 of the Comprehensive Plan, as follows: (1/9/03)
1. When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques:
 - a. Locate new structure(s) adjacent to an existing compatible structure(s) sharing a common road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another structure); or (1/9/03)
 - b. Where "a" above is not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road; or (1/9/03)
 - c. Where "a" or "b" above are not practical, site to achieve maximum distance between structures, and minimize the length of access from the nearest existing public road.
 2. Where no compatible structures exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 406.09(C)(1)(a). (1/9/03)
- D. Public and private access: (1/9/03)
1. All public roads, bridges or entrances from public roads shall be subject to the Clackamas County Roadway standards. (1/9/03)
 2. All private roads, bridges and driveways shall be subject to the local Fire District Fire Apparatus Access Road standards and County Excavation and Grading Ordinance. (1/9/03)
- E. The applicant shall provide evidence to the Planning Division that the domestic water supply is from a source authorized in accordance with the Water Resources Department's (WRD) rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. (1/9/03)
1. For purposes of this subsection, evidence of a domestic water supply means: (1/9/03)
 - a. Verification from a water purveyor that the use described in the application will be served by the purveyor; or (1/9/03)
 - b. A water use permit issued by the WRD for the use described in the

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application; or (1/9/03)

c. Verification from the WRD that a water use permit is not required for the use described in the application. (1/9/03)

2. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well. (1/9/03)

406.10 LAND DIVISIONS, DIMENSIONS AND ADJUSTMENTS (1/9/03)

Lot divisions proposed for primary uses may be permitted by the Planning Director, subject to Subsection 1305.02. All land divisions under this subsection shall be subject to ORS Chapter 92. Land divisions shall be processed and reviewed consistent with the following criteria: (1/9/03)

A. Land Divisions: The parcel size shall be no less than 80 acres. (1/9/03)

B. Multiple Dwelling Land Divisions: A parcel or lot with at least two legally established dwellings may be divided subject to Subsection 406.05(A)(5) and the following provisions: (1/9/03)

1. At least two lawfully established dwellings existed on the lot or parcel prior to November 4, 1993; (1/9/03)

2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.04(D); (1/9/03)

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; (1/9/03)

4. At least one of the existing dwellings is located on each lot or parcel created under this provision; (1/9/03)

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. (1/9/03)

6. A lot or parcel may not be divided under this provision if an existing dwelling on the lot or parcel was approved through a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot or parcel. (1/9/03)

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7. Dwelling setbacks shall be 30 feet from front, rear and side property lines and are not required to satisfy Subsection 406.09(B)(5). A pre-existing dwelling setback to the original property line shall not be subject to these setback standards. (1/9/03)
- C. Homestead Dwelling Land Division, subject to the following criteria: (7/1/04)
1. The parcel 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; (7/1/04)
 2. The dwelling existed prior to June 1, 1995; (7/1/04)
 3. The remaining parcel not containing the existing dwelling, is at least 80 acres; or (7/1/04)
 4. The remaining parcel, not containing the existing dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres; (7/1/04)
 5. The remaining parcel, not containing the existing dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal. (7/1/04)
 6. The landowner shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the 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 county 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. (7/1/04)
 7. The land owner shall provide evidence that a deed restriction has been recorded with the county clerk, on the parcel containing the dwelling, stating that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use. (7/1/04)
- D. Conditional Use Divisions: The lot size for all conditional uses identified pursuant to Subsection 406.06(B), (1) through (14), and (18) through (22) shall be determined by the Hearings Officer who shall consider the minimum land area required for the use and accessory elements for the use. The objective will be to minimize the impact on surrounding properties and limit the amount of land taken out of farm or forest use. (1/9/03)

Land divisions created for conditional uses shall be described and recorded as approved by the county prior to any development occurring on the lots. New land

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divisions less than 80 acres in size may be approved only for the above described uses if those uses have been approved pursuant to Subsection 406.06(A). (1/9/03)

- E. Property line adjustments shall be subject to Section 1107. (4/13/06)
- F. Right-of-Way Inclusion: For purposes of satisfying the lot size requirements of this district, lots which 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. Lots which front on state and federal highways may not include the land area between the front property line and the middle of the road right-of-way. (1/9/03)
- F. Structure Setbacks shall be 30 feet from the front and rear property lines and 10 feet from the side property lines and are not required to satisfy Subsection 406.09(B)(5) when the following occur: (1/9/03)
 - 1. Replacement dwellings within 100 feet of the existing dwelling; or (1/9/03)
 - 2. Additions to an existing dwelling or new dwellings approved under a previous land use application where the fuel break standards were not required as a condition of approval; or (1/9/03)
 - 3. Additions to accessory buildings or new accessory buildings; or (1/9/03)
 - 4. A variance to these requirements has been approved pursuant to Section 1205. (1/9/03)
- G. General Provisions and Exceptions: Except where specifically stated, the provisions of this section shall not preclude the application of the general provisions and exceptions of Section 900. (1/9/03)

| 406.11 SUBMITTAL REQUIREMENTS (1/9/03)

- A. Planning Director Review: An application for any use requiring review by the Planning Director under Subsection 1305.02 shall include the following: (1/9/03)
 - 1. A complete Land Use Application Form; (1/9/03)
 - 2. Accurate Site Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and proposal; (1/9/03)
 - 3. Application fee; (1/9/03)
 - 4. Supplemental Application Form addressing each of the applicable approval criteria for the proposed use. (1/9/03)

406.12 PERMIT EXPIRATION

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- A. A discretionary decision except as provided in Subsection 406.12(C) and a land division, made after (1/9/03), approving a proposed development is void 2 years after the date of mailing of the final decision if the development is not initiated within that period. For purposes of this Subsection, a development is initiated if all development permits are approved by the Planning Division and submitted to the Building Services Division. (1/9/03)
- B. An extension period of up to 12 months may be granted if:
 - 1. The applicant makes a written request for an extension; (1/9/03)
 - 2. The written request is submitted prior to the expiration of the approval period; (1/9/03)
 - 3. The applicant identifies reasons that prevented the beginning or continuing of the development within the approval period; (1/9/03)
 - 4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. (1/9/03)
- C. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for 4 years after the date of mailing of the final decision; and (1/9/03)
 - 1. One extension period of up to 2 years may be granted. (1/9/03)
 - 2. For the purposes of this provision, "residential development" only includes the dwellings provided for under Section 406. (1/9/03)
- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. (1/9/03).

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| 407 AG/FOREST DISTRICT (AG/F) (4/13/06)

407.01 PURPOSE

- A. To ensure compatibility with forest and agricultural operations.
- B. To maintain the opportunity for economically efficient forest and agricultural practices.

407.02 AREA OF APPLICATION

- A. Areas containing such a mixture of forest and agricultural uses that neither the statewide forest goal nor the statewide agricultural goal apply alone; or
- B. Areas containing lots or parcels generally 80 acres or larger. (1/9/03)

407.03 DEFINITIONS

- A. "Auxiliary" means 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 is 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. "Temporary structures" include on site 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 1 year. (1/9/03)
- C. "Owner" means 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, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members. (1/9/03)
- D. "Ownership" means holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. For purposes of Section 407.03(C), above, ownership shall include all contiguous parcels, lots or tracts meeting this definition.
- E. "Tract" means one or more contiguous lots or parcels under the same ownership.

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- F. "Forest operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- G. "Cubic foot per acre per year", as defined in OAR 660-06-005(2).
- H. "Cubic foot per tract per year", as defined in OAR 660-06-005(3).
- I. "Date of creation and existence". When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel 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, parcel, or tract.
- J. "High-Value Farmland", as defined in ORS 215.710.
- K. "Low Value Farmland", all land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8). (1/9/03)
- L. "Historic Property", as defined in ORS 358.480. (1/9/03)

407.04 PRIMARY USES

- 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;
- B. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- C. 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;
- D. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Intact exterior walls and roof structures; (1/9/03)
 - 2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
 - 3. Interior wiring for interior lights; (1/9/03)

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4. A heating system; and (1/9/03)
 5. The dwelling to be replaced shall be 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. (1/9/03)
- E. Widening of roads within existing rights-of-way in conformance with the transportation element of the County's comprehensive plan including public road and highway projects as described below.
1. Climbing and passing lanes within the right- of-way existing as of July 1, 1987;
 2. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
 4. Minor betterment of existing public roads 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.
- F. Farm uses as defined in ORS 215.203;
- G. 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;
- H. Private hunting and fishing operations without any lodging accommodations;
- I. Towers and fire stations for forest fire protection;
- J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;

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- K. 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;
- L. Accessory buildings, other than dwellings, and uses customarily incidental to and in conjunction with any of the uses listed as a primary use in Subsection 407.04, may be established only if a primary use exists; (1/9/03)
- M. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- N. Residential home or facility as defined in ORS 197.660, in existing dwellings. (1/9/03)
- O. Farm Stands:
A structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment. (1/9/03)
- P. Utility carrier cabinets, subject to Section 830.
- Q. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (7/1/04)
- R. Wineries as described in ORS 215.452.
- S. Creation of, restoration of, or enhancement of wetlands.

407.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The following uses may be allowed subject to Subsection 1305.02. In addition, dwellings shall be subject to Subsection 1001.02. (1/9/03)

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- A. HOME OCCUPATIONS, as defined in ORS 215.448, subject to Section 822 and the following criteria: (1/9/03)
1. The parcel upon which the home occupation is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
 2. The home occupation will not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands;
 3. The home occupation meets the siting standards of Subsection 407.09; (1/9/03)
 4. If road access to the home occupation 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, or the United States Forest Service, 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 written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937. (1/9/03)
- B. LOT OF RECORD DWELLING, subject to the following criteria: (1/9/03)
1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985;
 2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
 3. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993. (1/9/03)
 4. The lot or parcel on which the dwelling will be sited was acquired by the present owner (as defined in ORS 215.705(6)).
 - a. Prior to January 1, 1985; or

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- b. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985;
 5. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
 6. The property is not capable of producing 5,000 cubic feet per year of commercial tree species and;
 7. 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 Bureau of Land Management or Forest Service roads; (1/9/03)
 8. The proposed dwelling is not prohibited by this Ordinance or the Comprehensive Plan, or any other provisions of law; (1/9/03)
 9. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is approved.
 10. The County Assessor's Office shall be notified of all approvals granted under this Subsection. (1/9/03)
 11. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the land use decision becomes final. (1/9/03)
 12. In cases where agriculture was the predominant use of the property on January 1, 1993, Lot of Record Dwellings shall satisfy the standards identified under Subsection 401.09B, C or D. (1/9/03)
- C. FOREST TEMPLATE DWELLING, subject to the following criteria: (1/9/03)
1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
 2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
 3. The siting standards described in Subsection 407.09 shall be met; (1/9/03)

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4. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
5. If road access to the dwelling 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, or the United States Forest Service, 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;
6. A written irrevocable statement shall be recorded for the county binding the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937. (1/9/03)
7. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
8. The tract on which the dwelling will be sited shall pass a template test, which shall be conducted as follows:
 - a. A 160 acre square template shall be centered on the subject tract. The template test may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered on the subject tract and, to the maximum extent possible, have its length aligned with the road or perennial stream. (1/9/03)
 - b. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the SCS Soils Atlas, of:
 1. 0 - 49 cubic feet per acre per year of wood fiber production, at least part of a minimum of 3 lots of record shall fall within the template, and a minimum of 3 lawfully established dwellings shall exist on the lots; or (1/9/03)

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2. 50 - 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 7 lots of record shall fall within the template, and a minimum of 4 lawfully established dwellings shall exist on the lots; or (1/9/03)
 3. 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 5 lawfully established dwellings shall exist on the lots. (1/9/03)
- c. The following types of lots of record and dwellings shall not be counted toward satisfying Subsection 407.05(C)(8)(b): (1/9/03)
1. Lots of record larger than 80 acres; (1/9/03)
 2. Lots of record lawfully created on or after January 1, 1993; (1/9/03)
 3. Dwellings on lots of record larger than 80 acres; (1/9/03)
 4. Dwellings constructed on or after January 1, 1993; (1/9/03)
 5. Lots of record or dwellings located within an urban growth boundary; and (1/9/03)
 6. Temporary dwellings. (1/9/03)
 7. The subject property. (7/1/04)
9. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of 1 of the dwellings required by Subsection 407.05(C)(8)(b) 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 1 of the dwellings required by Subsection 407.05(C)(8)(b) shall be located on the same side of the road as the proposed dwelling. (1/9/03)
10. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09B - G. (1/9/03)

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- D. FOREST DWELLING, 160 ACRE MINIMUM, subject to the following criteria: (1/9/03)
1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
 2. The tract on which the dwelling will be sited is at least 160 acres; (1/9/03)
 3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
 4. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
 5. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
 6. If road access to the dwelling 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, or the United States Forest Service, 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; (1/9/03)
 7. A written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937; (1/9/03)
 8. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
 9. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09E - G. (1/9/03)

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- E. 200 ACRE NONCONTIGUOUS TRACT DWELLING, subject to the following criteria: (1/9/03)
1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
 2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
 3. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of 2 or more tracts that total 200 acres or more; (1/9/03)
 4. The owner submits proof of an irrevocable deed restriction, recorded with the County Clerk, for the tracts in the 200 acres. The deed restrictions 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; (1/9/03)
 5. None of the parcels or tracts used to total 200 acres may already contain a dwelling; (1/9/03)
 6. All parcels or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest; (1/9/03)
 7. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
 8. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
 9. If road access to the dwelling 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, or the United States Forest Service, 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; (1/9/03)

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10. A written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937; (1/9/03)
 11. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
 12. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09B - G. (1/9/03)
- F. ACCESSORY FARM DWELLING - RELATIVE; an accessory farm dwelling for a relative of the farm operator may be allowed when agriculture was the predominant use of the property on January 1, 1993 subject to the following criteria: (1/9/03)
1. The accessory farm dwelling shall be located on the same lot or parcel as the primary farm dwelling of the farm operator; (1/9/03)
 2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)
 3. The accessory farm dwelling shall be occupied by a grandparent, step-grandparent, grandchild, parent, step-parent, child, **brother, sister**, sibling, step-sibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse, whose assistance in the management and farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator and not the personal conditions of the farm operator. The size, type, and intensity of the farm operation shall be used to evaluate the need for the dwelling; (1/9/03)
 4. The accessory farm dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management of the farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day to day decisions about such things as planting, harvesting, feeding and marketing; (7/1/04)

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5. There are no other dwellings on the lot or parcel that are vacant or currently occupied by persons not working on the subject farm and that could reasonably be used as an accessory farm dwelling; (1/9/03)
 6. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within ninety (90) days. (1/9/03)
 7. The accessory farm dwelling shall be sited in a manner which minimizes negative impacts on farm uses, and also minimizes impacts on sensitive wildlife areas identified on Table III-1 and Map III-4 of the Comprehensive Plan using siting techniques a-c under Subsection 407.09(C)(1); (1/9/03)
 8. Where no compatible structure(s) exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 407.09(C)(1)(a) above. (1/9/03)
 9. The County shall not approve any lot division or property line adjustment which results in the location of any accessory farm dwelling on a lot or parcel separate from the farm use property for which it has been established. (1/9/03)
- G. ACCESSORY FARM DWELLING - NONRELATIVE; An accessory farm dwelling for a nonrelative of the farm operator may be allowed when agriculture was the predominant use of the property on January 1, 1993 subject to the following criteria: (1/9/03)
1. The accessory farm dwelling shall be occupied by a person or persons who will be principally engaged in the farm use of the land whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; (1/9/03)
 2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)
 3. The accessory farm dwelling shall be located: (1/9/03)
 - a. On the same lot or parcel as the primary farm dwelling; or (1/9/03)

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- b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or (1/9/03)
 - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to the subsection must be occupied by a person or persons who is principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use is required by the farm operator. The manufactured dwelling may remain if it is re-approved pursuant to this subsection. (1/9/03)
 - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The county shall require all accessory farm dwellings approved in this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or (7/1/04)
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements of Subsection 401.09(E)(1) or 401.09(F)(1) whichever is applicable. (1/9/03)
4. There is no other dwelling on lands designated agricultural forest owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; (1/9/03)
 5. The primary farm dwelling to which the proposed dwelling would be accessory, shall meet one of the following: (1/9/03)

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- a. On land identified as Low Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in a farm use, as defined in ORS 215.203, and produced at least \$32,500 in gross annual income from the sale of farm products within the last 2 years or 3 of the last 5 years; or (1/9/03)
 - b. On land identified as High Value farmland, the primary dwelling is located on a farm or ranch operation that is currently employed in a farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last 2 years or 3 of the last 5 years; (1/9/03)
6. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross annual income attributed to the tract. Only gross annual income from land owned, not leased or rented, shall be counted; (1/9/03)
 7. Any proposed land division or property line adjustment of a lot or parcel for an accessory farm dwelling approved pursuant to this Subsection, except as it would be consistent with Subsection 407.10(A) or (D), shall not be approved; (1/9/03)
 8. An accessory farm dwelling approved under this Subsection shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use subject to Subsection 401.06(B)(10). (1/9/03)
 9. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within ninety (90) days. (1/9/03)
 10. The County shall not approve any land division or property line adjustment which results in the location of any accessory farm dwelling on a lot or parcel separate from the farm use property for which it has been established. (1/9/03)
- H. AQUATIC SPECIES, the propagation, cultivation, maintenance, and harvesting of, are subject to the following criteria. Removal of any aggregate in conjunction with this use is subject to all standards of this ordinance: (1/9/03)
1. The use will not force a significant change in accepted farm or forest practices on surrounding land devoted to farm or forest use; (1/9/03)

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2. The use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. (1/9/03)
- I. FARM DWELLINGS, subject to the following criteria: (1/9/03)
 1. A dwelling in conjunction with a farm use may be approved by the Planning Director subject to Subsection 1305.02, if the requirements of Subsection 401.09 are met. (1/9/03)
- J. Dwellings and related structures authorized by 407.05(I), where the predominant use is forestry shall be subject to the siting standards of Subsection 407.09. (1/9/03)
- K. REPLACEMENT DWELLINGS FOR HISTORIC HOUSES: A replacement dwelling to be used in conjunction with a farm use may be approved if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all other applicable provisions of this section. (1/9/03)
- L. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3) subject to Section 835. (7/1/04)

407.06 CONDITIONAL USES

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203, and any applicable provisions of Section 800, and the following criteria listed below: (5/22/03)
 1. The proposed use ~~shall~~ will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (1/9/03)
 2. The proposed use ~~shall~~ will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel. (1/9/03)
 3. A written irrevocable statement shall be recorded with the deed records ~~offer~~ the County binding the landowner, and the landowner's successors in interest, 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 ORS 30.936 or 30.937; (1/9/03)

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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 Bureau of Land Management, or the ~~United States~~ Forest Service, 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. (1/9/03)

B. CONDITIONAL USES: (1/9/03)

1. Permanent facility for the primary processing of forest products;
2. Permanent facilities for logging equipment repair and storage;
3. Log scaling and weigh stations;
4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes but not for residential purposes, subject to the following: (1/9/03)
 - 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 and not for residential purposes;
 - c. Overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive 6 month period. (1/9/03)
 - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4. (1/9/03)
5. Public parks including only those uses specified under OAR 660-034-0035 subject to the state park master plan and including caretaker residences, ~~subject to that meet the all applicable provisions standards of set forth in~~ Subsections 407.05(B)(1) through (7); (1/9/03)
6. 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; (1/9/03)

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7. Exploration for mineral and aggregate resources as defined in ORS Chapter 517; ~~(1/9/03)~~
8. 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 the wellhead; ~~(1/9/03)~~
9. 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;
10. 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;
11. Fire stations for rural fire protection;
12. 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; ~~(1/9/03)~~
13. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
14. Reservoirs and water impoundments;
15. Cemeteries;
16. 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) with rights-of-way 50 feet or less in width;
17. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
18. Aids to navigation and aviation;
19. Personal use airports for airplanes and helicopter pads, including associated hanger, maintenance, and service facilities. A personal use airport as used in this subsection means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in

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connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation; (1/9/03)

20. 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;
21. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (7/1/04)
22. Public road and highway projects as follows described below:
 - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; and
 - b. 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; and
 - c. 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; and
 - d. Roads, highways and other transportation facilities, and improvements not otherwise allowed under this ordinance, provided an exception is taken to Statewide Planning Goals 3 and 4, and any other Statewide Planning Ggoal with which the facility or improvement does not comply;
23. Composting fFacilities, subject to ~~the provisions of~~ Section 834; (11/5/98)
24. Youth cCamps on 40 acres or more, subject to OAR 660-006-0031; (1/9/03)
25. Commercial activities that are in conjunction with farm use;
26. Dog kennels not as described in Subsection 401.05(A); (1/9/03)

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27. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources, subject to ORS 215.298;
28. Processing, as defined by ORS 517.750, of aggregate into asphalt or Pportland cement;
29. Public or private schools, including all buildings essential to the operation of a school. Schools shall not be approved within 3 miles of anthe urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-04;
30. Churches, and cemeteries in conjunction with churches. Churches shall not be approved within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-04;
31. Golf courses located on Low Value Farmland and subject to Subsections 401.04(A)(4) and (8). Existing golf courses on High Value Farmland shall not be expanded to contain more than ~~eighteen~~(18) holes. A golf course shall be subject to the following: ~~(1/9/03)~~
 - a. A golf course is an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. Golf courses approved under this provision shall be 9- or 18-hole regulation golf courses or a combination 9- and 18-hole regulation golf course;
 - b. A regulation 18-hole golf course is characterized as a site containing between 120 and 150 acres of land or more, with a playable distance of 5000 to 7200 yards, and a par of 64 to 73 strokes;
 - c. A regulation 9-hole golf course is characterized as a site containing between 65 and 90 acres of land or more, with a playable distance of 2500 to 3600 yards, and a par of 32 to 36 strokes;
 - d. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include: Parking;; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an

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18-hole or larger golf course. (1/9/03)

- e. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing, such as tennis courts; swimming pools; weight rooms; wholesale or retail operations oriented to the non-golfing public; housing. (1/9/03)
- f. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g. food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

32. Farmworker housing as defined in Subsection 202, subject to Subsection 407.05(G); (1/9/03)

33. A home occupation to host events, subject to Section 806.

407.07 TEMPORARY USES

The following temporary uses may be allowed subject to Subsection 1305.02. (1/9/03)

- A. Temporary portable facility for the primary processing of forest products grown on-site subject to Subsection 1204.01, for a period not to exceed 1 year; (1/9/03)
- B. Temporary forest labor camp subject to Subsection 1204.01, for a period not to exceed 1 year; (1/9/03)
- C. 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 as defined in 407.03(C) and subject to Subsection 1204.03. (1/9/03)

407.08 PROHIBITED AND PREEXISTING USES (1/9/03)

- A. Structures and uses, including temporary uses of land, not specifically mentioned in this section.
- B. Outdoor advertising displays, advertising signs or advertising structures except as provided in Sections 1010. (1/9/03)
- C. Any land division, or property line adjustment, except those approved pursuant to Subsection 407.10. (1/9/03)

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- D. Subdivisions except as provided in Subsection 407.10(A) and (B). (1/9/03)
 - E. Legally established preexisting uses and structures not specifically permitted in Section 407 shall be nonconforming uses subject to Section 1206. (1/9/03)
 - F. Preexisting uses on High Value Farmland which are located wholly within this zone may be maintained, enhanced or expanded on the same tract subject to Section 1206, except golf courses may be expanded to no more than 18 holes. (1/9/03)
 - G. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (1/9/03)
- 407.09 SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN THE AG/F DISTRICT (1/9/03)
- A. Purpose
 - 1. Ensure compatibility between the new dwelling and the forest and agricultural operations.
 - 2. Minimize wildfire hazards and risks.
 - B. Fire Siting Standards. The following fire siting standards shall apply to all structures greater than 120 square feet in size including, new dwellings, and replacement dwellings not located within 100 feet of the existing dwelling in a forest zone, except as provided for in Subsection 407.10(G). (1/9/03)
 - 1. The dwelling shall have a fire retardant roof. (1/9/03)
 - 2. The dwelling shall not be sited on a slope of greater than 40 percent. (1/9/03)
 - 3. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. (1/9/03)
 - 4. If the rural fire district or the Oregon Department of Forestry determines that an on-site water supply is required, then the following criteria shall be met: (1/9/03)
 - a. Access: (1/9/03)

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If a water supply such as a swimming pool, pond, stream, or lake of 4,000 gallons or more exists within 100 feet of the driveway or road and the access has an average grade of 10 percent or less and a maximum grade of 15 percent, an all-weather approach to a point within 15 feet of the water's edge shall be provided. The all-weather approach shall provide a turnaround area with a 50 foot outside radius. If this standard cannot be met, then an all-weather approach and turnaround shall be constructed as per the requirements of the local emergency services provider. (1/9/03)

b. Identification: (1/9/03)

Emergency water supplies shall be clearly marked along the access route with a permanent county approved sign. (1/9/03)

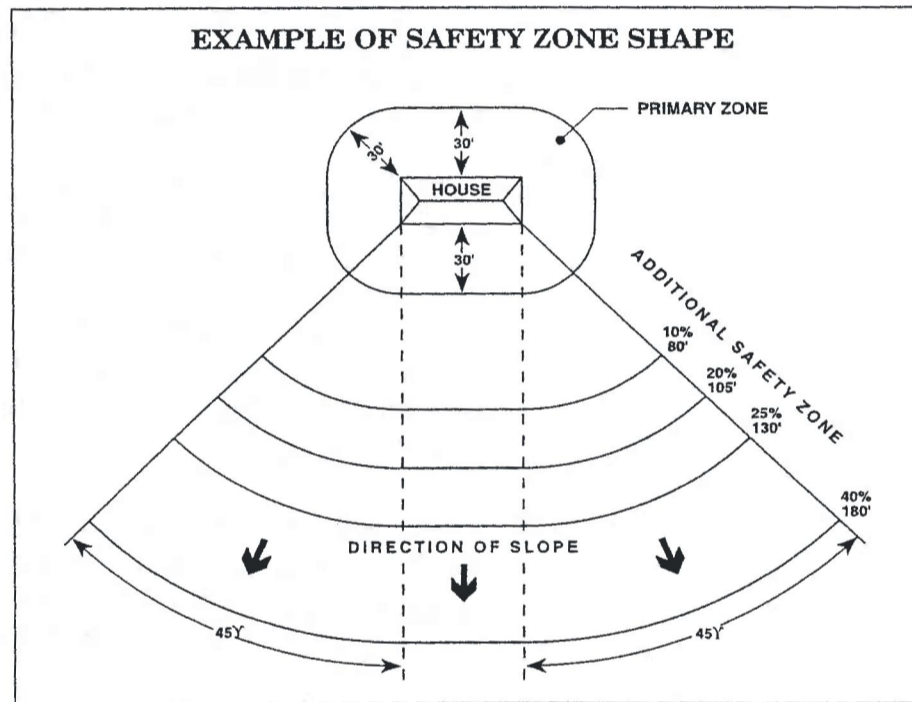
5. Fuel Break Standards (1/9/03)

a. Primary Safety Zone: (1/9/03)

The primary safety zone is a fire 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 1 foot. Vegetation within the primary safety zone may include green lawns and low 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 8 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 house. As slope increases, the primary safety zone shall increase away from the house and down the slope at a 45 degree angle from the house, in accordance with the following table and chart: (1/9/03)

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



b. Secondary Fuel Break: (1/9/03)

The secondary fuel break extending a minimum of 100 feet around the primary safety zone. The goal of the secondary fuel 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 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. (1/9/03)

c. If a dwelling or other structure cannot be sited on a parcel to meet these standards due to the size, shape, topography, or other physical

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characteristics of the property, the standards may be modified subject to the following criteria: (1/9/03)

1. Irrevocable easements for fuel breaks are obtained from adjacent property owners so that the fuel break standards can be completed and maintained. The easement(s) shall be recorded with the County Clerk. The dwelling shall be sited a minimum of 30 feet from the front, side and rear property lines, or; (1/9/03)
 2. The dwelling shall be sited a minimum of 30 feet from the front, rear and side property lines. Where a primary and secondary fuel break cannot be accomplished around the dwelling due to an inadequate setback distance, a primary fuel break shall be completed from the dwelling to the property line. (1/9/03)
 3. Dwellings and 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. All dwellings shall be sited so that a primary fuel break can be completed around the dwelling 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 break requirements. (1/9/03)
- d. The area of an existing state, county, public or private road right-of-way adjacent to the subject property may be utilized to satisfy the fuel break requirements, providing all dwellings and structures are sited a minimum of 30 feet from the front, rear and side property lines. (1/9/03)
- e. A variance to the 30 foot front, side or rear setbacks may be allowed subject to Section 1205. (1/9/03)
- f. The fuel break standards shall be completed and approved by the Planning Division staff prior to issuance of any septic, building or manufactured dwelling permits. Maintenance of the fuel breaks shall be the continuing responsibility of the property owner. (1/9/03)
- C. Compatibility Siting Standards: Siting of development shall comply with the provisions of Section 1002 and 1003. Conditional use and temporary structures shall be sited to minimize impact on sensitive wildlife areas identified on Table III-1 and Map III-4 of the Comprehensive Plan, as follows: (1/9/03)
1. When structures exist on adjacent properties, siting of new structures shall

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comply with the following prioritized techniques: (1/9/03)

- a. Locate new structure(s) adjacent to an existing compatible structure(s) sharing a common road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another structure.); or (1/9/03)
 - b. Where "a" above is not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road; or (1/9/03)
 - c. Where "a" or "b" above are not practical, site to achieve maximum distance between structures, and minimize the length of access from the nearest existing public road. (1/9/03)
2. Where no compatible structures exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 406.09(C)(1)(a). (1/9/03)
- D. Public and private access: (1/9/03)
1. All public roads, bridges or entrances from public roads shall be subject to the Clackamas County Roadway standards. (1/9/03)
 2. All private roads, bridges and driveways shall be subject to the local Fire District Fire Apparatus Access Road standards and County Excavation and Grading ordinance. (1/9/03)
- E. The applicant shall provide evidence to the Planning Division that the domestic water supply is from a source authorized in accordance with the Water Resources Department's (WRD) rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. (1/9/03)
1. For purposes of this subsection, evidence of a domestic water supply means: (1/9/03)
 - a. Verification from a water purveyor that the use described in the application will be served by the purveyor; or (1/9/03)
 - b. A water use permit issued by the WRD for the use described in the application; or (1/9/03)
 - c. Verification from the WRD that a water use permit is not required for the use described in the application. (1/9/03)

2. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well. (1/9/03)

407.10 LAND DIVISIONS, DIMENSIONS AND ADJUSTMENTS (1/9/03)

Land divisions proposed for principal primary uses may be permitted by the Planning Director, subject to review with notice pursuant to Subsection 1305.02. All land divisions under this subsection shall be subject to ORS Chapter 92. Land divisions shall be processed and reviewed consistent with the following criteria: (1/9/03)

- A. Land Divisions: The parcel size shall be no less than 80 acres. (1/9/03)
- B. Multiple Dwelling Land Divisions: A parcel or lot with at least two legally established dwellings may be partitioned subject to 407.05(A)(5) and the following provisions: (1/9/03)
 1. At least two lawfully created dwellings existed on the lot or parcel prior to November 4, 1993; (1/9/03)
 2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 407.04(D); (7/1/04)
 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; (1/9/03)
 4. At least one of the existing dwellings is located on each lot or parcel created under this provision; (1/9/03)
 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 statewide planning goals for lands zoned for Forest use. (1/9/03)
 6. A lot or parcel may not be divided under this provision if an existing dwelling on the lot or parcel was approved through a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot or parcel. (1/9/03)
 7. Dwelling setbacks shall be 30 feet from front, rear and side property lines and are not required to satisfy the Fuel Break Standards outlined in Section

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407.09(B)(5). A preexisting dwelling setback to the original property line shall not be subject to these setback standards. (1/9/03)

C. Homestead Dwelling Land Division, subject to the following criteria: (1/9/03)

1. The parcel 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; (1/9/03)
2. The dwelling existing prior to June 1, 1995; (1/9/03)
3. The remaining parcel, not containing the dwelling, is at least 80 acres; or (7/1/04)
4. The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres; (7/1/04)
5. The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal. (7/1/04)
6. The applicant shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the 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 county 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. (7/1/04)
7. The landowner shall provide evidence that a deed restriction has been recorded with the county clerk, on the parcel containing the dwelling, stating that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use. (7/1/04)

D. Conditional Use Divisions: The lot size for all conditional uses identified pursuant to Subsection 407.06(B), (1) through (6), (9) through (15), (17), and (19) through (31) shall be determined by the Hearings Officer who shall consider the minimum land area required for the use and accessory elements for the use. The objective will be to minimize the impact on surrounding properties and limit the amount of land taken out of farm or forest use. (1/9/03)

Land divisions created for conditional uses shall be described and recorded as approved by the county prior to any development occurring on the lots. New

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land divisions less than 80 acres in size may be approved only for the above described uses if those uses have been approved pursuant to Subsection 407.06(A). (1/9/03)

- E. Property line adjustments shall be subject to Section 1107. (4/13/06)
- F. Right-of-Way Inclusion: For purposes of satisfying the lot size requirements of this district, lots which 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. Lots which front on state and federal highways may not include the land area between the front property line and the middle of the road right-of-way.
- G. Structure Setback shall be 30 feet from the front and rear property lines and 10 feet from the side property line and are not required to satisfy the Fuel Break Standards outlined in Section 407.09 when the following occur: (1/9/03)
 - 1. Replacement dwellings within 100 feet of the existing dwelling; or (1/9/03)
 - 2. Additions to an existing dwelling or new dwellings approved under a previous land use application where the fire siting standards were not required as a condition of approval; or (1/9/03)
 - 3. Additions to accessory buildings or new accessory buildings.
 - 4. Variances to these requirements may be allowed pursuant to Section 1205. (1/9/03)
- H. General Provisions and Exceptions: Except where specifically stated, the provisions of this section shall not preclude the application of the general provisions and exceptions under Section 900.

407.11 SUBMITTAL REQUIREMENTS (1/9/03)

- A. Planning Director Review: An application for any use requiring review by the Planning Director under Subsection 1305.02 shall include the following: (1/9/03)
 - 1. A complete Land Use Application Form; (1/9/03)
 - 2. Accurate Site Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and proposal; (1/9/03)
 - 3. Application Fee; (1/9/03)

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4. Supplemental Application Form addressing each of the applicable approval criteria for the proposed use. Farm Dwellings requiring a justification of income shall include tax forms, farm receipts, or other appropriate documentation demonstrating the income produced from the subject property. (1/9/03)

407.12 PERMIT EXPIRATION

- A. A discretionary decision except as provided in Subsection 407.12(C) and a land division, made after (1/9/03), approving a proposed development is void 2 years after the date of mailing of the final decision if the development action is not initiated within that period. For purposes of this Subsection, a development is initiated if a building permit or manufactured dwelling permit is approved by the Planning Division and submitted to the Building Services Division. (1/9/03)
- B. An extension period of up to 12 months may be granted if:
 1. The applicant makes a written request for an extension; (1/9/03)
 2. The written request is submitted prior to the expiration of the approval period; (1/9/03)
 3. The applicant identifies reasons that prevented the beginning or continuing of the development within the approval period; (1/9/03)
 4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. (1/9/03)
- C. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for 4 years after the date of mailing of the final decision; and (11/200)
 1. One extension period of up to 2 years may be granted. (1/9/03)
 2. For the purposes of this provision, "residential development" only includes the dwellings provided for under Section 407. (1/9/03)
- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. (1/9/03)

806 HOME OCCUPATION TO HOST EVENTS

806.01 APPLICABILITY

This section shall apply in the RR, RA-1, RA-2, RRFF-5, FF-10, FU-10, EFU, and AG/F zoning districts.

806.02 DEFINITIONS

For the purposes of this section, the following definitions shall apply:

- 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. 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 business is located.
- C. The home occupation shall have no more than five full-time or part-time employees on the site.
- D. 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.
- E. This section shall not permit the construction of any structure that would not otherwise be allowed in the zoning district in which the subject property is located.

- F. In the EFU and AG/F zoning districts, a winery as defined in Oregon Revised Statutes 215.452 shall be present on the subject property prior to the operation of the home occupation. If the winery is discontinued for more than one year, the conditional use approval shall become null and void.
- G. If the subject property is located in or adjacent to an EFU, TBR, or AG/F zoning 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 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 and AG/F zoning 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.
- 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., 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. Between 10:00 p.m. and 7:00 a.m., 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.

2. Noise generated by passenger vehicles exiting or entering the subject property shall be exempt from the noise standards, and the off-the-property noise standards shall not apply to public rights-of-way and railroad rights-of-way.
 3. A noise study may be required to demonstrate compliance with the noise standards.
 4. 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.
 5. Outdoor generators and outdoor sound amplification devices or systems shall not be allowed.
- O. The home occupation shall comply with Section 1007, 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.
- 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 Soils Division.
 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 lines.
 4. Use of on-site sewage disposal facilities shall be subject to approval by the County Soils Division.
- Q. One temporary sign may 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.

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813 SERVICE AND RECREATIONAL USES (6/6/02)

813.01 ALLOWED USES (6/6/02)

Service and recreational uses include the following: (6/6/02)

- A. Private commercial, noncommercial, or nonprofit recreational areas, uses, and facilities, including country clubs, lodges, fraternal organizations, swimming pools, gymnastics facilities, golf courses, boarding or riding stables, boat moorages, parks, and concessions; (6/6/02)
- B. City, county, state, federal, service district, ~~and~~ municipal corporation uses or buildings. These do not include uses or buildings otherwise specifically listed as conditional uses in individual zoning districts or identified in Subsections 813.01(C) or (D); (6/6/02)
- C. Telephone exchanges, railroad rights-of-way, and public utility structures without shops, garages, or general administrative offices. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower. Wireless telecommunication facilities, amateur (Ham) radio towers, citizen band transmitters and antennas, and essential public communication services are excluded from this subsection; (6/6/02)
- D. Recreational ~~v~~Vehicle ~~c~~Camping ~~f~~Facilities, subject to the following standards; (6/6/02)
 - 1. Locational Standards:
 - a. Within an urban area, recreational vehicle camping facilities shall be located on a road with a functional classification of minor arterial or higher, and shall be no more than 1/2 mile from a major arterial or freeway/expressway. (6/6/02)
 - b. Outside an urban area, recreational vehicle camping facilities shall be located no more than 1 mile from a major arterial or freeway/expressway. (6/6/02)
 - 2. Campsite/Area Requirements:
 - a. In areas served by public sewer, the maximum number of campsites shall not exceed 1 per 1,500 square feet of net site area. (6/6/02)
 - b. In areas not served by public sewer, the maximum number of campsites allowed shall be subject to review and approval by the Soils

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Section of Water Environment Services. (6/6/02)

- c. Each campsite shall be at least 1,000 square feet, exclusive of roadways. (6/6/02)
3. Improvements: Each recreational vehicle campsite shall include the following: (6/6/02)
 - a. Electrical service hookup; (6/6/02)
 - b. Potable water hookup; (6/6/02)
 - c. Sewage disposal service; and (6/6/02)
 - d. Landscaping in areas that are not intended to be occupied by the recreational vehicle or used for a parking space. (6/6/02)
4. Parking Requirements: (6/6/02)
 - a. Each recreational vehicle campsite shall include 1 recreational vehicle parking space with minimum dimensions of 12 feet by 20 feet. (6/6/02)
 - b. Parking spaces shall be provided for the manager and employees of the camping facility; ~~(6/6/02)~~
 - c. A minimum of 1 parking space per campsite shall be provided in addition to the space required for parking of a recreational vehicle. The additional space need not be located on the same site as the recreational vehicle space. (6/6/02)
 - d. Within an urban area, parking spaces shall be hard-surfaced. Outside an urban area, a graveled surface with a minimum base of 3 inches of crushed rock or better may be substituted for hard surfacing. (6/6/02)
5. Dimensional Standards: The dimensional standards shall be the same as those required in the zoning district in which the subject property is located. (6/6/02)
6. Accessory Uses: The following accessory uses and structures may be provided at a scale intended to serve the tenants of the recreational vehicle camping facility: (6/6/02)
 - a. A caretaker's/manager's dwelling or office; ~~(11/24/99)~~
 - b. Recreational areas and equipment; ~~(6/6/02)~~

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- c. Clubhouses;
 - d. Tourist information centers;
 - e. Laundry, restroom and shower facilities;
 - f. Storage and/or maintenance buildings;
 - g. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsection 813.01(D)(6). Where a recreational vehicle camping facility is a primary use, this determination shall be made by the Planning Director and shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
7. Access and Circulation:
- a. The location of access driveways shall be subject to approval by the Department of Transportation and Development.
 - b. Any driveway, or portion thereof, which does not provide for continuous circulation shall not exceed 600 feet in length and shall terminate with a turnaround having a minimum diameter of 60 feet. (6/6/02)
 - c. The minimum driveway width for two-way traffic shall be 24 feet, except that if parking is permitted on the margins of the driveway, the minimum driveway width shall be 32 feet. The minimum driveway width for one-way traffic shall be 16 feet, except that if parking is permitted on the margins of the driveway, the minimum driveway width shall be 24 feet. (6/6/02)
 - d. Driveways shall be hard-surfaced.
8. Screening: Except as necessary to accommodate access driveways and corner vision requirements, the facility shall be screened on all sides by sight-obscuring plant materials or fencing, or a combination thereof, with a minimum height of 6 feet. (6/6/02)
9. Maintenance: Storage of materials or equipment shall be within enclosed structures. Trash receptacles shall be provided in convenient locations for use by guests of the camping facility and in such number and of such capacity that there is no uncovered accumulation of trash at any time. (6/6/02)
10. Other Regulations: Recreational vehicle camping facilities shall comply

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with all applicable rules and regulations of the Public Health Department and state agencies governing such facilities. (6/6/02)

E. Any use that the Hearings Officer finds to be similar to one or more of those specified above. (6/6/02)

~~F. Signs accessory to a use permitted by this section subject to Section 1010. Except where a use is located in a Commercial or Industrial zoning district, the specific standards of Subsection 1010.08 shall apply in addition to the general provisions of Section 1010. (6/6/02)~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

| 1010 SIGNS (3/24/05)

1010.01 PURPOSE

The provisions of this section 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 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.
- B. Conflicting Standards: Signs shall be allowed subject to the provisions of this section, except when these provisions conflict with the specific standards for signs in the subject district, zoning ordinance, or a design plan adopted by the Board of County Commissioners affecting the site, in which case the latter provisions shall prevail.
- C. 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 Motorists Information Act.
- D. 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 this section.
- E. 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.
- F. Sign Clearances: A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under freestanding and projecting signs.
- G. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.
- H. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.
- I. 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.

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J. 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. (3/24/05)
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 sign or illuminating devices shall have blinking, flashing or fluttering lights.

K. 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.

L. Moving Signs: No sign, sign structure, or portion thereof, except flags (as per 1010.12) and temporary displays (as per 1010.13B.) shall be designed to rotate, flutter, or appear to move.

M. 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 this code, at all times.

N. Preexisting Signs: Notwithstanding Section 1206 of this Ordinance, signs and sign structures existing prior to the adoption of this amendment on 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 this Section shall be subject to the following provision:

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 provisions of Subsection 1010.05, and
2. Failure to use the copy area of a nonconforming sign for purposes permitted under this section for a period of more than twelve (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 district.

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- O. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.
- P. 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.
- Q. Site: For purposes of this section, a "site" shall be the entire "site area" of the development as it is defined in subsection 601.09(B), and onsite signs 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. (3/14/02)
- R. Incidental signs shall not exceed three (3) 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 (3) square feet or less.
 - 2. Signs listed as temporary under Section 1010.13.
 - 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.

1010.04 PROHIBITED SIGNS:

The following signs and sign characteristics are prohibited:

- A. Temporary signs except as provided for under Subsection 1010.13;
- B. Portable signs, except as provided by subsection 1010.07A.2.d. or 1010.13;
- C. Animated signs except as provided in 1010.09C;
- D. Roof signs except integral roof signs in Commercial and Industrial zones;

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- 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 the County Addressing and road Naming Ordinance;
- 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;
- K. Multiple reader signs designed to be read as a continued statement. (11/6/97)

1010.05 DESIGN REVIEW

The size, materials, design, color, lighting and location of signs and supporting structures for all permanent signs greater than sixty (60) square feet in area, shall be subject to design review under the provisions of this Ordinance 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 with 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 URBANIZABLE DISTRICTS

- A. Residential Signs in Low Density Urban and Future Urbanizable Districts:
 - 1. Shall not exceed three (3) square feet.
 - 2. Shall be located inside the dwelling or located flat against the dwelling.
 - 3. Only one (1) such sign shall be permitted upon the premises.

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4. May be illuminated by internal or external lighting subject to 1010.02J. 1 and 2.
5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used except as per 1010.13, Temporary Displays and Signs.

B. Signs in Rural Residential Districts:

1. Shall not exceed eight (8) square feet per side or six (6) feet in height.
2. Only one (1) such sign shall be permitted upon the premises.
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 1010.02J.1 and 2.
5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used except as per 1010.13, Temporary Displays and Signs.

C. Freestanding signs for multifamily developments or subdivisions:

1. Maximum total sign area: thirty-two (32) square feet per side.
2. Maximum number: No more than one (1) 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 (2) 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 thirty-two (32) square feet, may be allowed for the multifamily portion of the development.
 - d) In the case of a. or b. above, the larger of the signs shall not exceed the maximum sign size allowed.

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3. Maximum top-of-sign height: Five (5) 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 thirty-two (32) square feet. Signs may be two sided.
2. Freestanding commercial signs:
 - a) Maximum top-of-sign height: Eight (8) feet above finished ground elevation (not including berms or mounds specifically created for the sign).
 - 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 1010.13A.5.
 - e) May be illuminated by internal or external lighting subject to subsection 1010.02J.
3. Building commercial signs:
 - a) Maximum number: One (1)
 - b) May be illuminated by internal or external lighting subject to subsection 1010.02J.

B. Residential signs as per 1010.06B.

C. Institutional uses as per 1010.08.

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1010.08 SIGNS FOR SERVICE, RECREATIONAL, AND INSTITUTIONAL USES IN LOW DENSITY RESIDENTIAL, RURAL RESIDENTIAL, FUTURE URBANIZABLE AND NATURAL RESOURCE DISTRICTS (Such uses may include, but are not limited to public and semi-public facilities, schools, churches, hospitals and similar uses.):

The following standards shall apply to signs in urban residential, rural residential, future urbanizable, and natural resource zoning districts for service and recreational uses regulated by Section 813, and for institutional uses. Institutional uses may include, but are not limited to, public and semi-public facilities, schools, churches, hospitals, and similar uses.

- A. Maximum Area: Shall not exceed ~~T~~thirty-two (32) square feet per side. Neither a freestanding nor a building sign shall exceed this standard.
- B. Illumination: Signs ~~m~~May be illuminated by internal or external lighting, subject to ~~S~~subsection 1010.02(J).
- C. Maximum ~~N~~umber: One (1) freestanding and one (1) building sign shall be permitted upon the premises. ~~Neither freestanding or building sign shall exceed thirty-two (32) square feet per side.~~
- D. ~~Freestanding sign~~ ~~M~~maximum ~~T~~top-of-~~S~~sign ~~H~~height: Five (5) feet for a freestanding sign.

1010.09 COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Commercial freestanding signs.

- 1. Number: Only one (1) 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 the following is determined:
 - a) An additional sign is needed to provide identification of the development at major public access points located on two (2) different public roads, and/or
 - b) When two (2) 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 thirty-two (32) square feet, may be allowed for the multifamily portion of the development.
 - d) In the case of a. or b. above, the larger of the signs shall not exceed the maximum sign size allowed.

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- e) For C-3 and RTL zones, 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 (4) for any development. The additional signs shall be a maximum of sixty (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 1010.09 A.1.a.

2. Maximum top-of-sign height:

- a) Pole signs: In C-3 and RTL zones, twenty-five (25) feet. In all other commercial zones twenty (20) feet. (11/6/97)
- b) Monument signs: In all Commercial zones, six (6) feet. In all industrial zones five (5) feet. (11/6/97)

3. Maximum sign area: Sixty (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 ten (10) square feet per tenant, up to a maximum two hundred (200) square feet, subject to Design Review standards (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 1010.02J.

B. Building commercial signs:

1. Number: The maximum sign area may be distributed among any number of signs. (11/6/97)

2. Maximum size:

If there is not a freestanding sign on the same site frontage, then one and one-half (1-1/2) square feet of sign area per linear footage of the occupant's primary building wall. (11/6/97)

If there is a freestanding sign on the same site frontage, then one (1) square foot of sign area per linear footage of the occupant's primary building wall.

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(11/6/97)

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. (11/6/97)

Each tenant shall be allowed a minimum thirty-two (32) square feet of building sign area. (11/6/97)

In no case shall a building sign exceed two hundred (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 1010.02J.
- C. Electronic message center signs, and other changeable copy signs, may be incorporated into a permanent commercial sign in a Commercial or Industrial 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 subsections 1010.09A.3 or 1010.09B.2, and not exceed 80% 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

Directory: An onsite sign which identifies and directs traffic to a number of tenants, uses or buildings within the development.

- A. Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet.
- B. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and a maximum of eight (8) feet in top-of-sign height.
- C. An onsite monument sign for an individual building within a development may be

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allowed as an alternative to a building sign, provided such sign shall:

1. Be located adjacent to the building being identified.
2. Not exceed twelve (12) square feet in area.
3. Not exceed four (4) feet in top-of-sign height.
4. Use materials and colors which 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 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, 1/4 mile, etc.)
3. A maximum of three (3) offsite traffic control identification signs are allowed for each business;
4. Maximum distance of business from offsite traffic control identification sign: Five (5) 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 (4) 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 districts, subject to the following:

A. Number: Three (3) flags per site.

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- B. Maximum size: No flag shall exceed forty (40) square feet.
- C. Height: Top of pole supporting flag shall not exceed thirty-five (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 (1) temporary sign shall be displayed for a site.
 - 2. Time period and duration: Shall not be displayed for a total time period exceeding sixty (60) days in any calendar year.
 - 3. Size and height limits: Same size and height limitations 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 1010.13 A. 2 and 5 and 1010.02O.

1010.14 GOVERNMENT CAMP SIGN STANDARDS (03-03-93)

- A. Area of Application: The provisions of this subsection shall apply to all permanent identification signs for commercial developments in Rural Tourist Commercial (RTC) and Mountain Recreation Resort (MRR) zoned properties in Government Camp and to Hoodland Residential (HR) properties with frontage on the 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 General Provisions Section 1010.02 and all applicable subsections except as otherwise provided in this section. Where

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there are conflicts, subsection 1010.09 shall govern. No sign may be erected unless it conforms with the regulations of this section and a sign permit has been approved. 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.
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 the adoption of this amendment on February 10, 1993 which complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of this Section shall be subject to the provisions of Section 1206 and 1010.02 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 under the limit.
4. Where a 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

1. Signs shall comply with the provisions of Section 1010.05 Design Standards and the following conditions.
2. Design: Sign design and support structure shall uphold the rustic, mountain

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environment of Government Camp through a Cascadian design theme.

3. 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.

4. Colors: No reflective or fluorescent colors shall be used on signs or support structures.

5. 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.

6. Changeable Copy: Electronic sign copy and changeable sign copy is limited to no more than 20% of total signage allowed.

7. Scale: Signs shall be kept in scale with pedestrians and buildings.

8. 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 3 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 thirty (30) square feet of signage plus one (1) square foot for every five (5) feet of building frontage greater than thirty (30) lineal feet.

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- b) Buildings two (2) stories or taller may increase the total signage allowed by 50%.
 - 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 (3) acres in size in Village Sign Standards area:
- a) Total signage shall be determined by lineal street frontage. This shall be a minimum of thirty (30) square feet of signage plus a foot of signage per five (5) lineal feet of street frontage greater than thirty (30) feet.
 - b) Internal signs not readily visible from the street shall not be subject to total signage area restrictions of this section.
3. Developments with U.S. 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to ODOT sign regulations. One sign shall be allowed per development per U.S. 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 1 ground mounted sign per fifty (50) feet of lineal building frontage.
 - c) Shall have a maximum face area of twenty-four (24) square feet.
 - d) Shall have a maximum top-of-sign height of twelve (12) feet.
 - 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 twenty-four (24) square feet.
 - b) Shall not extend more than ten (10) inches from the wall.

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- 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 (2) feet into the public right-of-way, project farther than five (5) feet from the building, or exceed top of roofline immediately above.
- b) Shall not exceed 1 projecting sign per twenty-five (25) feet of lineal building frontage.
- c) Shall have a maximum face area of twelve (12) square feet; buildings over 2 stories may have signs of up to twenty-four (24) square feet.
- d) Supporting structure may not exceed sign's height or width by more than two (2) feet or extend higher than roofline.

4. Window signs readily visible from outside the building:

- a) Shall have a maximum face area of 30% of total window area per frontage; maximum sign size per individual window sign is twelve (12) square feet.
- b) Interior neon window signs readily visible from the street shall not exceed 10% of the total window area per street frontage. No more than 20% 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 twenty-four (24) square feet.

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| 1022 CONCURRENCY (4/28/05)

1022.01 PURPOSE

The purpose of this section is to ensure that sanitary sewer, surface water management, water, and transportation infrastructure is provided concurrent with the new development it is required to serve or, in the case of transportation infrastructure, within a reasonable period of time following the approval of new development. (1/20/05)

1022.02 APPLICATION OF SECTION

This section shall apply to the following development applications: design review, tentative subdivision plans, tentative partition plans, and conditional uses. This section shall not apply to final plat approval for which tentative approval was granted prior to March 14, 2002, including time extensions requested under Subsections 1105.06 or 1106.05. (1/20/05)

1022.03 SANITARY SEWER SERVICE

Approval of a development that requires public sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider. The statement shall verify that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve sanitary sewer system capacity for the development.

1022.04 SURFACE WATER MANAGEMENT

Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.

1022.05 WATER SERVICE

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Approval of a development that requires public water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development. (1/20/05)

1022.06 EXCEPTION

- A. A land use application shall be deemed complete and may be approved without the submittal of one or more of the preliminary statements of feasibility required by Subsections 1022.03 through 1022.05 if the applicant demonstrates that a good faith attempt has been made to obtain the statement(s). At a minimum, demonstration of a good faith attempt shall require the applicant to submit the following:
1. A statement signed by the applicant indicating that the service provider or surface water management authority has not responded to a request for a preliminary statement of feasibility or has refused to issue one. When the refusal to issue a preliminary statement of feasibility is based upon a finding that adequate service cannot be provided, such refusal shall not qualify for an exception under this subsection; and
 2. A copy of a letter delivered to the service provider or surface water management authority clearly requesting a preliminary statement of feasibility. The letter shall be dated no less than 30 days prior to the submittal of the land use application.
- B. In the absence of evidence in the record to the contrary, it shall be presumed that the failure of a service provider or surface water management authority to respond to a request for a preliminary statement of feasibility constitutes a finding of adequacy of service. This presumption shall be for the purposes of land use application approval only and does not guarantee that service can be provided.

1022.07 TRANSPORTATION FACILITIES

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- A. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement: (1/20/05)
1. Development that is located: (4/28/05)
 - a. In Light Industrial, General Industrial, or Business Park zoning district; and (4/28/05)
 - b. North of the Clackamas River; and (4/28/05)
 - c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and (4/28/05)
 - d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and (4/28/05)
 - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway). (4/28/05)
 2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result; (1/20/05)
 3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance; ~~and (1/20/05)~~
 4. Mass transit facilities, such as light rail transit stations and park-and-ride lots; ~~and (1/20/05)~~
 5. Home occupations to host events, which are approved pursuant to Section 806.
- B. As used in Subsection 1022.07(A), “adequate” means a minimum of Level-of-Service (LOS) D, except: (1/20/05)
1. Portions of 82nd Avenue and Sunnyside Road located within the Clackamas Regional Center boundary as identified on Map X-CRC-1 of the Comprehensive Plan shall be subject to the following minimums:
 - a. LOS E during the weekday midday peak one-hour period; and (1/20/05)

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- b. LOS F during the first hour and LOS E during the second hour of the weekday PM peak two-hour period. (1/20/05)
 - 2. Portions of 82nd Avenue, Sunnyside Road, and Johnson Creek Boulevard located within the Clackamas Regional Center Design Plan Area and outside the Regional Center boundary as identified on Map X-CRC-2 of the Comprehensive Plan shall be subject to the following minimums: (1/20/05)
 - a. LOS D during the weekday midday peak one-hour period; and (1/20/05)
 - b. LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period. (1/20/05)
 - 3. Roadways—other than 82nd Avenue and Sunnyside Road—within the Clackamas Regional Center boundary shall be subject to the following minimums: (1/20/05)
 - a. LOS E during the weekday midday peak on-hour period; and (1/20/05)
 - b. LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period. (1/20/05)
 - 4. Except as established by Subsections 1022.07(B)(1) through (3), LOS E shall apply to developments proposed on property with a zoning designation of Campus Industrial, Light Industrial, General Industrial, Rural Industrial, or Business Park. (1/20/05)
 - 5. Except as established by Subsections 1022.07(B)(1) through (3), LOS E shall apply to high-employment developments. A high-employment development is one that provides a minimum of 50 FTE per acre. Only jobs where the employee reports to work at the subject property shall be included in this calculation. (1/20/05)
 - 6. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the State of Oregon, with the exception of those facilities identified in Subsections 1022.07(B)(1) and (2). (1/20/05)
- C. For the purpose of calculating capacity as required by Subsections 1022.07(A) and (B), the following standards shall apply: (1/20/05)

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1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the *Clackamas County Roadway Standards*. The method of calculating capacity on state facilities is established by the Oregon Highway Plan. (1/20/05)
 2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the *Clackamas County Roadway Standards*. (1/20/05)
 3. Capacity shall be evaluated for motor vehicle traffic only. (1/20/05)
 4. Except as established by Subsections 1022.07(B)(1) through (3), capacity shall be evaluated for the peak 15-minute period of both the AM weekday and PM weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the AM or the PM peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s). (1/20/05)
- D. As used in Subsection 1022.07(A), “timely” means: (1/20/05)
1. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued; (1/20/05)
 2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within three years of the date land use approval is issued; (1/20/05)
 3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction’s capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
 4. Alternatively, “timely” means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative: (1/20/05)
 - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:

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1. Complete the necessary improvements; or (1/20/05)
 2. For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee. (1/20/05)
5. For a phased development, the first phase shall satisfy Subsections 1022.07(D)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following: (1/20/05)
- a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified. (1/20/05)
 - b. Necessary improvements for a particular phase shall either: (1/20/05)
 1. Comply with Subsections 1022.07(D)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or (1/20/05)
 2. Comply with Subsection 1022.07(D)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase. (1/20/05)
- E. As used in Subsection 1022.07(D), "necessary improvements" are: (1/20/05)
1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1022.07(B). (1/20/05)

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- a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the *Clackamas County Roadway Standards*, which also establish the minimum standards to which a transportation impact study shall adhere.
 2. If a transportation impact study is not required, county traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.
- F. As an alternative to compliance with Subsection 1022.07(A), the applicant may make a voluntary substantial contribution to the transportation system. (1/20/05)
1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
 - a. A complete project or a segment of a roadway identified in the Clackamas County 20-Year Capital Improvement Plan (CIP), the Statewide Transportation Improvement Plan (STIP), or the capital improvement plan (CIP) of a city or another county. (1/20/05)
 1. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in the Clackamas County 20-Year CIP the STIP or the CIP of a city or another county—will be completed within five years; (1/20/05)
 - b. Located within the impact area of the proposed development. The impact area shall be established by the *Clackamas County Roadway Standards*; (1/20/05)
 - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1st of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in Clackamas County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows: (1/20/05)

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$$\begin{array}{r} \text{Change in Average Market Value X 0.50} \\ + \text{ Change in Construction Cost Index X 0.50} \\ = \text{Minimum Construction Cost Adjustment Factor} \end{array}$$

After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand. (1/20/05)

2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following: (1/20/05)
 - a. Complete the substantial contribution; or
 - b. For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee. (1/20/05)
- G. Where there is a conflict between Chapter 10 of the Comprehensive Plan and Subsection 1022.07, the provisions of Chapter 10 shall take precedence.

CONFORMING AMENDMENTS

Amend Subsection 301.06(A)(16)

Except in the R-2.5 zoning district, horticulture, nurseries, hydroponics, and similar uses that exceed an accessory use;

Add Subsection 301.06(A)(17)

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

Amend Subsection 302.06(A)(7)

Multi-use developments, subject to Section 1016;

Add Subsection 302.06(A)(8)

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

Amend Subsection 303.07(B)(5)

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

Add Subsection 303.07(B)(6)

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

Amend Subsection 304.07(B)(5)

Hotels and associated convention facilities, with a maximum of 80 units per gross acre;

Add Subsection 304.07(B)(6)

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

Add Subsection 305.06(A)(13)

Home occupations to host events, subject to Section 806.

Amend Subsection 306.07(A)(13)

| Multi-use developments, subject to Section 1016-;

Add Subsection 306.07(A)(14)

| The hosting of weddings, family reunions, class reunions, company picnics, and similar events.

Amend Subsection 307.06(A)(12)

| Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines-;

Add Subsection 307.06(A)(13)

| Home occupations to host events, subject to Section 806.

Amend Subsection 308.06(A)(14)

| Aircraft landing areas-;

Add Subsection 308.06(A)(15)

| Home occupations to host events, subject to Section 806.

Amend Subsection 309.06(A)(15)

| Commercial or processing activities that are in conjunction with timber and farm uses-;

Add Subsection 309.06(A)(16)

| Home occupations to host events, subject to Section 806.

Amend Subsection 310.06(A)(15)

| Commercial or processing activities that are in conjunction with timber and farm uses-;

Add Subsection 310.06(A)(16)

| Home occupations to host events, subject to Section 806.

Amend Subsection 312.06(A)(15)

| Multi-use developments, subject to Section 1016-;

Add Subsection 312.06(A)(16)

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

Amend Subsection 313.06(A)(7)

Multi-use developments, subject to Section 1016.;

Add Subsection 313.06(A)(8)

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

Amend Subsection 314.06(A)(11)

Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses.;

Add Subsection 314.06(A)(12)

Home occupations to host events, subject to Section 806.

Amend Subsection 505.06(A)(6)

Mini-storage facilities, vehicle storage, and recreational vehicle storage.;

Add Subsection 505.06(A)(7)

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

Amend Subsection 604.06(B)(10)

Composting facilities, subject to Section 834.;

Add Subsection 604.06(B)(11)

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



DEPT OF

DEC 08 2006

LAND CONSERVATION
AND DEVELOPMENT

Bill Kennemer
Chair

Larry Sowa
Commissioner

Martha Schrader
Commissioner

BOARD OF COUNTY COMMISSIONERS

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

CERTIFICATE OF MAILING

To: Department of Land Conservation and Development

I hereby certify that the enclosed Land Use issue was deposited in the mail on December 7, 2006.

In the Matter of Amendments to the Zoning and Development Ordinance:

ZDO-207

Signed: _____

A handwritten signature in cursive script that reads "Cheryl J. Cornelison".

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