



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

January 5, 2007

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 009-06



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 19, 2007

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
Gary Fish, DLCD Regional Representative
Steve Hanschka, Clackamas County

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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

DEC 29 2006

(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: CLACKAMAS COUNTY Local File No.: ZDO 210
(If no number, use none)

Date of Adoption: DEC. 21, 2006 Date Mailed: DEC. 27, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: SEPT. 6, 2006

- 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."
TO ALLOW COMMERCIAL AND PRIVATE SCHOOLS IN SEVERAL COMMERCIAL DISTRICTS.

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

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 9, 11

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 009-06 (15537)

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: STEVE HAUSCHKA Area Code + Phone Number: 503-353-4512
Address: 9101 SE SUNNYBROOK BLVD. City: CLACKAMAS
Zip Code+4: 97015 Email Address: stevehan@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

In the Matter of Amendments to
the Zoning and Development
Ordinance: ZDO-210



ORDER NO. 2006-585
(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 an amendment to the Zoning and Development Ordinance; and

Whereas, it is necessary to revise the Zoning and Development Ordinance in order to allow private and commercial schools as primary uses in the C-3, RTL and CC zoning districts, and to make housekeeping changes; and

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

It further appearing that the Planning Commission, upon considering ZDO-210 at a public hearing held on October 23, 2006, recommended approval of the amendments, and

It further appearing that after appropriate notice, a public hearing was held before the Board of County Commissioners in the Board of County Commissioners Hearing Room, 2051 Kaen Rd., Oregon City, Oregon on November 29, 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. 2006-585
(Page 2 of 2)

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

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

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

ADOPTED this 21 day of Dec., 2006

BOARD OF COUNTY COMMISSIONERS


BILL KENEMER, CHAIR


RECORDING SECRETARY

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

EXHIBIT A

ZDO-210

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

503 GENERAL COMMERCIAL DISTRICT (C-3) ~~(3/24/05)~~

503.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for General Commercial areas. ~~The intent of these provisions is to:~~

- ~~A. Provide for General Commercial areas to meet County residents' shopping needs for a wide range of goods and services located in areas accessible by transit and automobile.~~
- ~~B. Provide for transit and pedestrian-oriented mixed-use areas consistent with the policies of the Comprehensive Plan.~~
- ~~C. Provide for the sale of large-scale items in areas with good transportation access and minimal conflict with other uses.~~

503.02 AREA OF APPLICATION

Property may be zoned C-3 when the site has a Comprehensive Plan designation of General Commercial and the criteria in Section 1202 are satisfied.~~This district is to be applied to those areas which are particularly suited for intensive commercial development. Property may be designated General Commercial when all the following criteria are satisfied:~~

- ~~A. The site has been designated General Commercial on the Comprehensive Plan.~~
- ~~B. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

503.03 PRIMARY USES

~~A. The following uses shall be allowed as primary uses in General Commercial districts:~~

~~1. A. Any use permitted within the Retail Commercial District;~~

~~2. B. Service and retail uses where there is a need for outdoor areas in order to conduct~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

business activities and sales or storage areas are an integral part of the use, such as lumber yards or auto sales;

~~B.C. Business Park District~~ Uses listed in Subsection 606.03(A); ~~Uses which satisfy the provisions of Section 606.03, which are not otherwise listed as primary uses under Subsections 503.03(A) and (B), above, may locate within this district~~ subject to Subsection 606.03 and provided no smoke, noise, or odors shall be emitted that detract from the character of a commercial district;

~~C.D. Special Housing~~; Housing facilities for senior citizens or handicapped persons, subject to the provisions of Section 811;

~~D.E. Institutional Uses~~; Colleges, educational institutes, private schools, commercial schools, and trade schools; art, music, and dance studios; and radio and television studios, excluding transmission towers;

~~E.F. Cultural/Public Uses~~; Galleries, and museums; assembly or convention facilities, theaters for performing arts; exhibition halls, libraries, senior centers, and fraternal organizations;

~~F.G. Wireless telecommunication facilities listed in Subsections 835.04, subject to Section 835.~~ (3/14/02)

503.04 ACCESSORY USES

~~A. The following uses shall~~ will be allowed as accessory uses ~~in General Commercial districts:~~

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

~~1.B. Temporary buildings for uses incidental to construction work. Such~~ which buildings shall be removed upon completion or abandonment of the construction work;

~~2. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.~~

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

4. Recyclable drop-off sites, subject to Section 819;

5. Bus shelters, subject to Section 823;

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F. ~~B~~bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities;

G~~6~~. Solar collection apparatus.

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

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

A. Wireless telecommunication facilities listed in Subsection 835.05, subject to Section 835. (3/14/02)

503.06 CONDITIONAL USES

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

1. Hydroelectric facilities, subject to Section 829; (5/22/03)

2. Telephone exchanges, utility substations, railroad rights-of-way, and public utility structures including shops and garages; (5/22/03)

3. 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; (5/22/03)

4. Heliport landing areas; (5/22/03)

5. Outdoor stadiums and race tracks; (5/22/03)

6. Multi-use developments, subject to Section 1016. (5/22/03)

503.07 PROHIBITED AND PREEXISTING USES

A. The following uses shall be prohibited:

~~1. Uses of structures and land not specifically permitted under this section are prohibited in all General Commercial districts;~~

~~B.2. The use of a manufactured dwelling, except as an office in a manufactured dwelling or recreational vehicle sales lot, unless authorized pursuant to under the provisions of Section 1204 for temporary permits; (11/24/99)~~

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~~C.3. New single- and two-family dwellings, except when incidental to a primary use. (3/24/05)~~

4. Retail uses larger than 60,000 square feet of gross leasable area per building or business in areas designated as Industrial on Map IV-8 of the Comprehensive Plan.

~~D.B. Lawfully Preexisting legally established dwellings shall may be allowed to remodel or expand without public hearing review under Section 1206. In addition, the following provisions shall apply. (6/22/81)~~

~~1.C. Change of Use: A lawfully legally established dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new development. (12/23/98)~~

~~2.D. Lot Division, Adjustments and Setbacks: No minimum lot size shall be required for partitions or lot line adjustments created for containing a preexisting dwellings. However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied.~~

~~3. Designated historic landmarks and corridors shall be preserved as provided under Section 707.~~

~~E. All other preexisting structures and uses not specifically permitted in Section 503 shall be nonconforming uses subject to provisions of Section 1206. (6/22/81)~~

~~F. In areas designated as Industrial on the Urban Growth Concept Map, Comprehensive Plan Map IV-8, retail uses larger than sixty thousand (60,000) square feet of gross leasable area per building or business are prohibited. (5/3/01)~~

E. 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.

503.08 DIMENSIONAL STANDARDS REQUIREMENTS

A. Purpose: The dimensional standards are intended purposes of these requirements and limitations are to:

1. Provide for protection of adjacent properties;
2. Provide for efficient utilization of General Commercial areas;
3. Ensure that the minimum operational requirements of the development are provided on-site; and

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4. Establish the maximum limits of the development.

~~B.~~ General Requirements: The following dimensional requirements shall apply to development of sites zoned General Commercial:

~~1-B.~~ Minimum Site Area: ~~None~~ No limitation, except a two-acre minimum for the area defined as Hinckley ~~Avenue~~ Road on the north, Cleo Battin on the south, and between 82nd Avenue and I-205.

~~2-C.~~ Minimum Front Yard Setback: ~~Fifteen (15) feet.~~ Structures on corner lots shall observe the minimum setback on both streets.

~~3-D.~~ Maximum Front Yard Setback:

1. Buildings at or near a transit stop along a major transit street shall have a maximum front yard setback of 20 feet. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection. (9/8/94)

2. The 20-foot maximum setback shall apply in both directions along the major transit street and along the intersecting street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. [(Please see the diagram in Subsection 1005.03(E)(43).)] (9/8/94)

3. Along a signalized private road, the maximum setback shall apply only along the first 250 feet from the major transit street. (9/8/94)

4. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback. (9/8/94)

5. This maximum setback requirement from a major transit street or intersecting street does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices. (9/8/94)

6. This maximum setback from major transit streets and intersecting streets shall contain no on-site parking; however, vehicular circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (9/8/94)

~~9-E.~~ Minimum Rear Yard Setbacks: ~~None required,~~ except when the rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, in which case the minimum setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the minimum rear yard setback for each ten (10)-foot increment in building height over thirty-five (35) feet.

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~~10.F. Minimum Side Yard Setback: None required, except when the side yard abuts a more restrictive district. When side yard abuts a more restrictive district, in which case the minimum setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the side yard setback for each ten (10) foot increment in building height over thirty-five (35) feet.~~

~~11.G. Minimum Road/Street Frontage: Fifty (50) feet.~~

~~12. Minimum Lot Size: No limitation.~~

~~13. Maximum Lot Coverage: No limitation.~~

~~14.H. Minimum Landscaping: Fifteen (15) percent of the total site area.~~

~~15. Building Height: No limitation.~~

~~16.I. Corner Vision: No sight-obscuring structures or plantings exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private driveway, access drive, or private road easement and a public, county, or state road. Trees located within a twenty (20) foot radius of any such an intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest-hanging branches.~~

~~C.J. Exceptions to General Requirements: Dimensional standards. The requirements under subsection 503.09(B) above are subject to modification pursuant to under the provisions of Section 900. (7/15/81)~~

~~D.K. Modifications/Variances: The requirements of Subsections 503.089(B) through (I) may be modified pursuant to Section 1102 by staff when such modification is consistent with the purposes set forth under Subsection 503.09(A), with the Comprehensive Plan and with the requirements and provisions of Section 1205. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. A proposed reductions in setbacks, frontage, or other requirements which that exceeds twenty (20) percent of the requirement of the district shall be processed as a separate variance application pursuant to Section 1205 subject to staff review with notice procedures set forth in Section 1305.02. (3/14/02)~~

503.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. Design Review: All development within this district is subject to the requirements prescribed under Section 1000 and to the procedures and application requirements under Section 1100.

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- B. ~~Community Plans and Design Plans: All development within a Community Plan or Design Plan a~~ Area identified as described in Chapter 10 of the Comprehensive Plan shall also comply with the specific policies and standards for the adopted Community Plan or Design Plan. If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern. (6/29/00)
- C. Operational Impacts: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable, ~~as determined by the Hearings Officer,~~ by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried wastes.
- D. Landscaping: The function of landscaping ~~in the General Commercial District~~ shall be to implement boulevard, and transitway provisions of the Comprehensive Plan, identify access points, define internal circulation, provide on-site traffic control, and buffer adjacent residential uses.
- E. ~~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 or his designate. (11/24/99)~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

508 RETAIL COMMERCIAL DISTRICT (RTL) (4/13/06)

508.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Retail Commercial areas. ~~The intent of these provisions is to:~~

~~A. Provide for Retail Commercial areas to meet regional shopping needs for a wide range of goods and services located in areas accessible by transit and automobile.~~

~~B. Provide for development oriented toward mass transit and pedestrians with amenities to serve people not dependent on automobiles.~~

~~C. Allow mixed land uses. (12/23/98)~~

508.02 AREA OF APPLICATION

~~Property may be zoned RTL when the site has a Comprehensive Plan designation of Retail Commercial and the criteria in Section 1202 are satisfied. This district is to be applied to those areas which are particularly suited for intensive commercial development. Property may be designated Retail Commercial when all the following criteria are satisfied:~~

~~A. The site has been designated Retail Commercial on the Comprehensive Plan.~~

~~B. The site is within a transportation corridor identified in the Comprehensive Plan.~~

~~C. The site is within an area with a historical commitment to commercial uses.~~

508.03 PRIMARY USES

The following shall be allowed as primary uses:

A. Office, retail, and service commercial uses shall be allowed as primary uses in Retail Commercial districts provided that:

1. Outdoor display and storage shall be limited to less than ~~five~~5 percent of the building coverage. ~~(See the exception in Subsection 508.03(A)(4) below.)~~
2. Most activities shall be conducted within a completely enclosed structure.
3. Uses with drive-through window service shall be subject to the provisions in Section 827. Within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, drive-through uses are

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

also shall be subject to Section 1700. (5/3/01)

4. Auto body, recreational vehicle~~R.V.~~, and boat repair businesses shall store within a completely enclosed structure those damaged and/or vehicles/ and equipment that are damaged or being repaired~~within a completely enclosed structure.~~
- B. Multifamily residential uses, subject to Section 303;~~-(3/24/05)~~
- C. Institutional Uses: Colleges, educational institutes, private schools, commercial schools, and trade schools; art, music, and or dance studios; and radio and television studios, excluding transmission towers;
- D. Cultural/Public Uses: Galleries,~~and~~ museums;~~;~~ assembly or convention facilities, theaters for performing arts;~~;~~ exhibition halls, libraries, senior centers, and fraternal organizations;~~;~~
- E. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

508.04 ACCESSORY USES

~~A. The following uses shall~~ will be allowed as accessory uses ~~in the Retail Commercial districts:~~

- A. Uses and structures customarily accessory and incidental to a primary use;
- ~~B1.~~ Temporary buildings for uses incidental to construction work. ~~Such~~ which buildings shall be removed upon completion or abandonment of the construction work;~~;~~
- ~~C2.~~ The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker;
- ~~D3.~~ Bus shelters, subject to Section 823;
- ~~E.~~ Bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities;
- ~~F4.~~ Solar collection apparatus;
- ~~G5.~~ Accessory uses listed provided in under Subsection 303.04 ~~may be allowed in conjunction with any residential use in this district.~~

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~~6. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.~~

~~7. Transportation and Parking: (12/23/98)~~

~~a. H. Parking structures: If the site is within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, commercial uses are allowed on the first level of freestanding parking structures, subject to the provisions of Section 1000, and 1700; (5/3/01)~~

~~b. I. Park-and-Rides lots.~~

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

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

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

508.06 CONDITIONAL USES

- A. Conditional uses listed in Subsection 508.06(B) may be allowed subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)
1. Shall not interfere with, or intrude into or between, pedestrian-oriented uses or developments; (5/22/03)
 2. Shall provide pedestrian and landscaping amenities which are comparable to those provided in conjunction with primary uses listed in Subsection 508.03; (5/22/03)
 3. Shall not require, or result in a demand for, additional traffic signals or street improvements beyond those planned for the area without the proposed use; (5/22/03)
 4. Shall use buildings and building materials which are comparable to those used for primary use developments; and (5/22/03)
 5. Shall limit outdoor display/storage areas to ~~five~~5 percent of the building coverage area, and screen storage areas from all streets and adjacent properties pursuant to Subsections 1009.05(C) and (D). (5/22/03)
- B. Uses allowed subject to the above conditions are: (5/22/03)

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1. Service stations, subject to Section 820; (5/22/03)
 2. Telephone exchanges, utility substations, radio and television transmission and receiving earth stations; (5/22/03)
 3. Heliports; (5/22/03)
 4. Car washes; (5/22/03)
 5. Mini-storage facilities. (5/22/03)
- C. Hydroelectric facilities shall be allowed subject to Section 829. (5/22/03)

508.07 PROHIBITED AND PREEXISTING USES

A. The following uses shall be prohibited:

1. Uses of structures and land not specifically permitted in Sections 501, 502, and 508 are prohibited in all Retail Commercial districts;

B2. The use of a residential trailer house or mobile home, except as an office in a recreational vehicle trailer or mobile home sales lot, unless authorized pursuant to Section 1204 under the provisions for temporary permits;

C3. New single-family dwellings, except when incidental to a primary principal use;

4. New metal-sided structures, except as approved by the Design Review Committee pursuant to Section 1102 for specific high-image materials.

B4. Lawfully established Preexisting legal dwellings shall may be allowed to remodel or expand without public hearing review under Section 1206. In addition, the following provisions shall apply:

1. C. Change of Use: A lawfully established dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new developments.

2. D. Lot Divisions, Adjustments, and Setbacks: No minimum lot size shall be required for a lot containing a preexisting dwelling. However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied. (4/13/06)

E. New metal-sided structures, except as specially approved by the Design Review Committee for high image metal materials.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~F. All other preexisting structures and uses not specifically permitted in Section 508 shall be nonconforming uses subject to provisions of Section 1206.~~

E. 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.

508.08 DIMENSIONAL STANDARDS REQUIREMENTS

A. Purpose: The dimensional standards~~These requirements and limitations are intended to:~~

1. Provide for protection of adjacent properties;~~;~~
2. Provide for efficient utilization of Retail Commercial areas;~~;~~
3. Ensure that the minimum operational requirements of the development are provided on-site;~~;~~ and
4. Establish the maximum limits of the development.

B. Requirements: ~~The following dimensional requirements shall apply to development of sites zoned Retail Commercial:~~

~~1. Minimum Lot Size: One-half (.5) acre. However,~~

~~2. Undersized Lots: Primary and accessory uses may be established on smaller than 1/2-acre sites smaller than one-half acre, provided such sites which are physically separated from all other undeveloped or underdeveloped properties in this district.~~

~~3. Minimum Front Yard Setback: Fifteen (15) feet. Structures on corner lots shall observe the minimum setback on both streets.~~

~~4. D. Maximum Front Yard Setback:~~

~~1. None, except B buildings at or near a transit stop along a major transit street shall have a maximum twenty (20)-foot setback from a state, county, or private street. Private streets used to satisfy this standard must have curbs, sidewalks, or raised walking surfaces on both sides; streets trees; pedestrian-scale street lighting; and must connect at both ends to an existing or future street. (12/23/98)~~

~~a. 2. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection.~~

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~~b.3.~~ The 20-foot maximum shall apply in both directions along the major transit street and along the intersection street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. ~~[(See the diagram in Subsection 1005.03(E)(43))].~~

~~e.4.~~ Buildings with nonconforming front yard setbacks may be remodeled or expanded without being required to satisfy this maximum setback.

~~d.5.~~ This maximum setback requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

~~e.6.~~ Along a signalized private road, the maximum setback shall only apply along the first 250 feet from the major transit street.

~~f.7.~~ This maximum setback from major transit streets shall contain no on-site parking; however, vehicle circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. ~~(9-8-94)~~

~~5.E.~~ Minimum Rear Yard Setbacks: None, ~~required~~ except when the rear yard abuts a more restrictive district. ~~When rear yard abuts a more restrictive district, in which case the minimum setbacks shall be fifteen (15) feet. Ten (10)-feet shall be added to the rear yard setback for each ten (10)-foot increment in building height over thirty-five (35) feet.~~

~~6.F.~~ Minimum Side Yard Setback: None, ~~required~~ except when the side yard abuts a more restrictive district. ~~When side yard abuts a more restrictive district, in which case the minimum setbacks shall be fifteen (15) feet. Ten (10)-feet shall be added to the side yard setback for each ten (10)-fooeet increment in building height over thirty-five (35) feet.~~

~~7.~~ Maximum Lot Coverage: No limitation.

~~8.G.~~ Minimum Landscaping: Ten (10) percent of the total site area, ~~subject to the provisions of Section 1009.~~

~~9.~~ Building Height: No limitation.

~~10.H.~~ Corner Vision: No sight-obscuring structures or plantings exceeding ~~thirty (30)~~ inches in height shall be located within a ~~twenty (20)-~~foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private driveway, access drive, or private road easement and a public, county, or state road. Trees located within a ~~twenty (20)-~~foot radius of any such an intersection shall be maintained to allow ten (10)-feet of visual clearance below the lowest-hanging branches.

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~~C.I.~~ Modifications: The requirements of Subsections 508.08(B) through (H) may be modified pursuant to Section 1102 ~~by staff~~ when such modification is consistent with the purposes set forth under Subsection 508.08(A) and with the Comprehensive Plan. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. (3/14/02)

508.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. ~~Design Review: All development within this district is subject to the requirements prescribed under Section 1000 and to the procedures and application requirements under Section 1100.~~

B. Clackamas Regional Center Area Design Plan: Development within the Clackamas Regional Center Area ~~boundary shown on Comprehensive Plan Map X-CRC-1 shall be~~ subject to the provisions of Section 1700 ~~in addition to the provisions of this section.~~ (5/3/04)

C. ~~Specific Area Plans or Standards:~~

~~1. Community Plans and Design Plans: All development within a Community Plan or Design Plan aArea identified as described in Chapter 10 of the Comprehensive Plan shall ~~also~~ comply with the specific policies and standards for the adopted Community Plan or Design Plan.~~ (6/29/00)

~~2. When any provision of Section 508, as applied to a specific property or area, is in If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan with the implementation of the adopted plan or specific standards, the area plan or standards shall govern.~~

D. Master Plans: A master plan shall be required for phased development and shall be submitted for design review with the application for the first phase of development.

~~E3.~~ Improvements: The County may require the provision of, or participation in, the development of, public facility improvements to implement adopted design plans or special standards. Such improvements may include, but are not limited to, the following:

1a. Road dedications and improvements;

2b. Signalization;

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~~3~~e. Sidewalks;

~~4~~d. Crosswalks;

~~5~~e. Storm drainage facilities;

~~6~~f. Sewer and water service lines and improvements;

~~7~~g. Underground utilities;

~~8~~h. Street lights;

~~i~~~~9~~. Street trees, and landscaping;

~~j~~~~10~~. Parks and Open Space (12/23/98); and

~~k~~~~11~~. The Urban Design Elements shown on Comprehensive Plan Map X-CRC-3 for sites within the Clackamas Regional Center Area shown on Map X-CRC-1. (5/3/01)

~~D. Building Orientation and Design: Subject to the provisions of Section 1005 and Section 1700 for development within the Clackamas Regional Center Area Design Plan, Comprehensive Plan Map X-CRC-1. (5/3/01)~~

~~E. Master Plans: Required for phased development. A master plan shall be submitted for design review with the application for the first phase of development. (12/23/98)~~

F. Street and Access Connectivity: Street connections and pedestrian and bicycle access shall be subject to the standards in Section 1007, and the following standards: (12/23/98)

1. Street connections to adjacent properties may be required to increase connectivity and grid patterns that allow for future development.
2. Road and Access Easement Vvacations: Road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.

~~G. Parking: Parking shall be in compliance with the parking requirements and standards listed in Section 1007 and 1700 if the site is within the Clackamas Regional Center Plan area. (12/23/98)~~

~~H. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing~~

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tenants is submitted and approved by the Planning Director or his designate.
(11/24/99)

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1704 CORRIDOR COMMERCIAL DISTRICT (CC) (3/24/05)

1704.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Corridor Commercial areas. ~~The intent of these provisions is to:~~

- ~~A. Provide commercial areas located in designated transportation corridors to meet local and regional needs for a wide range of goods and services~~
- ~~B. Provide for the sale of large scale items in areas with good transportation access and minimal conflict with other uses~~
- ~~C. Maintain and improve automobile and pedestrian connections between commercial uses, transit corridors, recreation areas, open space and adjacent residential areas~~
- ~~D. Allow mixed use within transportation corridors~~
- ~~E. Implement the Comprehensive Plan~~

1704.02 AREA OF APPLICATION

Property may be zoned CC when the site has a Comprehensive Plan designation of Corridor Commercial and the criteria in Section 1202 are satisfied. ~~This district is to be applied to those areas which are particularly suited for intensive commercial development. Property may be designated Corridor Commercial when either the first or all of the other following criteria are satisfied:~~

- ~~A. The site has been designated Corridor Commercial on the Comprehensive Plan.~~
- ~~B. The site has direct access on a street with at least a major arterial classification as identified in the Comprehensive Plan.~~
- ~~C. The site is within a transportation corridor as identified in the Comprehensive Plan.~~
- ~~D. The site is in an area with a historical commitment to commercial uses.~~
- ~~E. The site is an area where there will not be a significant traffic increase on local streets.~~

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~~F. Areas where adverse effects, including but not limited traffic and noise, will have a minimal effect on adjacent neighborhoods or can be mitigated through on-site improvements.~~

~~G. The designation will not substantially increase an existing commercial strip or create new strips.~~

1704.03 PRIMARY USES

The following uses shall be allowed as primary uses ~~in Corridor Commercial districts:~~

- A. Any use permitted within the Retail Commercial District;
- B. Service and retail uses where there is a need for outdoor areas in order to conduct business activities and sales or storage areas are an integral part of the use, such as lumber yards or auto sales;
- C. ~~Business Park District~~ Uses: Uses which satisfy the provisions of listed in Subsection 606.03(A), which are not otherwise listed as primary uses under Subsections 503.03A, 1704.03(A) and (B), above, may locate within this district subject to Subsection 606.03-;
- D. Institutional Uses: Colleges, educational institutes, private schools, commercial schools, and trade schools; art, music, and or dance studios; and radio and television studios, excluding transmission towers;
- E. Cultural/Public Uses: Galleries, and museums; assembly or convention facilities, theaters for performing arts; exhibition halls, libraries, senior centers, and fraternal organizations;
- F. High Density Residential; Subject to the provisions of Section 303;
- G. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

1704.04 ACCESSORY USES

The following uses shall be allowed as accessory uses ~~in Corridor Commercial districts:~~

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

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~~B. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.~~

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

~~D. Recyclable drop-off sites, subject to Section 819;~~

~~E. Bus shelters, subject to Section 823;~~

~~C. Park-and-rides lots;~~

~~D. Bike racks, street furniture, plazas, drinking fountains, and other pedestrian and transit amenities;~~

~~F. Solar collection apparatus;~~

~~G. Parking structures. Ground-level commercial uses are allowed on the first floor of freestanding parking structures.~~

1704.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

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

A. Wireless telecommunication facilities listed in Subsection 835.05, subject to Section 835. (3/14/02)

1704.06 CONDITIONAL USES

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

1. Telephone exchanges, utility substations, railroad right-of-way, and public utility structures, including shops and garages; (5/22/03)
2. 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; (5/22/03)

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3. Heliports. (5/22/03)

1704.07 PROHIBITED AND PREEXISTING USES

A. The following uses shall be prohibited:

~~1.A. Uses of structures and land not specifically permitted under this section are prohibited in all Corridor Commercial districts;~~

~~2.B. The use of a residential trailer or manufactured dwelling, except as an office in a commercial trailer or manufactured dwelling sales lot, unless specifically authorized under the provisions of pursuant to Section 1204 for Temporary Permits; (11/24/99)~~

~~C.3. New single-family and two-family dwellings; (3/24/05)~~

4. Retail uses larger than 60,000 square feet of gross leasable area per building or business in areas designated as Industrial on Map IV-8 of the Comprehensive Plan.

~~D.B. Lawfully Preexisting legally established dwellings shall may be allowed to remodel or expand without public hearing review under Section 1206. In addition, the following provisions shall apply:~~

~~1.C. Change of Use: A lawfully legally established dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new development.~~

~~2.D. Lot Division, Adjustments and Setbacks: No minimum lot size shall be required for partitions or lot line adjustments created for containing a preexisting dwellings. However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied.~~

~~3. Designated historic landmarks and corridors shall be preserved as provided under Section 707.~~

~~E. All other preexisting legally established structures and uses not specifically permitted in Section 1704 shall be nonconforming uses subject to provisions of Section 1206.~~

~~F. In areas designated as Industrial on the Urban Growth Concept Map, Comprehensive Plan Map IV-8, retail uses larger than sixty thousand (60,000) square feet of gross leasable area per building or business are prohibited. (5/3/01)~~

E. Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted

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and approved by the Planning Director.

1704.08 DIMENSIONAL STANDARDS REQUIREMENTS

A. Purpose: The dimensional standards are intended purposes of these requirements and limitations are to:

1. Provide for protection of adjacent properties;
2. Provide for efficient utilization of Corridor Commercial areas;
3. Ensure that the minimum operational requirements of the development are provided on-site; and
4. Site buildings to encourage and support pedestrian and transit access.

B. General Requirements: The following dimensional requirements shall apply to development of sites zoned Corridor Commercial:

- ~~1. Minimum Site Area: None~~
- ~~2. Minimum Front Yard Setback: Fifteen (15) feet. Structures on corner lots shall observe the minimum setback on both streets.~~

~~3. C. Maximum Front Yard Lot Line Setback: None, except:~~

~~1. Buildings at or near a transit stop along a major transit street shall have a maximum ~~twenty (20)-foot~~ setback from a state, county, or private street.~~

~~a) 2. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection.~~

~~b) 3. Private streets used to satisfy this standard must have curbs, sidewalks, or raised walking surfaces on both sides; street trees; pedestrian-scale street lighting; and must connect at both ends to an existing or future street.~~

~~e) 4. The 20-foot maximum shall apply in both directions along the major transit street and along the intersection street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. [See the diagram in Subsection 1005.03(E)(43).]~~

~~d) 5. Buildings with nonconforming front yard setbacks may have~~

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additional height added as an expansion without being brought into conformance with this maximum setback.

e) ~~6.~~ This maximum setback requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

~~D4.~~ Minimum Rear ~~Yard~~~~Lot Line~~ Setback: ~~None, required except when~~ where the rear yard abuts a more restrictive district, ~~in which case~~ ~~Where the~~ minimum rear yard abuts a more restrictive district, setbacks shall be ~~fifteen~~ (15) feet. Ten ~~(10)~~ feet shall be added to the rear yard setback for each ten ~~(10)~~ foot increment in building height over ~~thirty five~~ (35) feet.

~~E5.~~ Minimum Side ~~Yard~~~~Lot Line~~ Setback: ~~None, required except when the~~ side yard abuts a more restrictive district, ~~in which case~~ ~~When the~~ minimum side yard abuts a more restrictive district, setbacks shall be ~~fifteen~~ (15) feet. Ten ~~(10)~~ feet shall be added to the side yard setback for each ten ~~(10)~~ foot increment in building height over ~~thirty five~~ (35) feet.

~~6. Minimum Street Frontage: None~~

~~7. Minimum Lot Size: No limitation.~~

~~8. Maximum Lot Coverage: No limitation.~~

~~9. Building Height: No limitation.~~

~~F.10. Minimum Landscaping:~~

~~a) The minimum landscaping requirement is Ten (10) percent of the site area.~~

~~b) Landscaping is subject to the standards in Section 1009 and 1700~~

~~H.G.~~ Corner Vision: No sight-obscuring structures or plantings exceeding ~~thirty~~ (30) inches in height shall be located within a ~~twenty~~ (20) foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private driveway, access drive, or private road or easement and a public, county, or state road. Trees located within a ~~twenty~~ (20) foot radius of any such intersection shall be maintained to allow ten ~~(10)~~ feet of visual clearance below the lowest-hanging branches.

1704.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of

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~~Sections 1000 and 1100. Design Review: All development within this district is subject to the procedures and application requirements in Section 1100.~~

B. ~~Clackamas Regional Center Design Plan: All development in this district within the boundary of the Clackamas Regional Center Study area shown identified on Comprehensive Plan Map X-CRC-1 shall be subject to the Clackamas Regional Center Design Plan and Section 1000 and 1700 of the Zoning and Development Ordinance. (5/3/01)~~

C. Community Plans and Design Plans: Development within a Community Plan or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan. If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern. ~~Specific Design Plans or Standards: Development in this district shall be subject to any adopted design plan or standards affecting the subject property. When the provisions of this section conflict with those of a design plan or standards, the provisions of the design plan or standards shall prevail.~~

D. ~~Building Siting and Design: Building siting and design is subject to the provisions of Section 1005 and 1700.~~

E. ~~Mobile Home Parks: Existing mobile home parks shall not be redeveloped with other uses unless a plan for relocation of the existing tenants is submitted and approved prior to redevelopment.~~

F. ~~Parking: Parking is subject to the standards in Section 1007 and 1700.~~

G. ~~Street and Access Connectivity: Street connections and pedestrian and bicycle access are subject to the standards in Section 1007, and the following standards:~~

1. ~~Connections to adjacent properties may be required to increase connectivity and create grid patterns that allow for future development.~~

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

H. ~~D. Master plans: A master plan shall be required for phased development, and a master plan shall be submitted for design review with the application for the first phase of development. The master plan shall~~

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demonstrate compliance with this section and Sections 1100 and 1700.

~~I.E.~~ Improvements: The County shall require the provision of, or participation in, the development of, public facility improvements to implement adopted design plans or special standards. Such improvements include, but are not limited to, the following:

1. Road dedications and improvements;
2. Signalization;
3. Sidewalks;
4. Crosswalks;
5. Storm drainage facilities;
6. Sewer and water service lines and improvements;
7. Underground utilities;
8. Street lights;
9. Street trees, and landscaping; ~~and~~
10. Parks and Open space and parks; ~~And~~
11. The Urban Design Elements shown on Comprehensive Plan Map X-CRC-3. (5/3/01)

F. Street and Access Connectivity: Street connections and pedestrian and bicycle access shall be subject to the following standards:

1. Connections to adjacent properties may be required to increase connectivity and create grid patterns that allow for future development.
2. Road and Access Easement Vacations: Road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.

~~J.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 or his~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

designate. (11/24/99)



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 27, 2006.

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

ZDO-210

Signed: _____

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