



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

April 21, 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 010-05

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: May 8, 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
Jennifer Hughes, Clackamas County

<paa> ya

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

APR 18 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Clackamas County Local File No.: ZDO-196
(If no number, use none)

Date of Adoption: April 13, 2006 Date Mailed: April 17, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12/7/05

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____

(Please Specify Type of Action)

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

Implements HB 2691 (2003), as amended by
HB 2614 (2003) re: abandoned & diminished mill
sites; Implements 2003 amendments to OAR 100-
022 re: industrial bldg size; 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."

Building size limit in rural industrial zones outside
unincorporated communities is 39,500 instead of
35,000 ft²; minor other changes

Plan Map Changed from: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 9, 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 010-05
(14858)

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: _____

Local Contact: Jennifer Hughes Area Code + Phone Number: 503-353-4518
Address: 9101 SE Sunnybrook 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-196



ORDER NO. 2006-89
(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 Comprehensive Plan and the Zoning and Development Ordinance; and

Whereas, it is necessary to revise the text of Chapters 3, 4, 5, 7 and 11 of the Comprehensive Plan; revise Map IV-7 of the Comprehensive Plan; revise the text of Sections 202, 307, 308, 309, 310, 505 and 604 of the Zoning and Development Ordinance; and adopt conforming amendments to Sections 707, 835, 1005 and 1007 of the Zoning and Development Ordinance; and

Whereas, it is necessary to revise the Zoning and Development Ordinance in order to allow abandoned or diminished mill sites to be rezoned for rural industrial use without taking exceptions to Statewide Planning Goals 3, 4, 11 or 14; eliminate the current cap on building square footage for industrial uses on these mill sites; increase the allowed building square footage for industrial uses on other rural industrial sites; correct outdated references; change some references from rural communities to unincorporated communities; establish a reference in the text of the Comprehensive Plan to a land use plan designation that corresponds to the RA-1 zoning district; amend Map IV-7 of the Comprehensive Plan to change the Rural Center (RCTR) designation to the new designation of Unincorporated Community Residential (UCR); create separate sections in the Comprehensive Plan for the Rural Commercial and Rural Industrial land use plan designations; and improve organization and consistency by standardizing Sections 307 through 310 of the ZDO, which regulate the RA-1, RA-2, RRRF-5 and FF-10 zones; 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-196 at a public hearing held on January 23, 2006, recommended approval of the amendments, and

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

In the Matter of Amendments to
the Zoning and Development
Ordinance: ZDO-196

}

ORDER NO. 2006-89
(Page 2 of 2)

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 March 15, 2006, during which an opportunity to provide testimony and evidence was given; and

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 Comprehensive Plan are adopted as shown on Exhibit A, amendments to the Zoning and Development Ordinance are adopted as shown on Exhibit B, and on Map IV-7 of the Comprehensive Plan, the Rural Center (RCTR) designation is changed to Unincorporated Community Residential (UCR).

ADOPTED this 13TH day of April, 2006

BOARD OF COUNTY COMMISSIONERS


BILL KENNEMER, CHAIR


RECORDING SECRETARY

EXHIBIT A**ZDO-196**

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

**Chapter 3, Natural Resources and Energy
Agriculture Section**

Amend Policy 6.0 as follows:

Encourage the appropriate agencies to assess agriculture's labor force problems and development of a program to alleviate these problems (e.g., provision of second job opportunities in Unincorporated Communities~~rural centers~~).

**Chapter 4, Land Use
Land Use Definitions Section**

This Plan divides ~~the~~Clackamas County into six principal land use categories: Urban, Urban Reserve, Unincorporated Communities, Rural, Agriculture, and Forest and Rural Communities. This Plan also establishes one or more land use plan designations within each of these categories.

Urban

Urban areas include all land inside uUrban gGrowth bBoundaries. Urban areas are either developed or planned to be developed with adequate supportive public services provided by cities or by special districts. Urban areas have concentrations of people, jobs, housing, and commercial activity.

Urban Growth Boundaries: Urban gGrowth bBoundaries are designated on the land use Comprehensive pPlan mMaps. They separate Urban areas from Urban Reserves areas, Unincorporated Communities, and Rural, Agriculture~~al~~, and Forest areas. An uUrban gGrowth bBoundary encompasses existing urban development and lands to accommodate urban growth forecasted for a 20-year horizon.

Immediate Urban Areas: Immediate uUrban areas are lands that are within uUrban gGrowth bBoundaries, are planned and zoned for urban uses, and meet at least one of the following conditions:

1. Served by public facilities~~services~~, (including sanitary sewage treatment~~sewer~~, water, stormwater drainage ~~facilities~~, and transportation facilities);
2. Included within boundaries of cities or within special districts capable of providing public facilities~~services~~ and planned to be served in the near future; or

3. Substantially developed or surrounded by development at urban densities.

~~Immediate Urban areas are planned and zoned for urban uses.~~

Future Urban Areas: Future uUrban areas are lands within uUrban gGrowth bBoundaries but outside ~~immediate~~ uUrban areas. Future uUrban areas are planned to be provided with public ~~facilities~~services, but currently lack providers of those ~~facilities~~services. Future uUrban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future uUrban areas are planned for urban uses but zoned for large~~-~~lot, limited development.

Future Urban Study Areas: Future uUrban sStudy aAreas are lands that have been brought into an urban growth boundary but for which uUrban Comprehensive plan designations have not been applied. Planning will be conducted to determine uUrban plan designations and apply ~~f~~future uUrban zoning.

Urban Reserve

Urban Reserve areas lie outside an urban growth boundary and have been designated as highest priority for inclusion in an urban growth boundary when additional urban land is needed. Metro designates Urban Reserve areas in the Portland metropolitan area. The cities of Sandy, Molalla, Estacada, and Canby, in coordination with ~~the Clackamas~~ County, may designate and ~~adopt~~ other Urban Reserve areas.

Unincorporated Communities

Unincorporated Communities, as defined in Chapter 660, Division 22 of the Oregon Administrative Rules, are settlements located outside urban growth boundaries in which concentrated residential development is combined with limited commercial, industrial, or public uses. Unincorporated Communities may have limited public facilities and services.

Rural

Rural lands are exception lands, as defined ~~in~~under Oregon Administrative Rules 660-004-0005(1), that are outside uUrban gGrowth bBoundaries and Unincorporated Rural Communities; and are suitable for sparse settlement such as small farms, wood lots or acreage home sites. They lack public ~~facilities~~services or have limited ~~facilities~~services, and are not suitable, necessary, or intended for urban, agricultural, or forest uses.

Agriculture

Agricultural areas are those of predominantly Class I- through IV soils as identified by the U-nited S-tates Natural Resources Conservation Service or as identified in more detailed data; and other lands ~~that~~which are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land

use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands.

Forest

Forest areas are composed of existing and/or potential forest lands which are suitable for commercial forest uses or. Also included are other forested lands needed for watershed protection, wildlife and fish habitat, and recreation. Also included are lands where extreme conditions of climate, soil, and topography require maintenance of vegetative cover, and forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife habitat, scenic corridors, and recreational use.

Rural Communities

Rural Communities, as defined in OAR 660 Division 22, are settlements that are located outside Urban Growth Boundaries which have concentrated residential development combined with limited commercial, industrial or public uses. Rural communities have limited public facilities and services.

Land Use Maps Section

The following maps are adopted as part of the County Comprehensive Plan. Map IV-1 displays the unincorporated land within the Portland Metropolitan Urban Growth Boundary. Map IV-2 provides an index for the land use plan maps. Maps IV-3, IV-4, and IV-5 are land use plan maps for show areas where the County has adopted land use the plan designations by agreement with adjoining cities. As these cities adopt amendments to their maps, the County will consider adoption. County land use plan designations are shown on Maps IV-6 and IV-7. Land use plan maps adopted as part of a Community Plan or Design Plan in Chapter 10 automatically amend update Maps IV-6 and IV-7.

Urbanization Section

Amend Policy 8.2(a) as follows:

Control premature development (before services are available) within the Portland Metropolitan Urban Growth Boundary by applying a minimum 20-acre minimum lot size in the lands within the boundary that have the following plan designations and use categories: of Unincorporated Rural Communities Residential, Rural Commercial, Rural Industrial, and Rural. (4/30/03)

Rural Communities Section

RURAL UNINCORPORATED COMMUNITIES

Rural Unincorporated Communities, as defined in Chapter 660, Division 22 of the

Oregon Administrative Rules, are settlements/villages located outside uUrban gGrowth bBoundaries in which concentrated residential development is combined with limited commercial, and industrial, or public uses development and with. Unincorporated Communities may have limited public facilities and services.

There are four types of Unincorporated Communities:

- Rural Community: an Unincorporated Community consisting primarily of residential uses but also including a minimum of two commercial, industrial, or public land uses. Redland, Beavercreek, Colton, Boring, Wildwood/Timberline, and Zigzag Village are Rural Communities.
- Rural Service Center: an Unincorporated Community consisting primarily of commercial and industrial uses providing goods and services to the surrounding rural area or persons traveling through. Mulino and Rhododendron are Rural Service Centers.
- Resort Community: an Unincorporated Community that was established primarily for, and continues to be used primarily for, recreation or resort purposes. A Resort Community includes residential and commercial uses as well as overnight lodging. Wemme/Welches is a Resort Community.
- Urban Unincorporated Community: an Unincorporated Community that includes at least 150 permanent dwelling units and a mixture of other land uses, including three or more commercial, industrial, or public land uses. An Urban Unincorporated Community includes areas served by community water and sewer. Government Camp is an Urban Unincorporated Community.

GOALS

- Provide for commercial and industrial development necessary to serve surrounding Agriculture~~al~~, Forest, and Rural areas.
- Provide residential areas supportive of the commercial and industrial uses.
- Recognize and protect communities and their historic character.
- Provide a balance of residential, commercial, and industrial uses conducive to a healthy economy for the community.
- Provide employment opportunities for residents of the Unincorporated Rural Community and surrounding non-urban areas.

COMMUNITY TYPES/DEFINITIONS

Clackamas County defines rural communities by type as follows:

- ~~Rural Community (Redland, Beavercreek, Colton, Boring, Wildwood/Timberline, Zigzag Village): an unincorporated community consisting primarily of residential uses but also including at least two other land uses that provide commercial, industrial, or public uses.~~
- ~~Rural Service Center (Mulino, Rhododendron): unincorporated community consisting primarily of commercial and industrial uses providing goods and services to the surrounding rural area or persons traveling through.~~
- ~~Resort Community (Wemme/Welches): community that was established primarily for and continues to be used primarily for recreation or resort purposes, and includes both residential and commercial uses as well as overnight lodging.~~
- ~~Urban Unincorporated Community (Government Camp): unincorporated community that includes at least 150 permanent dwelling units, along with a mixture of other land uses including three or more public, commercial, or industrial land uses. This type of community includes areas served by community water and sewer.~~

POLICIES

- 1.0 ~~When the following criteria are met, areas may be designated Rural Unincorporated Communities:~~
- a. Land which has been acknowledged as a Statewide Planning Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:
 - commercial, industrial, or public uses; and/or
 - dwelling units and associated residential lots at a greater density than exception lands outside Unincorporated Rural Communities;
 - b. Lands planned and zoned for farm or forest use provided such land:
 - is contiguous to Statewide Planning Goal 3 or 4 exception lands included in the community boundary;
 - ~~the land was occupied as of October 28, 1994 by one or more of the following uses: church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;~~
 - includes only that portion of the lot or parcel that is occupied by the use(s) above may be included within the boundary; and

- ~~the land remains planned and zoned for farm or forest use.~~

2.0 ~~Prohibit the expansion of Unincorporated Rural Communities shall not be expanded into areas of natural hazards.~~

3.0 ~~Guide mManagement of land use patterns in Unincorporated Rural Communities shall be guided by policies in this Plan and by those in community plans which are prepared as part of the County's continuing planning program as described in the Planning Process Chapter 11.~~

4.0 ~~Require dDevelopment shall to be contingent upon the ability to provide public services (e.g., school, water, fire, telephone).~~

5.0 ~~Develop rRoads and streets shall be developed in a manner and to a level compatible with Unincorporated Rural Communities.~~

6.0 Residential uses should be allocated in a manner and to a level which supports the commercial and industrial uses and provides housing opportunities to meet needs while maintaining compatibility with adjacent land use designations.

7.0 ~~Limit iIndustrial uses shall be limited to:~~

~~⊖a. Uses authorized under Statewide Planning Goals 3 and 4;~~

~~⊖b. Expansion of an existing use;~~

~~⊖c. Small-scale, low-impact uses, as defined in Chapter 660, Division 22 of the Oregon Administrative Rules;~~

~~⊖d. Uses that require proximity to a rural resource;~~

~~⊖e. New uses that will not exceed the capacity of water and sewer service available to the site, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;~~

~~⊖f. New uses more intensive than listed above, provided an analysis set forth in ~~this Comprehensive Plan~~ demonstrates, and land use regulations ensure:~~

~~7.1• That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;~~

~~7.2• That such uses would not rely upon a work force employed served by uses within urban growth boundaries;~~ and

~~7.3~~• That the determinations of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.

~~g.~~ Industrial uses, including accessory uses subordinate to industrial development, sited on an abandoned or diminished industrial mill site, as defined in the Clackamas County Zoning and Development Ordinance, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses.

8.0 ~~Limit cCommercial uses shall be limited to:~~

~~a.~~ Uses authorized under Statewide Planning Goals 3 and 4;

~~b.~~ Small-scale, low-impact uses as defined in Chapter 660, Division 22 of the Oregon Administrative Rules;

~~c.~~ Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

9.0 ~~Encourage cCommercial and industrial uses should be encouraged to locate in Unincorporated Rural cCommunities to provide employment opportunities to residents of the communities and the surrounding non-urban area.~~

10.0 ~~Require design review for cCommercial and industrial development shall be subject to design review.~~

11.0 ~~Public facilities in Unincorporated Rural Communities should be expanded or developed only when consistent with maintaining the rural character of the community center.~~

12.0 ~~Increased water service to an area shall will not be used in and of itself to justify reduced lot sizes.~~

13.0 ~~Sewerage systems shall be contained within urban growth boundaries or Unincorporated Ccommunity boundaries, and shall not be allowed to expand to land outside of such boundaries, except as provided by the Oregon Revised Statutes for abandoned or diminished mill sites.~~

~~14.0 The Rural (Agricultural) one-acre (RA-1) zoning district implements the goals and policies of this Plan for residential areas of Rural Communities; this zoning district and any other zoning district developed in the future which implements these goals and policies should be applied in Rural Communities.~~

~~15.0 Road standards in Rural Communities shall follow the Clackamas County~~

~~residential road standards guide.~~

~~146.0 Provide bikeways/pedestrian pathways for All roads within Rural Communities, which that have a collector or higher classification, shall be provided with bikeways/pedestrian pathways.~~

Unincorporated Community Residential

~~15.0 Apply a plan designation of Unincorporated Community Residential to residential areas in Unincorporated Communities, except as modified by Chapter 10.~~

~~16.0 Implement the Unincorporated Community Residential plan designation through application of the Rural Area Residential 1-Acre (RA-1) zoning district.~~

Rural Commercial

RURAL COMMERCIAL

Rural Commercial lands are those that are outside urban growth boundaries and that are suitable based on specific factors for commercial development on a rural scale.

GOALS

- To provide for the continuation of commercial uses in non-urban areas having an historical commitment to such uses.
- To implement the goals and policies of this Plan for commercial development in Unincorporated Communities.

POLICIES

~~17.0 The Rural Nonurban Commercial plan designations and zoning districts may be applied in non-urban areas to provide for commercial uses that are necessary for, and on a scale commensurate with, rural development including, but not limited to, small grocery stores, garages service stations and taverns.~~

~~248.0 The Rural Commercial (RC) zZoning dDistrict implements the Rural Commercial pPlan designation.~~

~~3.0 Areas may be designated Rural Commercial when either the first, or bothall of the other criteria are met:~~

- ~~a. Areas shall haveing an historical commitment to commercial uses; or~~
- ~~b. Areas shall be located within an Unincorporated Rural Communities; and~~

- c. The sSites shall have direct access to a roadstreet of at least a collector classification.

Rural Industrial

RURAL INDUSTRIAL

GOALS

- To provide for the continuation of industrial uses in non-urban areas having an historical commitment to such uses.
- To provide for the industrial redevelopment of abandoned or diminished mill sites.
- To implement the goals and policies of this Plan for industrial development in Unincorporated Communities.

POLICIES

- 19.0 The RuralNonurban Industrial plan designations and zoning districts may be applied in non-urban areas to provide for industriales uses thatwhich are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services.
- 20.0 The Rural Industrial (RI) zZoning dDistrict implements the Rural Industrial pPlan designation.
- 3.0 Areas may be designated Rural Industrial when either the first, the second, or bothall of the other criteria are met:
- a. Areas shall haveing an historical commitment to industrial uses; or
 - b. The site shall be an abandoned or diminished mill site, as defined in the Zoning and Development Ordinance, provided that only the portion of the site that was improved for the processing or manufacturing of wood products may be designated Rural Industrial; or
 - cb. Areas shall be located within an UnincorporatedRural Communities; and
 - de. The sSites shall haveing direct access to a roadstreet of at least an arterial classification.

RURAL

Rural lands are exception lands, as defined in Oregon Administrative Rules 660-004-0005(1), thatthose which are outside the uUrban gGrowth bBoundaries and Unincorporated Communities and are suitable for sparse settlement, such as small farms,

woodlots, or acreage home sites. They lack with no or hardly any public facilities services or have limited facilities and which are not suitable, necessary, or intended for urban, agricultural, or forest use.

GOALS

- To provide a buffer between urban and agricultural or forest uses.
- To perpetuate the rural atmosphere while maintaining and improving the quality of air, water, and land resources.
- To conserve open space and protect wildlife habitat.

POLICIES

- 1.0 ~~The following Areas may be designated Rural: if they a. Areas which are~~ presently developed, built upon, or otherwise committed to sparse settlement or small farms with limited, no or hardly if any, public services available.
- 2.0 Designation of additional Rrural lands shall be based on findings ~~that which~~ shall include, but not be limited to:
 - a. Reasons why additional Rural land is needed or should be provided;
 - b. An evaluation of alternative areas in the County ~~that which~~ should be designated Rural; and a statement of why the chosen alternative is more suitable;
 - c. An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state ~~of by~~ designating ~~the~~is area Rural; and
 - d. Reasons why designating the area Rural will be compatible with other adjacent uses;
 - e. ~~For lands outside urban growth boundaries, require exceptions to LCDC Goals 3 and 4 for any Plan amendment or zone change to uses other than agriculture or forestry.~~
- 3.0 Areas impacted by major transportation corridors, adjacent to urban growth boundaries or areas designated Urban or Rural, and for which public services are committed or planned shall be given priority in designating additional Rrural areas.
- 4.0 Residential lot sizes shall be based upon:

- a. Parcelization;
- b. Level of existing development;
- c. Topography;
- d. Soil conditions;
- e. Compatibility with the types and levels of available public facilities;
- f. Proximity to ~~existing Unincorporated~~ Rural Communities or an incorporated city; and
- g. Capacity and ~~existing~~ level of service of the road network

5.0 Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.

6.0 Areas with marginal or unsuitable soils for agricultural or forest use shall be given a higher priority for conversion to rural development than areas with more suitable soils.

7.0 Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

8.0 Increased water service to an area ~~shall~~ will not be used in and of itself to justify reduced lot sizes.

9.0 The County shall encourage grouping of dwelling units with lot sizes less than the minimum allowed by the zoning district, when such ~~cluster~~ development is compatible with the policies in this Plan and the overall density of the zoning district.

10.0 ~~Lawfully established~~ ~~Preexisting~~ nonconforming structures and uses ~~that~~ which are destroyed by fire, other casualty, or natural disaster shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.

11.0 The Rural ~~Area~~ (Agricultural) Residential 2two-Acre (RA-2), Rural Residential Farm/ Forest ~~5five-Acres (RRFF-5)~~, and the Farm/Forest ~~10ten-Acres (FF-10)~~ zoning districts ~~maintain the character of Rural areas and implement the goals and policies of this Rural pPlan designation for residential uses in Rural areas;~~ these zoning districts and any other zoning district developed in the future, which implements these goals and policies, shall be applied in Rural areas. ~~These zones shall be applied as follows:~~

11.1 The RA-2A two-acre zoning district shall be applied when all the

following criteria are met:

- a. Parcels are generally two acres or smaller.
- b. The area is significantly affected by development.
- c. There are no natural hazards, and the topography and soil conditions are well suited for the location of homes.
- d. A public or private community water system is available.
- e. Areas are in proximity or adjacent to an Unincorporated Rural Community Center or incorporated city.
- f. In areas adjacent to urban growth boundaries, RA-2 acre zoning shall be limited to those areas in which virtually all existing lots are ~~already~~ two acres or less.

11.2 The RRF-5A five-acre zoning district shall be applied when all the following criteria are met:

- a. Parcels are generally five acres.
- b. The area is affected by development.
- c. There are no serious natural hazards, and the topography and soils are suitable for development.
- d. Areas are easily accessible to an Unincorporated Rural Community or incorporated city.

11.3 The FF-10A ten-acre zoning district shall be applied when one or more of the following criteria are met:

- a. Parcels are generally ten acres.
- b. The area is developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses.
- c. Access to an Unincorporated Rural Community or an incorporated city is generally poor.

AGRICULTURE

~~Agriculture~~ agricultural areas are those of predominantly Class I- through IV soils as identified by the United States Natural Resources Conservation Service or as identified in more

detailed data; and other lands ~~that~~ which are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands.

GOALS

- Preserve agricultural use of agricultural land.
- Protect agricultural land from conflicting uses, high taxation, and the cost of public facilities unnecessary for agriculture.
- Maintain the agricultural economic base of ~~the~~ Clackamas County and increase the County's share of the agricultural market.
- Increase agricultural income and employment by creating conditions ~~that~~ which further the growth and expansion of agriculture and ~~which~~ attract agriculturally related industries.
- Maintain and improve the quality of air, water, and land resources.
- Conserve scenic and open space.
- Protect wildlife habitats.

POLICIES

1.0 The following areas shall be designated ~~for~~ Agriculture:

- a. Areas with predominantly Class I- through IV agricultural soil as defined by the United States Natural Resources Soil Conservation Service or identified as agricultural soil by more detailed data;
- b. Areas generally in parcels of 20 acres or larger;
- c. Areas primarily in agricultural use;
- d. Areas necessary to permit farming practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses;
- e. Other areas in soil classes different from NRSCS I- through IV, when the land is suitable for farm use as defined in Oregon Revised Statutes 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices.

- 2.0 Agriculturally related industries shall be encouraged.
- 3.0 Land uses ~~that~~ which conflict with agricultural uses shall not be allowed.
- 4.0 New sewer facilities shall not be allowed in Agricultural areas.
- 5.0 Roads shall be developed in a manner and to a level compatible with maintaining Agricultural areas.
- 6.0 Education and dissemination of information on agricultural crops, methods, and technology; special tax assessment programs; and new land-use techniques should be encouraged.
- 7.0 ~~Lawfully established~~ ~~Preexisting~~ nonconforming structures and uses ~~that~~ which are destroyed by fire, other casualty, or natural disaster shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.
- ~~8.0 Exclusive Farm Use zones shall be used to implement agricultural policies.~~
- 89.0 The Exclusive Farm Use (EFU) zoning district implements the goals and policies of ~~the~~ Agriculture plan ~~and use designation and; this zoning district and any other Exclusive Farm Use zoning district developed in the future, which implements these goals and policies should be applied in Agricultural areas.~~
- 94.0 Forest zoning districts which require a minimum lot size of 80 acres or larger may be applied in ~~Agriculture~~ areas provided the primary uses are forest and forest-related and that permitted uses will not conflict with agricultural uses.
- 10.0 Except on lands within urban growth boundaries or as provided by the Oregon Revised Statutes for abandoned or diminished mill sites, exceptions to Statewide Planning Goals 3 and 4 shall be required for a plan amendment from the Agriculture designation to any designation other than Forest.

FOREST

Forest ~~areas~~lands are composed of existing and potential ~~commercial forest lands~~ ~~that~~ which are suitable for commercial forest uses. Also included are ~~and~~ other forested lands needed for watershed protection, wildlife and fish habitat, and recreation. ~~Also included are~~ lands where extreme conditions of climate, soil, and topography require maintenance of vegetative cover, and forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife habitat, scenic corridors, and recreational use.

GOALS

- To conserve forest-lands.
- 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.
- To conserve, protect, and enhance watersheds, wildlife and fisheries resources, agriculture, and recreational opportunities that are compatible with the primary intent of the plan designation zone.
- To minimize wildfire hazards and risks.
- To enhance and protect other environmentally sensitive areas.

POLICIES

1.0 The following areas shall be designated Forest:

- a. Lands suitable for forest use;
- b. Lands predominantly capable of generating at least 85 cubic feet of timber per acre per year;
- c. Areas generally in forest uses;
- d. Areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) should be designated Forest;
- e. Forested areas which buffer more intense land uses from areas of less intense use may be designated Forest.

2.0 Encourage fForest-related industries shall be encouraged.

3.0 Prohibit lLand uses that which conflict with forest uses shall not be allowed.

4.0 Housing should be limited in Fforest areas because it is generally incompatible with forest uses due to fire danger and accepted forest practices such as herbicide spraying and slash burning.

5.0 Prohibit cCommercial and industrial development shall not be allowed in Fforest areas.

6.0 Prohibit nNew sewer facilities shall not be allowed in Fforest areas.

7.0 The County shall Eencourage use of a Homestead pProvision that which allows

retention of a homesite with an existing dwelling and transfer of the remaining property as long as the transfer is compatible with forest policies.

8.0 Lawfully established~~Preexisting~~ nonconforming structures and uses that~~which~~ are destroyed by fire, other casualty, or natural disasters shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.

9.0 Apply ~~z~~Zoning districts consistent with state, regional, and County goals and United States Forest Service land allocation and management plans ~~shall be applied to~~ the Mt. Hood and Willamette National Forests.

10.0 This ~~P~~lan and implementing ordinance provisions shall not conflict with the Oregon Forest Practices Act.

11.0 The Timber (TBR) and Ag/Forest (AG/F) zoning districts implement the goals and policies of the Forest plan~~this land-use designation~~. The TBR ~~zoningzone~~ district shall be applied to areas predominantly in forest use. The AG/F ~~zoningzone~~ district shall be ~~applied~~apply to areas having such a mixture of agricultural and forest uses ~~that neither the Sstatewide Planningforest Ggoal 3; nor statewide agriculture-Ggoal 4 applies~~apply alone.

12.0 Except on lands within urban growth boundaries or as provided by the Oregon Revised Statutes for abandoned or diminished mill sites, exceptions to Statewide Planning Goals 3 and 4 shall be required for a plan amendment from the Forest designation to any designation other than Agriculture.

Chapter 5, Transportation Pedestrian and Bicycle Facilities Section

Amend Policy 24.0 as follows:

In Unincorporated Rural Communities, construct walkways adjacent to or within areas of development, such as schools, businesses, or employment centers near or along highways.

Chapter 7, Public Facilities and Services Public Facilities Section

Amend Policy 10 as follows:

10.0 Allow sewerage systems in the Wildwood/Timberline-Rim, Zigzag Village, Rhododendron, Wemme/Welches, Government Camp, and Boring Unincorporated Rural Communities, provided such systems are not allowed to expand outside the boundaries of these communities, except as provided by the Oregon Revised Statutes for abandoned or diminished mill sites.

Amend Policy 32 as follows:

32.0 Outside Urban ~~g~~ Growth ~~b~~ Boundaries, discourage installation of street lighting except in Unincorporated Rural Communities and in subdivisions with lots of one (1) acre or less. This policy is not intended to prevent installation of individual lights necessary for security or public safety.

**Chapter 11, The Planning Process
Amendments and Implementation Section**

Delete Policy 13

~~13.0 For lands outside urban growth boundaries, require exceptions to LCDC Goals 3 and 4 for any Plan amendment or zone change to uses other than agriculture or forestry.~~

Exhibit BZDO-196

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

Add the following to Section 202, Definitions, in alphabetical order:

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

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

Amend the following definition:

PEDESTRIAN PATH: As a surrogate for a sidewalk in Rural areas or Unincorporated Rural Communities where there is no curb, this is a hard-surfaced or permeable hard-surfaced pedestrian facility adjacent to a public roadway but protected from vehicular traffic or set back behind a planting strip.

307 RURAL AREA SINGLE FAMILY RESIDENTIAL 1-ACRE DISTRICT (RA-1)
(6/26/03)

307.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for ~~rural~~Unincorporated Community~~center~~ Residential areas development.

307.02 AREA OF APPLICATION

~~The RA-1 zoning district is applied to residential districts within areas~~ Property may be zoned RA-1 when the site has a Comprehensive Plan designated as of Unincorporated Community Residential Rural Centers by the Clackamas County Comprehensive Plan and the criteria in Section 1202 are satisfied.

307.03 PRIMARY USES

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, and the raising of livestock and animals, subject to ~~the provisions of Section 821;~~
- B. One detached single-family dwelling, residential home, or, ~~subject to Section 824,~~ manufactured dwelling. A manufactured dwelling shall be subject to Section 824; (3/24/05)
- C. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of not less than forty five (45) feet from any other lot in the residential district;
- D. ~~Bus shelters~~ under the ownership and/or control of a city, county, state, or municipal corporation, ~~subject to the provisions of Section 823;~~
- E. Utility carrier cabinets, subject to Section 830; ~~(2/29/84)~~
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

307.04 ACCESSORY USES

- A. ~~Accessory Uses, buildings, and structures customarily accessory and incidental to any primary use and located on the same lot therewith;~~
- B. Home occupations, including bed and breakfast homestays, subject to the provisions of Section 822; ~~(Adopted 2/4/81)~~

- C. Produce stands, ~~as defined in Section 202~~, subject to all applicable State regulations, and the parking requirements of this ordinance for parking and signing under Sections 1007; and 1010. ~~(6/4/86)~~
- D. Signs, ~~subject to as provided under Section 1010;~~ (8/6/81)
- E. ~~A-Guest houses, as defined in Section 202~~, subject to the provisions under Section 833; ~~(2/3/88)~~
- F. ~~Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822.~~ (7/15/87)
- FG. Family daycare providers. (5/22/03)

307.05 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

307.06 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. Two-family dwellings, subject to Section 802; (5/22/03)
 - 2. Churches, subject to Section 804; (5/22/03)
 - 3. Schools, subject to Section 805, except as restricted by Subsection 307.07(CD); (5/22/03)
 - 4. Daycare facilities, subject to Section 807; (5/22/03)
 - 5. Cemeteries and crematoriums, subject to Section 808; (5/22/03)
 - 6. Service and recreational uses, subject to Section 813; (5/22/03)
 - 7. Surface mining, subject to Section 818; (5/22/03)
 - 8. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)

9. Hydroelectric facilities, subject to Section 829; (5/22/03)
10. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
12. Kennels, provided that the portion of the premises used is located a minimum of not less than 200 feet from all property lines. (5/22/03)

307.07 PROHIBITED USES

- ~~A. Uses of structures and land not specifically permitted in Section 307 are prohibited in all RA-1 districts;.~~
- ~~B. Outdoor advertising displays, advertising signs, or advertising structures except as provided in Section 1010. (7/15/81)~~
- C. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size;. (4/30/03)
- ~~D. C. Public and Private Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)~~

307.08 DIMENSIONAL STANDARDS

- ~~A. Purpose: The dimensional standards provisions of this subsection are intended to: (6/22/81)~~
 1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
 2. Provide for fire safety and protection of all structures; and
 3. Protect the privacy and livability of dwellings and yard areas.
- B. Minimum Lot Size: New lots of record shall be a minimum of 1 acre in size, except as restricted by Subsection 307.07(B) or as modified by Section 902 or 1013. (3/24/05)
- C. Minimum Front and Rear Yard Setbacks: ~~Thirty~~ (30) feet.
- D. Minimum Side Yard Setback: ~~Ten~~ (10) feet; however, accessory structures shall have a minimum side yard setback of 5 feet.

E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 5 feet.

~~E. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this Ordinance shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe the minimum rear and side yard setbacks of five (5) feet.~~

~~F. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roads should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.~~

FG. Corner Vision: No sight-obscurating 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 an 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 an intersection shall be maintained to allow eight (8) feet of visual clearance below the lowest-hanging branches.

G. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.

H. Exceptions: Dimensional standards are subject to modification pursuant to See Section 900 for exceptions to dimensional standards.

I. Variances: The requirements of this Ssubsections 307.08(B) through (F) may be modified pursuant subject to staff review with notice pursuant to Subsection 1305.02, when the modification is consistent with the purposes set forth under 307.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

307.09 DEVELOPMENT STANDARDS

A. General: All Ddevelopment shall be subject to the applicable provisions of Sections 1000 and 1100.

B. Parking: One (1) off-street parking space located behind the front yard setback line shall be provided for each dwelling unit.

~~C. Offstreet parking for other permitted uses as specified in Section 1007.~~

~~D. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2/9/95)~~

E.C. 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)

308 RURAL AREA SINGLE-FAMILY RESIDENTIAL 2-ACRE DISTRICT (RA-2)
(6/26/03)

308.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for
~~provide for Rural areas-homesites next to rural centers.~~

308.02 AREA OF APPLICATION

~~The RA 2 zoning district is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan Map, and which have a general parcel size of two (2) acres or less; are significantly impacted by development; contain no natural hazards and the topography and soil conditions are well suited for the location of homes; have a public or private community water system available, and are in proximity or adjacent to a Rural Center or incorporated city. Property may be zoned RA-2 when the site has a Comprehensive Plan designation of Rural; the criteria in Policy 11.1 of the Rural section of Chapter 4 of the Comprehensive Plan are satisfied; and the criteria in Section 1202 are satisfied. (7/15/81)~~

308.03 PRIMARY USES

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals;
- B. One detached single-family dwelling, residential home, or, ~~subject to Section 824,~~ manufactured dwelling. A manufactured dwelling shall be subject to Section 824; (3/24/05)
- C. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of not less than forty-five (45) feet from any other lot in the residential district;
- D. Bus ~~s~~Shelters— under the ownership and/or control of a city, county, state, or municipal corporation, ~~subject to the provisions of Section 823;~~
- E. Utility carrier cabinets, ~~subject to Section 830;~~ (2/29/84)
- F. Wireless telecommunication facilities listed in Subsection 835.04, ~~subject to Section 835. (3/14/02)~~

308.04 ACCESSORY USES

- A. ~~Accessory Uses, buildings and structures customarily~~ accessory and

incidental to any primary use located on the same lot therewith;

- B. Home occupations, including bed and breakfast homestays, subject to the provisions of Section 822; ~~(2/4/81)~~
- C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the parking requirements of this ordinance for parking and signing under Sections 1007 and 1010; ~~(6/4/86)~~
- D. Signs, subject to as provided under Section 1010; ~~(8/6/81)~~
- E. ~~A~~ Guest houses, as defined in Section 202, subject to the provisions under Section 833; ~~(2/3/88)~~
- F. ~~Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822. (7/15/87)~~
- FG. Family daycare providers. (5/22/03)

308.05 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

308.06 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. Two-family dwellings, subject to Section 802; (5/22/03)
2. Churches, subject to Section 804; (5/22/03)
3. Schools, subject to Section 805, except as restricted by Subsection 308.07(CD); (5/22/03)
4. Daycare facilities, subject to Section 807; (5/22/03)
5. Cemeteries and crematoriums, subject to Section 808; (5/22/03)
6. Hospitals, subject to Section 809; (5/22/03)

7. Service and recreational uses, subject to Section 813; (5/22/03)
8. Surface mining, subject to Section 818; (5/22/03)
9. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
10. Hydroelectric facilities, subject to Section 829; (5/22/03)
11. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
12. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
13. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; (5/22/03)
14. Aircraft landing areas, subject to Section 712 or 713. (5/22/03)

308.07 PROHIBITED USES

- A. Uses of structures and land not specifically permitted in Section 308 are prohibited in all RA-2 districts; (7/15/81)
- ~~B. Outdoor advertising displays, advertising signs, or advertising structures except as provided in Section 1010. (7/15/81)~~
- C.B. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size; (4/30/03)
- D.C. Public and private schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)

308.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards provisions of this subsection are intended to: (6/22/81)
 1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
 2. Provide for fire safety and protection of all structures; and
 3. Protect the privacy and livability of dwellings and yard areas.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- B. Minimum Lot Size: New lots of record shall be a minimum of 2 acres in size, except as restricted by Subsection 308.07(B)(C) or as modified by Section 902. (3/24/05)
- C. Minimum Front and Rear Yard Setbacks: ~~Thirty (30)~~ feet.
- D. Minimum Side Yard Setback: ~~Ten (10)~~ feet.
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.
- ~~E. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this Ordinance shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe a minimum rear and side yard setbacks of ten (10) feet.~~
- ~~F. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roads should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.~~
- FG. 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 an access drive or a private road or 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 eight (8) feet of visual clearance below the lowest-hanging branches.
- G. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- H. Exceptions: Dimensional standards are subject to modification pursuant to See Section 900 for exceptions to dimensional standards.
- I. Variances: The requirements of ~~this~~ Subsections 308.08(C) through (F) may be modified pursuant to staff review with notice pursuant to subsection 1305.02, when the modification is consistent with the purposes set forth under 308.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

308.09 DEVELOPMENT STANDARDS

- A. General: All Ddevelopment shall be subject to the applicable provisions of Sections 1000 and 1100. (7/15/81)

B. Parking: ~~One (1) off-street parking space located behind to the rear of the front yard setback line shall be provided for each dwelling unit.~~

~~C. Offstreet parking for other permitted uses as specified in Section 1007.~~

~~D. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2/9/95)~~

E.C. 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)

309 RURAL RESIDENTIAL FARM/FOREST 5-ACRES DISTRICT (RRFF-5)
(6/26/03)

309.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Rural areas.

~~A. To provide areas for rural living where this type of development is compatible with the continuation of farm and forest uses.~~

~~B. To conserve the natural scenic beauty of the County.~~

~~C. To protect the watersheds of existing or potential major sources of municipal or domestic water supply from encroachment by uses that would affect the quantity or quality of water produced, protect wildlife habitats, and other such uses associated with the forest.~~

~~D. To avoid the potential hazards of damage from fire, pollution, and conflict caused by urbanization.~~

309.02 AREA OF APPLICATION

~~The RRFF-5 zone is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan map, and which have a general parcel size of five (5) acres; are affected by development; contain no serious natural hazards and the topography and soils are suitable for development, and are easily accessible to a Rural Center or incorporated city. Property may be zoned RRFF-5 when the site has a Comprehensive Plan designation of Rural; the criteria in Policy 11.2 of the Rural section of Chapter 4 of the Comprehensive Plan are satisfied; and the criteria in Section 1202 are satisfied.~~

309.03 PRIMARY USES

A. One detached single-family dwelling, residential home, or, ~~subject to Section 824, manufactured dwelling. A manufactured dwelling shall be subject to Section 824; (3/24/05)~~

B. Current employment of land for general farm uses, including:

1. Raising, harvesting, and selling of crops;:

2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees;:

3. Selling of products of livestock, poultry, fur-bearing animals, or

honeybees;:-

4. Dairying and the selling of dairy products;:-
5. Preparation and storage of the products raised on such lands for man's use and animal use;:-
6. Distribution by marketing or otherwise of products raised on such lands;:-
and
7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;:-

C. The propagation or harvesting of a forest product;:-

D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources;:-

E. Fish and wildlife management programs;:-

F. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables, and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit;:-

G. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823;

~~G.H. Utility carrier cabinets, subject to Section 830;:- (2/29/84)~~

~~H.I. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)~~

309.04 ACCESSORY USES

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

~~A.B. Home occupations, including bed and breakfast homestays, subject to the provisions of Section 822;:- (2/4/81)~~

~~B. Accessory buildings and uses customarily incidental to any of the primary uses permitted in Subsection 309.03.~~

~~C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the parking requirements of this ordinance for parking and signing under Sections 1007 and 1010;:- (6/4/86)~~

- D. ~~Signs, subject to as provided under Section 1010; (8/6/81)~~
- E. ~~A-Guest houses, as defined in Section 202, subject to the provisions under Section 833; (2/3/88)~~
- F. ~~Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822; (7/15/87)~~
- G.F. Family daycare providers. (5/22/03)

309.05 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

309.06 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. Churches, subject to Section 804; (5/22/03)
 2. Schools, subject to Section 805, except as restricted by Subsection 309.07(EF); (5/22/03)
 3. Daycare facilities, subject to Section 807; (5/22/03)
 4. Cemeteries, subject to Section 808; (5/22/03)
 5. Service and recreational uses that exceed the limits of Subsection 309.03(F), subject to Section 813; (5/22/03)
 6. Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources, or other subsurface resources, subject to Section 818; (5/22/03)
 7. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
 8. Hydroelectric facilities, subject to Section 829; (5/22/03)

9. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
10. Composting facilities, subject to Section 834; (5/22/03)
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; (5/22/03)
13. Aircraft land uses, subject to Section 712 or 713; (5/22/03)
14. Commercial recreational uses that exceed the limits of Subsection 309.03(F); (5/22/03)
15. Commercial or processing activities that are in conjunction with timber and farm uses. (5/22/03)

309.07 PROHIBITED USES

- A. ~~Uses of structures and uses of land not specifically permitted mentioned in Section 309 are prohibited in all RRF 5 districts;.~~
- B. ~~Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010.~~
- C. ~~B. Except as approved pursuant to Subsection 902.01(B)(4), a subdivision or partition Any proposed division of land within the Rural Residential Farm/Forest 5-acre zoning district and located within the an Urban Growth Boundaries of Sandy, Molalla, Estacada, and Canby resulting in the creation of one or more lots or parcels of land of less than five (5) acres in size, with the exception of Conditional Uses approved by the Hearings Officer; (4/30/03)~~
- D. ~~C. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size; (4/30/03)~~
- E. ~~D. Residential Subdivisions in areas defined as Future Urban in Chapter 4 of the Comprehensive Plan areas; (4/30/03)~~
- F. ~~E. Public and private Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)~~

309.08 DIMENSIONAL STANDARDS

A. Purpose: The dimensional standards provisions of this Subsection are intended to: (6/22/81)

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

B. Minimum Lot Size: New lots of record shall be a minimum of 5 acres in size, except as restricted by Subsections 309.07(B) through (D) or as modified by Section 902, 1013, or 1014. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. (3/24/05)

C. ~~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.~~

~~C.D. Minimum Front Yard Setback: No structure constructed after the effective date of this amendment shall be located closer than thirty (30) feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height from the front property line.~~

D. Minimum Side Yard Setback: 10 feet.

E. Minimum Rear Yard Setback: Thirty (30) feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.

~~F. Minimum Side Yard Setback: Ten (10) feet.~~

~~G. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this amendment shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe a minimum rear and side yard setbacks of ten (10) feet.~~

~~H. Bus shelters and roadside stands of no more than four hundred (400) square feet in size and not exceeding sixteen (16) feet in height, need not observe front yard setback lines excepting when located on a corner lot, then as provided in~~

~~Subsection 309.08(I) below. (3/14/02)~~

~~F.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 eight (8) feet of visual clearance below the lowest-hanging branches.~~

~~G.J. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roadson Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.~~

~~H.K. Exceptions: Dimensional standards are subject to modification pursuant to See Section 900 for exceptions to dimensional standards.~~

~~I.L. Variances: The requirements of this Subsections 309.08(B) through (F) may be modified subject to staff review with notice pursuant to Subsection 1305.02, when the modifications is consistent with the purposes set forth under 309.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)~~

309.09 DEVELOPMENT STANDARDS

~~A. General: Development shall be subject to the applicable provisions of See Sections 1000 and 1100 for applicable development standards.~~

~~B. Future Urban Areas: A pPartitions in an areas defined as Future Urbanizable by Chapter 4 of the Comprehensive Plan shall be approved only if the applicant demonstrates that proposed indicate the locations of improvements, including easements, and road dedications, structures, wells, and on-site sewage disposal systemsseptic drainfields which are consistent with the orderly development of the property at appropriate urban densities on the basis of the criteria infor application of districts under Subsection 301.02.~~

~~C. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2/9/95)~~

~~D.C. 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)~~

310 FARM/-FOREST (FF-10)-10-ACRE DISTRICT (FF-10) (6/26/03)

310.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Rural areas.

~~A. To provide areas for rural living where this type of development is compatible with the continuation of farm and forest uses.~~

~~B. To conserve the natural scenic beauty of the County.~~

~~C. To protect the watersheds of existing or potential major sources of municipal or domestic water supply from encroachment by uses that would affect the quantity or quality of water produced, protect wildlife habitats, and other such uses associated with the forest.~~

~~D. To avoid the potential hazards of damage from fire, pollution, and conflict caused by urbanization.~~

310.02 AREA OF APPLICATION

The FF-10 zone is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan map, and which have a general parcel size of ten (10) acres; are developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses; or have generally poor access to a Rural Center or incorporated city. Property may be zoned FF-10 when the site has been designated as Rural by the Comprehensive Plan; the criteria in Policy 11.3 of the Rural section of Chapter 4 of the Comprehensive Plan are satisfied; and the criteria in Section 1202 are satisfied.

310.03 PRIMARY USES

A. One detached single-family dwelling, residential home, or, ~~subject to Section 824, manufactured dwelling.~~ A manufactured dwelling shall be subject to Section 824. (3/24/05)

B. Current employment of land for general farm uses, including:

1. Raising, harvesting, and selling of crops;

2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees;

3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees;

- 4. Dairying and the selling of dairy products;
 - 5. Preparation and storage of the products raised on such lands for man's use and animal use;
 - 6. Distribution by marketing or otherwise of products raised on such lands; and
 - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;
- C. Propagation or harvesting of a forest product;
 - D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources;
 - E. Fish and wildlife management programs;
 - F. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables, and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit;
 - G. Bus shelters— under the ownership and/or control of a city, county, state, or municipal corporation, subject to the provisions of Section 823;
 - H. Utility carrier cabinets, subject to Section 830; (2/29/84)
 - I. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

310.04 ACCESSORY USES

- ~~A. Home occupations, subject to the provisions of Section 822. (2/4/81)~~
- B.A. Accessory Uses buildings and structures uses customarily accessory and incidental to any of the primary uses permitted in subsection 310.03;
- B. Home occupations, including bed and breakfast homestays, subject to Section 822;
- ~~C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the parking requirements of this ordinance for parking and signing under Sections 1007 and 1010; (6/4/86)~~
- D. Signs, subject to as provided under Section 1010; (8/6/81)

E. ~~A. Guest houses, as defined in Section 202, subject to the provisions under Section 833; (2/3/88)~~

~~F. Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822. (7/15/87)~~

~~G.F. Family daycare providers. (5/22/03)~~

310.05 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

310.06 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. Churches, subject to Section 804; (5/22/03)

2. Schools, subject to Section 805, except as restricted by Subsection 310.07(CD); (5/22/03)

3. Daycare facilities, subject to Section 807; (5/22/03)

4. Cemeteries, subject to Section 808; (5/22/03)

5. Service and recreational uses that exceed the limits of Subsection 310.03(F), subject to Section 813; (5/22/03)

6. Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources, or other subsurface resources, subject to Section 818; (5/22/03)

7. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)

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

9. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)

10. Composting facilities, subject to Section 834; (5/22/03)
11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; (5/22/03)
13. Aircraft land uses, ~~subject to Section 712 or 713;~~ (5/22/03)
14. Public and private parks, campgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses intended for the purpose of obtaining a commercial profit; (5/22/03)
15. Commercial or processing activities that are in conjunction with timber and farm uses. (5/22/03)

310.07 PROHIBITED USES

- A. ~~Uses of sStructures and uses of land not specifically permitted mentioned in this Section;~~
- B. ~~Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010.~~
- C. ~~B. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size;~~ (4/30/03)
- D. ~~C. Public and private Sschools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)~~

310.08 DIMENSIONAL REQUIREMENTS

- A. Purpose: ~~The dimensional standards provisions of this subsection are intended to:~~ (6/22/81)
 1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
 2. Provide for fire safety and protection of all structures;
 3. Protect the privacy and livability of dwellings and yard areas; and

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.

B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as restricted by Subsection 310.07(C) or as modified by Section 902 or 1013. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. (3/24/05)

~~C. 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.~~

~~CD. Minimum Front Yard Setback: No structure constructed after the effective date of this amendment shall be located closer than thirty (30) feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height from the front property line.~~

D. Minimum Side Yard Setback: 10 feet.

E. Minimum Rear Yard Setback: Thirty (30) feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.

~~F. Minimum Side Yard Setback: Ten (10) feet.~~

~~G. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this amendment shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe the minimum rear and side yard setbacks of ten (10) feet.~~

~~H. Bus shelters and roadside stands of no more than 400 square feet in size and not exceeding sixteen (16) feet in height, need not observe front yard setback lines excepting when located on a corner lot, then as per Section 310.08(I) below. (3/14/02)~~

I.F. Corner Views: 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 roadeasement 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 eight (8) feet of visual clearance below the lowest-hanging branches.

J.G. Scenic Roads: Structures built on lots adjacent to roads designated as sScenic Road on Map V-5 of the Comprehensive Plan should be set back a sufficient

distance from the right-of-way to permit a landscaped or natural buffer area.

~~K.H. Exceptions: Dimensional standards are subject to modification pursuant to See Section 900 for exceptions to dimensional standards.~~

~~L.I. Variances: The requirements of this Subsections 310.08(B) through (F) may be modified subject to staff review with notice pursuant to subsection 1305.02, when the modification is consistent with the purposes set forth under 310.08(A), and satisfies the criteria for a variance under pursuant to Section 1205. (3/14/02)~~

310.09 DEVELOPMENT STANDARDS

A. ~~General: Development shall be subject to the applicable provisions of See Sections 1000 and 1100 for applicable development standards.~~

~~B. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2/9/95)~~

C.B. 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)

505 RURAL COMMERCIAL DISTRICT (RC) (5/22/03)

505.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Rural Commercial areas. ~~These provisions accommodate local shopping needs, recognize and protect the historic character of rural centers and rural communities while preserving and protecting the agricultural or forestry character of the surrounding areas.~~ (7/1/97)

505.02 AREA OF APPLICATION

~~This district is primarily intended to implement rural center policies and to recognize existing commercial uses in rural and natural resource areas of the County Property may be zoned Rural Commercial when the site area is has a Comprehensive Plan designation of designated Rural Commercial in the Comprehensive Plan and the criteria in under Section 1202 are satisfied.~~ (8/5/83)

505.03 PRIMARY USES

A. The following uses shall be allowed as primary uses; ~~provided each is at a scale appropriate to serve the rural community as defined in Subsection 505.08(B)(8).~~ (3/14/02)

~~1. All uses listed in the Neighborhood Commercial zone, Section 501.03A&B, at a scale appropriate to serve the surrounding rural community.~~

12. Accounting and income tax services;

23. Antique and second-hand stores;

3. Apparel stores and dressmaking shops;

4. Arts and crafts stores, including manufacturing of the crafts to be sold in that store and craft classes;

5. Auto, truck, and equipment repair services, and sale of replacement parts;

6. Bakeries;

76. Banks, credit unions, and savings and loans;

8. Barber and beauty shops;

9. Bed and breakfast establishments, subject to Section 832;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 107. Billiard halls with no more than ~~six~~ (6) tables and game rooms which provide no more than ~~twenty~~ (20) mechanical or electronic games of science and skill;:-
(4/12/82)
- 118. Book and stationery stores;:-
- 129. Building materials retailers and plumbing, electrical, and building contractors;:-
- ~~10. Clothing stores.~~
- 13. Catering establishments;
- 14. Clothes pressing, alterations, and tailoring shops;
- 154. Community and government services such as community action agencies, extension services, fire stations, and post offices;:-
- 16. Confectionery stores;
- 17. Daycare facilities and other adult- or child-care facilities, operated during the daytime, subject to Section 807;
- 18. Delicatessens and restaurants, excluding drive-in restaurants;:-
- ~~12. Doctor and dentist offices.~~
- ~~13. Drive thru window service in conjunction with a primary use, subject to staff review under Section 827.02C E. (2/29/84)~~
- 19. Drug stores;
- 20. Dry cleaners, laundry agencies, and self-service laundromats;
- 21. Exercise and tanning studios;
- 22. Fabric and dry goods stores;
- 2344. Firewood sales;:-
- 2445. Feed stores, including wholesale and retail sales and storage;:-
- 2546. Fertilizer and similar agricultural and forestry materials wholesale and retail sales and storage;:-

- 26. Florist and gift shops;
- 27. Food lockers;
- 28. Garden stores, including wholesale and retail sales of seeds, seedlings, and nursery stock;
- 29. Grocery and produce stores;
- 30~~19~~. Gunsmiths;
- 31. Hardware and garden supply stores;
- 32~~20~~. Housewares and household appliance and equipment sales and repair;
- 33~~21~~. Insurance agents;
- 34~~22~~. Leather goods and hides sales;
- 35~~23~~. Locksmiths;
- 36~~24~~. Logging contractors;
- 37~~25~~. Liquor stores;
- 38. Meat and fish markets;
- 39~~26~~. Museums;
- 40. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics; and community healthcare programs;
- 41~~27~~. Offices, meeting rooms, rental and sales outlets, and equipment storage for organizations related to farm or forestry uses such as water boards, farmers co-ops, granges, and wholesalers or retailers of farm or forestry equipment, materials, and products;
- 42. Photo finishing;
- 43~~28~~. Pottery and ceramics stores, including manufacturing of pottery to be sold in that store and classes;
- 44~~29~~. Real eEstate agenciesAgents;

~~4530.~~ Service stations, subject to the provisions of Section 820;

46. Shoe repair;

~~4731.~~ Taverns;

48. Telephone co-ops;

~~4932.~~ Upholstery shops, including retail sales;

50. Utility carrier cabinets, subject to Section 830;

~~5133.~~ Veterinary services and ~~elinies~~pet supply stores;

52. Video rental stores;

~~34.~~ Utility carrier cabinets, subject to Section 830 (2/29/84)

~~35.~~ Telephone co-ops, including associated buildings. (7/1/97)

53. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; (3/14/02)

~~37.54.~~ Any use that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

505.04 ACCESSORY USES

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

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

2. Temporary buildings for uses incidental to construction work, ~~which~~ Such 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 primary use.

3. Solar collection apparatus;

4. 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;

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

6. Drive-thru window service, subject to Subsections 827.02(C) through (E).

505.05 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)

505.06 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. Churches, subject to Section 804; (5/22/03)

2. Primary and secondary schools and trade schools for trades associated with agriculture and forestry industries, subject to Sections 805, except as restricted by Subsection 505.07(A)(4); (5/22/03)

3. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813; (5/22/03)

4. Recycling centers and transfer stations, subject to Section 819; (5/22/03)

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

6. Mini-storage facilities, vehicle storage, and recreational vehicle storage. (5/22/03)

505.07 ~~PROHIBITED AND LAWFULLY ESTABLISHED PREEXISTING USES~~
(12/20/01)

~~Prohibited and Preexisting uses in Rural Commercial Districts: (12/20/01)~~

A. The following uses shall be prohibited:

1A. Uses of structures and land not specifically permitted in Rural Commercial Districts;

2B. New dwellings, except when accessory to a primary use;-- However, a dwelling which lawfully existed at the time of adoption of this Ordinance shall not be a nonconforming use, and may be remodeled or expanded without review under Section 1206. (3/24/05)

3. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres;

4. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.

B. Lawfully established dwellings shall not be nonconforming uses and shall be allowed to remodel or expand without review under Section 1206.

C. Lawfully established commercial uses that existed on December 20, 2001, prior to zoning or established through the applicable land use process on or before the date of this ordinance (12/20/01), and are not otherwise provided for in this section listed in the zone, are allowed outright and shall not be classified as non-conforming uses and are allowed outright. (12/20/01)

D. All other lawfully established preexisting uses and structures not specifically permitted in Section 505 shall be considered nonconforming uses subject to the provisions of Section 1206. (12/20/01)

E. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size. (4/30/03)

F. Public and private schools within the areas identified as Employment, Industrial and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)

D. 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.

505.08 DIMENSIONAL STANDARDS REQUIREMENTS (12/20/01)

A. Purpose: The dimensional standards requirements and limitations under this Subsection are intended to:

1. Provide for protection of surrounding properties and the historic character of the unincorporated communities~~rural center~~;
2. Ensure that the minimum operational requirements of the development are provided on-site;
3. Establish the maximum limits of development; and
4. Ensure that the use and building scale are in character with the unincorporated community~~Rural Center~~, and appropriate to meet the needs of the unincorporated community~~Rural Center~~ and surrounding area residents.

~~B. General Requirements: The following dimensional requirements apply to site zoned Rural Commercial: (12/20/01)~~

~~B1. Minimum Front Yard Setback: 30 feet. Structures on corner lots shall observe the minimum setback on both streets.~~

~~C. Minimum Side Yard Setback: 10 feet; however, if the side yard abuts a more restricting zoning district, the minimum side yard setback shall be 20 feet.~~

~~D2. Minimum Rear Yard Setback: 10 feet; however, if ~~When~~ the rear yard abuts a more restrictive zoning district, the minimum rear yard setbacks shall be 20 feet.~~

~~3. Minimum Side Yard Setback: 10 feet. When side yard abuts a more restrictive zone, setbacks shall be 20 feet.~~

~~E4. Minimum Road~~Street~~ Frontage: 50 feet.~~

~~F5. Minimum Lot Size: None, limitation except as restricted by Subsection 505.07(AE)(3). (1/30/03)~~

~~G6. Minimum Landscaping: 15 percent of ~~the~~ total developed site area.~~

~~H7. 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 ~~eight~~ (8) feet of visual clearance below the lowest-hanging branches.~~

8-I. Maximum Building Floor Area ~~Scale of Commercial uses: (12/20/01)~~

1. For a commercial use within an unincorporated community, the maximum building floor area per use shall be 4,000 square feet. However, a lawfully established use that existed on December 20, 2001, and serves the community or the travel needs of people passing through the area, may expand to occupy a maximum of 4,000 square feet of building floor area or 50 percent more building floor area than was occupied by the use on December 20, 2001, whichever is greater.
2. For a commercial use outside an unincorporated community, the maximum building floor area per use shall be 3,000 square feet. However, a lawfully established use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor area or 25 percent more building floor area than was occupied by the use on December 20, 2001, whichever is greater.
 - a. ~~Within an unincorporated community, the use shall not exceed a total of 4,000 square feet of floor area per use within a building(s). Outside an unincorporated community, the use shall not exceed a total of 3,000 square feet of floor area per use within a building(s). (12/20/01)~~
 - b. ~~Within an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection may expand to occupy 4,000 square feet of floor area within a building(s). If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area, the floor area, the floor area may be expanded to occupy a maximum of 4,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater. (12/20/01)~~
 - e. ~~Outside an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection may be expanded to occupy a maximum of 3,000 square feet of floor area, or an additional 25% of the floor area currently occupied, whichever is greater. (12/20/01)~~

JC. ~~Exceptions to the General Requirements: The requirements under 505.08(B), above, Dimensional standards are subject to modification pursuant to the provisions of Section 900. (3/14/02)~~

KD. ~~Variances: The requirements of Subsections 505.08(B)(1) through (E), (G) and (H) may be modified pursuant to Section 1102 by staff when such modification is consistent with the purposes set forth under Subsection 505.08(A), with the Comprehensive Plan, and satisfies the criteria for a variance under Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant~~

to Section 1205. (3/14/02)

~~The effect of the proposed modification on the historic character of the district, the natural features of the site, and the use and preservation of solar access, shall be considered when applicable. Proposed changes in setbacks, frontage, or other requirements which exceed twenty (20) percent of the requirements of the district shall be subject to staff review with notice procedures set forth in Subsection 1305.02.~~

505.09 DEVELOPMENT STANDARDS

- A. ~~General: All D~~development within the Rural Commercial district is ~~shall be~~ subject to the applicable provisions of requirements prescribed under Sections 1000 and the procedures and application requirements under Section 1100.
- B. 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.~~If a special design, circulation or community plan has been adopted by the Board of County Commissioners for an area, the development shall comply with the special requirements and provisions of that plan. When any provision of Section 505 as applied to a specific property or area is in conflict with the implementation of the adopted design, circulation or community plan, the design, circulation or community plan shall govern.~~
- C. Building Siting and Design: In applying the provisions of Section 1005, particular emphasis shall be on creating a sense of visual focus and a local activity center in the rural commercial district while protecting and enhancing the historic qualities of the unincorporated Rural cCommunity. ~~(7/1/97).~~
- D. Signs: In addition to the provisions of Section 1010, all Ssigns in the Rural Commercial district shall be complementary to the historic character and rural scale of the unincorporated communityRural Center in the use of graphics symbols, lighting, and natural materials.
- E. Landscaping: In applying the provisions of Section 1009, landscape designs in Rural Commercial districts shall comply with the following:
 - 1. ~~A minimum of fifteen (15) percent of the developed site shall be used for landscaping.~~
 - 12. Distinctive individual trees or stands of trees shall be preserved where possible.

23. The function of landscaping ~~in the Rural Commercial district~~ shall be to create a visual focus in the ~~unincorporated rural~~ community, visually integrate adjacent uses, buffer potentially conflicting uses, protect and enhance the historic qualities of the ~~unincorporated Rural c~~Community, and create an inviting shopping environment. (7/1/97)

~~F. Property Line Adjustments: A property line adjustment may be granted pursuant to the provisions of Section 1020. (2/9/95)~~

~~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 or his designate. (11/24/99)~~

| 604 RURAL INDUSTRIAL DISTRICT (RI) (5/22/03)

| 604.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas. ~~These provisions accommodate rural and natural resources oriented industries which are not generally labor intensive, which compliment rural character and development, and which are consistent with rural facilities and services. (5/22/03)~~

604.02 AREA OF APPLICATION

~~This district is primarily intended to implement Rural Community policies and to recognize existing industrial uses in rural and natural resources areas of the county. Property may be zoned Rural Industrial when the site has a Comprehensive Plan designation of ~~been designated Rural Industrial in the Comprehensive Plan~~ and the criteria in Section 1202 are satisfied. (5/22/03)~~

| 604.03 PRIMARY USES

- A. Primary processing, packaging, treatment, bulk storage, and wholesale distribution of the following products, except when identified as a conditional use in Subsection 604.06: (5/22/03)
 - 1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds; (5/22/03)
 - 2. Ornamental horticultural products; (5/22/03)
 - 3. Softwood and hardwood products; and (5/22/03)
 - 4. Sand, gravel, clay, and other mineral products; (5/22/03)
- B. Storage, sales, repair, and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction, or similar rural activities, except when identified as a conditional use in Subsection 604.06; (5/22/03)
- C. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting, or similar contractors' offices, shops, and incidental storage of materials and equipment; (5/22/03)
- D. Cabinet making, carpentry, and other woodcraft manufacturing, storage, and wholesale distribution; (5/22/03)
- E. Furniture and household goods refinishing, repair, and storage;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

(5/22/03)

- F. Ceramics, pottery, stained glass, leatherwork, jewelry, and similar crafts manufacturing, storage, and wholesale distribution; (5/22/03)
- G. Retail or wholesale lumber and building materials sales; (5/22/03)
- H. Small-scale light metal and fiberglass fabrication; (5/22/03)
- I. Auto, motorcycle, and truck repair; (5/22/03)
- J. Upholstery shops; (5/22/03)
- K. Ornamental and horticultural nurseries; (5/22/03)
- L. Veterinary hospitals; (5/22/03)
- M. Sheet metal and machine shops; (5/22/03)
- N. Small power production facilities ~~provided such facilities are able to satisfy state siting regulations, if applicable.~~ Hydroelectric facilities shall be subject to Section 829; (5/22/03)
- O. Production of renewable fuel resources such as alcohol, methanol, and biomass for retail or wholesale distribution; (5/22/03)
- ~~P. Any use that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03; (5/22/03)~~
- ~~Q-P.~~ Utility carrier cabinets, subject to Section 830; (5/22/03)
- ~~R-Q.~~ Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; (5/22/03)
- ~~RS.~~ Indoor recreational facilities for such sports as gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are specifically excluded; (5/22/03)
- S. Any use that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.

604.04 ACCESSORY USES

The following shall be allowed as accessory uses: (5/22/03)

- A. Uses and structures customarily accessory and incidental to a primary or conditional use as determined by the Planning Director; (5/22/03)
- B. Offices in conjunction with a primary or conditional use; (5/22/03)
- C. Incidental retail sales of products that are allowed, as a primary or conditional use, to be assembled, stored, manufactured, and distributed on a wholesale basis; (5/22/03)
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (5/22/03)
- E. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker; (5/22/03)
- F. Recyclable dropoff sites, subject to Section 819; (5/22/03)
- G. Electric power cogeneration facilities; (5/22/03)
- H. Street furniture and;
- I. Bbus shelters, subject to Section 823; (5/22/03)
- J. Dwellings incidental to a primary or conditional use. (5/22/03)

604.05 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)

604.06 CONDITIONAL USES

- A. Criteria: Conditional uses may be approved subject to Section 1203 and any applicable provisions of Section 800. In addition: (5/22/03)
 - 1. Associated odors, smoke, dust, and noise shall be controlled.

(5/22/03)

2. Explosive and incendiary materials shall be stored and treated such that they do not pose a danger to surrounding uses. (5/22/03)
3. The use shall comply with all requirements of the Oregon Department of Environmental Quality. (5/22/03)

B. Uses: The following uses are allowed subject to the above criteria:
(5/22/03)

1. Animal or poultry slaughtering and rendering, distillation of bones, and leather tanning; (5/22/03)
2. Incineration or reduction of garbage, offal, dead animals, or refuse; (5/22/03)
3. Compost, fertilizer, and pesticides manufacturing, processing, packaging, bulk storage, and wholesale distribution; (5/22/03)
4. Surface mining and aggregate extraction and processing, including concrete mixing plants, subject to Section 818; (5/22/03)
5. Storage and processing of explosive materials and devices; (5/22/03)
6. Petroleum, petroleum products, and natural gas storage and wholesale distribution; (5/22/03)
7. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813; (5/22/03)
8. Auto wrecking yards and junkyards, subject to Section 817; (5/22/03)
9. Recycling centers and transfer stations, subject to Section 819; (5/22/03)
10. Composting facilities, subject to Section 834. (5/22/03)

| 604.07 PROHIBITED AND PREEXISTING USES (5/22/03)

| A. ~~Prohibited Uses:~~ The following uses shall be prohibited: ~~(5/22/03)~~

1. Uses of structures and land not specifically permitted; (5/22/03)

2. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres. (5/22/03)

~~B. Preexisting Uses: (5/22/03)~~ 1. Lawfully established ~~Preexisting~~ dwellings shall be allowed to remodel or expand without review under Section 1206. (5/22/03)

C2. ~~Lawfully established industrial uses, not listed as primary, accessory, or conditional uses, that existed prior to zoning or were established through the applicable land use process on or before December 20, 2001, and are not otherwise provided for in this section listed in the zone, are allowed outright and shall not be classified as nonconforming uses and are allowed outright. (5/22/03)~~

~~3. All other lawfully established preexisting uses and structures not specifically permitted in this section shall be subject to Section 1206. (5/22/03)~~

D4. 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. (5/22/03)

604.08 DIMENSIONAL STANDARDS (5/22/03)

A. Purpose: The dimensional standards are intended to: (5/22/03)

1. Provide for protection of adjacent properties; (5/22/03)
2. Provide for coordinated, pleasing, and efficient utilization of Rural Industrial areas; (5/22/03)
3. Ensure that the minimum operational requirements of the development are provided on-site; and (5/22/03)
4. Establish the maximum limits of the development.

~~B. General Requirements: The following dimensional standards shall apply: (5/22/03)~~

~~1-B. Minimum Front Yard Setback: 30 feet from the front lot line or Structures on corner or through lots shall satisfy the minimum front yard setback on both streets. No structure shall be erected closer than 50 feet from the centerline of any public, county, or state road, whichever is greater. (5/22/03)~~

~~2~~-C. Minimum Side and Rear Yard Setbacks: (5/22/03)

~~a~~-1. When abutting any residential zoning district, 30 feet. An additional 5 feet of setback shall be required for each 10 feet, or portion thereof, of building height over 35 feet. (5/22/03)

~~b~~-2. When abutting any commercial or industrial zoning district, 10 feet. An additional 5 feet of setback shall be required for each 10 feet, or portion thereof, of building height over 35 feet. (5/22/03)

~~3~~-D. Minimum Road Frontage: 50 feet. (5/22/03)

~~4~~-E. Minimum Landscaping: 15 percent of the site area. (5/22/03)

~~5~~-F. Minimum Lot Size: None, except as restricted by Subsection 604.07(A)(2). (5/22/03)

~~6~~-G. Maximum ~~Building~~Industrial Use Floor Area: (~~5/22/03~~)

1. For an industrial use w~~Within an unincorporated community, thea~~
maximum total building floor area per use shall be of 40,000~~10,000~~
square feet of floor area per use, except:

a. No limit shall apply to uses on abandoned or diminished mill sites.

b. A lawfully established use that existed on October 28, 1994 may expand to occupy a maximum of 40,000 square feet of building floor area or 50 percent more building floor area than was occupied by the use on December 20, 2001, whichever is greater.

2. For an industrial use o~~Outside an unincorporated community, the~~
maximum square footage of building floor area per use within a
building is shall be 39,500~~7,500~~ square feet, except:

a. ~~for~~ No limit shall apply to the primary processing of raw material produced in rural areas or to uses on abandoned or diminished mill sites, where there is no square footage of floor area per use limitation. (5/22/03)

b. A lawfully established use that existed on December 20, 2001 may expand to occupy a maximum of 40,000 square feet of building floor area or 25% more building floor area than was occupied by the use on December 20, 2001, whichever is greater.

~~2. Lawfully established industrial uses, not listed as primary, accessory, or conditional uses, that existed on or before December 20, 2001 are allowed outright and shall not be classified as nonconforming uses. (5/22/03)~~

~~3. Within an unincorporated community a lawfully established use that existed on October 28, 1994 may expand to occupy a maximum of 10,000 square feet of floor area or an additional 50% of floor area currently occupied by the existing use, whichever is greater. (5/22/03)~~

~~4. Outside an unincorporated community, a lawfully established use that existed on or before December 20, 2001 may expand to occupy a maximum of 10,000 square feet of floor area or an additional 25% of floor area currently occupied by the existing use, whichever is greater. (5/22/03)~~

~~7H. Corner Vision-Requirement: 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 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 20-foot radius of such an intersection shall be maintained to allow 10 feet of visual clearance below the lowest-hanging branches. (5/22/03)~~

~~E.I. Exceptions to the General Requirements: Dimensional standards are subject to modification pursuant to Section 900. (5/22/03)~~

~~D.J. Variances: The requirements of Subsections 604.08(B)(1) through (E4) and (H) may be modified pursuant to Section 1102 by staff when such modification is consistent with Subsection 604.08(A), the Comprehensive Plan, and the criteria for a variance under Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application. Planning Director decisions pursuant to Section 1205 Subsection 1305.02. (5/22/03)~~

604.09 DEVELOPMENT STANDARDS

~~A. General: All development shall be subject to the applicable provisions of Sections 1000 and 1100. In addition, the following shall apply: (5/22/03)~~

~~A.B. DEQ Regulations: All developments shall comply with the requirements of the Oregon Department of Environmental Quality~~

with regard to dust, smoke, odors, noise, and air and water pollutant emissions. (5/22/03)

~~B.C.~~ Community Plans and Design Plans: All ~~Development~~ within a Community Plan or Design Plan ~~a~~ 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 ~~When any provision of this section conflicts with the implementation of the adopted and a~~ Community Plan or Design Plan, the Community Plan or Design Plan shall govern. (5/22/03)

~~C.D.~~ Building Siting and Design: In applying the ~~provisions of~~ Subsection 1005.05, particular emphasis shall be given to the siting and design of those structures, or portions thereof, which may be viewed from any major arterial or ~~asenic~~ road designated as scenic on Map V-5 of the Comprehensive Plan. (8/31/84)

~~D.E.~~ Landscaping: In applying the ~~provisions of~~ Section 1009, emphasis shall be as follows: (5/22/03)

1. The function of landscaping ~~in this district~~ shall be to enhance the appearance of the site from all major arterials, ~~and from scenic roads~~ designated as scenic on Map V-5 of the Comprehensive Plan, and from a distance.
2. Low-maintenance large- and medium-scale evergreen and deciduous trees and evergreen ground covers shall be used along roads and in parking lot islands. Use of indigenous plant materials shall be encouraged. (5/22/03)
3. Major public building entrances and exits shall be landscaped.
4. Undeveloped portions of the site shall be seeded, mowed, and maintained. Identified significant vegetation shall be retained. Interim recreational use of such areas by employees shall be encouraged. (5/22/03)

~~E.F.~~ Property Line Adjustments and Land Divisions: Staff approval of a preliminary development plan of the entire site shall be required prior to approval of a property line adjustment or land division. (5/22/03)

CONFORMING AMENDMENTS

Subsection 707.07(C)(6) is amended as follows:

Maximum Building Floor Area ~~Scale of commercial uses within rural and natural resource lands:~~

- a. For a commercial use within an unincorporated community, the maximum building floor area per use shall be 4,000 square feet. However, a lawfully established use that existed on December 20, 2001, and serves the community or the travel needs of people passing through the area, may expand to occupy a maximum of 4,000 square feet of building floor area or 50 percent more building floor area than was occupied by the use on December 20, 2001, whichever is greater.
- b. For a commercial use in a non-urban area outside an unincorporated community, the maximum building floor area per use shall be 3,000 square feet. However, a lawfully established use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor area or 25 percent more building floor area than was occupied by the use on December 20, 2001, whichever is greater.

~~Those uses located within rural designated lands and within an unincorporated community shall not exceed a total of 4,000 square feet of floor space per use within a building(s). Outside an unincorporated community, the use shall not exceed a total of 3,000 square feet of floor area per use within a building(s). (12/20/01)~~

- ca. ~~Preexisting Commercial Uses: Lawfully established commercial uses that are located on within rural designated lands with a Comprehensive Plan designation of Unincorporated Community Residential or Rural, existed on December 20, 2001 existing on or before the date of this ordinance Subsection (12/20/01), and are not otherwise provided for listed in the underlying zoning district or this overlay zone, are allowed outright and shall not be classified as nonconforming uses and are allowed outright. (12/20/01)~~
- b. ~~Within an unincorporated community a lawfully established use that existed prior to the date of this Subsection (12/20/01) may expand to occupy a space of 4,000 square feet of floor area per use within a building(s). If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area, the floor area may be expanded to occupy a maximum of 4,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater. (12/20/01)~~
- e. ~~Outside an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection (12/20/01) may be expanded to occupy a maximum of 3,000 square feet of floor area, or an additional 25% of the floor area currently occupied, whichever is greater. (12/20/01)~~

Subsection 835.06(A)(1) is amended as follows:

Wireless telecommunication facilities proposed in the Village Community Service District or on sites with a Comprehensive Plan designation of Residential, ~~Unincorporated Community Residential~~~~Rural Center~~, Rural, or Forest; and

Subsection 835.09(B) is amended as follows:

Lands with a Comprehensive Plan designation of ~~Unincorporated Community Residential~~~~Rural Center~~, Rural Commercial, Rural Industrial, or Rural (except lands zoned RR):

1. Wireless telecommunication tower maximum height: 150 feet.
2. Minimum tower separation: 2000 feet.
3. Setbacks: Same as 835.09(A)(3).

Subsection 1005.05(A)(3) is amended as follows:

In ~~unincorporated communities~~~~rural centers~~, design structures to reflect and enhance the local character, and to be in scale with surrounding development.

Subsection 1007.05(B)(4) is amended as follows:

In ~~unincorporated communities~~~~Rural Centers~~ and the Mt. Hood Urban Area, either a sidewalk or a separated pedestrian path shall be provided along arterial and collector streets. (9/8/94)

Subsection 1007.07(A)(10) is amended as follows:

~~Outside of areas identified as urban by the Comprehensive Plan~~~~In Rural and Natural Resource areas, and Rural Centers~~, all areas used for parking and maneuvering of cars shall be surfaced with screened gravel or better. In ~~urban areas identified as urban by the Comprehensive Plan~~, parking and maneuvering areas shall be hard-surfaced, unless a permeable surface is required to reduce surface runoff, as determined by the Department of Transportation and Development.

Subsection 1007.08(A)(9) is amended as follows:

~~Outside of areas identified as urban by the Comprehensive Plan~~~~In Rural and Natural Resource areas and Rural Centers~~, all areas used for loading and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage. In ~~Urban areas identified as urban by the Comprehensive Plan~~, loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the Department of Transportation 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

DEPT OF

APR 18 2006

**LAND CONSERVATION
AND DEVELOPMENT**

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 April 17, 2006.

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

ZDO-196

Signed: _____

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