



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

11/24/2008

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 007-08

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: Tuesday, December 09, 2008

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

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

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Ken Itel, Clackamas County
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

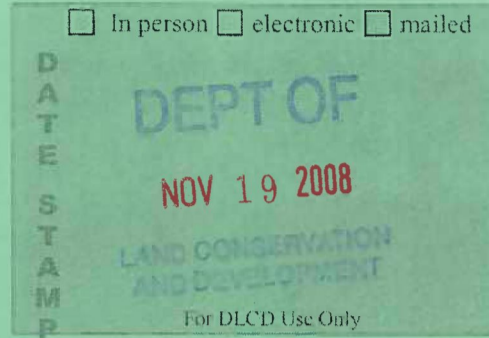
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FORM **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Clackamas County**

Local file number: **ZDO-220**

Date of Adoption:

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/05/08

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The adopted text amendment adds language to the Clackamas County ZDO Section 802, "Two-and Three-Family Dwellings", to allow bonus units when a proposed development, receiving a conditional use approval under Section 802, provides affordable housing units or dedicates a portion of the site for use as a public park. The adopted amendment also adds provisions for calculating the maximum number of units allowed, and establishes a requirement for Design Review.

Does the Adoption differ from proposal? **Yes**

The only change from the proposal was to add a requirement for Design Review for applications submitted under ZDO Section 802.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes **No**

If no, do the statewide planning goals apply?

Yes **No**

If no, did Emergency Circumstances require immediate adoption?

Yes **No**

DLCD file No. _____

007-08 (17064)

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

In the Matter of Amendments to
the Zoning and Development
Ordinance: ZDO-220



ORDER NO. 2008-186
(Page 1 of 2)

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

Whereas, it is necessary to revise the text of Section 802 of the Zoning and Development Ordinance to add a procedure for obtaining bonus density units for two- and three-family dwelling developments; and to adopt conforming amendments to Sections 301 and 1001 to clarify Design Review requirements for two- and three-family dwellings; and to make housekeeping changes to Section 308 for consistency with state law, by deleting two-family dwellings as an allowed use in the RA-2 zoning district, 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-220 at a public hearing held on September 22, 2008, recommended approval of the amendments, and

It further appearing that after appropriate notice, a public hearing was held before the Board of County Commissioners in the Board of County Commissioners Hearing Room, 2051 Kaen Rd., Oregon City, Oregon on October 29, 2008, during which an opportunity to provide testimony and evidence was given; and

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
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}

ORDER NO. 2008-186
(Page 2 of 2)

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

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

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

ADOPTED this 13 day of Nov, 2008

BOARD OF COUNTY COMMISSIONERS


LYNN PETERSON, CHAIR


RECORDING SECRETARY

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

EXHIBIT A

ZDO-220

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

301 URBAN LOW DENSITY RESIDENTIAL (R-2.5, R-5, R-7, R-8.5, R-10,
R-15, R-20, R-30) ~~(12/20/07)~~

301.01 PURPOSE

This section implements the policies of the Comprehensive Plan for existing and future Low Density Residential areas, which include:

- A. Provide and protect residential land for families who desire to live in a low density environment.
- B. Protect the character of existing low density neighborhoods.
- C. Provide for development within the carrying capacity of hillsides and environmentally sensitive areas.

301.02 AREAS OF APPLICATION

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

- A. Physical Site Conditions:
 - 1. Land with soils subject to slippage, compaction, or high shrink-swell characteristics shall be zoned R-15 or R-20.
 - 2. Land with slopes of:
 - a. 0 to 20 percent shall be considered for zones R-2.5, R-5, R-7 or R-8.5 (12/23/98)
 - b. 20 percent or more shall be considered for zones R-10 to R-30. (12/23/98)
- B. Capacity of Facilities: Land shall be zoned to maximize the capacity of facilities such as streets, sewers, water and storm drainage systems.
- C. Availability of Transit: Land within walking distance (approximately 1/4 mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5. (12/23/98)

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- D. Proximity to Trip Generators: Areas in close proximity to jobs, shopping, cultural and activity centers shall be zoned R-2.5, R-5, R-7 or R-8.5. (12/23/98)
- E. Neighborhood Preservation and Variety: Areas which have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.
- F. Vacant Lands: Unless otherwise dictated by the preceding criteria, areas of mostly vacant and sparsely developed land shall be zoned R-2.5, R-5 or R-7. To achieve an average of 7,500 square feet or less per lot in Low Density Future Urbanizable areas when conversion to Immediate Urban Low Density Residential occurs, the R-10 zone shall be limited to areas exceeding 20% slope and to Resource Protection areas. Flexible lot size subdivisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities. (12/23/98)
- G. R-2.5: In addition to the above criterion, the R-2.5, shall be applied only to: (12/23/98)
 - 1. Areas located within one-quarter (1/4) mile of a designated Regional Center, Corridor or Mainstreet on Comprehensive Plan Map X-CRC-1 (5/3/01).
 - 2. Areas with access to a residential collector or higher functional class street.
 - 3. Areas where the size of the site and adjoining properties zoned R-2.5 does not exceed ten (10) acres.

301.03 PRIMARY USES

- A. R-2.5: (12/23/98)
 - 1. One attached single-family dwelling or residential home; (3/24/05)
 - 2. 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, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied; (3/24/05)
 - 3. When a development site includes areas zoned MR-2 as well as areas zoned Urban Low Density Residential, a master plan may be approved for the entire site. The master plan may provide for condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings on both the areas zoned Urban Low Density Residential and the areas zoned MR-2. The following

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criteria shall be met: (3/24/05)

- a. The maximum number of dwelling units allowed on the overall site pursuant to Section 1012 shall not be exceeded. (3/24/05)
 - b. The master plan shall provide for the minimum number of attached or detached single-family dwellings required pursuant to Subsection 1012.08 for the portion of the overall site zoned Urban Low Density Residential. (3/24/05)
 - c. Each single-family dwelling shall be located on a separate lot of record. The minimum lot size for an attached single-family dwelling shall be 2,000 square feet, and the minimum lot size for a detached single-family dwelling shall be 4,000 square feet. (3/24/05)
 - d. Condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings shall be subject to Subsections 313.08 and 313.09; (3/24/05)
4. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

B. R-5 through R-30:

1. One detached single-family dwelling, residential home or, subject to Section 824, manufactured home; (3/24/05)
2. One attached single-family dwelling per lot on 20 percent of the total number of lots in a subdivision or 100 percent of the lots in a planned unit development; (3/24/05)
3. Condominiums, subject to Section 803; (3/24/05)
4. 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, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied; (3/24/05)
5. Propagation, management, and harvesting of forest products. Commercial timber harvesting shall be reviewed pursuant to Policy 6.4 of the Forests section of Chapter 3 of the Comprehensive Plan; (3/24/05)
6. Utility carrier cabinets, subject to Section 830; (3/24/05)

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7. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

301.04 ACCESSORY USES

- A. Uses and structures customarily accessory and incidental to a primary use. (3/24/05)
- B. A guest house, as defined in Section 202. (Adopted 11/15/82)
- C. Home occupations, subject to the provisions of Section 822. (Adopted 2/4/81).
- D. A private garage or parking area.
- E. Keeping of not more than two (2) roomers or boarders by a resident family.
- F. Bed and breakfast homestays, subject to the major home occupation provisions under Section 822. (7/15/87)
- G. Keeping of livestock and farm animals subject to the provisions of Section 821. Growing of vegetables, fruits, flowers, bulbs, herbs, and other plants primarily for personal use or aesthetic purposes, but not for commercial profit except as approved under a Home Occupation permit under Section 822 or conditional use under Subsection 301.06(A)(16). (5/22/03)
- H. Signs, as provided under Section 1010. (8/6/81)
- I. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- J. Bus shelters, subject to the provisions of Section 823.
- K. Solar collection apparatus. (8/5/82)
- L. Family day-care provider home facilities, as defined in Section 202.
- M. Accessory dwelling units in conjunction with detached single-family dwellings. (3/24/05)

301.05 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)

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301.06 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. Except in the R-2.5 zoning district, two- and three-family dwellings and the conversion of single-family dwellings into two-family dwellings subject to Section 802; (5/22/03)
 2. Except in the R-2.5 zoning district, condominium conversions, subject to Section 803; (5/22/03)
 3. Churches, subject to Section 804; (5/22/03)
 4. Schools, subject to Section 805; (5/22/03)
 5. Daycare facilities, subject to Section 807; (5/22/03)
 6. Cemeteries and crematories, subject to Section 808; (5/22/03)
 7. Hospitals, subject to Section 809, and helistops for emergency use in conjunction with a hospital; (5/22/03)
 8. Nursing homes, subject to Section 810; (5/22/03)
 9. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813; (5/22/03)
 10. Surface mining, subject to Section 818; (5/22/03)
 11. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
 12. Manufactured home parks, subject to Section 825; (5/22/03)
 13. Hydroelectric facilities, subject to Section 829; (5/22/03)
 14. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
 15. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
 16. Except in the R-2.5 zoning district, horticulture, nurseries, hydroponics, and similar uses that exceed an accessory use; (11/30/06)

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17. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

301.07 PROHIBITED USES

- A. Uses of structures or land not specifically permitted in Section 301 are prohibited in all Low Density Residential Districts.
- B. The use of a residential trailer as a dwelling, except as authorized pursuant to Section 1204. (3/24/05).
- C. Outdoor advertising displays, advertising signs or structures, except as provided under Section 1010.

301.08 MINIMUM LOT AND STRUCTURE DESIGN REQUIREMENTS

- A. Purpose: The setback, coverage, depth, and structure height requirements of these districts are intended to:
 - 1. Provide consistent standards insuring a stable pattern and intensity of development for new and existing neighborhoods;
 - 2. Provide for fire safety and protection of all structures;
 - 3. Protect the privacy and livability of dwellings and yard areas;
 - 4. Provide for adequate light and air circulation between structures;
 - 5. Provide for, and protect the unique character and livability of each district;
 - 6. Ensure suitable access to each lot with minimum impact on adjacent lots or dwellings;
 - 7. Ensure consistency in the scale of structures, both vertically and horizontally.
- B. Minimum Lot Size: The minimum lot size shall be as follows, except as modified by Section 902, 1013, or 1014. For subdivisions, partitions, and condominium developments, the maximum and minimum number of primary dwelling units permitted shall be calculated pursuant to Section 1012. (3/24/05)
 - 1. R-2.5 2,500 square feet (3/24/05)
 - 2. R-5 5,000 square feet (3/24/05)
 - 3. R-7 7,000 square feet (3/24/05)

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4. R-8.5 8,500 square feet (3/24/05)
 5. R-10 10,000 square feet (3/24/05)
 6. R-15 15,000 square feet (3/24/05)
 7. R-20 20,000 square feet (3/24/05)
 8. R-30 30,000 square feet (3/24/05)
- C. General Requirements: The minimum dimensional standards for primary structures, except attached single-family dwellings, shall be as follows: (3/24/05)
1. Minimum front yard setback: 20 ft. (2/27/97)
 2. Minimum rear yard setback: 20 ft (2/27/97)
 3. Minimum side yard setback: 5 ft. (2/27/97)
 4. Maximum building height: 35 ft
 5. Maximum lot coverage
 - a. Primary use structures: 35%
 - b. Primary and accessory structures: 40%
- D. Exceptions to General Requirements: The general requirements of these districts shall be subject to the provisions under Sections 900 and 1000. Further, exceptions and modifications of these requirements set forth above shall be as follows:
1. Accessory Structures: All accessory structures shall be consistent with the purposes under Subsection 301.08(A). A maximum of four accessory structures in addition to the dwelling may be permitted. Setbacks, except as prescribed for accessory dwelling units in Subsection 301.08(G), may be modified as follows: (3/24/05)
 - a. Structures 100 square feet or less in area: No side or rear yard setback behind the front building line shall be required for any detached accessory structure which is one hundred (100) square feet or less in area and does not exceed a height of eight (8) feet. No portion of any such structure shall project across a lot line.
 - b. Structures 101 - 200 square feet in area and structures up to ten (10) feet in height: A side or rear yard setback behind the front building line may be

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reduced to three (3) feet for any detached accessory structure and its projections.

- c. Structures 201 - 500 square feet in area and structures up to fifteen (15) feet in height: The side and rear yard setbacks may be reduced to three (3) feet for one accessory structure, and its projections, within this category when located behind the front building line of the dwelling. The three (3) foot setback requirement shall be increased one (1) foot for each foot of height over ten (10) feet to a maximum of fifteen (15) in height. This setback need not exceed the setback requirements listed under Section 301.08(C). The structure and its projections shall be detached and separated from other structures by at least three (3) feet. (3/24/05)
 - d. Structures sixteen (16) feet in height and over shall meet the setback requirements listed under Section 301.09(C). (3/24/05)
 - e. Structures in excess of 500 square feet: One accessory structure in excess of five-hundred (500) square feet in area may be approved by the Planning Director subject to the setback requirements of the district and the following provisions:
 - 1. The lot is in excess of 10,000 square feet in area.
 - 2. The proposed accessory structure will be constructed with the same exterior building materials as that of the dwelling, or an acceptable wood or metal substitute. Metal buildings shall include roof overhangs, gutters and downspouts, with a painted steel exterior similar in color to that of the dwelling.
 - 3. The square footage of the accessory structure shall not exceed the square footage of the ground floor of the dwelling.
 - 4. The proposed accessory structure shall not exceed the height of the dwelling.
 - 5. The proposed accessory structure shall satisfy the provisions of Subsection 301.01.
 - f. Swimming pools may extend within three (3) feet of a side or rear lot line, and within ten (10) feet of a front lot line. Lot coverage limitations do not apply to swimming pools.
2. Corner Lots: One of the required front yard setbacks may be reduced to fifteen (15) feet when abutting a Local street, private road or access drive. When one of the fronting streets is classified higher than a Local street classification, the fifteen (15) foot setback may only be applied on frontage abutting the lower

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classification street. The side and rear yard areas on corner lots shall be designated by the applicant with the setback distance as identified in 301.08(C). (3/24/05)

3. Undersized Lots of Record: The rear yard setback may be reduced to 1/2 the required setback and one side yard setback may be reduced to zero for any detached single-family dwelling, and the maximum lot coverage may be increased to 50 percent, on preexisting legal lots of record which are 6,000 square feet or less in size, subject to the following conditions: (3/24/05)
 - a. The proposed construction shall comply with the State of Oregon One- and Two-Family Dwelling Specialty Code. (3/24/05)
 - b. The development occurring within the yard setback area shall not block solar access to an existing window or solar collecting panel or area located on the adjacent properties. (3/24/05)
- E. Variances: The requirements of Subsection 301.08 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 Subsection 301.08(A), and satisfies the criteria for a variance under Section 1205. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered, when applicable. (3/24/05)
- F. Structure and Façade Design: All dwellings, except temporary dwellings approved pursuant to Subsection 1204, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access): (11/24/99)
 1. A covered porch at least 2 feet deep.
 2. An entry area recessed at least 2 feet from the exterior wall to the door.
 3. A bay or bow window (not flush with the siding).
 4. An Offset on the building face of at least sixteen (16) inches from one exterior wall surface to the other.
 5. A dormer.
 6. A gable.
 7. Roof eaves with a minimum projection of twelve (12) inches from the intersection of the roof and the exterior walls.
 8. Roof line offsets of at least sixteen (16) inches from the top surface of one

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

roof to the top surface of the other.

9. An attached garage.
 10. Orientation of the long axis and front door to the street.
 11. Cupolas.
 12. Tile or shake roofs.
 13. Horizontal lap siding.
- G. Accessory Dwelling Units: Accessory dwelling units shall be subject to the following development standards: (3/24/05)
1. The square footage of an accessory dwelling unit shall not exceed 6 percent of the area of the lot of record on which it is located, or 720 square feet, whichever is less. (3/24/05)
 2. Yard setbacks for an accessory dwelling unit shall be the same as those required for the primary dwelling. (3/24/05)
 3. Only one accessory dwelling unit per lot of record is allowed. (3/24/05)
 4. An accessory dwelling unit may: (3/24/05)
 - a. Be a detached structure; (3/24/05)
 - b. Be attached to another accessory structure; or (3/24/05)
 - c. Share at least one building wall, or portion thereof, with the primary dwelling, provided that the accessory dwelling unit has a separate entrance. "Wall" does not include a breezeway, porch, or awning. (3/24/05)
 5. The exterior finish materials of the accessory dwelling unit must be the same as, or visually match, those of the primary dwelling. (3/24/05)
 6. The front yard setback shall be no less than the setback of the front façade of the primary dwelling excluding the porch, garage, and architectural features. (3/24/05)
 7. If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the structure. An exception to this requirement may be granted if there is no ground-level access to the accessory dwelling unit, or if the primary dwelling has additional front

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased. Exceptions shall be subject to Planning Director review pursuant to Subsection 1305.02. (3/24/05)

8. In addition to the required parking space(s) for the primary dwelling, one additional off-street parking space located behind the front yard setback line shall be provided for the accessory dwelling unit. (3/24/05)
 9. Owner occupancy of either the accessory dwelling unit or the primary dwelling shall be required. A deed restriction requiring owner-occupancy of one of the dwelling units shall be recorded. (3/24/05)
- H. Condominiums and Two- and Three- Family Dwellings shall be subject to Design Review pursuant to Section 1102, ~~Section 803, and the provisions of Section 1005. (11/5/98)~~
- I. Attached Single-Family Dwellings: In addition to the design standards in Subsection 301.08(F), attached single-family dwellings shall be subject to the following design standards: (3/24/05)
1. Minimum Street Frontage: 25 feet. (3/24/05)
 2. Minimum Front and Rear Yard Setbacks: 20 feet. (3/24/05)
 3. Minimum Side Yard Setback: 10 feet opposite the common wall. (3/24/05)
 - a. No setback shall be required from any side property line where two dwelling units share a common wall. (3/24/05)
 4. Maximum Lot Coverage: 50 percent. (3/24/05)
 5. Maximum Building Height: 35 feet. (3/24/05)
 6. Roofs: The roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design. (3/24/05)
 7. Design Review: Attached single-family dwellings shall be subject to design review pursuant to Section 1102. (3/24/05)

301.09 DEVELOPMENT STANDARDS

All development in these districts shall be subject to the applicable provisions of Section 1000, as specified under Subsections 1001.02 and 1001.03. In addition, the following specific standards shall apply:

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- A. Fences, Screening, and Buffering: 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 road or easement and a public, county or state road. Trees located within a twenty (20) foot radius of any such intersection shall be maintained to allow eight (8) feet of visual clearance below the lowest hanging branches. (12/23/98)
- B. Off-Street Parking:
 - 1. At least one (1) off-street parking space located behind the front yard setback line shall be provided for each dwelling unit.
 - 2. Off-street parking for other permitted uses shall be as specified in Subsection 1007.07.
- C. Subdivisions and Partitions
 - 1. Developments and land which meet the criteria set forth in Subsection 1013.02B shall be required to develop as Planned Unit Developments, subject to the provisions of Section 1013.
 - 2. All subdivisions and partitions in these districts shall comply with the Development Standards of Section 1000 and the procedures set forth in Section 1100 (10/11/82).
- D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- E. Community Plans: All development within a Community Plan Area as described in Chapter 10 of the Comprehensive Plan shall also comply with the specific policies and standards for the adopted Community Plan. (6/29/00)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

| 308 RURAL AREA RESIDENTIAL 2-ACRE DISTRICT (RA-2) ~~(12/20/07)~~

308.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Rural areas. (4/13/06)

308.02 AREA OF APPLICATION

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. (4/13/06)

308.03 PRIMARY USES

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals; (4/13/06)
- B. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824; (4/13/06)
- 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 45 feet from any other lot in the residential district; (4/13/06)
- D. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (4/13/06)
- E. Utility carrier cabinets, subject to Section 830; (4/13/06)
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

308.04 ACCESSORY USES

- A. Uses and structures customarily accessory and incidental to a primary use; (4/13/06)
- B. Home occupations, including bed and breakfast homestays, subject to Section 822; (4/13/06)
- C. Produce stands, subject to the parking requirements of Section 1007; (4/13/06)

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- D. Signs, subject to Section 1010; (4/13/06)
- E. Guest houses, subject to Section 833; (4/13/06)
- F. 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)~~

~~2.1. Churches, subject to Section 804; (5/22/03)~~

~~3.2. Schools, subject to Section 805, except as restricted by Subsection 308.07(C); (4/13/06)~~

~~4.3. Daycare facilities, subject to Section 807; (5/22/03)~~

~~5.4. Cemeteries and crematoriums, subject to Section 808; (5/22/03)~~

~~6.5. Hospitals, subject to Section 809; (5/22/03)~~

~~7.6. Service and recreational uses, subject to Section 813; (5/22/03)~~

~~8.7. Surface mining, subject to Section 818; (5/22/03)~~

~~9.8. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)~~

~~10.9. Hydroelectric facilities, subject to Section 829; (5/22/03)~~

~~11.10. Bed and breakfast residences and inns, subject to Section 832; (4/13/06)~~

~~12.11. Wireless telecommunication facilities listed in Subsection 835.06(A),~~

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subject to Section 835; (5/22/03)

~~13.12.~~ Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; (5/22/03)

~~14.13.~~ Aircraft landing areas; (11/30/06)

~~15.14.~~ Home occupations to host events, subject to Section 806.-(11/30/06)

308.07 PROHIBITED USES

- A. Uses of structures and land not specifically permitted; (4/13/06)
- 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; (4/13/06)
- C. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/13/06)

308.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (4/13/06)
 - 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 2 acres in size, except as restricted by Subsection 308.07(B) or as modified by Section 902. (4/13/06)
- C. Minimum Front Yard Setback: 30 feet. (4/13/06)
- D. Minimum Side Yard Setback: 10 feet. (4/13/06)
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of 10 feet. (4/13/06)
- F. Corner Vision: 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 an access drive or private road and a public, county, or state

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road. Trees located within a 20-foot radius of such an intersection shall be maintained to allow 8 feet of visual clearance below the lowest-hanging branches. (4/13/06)

- 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. (4/13/06)
- H. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)
- I. Variances: The requirements of Subsections 308.08(C) through (F) may be modified pursuant to Section 1205. (4/13/06)

308.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (4/13/06)
- B. Parking: One off-street parking space located behind the front yard setback line shall be provided for each dwelling unit. (4/13/06)
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

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802 TWO- AND THREE-FAMILY DWELLINGS ~~(6/26/03)~~

802.01 APPLICATION OF SECTION

This section shall apply to new two- and three-family dwellings and to conversions of existing single-family dwellings into two-family dwellings in Urban Low Density Residential, and RA-1 ~~and RA-2~~ zoning districts. (5/22/03)

802.02 CONDITIONAL STANDARDS

The following conditional standards shall apply: ~~(5/22/03)~~

A. Number of Dwelling Units: The number of dwelling units (DU) allowed on a subject property shall be determined by the following method, except as modified by Subsection 802.02(A)(3): Minimum Lot Area Per Dwelling Unit: (5/22/03)

1. Calculate the land area of the subject property. The result is the gross site area (GSA).
2. Divide the gross site area (GSA) by the Minimum Lot Area Per Dwelling Unit (MLA) of the applicable zoning district as shown in Table 1. The result is the number of dwelling units (DU) allowed. The calculation is represented by the following formula: $(GSA / MLA) = DU$.

Table 1

<u>Zoning District</u>	<u>Minimum Lot Area (MLA) Per Dwelling Unit (in square feet)</u>
<u>R-5</u>	<u>3,333</u>
<u>R-7</u>	<u>4,662</u>
<u>R-8.5</u>	<u>5,661</u>
<u>R-10</u>	<u>6,660</u>
<u>R-15</u>	<u>9,990</u>
<u>R-20</u>	<u>13,320</u>
<u>R-30</u>	<u>19,980</u>
<u>RA-1</u>	<u>43,560 (1 acre)</u>

3. Add Applicable Bonus Units: In Urban Low Density Residential (ULDR) zoning districts bonus units shall be allowed subject to the following criteria:

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- a. The proposed development shall include a minimum of 4 dwelling units.
 - b. The bonus unit categories and corresponding maximum increases to the base number of units are as follows:
 - i. Affordable Housing. Living units qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.
 - a. One bonus unit is allowed per affordable unit provided up to 5% of the number of dwelling units allowed by Section 802.02(A)(2).
 - b. If affordability requirements are not specified by a federal, state, or local program, an affordability covenant or other mechanism to ensure affordability, deemed acceptable by the County, shall be attached to the affordable units.
 - ii. Park Dedication. Improved site area is dedicated as a park and accepted by the County or other public agency pursuant to Section 1011.
 - a. The maximum increase in bonus units via park dedication is 10% of the number of dwelling units allowed by Section 802.02(A)(2).
4. Any partial figure of one-half or greater shall be rounded up to the next whole number, except in the case of a subdivision or partition of 10 lots or fewer.
 5. The result is maximum number of units allowed.
 6. Developments approved under Section 802 are exempt from minimum lot size requirements.
 - ~~1.R-5, Residential: 3,333 square feet (6/26/03)~~
 - ~~2.R-7 zoning district: 4,662 square feet (5/22/03)~~
 - ~~3.R-8.5 zoning district: 5,661 square feet (5/22/03)~~
 - ~~4.R-10 zoning district: 6,660 square feet (5/22/03)~~
 - ~~5.R-15 zoning district: 9,990 square feet (5/22/03)~~

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~~6.R-20 zoning district: 13,320 square feet (5/22/03)~~

~~7.R-30 zoning district 19,980 square feet (5/22/03)~~

~~8.RA-1 zoning district: 1 acre (5/22/03)~~

~~9.RA-2 zoning district: 2 acres (5/22/03)~~

B. Minimum Offstreet Parking: 1-½ spaces per dwelling unit. (5/22/03)

C. Landscaping: A minimum of 25 percent of the lot area shall be developed as landscaped or recreational areas. (5/22/03)

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| 1001 GENERAL PROVISIONS ~~(1/17/08)~~

1001.01 PURPOSE

This section sets forth the general standards for development of property and associated facilities within the unincorporated area of Clackamas County. The purpose of this section is to:

- A. Carry out the Comprehensive Plan with respect to development standards and policies.
- B. Insure that natural features of the landscape, such as land forms, natural drainageways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning, building orientation and design and landscaping.
- D. Promote and maintain healthy environments, protect against noise, air and visual pollution, and minimize development impacts upon surrounding properties and neighborhoods.
- E. Allow for incentives and flexibility within development requirements to encourage functional, imaginative design solutions.

1001.02 APPLICATION OF SECTION ~~(3/24/05)~~

| A. Section 1000 shall apply to partitions; subdivisions; commercial and industrial projects; multifamily dwellings; ~~two- and~~ three-family dwellings; and attached single-family dwellings where 3 or more dwelling units are attached to one another. Detached single-family dwellings, ~~two-family dwellings;~~ and attached single-family dwellings where two dwelling units are attached to one another shall be subject to Subsection 1001.03 and the following: ~~(3/24/05)~~

- 1. Hazards to safety, under Section 1003.
- 2. Slopes of twenty (20) percent or greater, under Subsection 1002.03.
- 3. Rivers and stream corridors, under Subsection 1002.05.
- 4. Wildlife habitats and distinctive resource areas, under Subsection 1002.06.
- 5. Cultural resources and historic sites, under Section 1004.
- 6. Natural drainage channels, under Subsection 1008.03.
- 7. Utilities, including sewer and water, under Subsection 1006. (1/25/96)

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8. Pedestrian facilities, under Subsection 1007.05. (1/17/08)
- B. The application of these standards to a particular development shall be modified as follows:
1. Development standards which are unique to a particular use, or special use, shall be set forth within the district or in Section 800.
 2. Those development standards which are unique to a particular district or area shall be set forth in the section governing that district or area.
 3. When conflicts arise in the application of the various standards set forth in Section 1000, identification and resolution of such conflicts shall be a function of the Review Process set forth in Section 1100.

1001.03 OTHER CODES PART OF THIS ORDINANCE

All development in the county is subject to the following codes which are hereby incorporated into this Zoning and Development Ordinance:

- A. State of Oregon Structural Specialty Code, and Fire and Life Safety Code.
- B. Oregon State Mechanical Specialty Code, and Fire and Life Safety Code.
- C. Oregon Plumbing Specialty Code.
- D. Uniform Code for the Abatement of Dangerous Buildings as adopted by separate order of the Board of County Commissioners.
- E. Chapter 70 of the Uniform Building Code as adopted by separate order by the Board of County Commissioners.
- F. Any other code adopted by the Board of County Commissioners.



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NOV 19 2008
LAND CONSERVATION
& DEVELOPMENT

OFFICE OF COUNTY COUNSEL

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Board Order No. 2008-186 was deposited in
the mail on November 17, 2008

Signed: _____

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



**CLACKAMAS
COUNTY**

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