



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

05/12/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment  
DLCD File Number 004-10

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, May 25, 2011

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

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

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

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

<paa> YA/ph



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

DATE DEPT OF

ST MAY 05 2011

LAND CONSERVATION  
AND DEVELOPMENT

P For Office Use Only

Jurisdiction: **Clackamas County**

Local file number: **ZDO-224**

Date of Adoption: **4/28/2011**

Date Mailed: **5/4/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 3/10/2010

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".

Amendments to the Clackamas County Zoning and Development Ordinance that are designed to incorporate more sustainable development practices pertaining to roads and traffic circulation; site and building design; parking standards; landscaping standards; solar, rainwater and electrical vehicle charging apparatus standards; and urban agriculture and livestock standards. Added Sections 815 (Produce Stands) and 1015 (Parking and Loading);. Conforming amendments implement aforementioned changes.

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

Although the general intent and topics have not changed, the detailed development standards have been modified as a result of extensive public involvement. The number of Sections in the package changed because of conforming amendments.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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.** \_\_\_\_\_

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

Local Contact: **Kay Pollack**

Phone: (503) 742-4513 Extension:

Address: **150 Beaver Creek Road**

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

City: **Oregon City**

Zip: **97045-**

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

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

**per ORS 197.615 and OAR Chapter 660, Division 18**

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

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

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



**OFFICE OF COUNTY COUNSEL**

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

**Stephen L. Madkour**  
COUNTY COUNSEL

**David W. Anderson**  
**Kimberley A. Ybarra-Cole**  
**Kathleen Rastetter**  
**Scot A. Sideras**  
**Chris Storey**  
**Scott C. Ciecko**  
**D. Daniel Chandler**  
ASSISTANTS

DEPT OF  
MAY 05 2011  
LA A ON JT

**CERTIFICATE OF MAILING**

I hereby certify that the enclosed Ordinance No. ZDO-224 was deposited in the mail on May 4, 2011

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

A handwritten signature in blue ink that reads "Cheryl J. Cornelison".

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



**ORDINANCE NO. ZDO-224**

**An Ordinance amending Sections  
200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1600, and 1700 of the  
Clackamas County Zoning and Development Ordinance**

WHEREAS, In February 2008, the Board of County Commissioners (BCC) adopted a *Resolution for a Sustainable Clackamas County*, followed in November 2008 by an *Action Plan Framework for a Sustainable Clackamas County*; and

WHEREAS, one of the BCC's 2009 Goals was, "Modify County code to promote sustainable development;" and

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

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission recommended approval of ZDO-224 on November 29, 2010; and

WHEREAS, the Clackamas County Board of County Commissioners approved the proposed amendments at a public hearing on December 15, 2010; now therefore;

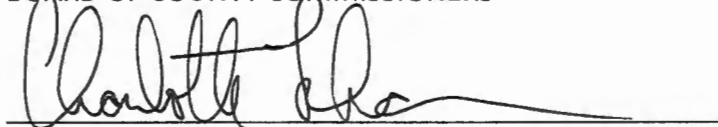
The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Sections 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1600, and 1700 of the Clackamas County Zoning and Development Ordinance are hereby amended as shown in Exhibit A hereto.


**Section 2:** This ordinance shall be effective on May 31, 2011.

ADOPTED this 28<sup>th</sup> day of April, 2011

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary

Clackamas County Official Records  
Sherry Hall, County Clerk  
Commissioners' Journals  
Agreements & Contracts

2011-3518

05/03/2011 09:04:17 AM

**201 GENERAL**

201.01 PURPOSE

The following terms are hereby defined for the purpose of clarifying the provisions of this Ordinance.

201.02 INTERPRETATIONS

When not inconsistent with the context, all words used in the present tense include the future. The singular number includes the plural and the plural, the singular. The word "lot" includes parcel and plot. The word "structure" includes building. The word "occupy" includes premises designed or intended to be occupied. The word "use" includes designed or intended to be used. The word "person" may mean "persons," "association," "firm," "copartnership," or "corporation." The word "shall" is always mandatory. All other words shall have the following respective meanings:

202 DEFINITIONS

ACCESSORY BUILDING OR USE: A subordinate building or use, the use of which is clearly incidental to that of the main building or use on the same lot.

ACCESSWAY: A public right-of-way, a portion of which is hard surfaced, for use by pedestrians and bicyclists providing a direct route where public roads require significant out of direction travel. (9/8/94)

ACCESS DRIVE: A private way, with a travel surface generally no more than twelve (12) ft. in width, created by deed or easement to provide vehicular ingress to, or egress from not more than two (2) lots or parcels. (5/3/01)

ACTIVE RECREATIONAL AREA: An area such as a park, sports field, or golf course, where turf provides a playing surface that is dedicated to active play.

ADJOINING: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

ADULT BUSINESS: A range of commercial activities characterized by live, closed circuit, or reproduced material which has an emphasis on nudity and/or specified sexual activity. Such businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, and adult paraphernalia shops, as defined below, and other establishments which feature any combination of activity or merchandise described below which collectively account for twenty-five (25) percent, or more, of the establishment's activity or merchandise. These definitions shall not be construed to allow uses or activities which are unlawful under State criminal laws. (12/19/84)



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

"Adult bookstore" is an establishment having as twenty-five (25) percent or more of its merchandise for sale, rent, or viewing on the premises, such items as books, magazines, other publications, films, video tapes or video discs which are distinguished by their emphasis on specified sexual activities, as defined in this ordinance.

"Adult theater" is an establishment used for more than twenty-five (25) percent of showtime for presenting material (either live, closed circuit, or prerecorded) for observation by patrons therein which has as a dominant theme an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult arcade" is an establishment offering viewing booths or rooms for one or more persons in which twenty-five (25) percent, or more, of the material presented (either live, closed circuit, or reproduced) is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult cabaret" is an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually, or in groups, where the exhibition material presented is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult paraphernalia shop" is an establishment having as twenty-five (25) percent or more of its merchandise objects which stimulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activities, as defined in this ordinance.

AGRICULTURAL AIRSTRIP: An area designated by the user solely for the purpose of providing for temporary or occasional landings and takeoffs by aircraft engaged in aerial application of chemicals, fertilizers, or other substances to agricultural or forest lands.

AIRPORT, PERSONAL-USE: An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only.

AIRPORT, PRIVATE USE: An airport restricted, except for aircraft emergencies, to use by the owner and his invited guests. The determination as to whether an airport is private or public-use is made by the Oregon Department of Aviation. (11/1/01)

AIRPORT, PUBLIC-USE: An airport that is open to use by the flying public, with or without a request to use the airport. (11/1/01)

ALLEY: Any public space or thoroughfare less than 16 feet but not less than 10 feet in width which has been dedicated or deeded to the public primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

ALTERATION, CULTURAL RESOURCE: Any exterior change or modification,

through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

ANTIQUES: Goods that, by virtue of their age or unusual quality, are generally considered to be of historical and/or artistic interest, ordinarily such items are in good state of preservation or are restorable to their original conditions.

ARCHITECTURAL FEATURES: Features include, but are not limited to cornices, canopies, sunshades, gutters, chimneys, fireplaces, flues and eaves. Architectural features shall not include any portion of a structure built for the support, occupancy, shelter or enclosure of persons or property of any kind.

ARCHITECTURAL FEATURES, CULTURAL RESOURCE: The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color, texture of the building materials and type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

AUTOMATIC IRRIGATION CONTROLLER: An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

BABYSITTER: Any person who goes into the home of a child to give care during the temporary absence of the parent or legal guardian or custodian.

BASEMENT: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground, but not an "underground structure" as defined in this ordinance.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST ESTABLISHMENT: A use carried on in a structure designed for a single-family dwelling, except as provided under Section 832, which provides rooms for rent on a daily basis to the public and which includes a breakfast meal as part of the cost of the room. Bed and breakfast establishments do not include other similar uses, such as motels, health or limited care facilities, boarding houses, group quarters, hostels, or rescue missions. All bed and breakfast establishments require tourist facility licensing by the appropriate agency. Bed and breakfast residences and inns, as defined below, must also satisfy the State Health Division



requirements. Three levels of bed and breakfast establishments are as follows:  
(3/24/05)

"Bed and Breakfast Homestay" provides overnight accommodations plus breakfast in an owner-occupied dwelling that provides 1-2 guest rooms for occasional bed and breakfast guests, not exceeding 5 guests at one time. Primary use of the dwelling remains as a dwelling, not as a lodging establishment. All reservations are made in advance. Income derived from bed and breakfast activity does not generally represent a primary source of income. Bed and breakfast homestays are major home occupations, subject to Section 822.  
(3/24/05)

"Bed and Breakfast Residence" provides overnight accommodations plus breakfast and occasional family-style meals for guests, in an operator- or owner-occupied dwelling that provides up to 5 rooms on an occasional or regular basis. Income derived from the bed and breakfast activity may represent a primary source of income. Bed and breakfast residences are subject to Section 832, and all requirements of the underlying district. (3/24/05)

"Bed and Breakfast Inn" provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. Bed and breakfast inns are subject to Section 832 and all requirements of the underlying district. (3/24/05)

BICYCLE RACK: An apparatus designed to support the central frame of a bicycle and allow locking of both wheels, without the removal of wheels. (3/17/04)

BIKEWAY: A paved facility provided for use by cyclists. There are four types of bikeways. (9/8/94)

Shared Roadway: A type of bikeway where motorists and cyclists occupy the same roadway area. Shared roadways are allowed on neighborhood streets and on rural roads and highways. (3/17/04)

Shoulder Bikeway: A bikeway which accommodates cyclists on paved roadway shoulder. (9/8/94)

Bike Lane: A section of roadway designated for exclusive bicycle use. (9/8/94)

Bike Path: A bike lane constructed entirely separate from the roadway. (9/8/94)

BLANKETING: The visual blocking of one sign by another as seen by a motorist traveling a street or highway.

BLOCK: A parcel of land bounded by streets, railroad rights-of-way, waterways,

parks, unsubdivided acreage, or a combination thereof. (10/11/82)

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING ENVELOPE: The three dimensional space which is to be occupied by a building.

BUILDING LINE: A straight line that is parallel and adjacent to the front side of the main building and parallel to the front lot line.

BUILDING OR STRUCTURE HEIGHT: The term "height of building" shall be calculated by the methods identified in the State of Oregon Structural Specialty Code or the State of Oregon One and the Two Family Dwelling Specialty Code, as applicable. (5/3/01)

BULK PLANT: Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. The primary emphasis of uses at the bulk plant level is on hazardous substances. Materials are stored in large permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category. (2/13/97)

CARE: The provision of room and board and other services as needed to assist in activities of daily living, such as assistance with bathing, grooming, eating, medication management, money management or recreation. (9/19/84)

COGENERATION FACILITY: A facility that produces energy as a by-product of its normal industrial process and the energy produced can be used for industrial, commercial, heating or cooling purposes; and such facility is more than 50 percent owned by a person who is not a public utility, an electric utility holding company or an affiliated interest. When this definition differs from that in ORS 758.500, the definition in ORS 758.500 shall prevail. (4/12/82)

COMMERCIAL USE: The use of land and/or structures for the conduct of retail, service, office, artisan, restaurant, lodging, daycare, entertainment, private recreational, professional, and similar uses.

COMMON OWNERSHIP: Land commonly owned to include open space lands dedicated in planned unit developments and lands dedicated for open space which are owned by homeowners associations. (2/13/97)

COMPOSTING: The managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purposes of soil remediation. (11/5/98)

COMPOSTING FACILITY: A site or facility, excluding home composting areas as



described in Section 202 and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities. Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers. The area utilized for the sale of said accessory products shall not exceed 10% of the area used for composting, or two (2) acres, whichever is less subject to the provisions of Subsection 834.03 and 834.04. (11/5/98)

CONDITIONAL USE: A use addressing a limited or specific need but generally secondary to a primary use and, due to a potential adverse effect upon primary uses or public services and facilities, is only allowed subject to review and the use standards of the district and Section 800 and the criteria of Section 1203.

CONGREGATE HOUSING FACILITY: A building that contains more than one dwelling unit and provides common facilities and services for residents who require or desire a more supportive living environment than typically afforded to residents in multifamily, three-family, two-family, or single-family dwellings. Regular on-premise supervision by a registered physician, registered nurse, or other health care provider may be included. (3/24/05)

CULTURAL RESOURCE: Improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the county.

CULTURAL RESOURCE INVENTORY: The official list of designated cultural features, sites, districts subject to the provisions of Section 707, Cultural Resources.

CULTURAL RESOURCES OBJECT: A material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

DAYCARE FACILITY: A facility that provides regular day care services to children under 13 years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day-care provider" as defined in this Section. A day-care facility caring for seven or more children shall satisfy the certification requirements of the Children's Services Division.

DEDICATION: The designation of land by its owner for any general or public use. (10/11/82)

DESIGNATED SITE (historic site, cultural resource site, landmark site): A parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated,

and which has been designated pursuant to this Ordinance.

DESIGNATED STRUCTURE (landmark, cultural resource, historic structure): Any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the county, the State of Oregon, or the nation and that has been designated pursuant to this ordinance.

DIRECT ROUTE: The shortest reasonable route between two points. A route is considered direct if it does not involve significant out of direction travel that could be avoided. Out of direction travel is significant if it is more than 50% longer than the straight line between two points. (9/8/94)

DISTINCTIVE URBAN FOREST: Forested or woodland areas which are visually prominent or contain unique or rare tree and plant communities. These areas are usually found in association with other open space resources within the urban area.

DRIP IRRIGATION: Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour.

DRIP LINE: The outermost edge of a tree's canopy; when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.

DROUGHT-TOLERANT PLANTS: Plants that will survive in the typical or somewhat less than typical amount of rainfall in the Willamette Valley, and therefore require very little or no supplemental water once established.

DWELLING: A building, or portion thereof, which contains one or more dwelling units. A dwelling may be a residential trailer or a manufactured dwelling but not a recreational vehicle. (3/24/05)

DWELLING, ATTACHED SINGLE-FAMILY: A building, or portion thereof, that contains only one dwelling unit; shares at least one wall, or portion thereof, with another attached single-family dwelling; and is located on a separate lot of record from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not an attached single-family dwelling. (3/24/05)

DWELLING, DETACHED SINGLE-FAMILY: A building, or portion thereof, that contains only one dwelling unit and is detached from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not a detached single-family dwelling. (3/24/05)

DWELLING, MULTIFAMILY: A building, or portion thereof, that contains four or more dwelling units. (3/24/05)

DWELLING, THREE-FAMILY: A building, or portion thereof, that contains three dwelling units. (3/24/05)

DWELLING, TWO-FAMILY: A building, or portion thereof, that contains two dwelling units, both of which are located on the same lot of record. If one of the two dwelling units is an accessory dwelling unit, the building, or portion thereof, is not a two-family dwelling. (3/24/05)

DWELLING UNIT: A building, or portion thereof, with one or more rooms designed for residential occupancy by one family. (3/24/05)

DWELLING UNIT, ACCESSORY: A dwelling unit located on the same lot of record as a primary dwelling. The primary dwelling may be an attached or detached single-family dwelling, as specified in the underlying zoning district provisions. (3/24/05)

EASEMENT: A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations. (10/11/82)

EDIBLE GARDEN: A garden that contains plants that produce food for human consumption.

ELECTRIC VEHICLE CHARGING STATION: A location where a vehicle can plug into an electrical source to re-charge its batteries.

FAMILY: Any individual or group of persons, regardless of relationship but not exceeding 15 persons, living together as a single housekeeping unit within a dwelling unit. (3/24/05)

FAMILY DAYCARE PROVIDER: A day-care provider who regularly provides day care to fewer than 13 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of day care to 13 or more children in the home of the provider shall constitute the operation of a "day-care facility," as defined in this section, and shall be subject to the requirements of this Ordinance for day-care facilities. A family day-care provider to seven or more children shall satisfy the certification requirements of the Children's Services Division. (12/13/89)

FARM, COMMERCIAL: A farm unit with all of the following characteristics:

- A. The land is used for the primary purpose of obtaining a profit in money from activities described in Sections 401.04(A); (1/9/03)
- B. The net income derived from farm products is significant; and
- C. Products from the farm unit contribute substantially to the agricultural economy, to agricultural processors and farm markets.

FARM, NONCOMMERCIAL: A parcel where all or part of the land is used for production of farm products for use or consumption by the owners or residents of the property, or which provides insignificant income. (7/15/81)



FARM OPERATOR: A person who resides on and actively manages a "farm unit". (1/9/03)

FARM UNIT: The contiguous and noncontiguous tracts within the county or a contiguous county held in common ownership and used by the farm operator for farm use as defined in 401.03(B). (1/9/03)

FARMERS' MARKET: An organized seasonal outdoor market dedicated to the direct sales by growers of agricultural goods, including plants, produce, meats, and other animal products (e.g. eggs, cheese, honey).

FARMWORKER: Any person who, for an agreed remuneration or rate of pay, performs temporary or permanent labor for another in production of farm products or in the planting, cultivating or harvesting of seasonal agricultural crops or in reforestation of lands, including but not limited to, the planting, transplanting, tubing, pre-commercial thinning, and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities. (1/9/03)

FARMWORKER HOUSING: Housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing. (1/9/03)

FEE-IN-LIEU OF LAND: Payment made instead of a land donation to satisfy a particular development requirement, such as park lands or school sites.

FINAL SUBDIVISION (plat): The Plat of a plan, subdivision, dedication or any portions thereof, approved and prepared for filing for record with the County Clerk and containing those elements and requirements as set forth in this Ordinance and as required by State statute. (10/11/82)

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

FLAG LOT: A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. (11/9/98)

FLEX SPACE: A building constructed to accommodate a variety of commercial, office and/or light industrial uses, including: administration, direct and telephone sales, back-office operations, product assembly, component and inventory warehousing, shipping and related or similar activities. (12/23/98)

FLOOR AREA: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of porches and exterior stairs, multiplied by the number of stories or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Floor area shall not include portions of buildings used for parking of vehicles, except the square footage of commercial uses in parking structures can be counted as part of the total floor area. (12/23/98)

FLOOR AREA RATIO (FAR): A measurement of density expressed as the ratio of square footage of building floor area to the square footage of the net site area. The greater the ratio, the greater the density. For example, a building occupying one-fourth of the net site area has a FAR of .25: 1, or .25; adding a second floor to the same building increases the FAR to .50:1, or .5. (12/23/98)

FRATERNITY OR SORORITY HOUSE: A building occupied by and maintained exclusively for students affiliated with a school or college.

GRADE: The line of the street or ground surface deviation from the horizontal. (10/11/82)

GREEN FEEDSTOCKS: Are defined as including yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste and livestock manure. For the purpose of these provisions, "non-treated wood waste" excludes wood waste treated with paint, varnish or other chemicals or preservatives. (11/5/98)

GUEST HOUSE/STUDIO: A guest house or studio is a separate accessory structure, or portion thereof, which is built to residential (R-3 occupancy) building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guests or employees on the premises. A "guest house" or "studio" shall be a temporary living area, and shall not be used for boarders or lodgers. (5/22/03)

HARDSCAPES: In the practice of landscaping, refers to the inanimate, manmade, non-planted, outdoor areas where the soil is no longer exposed and that are surfaced with pervious or non-pervious durable materials such as masonry, wood, stone, paving, tile, or similar material to create patios, walkways, water fountains, benches, gazebos, etc.

HAZARDOUS SUBSTANCE, MATERIAL OR WASTE: Any hazardous substance, material or waste listed in the following federal regulations:

- A. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R 355, App. A and B);
- B. Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R 302, Table 302.4);
- C. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R Section 372.65);
- D. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P & U Categories) (40 C.F.R Section 261.33(e) and (f)); and
- E. DOT Hazardous Materials Table (49 C.F.R Part 172.101).

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HISTORIC AREA: Any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical of the history of the County and which improvements constitute a distinct section of the County that has been designated a cultural resource district pursuant to this ordinance.

HOME COMPOSTING: A composting area operated and controlled by the owner or person in control of a single family dwelling unit and used to dispose of vegetative waste, garden wastes, weeds, lawn cuttings, leaves and prunings generated from that property. (11/5/98)

HOME OCCUPATION: An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling and/or an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than 6 times in a calendar year or operate in excess of 24 total days in a calendar year. (5/22/03)

HOMEOWNERS ASSOCIATION: The grouping or uniting of persons residing within a defined area, such as a subdivision, into an incorporated entity for the prosecution of a common enterprise. (10/11/82)

HOSPITAL, ANIMAL: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

HOTEL: A building which is designed or used to offer short-term lodging for compensation, with or without meals, for six (6) or more people. A facility that is operated for the purpose of providing care beyond that of room and board is not a "hotel".

HOUSEKEEPING UNIT: A living arrangement within a dwelling unit in which a common kitchen facility, laundry facility, living and dining rooms, and other general living areas of the dwelling unit, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement. (3/24/05)

HYDROELECTRIC FACILITY: Any facility relating to the production of electricity by waterpower, including, but not limited to the power generating plant, associated dams, diversions, penstocks, navigation locks, fish ladders, fish screens, reservoirs and detention areas, recreation facilities, interconnecting transmission lines, substations, access roads, offices or commercial and industrial structures proposed to be built in connection with the energy facility; and activities involved in their construction and operation. (7/26/82)

IMPROVEMENT: Any building structure, parking facility, fence, gate, wall, work of



art or other object constituting a physical betterment of real property, or any part of such betterment.

INDIRECT ILLUMINATION: A nonelectric sign illuminated by an indirect or separate light source.

INDUSTRIAL USE: The use of land and/or structures for the manufacturing or processing of primary, secondary, or recycled materials into a product; warehousing and associated trucking operations; wholesale trade; and related development.

INSTITUTIONAL USE: The use of land and/or structures for activities such as daycare and pre-school facilities, public and private schools, colleges, universities, art, music, trade and other educational and training facilities, convalescent care facilities, nursing homes, hospitals, places of worship, fraternal lodges, municipal and civic buildings, transit centers and park-and-ride facilities, parks, swimming pools and other recreational facilities open to the public or a membership group, senior and community centers, libraries, museums, cemeteries and mausoleums, utility facilities, and similar public and private uses.

INVASIVE NON-NATIVE OR NOXIOUS VEGETATION: Plant species that are listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System.

GREEN ROOF: A vegetated roof designed to treat storm runoff.

KENNEL: Any lot or premises on which four (4) or more dogs, more than six (6) months of age or with permanent canine teeth, are kept for purposes other than a veterinary clinic.

KIOSK: A small structure used as a newsstand, information booth, refreshment stand, bandstand, or display of goods, etc.

LANDSCAPING: Areas of land planted with groundcover, grasses, shrubs, annuals, perennials, or trees.

LIMITED USE: A use allowed in a district on a limited basis and subject to conditions specified therein which are generally more restrictive than the conditions placed on primary or accessory uses within the same district.

LIVESTOCK: One or more domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor. The term "livestock" includes miniature livestock, poultry, and farmed fish.

LOT: A unit of land created by a subdivision of land. For the purposes of this Ordinance, lot includes parcel unless otherwise specified in the context of the specific provisions. (2/9/95)

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot with street frontage on two streets intersecting at a corner of the lot. A lot within the radius curve of a single street is not a corner lot. A lot with access limited to, and frontage on, a state, County, public or private road and also with frontage on an intersecting private road or access drive is not a corner lot for the purpose of determining setbacks provided that the lot does not take access onto the latter abutting private road or access drive. In such a case, the frontage on the latter private road or access drive shall be treated as a side lot line. (11/5/98)

LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

LOT DEPTH: The "lot depth" is the mean horizontal distance between the front line and the rear lot line of a lot.

LOT, DOUBLE FRONTAGE: A lot with street frontage along two opposite boundaries. See also "REVERSE FRONTAGE LOT" AND "THROUGH LOT". (11/5/98)

LOT LINE, FRONT: Any boundary line separating the lot from a County, public, state or private road, or access drive. Except as otherwise provided in Subsection 903.07 of this Ordinance, the front lot line of a flag lot, for the purpose of determining setbacks, shall be within the boundaries of the lot by a distance equal to the width of the narrow strip or easement providing access to the lot. The front lot line shall be parallel to, the lot line extending from the road to the lot line opposite and most distant from the road. (See following illustration for flag shaped lot). (11/5/98)

LOT LINE, REAR: Any boundary line opposite and most distant from the front lot line, and not intersecting a front lot line. In the case of a corner lot, the rear lot line shall be any one of the boundary lines opposite the front lot lines. Any other opposite boundary line shall be a side lot line (see illustration above for corner lot). In the case of a triangular-shaped lot, there shall be no rear lot line for setback purposes. (11/5/98)

LOT LINE, SIDE: Any boundary line not a front or rear lot line.

LOT OF RECORD: A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract; except: (2/9/95)

- A. Contiguous lots under the same ownership when initially zoned shall be combined when any of these lots, parcels or units of land did not satisfy the lot size requirements of the initial zoning district, excluding lots in a recorded plat.

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- B. A unit of land created solely to establish a separate tax account, or for mortgage purposes, that does not conform to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed, tax account or contract creating it was signed by the parties to the deed or contract, unless it is sold under the foreclosure provisions of Chapter 88 of the Oregon Revised Statutes.

LOT, REVERSE FRONTAGE: A double-frontage lot for which the boundary along one of the streets is established as the rear lot line. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other feature which shall preclude access. See also "DOUBLE FRONTAGE LOT" AND "REVERSE FRONTAGE LOT". (11/5/98)

LOT, THROUGH: Lots, other than corner lots, that abut on two or more streets. See also "DOUBLE FRONTAGE LOT" AND "REVERSE FRONTAGE LOT". (11/5/98)

LOT WIDTH: The "lot width" is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

LOT, ZONING: A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

LOW VOLUME IRRIGATION: The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

MAJOR TRANSIT STREET: Major transit streets, for the purpose of setting standards for orientation of development to transit, shall be those streets planned for High Capacity Transit and Primary Bus as shown on Comprehensive Plan Map V-6, and any other street that receives 20 minute or better service at the PM Peak traffic peak. (5/3/01)

MAP: A final diagram, drawing or other writing concerning a major or minor partition. (10/11/82).

MANUFACTURED DWELLING: A mobile home or manufactured home but not a residential trailer or recreational vehicle. (11/24/99)

MANUFACTURED HOME: A structure constructed on or after June 15, 1976, for a movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes, and constructed in accordance with Federal manufactured



housing construction and safety standards and regulations in effect at the time of construction. (11/24/99)

MANUFACTURED HOME PARK: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent, lease or barter the use of such facilities. A manufactured home park does not include a lot or lots located within a subdivision. (11/24/99)

MASTER PLAN: A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern. (10/11/82)

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. (4/13/06)

MIXED USE: A mix of uses located within a single building, such as retail on the first floor and residential or office uses on the upper floors.

MOBILE HOME: A structure constructed between January 1, 1962 and June 15, 1976, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and met the construction requirements of Oregon mobile home law in effect at the time of construction. (11/24/99)

MOTEL: A building or series of buildings in which lodging only is offered for compensation and which may have more than five (5) sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

MULTI-USE DEVELOPMENT: A Multi-Use Development is a development which includes a number of distinct categories of uses, one or more of which is not allowed as a primary or accessory use in the underlying zoning district. Multi-Use Developments are allowed as conditional uses subject to the procedures and standards set forth in Section 1016 of this Ordinance. (10/29/86)

NATIVE PLANTS: Any indigenous or resident species currently or historically found in the Willamette Valley.

NATURAL AREA: An area of land or water that has substantially retained its character and functions as an important habitat for plant and animal life. (3/17/04)

NONCONFORMING DEVELOPMENT: An element of development, such as landscaping, parking, height, signage, or setbacks that was created in conformance with development regulations which, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable regulations. (8/27/93)

NONCONFORMING USE: A use of any building, structure or land allowed by right when established or that obtained a required land use approval when established but, due to a change in the zone or zoning regulations, is now prohibited in the zone. (8/27/93)

NONFARM USE: A dwelling, or the creation of a lot for a dwelling, not provided in conjunction with a farm use in an agricultural district.

NUDITY OR NUDE: Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and, in the case of a female, exposing to view one or both breasts without a covering over the nipple that is at least three (3) inches in diameter and does not simulate the organ covered. (12/19/84)

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling goods purchased off the premises, except plant stock, or the establishment of a roadside stand.

NURSING HOME: A nursing, convalescent, or rest home facility licensed by the State under ORS chapters 441 and 442, or an assisting living facility licensed under ORS 443, which provides, for a period exceeding twenty-four (24) hours, the continuous services of licensed nursing personnel to care for chronically ill or infirm patients, exclusive of those patients related to the owner or facility administrator by blood or marriage. Such nursing, convalescent, or rest home must provide nursing services to those patients who, in the judgment of a physician, registered nurse, or facility administrator, require remedial, restorative, supportive, or preventive nursing measures. (2/9/95)

OPEN SPACE: Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreational uses or for scenic purposes. Open space shall be used as such in perpetuity. (10/11/82)

OVERBURDEN: Earth that lies above a natural deposit of a mineral.

OVERHEAD SPRINKLER IRRIGATION SYSTEMS: Systems that deliver water for irrigation from spray heads, rotors or other above-ground emitters that send water through the air.

OWNER: Person or persons holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed the owner.

PARCEL: A unit of land created by a partition of land. For the purposes of this Ordinance, parcel includes lot and lot of record unless otherwise specified in the context of the specific provisions. (2/9/95)

PARKING STRUCTURE: A structure having at least two levels which is designed and used for parking vehicles, or a structure having one level of covered parking area under an open space or recreational use. A one level surface parking area, garage or carport shall not be considered a "parking structure" for purposes of this Ordinance. (8/9/82)

PARTITION: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner. (10/11/82)

PEDESTRIAN AMENITIES: Outdoor improvements directly visible and accessible to pedestrians that promote and facilitate pedestrian use, including plazas, pocket parks, courtyards, awnings or other weather protection, kiosks or gazebos, water features, drinking fountains, sculpture, outside seating areas, landscape planters, trellises, and street furniture. (12/23/98)

PEDESTRIAN PATHWAY: A hard-surfaced or permeable hard-surfaced pedestrian facility adjacent to a public roadway where there is no curb, but is protected from vehicular traffic or set back behind a planting strip. (1/17/08)

PEDESTRIAN-SCALE LIGHTING: Street lights designed to illuminate sidewalks to provide security for nighttime use by pedestrians. Pedestrian scale lighting includes ornamental lighting with a ~~fourteen (14)~~ to ~~twenty-five (25)~~ footfeet mounting height and which meets the Illumination Society guidelines for Commercial Collector roadways. (12/23/98)



PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended, usually in series, from a rope, wire, or string, and designed to move in the wind.

PERVIOUS: Any surface or material that allows the passage of water through the material and into the underlying soil.

PLANNING DIRECTOR: The administrative official of Clackamas County, or authorized staff member, designated to administer the responsibilities of the Planning Division. (4/12/82)

PLAT: The final map which is a diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision. (12/04/97)

POROUS PAVEMENT: Surface to walk, drive or park on that may reduce stormwater runoff by allowing water to soak into the ground. Examples are permeable pavers, pervious concrete, porous asphalt, and gravel.

PRELIMINARY PLAN: A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of the major partition, short subdivision, subdivision or other development. For the purposes of this Ordinance, the terms "preliminary" and "tentative" as used in Chapter 92, Oregon Revised Statutes, shall be synonymous. (10/11/82)

PREMISES: A lot, building, or portion of a lot or building, occupied by a use with its appurtenances.

PRESERVATION, CULTURAL RESOURCES: The identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

PRIMARY BUILDING WALL: Exterior building wall which contains a public entrance to the occupant's premises and faces either a street or a parking area.

PRINCIPAL DWELLING, NATURAL RESOURCE: A dwelling provided in conjunction with a farm or forest use in an agricultural or forest district which is occupied by the owner or primary operator of the farm or forest use on the property.

PRODUCE STAND: ~~An accessory facility to a farm use. As a permitted use, a produce stand shall be located on property owned or leased by the produce stand operator for the production of farm products. As a conditional use, a produce stand may include the sale of farm products produced by other farmers, but excludes the sale of meats. Such facility may include the sale of incidental and related items. Produce stands are subject to the regulations and licensing requirements of the Food and Dairy Division of Oregon Department of Agriculture, the requirements of the Uniform Building Code, and the parking and signing requirements of this Ordinance. (10/8/92)~~ A table, bench (or similar), cart, or structure, any of which may be covered,

that is located or erected for the purpose of direct sales by growers of agricultural goods, including vegetables, fruits, flowers, bulbs, herbs, plants, honey, and similar products as determined by the Planning Director, but not including processed foods such as jams or jellies, that are produced on the same site at which the produce stand is located.

**PROFESSIONAL-TYPE SERVICES:** A professional-type service shall include activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate and insurance sales.

**PUBLIC OWNERSHIP:** Land owned by federal, state regional or local government or governmental agency.

**PUBLIC UTILITY:** A utility regulated by the Public Utility Commission under ORS 757 or any other utility that provides electrical energy directly to consumers within the State of Oregon, including, but not limited to, municipalities, cooperatives and people's utility districts. When this definition differs from that in ORS 758.500, the definition in ORS 758.500 shall prevail. (4/12/82)

**PUBLIC WATER SYSTEM:** A system for the provision to the public of piped water for human consumption, if such system has more than three service connections and is a facility licensed by the State of Oregon Health Division. (12/16/93)

**RAINWATER COLLECTION SYSTEM:** A system of pipes, container (rain barrel, rainwater tank, pond, or rainwater reservoir), valves and associated apparatus for collecting and storing harvested rainwater runoff, typically from rooftops via rain gutters, but also from ground catchment systems.

**RECORDER'S PLAT SHEET:** A standard "recorder's plat sheet" shall be a good quality, white, cold-pressed, double-mounted drawing paper eighteen (18) inches by twenty-four (24) inches in size with the muslin extending three (3) inches at one end for binding purposes. No portion of the map or drafting shall be closer than one (1) inch of the edge of the board. (10/11/82)

**RECREATIONAL VEHICLE:** A vehicle licensed by the Oregon State Department of Motor Vehicles, with or without motive power, which is designed, intended to be and/or used for temporary human occupancy for recreation, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode. These shall include but are not limited to park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers. (11/24/99)

**RECYCLABLE DROP OFF SITE:** A convenient location not within a public right-of-way where mobile depots or drop boxes may be sited as a recyclable material collection point for nearby residents prior to delivery to a broker or user of such materials. (12/13/89)

**RECYCLE/RECYCLING:** A process by which solid waste materials are transformed

into new products in such a manner that the original products may lose their identity. It shall also include the collection, transportation, or storage of products by other than the original user or consumer, giving rise to the product's being in the stream of commerce for collection, disposal, recycling, reuse, resource recovery, or utilization. (12/13/89)

RECYCLING CENTER: A facility that primarily purchases for recycling or reuse principal recyclable materials which have been source-separated by type, such as vegetative yard debris, paper, glass, and metal, by the person who last used the unseparated solid wastes, but not a salvage or junk yard. Principal recyclable materials are those items defined as such by the Oregon Department of Environmental Quality. (12/13/89)

RELATIVE: A parent, child, brother, sister, grandparent or grandchild of a person or person's spouse. (5/3/82)

RESERVE STRIP: A strip of land, usually one (1) foot in width, across the end of a street or alley which shall be under the ownership of the County to insure street extensions where needed. (10/11/82)

RESIDENTIAL HOME: A dwelling operated as a single housekeeping unit for the purpose of providing food, shelter, personal services, care, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions or circumstances. (3/24/05)

RESIDENTIAL TRAILER: A structure constructed prior to January 1, 1962, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and that was constructed in accordance with Federal Manufactured housing construction and safety standards and regulations in effect at the time of construction and is greater than 400 square feet and less than 700 square feet. (11/24/99)

RESOURCE RECOVERY FACILITY: Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, but not a salvage or junk yard.

RIGHT-OF-WAY: A passageway conveyed for a specific purpose. (11/5/98)

ROAD: A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a "road". The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road". (11/5/98)

ROAD, COUNTY: A public way under County jurisdiction which has been accepted

into the County road maintenance system by order of the board of county Commissioners. (11/5/98)

ROAD, PRIVATE: A private way created by deed or easement to provide vehicular ingress to, or egress from, three (3) or more lots or parcels. (11/5/98)

ROAD, PUBLIC: A public way dedicated or deeded for public use but not accepted into the County road maintenance system, intended primarily for vehicular circulation and access to abutting properties. (11/5/98)

ROADWAY: That portion of a road or alley that has been improved for vehicular traffic. (10/11/82)

SALVAGE: Separating, collecting or retrieving reusable solid waste for resale.

SALVAGE, JUNK YARD: A location on which solid wastes are separated, collected, and/or stored pending resale.

SCHOOL, COMMERCIAL: A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

SCHOOL, PRIVATE: Includes private kindergartens, nurseries, play schools, and church-related schools.

SCREENING: Sight-obscuring fence, or sight-obscuring planting.

SERVICE STATION: A commercial establishment with sales and services limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting and fender work are excluded. An electric vehicle charging station is not a service station.

SHARED PARKING: Parking spaces used jointly by two or more uses within the same development, or separate adjacent developments, which either have peak hours of operation that do not overlap, or typically provide services to many of the same patrons (i.e. restaurant in an office complex or hotel providing lodging for convention participants within the same development), provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for all parties jointly using them. (9/11/85)

SIDEWALK: A concrete pedestrian facility adjacent to a curb along a public road or setback from the curb behind a planting strip. (9/8/94)



SIGHT-OBSCURING FENCE: Any fence or wall which conceals or makes indistinct any object viewed through such fence or wall.

SIGHT-OBSCURING PLANTING: A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six (6) feet within thirty (30) months after planting.

SIGN: A presentation or representation, other than a house number, by words, letters, figures, designs, pictures or colors displayed out of doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of identification. This definition specifically includes billboards, ground signs, freestanding signs, wall signs, roof signs, logo signs, and signs on the following: marquees, awnings, canopies, street clocks and furniture and includes the surface upon which the presentation or representation is displayed.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN AREA, OR SURFACE AREA: The area, on the largest single face of a sign, within a perimeter which forms the outside shape of a sign. If the sign consists of more than one module, the total area of all modules will constitute the sign area. The area of a sign having no such perimeter or boarder shall be computed by enclosing the entire copy area within the outline of either a parallelogram, triangle, circle or any other easily recognized geometric shape and then computing the area. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in flat projection for the purpose of computing sign area.

SIGN, BUILDING: Any sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

SIGN, COMMERCIAL: Any sign associated with a commercial activity.

SIGN, ELECTRONIC MESSAGE CENTER: A sign, display or device, or portion thereof, whose message may be changed by electronic process or remote control, and includes electronic time and temperature displays and the device known in the advertising industry as a commercial electronic variable message sign. (3/26/86)

SIGN, FREESTANDING: A sign not attached to a building.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," entrance," "loading

only, "telephone," and other similar directives.

SIGN, INTEGRAL ROOF: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, LOGO: A sign consisting of a trademark or symbol.

SIGN, MESSAGE: Anything displayed on an electronic message center sign, including copy and graphics. (3/26/86)

SIGN, MONUMENT: A sign which extends from the ground or which has a support which places the bottom thereof less than two (2) feet from the ground.

SIGN, OFF-PREMISES: A sign which advertises goods, products or services which are not sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.

SIGN, POLE: A sign erected and maintained on a freestanding frame, mast or pole and not attached to any building but does not include ground-mounted signs.

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, and/or designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used as other than a sign in the normal day-to-day operations of the business for transportation of goods and/or personnel.

SIGN, PROJECTING: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, PUBLIC SERVICE INFORMATION: Any sign, or message on an electronic message center sign, which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities. (3/26/86)

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

SIGN, ROOF: Any sign erected and constructed wholly on and on top of the roof of a building, supported by the roof structure.

SIGN, SEGMENTED MESSAGE: Any message or distinct subunit of a message presented by means of at least one display change on an electronic message center sign. (3/26/86)

SIGN, TEMPORARY: Any sign that is normally considered to be of temporary

duration and is not permanently mounted. Examples include, but are not limited to: commercial signs for limited term events, election signs, real estate signs, etc.

SIGN, TRAVELING MESSAGE: A message which appears to move across an electronic message center sign. (3/26/86)

SIGN, WALL: Any sign parallel to, and attached within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW: Any sign, pictures, symbol, or combination thereof, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGNIFICANT NATURAL AREAS: Natural areas as defined in "Oregon National Areas - Clackamas County Data Summary" published by The Nature Conservancy. This list of natural areas may be amended by the County as additional areas are identified.

SMALL POWER PRODUCTION FACILITY: A facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy or any combination thereof, having a power production capacity that, together with any other facilities located at the same site, is not greater than 80 megawatts; and such facility is more than 50 percent owned by a person who is not a public utility, an electric utility holding company or an affiliated interest. When this definition differs from that in ORS 758.500, the definition in ORS 758.500 shall prevail. (4/12/82)

SOIL MOISTURE SENSING DEVICE OR SOIL MOISTURE SENSOR: A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

SOLAR ENERGY SYSTEM: Any solar collector, or other solar energy device, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity. The power generating capacity of a "solar energy system" is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

SOLID WASTE: Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable, manufactured dwellings or residential trailers which are



dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms Solid Waste or Waste do not include: (11/24/99)

- A. Environmentally hazardous wastes as defined in ORS 466.055;
- B. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;
- C. Septic tank and cesspool pumping or chemical toilet waste;
- D. For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS 459A;
- E. Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;
- F. Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement of Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;
- G. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations. Sludge derived products applied for beneficial uses on land in landscaping projects. (11/5/98)

SPECIFIED SEXUAL ACTIVITIES: Real or simulated acts of human sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochism abuse (as defined on ORS 167.060), sodomy, or the exhibition of human sexual organs in a stimulated state, or the characterization thereof in printed form. This definition shall not be construed to allow uses or activities which are unlawful under State criminal laws. (12/19/84)

STABLE, BOARDING OR RIDING: Premises that are used by the public for the training, riding, boarding, public exhibition or display of livestock for commercial or noncommercial purposes. An agricultural building, as defined in Chapter 4 of the Uniform Building Code, or premises used for the boarding, training or riding of three (3) or less livestock other than those of the operator of the premises shall not be a

"stable" for the purposes of this Ordinance. (8/31/81)

STATIONARY WINDOWS: A window that cannot be opened and is used for light only.

STORY: A portion of a building included between a floor and the ceiling next above it, exclusive of a basement.

STREAM: A body of perennial running water, together with the channel occupied by such running water.

STREAM CORRIDOR AREA: An area including the streambed and a required strip or buffer of land on each side of the streambed necessary to maintain streamside amenities and existing water quality. The width of the stream corridor area varies with the site conditions and shall be determined by on-the-ground investigation, as provided under Subsection 1002.05B. The intent of the stream corridor area shall be to preserve natural environmental qualities and the function of land to purify water before it reaches the stream but not to prohibit timber management activities pursuant to the State Forest Practices Act. (8/5/82)

STREET FRONTAGE: The entire linear distance of a lot abutting a street. Toe strips or flair strips shall not be used to satisfy the minimum street frontage requirements of the Ordinance. (11/5/98)

STREET: See "ROAD".

STREET FURNITURE: Any structural element other than residential, industrial or commercial buildings, streets, sidewalks and curbs shall be considered street furniture including, but not limited to, benches, bus shelters, newsstands, bulletin boards, kiosks, drinking fountains, bicycle stalls, etc.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

SUBDIVIDE: To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract exists as a unit or contiguous units, under a single ownership at the beginning of such year, whether or not that area or tract of land is divided by a water course or a road right-of-way. (10/11/82)

SUBDIVISION: A division of property creating four or more lots in the same calendar year.

SURFACE MINING: Includes the mining of minerals by removing overburden and extracting a natural mineral deposit thereby exposed, or simply such extraction. Surface mining includes open-pit mining, auger mining, production of surface mining waste, prospecting and exploring that extracts minerals or affects land, processing to include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads. (9/12/91)

SURFACE MINING, MINERALS: Includes soil, clay, stone, sand, gravel, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use. (9/12/91)

SURFACE MINING, NONAGGREGATE MINERALS: Coal and metal-bearing ores, including but not limited to ores that contain nickel, cobalt, lead, zinc, gold, molybdenum, uranium, silver, aluminum, chrome, copper or mercury. (7/83)

SURFACE MINING, OPERATOR: A legal entity engaged in surface mining or in an activity at a surface mining site preliminary to surface mining.

SURFACE MINING, RECLAMATION: Procedures designed to minimize the disturbance from surface mining and to provide for the rehabilitation of surface resources through the use of plant cover, soil stabilization, and other procedures to protect the surface and subsurface water resources, and other measures appropriate to the subsequent beneficial use of mined lands. (9/12/91)

SUSTAINABILITY: Using, developing, and protecting resources in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic, and community needs.

TRACT: One or more contiguous lots or parcels under the same ownership. (2/9/95)

TRAIL: A hard- or soft-surfaced facility for pedestrians, bicyclists, or equestrians that is separate from vehicular traffic. Trails often go through natural areas and are designed to have a minimal impact on the natural environment. (3/17/04)

TRANSFER STATION: A fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site, including but not limited to drop boxes made available for general public use. This definition does not include solid waste collection vehicles. (3/17/04)

TRANSIT STOP: Any posted bus or light rail stop. (9/8/94)

TRANSITIONAL AREA: The lot or lots within any residential district, having a lot line abutting and impacted by a boundary of a commercial or industrial district and extending into the residential district where such use will not adversely impact existing residential uses.

TURF LAWN: A ground-cover surface made up of thick, closely mowed, cultivated grass.

UNDERGROUND STRUCTURE: A structure in which more than fifty (50) percent of the cubic footage of the enclosed, covered space is (1) constructed below the highest elevation of the ground adjoining the structure site prior to excavation; and (2) covered over by ground materials, such as soil, sod, sand or exterior paving,



which are continuous on at least one side of the structure with contiguous surface ground materials. Conventional roofing materials may be used to cover any portion of the structure which extends above ground elevation. For an underground structure to be a "dwelling unit" access must be provided to outdoor space at floor level (within two (2) feet of elevation) equal to at least ~~twenty (20)~~ percent of the square footage of the enclosed, covered area of the structure.

Underground structures must meet all appropriate Uniform Building Code regulations and the requirements of the subject zoning district, except as provided in Section 904 of this Ordinance.

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. (4/13/06)

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.

UTILITY CARRIER CABINETS: A small enclosure used to house utility equipment intended for offsite service, such as electrical transformer boxes, telephone cable boxes, cable TV boxes, fire alarm boxes, police call boxes, traffic signal control boxes, and other similar apparatus. (2/29/84)

VEHICLE, COMMERCIAL: A commercially licensed and operated vehicle exceeding the capacity of one ton.

VISUALLY SENSITIVE AREAS: Prominent natural landscape features such as hillsides, forests, and waterways; historic district; visual corridors along major highways and rivers. Natural landscapes that occur within the urban area and along traffic corridors are of higher visual significance.

WALKWAY: A hard-surfaced facility for pedestrians, within a development or between developments, distinct from surfaces used by motor vehicles. A walkway is distinguished from a sidewalk by its location on private property. (3/17/04)

WASTE RELATED: Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also includes uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

WETLANDS: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (1/5/09)

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YARD: The open space, on a lot, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

YARD, FRONT: Any yard abutting a state highway, County road, public road, private road, or access drive, except as modified by Subsections 903.01 and 903.07 or this Ordinance. (11/5/98)

YARD, REAR: Any yard abutting a rear lot line.

YARD, SIDE: Any yard abutting a side lot line.

**301 URBAN LOW DENSITY RESIDENTIAL DISTRICTS (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30) (9/28/10)**

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301.01 PURPOSE

~~This Section 301 is adopted to~~ implements the goals and 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 ~~one-quarter~~<sup>1/4</sup> mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5. (12/23/98)
- 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 that have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.



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- 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% percent slope and to Resource Protection areas. Flexible ~~lot~~-size subdivisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities. (12/23/98)
- G. R-2.5: In addition to the above criteria ~~on~~, 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 Main Sstreet on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center and Corridors. (5/3/01);
  2. Areas with access to a residential collector or higher functional class street; and
  3. Areas where the size of the site and adjoining properties zoned R-2.5 do not exceed ~~ten~~ (10) acres.

301.03 PRIMARY USES

- A. The following are primary uses in the R-2.5 zoning district:
1. One attached single-family dwelling or residential home; (3/24/05)
  2. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. ~~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 Medium High Density Residential District (MR-2) as well as areas zoned Urban Low Density Residential, a master plan may be approved for the entire site. The master plan may provide for condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings on both the areas zoned Urban Low Density Residential and the areas zoned MR-2. The following criteria shall be met: (3/24/05)

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- 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; and (3/24/05)
4. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)
- B. The following are primary uses in the R-5 through R-30 zoning districts:
1. One detached single-family dwelling, residential home or, ~~subject to Section 824,~~ manufactured home. A manufactured home shall be subject to Section 824; (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, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. ~~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. Refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)
  6. Utility carrier cabinets, subject to Section 830; and (3/24/05)
  7. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

301.04 ACCESSORY USES

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

- 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, including bed and breakfast homestays, 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. PA produce stands, subject to Section 815;
- F. ~~Bed and breakfast homestays, subject to the major home occupation provisions under Section 822. (7/15/87)~~
- G. Livestock, subject to Section 821;
- 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, subject to as provided under Section 1010; (8/6/81)
- I. Temporary buildings for uses incidental to construction work; Such buildings which shall be removed upon completion or abandonment of the construction work;
- J. Bus shelters, subject to the provisions of Section 823;
- K. Solar energy system collection apparatus; (8/5/82)
- L. RA rainwater collection systems;
- M. Electric vehicle charging stations for the use of residents and their nonpaying guests;
- L.N. Family day-care providers home facilities, as defined in Section 202; and

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OM. 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 Planning Director may approve the following use ~~may be approved by the Planning Director in an Urban Low Density Residential District,~~ 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)

301.06 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses ~~may be allowed in an Urban Low Density Residential District, 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; and (11/30/06)
17. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

301.07 PROHIBITED USES

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

- A. Uses of structures or land not specifically permitted; ~~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; ~~and (3/24/05).~~
- C. ~~Outdoor advertising displays, advertising signs or structures, except as provided under Section 1010.~~

301.08 DIMENSIONAL MINIMUM LOT AND STRUCTURE DESIGN STANDARDS REQUIREMENTS

- A. Purpose: The dimensional setback, coverage, depth, and structure design height requirements of these districts standards are intended to:
  1. Provide consistent standards ensuring a stable pattern and intensity of development for new and existing neighborhoods;
  2. Provide for fire safety and protection of all structures;
  3. Protect the privacy and livability of dwellings and yard areas;
  4. Provide for adequate light and air circulation between structures;
  5. Provide for, and protect the unique character and livability of each district;
  6. Ensure suitable access to each lot with minimum impact on adjacent lots or dwellings; and
  7. Ensure consistency in the scale of structures, both vertically and horizontally.

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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)  |
| 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 feet <del>(2/27/97)</del> |
| 2. Minimum rear yard setback:                                      | 20 feet <del>(2/27/97)</del> |
| 3. Minimum side yard setback:                                      | 5 feet <del>(2/27/97)</del>  |
| 4. Maximum building height:  | 35 feet                      |
| 5. Maximum lot coverage:   |                              |
| a. Primary use structures:   | 35% <u>percent</u>           |
| b. Primary and accessory structures:                               | 40% <u>percent</u>           |
| c. <u>Lot coverage limitations do not apply to swimming pools.</u> |                              |

D. Exceptions to General Requirements: ~~Subsection 301.08(C)The general requirements of these districts shall be~~ is subject to modification pursuant to the provisions under Sections 900 and 1000. Further, exceptions and modifications of these requirements set forth above shall be as followsIn addition, the following exceptions apply:

1. ~~Accessory Structures: All accessory structures shall be consistent with the purposes under Subsection 301.08(A). A maximum of four accessory structures are in addition to the dwelling may be permitted. Minimum setbacks, except as prescribed for accessory dwelling units in Subsection 301.08(G), may be modified are as follows: (3/24/05)~~
  - a. Structures 100 square feet or less in area and eight feet or less in height: No side or rear yard setback behind the front building line shall be required for any detached accessory structure
  - a. ~~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 to- 200 square feet in area and structures up to ten (10) feet in height: ~~The~~ A minimum side and/or rear yard setbacks behind the front building line ~~may be reduced to are~~ three (3) feet for any detached accessory structure and its projections.
  - c. Structures 201 to- 500 square feet in area and structures up to fifteen (15) feet in height: The minimum side and rear yard setbacks behind the front building line ~~may be reduced to are~~ 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) feet~~ in height. ~~However, the minimum~~ This setback ~~shall~~ need not exceed the setback requirements ~~of listed under Subsection 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 greater than 15 feet in height: Structures ~~greater than 15~~ sixteen (16) feet in height and over shall ~~comply~~ meet with the setback requirements listed ~~under of Subsection 301.089(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 ~~is allowed~~ may be approved, by the Planning Director subject to the setback requirements of Subsection 301.08(C) ~~the district~~ and the following provisions:
    - i. 1. — The lot is in excess of 10,000 square feet in area.
    - ii. 2. — The proposed accessory structure ~~shall~~ 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, and with a painted steel exterior similar in color to that of the dwelling.

iii. 3.—The square footage of the accessory structure shall not exceed the square footage of the ground floor of the dwelling.

iv. 4.—The height of 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: The minimum front yard setback for a swimming pool shall be 10 feet. The minimum side and rear yard setbacks for a swimming pool shall be three feet. 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, if the front setback to be reduced abuts 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 classification street. The side and rear yards areas of corner lots shall be designated by the applicant with the minimum setback distance as identified in Subsection 301.08(C). (3/24/05)

3. Undersized Lots of Record: For any detached single-family dwelling on a lot of record of 6,000 square feet or less, the rear yard setback may be reduced to 10 feet, 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, provided that 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)

a. The lot of record was created prior to the application of an Urban Low Density Residential District to the subject lot of record; and

b. The development occurring within the yard setback area shall not block solar access to an existing window or solar energy system collecting panel or area located on the adjacent properties. (3/24/05)



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- E. Variances: Dimensional standards may be modified pursuant to Section 1205. ~~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 two~~2~~ feet deep.
  2. An entry area recessed at least two~~2~~ feet from the exterior wall to the door.
  3. A bay or bow window (not flush with the siding).
  4. An o~~o~~ffset 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 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 six~~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 ~~at~~ 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 ~~shall~~ 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 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 prior to issuance of a building permit for the accessory dwelling unit. (3/24/05)
- H. Condominiums and ~~T~~two- ~~and~~ ~~and~~ ~~t~~three- ~~f~~Family ~~d~~Dwellings shall be subject to ~~d~~Design ~~r~~Review pursuant to Section 1102. (11/13/08)
- 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. 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:~~

~~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)~~

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

~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.~~

~~B. Off-Street Parking:~~

~~C. 1. At least one (1) off-street parking space located behind the front yard setback line shall be provided for each single-family dwelling unit.~~

~~2. Off-street parking for other permitted uses shall be as specified in Subsection 1007.07.~~

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~~D. 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).~~

~~E.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)~~



**302 MEDIUM DENSITY RESIDENTIAL DISTRICT (MR-1) (12/20/07)**

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302.01 PURPOSE

~~This Section 302~~ is adopted to implement the goals and policies of the Comprehensive Plan for Medium Density Residential (MR-1) areas. (3/24/05)

302.02 AREA OF APPLICATION

Property may be zoned Medium Density Residential District (MR-1) when the site has a Comprehensive Plan designation of Medium Density Residential, the criteria under Section 1202 are satisfied, and the following criterion is satisfied: (3/24/05)

A. The site has a Comprehensive Plan designation of Medium Density MR-1 Residential;

B. The criteria under Section 1202 are satisfied; and

~~A.C.~~ The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such public facilities, services, and transportation networks are planned to be provided concurrently with the development of the property. (3/24/05)

302.03 PRIMARY USES

The following are primary uses in the Medium Density Residential District (MR-1):

A. Multifamily dwellings; (3/24/05)

B. Three-family dwellings; (3/24/05)

C. Two-family dwellings; (3/24/05)

D. Attached single-family dwellings; (3/24/05)

E. Congregate housing facilities; (3/24/05)

F. Condominiums, subject to Section 803; (3/24/05)

G. Nursing homes, subject to Section 810; (3/24/05)

H. Manufactured dwelling parks, subject to Sections 824 and 825 and a minimum lot size of one+ acre; (3/24/05)

I. Utility carrier cabinets, subject to Section 830; (3/24/05)

J. Bed and breakfast residences and inns, subject to Section 832; (3/24/05)

- K. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)
- L. Lodging, boarding, and rooming houses for any number of guests, but not primarily for transients, subject to a minimum lot size of 7,000 square feet; and (3/24/05)
- M. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential district. ~~These uses may be zoned Open Space Management under Section 702 when the criteria under Section 1011 are satisfied.~~ (3/24/05)

302.04 ACCESSORY USES

The following are accessory uses in the Medium Density Residential District (MR-1):

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts; (3/24/05)
- C. ~~Parking and loading structures and areas provided in conjunction with a primary use, or a church established prior to July 14, 1980;~~ (3/24/05)
- D. Rental information offices; (3/24/05)
- E. Repair and maintenance services; (3/24/05)
- F. 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; (3/24/05)
- G. Solar energy systems~~collection apparatus~~; (3/24/05)
- H. Rainwater collection facilities~~systems~~;
- I. Electric vehicle charging stations;
- H.I. Home occupations, subject to Section 822; (3/24/05)

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I-K. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)

J-L. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (3/24/05)

K-M. Family daycare providers; and (3/24/05)

L-N. Signs, subject to Section 1010. (3/24/05)

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

The Planning Director may approve the following use ~~may be approved in the Medium Density Residential District (MR-1), 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)

302.06 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses in the Medium Density Residential District (MR-1) ~~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. Alteration or expansion of a church which was lawfully established prior to July 14, 1980. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting church and associated facilities prior to July 14, 1980. The use shall be subject to Section 804; (3/24/05)

2. Schools, subject to Section 805; (5/22/03)

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

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

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

6. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (3/24/05)

7. Multi-use developments, subject to Section 1016; ~~and (11/30/06)~~

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

302.07 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses ~~are~~ shall be prohibited in the Medium Density Residential District (MR-1): (3/24/05)
1. Uses of structures and land not specifically permitted; ~~and~~(3/24/05)
  2. The use of a residential trailer or mobile home as a dwelling, except within a lawfully established preexisting manufactured dwelling park or as authorized under Section 1204. (3/24/05)
- B. Preexisting Uses: (3/24/05)
1. Lawfully established single-family dwellings or residential homes may be altered or expanded without review under Section 1206. (3/24/05)
  2. A new lot created for a lawfully established single-family dwelling shall have a minimum area of 3,630 square feet. (3/24/05)
  3. Lawfully established single-family dwellings and their accessory structures shall comply with the setback standards of Section 301. (3/24/05)
  4. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum and minimum density for the remaining lot. (3/24/05)

302.08 DIMENSIONAL STANDARDS (3/24/05)

- A. Purpose: The dimensional standards are intended to: (3/24/05)
1. Provide for fire safety and protection of all structures;
  2. Protect the privacy and livability of on- and off-site dwellings and yard areas;
  3. Provide for adequate light and air circulation between structures;
  4. Ensure suitable and safe access to each development with minimum impact on adjacent lots or dwellings; and
  5. Provide for adequate open space within a development. (3/24/05)
- B. Density and Minimum Lot Size: The district land area for purposes of calculating density pursuant to Section 1012 is 3,630 square feet per dwelling unit. The minimum lot size for an attached single-family dwelling shall be 3,630 square feet, except as modified by Section 1013 or 1014. (3/24/05)



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- C. Minimum Front Yard Setback: 20 feet. On corner lots, the minimum front yard setback shall apply from both roads, except in the case of a corner lot developed with an attached single-family dwelling, where the minimum front yard setback may be reduced to 10 feet on one of the roads. However, the reduced setback shall not apply to any property line from which vehicular access is taken. ~~A greater setback may be required for primary uses proposed adjacent to an arterial or freeway/expressway to allow adequate area for buffering of noise or air pollution, subject to Subsection 1009.05. (3/24/05)~~
- D. Minimum Rear Yard Setback: 20 feet. (3/24/05)
- E. Minimum Side Yard Setback: (3/24/05)
1. ~~One~~ story: ~~five~~5 feet. (3/24/05)
  2. ~~Two~~2 stories: ~~seven~~7 feet, or 10 feet when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district. (3/24/05)
  3. ~~Three~~3 stories: 15 feet. (3/24/05)
  4. An additional ~~five~~5 feet of side yard setback shall be required for each story higher than ~~three~~3 stories. (3/24/05)
  5. Notwithstanding Subsections 302.08(E)(1) through (4), the minimum side yard setback for attached single-family dwellings shall be ~~five~~5 feet, except when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, where the minimum shall be 10 feet. No setback shall be required from any side lot line where two dwelling units share a common wall. (3/24/05)
- F. Accessory Structure Setback Exceptions: (3/24/05)
1. Structures of 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 in this category provided that the structure height does not exceed ~~eight~~8 feet. Structures in this category that exceed ~~eight~~8 feet in height but do not exceed 10 feet in height shall comply with the standards in Subsection 302.08(F)(2). (3/24/05)
  2. Structures 101 to 200 square feet in area: The side and rear yard setbacks may be reduced to ~~three~~3 feet for any detached accessory structure in this category provided that the structure height does not exceed 10 feet. (3/24/05)
  3. Swimming Pools: The minimum front yard setback shall be 10 feet. The minimum side and rear yard setbacks shall be ~~five~~5 feet, except if a side or rear property line abuts an Urban Low Density Residential, VR-4/5, or

VR-5/7 district, in which case the minimum setback shall be 15 feet from the abutting property line. (3/24/05)

- G. Maximum Lot Coverage: 50 percent, except for lots developed with attached single-family dwellings, where the maximum shall be 65 percent. Swimming pools are not subject to the maximum lot coverage standard. (3/24/05)
- H. Maximum Building Height: None, except in the case of an attached single-family dwelling, where the maximum building height shall be 35 feet. (3/24/05)
- I. Minimum Landscaping Area: 25 percent of the lot, except in developments of attached single-family dwellings, where the minimum shall be 20 percent of each lot.
- ~~I. 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 a private driveway, access drive, or private road and a public, county, or state 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. (3/24/05)~~
- J. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- K. Variances: Dimensional standards may be modified pursuant to Section 1205. (3/24/05)

302.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. ~~If there is a conflict between Section 1000 and this subsection, this subsection shall govern. (3/24/05)~~
- 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. (3/24/05)~~
- ~~C. Off-Street Parking and Loading:
  - I. A minimum of two off-street parking spaces shall be provided for each attached single-family dwelling. The minimum number of off-street parking spaces required for other uses is established pursuant to Section 1007. (3/24/05)~~

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~~2. No parking or loading space required under Section 1007 shall be used for storing a recreational vehicle, camper, or boat. Where spaces are provided above the minimum requirements of Section 1007, the additional spaces may be used for such storage. (3/24/05)~~

~~D. Landscaping and Buffering: (3/24/05)~~

- ~~1. Except in developments of attached single family dwellings, a minimum of 25 percent of the gross site area shall be used for landscaping, buffering, and outdoor recreation and activity areas, subject to Section 1009. (3/24/05)~~
- ~~2. In a development of attached single family dwellings, up to 20 percent of the area of each lot may be required to be landscaped if, through design review, it is determined to be necessary in order to comply with the objectives of this subsection. (3/24/05)~~
- ~~3. Particular objectives for landscaping and buffering shall be: (3/24/05)~~
  - ~~a. To provide noise buffering and mitigate air pollution associated with any freeway/expressway or arterial adjoining a site area; (3/24/05)~~
  - ~~b. To provide outdoor soft surface activity areas; (3/24/05)~~
  - ~~c. To provide a variety of plant sizes, shapes, textures, and colors, including seasonal color changes, to create an interesting outdoor environment; and (3/24/05)~~
  - ~~d. To provide a transition/buffer between a development and adjacent Low Density Residential areas. (3/24/05)~~

~~E. Access and On-Site Circulation: The location and design of on-site circulation networks shall comply with the following requirements: (3/24/05)~~

- ~~1. Provide for joint access and circulation drives to and through compatible developments.~~
- ~~2. Provide for continuous pedestrian and bicycle circulation.~~
- ~~3. Access drives shall have a connection to a public street.~~
- ~~4. The minimum width shall be 16 feet for two-way traffic and 12 feet for one-way traffic. Adequate turnaround area(s) shall be provided for dead-end access drives. (3/24/05)~~

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- ~~5. Access and on-site circulation drives shall be hard surfaced according to the standards established by the County Engineering Division.  
(3/24/05)~~
- ~~6. Minimum width of access drives shall not be considered in fulfilling the off-street parking requirements. (3/24/05)~~
- ~~7. Minimize barriers to handicapped or elderly persons.~~
- ~~8. Manufactured dwelling parks shall comply with Section 825.  
(3/24/05)~~

~~F.C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)~~



**303 HIGH DENSITY RESIDENTIAL DISTRICT (HDR) ~~(4/22/10)~~**

303.01 PURPOSE

~~This Section 303 is adopted to implement the goals and policies of the Comprehensive Plan for High Density Residential areas, which include provision for residential development at densities which are supportive of public service and facility capacities in locations with good access to employment, shipping areas, open space, and public transportation.~~

303.02 AREA OF APPLICATION

~~This district is to be applied to those areas which are suited for intense development of residential uses. Property may be zoned designated High Density Residential District (HDR) if when the following criteria, and criteria under Section 1202, are satisfied:~~

- ~~A. The site has been designated High Density Residential on the a Comprehensive Plan designation of High Density Residential;~~
- ~~B. The criteria under Section 1202 are satisfied; and~~
- ~~B.C. The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or, such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

303.03 PRIMARY USES

The following are primary uses in the High Density Residential District (HDR):

- A. Multifamily dwellings; (3/24/05)
- B. Three-family dwellings; (3/24/05)
- C. Two-family dwellings; (3/24/05)
- D. Congregate housing facilities; (3/24/05)
- E. Condominiums, subject to Section 803; (3/24/05)
- F. Nursing homes, subject to Section 810; (3/24/05)
- G. Utility carrier cabinets, subject to Section 830; (3/24/05)
- H. Bed and breakfast residences and inns, subject to Section 832; and (3/24/05)
- I. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

303.04 ACCESSORY USES

The following are accessory uses in the High Density Residential District (HDR):

- A. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development;:-
- B. ~~Parking and loading structures and areas provided in conjunction with a primary or limited use, subject to the limitations of Subsection 303.10 and Section 1007;:- (3/14/02)~~
- C. Bus shelters, bike racks, street furniture, drinking fountains, kiosks, art sculptures, and other pedestrian and transit amenities;:-
- D. Rental and development information offices;:-
- E. Handyman and maintenance services in association with primary, accessory, or limited uses in the development;:-
- F. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;:-
- G. Self-service laundry facilities;:-
- H. ~~Solar energy systems collection apparatus;:-~~
- I. ~~Rainwater collection facilities systems;~~
- J. ~~Electric vehicle charging stations;~~
- K. ~~Signs, subject to Section 1010;~~
- L. ~~Family day-care providers home facilities, as defined in Section 202; and-~~
- M. ~~Home occupations, subject to Section 822.~~

303.05 LIMITED USES

Within a Design Plan area, office, retail, and service uses may be included in a High Density Residential (HDR) development subject to the provisions set forth below:

- A. Office, retail, and service commercial uses, itemized under Subsections 303.05(B) and (C) below, may be allowed as part of a development within a

Design Plan area when developed concurrently with or after the primary uses, subject to the following limitations and conditions:

1. Limited uses may be allowed in developments meeting the minimum residential density in Subsection 303.09(D) for the entire site area. The total combined floor area occupied by all limited uses shall not exceed ten (10) percent of the total floor area occupied by primary uses. (3/14/02)

Formula:

— .10 x primary use floor area = limited use floor area

2. All limited uses shall be part of a planned development.
3. Allowing the use(s) will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use(s).
4. No outdoor storage of materials associated with the limited use shall be allowed.
5. Uses shall not be of a type or intensity which produce odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
6. Commercial uses itemized under Subsection 303.05(C), below, shall be small-scale establishments located and arranged within the development to cater primarily to the shopping and service needs of residents, onsite employees, and area patrons. No single commercial use shall occupy more than 1,500 square feet of floor area.
7. ~~All limited uses shall comply with the dimensional requirements and development standards under Subsections 303.09 and 303.10.~~  
(3/14/02)

B. Limited office uses may be as follows:

1. Offices or studios of the following professions or occupations:

Accountants, investment counselors, management consultants;

Attorneys;

Architects, landscape architects, and engineers;

Artists, designers, draftsmen, authors, or writers;

Photographers, musicians, and dancers; and

Physicians, surgeons, dentists, psychologists, and counselors; and

2. Any office use that the Planning Director finds to be similar to one or more of those specified in Subsection 303.05(B)(1) and consistent with the Comprehensive Plan and the purposes of ~~this Section 303~~. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

C. Limited retail and service commercial uses may be as follows:

1. Laundry pickup agency, dry cleaners, and pressing and dry cleaning services ~~which that~~ do not require a fireproof vault;
2. Barber or beauty shop, tailor, dressmaker, shoe repair, or similar personal service business;
3. Coffee, pastry or sandwich shop, cafeteria, delicatessen, restaurant, drinking establishment, or pedestrian-oriented fast-food service;
4. Confection, newspaper, magazine, book, gift, stationery, or flower and plant sales;
5. Pharmacy;
6. Grocery and variety stores emphasizing convenience rather than bulk merchandise sales;
7. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited uses;
8. Duplicating services;
9. Self-service postal facilities;
10. Daycare facilities; and (5/22/03)
11. Any convenience or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 303.05(C) and consistent with the Comprehensive Plan and the purposes of ~~this Section 303~~. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

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

The Planning Director may approve the following use in the High Density Residential District (HDR) ~~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)

303.07 CONDITIONAL USES

A. ~~The Hearings Officer may approve c~~Conditional uses in the High Density Residential District, ~~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 the applicable provisions of Section 800, and all other requirements of this ordinance.~~ In addition, the proposed use: (5/22/03)

1. Shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use; (5/22/03)
2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity, and on a site no larger than necessary for the use and the operational requirements of the use; (5/22/03)
3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and (5/22/03)
4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use. (5/22/03)

B. ~~The following conditional uses may be allowed in the High Density Residential HDR District Uses allowed subject to the above conditions are:~~

1. Churches, subject to Section 804; (5/22/03)
2. Service and recreational uses, subject to Section 813; (5/22/03)
3. Hydroelectric facilities, subject to Section 829; (5/22/03)
4. Preschools and nursery schools; (5/22/03)
5. Health clubs and recreational uses that exceed an accessory, limited, or service and recreational use; (11/30/06)



6. The hosting of weddings, family reunions, class reunions, company picnics, and similar events; (11/30/06)
- ~~E~~.7. \_\_\_\_\_ Office, retail, and service commercial uses identified in Subsections 303.05(B) and (C) which exceed the conditions specified for such uses, as determined by the Planning Director, or any neighborhood commercial or office use identified in Section 501, provided that may be allowed subject to Subsection 303.07(A) and the following: (5/22/03)
  - ~~1~~.a. The proposed use shall provide a needed service commensurate with the population growth of the immediate area; and (5/22/03)
  2. The use shall be provided in conjunction with a primary use development on the same site, and the floor area for such use shall be included within the 10 percent floor area allowed for limited uses. (5/22/03)
- ~~D~~.8. \_\_\_\_\_ Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835, except that such facilities are not subject to Subsections 303.07(A)(1) through (4); and (5/22/03)
- ~~E~~.9. \_\_\_\_\_ Multi-use developments, subject to Section 1016, except that such facilities are not subject to Subsections 303.07(A)(1) through (4). (5/22/03)

303.08 PROHIBITED AND PREEXISTING USES

- A. Uses of structures and land not specifically permitted in Section 303 shall be prohibited in ~~the~~ High Density Residential ~~D~~istrict (HDR)s.
- B. Preexisting legally established commercial uses may be remodeled or expanded subject to staff review with public notice pursuant to Subsection 1305.02, when the following conditions are satisfied: (12/23/98)
  1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.
  2. Limited Area: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.
  3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into the residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.
- C. Lawfully established single-family dwellings or residential homes may be remodeled or expanded without review under Section 1206. (3/24/05)

- D. A new lot may be created for a lawfully established single-family dwelling provided that the remaining lot shall be a minimum of one acre in size. (3/24/05)
- E. Lawfully established single-family dwellings shall comply with the setback standards of Section 301. (3/24/05)
- F. Any lot less than one acre in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 303.09(B). (4/13/06)
- G. All other legally established preexisting structures and uses not specifically permitted as a primary use in Subsection 303.03 shall be nonconforming uses subject to the provisions of Section 1206. (12/23/98)

303.09 DIMENSIONAL STANDARDS (3/24/05)

- A. Purpose: ~~The dimensional standards purposes of these requirements and limitations are intended to:~~
  - 1. Encourage coordinated development and the most efficient and maximum use of high density areas;:-
  - 2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;:-
  - 3. Preserve opportunities for, and encourage, the use of active or passive solar energy systems in the development of any site area within or adjoining this district;:- and
  - 4. Ensure the provision of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents.
- B. Minimum Site Area Requirement. A minimum gross site area of one (1) acre, including land dedicated for roadway purposes, shall be required for high density developments. "Site area" for purposes of this section shall be one of the following:
  - 1. A single tax lot, or two or more contiguous tax lots under the same ownership.
  - 2. Two or more contiguous tax lots under separate ownership, provided that:
    - a. b. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and

b.c. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or

e.d. The group shall record, in the office of the County Clerk, a contract in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County-approved development plan for the site area.

- C. Undersized Lots. Primary and accessory uses may be established on smaller than one- (1) acre sites which are physically separated from all other undeveloped or underdeveloped properties in this district.
- D. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,742 square feet per dwelling unit. (3/24/05)
- E. Maximum Lot Coverage: ~~The maximum lot coverage for all structures shall be fifty (50) percent of the new site area, after any required dedications for roadway purposes. A minimum of twenty-five (25) percent of the developed site area shall be used for landscaping, natural areas or outdoor recreational use areas, as provided under Subsection 303.10. (3/14/02)~~
- F. Minimum Landscaping Area: 25 percent of the lot.
- F. ~~Siting Setbacks, separations, and height of structures shall be determined on the basis of the following requirements:~~
- 1-G. Minimum Front Yard Street Setbacks: ~~No building or structure shall be located closer than fifteen (15) feet from any public, county or state road or road easement. The setback requirement may be increased for primary uses adjacent to arterials, expressways or freeways to allow adequate noise buffers, such as landscaped berms or other solid barriers, to be installed subject to provisions of Subsection 1009.05.~~
2. ~~Corner Vision. No site-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 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.~~
3. ~~On-Site Building Separation Requirements. The minimum north-south and east-west separation distance between two onsite structures, and the separation distance between a structure and site-area line south of said structure, except when abutting a public, county or state road,~~

~~shall be as prescribed by the Building Code, the fire district, and the development standards of this Ordinance.~~

4.H. Minimum North-South Separation:- The minimum distance on a north-south axis between any building and a site area line north of said building, shall be the horizontal distance calculated by drawing a 60 degree angle line from the top of the structure to the natural ground elevation north of the structure. ~~(For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building)-(see illustration). (See Figure 303-1.)~~ This provision shall be modified as follows:

a.1. Intervening streets and fifteen (15) feet of setback into the property on the north side of said street may be included in the required separation distance.

b.2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive, parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.

e.3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 303.09(1F)(5), below, that area may be included in the required separation distance. (3/14/02)

5.I. North-South Separation Easements:- An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:

a.1. Documentation and map of the easement is submitted with the development plans for the site areas in question, and

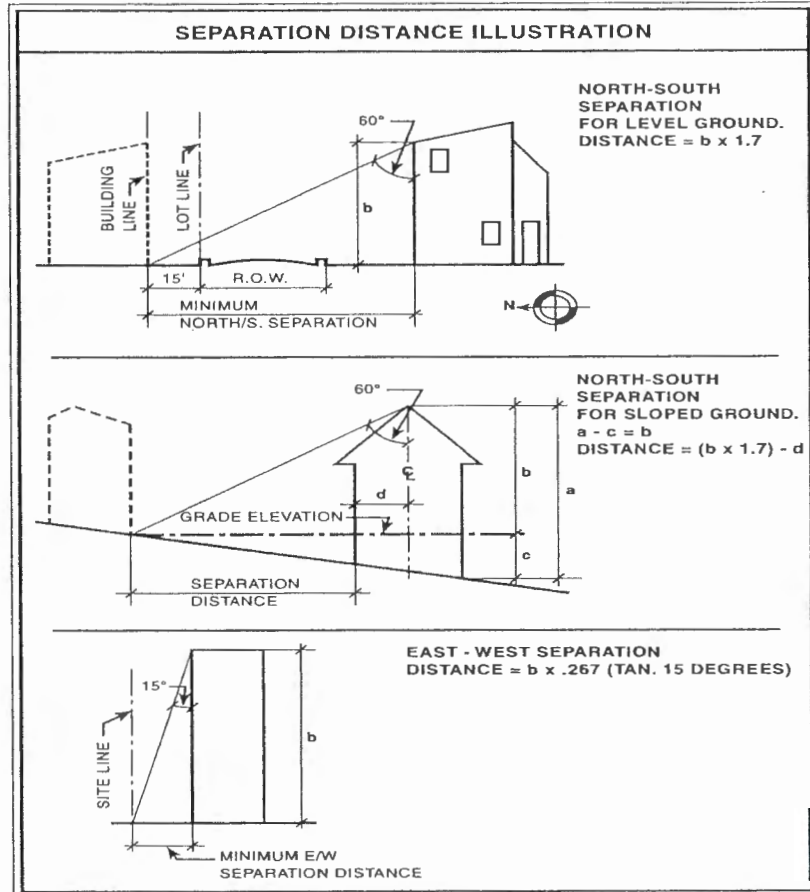
b.2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible, and

e.3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.

6.J. Minimum East-West Separation:- The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure ~~(see illustration)~~. (See Figure 303-1.)



Figure 303-1



Formula: Separation =  $b \times .267$  (tan 15 degrees)

~~G.K.~~ Exceptions to Setback, and Separation and Height Requirements. The requirements of this section are not subject to modification pursuant to the provisions of Sections 903 and 904. However, these requirements may be modified through design review pursuant to Section 1102 in the development review process, pursuant to the procedures for staff review with notice under Subsection 1305.02. Approval shall not be granted unless:

1. The purposes set forth under Subsection 303.09(A) are addressed and satisfied in the proposed design of the development, and (3/14/02)
2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.



- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.

All development within this district is subject to the review procedures and application requirements under Section 1100, and the Development Standards of Section 1000. In addition, the following specific standards, requirements and objectives shall apply to development in this district.

- A. ~~Community Plans: All development within a Community or Design Plan Area as described in Chapter 10 of the Comprehensive Plan shall also comply with the specific policies and standards for the adopted Community or Design Plan. (6/29/00)~~
- B. ~~Access and Onsite Calculation: In addition to the provisions of Section 1007, the location and design of onsite circulation networks shall:
  - 1. ~~Provide for joint access and circulation drives to and through developments.~~
  - 2. ~~Provide for continuous pedestrian and bicycle access to primary, accessory and limited uses within and between developments, and conveniently located bicycle storage facilities.~~
  - 3. ~~Minimize barriers to handicapped or elderly persons.~~~~
- C. ~~Offstreet Parking and Loading: No parking or loading space required under Section 1007 shall be used for storing a recreational vehicle, camper or boat.~~
- D. ~~Landscaping and Buffering: A minimum of twenty-five (25) percent of the net site area shall be used for landscaping, buffering and outdoor recreation and activity areas subject to Section 1009. Particular objectives for landscaping and buffering in this district shall be:
  - 1. ~~To provide noise buffering and mitigate air pollution associated with any freeway, expressway, or arterial adjoining a site area.~~
  - 2. ~~To provide outdoor soft-surface activity areas.~~
  - 3. ~~To define and provide transitions between semipublic, semiprivate, and private areas within the site.~~~~

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4. ~~To provide a variety of plant sizes, shapes, textures and colors, including seasonal color changes, to create an interesting outdoor environment.~~

~~E.C.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)

**304 SPECIAL HIGH DENSITY RESIDENTIAL DISTRICT (SHD) (4/22/10)**

304.01 PURPOSE

~~This Section 304 is adopted to implement the goals and policies of the Comprehensive Plan for Special High Density Residential areas which provide for intense urban residential development in conjunction with supportive commercial and office uses in locations well served with high quality transportation, particularly public transportation.~~

304.02 AREA OF APPLICATION

~~This district is to be applied to those areas which are particularly suited for intensive low-, mid- and high-rise residential developments. Property may be zoned designated Special High Density Residential District (SHD) if when the following criteria, and the criteria under Section 1202, are satisfied:~~

- ~~A. The site has been designated Special High Density Residential on the Comprehensive Plan designation of Special High Density Residential;~~
- ~~B. The criteria in Section 1202 are satisfied; and~~
- ~~B.C. The property and affected area are is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~

304.03 PRIMARY USES

The following are primary uses in the Special High Density Residential District:

- A. Multifamily dwellings; (3/24/05)
- B. Congregate housing facilities; (3/24/05)
- C. Condominiums, subject to Section 803; (3/24/05)
- D. Nursing homes, subject to Section 810; (3/24/05)
- E. Utility carrier cabinets, subject to Section 830; and (3/24/05)
- F. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

304.04 ACCESSORY USES

The following are accessory uses in the Special High Density Residential District:

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- A. Indoor and outdoor recreational facilities such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development;:-
- B. ~~Parking and loading structures and areas provided in conjunction with a primary or limited use, subject to the limitations of Subsection 304.10 and Section 1007;:- (3/14/02)~~
- C. Bus shelters, bike racks, street furniture, ~~and drinking fountains, kiosks, art sculptures, and other pedestrian and transit amenities;:-~~
- D. Rental and development information offices;:-
- E. Handyman and maintenance services in association with primary, accessory, or limited uses in the development;:-
- F. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;:-
- G. Self-service laundry facilities;:-
- H. ~~Solar energy systemseollection apparatus;:-~~
- I. ~~Rainwater collection facilitiesessystems;~~
- J. ~~Electric vehicle charging stations;~~
- ~~±K. Family day-care providershome facilities, as defined in Section 202; and~~
- ~~±L. Home occupations, subject to Section 822. (4/22/10)~~

304.05 LIMITED USES

Office, retail, and service uses may be included in a Special High Density Residential development subject to the provisions set forth below.

- A. Office, retail, and service commercial uses, itemized under Subsection 304.05(B) below, may be allowed as part of a development in this district when developed concurrently with, or after, the primary uses, subject to the following limitations and conditions:
  - 1. Limited uses may be allowed in developments meeting the minimum residential density of the zoning district for the entire site area. The total

combined floor area occupied by all limited uses shall not exceed fifteen (15) percent of the total floor area occupied by primary uses. (12/23/98)

Formula:

.15 x primary use floor area = limited use floor area

2. All limited uses shall be part of a planned development, located and arranged within the development to cater primarily to the shopping and service needs of residents, onsite employees, and activity center patrons.
3. No outdoor storage of materials associated with the limited use shall be allowed.
4. Uses shall not be of a type or intensity which produce odor, smoke, fumes, noise, glare, heat or vibration which are detectable outside of the premises and are incompatible with primary uses.
5. ~~All limited uses shall comply with the dimensional requirements and development standards under Subsections 304.09 and 304.10.~~

B. Limited uses may be as follows:

1. Neighborhood Commercial uses under Subsection 501.03;:-
2. Drinking establishments;:-
3. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited office uses;:-
4. Smoke shop;:-
5. Duplicating services;:-
6. Self-service postal facilities;:-
7. Banking facilities;:-
8. Offices;:- and
9. Any convenience or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 304.05(B) and consistent with the Comprehensive Plan and the purposes of this Ssection 304. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

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



~~The Planning Director may approve the following use in the Special High Density Residential District~~ The Planning Director may approve the following use in the Special High Density Residential District, 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)

304.07 CONDITIONAL USES

A. ~~The Hearings Officer may approve conditional uses in the Special High Density Residential District, may be allowed subject to review by the Hearings Officer~~ The Hearings Officer may approve conditional uses in the Special High Density Residential District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)

1. Shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area, considering location, size, design, and operating characteristics of the use; (5/22/03)
2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity and on a site no larger than necessary for the use and the operational requirements of the use; (5/22/03)
3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and (5/22/03)
4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use. (5/22/03)

B. ~~The following conditional uses may be allowed in the Special High Density Residential District~~ The following conditional uses may be allowed in the Special High Density Residential District ~~Uses allowed subject to the above conditions are:~~

1. Churches, subject to Section 804; (5/22/03)
2. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813; (5/22/03)
3. Hydroelectric facilities, subject to Section 829; (5/22/03)
4. Health clubs and recreational uses that exceed an accessory, limited, or service and recreational use; (5/22/03)
5. Hotels and associated convention facilities, with a maximum of 80 units per gross acre; (11/30/06)

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

~~C.7.~~ Office, retail, and service commercial uses identified in Subsection 304.05(B) which exceed the allowed floor area specified under Subsection 304.05(A)(1) or any community commercial use identified in Subsection 502.03(A), provided that may be allowed subject to Subsection 304.07(A) and the following: (5/22/03)

~~1.a.~~ The proposed use shall provide a needed service commensurate with the population growth of the immediate area; and (5/22/03)

~~2.b.~~ The use shall be provided in conjunction with a primary use on the same site which is developed at the maximum allowed density for the site area. (5/22/03)

~~D.8.~~ Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835, except that such facilities are not subject to Subsections 304.07(A)(1) through (4); and (5/22/03)

~~E.9.~~ Multi-use developments, subject to Section 1016, except that such facilities are not subject to Subsections 304.07(A)(1) through (4). (5/22/03)

304.08 PROHIBITED AND PREEXISTING USES

A. Uses of structures and land in a manner not specifically permitted in Section 304 shall be prohibited in ~~the~~ Special High Density Residential ~~D~~istricts.

B. Preexisting legally established commercial uses may be remodeled or expanded subject to staff review with public notice pursuant to Subsection 1305.02, where the following conditions are satisfied: (12/23/98)

1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.
2. Limited Area: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.
3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.

C. Lawfully established single-family dwellings or residential homes may be remodeled or expanded without review under Section 1206. (3/24/05)

- D. A new lot may be created for a lawfully established single-family dwelling provided that the remaining lot shall be a minimum of ~~three~~ acres in size. (3/24/05)
- E. Lawfully established single-family dwellings shall comply with the setback standards of Section 301. (3/24/05)
- F. Any lot less than ~~three~~ acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 304.09(B). (4/13/06)
- G. All other preexisting legally established structures and uses not specifically permitted as a primary use in Subsection 304.03 shall be nonconforming uses subject to ~~provisions of~~ Section 1206. (12/23/98)

304.09 DIMENSIONAL STANDARDS (3/24/05)

- A. ~~Purpose:~~ Purpose: The ~~dimensional standards~~ purpose of these requirements and ~~limitations~~ are intended to:
  1. Provide for appropriate intensity of uses, and ensure the advantage and prominence of the primary uses of this district;-
  2. Encourage coordinated development of large areas, and the most efficient and maximum use of ~~Sspecial Hhigh Ddensity~~ areas;-
  3. Provide for adequate structure separations to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;-
  4. Preserve opportunities for, and encourage the use of, active or passive solar energy systems in the development of any site area within or adjoining this district;- and
  5. Ensure the provisions of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents.
- B. Minimum Site Area-Requirements: A minimum gross site area of three (3) acres, including land dedicated for roadway purposes, shall be required for developments combining primary, accessory, and limited uses. "Site area" for purposes of this section shall be one of the following:
  1. A single tax lot, or two or more contiguous tax lots under the same ownership.
  2. Two or more contiguous tax lots under separate ownership, provided that:

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- a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
  - b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or
  - c. The group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site areas approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the approved development plan for the site area.
- C. **Undersized Site Areas:** Primary and accessory uses may be established on less than three (3) acre site areas which are physically separated from all other undeveloped or underdeveloped properties in this district.
- D. **Density:** The district land area for purposes of calculating density pursuant to Section 1012 shall be 726 square feet per dwelling unit. (3/24/05)
- E. Minimum Landscaping and Outdoor Surface Area: 40 percent of the lot, as set forth in Section 1009.
- ~~E. Lot Coverage: Outdoor surface areas equal to forty (40) percent of the net site area shall be developed and accessible open space uses including landscaped and natural areas, pedestrian plazas, onsite walkways and bikeways, outdoor recreational areas and facilities, and shared yards, decks, terraces or patios. Surfaces used for auto and truck circulation, parking, and loading may not be used to satisfy this requirement. Modifications of this requirement shall be pursuant to Subsection 304.10(E). (3/14/02)~~
- ~~F. Siting setbacks, separations, and height of structures shall be determined on the basis of the following requirements:~~
- ~~1.F. Minimum Front Yard Street Setbacks. No building or structure shall be located closer than fifteen (15) feet from any public, county or state road or private road easement. The setback requirement may be increased for primary uses adjacent to arterials, expressways, or freeways to allow adequate noise buffers, such as landscaped berms or other solid barriers, to be installed subject to the provisions of Subsection 1009.05.~~
- ~~2. 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 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.~~

- ~~3. On-Site Building Separation Requirements. The minimum north-south and east-west separation distance between two onsite structures, and the separation distance between a structure and site area line south of said structure, except when abutting a public, county or state road, shall be as prescribed by the Building Code, the fire district, and the development standards of this Ordinance.~~

4.G. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. (For purposes of this provision, the "top of the structure" shall be that part or projection of the structure which first intersects a 60-degree angle projecting toward the ground north of the building) (see illustration). (See Figure 304-1.) This provision shall be modified as follows:

- a.1. Intervening streets and fifteen (15) feet of setback into the property on the north side of said street may be included in the required separation distance.
- b.2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site falls within the required separation distance.
- e.3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 304.09(GH)F(5), below, that area may be included in the required separation distance. (3/14/02)

5.H. North-South Separation Easements. An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:

1. Documentation and a map of the easement is submitted with the development plans for the site areas in question, and
2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible, and
3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.



6.I. East-West Separation. The maximum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 304-1 illustration).

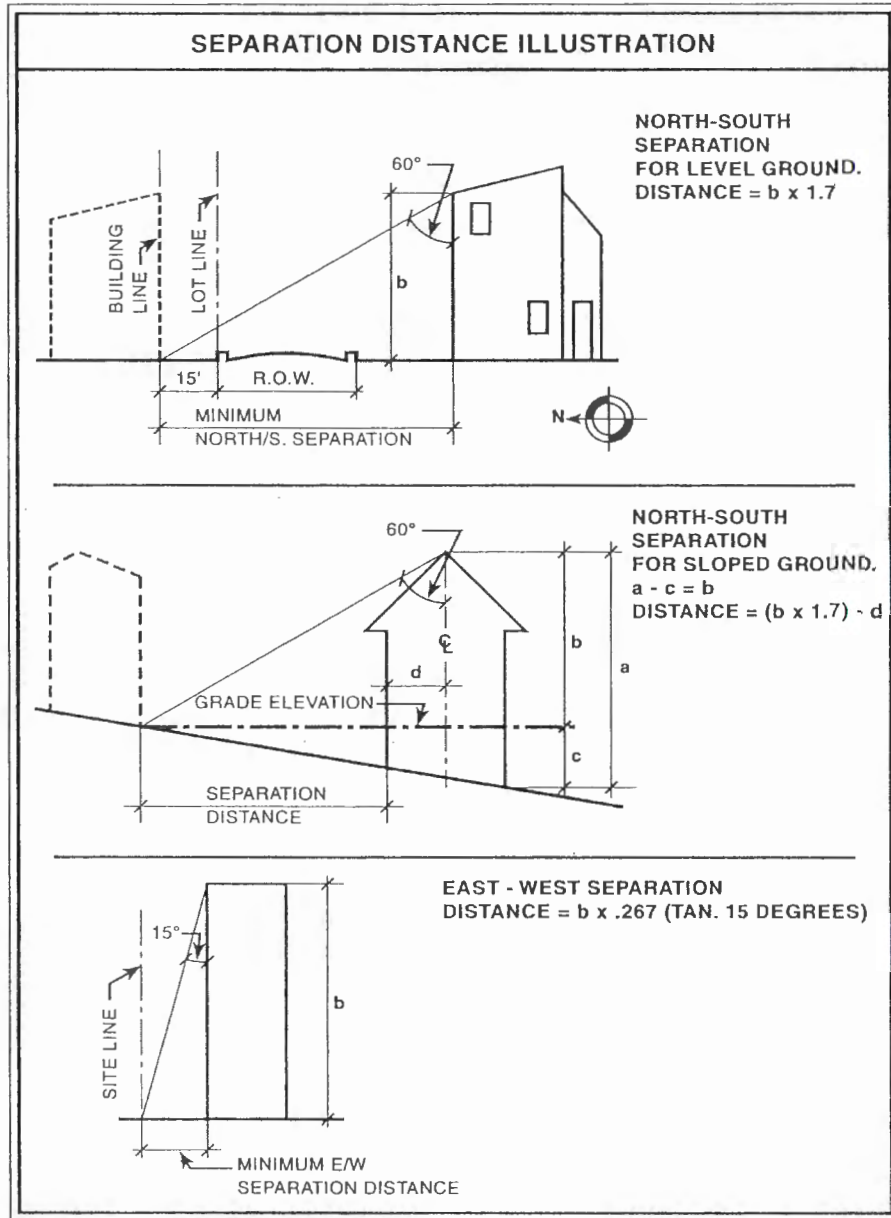
Formula: Separation = b x .267 (tan 15 degrees)

7. Separation Exception: The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided: that

a. ~~The proposed connection satisfies all building code and fire district requirements; and~~

b. ~~The proposed connection is approved as part of the development plans for the affected site areas.~~

Figure 304-1



G.I. Exceptions to Setback, and Separations Standards and Height Requirements:  
 The requirements of this Subsection 304.09 are not subject to the modifications under Sections 903 and 904. However, these requirements may be modified pursuant to Design Review under Section 1102 in the development review process, pursuant to the procedures for staff review with notice under Subsection 1305.02. Approval shall not be granted unless.

1. The purposes set forth under Subsection 304.09(A) are addressed and satisfied in the proposed design of the development, and (3/14/02)

2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.

304.10 DEVELOPMENT STANDARDS

~~All development within this district is subject to the review procedures and application requirements under Section 1100 and the development standards under Section 1000. In addition, the following specific standards, requirements, and objectives shall apply to development in this district.~~

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

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

~~B. Access and Onsite Circulation: In addition to the provisions of Section 1007, the location and design of onsite circulation networks shall:~~

~~1. Provide for joint access and circulation drives to and through developments.~~

~~1. Provide for continuous pedestrian and bicycle access to primary accessory and limited uses within and between developments, and conveniently located bicycle storage facilities.~~

~~2. Minimize barriers to handicapped or elderly persons.~~

~~3. Provide onsite directional signing identifying the location of all uses within the development.~~

~~C. Off street Parking and Loading Requirements: Parking and loading areas shall be developed in accordance with the provisions of Section 1007 and the following:~~

~~1. Primary uses: Parking shall be in compliance with the parking requirements and standards listed in Section 1007, except as provided for Senior Citizen/Handicapped Facilities under Section 811. (3/14/02)~~

~~1. Limited and Conditional Uses: The minimum number of spaces shall be one-half (1/2) the number prescribed under Section 1007 for the use.~~

~~2. Up to twenty (20) percent of the spaces provided for primary uses may be utilized to meet the parking requirements for those limited uses on~~

~~the same site which have days and hours of operation which do not conflict with the use of these spaces for primary uses. This percentage may be increased subject to the provisions of Subsection 1007.07(A)(5).~~

- ~~3. Required parking or loading spaces shall not be used for storing of recreational vehicles, campers, or boats.~~
- ~~4. Lights and fixtures shall be energy efficient.~~

~~D. Landscaping and Buffers: Outdoor surface areas equal to forty (40) percent of the net site area shall be developed and accessible open space uses including landscaped and natural areas, pedestrian plazas, onsite walkways and bikeways, outdoor recreational areas and facilities, and shared yards, decks, terraces, patios, or roof gardens. Particular objectives for landscaping and buffering in this district shall be:~~

- ~~1. To provide noise buffering and mitigate air pollution associated with any freeway, expressway, or arterial adjoining a site area.~~
- ~~2. To create livable and pleasing outdoor spaces which complement the architecture. This shall include landforms such as berms to provide buffers and define spaces, the selection and use of seasonal landscape material to provide Fall color and Spring bloom, plant materials of a type and scale to enhance the architecture (considering tree and shrub forms, color, leaf texture and hardiness), and plants and planting areas which produce a variety of spatial levels to create a more interesting environment.~~

~~E. C. Recreational Facilities: Every Special High Density A residential development shall provide a least one (1) of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one (1) additional facility for every additional 120 dwelling units, or portion thereof. A reduction in the forty (40) percent open space requirement may be considered when indoor recreational facilities over and above the minimum standard, as well as all outdoor recreational facilities, may be counted toward the minimum landscaping and outdoor surface area requirement of Subsection 304.09(E) are substituted for net site area. Outdoor recreational facilities, including areas dedicated for parks, may be included to satisfy the open space requirement.~~

- ~~1.C. An 800 square foot or larger heated swimming pool;~~
- ~~2.1. A minimum 1,000 square foot exercise room with exercise equipment and mats;~~
- ~~3.2. Two handball/racquetball courts;~~
- ~~4.3. Whirlpool and sauna or steam bath rooms;~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~5.4.~~ Minimum 1,200 square foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette;:-

~~6.5.~~ An 800 square foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation;:-

~~7.6.~~ A 400 square foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc;:-

~~8.7.~~ 3,000 square feet of hard surface play area, such as a tennis court, basketball court or half-court, or rollerskating area;:-

~~9.8.~~ 4,200 square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, or horseshoes;:- and

~~10.9.~~ \_\_\_\_\_ Any other similar facility, as determined by the Planning Director, or designate.

F. D. \_\_\_\_\_ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)



**305 RECREATIONAL RESIDENTIAL DISTRICT (RR) (6/5/08)**

---

305.01 PURPOSE

~~This Section 305~~ is adopted to: (3/24/05)

- A. Implement the policies of the Comprehensive Plan for Rural areas regulated by the Mount Hood Community Plan; and (3/24/05)
- B. Maintain and enhance the natural environmental and living qualities of those areas which are recreational residential in character through conservation of natural resources and carefully controlled development. (3/24/05)

305.02 AREA OF APPLICATION

A. Property may be zoned Recreational Residential (RR) ~~if when the site has a Comprehensive Plan designation of Rural; the site is regulated by the Mount Hood Community Plan; the criteria in section 1202 are satisfied; and the following criteria are satisfied:~~ (3/24/05)

- 1. The site has a Comprehensive Plan designation of Rural;
- 2. The site is regulated by the Mount Hood Community Plan;
- 3. The criteria in Section 1202 are satisfied;
- ~~4.~~4. Parcels are generally two2 acres or smaller; (3/24/05)
- ~~5.~~5. The area is significantly affected by development; and (3/24/05)
- ~~6.~~6. There are no natural hazards, and the topography and soils conditions are well-suited for the location of homes. (3/24/05)

305.03 PRIMARY USES

The following are primary uses in the Recreational Residential (RR) District:

- 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. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (3/24/05)
- C. Utility carrier cabinets, subject to Section 830; and (3/24/05)
- D. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

305.04 ACCESSORY USES

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Produce stands, subject to Section 815;
- C. Livestock, subject to Section 821;
- ~~B.D.~~ Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- ~~C.E.~~ Guest houses, subject to Section 833; (3/24/05)
- ~~D.F.~~ Signs, subject to Section 1010; (3/24/05)
- G. Solar energy systems;
- H. Rainwater collection ~~facilities~~systems;
- I. Electric vehicle charging stations for residents and their nonpaying guests; and
- ~~E.J.~~ Family daycare providers. (3/24/05)

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

The Planning Director may approve the following use in the Recreational Residential District (RR), 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)

305.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Recreational Residential (RR) District, 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, with a minimum site area of two~~2~~ acres, subject to Section 804; (5/22/03)
  - 2. Schools, with a minimum site area of 10 acres, subject to Section 805; (5/22/03)
  - 3. Daycare facilities, subject to Section 807; (5/22/03)

4. Service and recreational uses, subject to Section 813; (5/22/03)
5. Quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses, but none within any stream corridor area or within 100 feet of the average annual high water mark of any stream, river, or other body of water, whichever is greater, subject to Section 818; (5/22/03)
6. Sanitary landfills, debris fills and solid waste transfer stations, with a minimum site area of ~~3~~-three acres, subject to Section 819; (5/22/03)
7. Public or private energy source developments. Hydroelectric facilities shall be subject to Section 829; (5/22/03)
8. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
9. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
10. Aircraft landing areas for use by emergency aircraft only (fire, rescue, etc.); (3/24/05)
11. Guest ranches, lodges, campgrounds, and similar recreation operations, with a minimum site area of ~~one~~+ acre; and (3/24/05)
12. Home occupations to host events, subject to Section 806. (11/30/06)

305.07 PROHIBITED USES

In the Recreational Residential District (RR), uUses of structures and land not specifically permitted are prohibited. (3/24/05)

305.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (3/24/05)
  1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
  2. Provide for and protect the unique character, livability, and scenic quality of the Mount Hood community; (3/24/05)
  3. Provide for fire safety and protection of all structures;
  4. Protect the privacy and livability of on-and offsite dwellings and yard areas;
  5. Provide for adequate light and air circulation between structures;

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6. Provide for adequate snow slide area between structures above the 3,500-foot elevation; (3/24/05)
  7. Ensure consistency in the scale of structures, both vertically and horizontally; and (3/24/05)
  8. Provide for adequate open space within a development. (3/24/05)
- B. Minimum Lot Size: New lots of record shall be a minimum of ~~two~~ two acres in size, except as modified by Section 902. (3/24/05)
- C. Density: Maximum density shall be calculated pursuant to Section 1012. (3/24/05)
- D. Minimum Front Yard Setback: 20 feet from the front lot line or 40 feet from the centerline of the fronting road, whichever is greater, except as provided below: (3/24/05)
1. Corner or Through Lots: Structures on corner or through lots shall observe the minimum front yard setback on one road and shall have the option of maintaining a 15-foot setback or 35 feet from the centerline of the fronting road, whichever is greater, on the other road. Structures located above 3,500 feet in elevation shall have the option of maintaining a 10-foot setback, or 30 feet from the centerline of the fronting road, whichever is greater, on the other road. (3/24/05)
- E. Minimum Side Yard Setback: 10 percent of the lot width calculated at the building line. However, regardless of lot width, a side yard setback shall not be less than ~~five~~ five feet, and a side yard setback of more than 10 feet shall not be required. (3/24/05)
- F. Minimum Structure Separation: Above 3,500 feet in elevation, separation distance between buildings with contiguous snow slide areas shall be a minimum of 20 feet. "Snow slide area" means the area around a structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure. (3/24/05)
- G. Minimum Rear Yard Setback: 10 percent of the average lot depth. However, regardless of lot depth, a rear yard setback shall not be less than 10 feet, and a rear yard setback of more than 20 feet shall not be required. (3/24/05)
- H. ~~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 a private driveway, access drive, or private road and a public, county, or state 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. (3/24/05)~~

~~I.H.~~ Lot Coverage: A 20-percent lot coverage limitation shall apply to lots contained in any subdivision recorded prior to September 16, 1974. In a planned unit development, the lot coverage limitation shall be calculated as a percentage of the average lot size. In calculating the average, common areas shall be included in the total area but the result shall be divided only by the number of building lots. (3/24/05)

~~J.I.~~ Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)

~~K.J.~~ Variances: The requirements of Subsections 305.08(C) through (I) may be modified pursuant to Section 1205. (3/24/05)

305.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. ~~If there is a conflict between Section 1000 and this subsection, this subsection shall govern. (3/24/05)~~

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. (3/24/05)~~

C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

D. Design Features: All dwellings, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If a dwelling is located on a corner lot, the features shall be visible to the road from which the dwelling takes access. (3/24/05)

1. A covered porch at least ~~two~~2 feet deep; (3/24/05)

2. An entry area recessed at least ~~two~~2 feet from the exterior wall to the door; (3/24/05)

3. A bay or bow window (not flush with the siding); (3/24/05)

4. An offset on the building face of at least 16 inches from one exterior wall surface to the other; (3/24/05)

5. A dormer; (3/24/05)

6. A gable; (3/24/05)



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7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; (3/24/05)
8. Roofline offsets of at least 16 inches from the top surface of one roof to the top surface of the other; (3/24/05)
9. An attached garage; (3/24/05)
10. Orientation of the long axis and front door to the road; (3/24/05)
11. A cupola; (3/24/05)
12. A tile or shake roof; (3/24/05)
13. Horizontal lap siding

**306 MOUNTAIN RECREATIONAL RESORT DISTRICT (MRR) (6/5/08)**

---

306.01 PURPOSE

~~This Section 306 is adopted to implement the policies of the Comprehensive Plan for Mountain Recreation areas. (3/24/05)~~

306.02 AREA OF APPLICATION

~~Property may be zoned Mountain Recreational Resort (MRR) if when the site has a Comprehensive Plan designation of Mountain Recreation and the criteria in Section 1202 are satisfied. (3/24/05)~~

~~A. The site has a Comprehensive Plan designation of Mountain Recreation; and~~

~~B. The criteria in Section 1202 are satisfied.~~

306.03 PRIMARY USES

The following are primary uses in the Mountain Recreational Resort District (MRR):

A. Multifamily dwellings; (3/24/05)

B. Three-family dwellings; (3/24/05)

C. Two-family dwellings; (3/24/05)

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

E. Congregate housing facilities; (3/24/05)

F. Condominiums, subject to Section 803; (3/24/05)

G. Nursing homes, subject to Section 810; (3/24/05)

H. Bus shelters, subject to Section 823; (3/24/05)

I. Utility carrier cabinets, subject to Section 830; (3/24/05)

J. Bed and breakfast residences and inns, subject to Section 832; (3/24/05)

K. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)

L. Lodging, boarding, and rooming houses for any number of guests; (3/24/05)

- M. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 30 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)
- N. ~~Park~~ and ~~ride~~ facilities; and (3/24/05)
- O. Hotels, motels, and associated convention facilities, except that a new hotel or motel in Rhododendron shall be limited to a maximum of 35 units subject to the following criterion: (3/24/05)
  - 1. ~~A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. No such restriction applies in Government Camp or Wemme/Welches.~~ (3/24/05)

306.04 ACCESSORY USES

The following are accessory uses in the Mountain Recreational Resort District (MRR):

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts; (3/24/05)
- C. Offices, buildings, and facilities required for the operation, administration, and maintenance of any planned recreational resort development; (3/24/05)
- D. ~~Parking and loading structures and areas;~~ (3/24/05)
- E. Repair and maintenance services; (3/24/05)
- F. 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; (3/24/05)
- G. Self-service laundry facilities; (3/24/05)
- H. Solar energy systems~~collection apparatus;~~ (3/24/05)
- I. Rainwater collection facilities~~systems;~~

~~J.~~ Electric vehicle charging stations;

~~K.~~ Produce stands, subject to Section 815;

~~L.~~ Livestock, subject to Section 821;

~~I.M.~~ Home occupations, subject to Section 822; (3/24/05)

~~J.N.~~ Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)

~~K.O.~~ Family daycare providers; and (3/24/05)

~~L.P.~~ Signs, subject to Subsection 306.10(F). (3/24/05)

306.05 LIMITED USES

A. Uses incidental to a primary use, including eating and drinking establishments; sports equipment rental, sale, service, or repair; specialty shops; arts and crafts galleries; personal service establishments; campgrounds; and similar recreational operations are permitted provided: (3/24/05)

1. Limited uses are provided for as an integral part of the general plan of the development; (3/24/05)
2. Limited uses will not by reason of their location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics have adverse effects on residential uses within or adjoining the zoning district or create traffic congestion or hazards to vehicular or pedestrian traffic; and (3/24/05)
3. Any application for a limited use is approved in conjunction with or after building permits for the primary use. (3/24/05)

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

The Planning Director may approve the following use in the Mountain Recreational Resort District (MRR) 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)

306.07 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses in the Mountain Recreational Resort District (MRR) 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; (5/22/03)
3. Daycare facilities, subject to Section 807; (5/22/03)
4. Service and recreational uses, subject to Section 813, except that associated shops, garages, and general administrative offices may be included with public or private utility services, water storage facilities, and sanitary sewerage treatment systems; (5/22/03)
5. Quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses, but none within any stream corridor area or within 100 feet of the average annual high water mark of any stream, river, or other body of water, whichever is greater, subject to Section 818; (5/22/03)
6. Sanitary landfills, debris fills, and solid waste transfer or processing stations, subject to Section 819; (5/22/03)
7. Manufactured dwelling parks, subject to Section 825; (5/22/03)
8. Public or private energy source development. Hydroelectric facilities shall be subject to Section 829; (5/22/03)
9. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
10. Personal use airports and helistops; (5/22/03)
11. Recreational uses, including, but not limited to, ski areas and associated uses; (5/22/03)
12. Multi-use developments, subject to Section 1016; and (11/30/06)
13. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

306.08 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses shall be prohibited: (3/24/05)
  1. Uses of structures and land not specifically permitted; (3/24/05)



2. The use of a residential trailer or mobile home as a dwelling, except within a lawfully established preexisting manufactured dwelling park or as authorized under Section 1204. (3/24/05)

B. Preexisting Uses: (3/24/05)

1. The minimum lot size for a new lot created for a preexisting dwelling shall be calculated pursuant to Subsection 306.09(B). (3/24/05)
2. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum density for the remaining lot. (3/24/05)

306.09 DIMENSIONAL STANDARDS

A. Purpose: The dimensional standards are intended to: (3/24/05)

1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
2. Provide for and protect the unique character, livability, and scenic quality of the Mount Hood community; (3/24/05)
3. Provide for fire safety and protection of all structures;
4. Protect the privacy and livability of on- and offsite dwellings and yard areas;
5. Provide for adequate light and air circulation between structures;
6. Provide for adequate snow slide area between structures above the 3,500-foot elevation; (3/24/05)
7. Ensure consistency in the scale of structures, both vertically and horizontally; and (3/24/05)
8. Provide for adequate open space within a development. (3/24/05)

B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,980 square feet per dwelling unit in Government Camp. In Wemme/Welches and Rhododendron, the district land area is based on dwelling unit size as follows: (3/24/05)

Dwelling Unit Size (in square feet)  (3/24/05)	District Land Area in Wemme/Welches  (3/24/05)	District Land Area in Rhododendron  (3/24/05)

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1200+	7,260	10,890
1000-1199	6,223	8,712
800-999	5,445	7,260
600-799	4,356	5,445
Less than 600	3,111	3,630

- C. Scenic Roads: Structures built on lots adjacent to roads designated as scenic roads ~~on~~ in the Comprehensive Plan Map V-5 should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (3/24/05)
- D. Minimum Perimeter Yard Setbacks: 10 feet to 30 feet depending on the following criteria: (3/24/05)
  - 1. Yard setback requirements in the abutting zoning district; and (3/24/05)
  - 2. Adjacent land use.
- E. Setback Exception: No perimeter yard setback is required from property lines that abut a national forest. (3/24/05)
- F. Minimum Structure Separation: A minimum of 10 feet shall be required between all buildings, on- or off-site. Above 3,500 feet in elevation, the separation distance between buildings with contiguous snowslide areas shall be a minimum of 20 feet. "Snowslide area" means the area around a structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure. (3/24/05)
- G. Maximum Building Height: 40 feet. This provision may be modified to allow a maximum height of 50 feet when necessary to accommodate understructure parking. (3/24/05)
- H. Building Height Exception: The maximum building height for hotel developments in Government Camp shall be 70 feet. This provision shall be modified to allow a maximum height of 87.5 feet when necessary to accommodate understructure parking or where a higher structure will preserve significant natural features or views. (3/24/05)
- I. Minimum Landscaping Area: 25 percent of the lot.
- J. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- K. Variances: Dimensional standards may be modified pursuant to Section 1205. (3/24/05)

306.10 DEVELOPMENT STANDARDS

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. ~~If there is a conflict between Section 1000 and this subsection, this subsection shall govern.~~ In addition, except as otherwise indicated below, the standards applicable to the Medium Density Residential District ~~MR-1 zoning district~~ shall apply. (3/24/05)
- 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.~~ (3/24/05)
- C. ~~Planned Unit Developments: Developments that meet the criteria in Subsection 1013.02(B) shall be required to develop as planned unit developments, subject to Section 1013.~~ (3/24/05)
- D.C. Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and slopes greater than 25 percent. However, a single-family dwelling may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012. (3/24/05)
- E. ~~Access and Circulation:~~
  - 1. ~~Scenic Roads: Access and on-site circulation shall be designed to limit access points onto roads designated as scenic roads in the Comprehensive Plan, using such techniques as consolidated and shared access or frontage roads, access from other roads fronting the property, internal circulation connections between properties, and cross-easements.~~ (3/24/05)
  - 2. ~~On-site Circulation: The location and design of on-site circulation networks shall:~~ (3/24/05)
    - a. ~~Provide for joint access and circulation drives to and through developments;~~ (3/24/05)
    - b. ~~Provide for continuous pedestrian and bicycle access to primary, accessory, and limited uses within and between developments, and conveniently located bicycle storage facilities;~~ (3/24/05)
    - c. ~~Minimize barriers to handicapped or elderly persons; and~~ (3/24/05)

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~~d. — Be consistent with the character of the site, requiring minimal disturbance of significant vegetation and slopes.~~

~~F. — Off-Street Parking and Loading:~~

~~1. — A minimum of 1 loading area shall be provided for every 50,000 square feet of residential building area, or portion thereof. (3/24/05)~~

~~2. — A minimum of one off-street parking space shall be provided for every 600 square feet of residential building area. (6/29/06)~~

~~3. — Sufficient parking space shall be provided for residents and guests and for storage of residents' recreational vehicles. Parking spaces for residents shall be provided on-site to enable roads to be of minimum width. Clustered parking shall be provided where feasible. (3/24/05)~~

~~4. — Parking for guests may be provided on or off-street, taking into consideration street type, street width, anticipated normal traffic movement of emergency and service vehicles (i.e., snow removal equipment), and potential hazards to pedestrians. (3/24/05)~~

~~G. Landscaping and Buffering: A minimum of 25 percent of the site area, after subtracting any required dedications for roads, shall be used for landscaping, buffering, and outdoor recreation and activity areas. Particular objectives for landscaping and buffering in this district shall be to: (3/24/05)~~

~~1. — Provide noise buffering and mitigate air pollution associated with any freeway, expressway, or arterial adjoining a site area; (3/24/05)~~

~~1. — Define and provide transitions between semi-public, semiprivate and private areas within the site; (3/24/05)~~

~~2. — Preserve the existing landscape in its natural state as far as possible; and (3/24/05)~~

~~3. — Utilize, in new landscaping, native compatible trees and vegetation to ensure continuity with the surrounding area. (3/24/05)~~

~~H.D. Building Design: The following standards shall apply to commercial developments in Government Camp. These are recommended for all other developments. (3/24/05)~~

~~1. Exterior Building Materials: Primary and accessory structures shall use wood, stone, stone veneer, or stucco for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors visible from roadways. No exposed plywood, particle~~

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board, plain concrete, cinder block, or grooved T1-11 is permitted.  
(3/24/05)

2. Roofing Materials: No composition shingles or galvanized or corrugated metal roofs are allowed. (3/3/93)
3. Design: Building design shall meet the design intent of mountain architecture as described in the Government Camp Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style". (3/3/93)

| I.E. Signs: Permanent identification signs shall be subject to Subsections 1010.09(A)(1) through (5). Signs may be indirectly illuminated and shall be complementary to the unique character of the Mount Hood Community in the use of graphics, symbols, and natural materials. On-site directional signing shall be sensitive to the needs of tourists. Government Camp signs shall comply with Section 1010. (3/24/05)

| J.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)



**307 RURAL AREA RESIDENTIAL 1-ACRE DISTRICT (RA-1) (9/28/10)**

---

307.01 PURPOSE

~~This Section 307~~ is adopted to implement the policies of the Comprehensive Plan for Unincorporated Community Residential areas. (4/13/06)

307.02 AREA OF APPLICATION

Property may be zoned Rural Area Residential 1-Acre District (RA-1) when the site has a Comprehensive Plan designation of Unincorporated Community Residential and the criteria in Section 1202 are satisfied. (4/13/06)

307.03 PRIMARY USES

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

A. Agriculture, horticulture, greenhouses, nurseries, ~~and timber growing, and the raising of livestock and animals, subject to Section 821.~~ Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)

B. Livestock, subject to Section 821;

~~B.C.~~ One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824; (4/13/06)

~~C.D.~~ Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in the residential district; (4/13/06)

~~D.E.~~ Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (4/13/06)

E.F. Utility carrier cabinets, subject to Section 830; and (4/13/06)

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

307.04 ACCESSORY USES

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

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- 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 101507; (4/13/06)
- D. Signs, subject to Section 1010; (4/13/06)
- E. Guest houses, subject to Section 833; (4/13/06)
- F. Solar energy systems;
- G. Rainwater collection facilities systems;
- H. Electric vehicle charging stations for residents and their nonpaying guests; and
- F-I. Family daycare providers. (5/22/03)

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

The Planning Director may approved the following use in the Rural Area Residential 1-Acre District (RA-1), 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 Hearings Officer may approve the following conditional uses in the Rural Area Residential 1-Acre District (RA-1), 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(C); (4/13/06)
  - 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 200 feet from all property lines; and (11/30/06)
13. Home occupations to host events, subject to Section 806. (11/30/06)

307.07 PROHIBITED USES

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

- 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; and (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)

307.08 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 one acre in size, except as restricted by Subsection 307.07(B) or as modified by Section 902 or 1013. (4/13/06)
- C. Minimum Front Yard Setback: 30 feet. (4/13/06)

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- D. Minimum Side Yard Setback: 10 feet; however, accessory structures shall have a minimum side yard setback of ~~five~~5 feet. (4/13/06)
- E. Minimum Rear Yard Setback: 30 feet; however, accessory structures shall have a minimum rear yard setback of ~~five~~5 feet.
- ~~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 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.F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (4/13/06)~~
- H.G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)
- H.H. Variances: The requirements of Subsections 307.08(B) through (~~FE~~) may be modified pursuant to Section 1205. (4/13/06)

307.09 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)

**308 RURAL AREA RESIDENTIAL 2-ACRE DISTRICT (RA-2) (9/28/10)**

---

308.01 PURPOSE

~~This Section 308~~ 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 Rural Area Residential 2-Acre District (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

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

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)
- 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, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in the residential district; (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; and (4/13/06)
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

308.04 ACCESSORY USES

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

- A. Uses and structures customarily accessory and incidental to a primary use; (4/13/06)



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- 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~~1015; (4/13/06)
- D. Signs, subject to Section 1010; (4/13/06)
- E. Guest houses, subject to Section 833; (4/13/06)
- F. Solar energy systems;
- G. Rainwater collection systems;
- H. Electric vehicle charging stations for residents and their nonpaying guests; and
- F-I. Family daycare providers. (5/22/03)

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

The Planning Director may approve the following use in the Rural Area Residential 2-Acre District (RA-2), 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 Hearings Officer may approve the following conditional uses in the Rural Area Residential 2-Acre District (RA-2), 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 308.07(C); (4/13/06)
3. Daycare facilities, subject to Section 807; (5/22/03)
4. Cemeteries and crematoriums, subject to Section 808; (5/22/03)
5. Hospitals, subject to Section 809; (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; (4/13/06)
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 landing areas; and (11/30/06)
14. Home occupations to host events, subject to Section 806. (11/30/06)

308.07 PROHIBITED USES

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

- 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; and (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 two 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 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.F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (4/13/06)~~
- ~~H.G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)~~
- ~~I.H. Variances: The requirements of Subsections 308.08(C) through (EF) 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)

**309 RURAL RESIDENTIAL FARM/FOREST 5-ACRE DISTRICT (RRFF-5)**  
**(9/28/10)**

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309.01 PURPOSE

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

309.02 AREA OF APPLICATION

Property may be zoned Rural Residential Farm Forest 5-Acre District (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. (4/13/06)

309.03 PRIMARY USES

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

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824; (4/13/06)
- B. Current employment of land for general farm uses, including:
  - 1. Raising, harvesting, and selling of crops; (4/13/06)
  - 2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees; (4/13/06)
  - 3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees; (4/13/06)
  - 4. Dairying and the selling of dairy products; (4/13/06)
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use; (4/13/06)
  - 6. Distribution by marketing or otherwise of products raised on such lands; and (4/13/06)
  - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof; (4/13/06)
- C. The propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)

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- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources; (4/13/06)
- E. Fish and wildlife management programs; (4/13/06)
- F. Public and private parks, community gardens, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables, and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit; (4/13/06)
- G. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (4/13/06)
- H. Utility carrier cabinets, subject to Section 830; and (4/13/06)
- I. Wireless telecommunication facilities listed in Subsection 835.04, subject to ~~Section 835~~ Section 835. (3/14/02)

309.04 ACCESSORY USES

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

- 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~~ 1015; (4/13/06)
- D. Signs, subject to Section 1010; (4/13/06)
- E. Guest houses, subject to Section 833; (4/13/06)
- F. Solar energy systems;
- G. Rainwater collection systems;
- H. Electric vehicle charging stations for residents and their nonpaying guests; and
- ~~F.I.~~ Family daycare providers. (5/22/03)

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

The Planning Director may approve the following use in the Rural Residential Farm Forest 5-Acre District (RRFF-5), 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 Hearings Officer may approve the following conditional uses in the Rural Residential Farm Forest 5-Acre District (RRFF-5), 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(E); (4/13/06)
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; (4/13/06)
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; and (4/30/06)

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

309.07 PROHIBITED USES

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

- A. Uses of structures and land not specifically permitted; (4/13/06)
- B. Except as approved pursuant to Subsection 902.01(B)(4), a subdivision or partition within the urban growth boundaries of Sandy, Molalla, Estacada, and Canby resulting in the creation of one or more lots or parcels of less than five acres in size; (4/13/06)
- 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; (4/13/06)
- D. Subdivisions in areas defined as Future Urban in Chapter 4 of the Comprehensive Plan; and (4/13/06)
- E. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/13/06)

309.08 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; (4/13/06)
  - 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 five acres in size, except as restricted by Subsections 309.07(B) through (D) or as modified by Section 902, 1013, or 1014. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. (4/13/06)

- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height. (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 a private driveway, access drive, or private road and a public, county, or state 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.F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Map V-5 of the Comprehensive Plan should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (4/13/06)
- H.G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)
- I.H. Variances: The requirements of Subsections 309.08(B) through (EF) may be modified pursuant to Section 1205. (4/13/06)

309.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (4/13/06)
- B. Future Urban Areas: A partitions in an area defined as Future Urban by Chapter 4 of the Comprehensive Plan shall be approved only if the applicant demonstrates that proposed locations of improvements, including easements, dedications, structures, wells, and on-site sewage disposal systems are consistent with the orderly future development of the property at appropriate urban densities on the basis of the criteria in Subsection 301.02. (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)

**310 FARM/FOREST 10-ACRE DISTRICT (FF-10) (9/28/10)**

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310.01 PURPOSE

~~This Section 310~~ is adopted to implement the policies of the Comprehensive Plan for Rural areas. (4/13/06)

310.02 AREA OF APPLICATION

Property may be zoned Farm Forest- 10-Acre District (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. (4/13/06)

310.03 PRIMARY USES

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

- A. One detached single-family dwelling, residential home, or manufactured dwelling. A manufactured dwelling shall be subject to Section 824. (4/13/06)
- B. Current employment of land for general farm uses, including: (4/13/06)
  - 1. Raising, harvesting, and selling of crops; (4/13/06)
  - 2. Feeding, breeding, selling, and management of livestock, poultry, fur-bearing animals, or honeybees; (4/13/06)
  - 3. Selling of products of livestock, poultry, fur-bearing animals, or honeybees; (4/13/06)
  - 4. Dairying and the selling of dairy products; (4/13/06)
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use; (4/13/06)
  - 6. Distribution by marketing or otherwise of products raised on such lands; and (4/13/06)
  - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof; (4/13/06)
- C. Propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)
- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources; (4/13/06)

- E. Fish and wildlife management programs; (4/13/06)
- F. Public and private parks, community gardens, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables, and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit; (~~4/13/06~~)
- G. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (4/13/06)
- H. Utility carrier cabinets, subject to Section 830; and (~~4/13/06~~)
- I. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

310.04 ACCESSORY USES

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

- 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~~1015; (4/13/06)
- D. Signs, subject to Section 1010; (4/13/06)
- E. Guest houses, subject to Section 833; (4/13/06)
- F. Solar energy systems;
- G. Rainwater collection systems;
- H. Electric vehicle charging stations for residents and their nonpaying guests; and
- F.I. Family daycare providers. (5/22/03)

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

The Planning Director may approve the following use in the Farm Forest 10-Acre District (FF-10), 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 Hearings Officer may approve the following conditional uses in the Farm Forest 10-Acre District (FF-10), 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 ~~S1b~~section 310.07(C); (4/13/06)
  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; (4/13/06)
  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; (4/13/06)
  13. Aircraft land uses; (4/13/06)
  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; ~~and~~ (4/13/06)
  16. Home occupations to host events, subject to Section 806. (11/30/06)

310.07 PROHIBITED USES

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

- 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; and (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)

310.08 DIMENSIONAL STANDARDSREQUIREMENTS

- 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;
  - 3. Protect the privacy and livability of dwellings and yard areas; and
  - 4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as restricted by Subsection 310.07(C) or as modified by Section 902 or 1013. For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. (4/13/06)
- C. Minimum Front Yard Setback: 30 feet; however, there shall be no minimum front yard setback for bus shelters and roadside stands of no more than 400 square feet in area and no more than 16 feet in height. (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 a private driveway, access drive, or private road and a public,~~

~~county, or state 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.F. Scenic Roads: Structures built on lots adjacent to roads designated as scenic on Comprehensive Plan Map V-5, *Scenic Roads*, 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.G. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)

H.H. Variances: The requirements of Subsections 310.08(B) through (FE) may be modified pursuant to Section 1205. (4/13/06)

310.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (4/13/06)

B. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

**311 PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT (PMD) (12/20/07)**

**311.01 PURPOSE**

Section 311 is adopted to:

- A. ~~To~~Provide for a variety of housing types, including multifamily dwellings, two-family dwellings, or clustered single-family dwellings; (3/24/05)
- B. ~~To~~Provide densities which are considered appropriate for those areas with suitable services and facilities for Planned Medium Density Residential (PMD) land use as designated by the Clackamas County Comprehensive Plan;.
- C. ~~To~~Permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while substantially maintaining the same population density;.
- D. ~~To~~Permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, offstreet parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size or shape; and
- E. ~~To~~Provide the higher level of site planning and land use controls for residential development. To provide for the retention of open space on those lands less suited for development, and maximum compatibility with adjacent single family neighborhoods.

**311.02 AREA OF APPLICATION**

The~~is~~ Planned Medium Density Residential District (PMD) shall apply only to those properties zoned ~~Planned Medium Density (PMD)~~ prior to July 15, 1981~~the effective date of this amendment.~~ (7/15/81)

**311.03 PRIMARY USES**

The following are primary uses in the Planned Medium Density Residential District (PMD):

- A. Multifamily dwellings; (3/24/05)
- B. Two-family dwellings; (3/24/05)
- C. Clustered single-family dwellings or residential homes; (3/24/05)
- D. Congregate housing facilities; (3/24/05)

- E. Nursing homes, subject to Section 810; (3/24/05)
- F. Public and private (noncommercial and/or nonprofit) parks, playgrounds, recreational and community buildings and grounds, community gardens, golf courses, tennis courts, and swimming pools, developed in conjunction with a PMD Planned Medium Density development. (3/24/05)
- ~~G. Accessory uses and structures customarily incidental to any of the aforesaid uses, such as laundry and storage rooms and rental or sales offices necessary to manage dwelling units within the development. (3/24/05)~~
- ~~H. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)~~
- ~~I.G. Bus shelters, subject to Section 823; (3/24/05)~~
- ~~J. Home occupations, subject to Section 822; (3/24/05)~~
- ~~K.H. 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; (3/24/05)~~
- ~~L.I. Signs, subject to Section 1010; (3/24/05)~~
- ~~M.J. Utility carrier cabinets, subject to Section 830; and (3/24/05)~~
- ~~N.K. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)~~

311.04 ACCESSORY USES

The following are accessory uses in the Planned Medium Density Residential District (PMD):

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;
- C. Laundry and storage rooms;
- D. Rental or sales offices necessary to manage dwelling units within the development;
- E. Home occupations, subject to Section 822;
- F. Solar energy systems;



G. Rainwater collection systems; and

H. Electric vehicle charging stations.

311.0405 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Director may approve the following use in the Planned Medium Density Residential District (PMD), 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)

311.0506 CONDITIONAL USES

The Hearings Officer may approve the following conditional uses in the Planned Medium Density Residential District (PMD), pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800.

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

B. Telephone exchanges and public utility structures, without shops, garages, or general administrative offices, and city, county, state, federal, service district, or municipal corporation buildings, subject to Section 813; (5/22/03)

C. Manufactured dwelling park, subject to Section 825; (5/22/03)

D. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsections 311.05(A) through (C); and (5/22/03)

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

311.0607 DIMENSIONAL AND DEVELOPMENT STANDARDS

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

A.B. In considering a proposed Planned Medium Density (PMD) project, the following standards shall apply:

1. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
2. Lot Arrangement: All lots, or structures, within the development shall be designed and arranged to have direct access to or frontage on open space or recreation areas.

3. Density of Development:

- a. The number of units permitted upon a parcel of land is calculated after the determination of Land Area (LA). LA shall be computed as that portion of the site in its natural condition suitable for actual residential development, and shall not include:
  - i. Bodies of water, such as lakes, rivers and ponds, and flood hazard districts.
  - ii. Lands subject to known hazards, such as landslides, flooding, wet lands and slopes greater than twenty (20) percent.
  - iii. Lands underlying regional public facilities, such as regional roads and regional sewer lines that are or will be constructed or administered by public agencies and which primarily serve or will serve the needs of persons other than those who are, or will be, residents of the land in question.

~~B.C.~~ Density and Slope: Permitted uses shall be sited upon the LA. For all residential dwelling uses intended for households, the density of the proposal shall not exceed ~~twelve (12)~~ units per acre of LA on slopes less than eight (8) percent; ~~ten (10)~~ units per acre of LA on slopes between eight (8) and ~~twelve (12)~~ percent; and four (4) units per acre on slopes between ~~twelve (12)~~ and ~~twenty (20)~~ percent. For group facilities, such as nursing homes and residential treatment centers, the facilities shall be designed for no more than ~~thirty-six (36)~~ people per acre on slopes less than eight (8) percent; ~~thirty (30)~~ people per acre on slopes between eight (8) and ~~twelve (12)~~ percent; and ~~twelve (12)~~ people per acre on slopes between ~~twelve (12)~~ and ~~twenty (20)~~ percent.

~~C.D.~~ Structure Setback Provisions: Yard setbacks for structures on the perimeter of the project shall be ~~thirty (30)~~ feet, and structures fronting a public, county, or state road shall maintain a ~~twenty-five (25)~~ foot front yard or ~~fifty (50)~~ feet from the centerline of a public, county, or state road, whichever of the two (2) is the greater. All detached structures shall maintain a minimum separation distance between buildings of ~~ten (10)~~ feet.

~~D.~~ Individual Lot Street Frontage: ~~No individual lot street frontage is required when such lots are shown to have adequate access in a manner which is consistent with the purposes and objectives of this section.~~

E. Access and Parking:

1. Access: ~~PMD Planned Medium Density~~ developments shall be appropriately located with respect to adequate transportation facilities. All access to and from a ~~PMD Planned Medium Density~~ development shall be on a street of collector classification or greater.

~~1.~~

~~2. Circulation: Entrance and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes may be required where existing or anticipated heavy flows of passing traffic or traffic from or to the Planned Medium Density development indicate the need for such lanes.~~

~~3. Siting of Roadways and Parking Areas: Siting of roadways and parking areas shall be consistent with the character of the site, avoiding excessive cuts, fills, excessive clearing of natural vegetation, or restriction of natural drainageways.~~

~~4. Parking shall be in compliance with the parking requirements and standards listed in Section 1007. (3/14/02)~~

~~5. Guest Parking: Parking for guests may be provided on or offstreet, provided, however, there is reasonable and continuing certainty that it will be justified after consideration of street type, street width, anticipated normal traffic movement of emergency, service vehicles, and potential hazards to pedestrians.~~

~~6. Recreational Vehicle Parking: Sufficient parking space shall be provided for storage of residents' recreational vehicles. The location of a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use.~~

2. If located along the outer fringe of the PMD Planned Medium Density development, it shall be adequately screened from vision from the adjacent properties.

3. Parking spaces for occupants shall be provided onsite to enable roads to be of minimum width. Cluster-type parking shall be provided where feasible. Parking and lot access solutions for individual lots to units must be provided.

~~F. Utilities: In addition to other requirements set forth herein, the following shall apply:~~

~~1. All utilities shall be approved by the appropriate agencies.~~

~~2. All sewer and water provisions shall be approved by the appropriate agencies before the plans are approved by the Hearings Officer.~~

~~3. All utility services shall be placed underground.~~

4. ~~Provisions shall be made for fire protection, including service water lines, nonfreeze hydrants, and free emergency access for firefighting equipment around buildings.~~

5. ~~Provision shall be made for control of site storm water drainage.~~

~~G.F.~~ Homes Association: For PMD Planned Medium Density developments which that consist of units under separate individual ownerships, a nonprofit incorporated homes association, or an alternative acceptable to the County Counsel's Office, shall be required if other satisfactory arrangements, such as a County service district, have not been made for improving, operating and maintaining common facilities, including ~~upon~~ open space, streets, drives, service and parking areas, and reception areas. The following ~~principles~~ principals shall be observed in the formation of any homes association and reviewed by the County Counsel's Office:

1. A homes association shall be set up before final approval of the PMD Planned Medium Density development, or any portion thereof;
2. Membership shall be mandatory for each home buyer and any successive buyer;
3. The open space restrictions shall be in perpetuity;
4. The homes association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Homeowners shall pay their pro rata share of the cost of the assessment levied by the association which shall become a lien on the property; and
6. The association shall be able to adjust the assessment to meet changes needed.

~~H.G.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

### ~~311.07~~ PROCEDURAL REQUIREMENTS

~~Areas designed Planned Medium Density Residential or Medium Density Residential in the Clackamas County Comprehensive Plan are eligible to be considered for development under this Ordinance. The consideration of a Planned Medium Density Residential zoning request shall be handled in two (2) separate actions:~~

~~A. The first consideration of the proposed zoning will be handled in the following manner: The Hearings Officer shall consider the request at an advertised public hearing and may amend the requested proposal or approved~~

~~or deny said proposal. The Hearings Officer shall have final authority on said matter and will make a final decision at an advertised public hearing.~~

~~B. The second action shall be the review of the development under the procedures for design review, pursuant to Section 1100.~~

~~311.08 — LIMITATION ON DISTRICT ALLOCATION~~

~~Any plan approval taken in accordance with this section shall be automatically rescinded two (2) years from the date of approval of said plan in the event that no building permits have been secured for any portion of the development as approved. The Hearings Officer may, at an advertised public hearing, extend the termination date provided adequate cause can be shown.~~

**312 HOODLAND RESIDENTIAL DISTRICT (HR) (6/5/08)**

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312.01 PURPOSE

~~This Section 312 is adopted to: (3/24/05)~~

- A. ~~Implement the policies of the Comprehensive Plan for Low Density Residential areas regulated by the Mount Hood Community Plan; and (3/24/05)~~
- B. ~~Maintain and enhance the natural environmental and living qualities of those areas within the Mt. Hood Community which are recreational residential in character through conservation of natural resources and carefully controlled development. (3/24/05)~~

312.02 AREA OF APPLICATION

~~Property may be zoned Hoodland Residential District (HR) if: when the site has a Comprehensive Plan designation of Low Density Residential; the site is regulated by the Mount Hood Community Plan; and the criteria in Section 1202 are satisfied. (3/24/05)~~

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

312.03 PRIMARY USES

~~The following are primary uses in the Hoodland Residential District (HR):~~

- A. ~~One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home. A manufactured home shall be subject to Section 824; (3/24/05)~~
- B. ~~One attached single-family dwelling per lot on up to 20 percent of the total number of lots in a subdivision or up to 100 percent of the lots in a planned unit development. If three or more dwelling units are attached to one another, design review shall be required pursuant to Section 1102, and Subsection 302.09 shall apply. (3/24/05)~~
- C. ~~Bus shelters, subject to Section 823; (3/24/05)~~
- D. ~~Utility carrier cabinets, subject to Section 830; (3/24/05)~~
- E. ~~Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)~~



- F. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. ~~These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied; and~~ (3/24/05)
- G. Park-and-ride facilities. (3/24/05)

312.04 ACCESSORY USES

The following are accessory uses in the Hoodland Residential District (HR):

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. One accessory dwelling unit; (3/24/05)
- C. Produce stands, subject to Section 815;
- ~~C.D.~~ Livestock, subject to Section 821; (3/24/05)
- ~~D.E.~~ Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- ~~E.F.~~ Guest houses, subject to Section 833; (3/24/05)
- ~~F.G.~~ Signs, subject to Section 1010; (3/24/05)
- ~~G.H.~~ Solar energy systemseollection apparatus; (3/24/05)
- I. Rainwater collection systems;
- J. Electric vehicle charging stations for residents and their nonpaying guests;
- ~~H.K.~~ Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; and (3/24/05)
- ~~I.L.~~ Family daycare providers. (3/24/05)

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

The Planning Director may approve the following use in the Hoodland Residential District (HR), 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)

312.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Hoodland Residential District (HR), ~~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. Condominium conversions, subject to Section 803; (5/22/03)
  2. Churches, subject to Section 804; (5/22/03)
  3. Schools, subject to Section 805; (5/22/03)
  4. Daycare facilities, subject to Section 807; (5/22/03)
  5. Nursing homes, subject to Section 810; (5/22/03)
  6. Service and recreational uses, subject to Section 813; (6/6/02)
  7. Quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses, but none within any stream corridor area or within 100 feet of the average annual high water mark of any stream, river, or other body of water, whichever is greater, subject to Section 818; (5/22/03)
  8. Sanitary landfills, debris fills and solid waste transfer stations, with a minimum site area of 3 acres, subject to Section 819; (5/22/03)
  9. Public or private energy source development. Hydroelectric facilities shall be 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. Personal use airports and helistops; (5/22/03)
  13. Guest ranches, lodges, campgrounds, and similar recreation operations, with a minimum site area of one~~one+~~ acre; (5/22/03)
  14. Multi-use developments, subject to Section 1016; and (11/30/06)
  15. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

312.07 PROHIBITED USES

The following are prohibited use in the Hoodland Residential District (HR):

- A. Uses of structures and land not specifically permitted; and (3/24/05)
- B. The use of a residential trailer or mobile home as a dwelling, except within a lawfully established preexisting manufactured dwelling park or as authorized under Section 1204. (3/24/05)

312.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (3/24/05)
  - 1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
  - 2. Provide for and protect the unique character, livability, and scenic quality of the Mount Hood community; (3/24/05)
  - 3. Provide for fire safety and protection of all structures;
  - 4. Protect the privacy and livability of on- and offsite dwellings and yard areas;
  - 5. Provide for adequate light and air circulation between structures;
  - 6. Provide for adequate snow slide area between structures above the 3,500-foot elevation; (3/24/05)
  - 7. Ensure consistency in the scale of structures, both vertically and horizontally; and (3/24/05)
  - 8. Provide for adequate open space within a development. (3/24/05)
- B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 10,890 square feet per primary dwelling unit. (3/24/05)
- C. Setback Exception: Notwithstanding Subsections 312.08(D), (E) and (G), no setback is required from property lines that abut a national forest. (3/24/05)
- D. Minimum Front Yard Setback: 20 feet from the front property line or 40 feet from the centerline of the fronting road, whichever is greater, except as provided below: (3/24/05)
  - 1. Scenic Roads: Structures built on lots adjacent to roads designated as scenic roads ~~on~~ the Comprehensive Plan Map V-5, Scenic Roads, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area. (3/24/05)

2. Corner or Through Lots: Structures on corner or through lots shall observe the minimum front yard setback on one road and shall have the option of maintaining a 15-foot setback or 35 feet from the centerline of the fronting road, whichever is greater, on the other road. Structures located above 3,500 feet in elevation shall have the option of maintaining a 10-foot setback, or 30 feet from the centerline of the fronting road, whichever is greater, on the other road. (3/24/05)
- E. Minimum Side Yard Setback: 10 percent of the lot width calculated at the building line. However, regardless of lot width, a side yard setback shall not be less than ~~five~~5 feet, and a side yard setback of more than 10 feet shall not be required. (3/24/05)
- F. Minimum Structure Separation: Above 3,500 feet in elevation, the separation distance between buildings with contiguous snow slide areas shall be a minimum of 20 feet. "Snow slide area" means the area around the structure that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure. (3/24/05)
- G. Minimum Rear Yard Setback: 10 percent of the average lot depth. However, regardless of lot depth, a rear yard setback shall not be less than 10 feet, and a rear yard setback of more than 20 feet shall not be required. Attached single-family dwellings shall have a minimum rear yard setback of 20 feet. (3/24/05)
- ~~H. 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 a private driveway, access drive, or private road and a public, county, or state 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. (3/24/05)~~
- H.H. Maximum Lot Coverage: (3/24/05)
1. Maximum lot coverage for lots developed with attached single-family dwellings shall be 50 percent. (3/24/05)
  2. A 20-percent lot coverage limitation shall apply to lots contained in any subdivision recorded prior to September 16, 1974. In a planned unit development, the lot coverage limitation shall be calculated as a percentage of the average lot size. In calculating the average, common areas shall be included in the total area but the result shall be divided only by the number of building lots. (3/24/05)
- H.I. Maximum Building Height: 40 feet. This provision may be modified to allow a maximum height of 50 feet when necessary to accommodate understructure parking. Attached single-family dwellings shall have a maximum building height of 35 feet. (3/24/05)

~~K.J.~~ Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)

~~L.K.~~ Variances: Dimensional standards may be modified pursuant to Section 1205. (3/24/05)

312.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. ~~If there is a conflict between Section 1000 and this subsection, this subsection shall govern.~~ (3/24/05)

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.~~ (3/24/05)

~~C. Planned Unit Developments: Developments that meet the criteria in Subsection 1013.02(B) shall be required to develop as planned unit developments, subject to Section 1013.~~ (3/24/05)

~~D.C.~~ Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and slopes greater than 25 percent. However, a single-family dwelling may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012. (3/24/05)

~~E.~~ Off-Street Parking

~~1. One off-street parking space shall be provided for each dwelling unit of 800 square feet or less.~~ (6/29/06)

~~2. Two off-street parking spaces shall be provided for each dwelling unit of more than 800 square feet.~~ (6/29/06)

~~3. On land above 3,500-foot elevation, covered parking shall be provided for structures containing three3 or more dwelling units.~~ (3/24/05)

~~F. Access: Consolidated and shared access driveways or frontage roads, cross-easements, or access from other roads or easements fronting the property may be required, as necessary, to limit the number of access points onto a road designated as a scenic road in the Comprehensive Plan.~~ (3/24/05)

G.D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

H.E. Design Features: All dwellings, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If a dwelling is located on a corner lot, the features shall be visible to the road from which the dwelling takes access. (3/24/05)

1. A covered porch at least two feet deep; (3/24/05)
2. An entry area recessed at least two feet from the exterior wall to the door; (3/24/05)
3. A bay or bow window (not flush with the siding); (3/24/05)
4. An offset on the building face of at least 16 inches from one exterior wall surface to the other; (3/24/05)
5. A dormer; (3/24/05)
6. A gable; (3/24/05)
7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; (3/24/05)
8. Roofline offsets of at least 16 inches from the top surface of one roof to the top surface of the other; (3/24/05)
9. An attached garage; (3/24/05)
10. Orientation of the long axis and front door to the road; (3/24/05)
11. A cupola; (3/24/05)
12. A tile or shake roof; (3/24/05)
13. Horizontal lap siding.



**313 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT (MR-2) (12/20/07)**

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313.01 PURPOSE

This section is adopted to implement the goals and policies of the Comprehensive Plan for Medium High Density Residential areas. (3/24/05)

313.02 AREA OF APPLICATION

Property may be zoned Medium High Density Residential District (MR-2) if ~~when the site has a Comprehensive Plan Designation of Medium High Density Residential, the criteria under Section 1202 are satisfied, and the following criterion is satisfied:~~ (3/24/05)

A. ~~The site has a Comprehensive Plan designation of MR-2 Medium High Density Residential;~~

B. ~~The criteria in Section 1202 are satisfied; and~~

A.C. ~~The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such public facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.~~ (3/24/05)

313.03 PRIMARY USES

The following are primary uses in the Medium High Density Residential District (MR-2):

- A. Multifamily dwellings; (3/24/05)
- B. Three-family dwellings; (3/24/05)
- C. Two-family dwellings; (3/24/05)
- D. Attached single-family dwellings; (3/24/05)
- E. Congregate housing facilities; (3/24/05)
- F. Condominiums, subject to Section 803; (3/24/05)
- G. Nursing homes, subject to Section 810; (3/24/05)
- H. Utility carrier cabinets, subject to Section 830; (3/24/05)
- I. Bed and breakfast residences and inns, subject to Section 832; (3/24/05)

- J. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)
- K. Lodging, boarding, and rooming houses for any number of guests, but not primarily for transients, subject to a minimum lot size of 7,000 square feet; (3/24/05)
- L. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 30 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; and~~ (3/24/05)
- M. When a development site includes areas zoned Urban Low Density Residential as well as areas zoned MR-2, a master plan may be approved for the entire site. The master plan may provide for attached and detached single-family dwellings to be located on both the areas zoned MR-2 and the areas zoned Urban Low Density Residential. The following criteria shall be met: (3/24/05)
  - 1. The maximum number of dwelling units allowed on the overall site pursuant to Section 1012 shall not be exceeded. (3/24/05)
  - 2. The minimum number of attached single-family, two-family, three-family, multifamily, or congregate housing facility dwelling units required pursuant to Subsection 1012.08 for the portion of the overall site zoned MR-2 shall be provided for in the master plan. (3/24/05)
  - 3. Each single-family dwelling shall be located on a separate lot of record, subject to Subsection 301.08.5; (3/24/05)

313.04 ACCESSORY USES

The following are accessory uses in the Medium High Density Residential District (MR-2):

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts; (3/24/05)

- C. ~~Parking and loading structures and areas provided in conjunction with a primary use, or a church established prior to July 14, 1980; (3/24/05)~~
- D. Rental information offices; (3/24/05)
- E. Repair and maintenance services; (3/24/05)
- F. 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; (3/24/05)
- G. ~~Solar energy systems collection apparatus; (3/24/05)~~
- H. Rainwater collection systems;
- I. Electric vehicle charging stations;
- H.J. Home occupations, subject to Section 822; (3/24/05)
- I.K. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)
- J.L. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (3/24/05)
- K.M. Family daycare providers; and (3/24/05)
- L.N. Signs, subject to Section 1010. (3/24/05)

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

~~The Planning Directory may approve the following use in the Medium High Density Residential District (MR-2), 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)

313.06 CONDITIONAL USES

- A. ~~The Hearings Officer may approve the following conditional uses in the Medium High Density Residential District (MR-2), 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. (3/24/05)~~

1. Alteration or expansion of a church which was lawfully established prior to July 14, 1980. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting church and associated facilities prior to July 14, 1980. The use shall be subject to Section 804; (3/24/05)
2. Schools, subject to Section 805; (5/22/03)
3. Daycare facilities, subject to Section 807; (5/22/03)
4. Service and recreational uses, subject to Section 813; (5/22/03)
5. Hydroelectric facilities, subject to Section 829; (5/22/03)
6. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
7. Multi-use developments, subject to Section 1016; ~~and (11/30/06)~~
8. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

313.07 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses are shall be prohibited in the Medium High Density Residential District (MR-2): (3/24/05)
  1. Uses of structures and land not specifically permitted; ~~and (3/24/05)~~
  2. The use of a residential trailer or mobile home as a dwelling, except within a lawfully established preexisting manufactured dwelling park or as authorized under Section 1204. (3/24/05)
- B. Preexisting Uses: (3/24/05)
  1. Lawfully established single-family dwellings or residential homes may be remodeled or expanded without review under Section 1206. (3/24/05)
  2. A new lot created for a lawfully established single-family dwelling shall have a minimum area of 3,000 square feet. (3/24/05)
  3. Lawfully established single-family dwellings and their accessory structures shall comply with the setback standards of Section 301. (3/24/05)

4. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum and minimum density for the remaining lot. (3/24/05)

313.08 DIMENSIONAL STANDARDS (3/24/05)

A. Purpose: The dimensional standards are intended to: (3/24/05)

1. Provide for fire safety and protection of all structures;
2. Protect the privacy and livability of on- and off-site dwellings and yard areas; (3/24/05)
3. Provide for adequate light and air circulation between structures;
4. Ensure suitable and safe access to each development with minimum impact on adjacent lots or dwellings; and
5. Provide for adequate open space within a development. (3/24/05)

B. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 2,420 square feet per dwelling unit. The minimum lot size for an attached single-family dwelling shall be 2,420 square feet, except as modified by Section 1013 or 1014. (3/24/05)

C. Minimum Front Yard Setback: 20 feet. On corner lots, the minimum front yard setback shall apply from both roads, except in the case of a corner lot developed with an attached single-family dwelling, where the minimum front yard setback may be reduced to 10 feet on one of the roads. However, the reduced setback shall not apply to any property line from which vehicular access is taken. ~~A greater setback may be required for primary uses proposed adjacent to an arterial or freeway/expressway to allow adequate area for buffering of noise or air pollution, subject to Subsection 1009.05. (3/24/05)~~

D. Minimum Rear Yard Setback: 20 feet. (3/24/05)

E. Minimum Side Yard Setback: (3/24/05)

1. ~~One~~<sup>1</sup> story: ~~five~~<sup>5</sup> feet. (3/24/05)
2. ~~Two~~<sup>2</sup> stories: ~~seven~~<sup>7</sup> feet, or 10 feet when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 district. (3/24/05)
3. ~~Three~~<sup>3</sup> stories: 15 feet. (3/24/05)
4. An additional ~~five~~<sup>5</sup> feet of side yard setback shall be required for each story higher than ~~three~~<sup>3</sup> stories. (3/24/05)

5. Notwithstanding Subsections 313.08(E)(1) through (4), the minimum side yard setback for attached single-family dwellings shall be 5 feet, except when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, where the minimum shall be 10 feet. No setback shall be required from any side lot line where two dwelling units share a common wall. (3/24/05)
- F. Maximum Lot Coverage: 50 percent, except for lots developed with attached single-family dwellings, where the maximum shall be 65 percent. (3/24/05)
- G. Maximum Building Height: None, except in the case of an attached single-family dwelling, where the maximum building height shall be 35 feet. (3/24/05)
- ~~H. 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 a private driveway, access drive, or private road and a public, county, or state 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. (3/24/05)~~
- H. Minimum Landscaping Area: 25 percent of the lot, except in developments of attached single-family dwellings, where the minimum shall be 20 percent of each lot.
- I. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- J. Variances: Dimensional standards may be modified pursuant to Section 1205. (3/24/05)

313.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. ~~If there is a conflict between Section 1000 and this subsection, this subsection shall govern. (3/24/05)~~
- 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. (3/24/05)~~
- ~~C. Off Street Parking and Loading:~~



~~1. A minimum of two off-street parking spaces shall be provided for each attached single-family dwelling. The minimum number of off-street parking spaces required for other uses is established pursuant to Section 1007. (3/24/05)~~

~~1. No parking or loading space required under Section 1007 shall be used for storing a recreational vehicle, camper, or boat. Where spaces are provided above the minimum requirements of Section 1007, the additional spaces may be used for such storage. (3/24/05)~~

~~D. Landscaping and Buffering: (3/24/05)~~

~~1. Except in developments of attached single-family dwellings, a minimum of 25 percent of the gross site area shall be used for landscaping, buffering, and outdoor recreation and activity areas, subject to Section 1009. (3/24/05)~~

~~2. In a development of attached single-family dwellings, up to 20 percent of the area of each lot may be required to be landscaped if, through design review, it is determined to be necessary in order to comply with the objectives of this subsection. (3/24/05)~~

~~3. Particular objectives for landscaping and buffering shall be: (3/24/05)~~

~~a. To provide noise buffering and mitigate air pollution associated with any freeway/expressway or arterial adjoining a site area; (3/24/05)~~

~~b. To provide outdoor soft-surface activity areas; (3/24/05)~~

~~c. To provide a variety of plant sizes, shapes, textures, and colors, including seasonal color changes, to create an interesting outdoor environment; and (3/24/05)~~

~~d. To provide a transition/buffer between a development and adjacent Low Density Residential areas. (3/24/05)~~

~~E. Access and On-Site Circulation: The location and design of on-site circulation networks shall comply with the following requirements: (3/24/05)~~

~~1. Provide for continuous pedestrian and bicycle circulation.~~

~~2. Access drives shall have a connection to a public street.~~

~~3. The minimum width shall be 16 feet for two-way traffic and 12 feet for one-way traffic. Adequate turnaround area(s) shall be provided for dead-end access drives. (3/24/05)~~

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4. ~~Access and on-site circulation drives shall be hard surfaced according to the standards established by the County Engineering Division.  
(3/24/05)~~
5. ~~Minimum width of access drives shall not be considered in fulfilling the off-street parking requirements.~~
6. ~~Minimize barriers to handicapped or elderly persons.~~

~~F.C.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)

**314 FUTURE URBANIZABLE (FU-10) 10-ACRE DISTRICT (FU-10) (9/28/10)**

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314.01 PURPOSE

Section 314 is adopted to implement the goals and policies of the Comprehensive Plan for To preserve for future development at urban densities the Future Urbanizable areas of the County as defined in the Comprehensive Plan.

314.02 AREA OF APPLICATION

The Future Urban 10-Acre District (FU-10) zone is applied to those areas designated as Future Urbanizable by Chapter 4 of the Clackamas County Comprehensive Plan Map.

314.03 PRIMARY USES

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

- 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: (11/24/99)
  - 1. Raising, harvesting, and selling of crops;:-
  - 2. Feeding, breeding, selling, and management of livestock, poultry, furbearing animals, or honeybees;:-
  - 3. Selling of products of livestock, poultry, furbearing animals, or honeybees;:-
  - 4. Dairying and selling of dairy products;:-
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use;:-
  - 6. Distribution by marketing or otherwise of products raised on such lands;:- and
  - 7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof;:-
- C. Propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;:- (9/28/10)

- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources; (11/24/99)
- E. Fish and wildlife management programs; (11/24/99)
- F. Bus shelters under the ownership and/or control of a city, county, state, or municipal corporation, subject to the provisions of Section 823; (11/24/99)
- G. Utility carrier cabinets, subject to Section 830; ~~and~~ (11/24/99)
- H. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

314.04 ACCESSORY USES

The following are accessory uses in the Future Urban 10-Acre District (FU-10):

- ~~A. Home occupations, subject to the provisions of Section 822.~~
- ~~B.A. Uses and structures Accessory buildings and uses customarily accessory and incidental to any of the primary uses;~~
- ~~C.B. Roadside Produce stands, which in addition to selling produce grown on site, may sell when located on the same property as the principal use, permitted when selling only those agricultural products that are produced in the surrounding community in which the stand is located;~~
- ~~D.C. Signs, as provided under~~subject to Section 1010;
- ~~E.D. A Guest houses, as defined in Section 202, subject to the provisions under Section 833;~~
- ~~E. F. Home occupations, including bBed and bBreakfast hHomestays, as defined in Section 200, subject to the major home occupation provisions under Section 822;~~
- F. Solar energy systems;
- G. Rainwater collection systems; and
- H. Electric vehicle charging stations for residents and their nonpaying guests.

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

The Planning Director may approve the following use in the Future Urban 10-Acre District (FU-10), 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)

314.06 CONDITIONAL USES

- A. ~~The Hearings Officer may approve the following conditional uses in the Future Urban 10-Acre District (FU-10), 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. Expansion of existing churches, subject to Section 804; (5/22/03)
  2. Expansion of existing schools, subject to Section 805; (5/22/03)
  3. Expansion of existing daycare facilities, subject to Section 807; (5/22/03)
  4. Cemeteries, subject to Section 808; (5/22/03)
  5. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813; (5/22/03)
  6. Sanitary landfills, debris fills, and transfer stations, subject to Section 819; (5/22/03)
  7. Hydroelectric facilities, subject to Section 829; (5/22/03)
  8. Bed and breakfast residences, subject to Section 832; (5/22/03)
  9. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
  10. Aircraft land uses, ~~subject to Section 712 or 713; (5/22/03)~~
  11. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses; and (11/30/06)
  12. Home occupations to host events, subject to Section 806. (11/30/06)

314.07 PROHIBITED USES

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

- A. ~~Structures and Uses of structures and 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.~~ Any division of land resulting in the creation of one or more parcels of less than 10 acres in size, except as modified by Subsection 902.01(B)(4);- (3/24/05)

~~D.C.~~ Residential subdivisions;-

~~E.D.~~ The use of a residential trailer as a dwelling, except within a lawfully established pre-existing manufactured dwelling park or as authorized under Section 1204;- and (3/24/05)

~~F.E.~~ Kennels.

### 314.08 DIMENSIONAL STANDARDSREQUIREMENTS

A. Purpose:- The dimensional standardsprovisions of this subsection are intended to:

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

B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as modified by Subsection 902.01(B)(4). For the purpose of complying with the minimum lot size standard, lots that front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. (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.~~

~~D.C.~~ ~~Minimum Ffront Yyard Ssetback: No structure constructed after the effective date of this amendment shall be located closer than thirty (30) feet; from the front property line however, there shall be no minimum front yard setback for bus shelters and produce stands of no more than 100 square feet in area and no more than 16 feet in height.~~

~~E.D.~~ ~~Minimum Rrear Yyard Ssetback: Thirty (30) feet; however, accessory structures shall have a minimum rear yard setback of 10 feet.~~

~~F.E.~~ ~~Minimum Sside Yyard Ssetback: 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 produce stands of no more than 100 than 100 square feet in size and not exceeding sixteen (16) feet in height need not observe front yard setback lines except when located on a corner lot, then as per Section 314.08(I) below. (3/14/02)~~
- ~~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 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.~~
- ~~J.F. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roads on Comprehensive Plan Map V-5, *Scenic Roads*, should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.~~
- ~~K.G. Exceptions: Dimensional standards are subject to modification pursuant to See Section 900 for exceptions to dimensional standards.~~
- ~~L.H. Variances: The requirements of this Subsections 314.08(C) through (E) 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 314.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)~~

314.09 DEVELOPMENT STANDARDS

- A. ~~General: Development is subject to the applicable provisions of See Sections 1000 and 1100 for applicable development standards.~~
- B. ~~Partitions: A pPartitions in Future Urbanizable areas shall be approved only if indicate the proposed locations of improvements, including easements, and road dedications, structures, wells, and on-site sewage disposal systems septic drainfields, which are consistent with the orderly future development of the property at appropriate urban densities on the basis of the criteria for application of districts under in Subsection 301.02.~~
- C. ~~Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~

**401 EXCLUSIVE FARM USE DISTRICT (EFU) (9/28/10)**

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401.01 PURPOSE

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

401.02 AREA OF APPLICATION

- A. The Exclusive Farm Use (EFU) District shall be applied to those areas which are generally suitable for small and large scale agricultural uses. Criteria to be considered are:
  - 1. Lands suitable for or characterized by small or large scale agricultural uses, such as the raising of poultry, fur bearing animals, and livestock and the growing of berries, nursery stock, vegetables, grains and field crops.
  - 2. Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils or identified as agricultural soil by more detailed data. (1/9/03)
  - 3. Land in other soil classes that is suitable for farm use as defined in Oregon Revised Statutes (ORS) 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 farming practices. (1/9/03)
  - 4. Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

5. Lands designated and acknowledged as Agriculture on Comprehensive Plan Map IV-7 ~~the County's Comprehensive Plan map.~~ (1/9/03)

401.03 DEFINITIONS

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

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

- I. Farm Stand: A structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment. (1/9/03)
- J. Owner: For purposes of a Lot of Record Dwelling, "Owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
- K. Historic Property: As defined in ORS 358.480. (1/9/03)
- L. Accessory Farm Dwelling: Includes all types of residential structures allowed by the applicable state building code. (7/1/04)

401.04 PRIMARY USES ALLOWED ON LOW AND HIGH VALUE FARMLAND  
(1/9/03)

- A. Farm uses as defined in Oregon Revised Statutes (ORS) 215.203. (1/9/03)
- B. Nonresidential buildings customarily provided in conjunction with farm uses. (1/9/03)
- C. Accessory buildings customarily incidental to an existing dwelling. (1/9/03)
- D. Propagation and harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs. (9/28/10)
- E. Creation of, restoration of, or enhancement of wetlands. (1/9/03)
- F. Alteration, restoration, or replacement of a lawfully established dwelling. A lawfully established dwelling is a single family dwelling which has: (1/9/03)
  - 1. Intact exterior walls and roof structure; (1/9/03)

2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
  3. Interior wiring for interior lights; and (1/9/03)  
/
  4. A heating system. (1/9/03)
  5. The dwelling to be replaced shall be removed, demolished, or if not a manufactured dwelling, converted to an allowable use within 90 days of the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced must be removed from the property within 30 days of the occupancy of the new dwelling. (1/9/03)
  6. If the dwelling to be replaced is located on a portion of the lot not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records to the County Clerk an irrevocable deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. Any release shall be signed by the County and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. (7/1/04)
- G. A winery as described in ORS 215.452. (1/9/03)
- H. Farm stands. (1/9/03)
- I. Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.05 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b). (1/9/03)
- J. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b). (1/9/03)
- K. Climbing and passing lanes within a public right-of-way existing as of July 1, 1987. (1/9/03)
- L. Reconstruction or modification of public roads and highways including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. (1/9/03)

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

401.05 PRIMARY USES ALLOWED ON LOW VALUE FARMLAND (11/30/06)

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

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

- A. The following uses may only be approved where it: (1/9/03)
  - 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (1/9/03)
  - 2. Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. (1/9/03)
- B. Unless specified otherwise the following uses may be allowed on Low and High Value Farmland subject to Subsection 1305.02. (1/9/03)



1. A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area, exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet of floor area to the processing activities within another building supporting farm uses. A processing facility shall comply with Subsection 401.10(G) and other applicable siting standards, but the standards shall not be applied in a manner that prohibits the siting of the processing facility. (1/9/03)
2. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Oregon Revised Statutes (ORS) 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located. (1/9/03)
3. Parking of ~~7~~seven or fewer log trucks. The term "parking" does not include a maintenance/repair facility. The parking/storage of other forestry equipment is not permitted. (1/9/03)
4. The propagation, cultivation, maintenance and harvesting of aquatic species. (1/9/03)
5. Dwellings and other building customarily provided in conjunction with farm uses subject to Subsection 401.09(E) or (F) and Oregon Administrative Rules (OAR) -660-033-0135. (1/9/03)
6. A dwelling on real property used for farm use if the dwelling is located on the same lot or parcel as the dwelling of the farm operator and occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator subject to Subsection 401.09(H). (1/9/03)
7. Accessory farm dwellings customarily provided in conjunction with farm use subject to Subsection 401.09(I). (1/9/03)

8. One single family Lot of Record dwelling on a lawfully created lot or parcel subject to Subsection 401.09(B), (C) or (D). Lot of Record dwellings proposed on High Value Farmland composed of Class 1 or 2, or prime or unique Soils, shall be reviewed by the Hearings Officer subject to Section 1300. (1/9/03)
9. One manufactured dwelling, residential trailer or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative, as defined in Subsection 401.03(J), of the resident, subject to Subsection 1204.03. (1/9/03)
10. Replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all other applicable provisions of this Section. (1/9/03)
11. Residential home or facility as defined in ORS 197.660, in existing dwellings. (1/9/03)
12. Farmworker housing as defined in Subsection 202, subject to Subsection 401.09(I). (1/9/03)
13. Home occupations as provided in ORS 215.448 and Section 822. (1/9/03)
14. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels. (1/9/03)
15. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. (1/9/03)
16. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels. (1/9/03)
- 16-17. Utility facilities necessary for public service, including wetland waste water treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275. A facility is

necessary if it must be situated in an agricultural zone in order for the service to be provided. (1/9/03)

~~17~~.18. Collocation of wireless telecommunication facilities listed in Subsection 835.05(A)(2), subject to Section 835, provided such facilities include an existing tower that is over 200 feet in height. (1/9/03)

~~18~~.19. Parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120. (1/9/03)

~~19~~.20. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. (1/9/03)

~~20~~.21. Single family dwelling, not provided in conjunction with farm use subject to Subsection 401.09(G). (1/9/03)

~~21~~.22. Fire service facilities providing rural fire protection services. (1/9/03)

C. The following uses may be allowed on Low Value Farmland subject to Subsection 1305.02. (1/9/03)

1. Private parks, playgrounds, hunting and fishing preserves and campgrounds except as provided for in Subsection 401.08(F). (7/1/04)

a. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational areas such as swimming pools, tennis courts, retail stores or gas stations. (7/1/04)

b. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. A "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. (7/1/04)

#### 401.07 CONDITIONAL USES

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

- A. Except for uses listed under Subsections 401.07(B)(4) and (C)(2), the use may only be approved where it: (11/30/06)
1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (1/9/03)
  2. Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. (1/9/03)
- B. The following uses may be allowed on Low and High Value Farmland, subject to Subsection 401.07: (11/30/06)
1. Commercial activities that are in conjunction with farm use but not including the processing of farm crops as provided for in Subsection 401.06(B)(1). (7/1/04)
  2. Mineral, aggregate, oil, and gas uses. Pursuant to Oregon Revised Statutes (ORS) 215.298, a land use permit is required for mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A permit for mining of aggregate shall be issued only for a site included on an inventory acknowledged in the Comprehensive Plan. (11/30/06)
    - a. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources, subject to ORS 215.298. (11/30/06)
    - b. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within ~~2~~two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed. (1/9/03)
    - c. Processing of other mineral resources and other subsurface resources. (1/9/03)
    - d. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Subsection 401.04(I). (1/9/03)

3. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service. A personal use airport as used in this subsection means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation. (11/30/06)
  4. Roads, highways and other transportation facilities, and improvements not allowed under Subsections 401.04 through 401.06. Such uses may be established, subject to the adoption of an Exception to Statewide Planning Goal 3, Agricultural Lands, and to any other applicable Statewide Planning Goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in Oregon Administrative Rules (OAR) 660-012-0035 and 660-012-0065. (11/30/06)
  5. Transmission towers over 200 feet in height. Towers supporting wireless telecommunication facilities are subject to Section 835. (1/9/03)
  6. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres on High Value Farmland, or more than 20 acres on Low Value Farmland, from use as a commercial agricultural enterprise unless an exception is taken pursuant to ~~Oregon Administrative Rules~~OAR 660, Division 4. (11/30/06)
  7. An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks, and is subject to ORS 215.297. (7/1/04)
  8. A home occupation to host events, subject to Section 806. (11/30/06)
- C. The following uses may be allowed on Low Value Farmland subject to Subsection 401.07. (1/9/03)
1. Dog kennels not as described in Subsection 401.05(A). (11/30/06)
  2. A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities, or buildings necessary for its operation. (11/30/06)



3. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation. (11/30/06)
4. Composting facilities, subject to Section 834. (11/30/06)
5. Golf courses, subject to Subsection 407.06(B)(31). (11/30/06)

401.08 PROHIBITED AND PREEXISTING USES (11/30/06)

- A. Structures and uses of land not specifically mentioned in this Section. (1/9/03)
- B. Bed and Breakfast Residences and Inns. (1/9/03)
- C. Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010. (1/9/03)
- D. Any lot division, or property line adjustment, except those approved pursuant to Subsection 401.10 and Section 1107. (4/13/06)
- E. Subdivisions, except as provided for in Subsection 401.10(A). (1/9/03)
- F. All other legally established preexisting uses and structures not specifically permitted in Section 401 shall be nonconforming uses subject to Section 1206. (1/9/03)
- G. Preexisting uses on High Value Farmland which are located wholly within this zone may be maintained, enhanced or expanded on the same tract subject to Section 1206, except golf courses may be expanded to no more than 18 holes. (1/9/03)
- H. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

401.09 CRITERIA FOR DWELLINGS (11/30/06)

A permanent dwelling may be established under the following applicable provisions, when the applicant provides a complete application as required in Section 401.11 and subject to Subsections 1001.01~~2~~ and 1305.02. The landowner for any dwelling approved under this Section shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from



farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937. (1/9/03)

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

5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged ~~e~~Comprehensive ~~p~~Plan, this ordinance and other provisions of law; (1/9/03)
6. When the lot or parcel on which the dwelling will be sited is part of a tract, all remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed; (1/9/03)
7. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas, or can be adequately mitigated. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife (ODFW) suggests to the county that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed ~~1~~one unit per 80 acres or ~~1~~one unit per 40 acres, if clustered within 200 feet. (1/9/03)
8. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the effective date of the land use decision. (1/9/03)

C. LOT OF RECORD DWELLING: When determined to be located on High Value Farmland consisting predominantly of Class III and IV Soil; subject to the following criteria: (1/9/03)

1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
2. The lot or parcel has been under the continuous ownership of the present owner who either; (1/9/03)
  - a. Acquired the lot or parcel prior to January 1, 1985; or (1/9/03)
  - b. Acquired the lot or parcel by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)

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

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

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

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

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

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

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



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

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

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

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

a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a “distinct agricultural area” based on topography, soils types, land use pattern, or the type of farm operations or practices that distinguish it from other adjacent agricultural areas. Findings shall describe the study area, its boundaries, and the location of the subject parcel with this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area; and to the extent OAR 660-033-0130(4)(a)(D)(ii) is applicable. (7/1/04)

b. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area. (7/1/04)

5. The dwelling shall comply with such other conditions as the county considers necessary. (1/9/03)

6. Prior to Planning approval for issuance of a building or manufactured dwelling permit, the applicant shall notify the County Assessor that the lot or parcel is no longer being used for farmland and; request the County Assessor to disqualify the lot or parcel for special assessment under ORS 308.370, 308.765, 321.257 to 321.381, 321.730 or 321.815 and; pay any additional tax imposed upon disqualification from special assessment. A lot or parcel that has been disqualified pursuant to this Section shall not requalify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel. (1/9/03)

H. ACCESSORY FARM DWELLING - RELATIVE; An accessory farm dwelling for a relative of the farm operator may be allowed subject to the following criteria: (1/9/03)

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

I. **ACCESSORY FARM DWELLING - NONRELATIVE:** An accessory farm dwelling for a Nonrelative of the farm operator may be allowed subject to the following criteria:

1. The accessory farm dwelling shall be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; (1/9/03)
2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)

3. The accessory farm dwelling shall be located: (1/9/03)
  - a. On the same lot or parcel as the primary farm dwelling; or (1/9/03)
  - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or (1/9/03)
  - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to Section 401; or (1/9/03)
  - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The county shall require all accessory farm dwellings approved in this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or (7/1/04)
  - e. On a parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements of Subsection 401.09(E)(1) or 401.09(F)(1) whichever is applicable. (1/9/03)
4. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; (1/9/03)
5. The primary farm dwelling to which the proposed dwelling would be accessory, shall meet one of the following: (1/9/03)
  - a. On Low Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use, as defined in ORS 215.203, and produced at least \$32,500 in gross annual income from the sale of farm products within the last ~~2~~two years or ~~3~~three of the last ~~5~~five years; or (1/9/03)

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

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

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

- A. Land Divisions: All new parcels shall be at least 80 acres. Land divisions for primary uses may be permitted by the Planning Director pursuant to Subsection 1305.02. (1/9/03)
- B. Conditional Use Divisions: The Hearings Officer may approve a division of land for nonfarm uses, except dwellings, set out in ORS 215.283(2) if the Hearings Officer finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the use. Such land divisions shall be received pursuant to Section 1300. (1/9/03)

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



maintained to allow 8-eight feet of visual clearance below the lowest hanging branches. (1/9/03)

401.11 SUBMITTAL REQUIREMENTS

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

401.12 PERMIT EXPIRATION

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

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

**TIMBER DISTRICT (TBR) (9/28/10)**

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406.01 PURPOSE

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

406.02 AREA OF APPLICATION

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

406.03 DEFINITIONS

- A. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. "Temporary structures" include on site structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation; small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed ~~1~~one year. (1/9/03)
- C. "Owner" means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild, of the owner or a business entity owned by any one or combination of these family members. (1/9/03)

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

406.04 PRIMARY USES (1/9/03)

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)
- B. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
- D. Alteration, restoration or replacement of a lawfully established dwelling that has: (1/9/03)
  - 1. Intact exterior walls and roof structures; (1/9/03)

2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
  3. Interior wiring for interior lights; (1/9/03)
  4. A heating system; (1/9/03)
  5. The dwelling to be replaced shall be removed, demolished or, if not a manufactured dwelling or residential trailer, converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling. (1/9/03)
- E. Widening of roads within existing rights-of-way in conformance with the transportation element of the Comprehensive Plan including public road and highway projects as described below. (1/9/03)
1. Climbing and passing lanes within the right- of-way existing as of July 1, 1987;
  2. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
  3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
  4. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- F. Farm uses as defined in Oregon Revised Statutes (ORS) 215.203;
- G. Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- H. Private hunting and fishing operations without any lodging accommodations;
- I. Towers and fire stations for forest fire protection;
- J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;

- K. Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries (DOGAMI);
- L. Accessory buildings and uses customarily incidental to and in conjunction with any of the uses listed as a primary use in Subsection 406.04, may be established only if a primary use exists; (1/9/03)
- M. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- N. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (7/1/04)
- O. Uninhabitable structures accessory to fish and wildlife enhancement. (7/1/04)

406.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The following uses may be allowed subject to Subsection 1305.02. In addition, dwellings shall be subject to Subsection 1001.01~~2~~. (~~1/9/03~~)

- A. HOME OCCUPATIONS, as defined in Oregon Revised Statutes (ORS) 215.448, subject to Section 822 and the following criteria: (1/9/03)
  - 1. The parcel upon which the home occupation is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
  - 2. The home occupation will not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands;
  - 3. The home occupation meets the siting standards of Subsection 406.09; (1/9/03)
  - 4. If road access to the home occupation is by a road owned and maintained by a private party or by the Oregon Department of Forestry (ODF), the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
  - 5. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest



practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)

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

1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
2. The lot or parcel on which the dwelling will be sited was acquired by the present owner: (1/9/03)
  - a. Prior to January 1, 1985; or (1/9/03)
  - b. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)
5. The siting requirements described in Subsection 406.09 shall be met; (1/9/03)
6. The property is not capable of producing 5,000 cubic feet per year of commercial tree species; (1/9/03)
7. The property is located within 1,500 feet of a public road, as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be Bureau of Land Management or Forest Service roads; (1/9/03)
8. The proposed dwelling is not prohibited by this ordinance or the Comprehensive Plan, or any other provisions of law; (1/9/03)
9. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is approved. (1/9/03)
10. The County Assessor's Office shall be notified of all approvals granted under this subsection. (1/9/03)
11. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the land use decision becomes final. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
3. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
4. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
5. If road access to the dwelling is by a road owned and maintained by a private party or by the ~~Oregon Department of Forestry ODF~~, the ~~United States Bureau of Land Management, BLM~~ or the ~~United States Forest Service USFS~~, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
6. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
7. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
8. The tract upon which the dwelling will be sited shall pass a template test, conducted as follows: (1/9/03)
  - a. A 160 acre square template shall be centered upon the subject tract. The template may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the subject tract and, to the maximum extent

possible, have its length aligned with the road or perennial stream. (1/9/03)

b. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the SCS Soils Atlas, of: (1/9/03)

1. 0 - 49 cubic feet per acre per year of wood fiber production, at least part of a minimum of ~~3~~three lots of record shall fall within the template, and a minimum of ~~3~~three lawfully established dwellings shall exist on the lots within the template area; or (1/9/03)
2. 50 - 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of ~~7~~seven lots of record shall fall within the template, and a minimum of ~~4~~four lawfully established dwellings shall exist on the lots within the template area; or (1/9/03)
3. Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of ~~5~~five lawfully established dwellings shall exist on the lots within the template area. (1/9/03)

c. The following types of lots of record and dwellings shall not be counted toward satisfying Subsection 406.05(C)(8)(b): (1/9/03)

1. Lots of record larger than 80 acres; (1/9/03)
2. Lots of record created on or after January 1, 1993; (1/9/03)
3. Dwellings on lots of record larger than 80 acres; (1/9/03)
4. Dwellings constructed on or after January 1, 1993; (1/9/03)
5. Lots of record or dwellings located within an urban growth boundary; and (1/9/03)
6. Temporary dwellings. (1/9/03)
7. The subject property. (7/1/04)

9. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of ~~1~~one of the dwellings required by Subsection 406.05(C)(8)(b) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on

which the dwelling will be sited, a minimum of ~~1~~one of the dwellings required by Subsection 406.05(C)(8)(b) shall be located on the same side of the road as the proposed dwelling. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling is to be sited is at least 160 acres; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling;
4. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
5. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
6. If road access to the dwelling is by a road owned and maintained by a private party or by the ~~Oregon Department of Forestry~~ODF, the ~~United States Bureau of Land Management~~BLM, or the ~~United States Forest Service~~USFS, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
7. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
8. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
3. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of 2-two or more tracts that total 200 acres or more; (1/9/03)
4. The owner submits proof of an irrevocable deed restriction, recorded in the deed records of the county, for the tracts in the 200 acres. The deed restriction shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural and forest lands; (1/9/03)
5. None of the parcels or tracts used to total 200 acres may already contain a dwelling. (1/9/03)
6. All parcels or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest; (1/9/03)
7. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
8. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
9. If road access to the dwelling is by a road owned and maintained by a private party or by the ~~Oregon Department of Forestry~~ ODE, the ~~United States Bureau of Land Management~~ BLM, or the ~~United States Forest Service~~ USFS, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
10. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
11. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must

verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)

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

406.06      **CONDITIONAL USES**

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203, any applicable provisions of Section 800, and the following criteria: (11/30/06)
  - 1. The proposed use shall not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands. (11/30/06)
  - 2. The proposed use shall not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel. (11/30/06)
  - 3. A written irrevocable statement shall be recorded in the deed records of the County binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937. (11/30/06)
  - 4. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry (ODF), the Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. (11/30/06)
- B. **CONDITIONAL USES:** (1/9/03)
  - 1. Permanent facility for the primary processing of forest products;



2. Permanent facilities for logging equipment repair and storage;
3. Log scaling and weigh stations;
4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes, subject to the following: (1/9/03)
  - a. These areas may be occupied by a tent, travel trailer or recreational vehicle; (1/9/03)
  - b. These uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. (1/9/03)
  - c. The overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive ~~6~~six month period; (1/9/03)
  - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within ~~3~~three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4. (1/9/03)
5. Public parks including only those uses specified under Oregon Administrative Rules (OAR) 660-034-0035 subject to the state park master plan and including caretaker residences, subject to the applicable provisions of Subsections 406.05(C)(1) through (7); (11/30/06)
6. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;
7. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a well head; (11/30/06)
8. A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;
9. A disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities, or buildings necessary for its operation; (11/30/06)

10. Fire stations for rural fire protection;
11. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829. (1/9/03)
12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
13. Reservoirs and water impoundments;
14. Cemeteries;
15. New electric transmission lines with right-of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal) with rights-of-way 50 feet or less in width; (11/30/06)
16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects; (11/30/06)
17. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
18. Aids to navigation and aviation;
19. Aircraft land uses, subject to Section 712 or 713; (11/30/06)
20. Expansion of existing airports, subject to Section 712 or 713; (11/30/06)
21. Television, microwave and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower;
22. Public road and highway projects as follows: (11/30/06)
  - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; and
  - b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; and
  - c. Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas,

where additional property or right-of-way is required but not resulting in the creation of new land parcels; (11/30/06)

- 23. Composting facilities, subject to Section 834; (11/30/06)
- 24. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (11/30/06)
- 25. Youth camps on 40 acres or more, subject to OAR 660-006-0031; (4/22/10)
- 26. A home occupation to host events, subject to Section 806. (4/22/10)

406.07 TEMPORARY USES

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

- A. Temporary portable facility for the primary processing of forest products grown on-site, subject to Subsection 1204.01, for a period not to exceed 1one year; (1/9/03)
- B. Temporary forest labor camp subject to Subsection 1204.01 for a period not to exceed 1one year; (1/9/03)
- C. A manufactured dwelling, residential trailer or recreational vehicle may be used for care in conjunction with an existing dwelling for the term of a health hardship suffered by the existing resident or a relative as defined in Subsection 406.03(C) and subject to Subsection 1204.03. (1/9/03)

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

- A. Structures and uses including temporary uses of land not specifically mentioned in this Section.
- B. Outdoor advertising displays, advertising signs or advertising structures except as provided in Section 1010. (1/9/03)
- C. Any land division, or property line adjustment, except those approved pursuant to Subsection 406.10. (1/9/03)
- D. Subdivisions, except as provided in Subsection 406.10(A) and (B). (1/9/03)
- E. Legally established preexisting uses and structures not specifically permitted in Section 406 shall be nonconforming uses subject to Section 1206. (1/9/03)

- F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

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

A. Purpose

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

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

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

a. Access:

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

b. Identification:

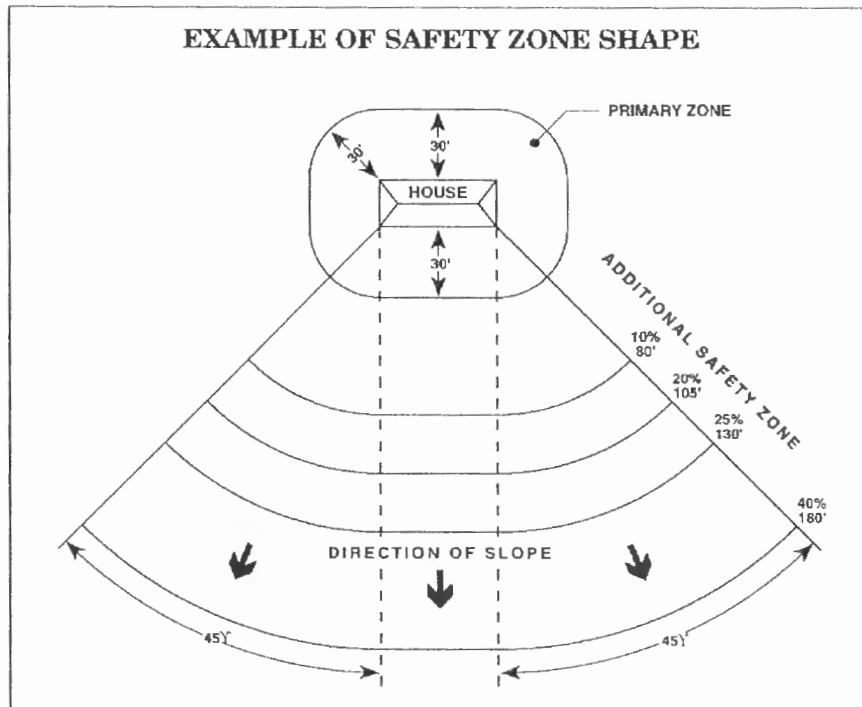
Emergency water supplies shall be clearly marked along the access route with a permanent county approved sign.

5. Fuel Break Standards:

a. Primary Safety Zone:

The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than ~~8~~ eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house. As slope increases, the primary safety zone shall increase away from the house and down the slope at a 45 degree angle from the house, in accordance with the following table and chart: (1/9/03)

Section 1.01 <u>lope</u>	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150



b. Secondary Fuel Break:

The secondary fuel break is a fuel break extending a minimum of 100 feet around the primary safety zone. The goal of the secondary fuel break shall be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

c. If a dwelling or other structure cannot be sited on a parcel to meet these standards due to the size, shape, topography, or other physical characteristics of the property, the standards may be modified subject to the following criteria: (1/9/03)

1. Irrevocable easements for fuel breaks are obtained from adjacent property owners so that the fuel break standards can be completed and maintained. The easement(s) shall be recorded with the County Clerk. The dwelling shall be sited a minimum of 30 feet from the front, side and rear property lines; or (1/9/03)
2. The dwelling shall be sited a minimum of 30 feet from the front, rear and side property lines. Where a primary and secondary fuel break cannot be accomplished



around the dwelling due to an inadequate setback distance, a primary fuel break shall be completed from the dwelling to the property line.

3. Dwellings and structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705 respectively. All dwellings shall be sited so that a primary fuel break can be completed around the dwelling outside of the river or stream corridor setback/buffer area. The area within the river or stream setback/buffer area shall be exempt from the secondary fuel break requirements. (1/9/03)

d. The area of an existing state, county, public or private road right of way adjacent to the subject property may be utilized to satisfy the fuel break requirements, providing all dwellings and structures are sited a minimum of 30 feet from the front, rear and side property lines. (1/9/03)

e. A variance to the 30 foot front, side or rear setbacks may be allowed subject to Section 1205. (1/9/03)

f. The fuel break standards shall be completed and approved by the Planning Division staff prior to issuance of any septic, building or manufactured dwelling permits. Maintenance of the fuel breaks shall be the continuing responsibility of the property owner. (1/9/03)

C. Compatibility Siting Standards: Siting of development shall comply with the provisions of Sections 1002 and 1003. Conditional use and temporary structures shall be sited to minimize impact on sensitive wildlife areas identified on Table III-1, Compatibility Criteria for Wildlife Sensitive Areas, and Map III-2, Molalla State Park Great Blue Heron Rookery, of the Comprehensive Plan, as follows: (1/9/03)

1. When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques:
  - a. Locate new structure(s) adjacent to an existing compatible structure(s) sharing a common road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another structure); or (1/9/03)
  - b. Where "a" above is not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road; or (1/9/03)

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

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

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

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

- B. Multiple Dwelling Land Divisions: A parcel or lot with at least two legally established dwellings may be divided subject to Subsection 406.05(A)(5) and the following provisions: (1/9/03)
1. At least two lawfully established dwellings existed on the lot or parcel prior to November 4, 1993; (1/9/03)
  2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.04(D); (1/9/03)
  3. Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size; (1/9/03)
  4. At least one of the existing dwellings is located on each lot or parcel created under this provision; (1/9/03)
  5. The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director indicating the land is no longer subject to the statewide planning goals for lands zoned for Forest use. (1/9/03)
  6. A lot or parcel may not be divided under this provision if an existing dwelling on the lot or parcel was approved through a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot or parcel. (1/9/03)
  7. Dwelling setbacks shall be 30 feet from front, rear and side property lines and are not required to satisfy Subsection 406.09(B)(5). A pre-existing dwelling setback to the original property line shall not be subject to these setback standards. (1/9/03)
- C. Homestead Dwelling Land Division, subject to the following criteria: (7/1/04)
1. The parcel shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; (7/1/04)
  2. The dwelling existed prior to June 1, 1995; (7/1/04)
  3. The remaining parcel not containing the existing dwelling, is at least 80 acres; or (7/1/04)

4. The remaining parcel, not containing the existing dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres; (7/1/04)
5. The remaining parcel, not containing the existing dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal. (7/1/04)
6. The landowner shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall state that the parcel is not entitled to a dwelling unless subsequently authorized by law or goal and shall be irrevocable unless a statement of release is signed by the county Planning Director that the law or goal has changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural or forest land. (7/1/04)
7. The land owner shall provide evidence that a deed restriction has been recorded with the county clerk, on the parcel containing the dwelling, stating that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use. (7/1/04)

D. Conditional Use Divisions: The lot size for all conditional uses identified pursuant to Subsection 406.06(B), (1) through (14), and (18) through (22) shall be determined by the Hearings Officer who shall consider the minimum land area required for the use and accessory elements for the use. The objective will be to minimize the impact on surrounding properties and limit the amount of land taken out of farm or forest use. (1/9/03)

Land divisions created for conditional uses shall be described and recorded as approved by the county prior to any development occurring on the lots. New land divisions less than 80 acres in size may be approved only for the above described uses if those uses have been approved pursuant to Subsection 406.06(A). (1/9/03)

E. Property line adjustments shall be subject to Section 1107. (4/13/06)

F. Right-of-Way Inclusion: For purposes of satisfying the lot size requirements of this district, lots which front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. Lots which front on state and federal highways may not include the land area between the front property line and the middle of the road right-of-way. (1/9/03)

G. Structure Setbacks shall be 30 feet from the front and rear property lines and 10 feet from the side property lines and are not required to satisfy Subsection 406.09(B)(5) when the following occur: (1/9/03)

1. Replacement dwellings within 100 feet of the existing dwelling; or (1/9/03)
  2. Additions to an existing dwelling or new dwellings approved under a previous land use application where the fuel break standards were not required as a condition of approval; or (1/9/03)
  3. Additions to accessory buildings or new accessory buildings; or (1/9/03)
  4. A variance to these requirements has been approved pursuant to Section 1205. (1/9/03)
- H. General Provisions and Exceptions: Except where specifically stated, the provisions of this section shall not preclude the application of the general provisions and exceptions of Section 900. (1/9/03)

406.11 SUBMITTAL REQUIREMENTS (11/30/06)

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

406.12 PERMIT EXPIRATION

- A. A discretionary decision except as provided in Subsection 406.12(C) and a land division, made after (1/9/03), approving a proposed development is void ~~2~~two years after the date of mailing of the final decision if the development is not initiated within that period. For purposes of this Subsection, a development is initiated if all development permits are approved by the Planning Division and submitted to the Building Services Division. (1/9/03)
- B. An extension period of up to 12 months may be granted if:
1. The applicant makes a written request for an extension; (1/9/03)
  2. The written request is submitted prior to the expiration of the approval period; (1/9/03)

3. The applicant identifies reasons that prevented the beginning or continuing of the development within the approval period; (1/9/03)
  4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. (1/9/03)
- C. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for ~~4~~four years after the date of mailing of the final decision; and (1/9/03)
1. One extension period of up to ~~2~~two years may be granted. (1/9/03)
  2. For the purposes of this provision, "residential development" only includes the dwellings provided for under Section 406. (1/9/03)
- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ~~ORS Oregon~~ Revised Statutes 197.015 and is not subject to appeal as a land use decision. (1/9/03).



**407 AG/FOREST DISTRICT (AG/F) (9/28/10)**

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407.01 PURPOSE

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

407.02 AREA OF APPLICATION

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

407.03 DEFINITIONS

- A. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. "Temporary structures" include on site structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation; small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed one year. (1/9/03)
- C. "Owner" means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members. (1/9/03)
- D. "Ownership" means holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. For purposes of Section 407.03(C), above, ownership shall include all contiguous parcels, lots or tracts meeting this definition.
- E. "Tract" means one or more contiguous lots or parcels under the same ownership.

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

407.04 PRIMARY USES

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs; (9/28/10)
- B. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
- D. Alteration, restoration or replacement of a lawfully established dwelling that:
  - 1. Intact exterior walls and roof structures; (1/9/03)
  - 2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)

3. Interior wiring for interior lights; (1/9/03)
  4. A heating system; and (1/9/03)
  5. The dwelling to be replaced shall be removed, demolished or, if not a manufactured dwelling or residential trailer, converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling. (1/9/03)
- E. Widening of roads within existing rights-of-way in conformance with the transportation element of the County's eComprehensive pPlan including public road and highway projects as described below.
1. Climbing and passing lanes within the right- of-way existing as of July 1, 1987;
  2. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
  3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
  4. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- F. Farm uses as defined in Oregon Revised Statutes (ORS) 215.203;
- G. Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- H. Private hunting and fishing operations without any lodging accommodations;
- I. Towers and fire stations for forest fire protection;
- J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;

- K. Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries;
- L. Accessory buildings, other than dwellings, and uses customarily incidental to and in conjunction with any of the uses listed as a primary use in Subsection 407.04, may be established only if a primary use exists; (1/9/03)
- M. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- N. Residential home or facility as defined in ORS 197.660, in existing dwellings. (1/9/03)
- O. Farm Stands:  
A structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment. (1/9/03)
- P. Utility carrier cabinets, subject to Section 830.
- Q. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (7/1/04)
- R. Wineries as described in ORS 215.452.
- S. Creation of, restoration of, or enhancement of wetlands.

407.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The following uses may be allowed subject to Subsection 1305.02. In addition, dwellings shall be subject to Subsection 1001.01~~2~~. (1/9/03)

A. HOME OCCUPATIONS, as defined in ~~ORS~~ Oregon Revised Statutes (ORS) 215.448, subject to Section 822 and the following criteria: (1/9/03)

1. The parcel upon which the home occupation is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
2. The home occupation will not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands;
3. The home occupation meets the siting standards of Subsection 407.09; (1/9/03)
4. If road access to the home occupation is by a road owned and maintained by a private party or by the Oregon Department of Forestry (ODF), the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
5. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)

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

1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985;
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
3. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993. (1/9/03)
4. The lot or parcel on which the dwelling will be sited was acquired by the present owner (as defined in ORS 215.705(6)).
  - a. Prior to January 1, 1985; or

- b. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985;
  5. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
  6. The property is not capable of producing 5,000 cubic feet per year of commercial tree species and;
  7. The property is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be Bureau of Land Management or Forest Service roads; (1/9/03)
  8. The proposed dwelling is not prohibited by this Ordinance or the Comprehensive Plan, or any other provisions of law; (1/9/03)
  9. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is approved.
  10. The County Assessor's Office shall be notified of all approvals granted under this Subsection. (1/9/03)
  11. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the land use decision becomes final. (1/9/03)
  12. In cases where agriculture was the predominant use of the property on January 1, 1993, Lot of Record Dwellings shall satisfy the standards identified under Subsection 401.09B, C or D. (1/9/03)
- C. FOREST TEMPLATE DWELLING, subject to the following criteria: (1/9/03)
1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
  2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
  3. The siting standards described in Subsection 407.09 shall be met; (1/9/03)



4. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
5. If road access to the dwelling is by a road owned and maintained by a private party or by the ~~Oregon Department of Forestry~~ ODF, the ~~United States Bureau of Land Management~~ BLM, or the ~~United States Forest Service~~ USFS, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
6. A written irrevocable statement shall be recorded for the county binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)
7. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
8. The tract on which the dwelling will be sited shall pass a template test, which shall be conducted as follows:
  - a. A 160 acre square template shall be centered on the subject tract. The template test may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered on the subject tract and, to the maximum extent possible, have its length aligned with the road or perennial stream. (1/9/03)
  - b. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the SCS Soils Atlas, of:
    1. 0 - 49 cubic feet per acre per year of wood fiber production, at least part of a minimum of ~~3~~ three lots of record shall fall within the template, and a minimum of ~~3~~ three lawfully established dwellings shall exist on the lots; or (1/9/03)

2. 50 - 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of ~~7-seven~~ lots of record shall fall within the template, and a minimum of ~~4-four~~ lawfully established dwellings shall exist on the lots; or (1/9/03)
  3. Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of ~~5-five~~ lawfully established dwellings shall exist on the lots. (1/9/03)
- c. The following types of lots of record and dwellings shall not be counted toward satisfying Subsection 407.05(C)(8)(b): (1/9/03)
1. Lots of record larger than 80 acres; (1/9/03)
  2. Lots of record lawfully created on or after January 1, 1993; (1/9/03)
  3. Dwellings on lots of record larger than 80 acres; (1/9/03)
  4. Dwellings constructed on or after January 1, 1993; (1/9/03)
  5. Lots of record or dwellings located within an urban growth boundary; and (1/9/03)
  6. Temporary dwellings. (1/9/03)
  7. The subject property. (7/1/04)
9. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of ~~1-one~~ of the dwellings required by Subsection 407.05(C)(8)(b) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on which the dwelling will be sited, a minimum of ~~1-one~~ of the dwellings required by Subsection 407.05(C)(8)(b) shall be located on the same side of the road as the proposed dwelling. (1/9/03)
  10. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09B - G. (1/9/03)

- D. FOREST DWELLING, 160 ACRE MINIMUM, subject to the following criteria: (1/9/03)
1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
  2. The tract on which the dwelling will be sited is at least 160 acres; (1/9/03)
  3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
  4. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
  5. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
  6. If road access to the dwelling is by a road owned and maintained by a private party or by the ~~Oregon Department of Forestry~~ODE, the ~~United States Bureau of Land Management~~BLM, or the ~~United States Forest Service~~USFS, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
  7. A written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
  8. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
  9. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09E - G. (1/9/03)

- E. 200 ACRE NONCONTIGUOUS TRACT DWELLING, subject to the following criteria: (1/9/03)
1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
  2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
  3. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of ~~2~~two or more tracts that total 200 acres or more; (1/9/03)
  4. The owner submits proof of an irrevocable deed restriction, recorded with the County Clerk, for the tracts in the 200 acres. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural and forest lands; (1/9/03)
  5. None of the parcels or tracts used to total 200 acres may already contain a dwelling; (1/9/03)
  6. All parcels or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest; (1/9/03)
  7. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
  8. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
  9. If road access to the dwelling is by a road owned and maintained by a private party or by the ~~Oregon Department of Forestry~~ODE, the ~~United States Bureau of Land Management~~BLM, or the ~~United States Forest Service~~USFS, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)

10. A written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
11. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
12. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09B - G. (1/9/03)

F. ACCESSORY FARM DWELLING - RELATIVE; an accessory farm dwelling for a relative of the farm operator may be allowed when agriculture was the predominant use of the property on January 1, 1993 subject to the following criteria: (1/9/03)

1. The accessory farm dwelling shall be located on the same lot or parcel as the primary farm dwelling of the farm operator; (1/9/03)
2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)
3. The accessory farm dwelling shall be occupied by a grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling, niece, nephew or first cousin of the farm operator of the farm operator's spouse, whose assistance in the management and farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator and not the personal conditions of the farm operator. The size, type, and intensity of the farm operation shall be used to evaluate the need for the dwelling; (1/9/03)
4. The accessory farm dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management of the farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day to day decisions about such things as planting, harvesting, feeding and marketing; (7/1/04)

5. There are no other dwellings on the lot or parcel that are vacant or currently occupied by persons not working on the subject farm and that could reasonably be used as an accessory farm dwelling; (1/9/03)
6. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within ninety (90) days. (1/9/03)
7. The accessory farm dwelling shall be sited in a manner which minimizes negative impacts on farm uses, and also minimizes impacts on sensitive wildlife areas identified on Table III-1, Compatibility Criteria for Wildlife Sensitive Areas, and Map III-4, Stevens Great Blue Heron Rookery, of the Comprehensive Plan using siting techniques a-c under Subsection 407.09(C)(1); (1/9/03)
8. Where no compatible structure(s) exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 407.09(C)(1)(a) above. (1/9/03)
9. The County shall not approve any lot division or property line adjustment which results in the location of any accessory farm dwelling on a lot or parcel separate from the farm use property for which it has been established. (1/9/03)

G. **ACCESSORY FARM DWELLING - NONRELATIVE;** An accessory farm dwelling for a nonrelative of the farm operator may be allowed when agriculture was the predominant use of the property on January 1, 1993, subject to the following criteria: (1/9/03)

1. The accessory farm dwelling shall be occupied by a person or persons who will be principally engaged in the farm use of the land whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; (1/9/03)
2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)
3. The accessory farm dwelling shall be located: (1/9/03)
  - a. On the same lot or parcel as the primary farm dwelling; or (1/9/03)



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

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

2. The use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. (1/9/03)

I. FARM DWELLINGS, subject to the following criteria: (1/9/03)

1. A dwelling in conjunction with a farm use may be approved by the Planning Director subject to Subsection 1305.02, if the requirements of Subsection 401.09 are met. (1/9/03)

J. Dwellings and related structures authorized by 407.05(I), where the predominant use is forestry shall be subject to the siting standards of Subsection 407.09. (1/9/03)

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

L. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3) subject to Section 835. (7/1/04)

407.06 CONDITIONAL USES

A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203, any applicable provisions of Section 800, and the following criteria: (11/30/06)

1. The proposed use shall not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands. (11/30/06)

2. The proposed use shall not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel. (11/30/06)

3. A written irrevocable statement shall be recorded with the deed records of the County binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937. (11/30/06)

4. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry (ODF), the Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. (11/30/06)

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

1. Permanent facility for the primary processing of forest products;
2. Permanent facilities for logging equipment repair and storage;
3. Log scaling and weigh stations;
4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes but not for residential purposes, subject to the following: (1/9/03)
  - a. These areas may be occupied by a tent, travel trailer or recreational vehicle;
  - b. These uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations and not for residential purposes;
  - c. Overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive ~~6~~six month period. (1/9/03)
  - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within ~~3~~three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and Oregon Administrative Rules (OAR) 660 Division 4. (1/9/03)
5. Public parks including only those uses specified under OAR 660-034-0035 subject to the state park master plan and including caretaker residences, subject to the applicable provisions of Subsections 407.05(B)(1) through (7); (11/30/06)
6. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and mining and processing of aggregate and mineral

resources as defined in ORS Chapter 517; (1/9/03)

7. Exploration for mineral and aggregate resources as defined in ORS Chapter 517; (11/30/06)
8. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to the wellhead; (11/30/06)
9. A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation; (11/30/06)
10. A disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities, or buildings necessary for its operation; (11/30/06)
11. Fire stations for rural fire protection;
12. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829; (11/30/06)
13. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
14. Reservoirs and water impoundments;
15. Cemeteries;
16. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal) with rights-of-way 50 feet or less in width;
17. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
18. Aids to navigation and aviation;

19. Personal use airports for airplanes and helicopter pads, including associated hanger, maintenance, and service facilities. A personal use airport as used in this subsection means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation; (11/30/06)
20. Television microwave and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower;
21. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (11/30/06)
22. Public road and highway projects as follows: (11/30/06)
  - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; and
  - b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; and
  - c. Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels; and (11/30/06)
  - d. Roads, highways and other transportation facilities, and improvements not otherwise allowed under this ordinance, provided an exception is taken to Statewide Planning Goals 3 and 4, and any other Statewide Planning Goal with which the facility or improvement does not comply; (11/30/06)
23. Composting facilities, subject to Section 834; (11/30/06)



24. Youth camps on 40 acres or more, subject to OAR 660-006-0031; (11/30/06)
25. Commercial activities that are in conjunction with farm use;
26. Dog kennels not as described in Subsection 401.05(A); (1/9/03)
27. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources, subject to ORS 215.298;
28. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement; (11/30/06)
29. Public or private schools, including all buildings essential to the operation of a school. Schools shall not be approved within ~~3~~three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-04; (11/30/06)
30. Churches, and cemeteries in conjunction with churches. Churches shall not be approved within ~~3~~three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-04;
31. Golf courses located on Low Value Farmland and subject to Subsections 401.04(A)(4) and (8). Existing golf courses on High Value Farmland shall not be expanded to contain more than 18 holes. A golf course shall be subject to the following: (11/30/06)
  - a. A golf course is an area of land with highly maintained natural turf laid out for the game of golf with a series of ~~9~~nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. Golf courses approved under this provision shall be 9- or 18-hole regulation golf courses or a combination 9- and 18-hole regulation golf course; (11/30/06)
  - b. A regulation 18-hole golf course is characterized as a site containing between 120 and 150 acres of land or more, with a playable distance of 5000 to 7200 yards, and a par of 64 to 73 strokes; (11/30/06)
  - c. A regulation 9-hole golf course is characterized as a site containing between 65 and 90 acres of land or more, with a playable distance of 2500 to 3600 yards, and a par of 32 to 36 strokes; (11/30/06)

- d. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18-hole or larger golf course. (11/30/06)
- e. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing, such as tennis courts; swimming pools; weight rooms; wholesale or retail operations oriented to the non-golfing public; housing. (11/30/06)
- f. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g. food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

32. Farmworker housing, subject to Subsection 407.05(G); (11/30/06)

33. A home occupation to host events, subject to Section 806. (11/30/06)

407.07 TEMPORARY USES

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

- A. Temporary portable facility for the primary processing of forest products grown on-site subject to Subsection 1204.01, for a period not to exceed ~~1~~one year; (1/9/03)
- B. Temporary forest labor camp subject to Subsection 1204.01, for a period not to exceed ~~1~~one year; (1/9/03)
- C. A manufactured dwelling, residential trailer or recreational vehicle may be used for care, in conjunction with an existing dwelling for the term of a health hardship suffered by the existing resident or a relative as defined in 407.03(C) and subject to Subsection 1204.03. (1/9/03)

- 407.08 PROHIBITED AND PREEXISTING USES (1/9/03)
- A. Structures and uses, including temporary uses of land, not specifically mentioned in this section.
  - B. Outdoor advertising displays, advertising signs or advertising structures except as provided in Sections 1010. (1/9/03)
  - C. Any land division, or property line adjustment, except those approved pursuant to Subsection 407.10. (1/9/03)
  - D. Subdivisions except as provided in Subsection 407.10(A) and (B). (1/9/03)
  - E. Legally established preexisting uses and structures not specifically permitted in Section 407 shall be nonconforming uses subject to Section 1206. (1/9/03)
  - F. Preexisting uses on High Value Farmland which are located wholly within this zone may be maintained, enhanced or expanded on the same tract subject to Section 1206, except golf courses may be expanded to no more than 18 holes. (1/9/03)
  - G. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- 407.09 SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN THE AG/F DISTRICT (1/9/03)
- A. Purpose
    - 1. Ensure compatibility between the new dwelling and the forest and agricultural operations.
    - 2. Minimize wildfire hazards and risks.
  - B. Fire Siting Standards. The following fire siting standards shall apply to all structures greater than 120 square feet in size including, new dwellings, and replacement dwellings not located within 100 feet of the existing dwelling in a forest zone, except as provided for in Subsection 407.10(G). (1/9/03)
    - 1. The dwelling shall have a fire retardant roof. (1/9/03)
    - 2. The dwelling shall not be sited on a slope of greater than 40 percent. (1/9/03)

3. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. (1/9/03)
4. If the rural fire district or the Oregon Department of Forestry determines that an on-site water supply is required, then the following criteria shall be met: (1/9/03)

- a. Access: (1/9/03)

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

- b. Identification: (1/9/03)

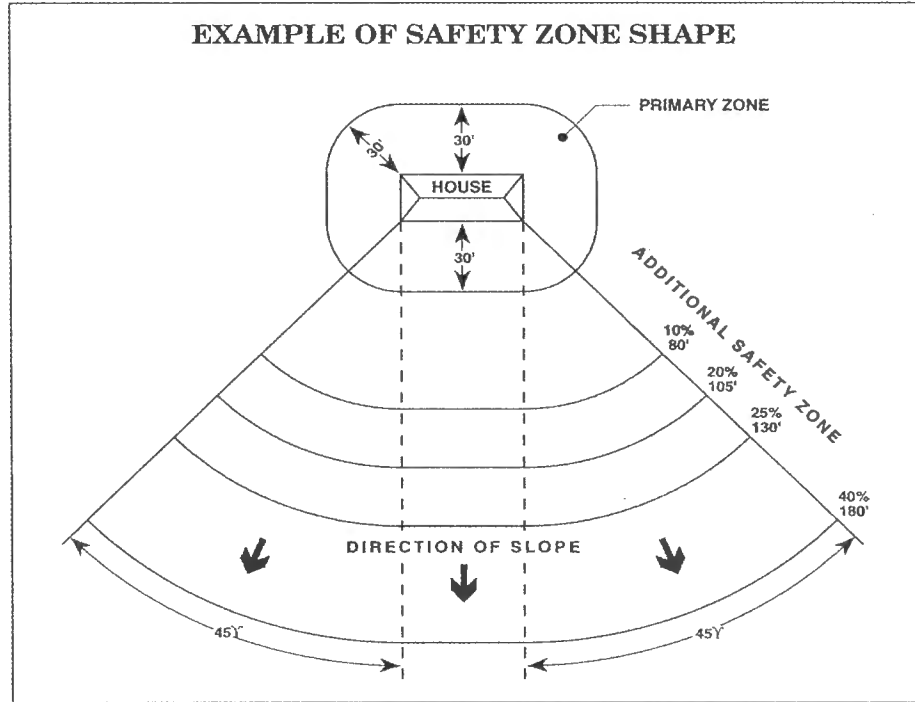
Emergency water supplies shall be clearly marked along the access route with a permanent county approved sign. (1/9/03)

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

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

The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of 1 one foot. Vegetation within the primary safety zone may include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house. As slope increases, the primary safety zone shall increase away from the house and down the slope at a 45 degree angle from the house, in accordance with the following table and chart: (1/9/03)

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



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

The secondary fuel break extending a minimum of 100 feet around the primary safety zone. The goal of the secondary fuel break shall be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. (1/9/03)

- c. If a dwelling or other structure cannot be sited on a parcel to meet these standards due to the size, shape, topography, or other physical characteristics of the property, the standards may be modified subject to the following criteria: (1/9/03)
  - 1. Irrevocable easements for fuel breaks are obtained from adjacent property owners so that the fuel break standards can be completed and maintained. The easement(s) shall be recorded with the County Clerk. The dwelling shall be sited a minimum of 30 feet from the front, side and rear property lines, or; (1/9/03)
  - 2. The dwelling shall be sited a minimum of 30 feet from the front, rear and side property lines. Where a primary and secondary fuel break cannot be accomplished around the dwelling due to an inadequate setback distance, a primary fuel break shall be completed from the dwelling to the property line. (1/9/03)
  - 3. Dwellings and structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705 respectively. All dwellings shall be sited so that a primary fuel break can be completed around the dwelling outside of the river or stream corridor setback/buffer area. The area within the river or stream setback/buffer area shall be exempt from the secondary fuel break requirements. (1/9/03)
- d. The area of an existing state, county, public or private road right-of-way adjacent to the subject property may be utilized to satisfy the fuel break requirements, providing all dwellings and structures are sited a minimum of 30 feet from the front, rear and side property lines. (1/9/03)
- e. A variance to the 30 foot front, side or rear setbacks may be allowed subject to Section 1205. (1/9/03)
- f. The fuel break standards shall be completed and approved by the Planning Division staff prior to issuance of any septic, building or manufactured dwelling permits. Maintenance of the fuel breaks shall be the continuing responsibility of the property owner. (1/9/03)



- C. Compatibility Siting Standards: Siting of development shall comply with the provisions of Section 1002 and 1003. Conditional use and temporary structures shall be sited to minimize impact on sensitive wildlife areas identified on Table III-1, Compatibility Criteria for Wildlife Sensitive Areas, and Map III-4, Stevens Great Blue Heron Rookery, of the Comprehensive Plan, as follows: (1/9/03)
1. When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques: (1/9/03)
    - a. Locate new structure(s) adjacent to an existing compatible structure(s) sharing a common road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another structure.); or (1/9/03)
    - b. Where "a" above is not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road; or (1/9/03)
    - c. Where "a" or "b" above are not practical, site to achieve maximum distance between structures, and minimize the length of access from the nearest existing public road. (1/9/03)
  2. Where no compatible structures exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 406.09(C)(1)(a). (1/9/03)
- D. Public and private access: (1/9/03)
1. All public roads, bridges or entrances from public roads shall be subject to the Clackamas County Roadway standards. (1/9/03)
  2. All private roads, bridges and driveways shall be subject to the local Fire District Fire Apparatus Access Road standards and County Excavation and Grading ordinance. (1/9/03)
- E. The applicant shall provide evidence to the Planning Division that the domestic water supply is from a source authorized in accordance with the Water Resources Department's (WRD) rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. (1/9/03)
1. For purposes of this subsection, evidence of a domestic water supply means: (1/9/03)

- a. Verification from a water purveyor that the use described in the application will be served by the purveyor; or (1/9/03)
  - b. A water use permit issued by the WRD for the use described in the application; or (1/9/03)
  - c. Verification from the WRD that a water use permit is not required for the use described in the application. (1/9/03)
2. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well. (1/9/03)

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

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

- A. Land Divisions: The parcel size shall be no less than 80 acres. (1/9/03)
- B. Multiple Dwelling Land Divisions: A parcel or lot with at least two legally established dwellings may be partitioned subject to 407.05(A)(5) and the following provisions: (1/9/03)
  1. At least two lawfully created dwellings existed on the lot or parcel prior to November 4, 1993; (1/9/03)
  2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 407.04(D); (7/1/04)
  3. Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size; (1/9/03)
  4. At least one of the existing dwellings is located on each lot or parcel created under this provision; (1/9/03)
  5. The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director

indicating the land is no longer subject to statewide planning goals for lands zoned for Forest use. (1/9/03)

6. A lot or parcel may not be divided under this provision if an existing dwelling on the lot or parcel was approved through a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot or parcel. (1/9/03)
7. Dwelling setbacks shall be 30 feet from front, rear and side property lines and are not required to satisfy the Fuel Break Standards outlined in Section 407.09(B)(5). A preexisting dwelling setback to the original property line shall not be subject to these setback standards. (1/9/03)

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

1. The parcel shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; (1/9/03)
2. The dwelling existing prior to June 1, 1995; (1/9/03)
3. The remaining parcel, not containing the dwelling, is at least 80 acres; or (7/1/04)
4. The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres; (7/1/04)
5. The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal. (7/1/04)
6. The applicant shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall state that the parcel is not entitled to a dwelling unless subsequently authorized by law or goal and shall be irrevocable unless a statement of release is signed by the county Planning Director that the law or goal has changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural or forest land. (7/1/04)
7. The landowner shall provide evidence that a deed restriction has been recorded with the county clerk, on the parcel containing the dwelling, stating that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use. (7/1/04)

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

Land divisions created for conditional uses shall be described and recorded as approved by the county prior to any development occurring on the lots. New land divisions less than 80 acres in size may be approved only for the above described uses if those uses have been approved pursuant to Subsection 407.06(A). (1/9/03)

E. Property line adjustments shall be subject to Section 1107. (4/13/06)

F. Right-of-Way Inclusion: For purposes of satisfying the lot size requirements of this district, lots which front on existing county or public roads may include the land area between the front property line and the middle of the road right-of-way. Lots which front on state and federal highways may not include the land area between the front property line and the middle of the road right-of-way.

G. Structure Setback shall be 30 feet from the front and rear property lines and 10 feet from the side property line and are not required to satisfy the Fuel Break Standards outlined in Section 407.09 when the following occur: (1/9/03)

1. Replacement dwellings within 100 feet of the existing dwelling; or (1/9/03)
2. Additions to an existing dwelling or new dwellings approved under a previous land use application where the fire siting standards were not required as a condition of approval; or (1/9/03)
3. Additions to accessory buildings or new accessory buildings.
4. Variances to these requirements may be allowed pursuant to Section 1205. (1/9/03)

H. General Provisions and Exceptions: Except where specifically stated, the provisions of this section shall not preclude the application of the general provisions and exceptions under Section 900.

407.11 SUBMITTAL REQUIREMENTS (1/9/03)

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

407.12 PERMIT EXPIRATION

- A. A discretionary decision except as provided in Subsection 407.12(C) and a land division, made after (1/9/03), approving a proposed development is void ~~2~~ two years after the date of mailing of the final decision if the development action is not initiated within that period. For purposes of this Subsection, a development is initiated if a building permit or manufactured dwelling permit is approved by the Planning Division and submitted to the Building Services Division. (1/9/03)
- B. An extension period of up to 12 months may be granted if:
1. The applicant makes a written request for an extension; (1/9/03)
  2. The written request is submitted prior to the expiration of the approval period; (1/9/03)
  3. The applicant identifies reasons that prevented the beginning or continuing of the development within the approval period; (1/9/03)
  4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. (1/9/03)

- C. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for ~~4~~four years after the date of mailing of the final decision; and (11/200)
1. One extension period of up to ~~2~~two years may be granted. (1/9/03)
  2. For the purposes of this provision, "residential development" only includes the dwellings provided for under Section 407. (1/9/03)
- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ~~ORS Oregon~~ Revised Statutes 197.015 and is not subject to appeal as a land use decision. (1/9/03)



**501 NEIGHBORHOOD COMMERCIAL DISTRICT (NC) (12/20/07)**

## 501.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Neighborhood Commercial (NC) areas. The intent of these provisions is to provide for convenience commercial needs of residential neighborhoods in locations easily accessible to these neighborhoods with minimal negative impacts.

## 501.02 AREAS OF APPLICATION

Sites may be zoned Neighborhood Commercial District (NC) in areas planned for residential use, subject to Hearings Officer review under the provisions of Section 1300, when either Subsection 501.02(A) or Subsections 501.02(B) and (C) criterion "A" or criteria "B" and "C", below, are satisfied:

- A. Preexisting Uses: The site, prior to the adoption of this Section 501, was occupied by, and had an historical commitment to, neighborhood commercial uses. Additions of land area to a preexisting site shall be subject to Subsections 501.02(B) and (C) criteria B and C, below. (5/3/82)
- B. New Sites/Expansion of Preexisting Sites: New sites and property adjacent to any existing NC Neighborhood Commercial site may be tentatively zoned NC Neighborhood Commercial when all the following criteria are satisfied: (2/3/88)
1. Criteria under Subsections 1203.01, (-B) through (-E) for conditional uses.
  2. The new site, or expanded site, is necessary to provide convenience commercial uses which are not currently available within the service area. "Service area," for purposes of this provision, shall be either:
    - a. The readily accessible area within 2,000 feet of the proposed site; or
    - b. A defined area with a minimum of 500 existing or potential dwelling units which are closer to the proposed site, and have as good or better access to the proposed site, than to existing commercial sites considering distance and topographical barriers. Potential dwelling units shall be determined on the basis of existing zoning.
  3. The site should be a maximum of one (1) acre in size. To allow clustering of convenience uses, additional area may be added, up to a maximum total area of two (2) acres.

4. The site shall have access to a street of at least a collector classification.
5. The site should not include more than one quadrant of an intersection. If more than one quadrant is proposed, the applicant must show that undo traffic congestion will not result.
6. The site has a Comprehensive Plan designation of Low Density, Medium Density or High Density Residential ~~located within an area designated low-, medium-, or high-density residential on the Comprehensive Plan.~~

C. Final Approval: A NC Neighborhood Commercial ~~zone change~~ shall automatically become final if, within two years of the County's action approving the proposed zone change, one of the following is accomplished:

1. A building permit application for a structure(s) to house an allowed use has been approved and has not expired; or
2. An existing building on the site has been occupied by a use allowed in the district, and site improvements have been approved and installed as necessary to satisfy the development standards in this Ordinance.

501.03 PRIMARY USES

The following are primary uses in the Neighborhood Commercial District (NC), ~~retail and service-commercial uses shall be allowed as primary uses~~ provided each is at a scale appropriate to serve the surrounding neighborhood, and does not attract substantial customer traffic from other areas. A mixture of small-scale uses within one building shall be encouraged.

A. Retail Commercial Uses

1. Apparel stores and dressmaking shops;
2. Bakery shops;
3. Catering eEstablishments;
4. Confectionery stores;
5. Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service. ~~Takeout service okay;~~
6. Drug stores;
7. Fabric and dry goods stores;

8. Florist and gift shops;
9. Grocery and produce stores;
10. Hardware and garden supplies; and
11. Meat and fish markets.

B. Service Commercial Uses:

1. Barber and beauty shops;
2. Clothes pressing, alterations, and tailoring shops;
3. Day-care ~~facilities~~centers and other adult or child care facilities, operated during the daytime, subject to Section 807;
4. Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;
5. Exercise and tanning studios; (2/3/88)
6. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs; (2/3/88)
7. Photo finishing;
8. Shoe repair;
9. Veterinarian services and pet supplies; (2/3/88)
10. Video rental stores; (2/3/88)
11. Bed and ~~b~~Breakfast residences and inns~~Establishment under~~, subject to Section 832; and (7-15-87)
12. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; (3/14/02)

C. Retail or service commercial uses that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under ~~this~~ Subsection 501.04(C) shall be processed as an Interpretation pursuant to Subsection 1305.03; and (6/6/02)

D. Preexisting retail or service commercial uses. (2/3/88)

501.04 ACCESSORY USES

A. ~~The following are accessory uses, will be allowed as accessory uses in the Neighborhood Commercial Districts (NC):~~

- ~~1. Uses and structures customarily accessory and incidental to a primary use;~~
- ~~1-2. Temporary buildings for uses incidental to construction work; Such buildings shall be removed upon completion or abandonment of the construction work;~~
- ~~2-3. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;~~
- ~~3-4. Recyclable drop-off sites, subject to Section 819;~~
- ~~5. Bus shelters, subject to Section 823;~~
- ~~6. Signs, subject to Section 1010;~~
- ~~4-7. Bike racks, street furniture, drinking fountains, and other pedestrian amenities, and transit amenities;~~
- ~~5-8. Solar energy systems collection apparatus;~~
- ~~9. Rainwater collection systems; and~~
- ~~10. Electric vehicle charging stations.~~
- ~~6. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.~~

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

~~The Planning Director may approve 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)~~

501.06 CONDITIONAL USES

- A. ~~The Hearings Officer may approve cConditional uses in the Neighborhood Commercial District (NC), 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. In addition, the proposed use: (5/22/03)

1. Shall be needed to serve primarily the convenience commercial needs of the neighborhood, considering accessibility of similar uses; (5/22/03)
2. Shall not substantially increase traffic through the neighborhood; and (5/22/03)
3. Shall not diminish the amenities of the neighborhood. (5/22/03)

B. ~~Uses allowed subject to Subsection 501.06(A) are: a~~Any uses identified in Subsection 502.03, which ~~is~~are not identified in Subsection 501.03 may be considered as a conditional use under the provisions specified above. (5/22/03)

501.07 PROHIBITED AND PREEXISTING USES

A. ~~Prohibited Uses: The following are prohibited uses in the Neighborhood~~Prohibited Uses: The following are prohibited uses in the Neighborhood Commercial District (NC):

1. ~~Uses of structures and land not specifically allowed; and~~

~~A.2. Dwellings, shall not be allowed in a Neighborhood Commercial district except when incidental to a primary use. Pre-existing dwellings may be remodeled or expanded without satisfying the provisions under 1206. (11/24/99)~~

B. Preexisting Uses:

1. Except for dwellings, preexisting uses not otherwise allowed shall be considered nonconforming uses and shall be subject to Section 1206.

2. Preexisting dwellings may be allowed to remodel or expand and shall not be subject to Section 1206.

~~All other uses not allowed under the provisions of this section shall be prohibited. Preexisting uses not otherwise allowed shall be considered nonconforming uses and shall be subject to the provisions of Section 1206. (2/3/88)~~

501.08 SUBMITTAL REQUIREMENTS (2/3/88)

A. Information showing the request satisfies the criteria listed in Subsections 1203.01(B)- through (E);

- B. A vicinity map, drawn to scale, showing the following:
  - 1. Uses and location of improvements on adjacent properties and properties across any private or public road;
  - 2. Location of all commercial uses within 2000 feet, identifying the uses; and
  - 3. Location of pedestrian and bicycle facilities;-
- C. Site plan, drawn to scale, showing the following:
  - 1. Property dimensions and area of property;
  - 2. Roads adjacent to property identifying them by name and showing their width;
  - 3. Access to property;
  - 4. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;
  - 5. Location of existing and proposed parking; and
  - 6. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas;- and
- D. Building profiles.

501.09 DIMENSIONAL STANDARDSREQUIREMENTS

- A. Purpose: The dimensional standards~~These requirements and limitations are intended to:~~
  - 1. Provide for the protection of adjacent properties and the surrounding neighborhood;-
  - 2. Establish the maximum limits of the development;- and
  - 3. Ensure that building scale is in character with the surrounding neighborhood.
- B. Dimensional Standards:
  - 1. Street Frontage: Street frontage requirements shall be the same as the requirements of the zoning district that existed on the property immediately prior to its designation as Neighborhood Commercial District (NC). (9/8/94)

2. ~~Maximum Front Yard Setback: If the front yard faces a major transit street, the building facade shall be a maximum of 20 feet for buildings at or near a transit stop along a from major transit street, as set forth more specifically in Section 1005 the front property line. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback. (9/8/94)~~
3. ~~Minimum Lot Size: (2/3/88)~~
  - a. ~~Low Density Residential Areas: The minimum lot size allowed by the zoning designation of the property immediately prior to its designation as Neighborhood Commercial.~~
  - b. ~~Medium and High Density Residential Areas: 7,260 square feet.~~
4. ~~Maximum Lot Size: One (1) acre, except as approved under Subsection 501.02(B)(3). (2/3/88)~~
5. ~~Maximum Lot Coverage: Fifty (50) percent~~
6. ~~Maximum Building Height: Thirty-five (35) feet~~
7. ~~Minimum Landscaping Area: Fifteen (15) percent of the lot total site area.~~
8. ~~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 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.~~
- 9.8. ~~Maximum Floor Area Per Use: Individual uses shall not exceed 5,000 square feet of gross floor area. (2/3/88)~~

- C. ~~Variances: The requirements of Subsections 501.09(B) may be modified pursuant to Section 1102 when such modification is consistent with Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant to Section 1205. Modifications: The requirements of subsection 501.09 may be modified by staff when such modification is consistent with the purposes set forth under subsection 501.09(A), with the Comprehensive Plan, and with the requirements and provisions of Section 1205. The effect of the proposed modification on the natural features of the site, and the use and preservation of solar access, shall be considered when applicable. Proposed changes in~~



~~setbacks, frontage, or other requirements which exceed twenty (20) percent of the requirement of this district shall be subject to staff review with notice procedures set forth in subsection 1305.02. (3/14/02)~~

## 501.10 DEVELOPMENT AND CONDITIONAL STANDARDS

- A. ~~Compliance w~~With Approved Plans: Neighborhood Commercial (NC) sites shall be developed in accordance with the site and development plan approved for the property at the time the zone change was granted. All conditions of approval and the development standards of this Ordinance shall be satisfied within two ~~(2)~~-years of the final order approving the zone change, as specified under Subsection 501.02(C). ~~(2/3/88)~~
- B. ~~Time Extensions~~: If the ~~provisions above, under Subsection 501.10(A), are is~~ not satisfied within the two ~~(2)~~-year period, the zoning of the property shall revert to its designation immediately prior to the zone change approval. A one-year time extension may be granted by the Planning Director, pursuant to Section 1305.02, upon finding: ~~(3/14/02)~~
1. A written request for a time extension has been submitted to the Planning Director ~~or his designate~~ thirty (30) days prior to the expiration of approval.
  2. There exists good and reasonable cause for failure to develop the parcel.
  3. There is a reasonable expectancy the site will be developed and occupied within one ~~(1)~~-year of the extension.
- C. ~~General Design Review~~: All Ddevelopment within the Neighborhood Commercial districts is subject to the applicable provisions of requirements under Sections 1000 and the procedures and application requirements under Section 1100.
- D. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- ~~D. Building Siting and Design~~: ~~In addition to the provisions of Section 1005, the design and siting of structures in this district shall comply with the following:~~
- ~~1. Building heights, materials, and architectural features shall be complementary to the surrounding neighborhood.~~
- ~~1.E. Signs~~: Only projecting hanging, onbuilding, or low freestanding or ground-mounted signs, graphics, or symbols shall be used. (2/3/88)

~~E.F.~~ Access and On-Site Circulation: In addition to the provisions of Section 1007, the location, design, and development of access and onsite circulation shall comply with the following:

1. Joint street access for adjacent commercial developments shall be required, and shared parking, maneuvering areas, and internal circulation is encouraged.
2. Circulation facilities, architectural features, signing, and landscaping shall be designed to achieve pedestrian scale.
3. Landscaping, crosswalks, street lighting or signaling, or similar improvements may be required to create safe and inviting places to cross streets.
4. Onsite sidewalks and pedestrian spaces shall be separated from automobile and truck circulation, parking, and loading whenever possible.
5. ~~Bicycle racks shall be provided.~~

~~F.~~ Parking and Loading Requirements: The provisions of Subsections 1007.02, 1007.07, and 1007.08 shall apply.

~~G.~~ Landscaping: A minimum of fifteen (15) percent of the developed site area shall be used for landscaping. Developments shall comply with the provisions of Section 1009, and in addition:

1. ~~The function of landscaping in the Neighborhood Commercial district shall be to complement surrounding residential areas, buffer adjacent residential uses, and create an interesting pedestrian environment.~~
1. ~~Landscaping materials shall be complementary to the surrounding neighborhood. Large and medium-scale evergreen and deciduous trees, shrubs, annuals, bulbs, or materials to provide autumn color or spring bloom may be required.~~

~~H.G.~~ Storage: All primary and accessory uses associated with Neighborhood Commercial uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure. (2/3/88)

~~I.~~ Screening: Parking and service areas located to the side or rear of buildings shall be screened from adjacent residential districts using one of the techniques described under Subsection 1009.05C. This requirement may be modified during Design Review if it is determined that screening would block desirable pedestrian access to the site or create a hazardous situation. (2/3/88)

~~J.H.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

~~K. 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)~~

**502 COMMUNITY COMMERCIAL DISTRICT (C-2) (12/20/07)**

## 502.01 PURPOSE

~~This Section 502 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas. The intent of these provisions is to provide for the local shopping needs of several neighborhoods in locations easily accessible to those neighborhoods by local transit service, automobile, bicycle, or walking.~~

## 502.02 AREA OF APPLICATION

~~This district is to be applied to those areas suited for commercial development to serve local communities. Property may be zoned designated Community Commercial District (C-2) when all of the following criteria are satisfied:~~

- ~~A. The site has been designated a Comprehensive Plan designation of Community Commercial; on the Comprehensive Plan.~~
- ~~B. The criteria in Section 1202 are satisfied; and~~
- ~~B.C. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.~~

## 502.03 PRIMARY USES

- ~~A. The following are primary uses shall be allowed as primary uses in the Community Commercial District (C-2) zone:~~
  - ~~1. All uses listed allowed in the Neighborhood Commercial district (Subsections 501.03(A) & (B), including those uses that are too large in scale to be appropriate in the Neighborhood Commercial District zone;~~
  - ~~2. Antique shops;~~
  - ~~3. Art supply stores;~~
  - ~~4. Banks, savings and loan associations, and loan companies;~~
  - ~~5. Bed and breakfast Residences or and inns, subject to the provisions of Section 832 (7/15/87)~~
  - ~~6. Bicycle sales, repair services, supplies;~~
  - ~~7. Book and stationery stores;~~

8. Commercial schools, such as business colleges;
9. Dry cleaners requiring fireproof vaults for cleaning equipment;
10. Electrical and electronic equipment repair, sales and service shops;
11. Food lockers;
12. General merchandise stores;
13. Indoor health and recreation facilities such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities; (4/12/82)
14. Indoor commercial amusements including bowling alleys with no more than ~~twelve (12)~~ lanes, billiard halls with no more than ~~six (6)~~ tables, and game rooms which provide no more than ~~twenty (20)~~ mechanical or electric games of science and skill, or any combination thereof; (4/12/82)
15. Jewelry stores;
16. Interior decorating shops, sales, and service;
17. Laundries;
18. Locksmiths;
19. Lodges and fraternal organizations;
20. Music shops, sales, and service;
21. Optometry and optical goods, sales, and service;
22. Offices and clinics for doctors, dentists, and other health services personnel;
23. Offices for professional, government, and business services;
24. Outdoor amusements, such as tennis clubs and miniature golf;
25. Pet shops, not including kennels or animal hospitals;
26. Plumbing shops, retail sales, repair, and services;
27. Printing and copying services;
28. Radio and television studios, excluding towers;

29. Rental stores;
  30. Secondhand stores;
  31. Sign shops, repair, service, retail sales, production;
  32. Small power equipment repairs, service, retail sales;
  33. Sporting goods, sales, and services;
  34. Supermarkets;
  35. Taverns, bars, and cocktail lounges, if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings and not located closer than 100 feet from a residential district or closer than 500 feet from a school;
  36. Theaters, indoor type, or assembly halls;
  37. Upholstery shops;
  38. Vehicle supply stores; ~~(4/12/82)~~
  39. 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 502.03(A)(39) shall be processed as an Interpretation pursuant to Subsection 1305.03; ~~(6/6/02)~~
  40. Utility carrier cabinets, subject to Section 830; ~~(2/29/84)~~
  41. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; ~~(3/14/02)~~
- ~~B. The following auto-oriented uses shall be allowed as primary uses in the Community Commercial district:~~
- ~~1-42. 42.~~ Auto and light truck repair and service;
  - ~~2-43. 43.~~ Drive-thru window service in conjunction with any primary use;
  - ~~3-44. 44.~~ Small animal medical and surgical clinics;
  - ~~4. 45.~~ Service stations, subject to the provisions and requirements of Sections ~~801 and 820~~; and
  - ~~46.~~ Electric vehicle charging stations.

- A. The following are accessory uses ~~will be allowed as accessory uses in the Community Commercial Districts (C-2):~~
1. Uses and structures customarily accessory and incidental to a primary use;
  - ~~1.2.~~ Temporary buildings for uses incidental to construction work;  
such which buildings shall be removed upon completion or abandonment of the construction work;
  - ~~2.~~ Any other accessory use and structure, not otherwise prohibited,  
customarily accessory and incidental to a primary use.
  3. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;
  4. Recyclable drop-off sites, subject to Section 819;
  5. Bus shelters subject to Section 823;
  6. Signs, subject to Section 1010;
  - ~~5.7.~~ Bbike racks, street furniture, drinking fountains, and other pedestrian amenities, and transit amenities;
  8. Rainwater collection systems; and
  - ~~6.9.~~ Solar energy systems ~~collection apparatus.~~

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

The Planning Director may approve the following use in the Community Commercial District (C-2), ~~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)

502.06 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Community Commercial District (C-2), ~~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)~~



~~B. Uses allowed subject to the above provisions are:~~

1. Hydroelectric facilities, subject to Section 829; (5/22/03)
2. Telephone exchanges, utility substations, and public utility structures including shops and garages; and (5/22/03)
3. Radio and television transmission and receiving towers and earth stations provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; (5/22/03)

502.07 PROHIBITED AND PREEXISTING USES

The following are prohibited uses in the Community Commercial Districts (C-2):

- A. Uses of structures and land not specifically allowed ~~permitted in Section 502 are prohibited in all Community Commercial districts; and~~
- B. New single- and two-family dwellings, except when incidental to a primary use. However, if such dwellings lawfully existed at the time of adoption of this Ordinance, they shall not be classified as nonconforming uses. (3/24/05)

502.08 DIMENSIONAL STANDARDS

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

1. Provide for protection of adjacent properties;:-
2. Provide for coordinated, pleasing and efficient utilization of Community Commercial (C-2) areas;:-
3. Ensure that the minimum operational requirements of the development are provided onsite;:- and
4. Establish the maximum limits of development.

B. Dimensional Standards: ~~The following dimensional standards shall apply to sites zoned Community Commercial:~~

1. Minimum Front Yard Setback: ~~Fifteen (15) feet. Structures on corner lots shall observe the minimum setbacks on both streets.~~
2. Maximum Front Yard Setback: 20 feet for bBuildings at or near a transit stop along a major transit street, as set forth more specifically in Section 1005 shall have a maximum front yard setback of 20 feet. "At or near" means within 250 feet of an intersection along a major transit

~~street where a transit stop is within 250 feet of the intersection.  
(9/8/94)~~

- ~~3. The 20 foot maximum setback shall apply in both directions along the major transit street and along the intersecting street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. (Please see the diagram in Section 1005.03E3.) (9/8/94)~~
- ~~4. Along a signalized private road the maximum setback shall apply only along the first 250 feet from the major transit street. (9/8/94)~~
- ~~5. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback. (9/8/94)~~
- ~~6. This maximum setback requirement from a major transit street or intersecting street does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices. (9/8/94)~~
- ~~7. This maximum setback from major transit streets and intersecting streets shall contain no on-site parking, however vehicular circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (9/8/94)~~
- 8.3. Minimum Rear Yard Setback: None required except when a rear yard abuts a more restrictive zoning district. When a rear yard abuts a more restrictive zoning district, the minimum setback shall be fifteen (15) feet.
- 9.4. Minimum Side Yard Setback: None required except when a side yard abuts a more restrictive zoning district. When a side yard abuts a more restrictive zoning district, the minimum setback shall be fifteen (15) feet.
- ~~10. Minimum street Frontage: No limitation.~~
- ~~11. Minimum Lot Size: No limitation.~~
- ~~12.5. Maximum Zoning District Size: Ten (10) acres.~~
- ~~13. Maximum Lot Coverage: No limitation.~~
- ~~14.6. Minimum Landscaping Area: Fifteen (15) percent of the lottotal-site area.~~

~~15.7. Maximum Building Height: None, limitation except when abutting a more restrictive zoning district. When abutting a more restrictive zoning district, the maximum building height shall be thirty-five (35) feet.~~

~~16. 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 or easement and a public, county or state road. Trees located within a twenty (20) foot radius of any such intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest hanging branches.~~

C. ~~Exceptions to General Requirements: Dimensional standards~~The requirements under subsection 502.08(B) above are subject to modification under the provisions of pursuant to Section 900. (3/14/02)

D. Variances: The requirements of Subsections 502.08(B) may be modified pursuant to Section 1102 when such modification is consistent with Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant to Section 1205. The requirements of subsection 502.08(B) may be modified by staff when such modification is consistent with the purposes set forth under subsection 502.08(A), with the Comprehensive Plan and the requirements and provisions of Section 1205. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. Proposed reductions in setbacks, frontage, or lot depth, or proposed increases in building height or lot coverage which exceed twenty (20) percent of the requirement of the district shall be subject to staff review with notice procedures set forth in subsection 1305.02. (3/14/02)

502.09 DEVELOPMENT STANDARDS

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

B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan.

~~B-C. Building Siting and Design~~In addition to the above standards, all developments within Community Commercial districts shall meet the following design objectives:

1. Buildings within a single and adjacent developments shall be clustered and oriented to provide usable open areas such as pedestrian plazas, courtyards, and entryways.
2. ~~Joint access and circulation, for autos, transit and pedestrians, shall be required within and between developments.~~
- 3-2. A pedestrian environment shall be provided which encourages walking between stores and offices by providing safety, easy visual orientation, and careful location of attractions to walking shoppers within and between developments.

~~C.D. Operational Impacts: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable, as determined by the Hearings Officer, by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried wastes.~~

~~D. Landscaping: The function of landscaping in the Community Commercial district shall be visually and functionally integrate all portions of the district, buffer adjacent residential uses from the district, facilitate traffic control, and support the pedestrian orientation of the development.~~

E. Storage: Storage of materials and merchandise shall be confined and contained within completely enclosed buildings.

F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

~~G. 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)~~

**503 GENERAL COMMERCIAL DISTRICT (C-3) (12/20/07)**

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## 503.01 PURPOSE

~~This Section 503~~ is adopted to implement the policies of the Comprehensive Plan for General Commercial (C-3) areas. (12/21/06)

## 503.02 AREA OF APPLICATION

Property may be zoned General Commercial District (C-3) when the site has a Comprehensive Plan designation of General Commercial and the criteria in Section 1202 are satisfied. (12/21/06)

## 503.03 PRIMARY USES

The following ~~shall be allowed as~~ are primary uses in the General Commercial District (C-3): (12/21/06)

- A. Any use permitted within the Retail Commercial District; (12/21/06)
- B. Service and retail uses where there is a need for outdoor areas in order to conduct business activities and sales or storage areas are an integral part of the use, such as lumber yards or auto sales; (12/21/06)
- C. Business Park District uses listed in Subsection 606.03(A), which are not otherwise listed as primary uses under Subsections 503.03(A) and (B), subject to Subsection 606.03 and provided no smoke, noise, or odors shall be emitted that detract from the character of a commercial district; (12/21/06)
- D. Housing facilities for senior citizens or handicapped persons; (12/21/06)
- E. ~~Institutional Uses:~~ Colleges, educational institutes, private schools, commercial schools, and trade schools; art, music, and dance studios; and radio and television studios, excluding transmission towers; (12/21/06)
- F. ~~Cultural/Public Uses:~~ Galleries, museums, assembly or convention facilities, theaters for performing arts, exhibition halls, libraries, senior centers, and fraternal organizations; and (12/21/06)
- G. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (12/21/06)

## 503.04 ACCESSORY USES

The following ~~shall be allowed as~~ are accessory uses in the General Commercial District (C-3): (12/21/06)

- A. Uses and structures customarily accessory and incidental to a primary use; (12/21/06)
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (12/21/06)
- C. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker; (12/21/06)
- D. Recyclable dropoff sites, subject to Section 819; (12/21/06)
- E. Bus shelters, subject to Section 823; (12/21/06)
- F. Signs, subject to Section 1010;
- F.G. Bike racks, street furniture, drinking fountains, and other pedestrian amenities, and transit amenities; (12/21/06)
- H. Rainwater collection systems; and
- G.I. Solar energy systemseollection-apparatus.

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

The Planning Director may approve the following use in the General Commercial District (C-3), may be approved by the Planning Director pursuant to Subsection 1305.02: (3/14/02)

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

503.06 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses in the General Commercial District (C-3), may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)

- 1. Hydroelectric facilities, subject to Section 829; (5/22/03)
- 2. Telephone exchanges, utility substations, railroad rights-of-way, and public utility structures including shops and garages; (5/22/03)

3. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; (5/22/03)
4. Heliport landing areas; (5/22/03)
5. Outdoor stadiums and race tracks; and (5/22/03)
6. Multi-use developments, subject to Section 1016. (5/22/03)

503.07 PROHIBITED AND PREEXISTING USES

A. Prohibited Uses: The following uses shall ~~be~~ are prohibited in the General Commercial District (C-3): (12/21/06)

1. Uses of structures and land not specifically allowed~~permitted~~; (12/21/06)
2. The use of a manufactured dwelling, except as an office in a manufactured dwelling or recreational vehicle sales lot, unless authorized pursuant to Section 1204; (12/21/06)
3. New single- and two-family dwellings, except when incidental to a primary use; and (12/21/06)
4. Retail uses larger than 60,000 square feet of gross leasable area per building or business in areas designated as Industrial on Comprehensive Plan Map IV-8, Urban Growth Concept of the ~~Comprehensive Plan~~. (12/21/06)

B. Preexisting Uses:

- B. 1. Lawfully established dwellings shall be allowed to remodel or expand without review under Section 1206. (12/21/06)
- C. 2. A lawfully established dwelling may be converted to any use permitted in the C-3 General Commercial District, subject to all requirements of this Ordinance for new development. (12/21/06)
- D. 3. No minimum lot size shall be required for a lot containing a preexisting dwelling. ~~However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied.~~ (12/21/06)

503.08 DIMENSIONAL STANDARDS (12/21/06)

- A. Purpose: The dimensional standards are intended to: (12/21/06)



1. Provide for protection of adjacent properties; (12/21/06)
  2. Provide for efficient utilization of General Commercial (C-3) areas; (12/21/06)
  3. Ensure that the minimum operational requirements of the development are provided on-site; and (12/21/06)
  4. Establish the maximum limits of the development. (12/21/06)
- B. Minimum Site Area: None, except a two-acre minimum for the area defined as Hinckley Avenue on the north, Cleo Battin on the south, and between 82nd Avenue and I-205. (12/21/06)
- C. Minimum Front Yard Setback: 15 feet. (12/21/06)
- D. Maximum Front Yard Setback: 20 feet for buildings at or near a transit stop along a major transit street, as set forth more specifically in Section 1005.
- ~~1. Buildings at or near a transit stop along a major transit street shall have a maximum front yard setback of 20 feet. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection. (9/8/94)~~
  - ~~2. The 20-foot maximum setback shall apply in both directions along the major transit street and along the intersecting street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. [See the diagram in Subsection 1005.03(E)(4).] (12/21/06)~~
  - ~~3. Along a signalized private road, the maximum setback shall apply only along the first 250 feet from the major transit street. (12/21/06)~~
  - ~~4. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback. (9/8/94)~~
  - ~~5. This maximum setback requirement from a major transit street or intersecting street does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices. (9/8/94)~~
  - ~~6. This maximum setback from major transit streets and intersecting streets shall contain no on-site parking; however, vehicular circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (12/21/06)~~

- E. Minimum Rear Yard Setback: None, except when the rear yard abuts a more restrictive district, in which case the minimum shall be 15 feet. Ten feet shall be added to the minimum rear yard setback for each ~~10~~ten-foot increment in building height over 35 feet. (12/21/06)
- F. Minimum Side Yard Setback: None, except when the side yard abuts a more restrictive district, in which case the minimum shall be 15 feet. Ten feet shall be added to the side yard setback for each ~~10~~ten-foot increment in building height over 35 feet. (12/21/06)
- G. Minimum Road Frontage: 50 feet. (12/21/06)
- H. Minimum Landscaping Area: 15 percent of the ~~lotsite~~area. (12/21/06)
- ~~I. 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 a private driveway, access drive, or private road 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. (12/21/06)~~
- ~~I.~~ Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (12/21/06)
- ~~K.~~J. Variances: The requirements of Subsections 503.08(B) through (I) may be modified pursuant to Section 1102 when such modification is consistent with Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant to Section 1205. (12/21/06)

#### 503.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (12/21/06)
- 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. (12/21/06)~~
- C. Operational Impacts: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried wastes. (12/21/06)

~~D. Landscaping: The function of landscaping shall be to implement boulevard and transitway provisions of the Comprehensive Plan, identify access points, define internal circulation, provide on-site traffic control, and buffer adjacent residential uses. (12/21/06)~~

~~E.D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~

**504 RURAL TOURIST COMMERCIAL DISTRICT (RTC) (12/20/07)**

## 504.01 PURPOSE

~~Section 504 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas regulated by the Mount Hood Community Plan area. The principal purpose and objective of this classification and its application is to provide for the orderly development of commercial establishments to serve the retail commercial needs of the residents of the Mt. Hood Community, as well as the many tourists who annually visit this area of the County.~~

## 504.02 AREA OF APPLICATION

Property may be zoned Rural Tourist Commercial District (RTC) when:

1. The site has a Comprehensive Plan designation of Community Commercial;
2. The site is regulated by the Mount Hood Community Plan; and
3. The criteria in Section 1202 are satisfied.

~~This district is intended to recognize existing commercial uses and implement the commercial policies of the Mt. Hood Community Plan. Property may be zoned Rural Tourist Commercial when designated Community Commercial in the Mt. Hood Plan and the criteria under Section 1202 are satisfied.~~

## 504.03 PRIMARY USES

A. The following are primary uses in the Rural Tourist Commercial District (RTC) retail, office and commercial uses shall be allowed as primary uses to serve the surrounding community and tourists. A mixture of small-scale uses within a building or complex is encouraged:

1. All ~~U~~uses listed in the Neighborhood Commercial zone, Section ~~Subsections~~ 501.03(-A) & and (B), at a scale appropriate to serve the surrounding community;
2. Accounting and income tax service;
3. Antique and second hand stores;
4. Arts and crafts stores, including manufacturing of the crafts to be sold in that store, and craft classes;
5. Auto and truck repair services, and sale of replacement parts;
6. Banks, credit unions, savings and loans;

7. Billiard halls and game rooms;-
8. Book and stationery stores;-
9. Building materials retailers and plumbing, electrical and building contractors;-
10. Clothing stores;-
11. Community and government services such as community action agencies, extension services, fire stations, tourist information, forest service and post offices;-
12. Doctor and dentist offices;-
13. Firewood sale;-
14. Feed stores, including wholesale and retail sales and storage;-
15. Food lockers;-
16. Garden store, including wholesale and retail sales of seeds, seedlings and nursery stock, fertilizer and mulch;-
17. Gunsmith;-
18. Houseware and household appliance and equipment sales and repair;-
19. Insurance agents;-
20. Leather goods and hides sales;-
21. Locksmith;-
22. Logging contractors;-
23. Liquor stores;-
24. Museums;-
25. Offices, meeting rooms, rental and sales outlets and equipment storage for organizations related to farm or forestry uses such as water boards, farmers co-ops, granges, wholesalers or retailers of farm or forestry equipment, materials and products;-
26. Pottery and ceramic goods, including manufacturing of pottery to be sold in that store, and classes;-
27. Real Estate Agents;-

- ~~28.~~ Service stations, subject to the provisions of Section 820;~~-~~
- ~~29.~~ Electric vehicle charging stations;
- ~~29-30.~~ Taverns;~~-~~
- ~~30-31.~~ Upholstery shops, including retail sales;~~-~~
- ~~31-32.~~ Veterinary services and clinics;~~-~~
- ~~32-33.~~ Churches, subject to Section 804;~~-~~
- ~~33-34.~~ Public utility installations;~~-~~
- ~~34-35.~~ Recreational vehicle camping facilities, subject to Subsection 813.01(D);~~-~~ (6/6/02)
- ~~35-36.~~ Motels, hotels, and resort accommodations are subject to the density provisions of Subsection 504.08(D). Commercial uses associated with hotel/motel facilities and resort accommodations (i.e. restaurants, gift shops, conference rooms) are allowed subject to the limitations of Subsection 504.08(B)(10);~~-~~ (3/14/02)
- ~~36-37.~~ Park and ride lots, facilities, and bus shelters, subject to Section 823;~~-~~
- ~~37-38.~~ Community parking structures in Government Camp, to the extent that they are consistent with an adopted community parking plan;~~-~~ (2/8/07)
- ~~38-39.~~ Public and private schools, and trade schools;~~-~~
- ~~39-40.~~ Detached single-family dwellings may be established on lots of record existing on December 7, 1983. Such dwellings established in Government Camp are exempt from Government Camp specific standards;~~-~~ (3/24/05)
- ~~40-41.~~ 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 504.03(A)(41) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
- ~~41-42.~~ Utility carrier cabinets, subject to Section 830. (2/29/84).
- ~~42-43.~~ Sports equipment rental, sale, service or repair. (7/1/97)
- ~~43-44.~~ Other uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. (7/1/97)
- ~~44-45.~~ Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

## 504.04 ACCESSORY USES

A. The following ~~are accessory uses in the~~ will be allowed as accessory uses in the Rural Tourist Commercial Districts (RTC):

1. Uses and structures customarily accessory and incidental to a primary use;
- ~~1.2.~~ Temporary buildings for uses incidental to construction work;  
Such which buildings shall be removed upon completion or abandonment of the construction work;
- ~~2.~~ Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
3. Solar energy systems collection apparatus;
4. Rainwater collection systems;
- ~~4.5.~~ Signsing, subject to Section 1010;
- ~~5.6.~~ The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker; and
- ~~6.7.~~ Recyclable drop-off sites, subject to Section 819.

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

The Planning Director may approve the following use in the Rural Tourist Commercial District (RTC), 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)

## 504.06 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses in the Rural Tourist Commercial District (RTC), 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. Recycling centers and transfer stations, subject to Section 819; (5/22/03)



2. Hydroelectric facilities, subject to Section 829; (5/22/03)
3. Theme parks and amusement parks; (5/22/03)
4. Mini-storage facilities, consistent with the building design standards of Subsection 504.09(D)(4) and having a minimum 15-foot setback between the front property line and the developed portion of the site, excluding landscaping. No outside storage shall be permitted; and (5/22/03)
5. Recreational activities such as, but not limited to, ski areas and associated uses. (5/22/03)

504.07 PROHIBITED AND PREEXISTING USES/STRUCTURES

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

- A. Uses of structures and land not specifically allowed~~permitted~~ in Rural Tourist Commercial Districts.
- B. New detached single-family dwellings on lots created after December 7, 1983, except when accessory to a primary use. However, a dwelling which lawfully existed on December 7, 1983, shall not be a nonconforming use, and may be altered or expanded without review under Section 1206. (3/24/05)
- C. The use of a mobile home or residential trailer as a permanent dwelling or office except within a recreational vehicle or trailer park. (3/24/05)
- D. All other preexisting uses and structures not specifically permitted in Section 504 shall be nonconforming uses subject to ~~provisions of~~ Section 1206.
- E. Pre-existing structures in Government Camp which lawfully existed prior to February 8, 2007, shall not be identified as a nonconforming use and may be altered or expanded in compliance with the standards of Sections 504 and 1102. (2/8/07)

504.08 DIMENSIONAL STANDARDS

- 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 Mt. Hood Community;-
  2. Ensure that the minimum operational requirements of the development are provided onsite;-
  3. Establish the maximum limits of development;-

4. Provide for coordinated, pleasing and efficient utilization of Rural Tourist Commercial (RTC) areas; ~~and~~
5. Provide a safe, pedestrian-oriented environment and community gathering areas in the Government Camp core commercial district that extends from E. Wy'East Trail to E. Union Street and E. Lige Lane (First Street) to Highway 26. (2/8/07)

B. Dimensional Standards ~~General Requirements: The minimum requirements for frontage, setbacks, separation, building height, landscaping coverage and corner vision shall be as follows, except as provided below under 504.08(C).~~ (3/14/02)

1. Setback from National Forest: No setback is required where development abuts a National Forest. ~~Current building code requirements shall apply.~~
2. Minimum Front Yard Setback: 25 feet. Structures on corner lots shall observe the minimum setback on both streets except Government Camp shall observe a minimum setback of 4-four feet and maximum setback- no greater ~~than 10~~ than 10 feet for property with frontage on Old Mt. Hood Loop Road. An exception to the maximum frontage setback to the Old Mt. Hood Loop Road is allowed where public plaza space is provided. Setbacks for cantilevers to buildings with frontage on the Old Mt. Hood Loop Highway shall observe no setback. Structures and buildings shall be designed to include measures to protect the public and vehicles from snow slide incidents. These measures shall be implemented in compliance with the State of Oregon Structural Specialty Code and Subsection 504.08B5. Structures on corner lots of the Old Mt. Hood Loop Road and on the local side streets shall observe a minimum setback of ten feet. (2/8/07)
3. Minimum Rear Yard Setback: 10 feet. When rear yard abuts a more restrictive zone, setbacks shall be 20 feet.
4. Minimum Side Yard Setback: 10 feet. When side yard abuts a more restrictive zone, setbacks shall be 20 feet. Government Camp side yard setbacks may have no side yard setback subject to compliance with Subsection 504.08(B)(5) and all other development standards. (2/8/07)
5. Minimum Separation Requirement: A minimum of ~~ten (10)~~ feet shall be required between all buildings on- or off-site. Above 3,500 feet elevation, the separation distance between buildings with contiguous snow slide areas shall be a minimum of ~~twenty (20)~~ feet. For purposes of this section, "snow slide area" means the area around a structure

that may be subject to snow buildup as a result of snow sliding from the sloped roof of the structure.

- ~~6. Minimum Lot Size: No limitation.~~
- ~~7.6. Minimum Landscaping Area: 15 percent of the total developed site area. However, in the unincorporated community of Government Camp, as shown on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*, the minimum shall be 10 percent, except that there shall be no minimum for properties with frontage on the Old Mt. Hood Loop Road from E. Wy'east Trail to E. Olive Street and on E. Little Trail from E. Olive Street to E. Church Street, where public plazas are provided in compliance with Subsection 504.09(E). Refer to 504.09(F) for Government Camp exceptions. (2/8/07)~~
- ~~8. 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 a private driveway 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.~~
- ~~9.7. Government Camp Building Height: The maximum building height shall be seventy (70) feet. This provision shall be modified by staff to allow a height increase up to a twenty-five (25) percent when necessary to accommodate understructure parking, or to preserve natural features or views. (2/8/07)~~
- ~~10.8. Government Camp Commercial Development Floor Area Limitation: The maximum floor area allowed for commercial development is 8,000 square feet per use. A use shall be defined as a separate leaseable space. Commercial uses customarily associated with hotel, motel, or resort uses shall be allowed up to 8,000 square feet per use in addition to the area taken up by the hotel itself. (11/30/00)~~
- ~~11.9. Rhododendron Rural Service Center Floor Area Limitation: 4,000 square feet per building. (2/8/07)~~
- ~~C. Exceptions to General Requirements: The general requirements specified above, except for structure separation requirements for development occurring above 3,500 feet, shall be subject to modification under the provisions of Sections 900 and 1000. (2/8/07)~~
- ~~D.C. Density: The maximum number of hotel, motel, or resort units per acre shall be as follows:~~

1. Government Camp Urban Unincorporated Community: Hotel/motel accommodations in the village of Government Camp may be provided up to a maximum of 50 units per acre, with a limitation of 100 units per development, subject to compliance with all other development standards. (11/30/00)
2. Other Villages: Units allowed per acre shall be determined on the basis of the unit size and village density, as specified on the following chart:

Unit Size (in square feet) (3/24/05)		
	Maximum Number of Units per Acre in Wemme/Welches Resort Community (3/24/05)	Maximum Number of Units per Acre in Rhododendron Rural Service Center (3/24/05)
1,200 + (3/24/05)	6	4
1,000-1,199 (3/24/05)	7	5
800-999	8	6
600-799	10	8 (3/24/05)
400-599	14	12
200-399	32	22

Hotels/Motels

Hotels and motels are allowed if served by community sewer, up to a maximum of 35 units within Rural Community or Rural Service Center, and no limit within Resort Communities. (11/30/00)

D. Exceptions: Dimensional standards are subject to modification pursuant to Section 900.

E. Variances: The standards of Subsection 504.08 requirements of this subsection 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 504.08(A) and satisfies the criteria for a variance under Section 1205. (2/8/07)

504.09 DEVELOPMENT STANDARDS

A. General: All development within this district is subject to the applicable provisions of requirements prescribed under Sections 1000 and to the procedures and application requirements under Section 1100. The provisions of this section and the Community Plan shall govern when the provisions of Section 1000 conflict with this section or the Mt. Hood Community Plan.

- B. Community Plans and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan. 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 504 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 visual focus for local activity while protecting and enhancing the historic qualities of the Mt. Hood Community area.~~
- D.C. Government Camp Design Standards: The following standards shall apply to Government Camp and shall govern where any standards are in conflict with other the provisions of Section 504. These standards shall apply to all new development and, where reasonable, to remodels. (3/3/93)
1. Main Entrance Siting: Properties with street frontage on the Old Mt. Hood Loop Highway (Loop Road) shall locate the main entrance and pedestrian amenities on the Loop Road. (3/3/93)
  2. Loading and Delivery: Shall not be located on Old Mt. Hood Loop Highway unless there is no other access. (3/3/93)
  3. Walkways: Walkways parallel to the Old Mt. Hood Loop Road are not required, however if a walkway is extended from the existing 10-foot wide sidewalk fronting the Old Mt. Hood Loop Road it shall be constructed of materials consistent with the existing 10-foot wide sidewalk. Covered walkways may be provided along the building frontage of development on properties with street frontage to the Loop Road from East Wyeast Trail to East Olive Street and on East Little Trail from East Olive Street to East Church Streets. When a covered walkway is constructed it shall be a permanent structure at a minimum of 8-feet in width and attached to the building, it shall not project beyond the property lines, and shall be consistent with the building design and materials and existing 10-foot sidewalk fronting the Mt. Hood Old Loop Road. A covered walkway shall extend along the entire frontage of the building. (2/8/07)
  4. Exterior Building Materials: Building and accessory structures shall use wood, stone, stone veneer, stucco, for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic based and be combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete



base shall be provided around the building exteriors with street frontage. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted. (3/3/93)

5. Roofing Materials: No non-architectural composition shingles or galvanized or corrugated metal roofs are allowed. (3/3/93)
6. Design: Building design shall meet the design intent of mountain architecture styles as described in the Government Camp Village Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style". (3/3/93)

~~E.D.~~ Signs: In addition to the provisions of Section 1010, all signs in the Rural Tourist Commercial District (RTC) shall be complimentary to the unique historic character of the Mt. Hood corridor in the use of graphics, symbols, lighting and natural materials. In addition, identification and onsite directional signing shall be sensitive to the needs of tourists. Identification signing may be provided for each distinctive village or area designated in the Mt. Hood Community Plan subject to approval by the State Highway Division and the Design Review Committee. Government Camp signs shall comply with the sign provisions of Section 1010.09. (3/3/93)

~~F.~~ ~~Landscaping:~~ In addition to the provisions of Section 1009, landscape designs in the Rural Tourist Commercial districts shall comply with the following: (3/3/93)

~~1.~~ A minimum of fifteen (15) percent of the developed site shall be used for landscaping. Government Camp shall provide a minimum of ten (10) percent of landscaping, and properties with frontage on the Old Mt. Hood Loop Road from East Wyeast Trail to East Olive Street and on East Little Trail Street from East Olive Street to East Church Streets shall be exempt from this provision where public plazas are provided in compliance with the standards set forth in Subsection 504.09(F.4). (2/8/07)

~~1.~~ Distinctive individual or stands of trees shall be preserved where possible.

~~2.~~ The function of landscaping in this district shall be to create a visual focus in the community, visually integrate adjacent uses, buffer potentially conflicting uses, protect and enhance the historic qualities of the Mt. Hood Community and create an inviting shopping environment.

~~3.E.~~ E-Government Camp Landscaping and Plaza Space: Development with street frontage on the Old Mt. Hood Loop Road from East Wyeast Trail to East Olive Street and on East Little Trail from East Olive to East Church Street

~~may~~ Street may provide a combination of landscaping and onsite public plaza space. Plaza space shall be permanent space open to the public. The plaza space shall be integrated into the development and be both accessible and visible from the Old Mt. Hood Loop Road or East Little Trail where there is no frontage on the Loop Road. (2/8/07)

The following requirements shall apply along the Old Mt. Hood Loop Road from East Wyeast Trail to East Olive Street and along East Little Trail from East Olive to East Church Streets if plazas are established to comply with the landscape requirements. (2/8/07)

- a. 1. Square footage required: A minimum of 100 square feet of plaza space may be provided for developments with up to 1999 square feet. Developments 2000 square feet and larger may provide a minimum of 150 square ~~feet~~ feet. This shall be developed as one contiguous space. Developments 5000 square feet and larger may develop the plaza as two separate plazas. (2/8/07)
- b. 2. Plaza surface materials: Surface materials shall consist of textured concrete, concrete mixed with aggregate, rock, rock veneer, pavers, bricks, or wood. No asphalt is permitted. (3/3/93)
- e. 3. Plaza landscaping: 10 percent of the total plaza area shall be landscaped with planters and/or hardy native vegetation. (2/8/07)
- d. 4. Seating: A minimum of three ~~(3)~~ permanent adult seating spaces shall be provided in the plaza for developments with up to 1999 square feet of floor area. One ~~(1)~~ additional seating space shall be provided for each 1000 square feet of development. Seating spaces shall be constructed of wood, wrought iron, rock, rock veneer or textured concrete. (3/3/93)
- e. 5. Garbage receptacles: At least one ~~(1)~~ garbage receptacle shall be provided in the plaza. Receptacles shall be clad in wood or stone. (2/8/07)

~~G. Limited Access: Consolidated and shared access driveways or frontage roads, cross easements, and internal circulation connections between properties shall be required, as necessary, to limit the number of access points onto a designated scenic roadway.~~

~~H.F. F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~



**505 RURAL COMMERCIAL DISTRICT (RC) (12/20/07)**

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## 505.01 PURPOSE

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

## 505.02 AREA OF APPLICATION

Property may be zoned Rural Commercial District (RC) when the site has a Comprehensive Plan designation of Rural Commercial and the criteria in Section 1202 are satisfied. (4/13/06)

## 505.03 PRIMARY USES

A. The following are primary uses in the Rural Commercial District (RC) shall be allowed as primary uses: (4/13/06)

1. Accounting and income tax services; (4/13/06).
2. Antique and second-hand stores; (4/13/06)
3. Apparel stores and dressmaking shops; (4/13/06)
4. Arts and crafts stores, including manufacturing of the crafts to be sold in that store and craft classes; (4/13/06)
5. Auto, truck, and equipment repair services, and sale of replacement parts; (4/13/06)
6. Bakeries; (4/13/06)
7. Banks, credit unions, and savings and loans; (4/13/06)
8. Barber and beauty shops; (4/13/06)
9. Bed and breakfast residences and inn establishments, subject to Section 832; (4/13/06)
10. Billiard halls with no more than six6 tables and game rooms which provide no more than 20 mechanical or electronic games of science and skill; (4/13/06)
11. Book and stationery stores; (4/13/06)
12. Building materials retailers and plumbing, electrical, and building contractors; (4/13/06)

13. Catering establishments; (4/13/06)
14. Clothes pressing, alterations, and tailoring shops; (4/13/06)
15. Community and government services, such as community action agencies, extension services, fire stations, and post offices; (4/13/06)
16. Confectionery stores; (4/13/06)
17. Daycare facilities and other adult- or child-care facilities, operated during the daytime, subject to Section 807; (4/13/06)
18. Delicatessens and restaurants, excluding drive-in restaurants; (4/13/06)
19. Drug stores; (4/13/06)
20. Dry cleaners, laundry agencies, and self-service laundromats; (4/13/06)
21. Exercise and tanning studios; (4/13/06)
22. Fabric and dry goods stores; (4/13/06)
23. Firewood sales; (4/13/06)
24. Feed stores, including wholesale and retail sales and storage; (4/13/06)
25. Fertilizer and similar agricultural and forestry materials wholesale and retail sales and storage; (4/13/06)
26. Florist and gift shops; (4/13/06)
27. Food lockers; (4/13/06)
28. Garden stores, including wholesale and retail sales of seeds, seedlings, and nursery stock; (4/13/06)
29. Grocery and produce stores; (4/13/06)
30. Gunsmiths; (4/13/06)
31. Hardware and garden supply stores; (4/13/06)
32. Housewares and household appliance and equipment sales and repair; (4/13/06)
33. Insurance agents; (4/13/06)

- 34. Leather goods and hides sales; (4/13/06)
- 35. Locksmiths; (4/13/06)
- 36. Logging contractors; (4/13/06)
- 37. Liquor stores; (4/13/06)
- 38. Meat and fish markets; (4/13/06)
- 39. Museums; (4/13/06)
- 40. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics; and community healthcare programs; (4/13/06)
- 41. 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; (4/13/06)
- 42. Photo finishing; (4/13/06)
- 43. Pottery and ceramics stores, including manufacturing of pottery to be sold in that store, and classes; (4/13/06)
- 44. Real estate agencies; (4/13/06)
- 45. Service stations, subject to Section 820; (4/13/06)
- 46. Electric vehicle charging stations;
- ~~46-47.~~ Shoe repair; (4/13/06)
- ~~47-48.~~ Taverns; (4/13/06)
- ~~48-49.~~ Telephone co-ops; (4/13/06)
- ~~49-50.~~ Upholstery shops, including retail sales; (4/13/06)
- ~~50-51.~~ Utility carrier cabinets, subject to Section 830 (4/13/06);
- ~~51-52.~~ Veterinary services and pet supply stores; (4/13/06)
- ~~52-53.~~ Video rental stores; (4/13/06)
- ~~53-54.~~ Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; and (4/13/06)

~~54.55.~~ 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 are accessory uses in the Rural Commercial District (RC) ~~shall be allowed as accessory uses:~~ (4/13/06)

1. Uses and structures customarily accessory and incidental to a primary use;
2. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (4/13/06)
3. Solar energy systems ~~collection apparatus;~~ (4/13/06)
4. Rainwater collection systems;
- 4.5. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker; (4/13/06)
- 5.6. Recyclable dropoff sites, subject to Section 819; (4/13/06)
- 6.7. Drive-thru window service, subject to Subsections 827.02(C) through (E); and (4/13/06)
8. Signs, subject to Section 1010.

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

The Planning Directory may approve the following use in the Rural Commercial District (RC), ~~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 Hearings Officer may approve the following conditional uses in the Rural Commercial District (RC), ~~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); (4/13/06)
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; and (11/30/06)
7. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

505.07 PROHIBITED AND PREEXISTING USES (4/13/06)

- A. The following are prohibited uses in the Rural Commercial District (RC) shall be prohibited: (4/13/06)
  1. Uses of structures and land not specifically allowedpermitted; (4/13/06)
  2. New dwellings, except when accessory to a primary use; (4/13/06)
  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; and (4/13/06)
  4. Schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/13/06)
- B. Lawfully established dwellings shall not be nonconforming uses and shall be allowed to remodel or expand without review under Section 1206. (4/13/06)
- C. Lawfully established commercial uses that existed on December 20, 2001, and are not otherwise provided for in this section, shall not be nonconforming uses and are allowed outright. (4/13/06)

## 505.08 DIMENSIONAL STANDARDS (4/13/06)

- A. Purpose: The dimensional standards are intended to: (4/13/06)
1. Provide for protection of surrounding properties and the historic character of unincorporated communities; (4/13/06)
  2. Ensure that the minimum operational requirements of the development are provided on-site; (4/13/06)
  3. Establish the maximum limits of development; and (4/13/06)
  4. Ensure that the use and building scale are in character with the unincorporated community and appropriate to meet the needs of the unincorporated community and surrounding area residents. (4/13/06)
- B. Minimum Front Yard Setback: 30 feet. (4/13/06)
- 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. (4/13/06)
- D. Minimum Rear Yard Setback: 10 feet; however, if the rear yard abuts a more restrictive zoning district, the minimum rear yard setback shall be 20 feet. (4/13/06)
- E. Minimum Road Frontage: 50 feet. (4/13/06)
- F. Minimum Lot Size: None, except as restricted by Subsection 505.07(A)(3). (4/13/06)
- G. Minimum Landscaping Area: 15 percent of the lot developed site area. (4/13/06)
- ~~H. 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 a private driveway, access drive, or private road and a public, county, or state 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)~~
- ~~I.H.~~ Maximum Building Floor Area: (4/13/06)
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. (4/13/06)

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. (4/13/06)

~~J.I.~~ Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)

~~K.J.~~ Variances: The requirements of Subsections 505.08(B) through (E), and (G) ~~and (H)~~ may be modified pursuant to Section 1102 when such modification is consistent with Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant to Section 1205. (4/13/06)

#### 505.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (4/13/06)
- 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.~~ (4/13/06)
- ~~C. Building Siting and Design: In applying Section 1005, particular emphasis shall be on creating a sense of visual focus and a local activity center while protecting and enhancing the historic qualities of the unincorporated community.~~ (4/13/06)
- ~~D.C.~~ Signs: Signs shall be complementary to the historic character and rural scale of the unincorporated community in the use of graphics symbols, lighting, and natural materials. (4/13/06)
- ~~E. Landscaping: In applying Section 1009, landscape designs shall comply with the following:~~ (4/13/06)



- ~~1. Distinctive individual trees or stands of trees shall be preserved where possible. (4/13/06)~~
- ~~1. The function of landscaping shall be to create a visual focus in the unincorporated community, visually integrate adjacent uses, buffer potentially conflicting uses, protect and enhance the historic qualities of the unincorporated community, and create an inviting shopping environment. (4/13/06)~~

~~F.D.~~ F.D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

~~506 PLANNED COMMERCIAL DISTRICT (PC) (12/20/07)~~~~506.01 PURPOSE~~

~~This zoning classification is intended to provide the highest level of site planning and land-use controls for commercial development. This zoning classification insures compatibility of commercial development to the present or proposed adjacent development through site development and architectural and traffic control consideration.~~

~~506.02 PRIMARY USES~~

~~In a Planned Commercial district, the following uses are allowed as hereinafter provided:~~

- ~~A. All principal uses allowed within the Neighborhood Commercial and Community Commercial districts.~~
- ~~B. Multiple family uses only as an integrated part of the commercial development. Multiple family units shall be so placed on the total development to provide light, air, and free flowing vehicular movement to the surrounding neighborhood.~~
- ~~C. 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)~~
- ~~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 cabinet, subject to Section 830. (2/29/84)~~
- ~~F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)~~

~~506.03 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)~~

~~506.04 PROCEDURAL REQUIREMENTS~~

~~The consideration of a Planned Commercial district zoning request shall be handled~~

in two (2) distinct actions:

- A. ~~The first, or preliminary, consideration of the proposed zoning shall be handled in the same manner that all other zoning classifications are established by this Ordinance. At the preliminary consideration hearing, the Hearings Officer may amend the requested proposal, approve or deny said proposal. Further, no such zoning classification may be considered or established except upon the written request of all property owners of all property proposed to be so classified.~~
- B. ~~The second consideration shall be by the Clackamas County Planning Director who shall allow the development to occur pursuant to the guidelines established by the Hearings Officer and the procedures for design review under Section 1100. The Planning Director's action may be appealed to the Hearings Officer.~~

506.05 ~~REGULATIONS, LIMITATIONS AND RESTRICTIONS~~

~~The Hearings Officer may adopt, as part of the development, additional requirements and restrictions which in its determination are necessary to protect property values, the health, safety, general welfare, and character of the surrounding properties. These may include the following:~~

- A. ~~Height limitations on buildings and structures;~~
- B. ~~Percent coverage of land by buildings and structures;~~
- C. ~~A reduction in required pavement widths or access location;~~
- D. ~~The location, width and improvements of vehicular and pedestrian access to various portions of the property, including portions within abutting streets;~~
- E. ~~Planting of trees, shrubs, plants, and lawns in accordance with a landscaping plan approved by the Hearings Officer;~~
- F. ~~Limitations upon the size, design, lighting and location of signs and advertising structures;~~
- G. ~~Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings;~~
- H. ~~Architecture of buildings;~~
- I. ~~Location and size of offstreet loading areas and docks;~~
- J. ~~Uses of buildings and structures by general classifications, and by specific~~

~~designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential uses may be excluded in the amendment approving the zone change;~~

~~K. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare or radiation which would have an adverse effect on the present or potential development on surrounding properties;~~

~~L. Schedule of sequence for construction of the proposed buildings and structures, or any stage of development thereof.~~

~~506.06 ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF~~

~~Modification of a development approved under the provisions of this section shall be subject to the same procedures as the original application, except that a minor modification may be reviewed and approved by staff pursuant to the provisions under subsection 1305.01L. (9-19-84)~~

~~506.07 LIMITATION ON DISTRICT ALLOCATION~~

~~Any plan approval taken in accordance with this section shall be automatically rescinded two (2) years from the date of approval of said plan in the event that no building permits have been secured for any portion of the development as approved. The Hearings Officer may, at an advertised public hearing, extend the termination date provided adequate cause can be shown.~~

~~506.08 DIMENSIONAL STANDARDS~~

~~Setback requirements for all structures from adjacent property lines shall be determined by the Hearings Officer, but in no instance shall be less than:~~

~~A. Front: Forty five (45) feet from the center line of the fronting right of way or twenty (20) feet from the road right of way line, whichever is greater if parking is provided between the building and the road right of way. If parking is provided solely to the rear of the building within the development, the front setback may not be less than thirty eight (38) feet from the center line of the fronting road right of way, or eight (8) feet from the front property line, whichever is greater.~~

~~I. Side and rear yard requirements shall be determined by the Hearings Officer.~~

~~B. Maximum Building Height: Three (3) stories or forty (40) feet, whichever is greater.~~

~~506.09~~ DEVELOPMENT STANDARDS

- ~~A. All development within this district is subject to the requirements prescribed under Section 1000 and to the procedures and application requirements under Section 1100.~~
- ~~B. Any construction that is to occur within the Planned Commercial district shall have fifteen (15) percent of the total land area developed with landscaping.~~
- ~~C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~

**507 OFFICE COMMERCIAL DISTRICT (OC) (12/20/07)**

**507.01 PURPOSE**

~~Section 507 is adopted to implement the policies of the Comprehensive Plan for Office Commercial areas. This district is adopted to recognize the need for specific areas for development of office complexes of various sizes to accommodate professional, medical/dental, business, governmental, and other uses which:~~

- ~~A. Have less impact on surrounding properties than other commercial uses;~~
- ~~B. Project a positive image;~~
- ~~C. Implement the policies of the County's Economic Development Plan to provide for and attract office users.~~

**507.02 AREA OF APPLICATION**

~~This district may be applied to properties particularly suited for office commercial developments. Property may be designated Office Commercial District (OC) when:~~

- ~~A. The site has a Comprehensive Plan designation of Office Commercial;~~
- ~~B. The criteria in Section 1202 are satisfied; and~~
- ~~C. At least one of the following locational criteria is satisfied:~~
  - ~~A.1. The property or area is currently developed with office commercial uses or committed to such uses, or is adjacent to properties developed or committed to such uses, and is required in order to protect such uses from incompatible development;~~
  - ~~B.2. The property offers high visibility from a major highway or arterial and will not draw traffic through single-family neighborhoods; or~~
  - ~~3. C. The property or area provides a buffer between residential areas and commercial or industrial properties.~~

**507.03 PRIMARY USES**

~~The following are primary uses in the Office Commercial District (OC):~~

- ~~A. Office Uses: The following uses These may locate within an Office Commercial district when such uses shall occupy office-type structures:~~
  - 1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, and corporate and administrative offices;

2. Medical and dental services, clinics, counseling services, and associated pharmacies;:-
3. Testing laboratories and facilities, provided no operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions;:-
4. Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services;:-
5. Light manufacturing, assembly, research and development uses which that have physical and operational requirements which are similar to other office uses allowed in this district;:-
6. Banks, credit unions, and savings and loan, brokerage, and other financial institutions;:-
7. Business services such as duplicating, photocopying, mailing and stenographic services, employment agencies, business management services, notary public, office and communications equipment and service, and real estate offices;:-
8. Any use that the Planning Director finds to be similar to one or more of those specified above and consistent with the Comprehensive Plan and the purposes of ~~this Section 507~~. A request for a determination under ~~this Subsection 507.03(A)(8)~~ shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

- B. ~~Institutional Uses~~:--Colleges, educational institutes, and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers;:-
- C. ~~Cultural/Public Use~~:--Galleries and museums; small-scale (seating capacity up to 500) assembly or convention facilities, and theaters for performing arts; exhibition halls, libraries, senior centers and fraternal organizations;:-
- D. ~~Service Commercial~~:--~~Service commercial uses are allowed subject to the development standards in Subsection 507.09~~.--The following service commercial uses may be provided within an OC Office Commercial development, up to a maximum of twenty (20) percent of the gross floor area of the development. Service commercial uses are allowed only in conjunction with another primary use and must be established concurrently with, or after, another primary use: (3/14/02)
  1. Personal services such as laundry, dry cleaning, tailor, barber and beauty salons, shoe repair, photo processing services, and tanning salons;:-



2. Cafes and delicatessens which serve at least breakfast and/or lunch; and catering services. No drive-through window service shall be allowed;:-
  3. Video ~~s~~Sales and ~~r~~Rentals; (12/23/98)
  4. Bakeries; and (12/23/98)
  5. Any use that the Planning Director finds to be similar to one or more of those specified in Subsections 507.03(D)(1) through (4) and consistent with the Comprehensive Plan and the purposes of this ~~S~~Section 507. A request for a determination under this ~~s~~Subsection 507.03(D)(5) shall be processed as an Interpretation pursuant to Subsection 1305.03;:- (6/6/02)
- E. High Density Residential: Subject to Section 303;:-
  - F. Bed and ~~b~~Breakfast ~~residences and inns~~Establishments;:- ~~s~~Subject to Section 832;:-
  - G. ~~Transportation/Parking~~:- Parking structures and areas which serve developments located within the ~~OC Office Commercial~~district or a park-and-ride; transit stations and bus shelters;:- ~~and~~
  - H. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

507.04 ACCESSORY USES

The following are accessory uses ~~may be provided on the same site area as any primary use in the~~an Office Commercial District (OC):

- A. Temporary buildings for uses incidental to construction work;:- Such buildingswhich shall be removed upon completion or abandonment of the construction work;:-
- B. Utility carrier cabinets, subject to Section 830;:-
- C. Signs, subject to Section 1010;
- D. Solar energy system~~seollection apparatus~~ and;
- ~~C.~~E. Cegeneration facilities;:-
- F. Rainwater collection systems;
- G. Electric vehicle charging stations;

- D.H. Meeting facilities, cafeterias, and recreation/exercise facilities provided for employees within the same structure with a primary use;
- E.I. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;
- F.J. Building and landscape maintenance offices and enclosed storage areas for maintenance equipment;
- G.K. Satellite dishes;
- H.L. Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the site area, which signs shall be removed upon sale or lease of the premises advertised.

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

The Planning Director may approve the following use in the Office Commercial District (OC), 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)

507.06 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses in the Office Commercial District (OC), 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. Daycare facilities, subject to Section 807; (5/22/03)
2. Hospitals, subject to Section 809; (5/22/03)
3. Hotels, motels, guest lodges, and associated convention facilities, gift shops, newsstands, and eating and drinking establishments located within the same building with a hotel, motel, or guest lodge; (5/22/03)
4. Assembly or convention facilities that exceed a primary use under Subsection 507.03(C); (5/22/03)

5. Freestanding destination restaurants that satisfy at least ~~five~~<sup>5</sup> of the criteria listed in Subsection 1016.05(B)(4), and include lunch service; (5/22/03)
6. Heliports, when provided in conjunction with a primary or conditional use, ~~subject to Section 712 or 713;~~ (5/22/03)
7. Retail commercial uses, and service commercial uses not included in or exceeding the limits under Subsection 507.03(D), provided that the gross floor area of such uses shall not exceed 20 percent of the gross floor area of primary uses under Subsection 507.03(A) through (C), existing or approved within the site area; (5/22/03)
8. Health and recreational facilities, such as exercise spas, gymnasiums, tennis and racquetball courts, swimming pools, saunas, and similar uses that exceed an accessory use; and (5/22/03)
9. Multi-use developments, subject to Section 1016. (5/22/03)

507.07 PROHIBITED AND PREEXISTING USES

- A. The following uses shall ~~be~~<sup>are</sup> prohibited in ~~an~~<sup>the</sup> Office Commercial District (OC):
  1. Uses of structures and land not specifically allowed~~permitted~~ in Section 507.;
  2. New single-family dwellings; (3/24/05)
  3. ~~Metal-sided buildings, except as specifically approved by the Design Review Committee for high-image metal materials.~~
  4. 3. Outdoor storage or display of materials or products; and
  5. 4. Warehouses.
- B. Preexisting legally established dwellings may be allowed to remodel or expand and shall not be subject to the ~~provisions of~~ Section 1206. In addition, the following provisions shall apply: (12/23/98)
  1. Change of Use: A legally established dwelling may be converted to house any primary use in the district, subject to all requirements of this Ordinance for new development.
  2. Lot Divisions, Adjustments, and Setbacks: No minimum lot size shall be required for a lot containing a preexisting dwelling. ~~However, parking requirements and setback and/or fire wall requirements of the Uniform Building Code shall be satisfied.~~ (4/13/06)

~~3. Designated Historic Landmarks and Corridors shall be preserved as provided under Section 707.~~

C. Legally established nonconforming commercial or industrial uses may be allowed to remodel or upgrade the premises, subject to ~~d~~Design ~~r~~Review pursuant to Section ~~1102~~approval. Any change of use or alteration which expands the use shall be subject to the provisions of Section 1206. ~~(12/23/98)~~

507.08 DIMENSIONAL STANDARDSREQUIREMENTS

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

1. Encourage coordinated development and the most efficient use of Office Commercial (OC) districts.
2. Provide for adequate structure separation to ensure adequate light and air access, fire safety, and protection for all developments and structures within the district and adjoining districts.
3. Provide for the protection of adjacent properties from incompatible uses.
4. Provide for an aesthetically pleasing appearance through the use of open space, landscaping, and pedestrian amenities.

B. General Standards: ~~The following dimensional standards~~requirements shall apply to development ~~of site areas within an Office Commercial district:~~

1. Minimum Site Area: One ~~(1)~~acre. ~~(12/13/89)~~
2. Undersized Lots. Primary and accessory uses may be established on smaller than one ~~(1)~~-acre sites ~~which that~~ are physically separated from all other undeveloped or underdeveloped properties in ~~the Office Commercial~~thisOC Ddistrict. ~~(12/13/89)~~
3. Minimum Front Yard Setback: ~~Fifteen~~(15) feet.
4. Maximum Front Yard Setback: 20 feet ~~for None~~, except: bBuildings at or near a transit stop along a major transit street, as more specifically set forth in Section 1005 shall have a maximum front yard setback of 20 feet on a State, County, or private street. Private streets used to satisfy this standard must have curbs, sidewalks or raised walking surfaces on both sides, street trees, pedestrian scale street lights, and must connect at both ends to an existing or proposed road. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection. ~~(12/23/98)~~

5. ~~The 20 foot maximum setback shall apply in both directions along the major transit street and along the intersecting street to the depth of the Office Commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. (Please see the diagram in Section 1005.03E3.) (9/8/94)~~
6. ~~Along a signalized private road the maximum setback shall apply only along the first 250 feet from the major transit street. (9/8/94)~~
7. ~~Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback. (9/8/94)~~
8. ~~This maximum setback requirement from a major transit street or intersecting street does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices. (9/8/94)~~
9. ~~This maximum setback from major transit streets and intersecting streets shall contain no on-site parking, however vehicular circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (9/8/94)~~
- 10.5. Minimum Side and Rear Yard Setbacks: Ten (10) feet, except that ~~When a side or rear yard abuts a residential district, the minimum setback shall be thirty-five (35) feet.~~
11. ~~Minimum Side Yard Setback: Ten (10) feet. When side yard abuts a residential district, the minimum setback shall be thirty-five (35) feet.~~
- 12.6. Minimum Street Frontage for a Site Area: forty (40) feet.
- 13.7. Maximum Building Height: No limitation, except when located within 100 feet of a single-family residential district, in which case the height of the building shall be less than, or equal to the setback distance from the low density residential district.
- 14.8. Minimum Landscaping Area: Twenty (20) percent of the lotsite area. Landscaping is subject to the provisions of Section 1009 and Section 1700 if the site is within the Clackamas Regional Center Area boundary shown on Comprehensive Plan Map X-CRC-1. (5/3/01)
15. ~~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 or road easement and a public, county or state road. Trees located within a twenty (20) foot radius of any such intersection shall be maintained to~~

allow ten (10) feet of visual clearance below the lowest hanging branches.

- C. ~~Modifications: The requirements of Subsection 507.08(B) may be modified pursuant to Section 1102 by the staff when such modification is consistent with the purposes set forth in Subsection 507.08(A) and the Comprehensive Plan. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. (3/14/02)~~

507.09 DEVELOPMENT STANDARDS

~~The following development standards shall apply to All development within this district is subject to the review procedures and application requirements under Section 1100 and the development standards under Section 1000. In addition, the following specific standards, requirements, and restrictions shall apply to all development in this district:~~

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

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

~~B. Clackamas Regional Center Area Plan: All development within the boundary of the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1 must comply with the development standards in Section 1700 and Section 1000. (5/3/01)~~

~~C. Building Siting and Design: In addition to the provisions of Section 1005, Tthe design and siting of structures in this district shall:~~

- ~~1. Complement and incorporate the natural features and terrain of the site area to the maximum extent possible;~~
- ~~2. Use building materials and architecture which project a high quality image;~~
- ~~3. Provide screening of mechanical equipment and buffering of loading areas;~~
- ~~4. Provide adequate distances between onsite structures or the staggering of structures to maximize the use of natural light and views;~~
- ~~5. Reduce the impact of tall or bulky structures;~~



- ~~6.~~ Avoid, within the same development, sharp contrasts in building styles, colors, or materials;
- ~~7-9.~~ Control public access points into office buildings, utilizing a central lobby design, entrance courtyard, internal pedestrian walkway or mall, or similar designs which protect business/professional uses from the disturbances of direct public access.
- ~~8-10.~~ When more than one primary use is to be included in the site area, require structures and uses to be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways and plazas, recreation areas, transit-related facilities, and day and night surveillance.

D. Vehicle Circulation and Parking: ~~In addition to the minimum standards under Sections 1007 and 1009, the design of parking and circulation in this district shall discourage the use of large semitrailers, while providing for local delivery-sized vehicles.:~~

- ~~1.~~ Clearly identify major access drives and avoid, in larger parking areas, double-loaded parking along such major drives.
- ~~2.~~ Provide for priority carpool spaces close to employee entrances.
- ~~3.~~ Provide for shared parking between compatible uses as provided under 1007.07A5.
- ~~4.~~ Discourage the use of large semitrailers, while providing for local delivery-sized vehicles.
- ~~5.~~ Provide adequate landscape islands to visually break up and define parking areas.

E. Landscaping and Pedestrian Amenities: ~~In addition to the minimum standards under Section 1009, L~~andscaping and pedestrian area design shall include benches, lighting, and occasional waste receptacles in entrance courtyards and along walkways or malls.:

- ~~1.~~ Include high image materials to highlight public access points into buildings.
- ~~2.~~ Include benches, lighting, and occasional waste receptacles in entrance courtyards and along pedestrian walkways or malls.
- ~~3.~~ Use appropriate landscape materials, fences, or walls to buffer office commercial uses from adjacent residential districts.



- ~~4. Provide for continuous pedestrian circulation between uses onsite, and connecting to, adjacent public, County, or state roads and transit facilities.~~
  - ~~5. Provide appropriately scaled plant species to complement the scale of the buildings within the development, such as small scale ornamentals in small developments adjoining residential districts or large scale trees in larger developments where two (or more) story buildings will be located.~~
- ~~F. Signing/Directories: A signing program shall be included in the application for Design Review. The signing program shall be subject to Section 1010 for commercial district signs.~~
- ~~G. Service Commercial Uses: Service commercial uses allowed under subsection 507.03D are subject to the following development standards in addition to those in this section: (12/23/98)~~
- ~~1. Service commercial uses are allowed only in conjunction with another primary use listed in Subsection 507.03;~~
  - ~~1. Service commercial uses must be established concurrently with, or after another primary use; and~~
  - ~~2. The service commercial use may be in the same building as the other primary use(s) or a separate building the development site.~~
- ~~H.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~

**508 RETAIL COMMERCIAL DISTRICT (RTL) (12/20/07)**

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508.01 PURPOSE

This ~~S~~section 508 is adopted to implement the policies of the Comprehensive Plan for Retail Commercial areas. (12/21/06)

508.02 AREA OF APPLICATION

Property may be zoned Retail Commercial District (RTL) when the site has a Comprehensive Plan designation of Retail Commercial and the criteria in Section 1202 are satisfied. (12/21/06)

508.03 PRIMARY USES

The following ~~shall be allowed as~~ are primary uses in the Retail Commercial District (RTL): (12/21/06)

- A. Office, retail, and service commercial uses provided that: (12/21/06)
  - 1. Outdoor display and storage shall be limited to less than five percent of the building coverage. (See the exception in Subsection 508.03(A)(4).) (12/21/06)
  - 2. Most activities shall be conducted within a completely enclosed structure. (12/21/06)
  - 3. Uses with drive-thru window service shall be subject to Section 827. Within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center and Corridors, drive-thru window service uses also shall be subject to Section 1700. (12/21/06)
  - 4. Auto body, recreational vehicle, and boat repair businesses shall store within a completely enclosed structure those vehicles and equipment that are damaged or being repaired; (12/21/06)
- B. Multifamily residential uses, subject to Section 303; (12/21/06)
- C. ~~Institutional Uses:~~ Colleges, educational institutes, private schools, commercial schools, and trade schools; art, music, and dance studios; and radio and television studios, excluding transmission towers; (12/21/06)
- D. ~~Cultural/Public Uses:~~ Galleries, museums, assembly or convention facilities, theaters for performing arts, exhibition halls, libraries, senior centers, and fraternal organizations; and (12/21/06)

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

508.04 ACCESSORY USES

The following ~~shall be allowed as~~ accessory uses in the Retail Commercial District (RTL): (12/21/06)

- A. Uses and structures customarily accessory and incidental to a primary use; (12/21/06)
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (12/21/06)
- C. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker; (12/21/06)
- D. Bus shelters, subject to Section 823; (12/21/06)
- E. Bike racks, ~~street furniture, drinking fountains, and other pedestrian amenities,~~ and transit amenities; (12/21/06)
- F. ~~Solar energy systems collection apparatus;~~ (12/21/06)
- G. Rainwater collection systems;
- H. Electric vehicle charging stations;
- ~~G.I.~~ Accessory uses listed in Subsection 303.04 in conjunction with any residential use; (12/21/06)
- ~~H.J.~~ Parking structures. If the site is within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, commercial uses are allowed on the first level of freestanding parking structures, subject to Section 1700; and (12/21/06)
- ~~H.K.~~ Park-and-ride lots. (12/21/06)

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

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

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

## 508.06 CONDITIONAL USES

- A. ~~The Hearings Officer may approve c~~Conditional uses ~~listed in Subsection 508.06(B) may be allowed subject to Hearings Officer review,~~ pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)
1. Shall not interfere with, or intrude into or between, pedestrian-oriented uses or developments; (5/22/03)
  2. Shall provide pedestrian and landscaping amenities which are comparable to those provided in conjunction with primary uses listed in Subsection 508.03; (5/22/03)
  3. Shall not require, or result in a demand for, additional traffic signals or street improvements beyond those planned for the area without the proposed use; (5/22/03)
  4. Shall use buildings and building materials which are comparable to those used for primary use developments; and (5/22/03)
  5. Shall limit outdoor display/storage areas to five percent of the building coverage area, ~~and screen storage areas from all streets and adjacent properties pursuant to Subsections 1009.05(C) and (D).~~ (5/22/03)
- B. Uses allowed subject to the above conditions are: (5/22/03)
1. Service stations, subject to Section 820; (5/22/03)
  2. Electric vehicle charging stations that exceed an accessory use;
  - ~~2.3.~~ Telephone exchanges, utility substations, radio and television transmission and receiving earth stations; (5/22/03)
  - ~~3.4.~~ Heliports; (5/22/03)
  - ~~4.5.~~ Car washes; (5/22/03)
  - ~~5.6.~~ Mini-storage facilities; and (5/22/03)
  - ~~C.7.~~ Hydroelectric facilities, shall be allowed subject to Section 829, and not subject to Subsections 508.06(A)(1) through (5). (5/22/03)

## 508.07 PROHIBITED AND PREEXISTING USES

- A. The following uses shall be prohibited: (12/21/06)

1. Uses of structures and land not specifically allowed permitted in Sections 501, 502, and 508; ~~(12/21/06)~~
  2. The use of a residential trailer or mobile home, except as an office in a recreational vehicle or mobile home sales lot, unless authorized pursuant to Section 1204; and (12/21/06)
  3. New single-family dwellings, except when incidental to a primary use; (12/21/06)
  4. ~~New metal-sided structures, except as approved by the Design Review Committee pursuant to Section 1102 for specific high-image materials. (12/21/06)~~
- B. Lawfully established dwellings shall be allowed to remodel or expand without review under Section 1206. (12/21/06)
- C. A lawfully established dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new development. (12/21/06)
- D. No minimum lot size shall be required for a lot containing a preexisting dwelling. ~~However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied. (12/21/06)~~

508.08 DIMENSIONAL STANDARDS (12/21/06)

- A. Purpose: The dimensional standards are intended to: (12/21/06)
1. Provide for protection of adjacent properties; (12/21/06)
  2. Provide for efficient utilization of Retail Commercial (RTL) areas; (12/21/06)
  3. Ensure that the minimum operational requirements of the development are provided on-site; and (12/21/06)
  4. Establish the maximum limits of the development. (12/21/06)
- B. Minimum Lot Size: One-half acre. However, primary and accessory uses may be established on sites smaller than one-half acre, provided such sites are physically separated from all other undeveloped or underdeveloped properties in the this Retail Commercial District (RTL). ~~(12/21/06)~~
- C. Minimum Front Yard Setback: 15 feet. (12/21/06)

D. Maximum Front Yard Setback: 20 feet for buildings at or near a transit stop along a major transit street, as more specifically set forth in Section 1005.  
(12/21/06)

~~1. Buildings at or near a transit stop along a major transit street shall have a maximum 20-foot setback from a state, county, or private street. Private streets used to satisfy this standard must have curbs, sidewalks, or raised walking surfaces on both sides; street trees; pedestrian scale street lighting; and must connect at both ends to an existing or future street. (12/21/06)~~

~~2. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection. (12/21/06)~~

~~3. The 20-foot maximum shall apply in both directions along the major transit street and along the intersection street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. [See the diagram in Subsection 1005.03(E)(4).] (12/21/06)~~

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

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

~~6. Along a signalized private road, the maximum setback shall only apply along the first 250 feet from the major transit street. (12/21/06)~~

~~7. This maximum setback from major transit streets shall contain no on-site parking; however, vehicle circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (12/21/06)~~

E. Minimum Side and Rear Yard Setbacks: None, except when ~~at the~~ side or rear yard abuts a more restrictive district, in which case the minimum shall be 15 feet. The minimum setback shall increase 10 ~~Ten~~ feet shall be added to the rear yard setback for each 10 ~~ten~~-foot increment in building height over 35 feet. (12/21/06)

F. Minimum Side Yard Setback: None, except when the side yard abuts a more restrictive district, in which case the minimum shall be 15 feet. Ten feet shall be added to the side yard setback for each ten-foot increment in building height over 35 feet. (12/21/06)

G.F. Minimum Landscaping Area: 10 ~~Ten~~ percent of the lotsite area. (12/21/06)

~~H. 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 a private driveway, access drive, or private road and a public, county, or state road. Trees located within a 20-foot radius of such an intersection shall be maintained to allow ten feet of visual clearance below the lowest hanging branches. (12/21/06)~~

~~I.G. Modifications: The requirements of Subsections 508.08(B) through (FH) may be modified pursuant to Section 1102 when such modification is consistent with the purposes set forth under Subsection 508.08(A) and with the Comprehensive Plan. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. (12/21/06)~~

508.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (12/21/06)

~~B. Clackamas Regional Center Area Design Plan: Development within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1 shall be subject to Section 1700. (12/21/06)~~

~~C.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. (12/21/06)~~

~~D.C. Master Plans: A master plan shall be required for phased development and shall be submitted for design review with the application for the first phase of development. (12/21/06)~~

~~E.D. Improvements: The County may require the provision of, or participation in the development of, public facility improvements to implement adopted design plans or special standards. Such improvements may include, but are not limited to, the following: (12/21/06)~~

- ~~1. Road dedications and improvements;~~
- ~~2. Signalization;~~
- ~~3. Sidewalks;~~
- ~~4. Crosswalks;~~



5. Storm drainage facilities;
6. Sewer and water service lines and improvements;
7. Underground utilities;
8. Street lights;
9. Street trees and landscaping; (12/21/06)
10. Parks and open space; and (12/21/06)
11. The Urban Design Elements shown on Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements, for sites within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center and Corridors. (5/3/01)

~~F. Street and Access Connectivity: Street connections and pedestrian and bicycle access shall be subject to the following standards: (12/21/06)~~

- ~~1. Street connections to adjacent properties may be required to increase connectivity and grid patterns that allow for future development.~~

~~4.E. Road and Access Easement Vacations: Road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed. (12/21/06)~~

~~G.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~

**509 OFFICE APARTMENT DISTRICT (OA) (12/20/07)****509.01 PURPOSE**

~~Section 509~~ This district is adopted to implement the ~~g~~Goals and ~~p~~Policies of the Comprehensive Plan. The intent of these provisions is to:

- A. Provide for a mix of office uses and compatible uses such as residential uses;
- B. Provide a high standard of architectural design and landscaping; and
- C. Provide for pedestrian improvements and pedestrian oriented site and building design to support non-auto trips.

**509.02 AREA OF APPLICATION**

Areas may be ~~zoned~~ designated Office Apartment District (OA) when they meet Subsection 509.02(A) or (B) below:

- A. The area to be considered by the land use application is located in a Corridor Design Type Area as defined in the Growth Concepts section of the Land Use Chapter of the Comprehensive Plan; or
- B. The area to be considered by the land use application is located on a Corridor Sstreet and the majority of the area is within 150<sup>2</sup> feet of the Corridor Sstreet right-of-way, and meets the following criteria:
  - 1. Access to the site will meet transportation safety standards and not cause an unacceptable level of service on the Corridor Sstreet; and
  - 2. Access to the site is consistent with access management plans that have been prepared for the Corridor Sstreet. (For example, see Comprehensive Plan Map in Sunnyside Corridor Community Plan Map X-SC-522, Sunnyside Road Access Management Targets).

**509.03 PRIMARY USES**

A minimum of ~~sixty-60~~ percent (60%) of the total floor spacesquare footage of the buildings on athe site shall be a primary use, as listed below.

- A. Office Uses:
  - 1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, corporate and administrative offices;

2. Medical and dental services, clinics or community health care programs, counseling services, and associated pharmacies;:-
  3. Testing laboratories and facilities, provided no operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions;:-
  4. Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services;:-
  5. Banks, credit unions, and savings and loan, brokerage, and other financial institutions, but not drive-in windows or drive through services;:-
  6. Business services such as duplicating, photocopying, mailing and stenographic services, fax and computer facilities, telecommuting uses, employment agencies, office management services, notary public, business and communications equipment and service, and real estate offices;:-
- B. Civic uses: Post office, recreation facilities, fire station, police station, libraries, and museums;:-
- C. ~~Day Care: Day-Care facilities,~~ and facilities that provide day-care for adults, subject to the requirements of Section 807;:-
- D. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835;:- and (3/14/02)
- E. Any use that the Planning Director finds to be similar to one or more of those specified above and consistent with the Comprehensive Plan and the purposes of ~~this Section 509~~. A request for a determination under ~~this Subsection 509.03(E)~~ shall be processed as an Interpretation pursuant to Subsection 1305.03. ~~(6/6/02)~~

509.04 ACCESSORY USES

The following uses may be provided on the same site area as any primary use in the Office Apartment ~~D~~istrict (OA):

- A. Temporary buildings for uses incidental to construction work;:- Such buildings which shall be removed upon completion or abandonment of the construction work;:-
- B. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;:-

- C. ~~Bike racks, street furniture, drinking fountains and other pedestrian amenities, and transit amenities;~~
- D. ~~Solar energy systems collection apparatus and;~~
- ~~D.E.~~ E. ~~Ceogeneration facilities;~~
- F. Rainwater collection systems;
- G. Electric vehicle charging stations;
- ~~E.H.~~ H. ~~Meeting facilities;~~
- ~~F.I.~~ I. ~~Cafeterias and recreation/exercise facilities provided for employees within the same structure of a primary use;~~
- ~~G.J.~~ J. ~~Utility carrier cabinets, subject to Section 830;~~
- ~~H.K.~~ K. ~~Building and landscape maintenance offices and enclosed storage areas for maintenance equipment;~~ and
- ~~H.L.~~ L. ~~Gyms and health clubs provided primarily for the uses of employees.~~

509.05 LIMITED USES

- A. No more than ~~forty~~40 percent (~~40 %~~) of the total floor space of the buildings on ~~at~~the site may be limited uses.
- B. The following uses may be allowed as part of a development ~~in this district~~ when developed concurrently with, or after the primary use:
  - 1. Multifamily dwellings, subject to the density standards of Section 313, may be developed in the same building as a primary use. (3/24/05)
  - 2. Attached single-family dwellings, subject to the density standards of Section 1604, may be developed in the same building as a primary use. (3/24/05)
  - 3. Retail Uses: The following uses are allowed, limited to no more than ~~10~~ten percent (~~10%~~) of the total floor space of the buildings on ~~at~~the site, with individual uses limited to no more than 2,500 square feet per use:
    - a. Bakeries;
    - b. Cafes and delicatessens, serving at least breakfast and/or lunch;
    - c. Catering services;
    - d. Video sales and rentals;

- e. Personal services such as laundry, dry-cleaning, tailor, barber and beauty salons, shoe repair, photo processing services and tanning salons;
- f. Any use that the Planning Director finds to be similar to one or more of those specified in Subsections 509.05(B)(3)(a) through (e) and consistent with the Comprehensive Plan and the purposes of ~~this Section 509~~. A request for a determination under ~~this Subsection 509.05(B)(3)(f)~~ shall be processed as an Interpretation pursuant to Subsection 1305.03. (3/24/05)

- 4. Parochial and private schools, business, performing arts, trade, technical or similar schools; limited to no more than 30~~thirty~~ percent (30)~~(30)~~ of the total floor space of the buildings on a site.
- 5. Senior housing, congregate care facilities and nursing and convalescent homes; limited to - m~~no more than -forty~~40 percent (40) of the total floor space of the buildings on a site.

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

The Planning Director may approve 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)

509.07 PROHIBITED AND PREEXISTING USES

A. The following are prohibited uses in the Office Apartment District (OA):

- 1. Uses of structures and land not specifically allowed;
- 2. A. Drive-thru up windows service or uses;
- 3. B. Service Gas Stations, or any auto-oriented use;

~~C. All other uses not allowed under the provisions of this section shall be prohibited.~~

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

- 1. Change of Use: a~~A~~ lawfully~~legally~~ established dwelling may be converted to any use permitted in the OA Office Apartment D~~istrict~~, subject to all requirements of this Ordinance for new development.

2. ~~Lot Division, Adjustments and Setbacks: No minimum lot size shall be required for partitions or lot line adjustments created for preexisting dwellings. However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied.~~
3. ~~Designated historic landmarks and corridors shall be preserved as provided under Section 707.~~

CE. All other preexisting legally established structures and uses not specifically permitted in Section ~~5091704~~ shall be nonconforming uses subject to ~~provisions of~~ Section 1206.

## 509.08 DIMENSIONAL REQUIREMENTS

- A. Building Height and Setbacks: All developments shall comply with the following minimum and maximum building height, ~~and setback, and landscaping~~ requirements:
1. No structure shall exceed three stories.
  2. No structure shall exceed ~~forty-five (45)~~ feet in height.
  3. Front Lot Line Setback:
    - a. Minimum: ~~Ten (10)~~ feet
    - b. Maximum: ~~Twenty (20)~~ feet
  4. Side Lot Line Setback: Minimum ~~six (6)~~ feet, except the following requirements shall apply to any side lot line abutting a Low Density Residential zoning district:
    - a. The first story of a structure (25<sup>2</sup> feet or less in height) shall be set back at least six6 feet.
    - b. The second story of a structure (25<sup>2</sup> to 35<sup>2</sup> feet in height) shall be set back at least 16 feet.
    - c. The third story of a structure (35 to 45<sup>2</sup> feet in height) shall be set back at least 40 feet.
  5. Rear Lot Line Setback: Minimum ~~ten (10)~~ feet except where the rear lot line abuts a Low Density Residential zoning district, in which case the following requirements shall apply:
    - a. The first story of a structure (25<sup>2</sup> feet or less in height) shall be set back at least 10 feet.
    - b. The second story of a structure (25<sup>2</sup> to 35<sup>2</sup> feet in height) shall be set back at least 20 feet.

- c. The third story of a structure (35 to 45 feet in height) shall be set back at least 40 feet.

6. Minimum Landscaping Area: 20 percent of the lot.

509.09 DEVELOPMENT STANDARDS

- A. ~~All Development in this district is subject to the applicable provisions of application requirements and review procedures under Sections 1000 and 1100.~~
- B. ~~All development within the Office Apartment District is subject to the requirements under Section 1000, unless different development standards are stated in this section, in which case these standards shall prevail.~~
- C.B. Community and Design Plans: All Development within a Community or Design Plan Area identified as described in Chapter 10 of the Comprehensive Plan shall also comply with the specific policies and standards for the adopted Community or Design Plan.
- D.C. Master Plans: Upon application for development of any portion of the Office Apartment District (OA), the applicant shall submit a master plan pursuant to Sections 1000 and 1100 for the site area consisting of all contiguous tax lots designated Office Apartment, to ensure compliance with the standards of this Section 509 and Chapter 10 of the Comprehensive Plan.
- E.D. Traffic Management Plan: A traffic Management Plan shall be submitted with each development application. The Plan shall address, but is not limited to, the following Traffic Management mechanisms:
  - 1. Physical site controls on existing traffic, p.m. peak hour;
  - 2. Existing traffic limitations;
  - 3. Traffic monitoring;
  - 4. Restrictions on the number of parking spaces;
  - 5. Transportation/transit information center;
  - 6. Flextime, staggered working hours; and
  - 7. Carpool and vanpool spaces and similar ride share programs.
- ~~F. Parking: Subject to Section 1007 and the following standards:~~
  - ~~1. Up to twenty (20) percent of the spaces provided for primary uses may be utilized to meet the parking requirements for those limited uses on~~



~~the same site which have days and hours of operation that do not conflict with the use of these spaces for primary uses. This percentage may be increased subject to the provisions of Subsection 1007.07A5.~~

- ~~1. Parking lots shall be placed behind buildings or behind a 10-foot landscaped buffer.~~
- ~~2. Parking lots shall not occupy more than fifty percent (50%) of the frontage of any public street.~~
- ~~3. Office developments shall provide carpool/vanpool spaces. A minimum of five percent, but not fewer than one space, of the employee parking spaces in an office development shall be marked and signed for exclusive use as carpool/vanpool spaces. These spaces shall be the closest employee motor vehicle parking spaces to the building entrances normally used by employees, except for any handicapped spaces provided.~~

~~G. Access and Onsite Circulation: The location, design, and development of access and onsite circulation shall comply with Section 1007 and the following. When Section 1007 conflicts with specific parking standards of this section, the standards in this section shall prevail.~~

~~I.E. Pedestrian Circulation: Landscaping, crosswalks, additional lighting, signaling, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.~~

- ~~2. Shared driveway entrances, rear or side yard parking, shared parking and maneuvering areas, and driveways between parking lots shall be required for all land uses.~~

~~H. Entries~~

- ~~1. Primary entries shall face a public street or walkway and shall be accessed from a public sidewalk.~~
- ~~1. The entry shall be designed to be attractive and functional, and shall be open to the public during all business hours.~~
- ~~2. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet.~~
- ~~3. Secondary entries may face parking lots or loading areas.~~

~~I.F. FACADES~~Facades

1. Building facades facing public streets shall be designed with windows and entries or bays. Sides or rears of buildings shall not consist of an

undifferentiated wall when facing a public street, accessway, or a residential area.

2. Arcades are encouraged along public street rights-of-way or along walkways within the complex of buildings.
3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.

~~J.~~ Landscaping

~~A minimum of twenty (20%) percent of the developed site area shall be used for landscaping. Developments shall comply with the landscaping provisions of Section 1009, and in addition:~~

- ~~1. Landscaping in the Office Apartment District shall be designed to:
 
  - ~~a. Complement surrounding residential and office areas;~~
  - ~~b. Buffer adjacent residential uses;~~
  - ~~c. Create an interesting pedestrian environment; and~~
  - ~~d. Help control runoff to prevent erosion.~~~~
- ~~2. Landscaping materials shall be complementary to the surrounding neighborhood. Large and medium scale evergreen and deciduous trees, shrubs, annuals, bulbs, or materials to provide autumn color or spring bloom may be required.~~
- ~~3. Parking and service areas shall be screened from adjacent residential districts using one of the techniques described under Subsection 1009.05D. This requirement may be modified during Design Review to accommodate required pedestrian access to the site but in no case shall pedestrian access be eliminated.~~
- ~~4. Parking lots shall have at least one tree for every 6 parking spaces, distributed throughout the interior of the parking area to provide maximum shading.~~

~~K-G.~~ Screening:

1. All primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.
- ~~2. Parking and service areas shall be screened from the street by a three foot (3) foot high hedge or wall.~~
- ~~3. Loading areas and dumpsters shall be screened from public streets and walkways by walls, trellises, fences, or landscaping.~~

4. ~~— Mechanical equipment and satellite dishes shall be screened from public view.~~

~~L.H.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

**601 CAMPUS INDUSTRIAL DISTRICT (CI) (12/20/07)****601.01 PURPOSE**

~~Section 601~~ This section is adopted to implement the policies of the Comprehensive Plan for Campus Industrial ~~areas~~ districts providing a mix of clean, employee-intensive industries, offices, and high density housing with associated services, and retail commercial uses in locations supportive of mass transit, and the regional transportation network.

**601.02 AREA OF APPLICATION**

~~This district is to applied to those areas particularly suited for campus industrial developments.~~ Property may be ~~zoned~~ designated Campus Industrial District (CI) when the following criteria, and the criteria under Section 1202, are satisfied:

- A. ~~The site has been a Comprehensive Plan designation of~~ designated Campus Industrial ~~in the Comprehensive Plan.~~
- B. The criteria in Section 1202 are satisfied; and
- ~~B.C.~~ The property and the affected area is are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

**601.03 PRIMARY USES**

- A. The following business and industrial uses may occupy up to ~~one hundred~~ (100) percent of the total floor area of the development:
  - 1. Experimental, film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, and/or noxious or offensive conditions.
  - 2. Industries which manufacture products from, or otherwise process, previously prepared materials which satisfy the following conditions:
    - a. The use is employee-intensive, providing approximately ~~fifteen~~ (15) or more jobs for every developed acre of land.
    - b. The use is not of a type or intensity which produces odor, smoke, fumes, noise, glare, heat or vibrations which are incompatible with other primary uses allowed in this district.
    - c. The physical and operational requirements of the use, including type of structure used and volume of heavy truck traffic

generated, are similar to other industrial and office uses allowed in this district.

3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing.
  4. Trade or community schools primarily serving the business community within the area.
  5. Corporate headquarters or regional offices with ~~fifty (50)~~ or more employees. (7/15/84)
  6. 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)
- B. Offices, except corporate headquarters or regional offices allowed under Subsection 601.03(A) ~~above~~, and those offices specified as limited uses under Subsection 601.05, may occupy up to ~~seventy (70)~~ percent of the total floor area of the development.
- C. High Density Residential uses, subject to the ~~provisions of~~ Section 303, may occupy up to ~~seventy-five (75)~~ percent of the total floor area of the development. Density and land area used for this use shall be subject to the limits specified under Subsection 601.09(F), except as provided under Subsection 601.09(G). (3/14/02)
- D. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playgrounds, and other similar uses, developed to serve primarily the recreational needs of residents and employees of the district ~~or Activity Center~~, may occupy up to ~~one hundred (100)~~ percent of the floor area of the development.
- E. 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)
- F. Utility carrier cabinets, subject to Section 830.(2/29/84)
- G. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

501.04 ACCESSORY USES

The following are allowed as accessory uses in the Campus Industrial District (CI):

- A. Uses and structures customarily accessory and incidental to a primary use.
- A. Employee lounges and dining rooms, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and products information and display areas which are included within the primary use structures.
- B. Warehouse or storage structures provided in conjunction with a primary use under Subsection 601.03 on the same site.
- C. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary use within the same development.
- D. ~~Parking and loading structures and areas provided in conjunction with a primary or limited use, subject to the provisions of subsection 601.10(D) Section and 1007. (3/14/02)~~
- E. Bus shelters, subject to Section 823;
- F. Signs, subject to Section 1010;
- ~~E.G. bike Bicycle racks, street furniture, kiosks, drinking fountains, art sculptures, and other pedestrian amenities, and transit amenities.~~
- ~~F.H. Rental and development information offices.~~
- G.I. Handyman and maintenance services in association with primary, accessory or limited uses in the development.
- H.J. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker.
- ~~I.K. Self-service laundry facilities.~~
- ~~J.L. Solar energy system collection apparatus.~~
- M. Rainwater collection systems.
- N. Electric vehicle charging stations.
- ~~K. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any primary use.~~



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

~~M.P.~~ Day-care facilities, subject to Section 807.

501.05 LIMITED USES

A. The following retail and service commercial uses may be allowed on a limited basis as part of the development of this district when developed concurrently with or after the primary uses, subject to the provisions of ~~Subsection 601.05(B) below~~:

1. Neighborhood commercial uses under ~~Subsection 501.03~~.
2. Banks.
3. Clinics for doctors, dentists, chiropractors, naturopathic and counseling treatment personnel, and other health services.
4. ~~Bars and cocktail lounges in conjunction with a restaurant.~~
5. ~~4. Drive thru window service in conjunction with a limited use, above, and including restaurants, may be allowed in an Activity Center subject to provisions of Section 827 and staff review.~~

B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:

1. The total combined floor area occupied by all limited uses shall not exceed ~~ten (10)~~ percent of the total floor area occupied by primary uses.  
Formula: .10 x primary floor area = limited use floor area.
2. All limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of residents and employees of the district ~~or Activity Center~~.
3. No outdoor storage of materials associated with the limited use shall be allowed.
4. Uses shall not be or a type of intensity ~~which~~ that produce odor, smoke, fumes, noise, glare, heat or vibrations, which are incompatible with associated primary uses in the area.



~~5. All limited uses shall comply with the dimensional and development standards under subsections 601.09 and 601.10; and Section 1000. (3/14/02)~~

601.06 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)

601.07 CONDITIONAL USES

A. Criteria: Conditional uses may be approved ~~allowed~~ subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless ~~the proposal complies with~~ subject to Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)

- 1. Shall have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use; (5/22/03)
- 2. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibrations that are incompatible with primary uses allowed in this district; (5/22/03)
- 3. Shall be located on a site occupied by a primary or limited use or, if separate, in a structure which is compatible with the character and scale of uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use; and (5/22/03)
- 4. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites. (5/22/03)

B. Uses: Uses allowed subject to the above conditions are:

- 1. Conversion of multifamily dwellings into condominiums, subject to Section 803; (3/24/05)
- 2. Service and recreational uses that exceed a primary or accessory use, subject to Section 813; (5/22/03)
- 3. Hydroelectric facilities, subject to Section 829; (5/22/03)

4. Heliports, subject to Section 712 or 713; (5/22/03)
  5. Retail and service commercial uses not included as limited use under Subsection 601.05(A), subject to the additional limitations and conditions of Subsection 601.05(B); (5/22/03)
- C. Uses listed as limited uses in Subsection 601.05(A) may be allowed as conditional uses on a site separate from a primary use of this district, subject to Subsection 601.07(A), when either of the conditions below is satisfied: (5/22/03)
1. The site is physically separated from all other undeveloped or underdeveloped properties in the district; or (5/22/03)
  2. The site is not physically separated from other un-developed or underdeveloped sites, but the applicant demonstrates; (5/22/03)
    - a. The site is located on a primary access or frontage road, served or planned to be served, by public transit. (5/22/03)
    - b. There is no alternative site in the area for the proposed use. (5/22/03)
    - c. It is not possible to develop the proposed use in conjunction with a primary use.
- D. Development of a primary use listed in Subsection 601.03 and its associated accessory and limited uses, on a lot or site area which is smaller than the minimum area requirement for the use, and which is not physically separated from all other undeveloped or underdeveloped properties in this district, may be approved by the Hearings Officer when the proposal complies with Section 1203 and the applicant demonstrates the following: (5/22/03)
1. The proposed lot size is not smaller than half the minimum lot size for the use. (5/22/03)
  2. It is not possible to develop the site in conjunction with an adjacent lot or lots, as provided under Subsection 601.09(B). (5/22/03)
  3. The purposes set forth under Subsection 601.09(A) are addressed and satisfied in the proposed use and design of the development. (5/22/03)
- E. Multi-use developments, subject to Section 1016. (5/22/03)

501.08 PROHIBITED AND PREEXISTING USES

- A. Uses of structures and land not specifically permitted in Section 601 shall be prohibited in theall Campus Industrial Districts (CI).

- B. Lawfully established single-family dwellings may be remodeled or expanded without review under Section 1206. (3/24/05)
- C. Change of Use: Any change in the use of a lawfully established dwelling shall be subject to all requirements for new developments in this district, except as approved pursuant to Subsection 1204.01. (3/24/05)
- D. A new lot created for a lawfully established preexisting dwelling shall have no minimum lot size. However, the remaining lot shall be a minimum of two acres in size. (3/24/05)
- E. Lawfully established preexisting dwellings shall comply with the setback standards of Section 301. (3/24/05)
- F. Any lot less than two acres in size resulting from a property line adjustment is not buildable, except for recreational uses under Subsection 601.03(D) on a lot a minimum of one acre in size, unless combined with other property as provided under Subsection 601.09(B). (4/13/06)
- G. All other preexisting uses and structures not specifically permitted in Section 601 shall be nonconforming uses subject to provisions of Section 1206.

601.09 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended~~purposes of these requirements and limitations are to:~~
  1. Encourage coordinated development, and the most efficient and maximum use of the Campus Industrial D~~istricts- (CI)~~;
  2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;
  3. Provide for a compatible mix of uses supportive of public transportation facilities;
  4. Provide for the protection of adjacent properties; and
  5. Provide for open space and outdoor activity areas.
- B. Site Area Requirements: A "site area" for purposes of this~~Section 601~~ shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:
  1. A single tax lot, or two or more contiguous tax lots, under the same ownership.

2. Two or more contiguous tax lots under separate ownership, provided that:
  - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
  - b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or
  - c. The group shall record, in the office of the County Clerk, a contract in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County approved development plan for the site area.

C. ~~Minimum Site Area-Size Requirements:~~

1. Developments which include uses under at least two of the primary use categories, ~~A, B, C and D~~ under Subsection 601.03(A) through (D), shall require a minimum site area of three ~~(3)~~ acres.
2. Developments which include only uses under Subsection 601.03(A), and accessory uses, shall require a minimum site area of two ~~(2)~~ acres.
3. Developments which include only uses under Subsection 601.03(D) shall require a minimum site area of one ~~(1)~~ acre.

D. Undersized Lots: Any primary use under Subsection 601.03, and its associated accessory and limited uses, may be established on a lot smaller than the minimum site area requirements ~~which that~~ is physically separated from all other underdeveloped properties in this district, or ~~which that~~ is approved as a Conditional Use under Subsection 601.07(D). ~~(3/14/02)~~

E. Floor Area Ratio: The maximum floor area for all primary and conditional uses within a site area shall not exceed the net site area multiplied by one ~~(1)~~ (1:1 ratio).

F. Floor Area Requirements: Any primary use or combination of primary uses under Subsection 601.03(A) through (D) may be allowed within a development in this district at floor area percentages, excluding accessory uses, not exceeding those illustrated on the following table.

Floor area limitations for primary use categories under subsection 601.03

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
	100%	70%	75%	100%

1. Land area and density for residential uses shall be as follows:
  - a. No more than ~~twenty-five (25)~~ percent of a site area may be developed with exclusively high-density residential uses, and associated accessory and limited uses.
  - b. The entire site, or any portion thereof, may be developed with mixed-use structures which combine housing and other primary uses allowed in this district.
  - c. The entire area may be used to calculate the allowed density under Subsection 303.09(D) and Section 1012, subject to the floor area limitation of this district. (3/14/02)
2. Limited Uses: Only primary use floor area may be included for purposes of calculating the allowed limited use floor area for a development.

G. ~~Exceptions to Floor Area Requirements: The requirements for primary uses under subsection 601.09(F), above, shall be waived for properties which are in priority areas identified for all office or all residential developments on the adopted Activity Center design plans. Otherwise, T~~he requirements under Subsection 601.09(F) above may be modified or waived by the Hearings Officer, pursuant to the provisions of Section 1300. Approval shall not be granted, unless the applicant provides evidence substantiating compliance with Subsections 601.09(G)(1) through (3), or Subsection 601.09(G)(4) conditions 1-3, or 4, below: (3/14/02)

1. The modification or waiver is consistent with the purposes under Subsection 601.09(A); and (3/14/02)
2. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in this district; and
3. The proposed use, and location of the use, is compatible with, and complementary to existing or proposed developments within the district area; or
4. A substantial mix of primary uses has been established within the immediate district area to the extent that all primary use categories under Subsections 601.03(A)- through (D) are represented.

H. Maximum Lot Coverage: ~~The maximum lot coverage for all structures shall be fifty-five (55) percent of the net site area, after any required dedications for roadway purposes. A minimum of twenty-five (25) percent of the developed site area shall be used for landscaping, natural areas or outdoor recreational use areas.~~

- I. Minimum Perimeter Setback: ~~Fifteen (15)~~ feet.
1. The following uses may be allowed within a perimeter setback area which fronts on a public, county or state road:
    - a. Landscaping;
    - b. Bikeways, trails, pedestrian walks and plazas;
    - c. Access driveways;
    - d. Bus shelters and other pedestrian amenities, and
    - e. Identification signs, subject to Section 1010.
  2. The following uses may be allowed within perimeter setback areas which are adjacent to other site areas:
    - a. Landscaping;
    - b. Bikeways, trails, pedestrian walks, patios, courts;
    - c. Onsite directional signs;
    - d. Coordinated joint-use circulation drives, parking, loading, recreational activity areas, plazas, and
    - e. Coordinated joint-use structures, ~~subject to provisions of the Uniform Building Code.~~
- J. Minimum Street Frontage: ~~Fifty (50)~~ feet.
- K. Minimum Landscaping Area: 25 percent of the lot.
- ~~K. Maximum Building Height: No limitation.~~
- ~~L. 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 or easement and a public, county or state road. Trees within a twenty (20) foot radius of any such intersection shall be maintained to allow ten (10) feet of visual clearances below the lowest hanging branches.~~
- M.L. Exceptions to Dimensional Requirements: The requirements of this Section 601.09 are not subject to modification pursuant to the provisions of Sections 903 and 904. However, the requirements for lot coverage, perimeter setback, and street frontage and corner vision may be modified through Design Review pursuant to Section 1102 in the development review process, pursuant to staff review with notice under Section 1305.02. Approval shall not be granted unless:
1. The criteria under Section 1205 for variances are satisfied, and



2. The purposes set forth under ~~§~~subsection 601.09(A) are addressed and satisfied in the proposed design of the development. (3/14/02)

601.10 DEVELOPMENT STANDARDS

~~All development within this district is subject to the review procedures and application requirements under Section 1100, and the development standards under Section 1000. In addition, the following specific standards, requirements, and objectives shall apply to all development in this district:~~

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

~~A.B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan. Development occurring in a Campus Industrial district which also is within a Design Plan area, must comply with the adopted design plan/standards for that area. When any provision of Section 601, as applied to a specific property or area, conflicts with the implementation of the adopted design plan, the design plan shall govern.~~

~~B. Building Siting and Design: In addition to the provisions of Section 1005, the design and siting of structures in this district shall comply with the following:~~

- ~~1. In applying the provisions of subsection 1005.05, particular attention shall be given to the siting and design of all structures, and portions thereof, which may be viewed by the public from inside and outside the development. (8-31-81)~~

- ~~2. When more than one primary use is to be included in a site area, structures and uses shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways and plazas, recreation areas, transit-related facilities, and day and night surveillance.~~

~~C. Access and On-Site Circulation: In addition to the provisions of Section 1007, the location, design and development of onsite circulation shall:~~

- ~~1. Provide, as appropriate, joint access and circulation drives through and between developments.~~

- ~~2. Provide continuous pedestrian and bicycle access to primary, accessory and limited uses within and between developments, and conveniently located bicycle storage to service the various uses.~~



- ~~3. Provide onsite directional signing identifying the location of all uses within the development.~~
  - ~~4. Minimize barriers to handicapped and elderly persons.~~
- ~~D. Parking and Loading Requirements: The provisions of subsections 1007.07 and 1007.08 shall apply, except as modified to address the following objectives:~~
- ~~1. Locate parking areas to maximize the potential for shared parking between on- and offsite complementary uses, as provided under subsection 1007.07.~~
  - ~~2. Encourage the provision of priority parking spaces convenient to the building entrances for employee carpool vehicles.~~
  - ~~3. Maximize the joint use of truck loading and maneuvering areas between onsite and adjacent offsite complementary uses.~~
  - ~~4. Locate necessary commercial or recreational vehicle storage in areas which are generally inappropriate for primary use parking, and buffer such areas from residential uses. No parking or loading space required under subsections 1007.07 or 1007.08 shall be used for storing a commercial or recreational vehicle.~~
- ~~E. Landscaping: A minimum of twenty five (25) percent of the developed site area shall be used for landscaping as provided under Section 1009. The design and development of landscaping in this district shall:~~
- ~~1. Enhance the appearance of the site internally and from a distance.~~
  - ~~2. Include street trees and streetside landscaping. Trees and ground cover shall be selected from those recommended in the adopted design plan, as applicable.~~
  - ~~3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties.~~
  - ~~4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail.~~
  - ~~5. Provide buffering or transitions between uses.~~
  - ~~6. Encourage outdoor eating areas conveniently located for use by employees.~~
  - ~~7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.~~

F.C. Fences: Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, such as vehicle storage areas or drainage detention facilities. Fences shall not be located where they impede pedestrian or bicycle circulation through or between site areas.

G.D. Signs: One freestanding or ground-mounted sign may be provided for a development, pursuant to Section 1010.

H.E. Outdoor Storage: No outdoor storage of materials shall be allowed ~~within this district.~~

I.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)

**602 LIGHT INDUSTRIAL DISTRICT (I-2) (12/20/07)**

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**602.01 PURPOSE**

~~This Section 602 is adopted to implement the policies of the Comprehensive Plan for Light Industrial areas, providing for a mix of business park uses, wholesale distribution, and manufacturing uses on sites that are generally level in areas with good truck access. The provisions of this section are intended to: (5/22/03)~~

~~A. Establish, maintain, and protect suitable areas for business and industrial uses that require large level sites located close to major transportation networks; (5/22/03)~~

~~B. Enhance the value of Light Industrial areas through the use of performance standards; (5/22/03)~~

~~C. Implement the policies and objectives of the Clackamas County Economic Development Plan for retaining and expanding the warehouse, distribution and wholesale trade sectors; and (5/22/03)~~

~~D. Encourage coordinated development of large parcels for maximum utilization of land area and efficient use of transportation networks and facilities.~~

**602.02 AREA OF APPLICATION**

~~This district is to be applied to those areas particularly suited for business park, wholesale distribution, and manufacturing uses that comply with the performance standards specified in this section. Property may be zoned Light Industrial District (I-2) when the site has Comprehensive Plan designation of been designated Light Industrial in the Comprehensive Plan and the criteria in Section 1202 are satisfied. (5/22/03)~~

**602.03 PRIMARY USES**

A. Uses: The following uses may be established when they comply with Subsections 602.03(B) through (G): (5/22/03)

1. Research offices and laboratories, including testing facilities; (5/22/03)
2. Corporate headquarters, regional headquarters, and administrative offices but not business service offices identified in Subsection 606.04(C); (5/22/03)
3. Warehouse and distribution facilities, manufacturing, and other compatible business and industrial uses, as determined by the Planning Director, ~~which that~~ are not listed in Subsection 602.04, 602.06, or 602.07(A). A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.

Application for an interpretation under this provision shall include a detailed description of the use and operational requirements of the use, approximate number of employees, estimated volume of truck traffic to be generated, a site plan, building elevations, and preliminary landscaping plans; (5/22/03)

4. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. These uses shall not be subject to Subsections 602.03(B) through (I); and (5/22/03)
5. 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)

B. Site Plan and Design: Structures, circulation, parking, loading, and landscaping shall be designed to: (5/22/03)

1. Maximize the use of level, clear land area for buildings and truck maneuvering areas;
2. Preserve significant trees within parking and perimeter areas and near office buildings or areas; (5/22/03)
3. Avoid disturbance of slopes, stream corridors, and floodplains; (5/22/03)
4. Project a positive image as viewed from public, county, and state roads and freeways;
5. Buffer adjacent residential or commercial areas; and
6. Provide for efficient truck circulation on and off and within the site.

C. Building Types and Design: The use shall occupy only the types of buildings described below:

1. Office buildings having the following characteristics: (5/22/03)
  - a. Are designed by an architect for the specific site to accomplish the objectives of Subsection 602.03(B); (5/22/03)
  - b. Are generally ~~two~~ or more stories in height; (5/22/03)
  - c. Provide for natural light penetration into work areas using such features as windows, skylights, atriums, and courtyards; (5/22/03)
  - d. Have distinctive public entrances; (5/22/03)

- e. Use high-image exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco; (5/22/03)
  - ~~f. Do not use metal siding material, except as approved by the Design Review Committee pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening of roof-mounted fixtures, and other architectural features; and (5/22/03)~~
  - ~~g.f. Devote no more than 20 percent of the floor area exclusively to storage. Uses exempt from this standard include those providing storage and retrieval of records/information, needing additional storage for materials and finished products produced in the same building, and similar uses. (5/22/03)~~
2. Multi-use and multi-tenant buildings having the following characteristics: (5/22/03)
- a. Are designed for the specific site to accomplish the objectives of Subsection 602.03(B); (5/22/03)
  - b. Are generally ~~one~~<sup>1</sup> to ~~three~~<sup>3</sup> stories in height; (5/22/03)
  - c. May be designed to facilitate internal alterations to accommodate changes in spatial needs over a period of time (i.e. "flex-space" design); (5/22/03)
  - d. Incorporate architectural features, including distinctive entrances to office or lobby areas of the building; (5/22/03)
  - e. Provide for natural light penetration into office areas; (5/22/03)
  - f. Use exterior materials and finishes such as masonry or tilt-up concrete, with materials such as wood, stucco, or glass panels used to create texture and visual interest; and (5/22/03)
  - ~~g. Do not use metal siding material, except as approved pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features; and (5/22/03)~~
  - ~~h.g. Are designed to accommodate either a number of tenants in one structure, or a single tenant that has various space needs, such as office, research, assembly, and storage. (5/22/03)~~
3. Warehouse and manufacturing buildings having the following characteristics: (5/22/03)
- a. Are designed for the specific site to accomplish the objectives under Subsection 602.03(B); (5/22/03)

- b. Are designed to provide large indoor areas to accommodate storage, assembly, processing, or manufacturing activities; (5/22/03)
- c. Accessory office areas within the same structure have windows and are highlighted architecturally;
- d. Use exterior materials such as tilt-up concrete, masonry, or stucco which are painted, textured, or trimmed to enhance the appearance from the perimeter of the site, except perimeters adjacent to railroad rights-of-way; (5/22/03)
- ~~e. Do not use metal siding material, except as approved pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening of roof-mounted fixtures, and other architectural features; and (5/22/03)~~
- ~~f.e.~~ May be used entirely or partially for storage.

D. Outdoor Storage and Process Areas: No outdoor processes shall be employed in the operation of the business. Waste and recycle receptacles shall be maintained within an enclosed structure. Limited outdoor storage areas shall be allowed, subject to the following criteria: (5/22/03)

- 1. Outdoor storage may occupy an area equal to or less than the square feet of the ground floor of the building(s) on the same premises. Larger outdoor storage areas shall be subject to Subsection 602.06. (5/22/03)
- 2. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front property lines. (5/22/03)
- 3. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of ~~six~~6 feet in height. Fencing shall be located behind the perimeter landscaping required under Subsections 602.09(CB) and 1009.04. (5/22/03)
- 4. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence. (5/22/03)
- 5. Outdoor storage areas shall not be used to store waste or recycle materials. (5/22/03)
- ~~6. Outdoor storage areas shall not be used to satisfy onsite parking area requirements.~~

E. Display Areas: All display of products shall be located within an enclosed building, as provided for accessory uses under Subsections 602.04(A)(1012)



and (1+13). No outdoor display areas shall be ~~allowed~~, allowed, except as approved pursuant to Subsection 602.06. (5/22/03)

F. Transportation Requirements: Loading areas shall be readily accessible to large semi-trailer trucks. The use may generate unlimited local and semi-trailer truck service and limited non-employee traffic, with occasional direct sales-related passenger vehicle traffic. (5/22/03)

~~G. Parking: On street parking shall not be allowed. (5/22/03)~~

~~H. Landscaping: Landscaping shall: (5/22/03)~~

- ~~1. Include plant species which project a high image (lawn, large-caliper/size trees and shrubs) in scale with the development;~~
- ~~2. Be concentrated on the perimeter of the site to buffer loading, storage, and utility areas from adjacent roads, residential areas, and commercial areas; (5/22/03)~~
- ~~3. Break up automobile parking areas;~~
- ~~4. Highlight office areas or buildings; and (5/22/03)~~
- ~~5. Incorporate existing significant trees located near the perimeter of the site, near office areas or buildings, and within parking areas. (5/22/03)~~

~~I.G. Operational Impacts:~~

- ~~1. The operation of the use shall not produce noise, odors, fumes, gases, or vibration that exceed the standards of the Oregon Department of Environmental Quality (DEQ). (5/22/03)~~
- ~~2. No hazardous materials in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Oregon Structural Specialty Code shall be stored or used on the premises, except as specifically approved pursuant to Subsection 602.06. (5/22/03)~~

#### 602.04 ACCESSORY USES

A. The following ~~are~~ shall be allowed as accessory uses in the Light Industrial District (I-2): (5/22/03)

1. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (5/22/03)
2. ~~Street furniture and B~~ bus shelters, subject to Section 823;



- ~~2.3.~~ 3.3. Pedestrian amenities;
- ~~3.4.~~ 4.4. Solar energy system collection apparatus, meeting all the dimensional and development standards of this district;
- ~~4.5.~~ 5.5. Satellite dishes;
- ~~5.6.~~ 6.6. Utility carrier cabinets, subject to Section 830; (5/22/03)
- ~~7.~~ 8. Signs, subject to Section 1010;
- ~~6.8.~~ 7.8. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary use; (5/22/03)
- ~~7.9.~~ 8.9. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses; (5/22/03)
- ~~8-10.~~ 9-10. Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the project. Such signs shall be removed upon sale or lease of the premises advertised; (5/22/03)
- ~~9-11.~~ 10-11. Parking and loading structures and areas; (5/22/03)
- ~~10-12.~~ 11-12. Indoor areas for display and sale of products manufactured by the same business occupying the premises, provided that the floor area of such display area constitutes no more than 20 percent of the floor area of the primary use, or no more than 3,000 square feet, whichever is less; (5/22/03)
- ~~11-13.~~ 12-13. Indoor areas for display and wholesale sales of products warehoused or distributed by the same business entity operating the primary use on the premises, provided that the floor area of such display area constitutes no more than ~~five~~5 percent of the floor area used for the primary use, or no more than 5,000 square feet, whichever is less. For purposes of this provision, sales of products warehoused or distributed shall not exceed ~~two~~2 percent of the annual gross sales attributed to the premises; (5/22/03)
- ~~12-14.~~ 13-14. Warehouse event sales, provided: (5/22/03)
  - a. The event sales products being sold are manufactured, warehoused, or distributed as a primary use operating on the premises. (5/22/03)
  - b. No more than one warehouse event sale shall occur each calendar month. Sales shall last a maximum of ~~three~~3 consecutive days, which shall be Friday, Saturday, Sunday, and/or Monday. (5/22/03)

~~e. The building shall satisfy the applicable exiting and other fire life safety codes for the event sales. (5/22/03)~~

~~d.c.~~ The event sales shall occur indoors.

~~13.15.~~ Cogeneration facilities; (5/22/03)

16. Rainwater collection systems;

17. Electric vehicle charging stations; and

~~14.18.~~ 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)

602.05 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)

602.06 CONDITIONAL USES

A. Criteria: Conditional uses may be approved subject to Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)

1. Shall have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design, visual appearance, and operating characteristics of the use; (5/22/03)

2. Shall not create hazardous, or potentially hazardous, conditions which cannot be contained within the premises in the event of an accident involving hazardous materials or processes; and (5/22/03)

3. Shall comply with all standards of Subsection 602.03, except those that prompt the application for a conditional use. (5/22/03)

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

1. Heliports, ~~subject to Section 712 or 713;~~ (5/22/03)

2. Uses involving hazardous substances that exceed the standards of Subsection 602.03(G1); (5/22/03)

3. Outdoor storage areas that exceed the area limits of Subsection 602.03(D)(1); (5/22/03)
4. Outdoor display of products as an accessory use to a primary use of the property. At a minimum, outdoor display areas shall comply with Subsection 603.03(E). (5/22/03)
5. Surface mining, subject to Section 818; (5/22/03)
6. Daycare facilities, subject to Section 807; (5/22/03)
7. Business or vocational schools and college or university extension facilities; (5/22/03)
8. City, county, state, federal, or municipal corporation uses or buildings, telephone exchanges, railroad right-of-way, public utility facilities, fire stations, and associated uses; (5/22/03)
9. Indoor or outdoor arenas and stadiums; (5/22/03)
10. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; (5/22/03)
11. Recycling centers and transfer stations, subject to Section 819; (5/22/03)
12. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsections 602.06(B)(1) through (11), but not a use listed as prohibited in Subsection 602.07; (5/22/03)
13. Composting facilities, including retail sales and facilities that exceed the outdoor storage area limitations of this section, subject to Section 834. (5/22/03)

602.07 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses ~~are~~ shall be prohibited in the Light Industrial District (1-2); (5/22/03)
  1. Uses that do not comply with Subsections 602.03(B) through (G), except as approved pursuant to Subsection 602.06; (5/22/03)
  2. Retail commercial uses; (5/22/03)
  3. Service commercial uses catering to the general public on-site; (5/22/03)

4. Uses identified as conditional uses in the General Industrial District but not as conditional uses in the ~~I-2 Light Industrial District~~; (5/22/03)
5. New dwelling units and detached accessory structures to existing dwelling units. (5/22/03)

B. Preexisting Uses:

1. Preexisting industrial and business uses that do not conform to the physical and operational requirements of this district shall be subject to Section 1206. In addition, any expansion, alteration, or change of use shall require that the use be brought into conformance with the physical and operational requirements of ~~this the I-2 Light Industrial District~~ to the extent possible, as reviewed and approved by the Design Review Committee pursuant to Section 1102. (5/22/03)
2. Preexisting single-family dwellings shall be allowed to remodel or expand without review under Section 1206. (5/22/03)
3. Any change in the use of a preexisting dwelling shall be subject to all requirements for new developments in this district, except as approved pursuant to Subsection 1204.01. (5/22/03)
4. No minimum lot size shall be required for a lot containing a preexisting dwelling. (4/13/06)
5. Preexisting dwellings and their accessory structures shall comply with the setback standards of Section 301. (5/22/03)
6. Separate structures for industrial purposes may be approved on the same premises with an existing dwelling, subject to all provisions of ~~this Section 602~~. (5/22/03)
7. Preexisting nonconforming commercial uses and all other preexisting uses and structures not allowed by ~~this Section 602~~ shall be subject to Section 1206. (5/22/03)

602.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (5/22/03)
1. Enhance the appearance of the development from public roads and from adjacent properties; (5/22/03)
  2. Encourage the retention of large sites and their development in a coordinated, pleasing, and efficient manner; (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 development.
- B. Site Area Requirements: A site area for purposes of this section shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following: (5/22/03)
1. A single tax lot, or two or more contiguous tax lots, under the same ownership; or (5/22/03)
  2. Two or more contiguous tax lots under separate ownership, provided that: (5/22/03)
    - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and (5/22/03)
    - b. All individual tax lot ownerships are converted into development shares, or other satisfactory arrangement, allowing all lots to be combined into one lot prior to any building permit being issued for the project.
- C. Site Area Standards: The following standards shall apply: (5/22/03)
1. Site Area: Developments shall have a minimum site area of one acre. (5/22/03)
  2. Preexisting Undersized Site Areas: Developments may be established on a preexisting lot of record of less than one acre provided such development satisfies all other standards of this district. (5/22/03)
  3. Property line adjustments and divisions of land creating lots less than an average of one acre in size shall be allowed subject to the following criteria: (5/22/03)
    - a. Design review approval pursuant to Section 1102 of the overall development plan for the site area, including access, circulation, parking, landscaping, and proposed building locations, shall be required prior to the approval of a property line adjustment or division of land. (5/22/03)
    - b. Building permits shall not be issued on any lot within a property line adjustment or division of land approved pursuant to Subsection 602.08(C)(3)(a) until all road and frontage improvements have been installed or bonded pursuant to Section 1104. In addition, maintenance of all parcels shall be

required, including mowing and weed control on undeveloped parcels. (5/22/03)

- c. No lot shall be created which is less than 20,000 square feet in area. (5/22/03)

D. Setback Requirements: (5/22/03)

- 1. Minimum Front Yard Setback: 20 feet. Structures on corner or through lots shall satisfy the minimum front yard setback on both streets. (5/22/03)
- 2. Minimum Side and Rear Yard Setbacks: None required except where such yard abuts a more restrictive district, in which case the minimum setback from the more restrictive district shall be as follows: (5/22/03)
  - a. Next to residential districts: 35 feet. (5/22/03)
  - b. Next to commercial districts: 15 feet. (5/22/03)
  - c. Next to a Business Park district: 20 feet. (5/22/03)
- 3. Setback Yard Landscaping: Within the required front yard setback area, a landscaped strip at least 15 feet wide shall be provided. (5/22/03)

E. ~~Minimum Street~~Road Frontage: A site area shall have a minimum of 100 feet of ~~street~~ frontage on a public, county, or state access road, except as provided under Subsection 904.02(A). (5/22/03)

F. Minimum Landscaping Area: 15 percent of the ~~lot~~developed-site area. (5/22/03)

~~G. 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 or 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)~~

~~H.G.~~ Exceptions to General Requirements: The requirements of Subsection 602.08 are not subject to modification under Section 900, except where specifically referenced. However, these requirements may be modified pursuant to Section 1205. (5/22/03)

602.09 DEVELOPMENT STANDARDS

~~All development shall be subject to Sections 1000 and 1100 and Subsections 602.03(B) through (I). In addition, the following shall apply: (5/22/03)~~



- A. ~~General: Development is subject to the applicable provisions of Sections 1000 and 1100.~~
- A. ~~Community and Design Plans: All development within a Community or Design Plan Area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan. (5/22/03)~~
- B. ~~Fences: Street perimeter fences or walls shall meet a minimum setback of 15 feet from the front property line. The area between the fence and improved roadway shall be landscaped and maintained pursuant to Subsection 602.03(H) and Section 1009. (5/22/03)~~
- C. ~~Signing: An application for design review shall include a signing program for the development. Section 1010 and the following shall apply: (5/22/03)~~
1. ~~Perimeter Street Signs: One sign oriented toward offsite traffic may be provided at each public access point from a county or state road. Such signs shall comply with the following requirements:~~
    - a. ~~Shall not exceed 60 square feet in area; (5/22/03)~~
    - b. ~~Shall not exceed five5 feet in height; and (5/22/03)~~
    - c. ~~Shall use materials and design elements that are complementary to those used in the development. (5/22/03)~~
- D. ~~On-site Lighting: All on-site lighting shall be designed, located, shielded, or deflected so as not to shine into offsite structures or impair the vision of the driver of any vehicle. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including: (5/22/03)~~
1. ~~Parking and loading area lighting;~~
  1. ~~Pedestrian walkway lighting;~~
  2. ~~Internal access road lighting;~~
  3. ~~Lighting of public entrances into buildings; and~~
  4. ~~Flood lights illuminating buildings or significant natural features.~~
- E. ~~Equipment and Utilities: All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment that must be installed aboveground shall be visually screened from public view. (5/22/03)~~
- F-D. ~~Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~



**603 GENERAL INDUSTRIAL DISTRICT (I-3) (12/20/07)****603.01 PURPOSE**

~~This Section 603 is adopted to implement the policies of the Comprehensive Plan for General Industrial areas, providing for industrial uses that have operational characteristics which may not be compatible with the requirements of other businesses or industries. The provisions of this section are intended to: (5/22/03)~~

- ~~A. Establish suitable areas, and recognize existing areas, for businesses and industrial uses which require the use of outdoor equipment, processes, or storage areas, and access to major transportation networks such as rail service or state highways; (5/22/03)~~
- ~~B. Enhance the value of General Industrial areas through the use of performance standards to mitigate adverse impacts of individual uses; (5/22/03)~~
- ~~C. Implement the policies and objectives of the Clackamas County Economic Development Plan for retaining existing businesses that provide employment for the county's work force; and (5/22/03)~~
- ~~D. Encourage maximum utilization and efficient use of transportation networks and facilities.~~

**603.02 AREA OF APPLICATION**

~~This district is to be applied to those areas particularly suited for General Industrial uses that comply with the performance standards specified in this section. Property may be zoned General Industrial District (I-3) when the site has been designated a Comprehensive Plan designation of General Industrial in the Comprehensive Plan and the criteria in Section 1202 are satisfied. (5/22/03)~~

**603.03 PRIMARY USES**

- ~~A. Uses: The following uses may be established when they comply with Subsections 603.03(B) through (G): (5/22/03)~~
  - ~~1. Research offices and laboratories, including testing facilities; (5/22/03)~~
  - ~~2. Corporate headquarters, regional headquarters, and administrative offices but not business service offices identified in Subsection 606.04(C); (5/22/03)~~
  - ~~3. Warehouse and distribution facilities, manufacturing, and other compatible business and industrial uses, as determined by the Planning Director, which that are not listed in Subsection 603.04, 603.06, or 603.07(A) or (B). A request for a determination under this subsection~~

shall be processed as an Interpretation pursuant to Subsection 1305.03. Application for an interpretation under this provision shall include a detailed description of the use and operational requirements of the use, approximate number of employees, estimated volume of truck traffic to be generated, a site plan, building elevations, and preliminary landscaping plans; (5/22/03)

4. Recycling centers and transfer stations, subject to Section 819; (5/22/03)
  5. Heavy manufacturing uses; (5/22/03)
  6. Aggregate processing facilities such as concrete and asphalt batch plants, but not mining; (5/22/03)
  7. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. These uses shall not be subject to Subsections 603.03(B) through (G); (5/22/03)
  8. Truck repair, maintenance, and fueling services; and (5/22/03)
  9. 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)
- B. Site Plan and Design: Structures, circulation, parking, loading, and landscaping shall be designed to: (5/22/03)
1. Minimize the impacts of outdoor operations, storage, and processes associated with the use; (5/22/03)
  2. Maximize the use of level, clear land area for buildings, processes, storage, and truck or equipment maneuvering areas;
  3. Preserve significant trees within perimeter areas and near office buildings or areas;
  4. Screen outdoor storage areas and buffer outdoor processes and equipment in compliance with Subsections 1009.05(C) and 603.03(D); and (5/22/03)
  5. Provide for efficient truck circulation on and off and within the site and, where applicable, efficient use of rail service. (5/22/03)
- C. Building Types and Design: The use shall occupy only the types of buildings described below:

1. Multi-use and multi-tenant buildings having the following characteristics: (5/22/03)
  - a. Are designed for the specific site to accomplish the objectives of Subsection 602.03(B); (5/22/03)
  - b. Are generally ~~four~~ one to three stories in height; (5/22/03)
  - c. May be designed to facilitate internal alterations to accommodate changes in spatial needs over a period of time (i.e. "flex-space" design); (5/22/03)
  - d. Incorporate architectural features, including distinctive entrances to office or lobby areas of the building; (5/22/03)
  - e. Provide for natural light penetration into office areas; (5/22/03)
  - f. Use exterior materials and finishes such as masonry or tilt-up concrete, with materials such as wood, stucco, or glass panels used to create texture and visual interest; (5/22/03)
  - ~~g. Do not use metal siding material, except as approved pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening for roof mounted fixtures, and other architectural features; and (5/22/03)~~
  - h.g. Are designed to accommodate either a number of tenants in one structure, or a single tenant that has various space needs, such as office, research, assembly, and storage. (5/22/03)
  
2. Warehouse and manufacturing buildings having the following characteristics: (5/22/03)
  - a. Are designed for the specific site to accomplish the objectives under Subsection 603.03(B); (5/22/03)
  - b. Are designed to provide large indoor areas to accommodate storage, assembly, processing, or manufacturing activities; (5/22/03)
  - c. Accessory office areas within the same structure have windows and are highlighted architecturally; (5/22/03)
  - d. Use exterior materials such as tilt-up concrete, masonry, or stucco which are painted, textured, or trimmed to enhance the appearance from the perimeter of the site, except perimeters adjacent to railroad rights-of-way; (5/22/03)
  - ~~e. Do not use metal siding material, except as approved pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening of roof mounted fixtures, and other architectural features; and (5/22/03)~~
  - f.e. May be used entirely or partially for storage. (5/22/03)

3. Silos, towers, and other specialized storage or processing structures typically associated with the use, including metal-sided structures, which have the following characteristics: (5/22/03)
  - a. Provide windows and canopies, awnings, wood or masonry siding, or other exterior treatment to highlight accessory office areas within the same building, when applicable;
  - b. Use exterior colors which blend with the landscape, such as brown, green, tan, or, in the case of tall structures, such as silos or towers, use light colors that blend with the sky; (5/22/03)
  - c. Do not use bright colors, white, or multiple colors, except as specifically approved pursuant to Section 1102 for signs, trim, accents, or to provide visual interest to equipment or structures that are unique to the particular use; (5/22/03)
  - d. May be used entirely or partially for storage.
  
- D. Outdoor Storage and Process Areas: Outdoor storage and process areas shall be allowed subject to the following criteria: (5/22/03)
  1. Outdoor storage and process areas shall comply with Subsection 603.08(D). ~~(5/22/03)~~
  2. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of ~~six~~6 feet in height and a maximum of 10 feet in height. Fencing shall be located behind the perimeter landscaping required under Subsections 603.09(CB) and 1009.04. (5/22/03)
  3. Equipment, stockpiles of materials, and other items located within outdoor storage and process areas shall be maintained in an orderly fashion. (5/22/03)
  4. Waste materials (by-products which are not further processed or recycled on-premise) shall not be allowed to accumulate in outdoor process areas for more than ~~two~~2 weeks, except that waste materials from water treatment facilities or surface water retention facilities may accumulate for such longer period as necessitated by Best Management Practices for the facility. (5/22/03)
  5. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters. (5/22/03)
  
- E. Display Areas: Outdoor display of finished products shall be allowed provided that outdoor display areas and items on display shall: (5/22/03)

1. Not be located where they will block visibility to or from any road or driveway, or block visibility of signs located on adjacent properties; (5/22/03)
  2. Be set back at least 10 feet from the front property line, behind the landscaped strip along the frontage; (5/22/03)
  3. Be maintained to project an organized and neat appearance at all times; (5/22/03)
  4. Not include signs, except those emblems painted on, or permanently attached to, items being displayed; and (5/22/03)
  5. Only include finished products manufactured on or distributed from the premises. (5/22/03)
- F. Transportation Requirements: Loading areas shall be readily accessible to large semi-trailer trucks. The use may generate unlimited local and semi-trailer truck service and limited non-employee traffic, with infrequent direct sales-related passenger vehicle traffic. (5/22/03)
- ~~G. Parking: On-street parking shall not be allowed. (5/22/03)~~
- ~~H. Landscaping: Landscaping shall: (5/22/03)~~
- ~~1. Include plant species which are in scale with the development and particularly hardy, fast-growing, and easy to maintain; (5/22/03)~~
  - ~~1. Be concentrated on the perimeter of the site to buffer outdoor storage and process areas; (5/22/03)~~
  - ~~2. Highlight office areas or buildings; and~~
  - ~~3. Incorporate existing significant trees located near the perimeter of the site, near office areas or buildings, and within parking areas. (5/22/03)~~
- ~~I.G. Operational Impacts:~~
1. The operation of the use shall not produce noise, odors, fumes, gases, or vibration that exceeds the standards of the Oregon Department of Environmental Quality (DEQ). (5/22/03)
  2. Except as specifically listed as a conditional use in Subsection 603.06, hazardous materials may be stored or used in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Oregon Structural Specialty Code provided all requirements of the Oregon Structural Specialty Code and the Uniform Fire Code and conditions of the local fire and sewer districts are satisfied. (5/22/03)



## 603.04 ACCESSORY USES

- A. The following shall be ~~are~~ allowed as accessory uses in the General Industrial District (I-3): (5/22/03)
1. Freestanding office buildings in conjunction with a primary or conditional use; (5/22/03)
  2. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (5/22/03)
  3. ~~Street furniture and~~ Bbus shelters, subject to Section 823;
  4. Pedestrian amenities;
  - ~~4.5. Solar energy system~~ collection apparatus, meeting all the dimensional and development standards of this district;
  - ~~5.6. Satellite dishes;~~
  - ~~6.7. Utility carrier cabinets, subject to Section 830; (5/22/03)~~
  8. Signs, subject to Section 1010;
  - ~~7.9. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary use; (5/22/03)~~
  - ~~8.10. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses; (5/22/03)~~
  - ~~9.11. Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the project. Such signs shall be removed upon sale or lease of the premises advertised; (5/22/03)~~
  - ~~10.12. Parking and loading structures and areas; (5/22/03)~~
  - ~~11.13. Indoor areas for display and sale of products manufactured by the same business occupying the premises, provided that the floor area of such display area constitutes no more than 5 percent of the developed site area, or no more than 5,000 square feet, whichever is less; (5/22/03)~~
  - ~~12.14. Indoor areas for display and wholesale sales of products warehoused or distributed by the same business entity operating the primary use on the premises, provided that the floor area of such display area constitutes no more than five5 percent of the floor area used for the~~

primary use, or no more than 5,000 square feet, whichever is less. For purposes of this provision, sales of products warehoused or distributed shall not exceed ~~two~~2 percent of the annual gross sales attributed to the premises; (5/22/03)

~~13~~.15. Warehouse event sales, provided: (6/8/00)

- a. The event sales products being sold are manufactured, warehoused or distributed as a primary use operating on the premises. (5/22/03)
- b. No more than one warehouse event sale shall occur each calendar month. Sales shall last a maximum of ~~three~~3 consecutive days, which shall be Friday, Saturday, Sunday, and/or Monday. (5/22/03)
- ~~e.~~ The building shall satisfy the applicable exiting and other fire life safety codes for the event sales. (5/22/03)
- ~~d.c.~~ The event sales shall occur indoors.

~~14~~.16. Cogeneration facilities; (5/22/03)

17. Rainwater collection systems;

18. Electric vehicle charging stations; and

~~15~~.19. 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)

603.05 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)

603.06 CONDITIONAL USES

- A. Criteria: Conditional uses may be approved subject to Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)
  1. Shall have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use; (5/22/03)



2. Shall not create hazardous, or potentially hazardous, conditions which cannot be contained within the premises in the event of an accident involving hazardous materials or processes; and (5/22/03)
  3. Shall comply with all standards of Subsection 603.03, except those that prompt the application for a conditional use. (5/22/03)
- B. Uses: The following uses are allowed subject to the above criteria: (5/22/03)
1. Heliports, ~~subject to Section 712 or 713;~~ (5/22/03)
  2. Uses involving hazardous substances that exceed the standards of Subsection 603.03(GI); (5/22/03)
  3. Surface mining or rock crushing operations, subject to Section 818; (5/22/03)
  4. Business or vocational schools and college or university extension facilities; (5/22/03)
  5. City, county, state, federal, or municipal corporation uses or buildings, telephone exchanges, railroad right-of-way, public utility facilities, fire stations, and associated uses; (5/22/03)
  6. Indoor or outdoor arenas and stadiums; (5/22/03)
  7. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; (5/22/03)
  8. Outdoor amusements, including amusement parks, circuses, carnivals, drive-in theatres, and racetracks for autos, dogs, horses, or motorcycles; (5/22/03)
  9. Wrecking and salvage yards for building materials, autos, trucks, and other equipment, except as prohibited by Subsection 603.07(B)(1)(d); (5/22/03)
  10. Electrical power production facilities that are not allowed as an accessory use; (5/22/03)
  11. Petroleum, coal, or other fuel storage, refining, reclaiming, distribution, and wholesale trade. However, except for petroleum storage containers for the exclusive use of on-site fleet vehicles, these uses are prohibited in the Clackamas River Principal River Conservation Area; (5/22/03)

12. Auto repairing, overhauling, painting, washing, body and fender work, and reconditioning; (5/22/03)
13. Military reservations and associated uses; (5/22/03)
14. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsections 603.06(B)(1) through (13), but not a use listed as prohibited in Subsection 603.07; (5/22/03)
15. Composting facilities, including retail sales, subject to Section 834. (5/22/03)

603.07 PROHIBITED AND PREEXISTING USES

A. Prohibited Uses: The following uses shall be prohibited in the General Industrial District (I-3): (5/22/03)

1. Uses that do not comply with Subsections 603.03(B) through (G), except as approved pursuant to Subsection 603.06; (5/22/03)
2. Retail commercial uses; (5/22/03)
3. Service commercial uses, except those specifically listed as a primary or conditional use; (5/22/03)
4. Freestanding office buildings not in conjunction with a primary use on the same premises; and(5/22/03)
5. New dwelling units and detached accessory structures to existing dwelling units. (5/22/03)

B. Prohibited uses within the Clackamas River Principal River Conservation Area:

1. Purpose: Certain uses are prohibited within this area because they pose a high risk to surface and groundwater resources and to the Clackamas River which provides public drinking water and habitat for fish and wildlife. Preventative measures are the most effective and economical measures available to protect water quality. Prohibiting large quantities of hazardous materials and hazardous wastes, and prohibiting specific uses that traditionally use these substances, reduces potential harm due to exposure to these substances. (5/22/03)
2. The following uses shall be prohibited within the Clackamas River Principal River Conservation Area: (5/22/03)

- a. Manufacture and production of hazardous materials (chemicals listed in SARA TITLE III) and nuclear and radioactive materials;
- b. Uses which use hazardous materials at the bulk plant quantity level;
- c. Uses in the waste-related category and waste collection and transfer facilities; ~~which that~~ involve hazardous materials;
- d. Salvage and wrecking yards for building materials, autos, trucks, and other equipment;
- e. Wood processing/treatment and composites that include chemical treatment including sap staining (Chromium-Copper-Arsenate [CCA], Creosote, pentachlorophenol [PENTA], furniture stripping or refinishing, and related chemicals); (5/22/03)
- f. Battery recycling or reprocessing operations;
- g. Operations that process, reprocess, collect, or store oils containing polychlorinated biphenyls (PCB);
- h. Manufacture/production of petroleum base construction materials (tars, creosote);
- i. Outdoor vehicle salvage, drum container recycling and cleaning, or cleaning operations for commercial truck tankers or rail tankers;
- j. Industrial and commercial dry cleaning plants that use solvents; and
- k. Sewage treatment plants.

C. Preexisting Uses:

1. Preexisting industrial and business uses that do not conform to the physical and operational requirements of this district shall be subject to Section 1206. In addition, any expansion, alteration, or change of use shall require that the use be brought into conformance with the physical and operational requirements of ~~theis~~ I-3 General Industrial District to the extent possible, as reviewed and approved by the Design Review Committee pursuant to Section 1102. (5/22/03)
2. Preexisting single-family dwellings shall be allowed to remodel or expand without review under Section 1206. (5/22/03)
3. Any change in the use of a preexisting dwelling shall be subject to all requirements for new developments in this district, except as approved pursuant to Subsection 1204.01. (5/22/03)

4. No minimum lot size shall be required for a lot containing a preexisting dwelling. (4/13/06)
5. Preexisting dwellings and their accessory structures shall comply with the setback standards of Section 301. (5/22/03)
6. Separate structures for industrial purposes may be approved on the same premises with an existing dwelling, subject to all provisions of ~~this Section 603~~. (5/22/03)
7. Preexisting nonconforming commercial uses and all other preexisting uses and structures not allowed by ~~this Section 603~~ shall be subject to Section 1206. (5/22/03)

603.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (5/22/03)
  1. Enhance the appearance of the development from public roads and from adjacent properties; (5/22/03)
  2. Mitigate potential adverse impacts associated with outdoor processes, storage areas, and other intensive industrial operations and characteristics; (5/22/03)
  3. Encourage the coordinated, pleasing, and efficient development of sites; (5/22/03)
  4. Ensure that the minimum operational requirements of the development are provided on-site; and (5/22/03)
  5. Establish the maximum limits of development. (5/22/03)
- B. Site Area Requirements: A site area for purposes of this section shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following: (5/22/03)
  1. A single tax lot, or two or more contiguous tax lots, under the same ownership; or (5/22/03)
  2. Two or more contiguous tax lots under separate ownership, provided that: (5/22/03)
    - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and (5/22/03)

- b. All individual tax lot ownerships are converted into development shares, or other satisfactory arrangement, allowing all lots to be combined into one lot prior to any building permit being issued for the project. (5/22/03)

C. Site Area Standards: The following standards shall apply: (5/22/03)

- 1. Minimum Site Area: ~~one~~ acre (5/22/03)
- 2. Preexisting Undersized Site Areas: Developments may be established on a preexisting lot of record which is less than ~~one~~ acre in size provided such development satisfies all other standards of this district. (5/22/03)
- 3. Property Line Adjustments and Land Divisions: Property line adjustments and divisions of land creating lots less than ~~one~~ acre in size shall be allowed subject to the following criteria: (5/22/03)
  - a. Design review approval pursuant to Section 1102 of the overall development plan for the site area, including access, circulation, parking, landscaping, and proposed building locations, shall be required prior to the approval of a property line adjustment or division of land. (5/22/03)
  - b. Building permits shall not be issued on any lot within a property line adjustment or division of land approved pursuant to Subsection 603.08(CB)(3)(a) until all improvements, irrigation systems, and landscape materials have been installed along street frontages or bonded pursuant to Section 1104. (5/22/03)
  - c. No lot shall be created which is less than 20,000 square feet in area. (5/22/03)

D. Setback Requirements:

- 1. Minimum Front Yard Setback: 20 feet. Structures on corner or through lots shall satisfy the minimum front yard setback on both streets. (5/22/03)
- 2. Minimum Side and Rear Yard Setbacks: None required when abutting property zoned I-2 or I-3. When abutting any other zoning district, the minimum setback from the property line adjoining the other district shall be 35 feet. An additional ~~five~~5 feet of setback shall be required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height. (5/22/03)

E. Minimum ~~Street~~Road Frontage: A site area shall have a minimum of 100 feet of ~~street~~ frontage on a public, county, or state access road. (5/22/03)

F. Minimum Landscaping Area: 15 percent of the ~~lot~~ developed site area. (5/22/03)

~~G. 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 or 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)~~

~~H.G. Exceptions to General Requirements: The requirements of Subsection 603.08 are not subject to modification under Section 900. However, these requirements may be modified pursuant to Section 1205. (5/22/03)~~

603.09 DEVELOPMENT STANDARDS

~~All development shall be subject to Sections 1000 and 1100 and Subsections 603.03(B) through (I). In addition, the following shall apply: (5/22/03)~~

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

~~A.B. Community and Design Plans: All development within a Community or Design Plan Area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan. (5/22/03)~~

~~B.C. Fences: Street perimeter fences or walls shall meet a minimum setback of 10 feet from the front ~~lot~~ property line. The area between the fence and improved roadway shall be landscaped and maintained pursuant to Section 1009. (5/22/03)~~

~~C.D. Signing: An application for design review shall include a signing program for the development. Section 1010 and the following shall apply: (5/22/03)~~

1. Perimeter Street Signs: One sign oriented toward offsite traffic may be provided at each public access point from a county or state road. Such signs shall comply with the following requirements:

a. Shall not exceed 60 square feet in area; (5/22/03)

b. Shall not exceed ~~five~~5 feet in height; and (5/22/03)

c. Shall use materials and design elements that are complementary to those used in the development. (5/22/03)

~~D. On-site Lighting: All on-site lighting shall be designed, located, shielded, or deflected so as not to shine into offsite structures or impair the vision of the~~

~~driver of any vehicle. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:~~  
(5/22/03)

- ~~1. Parking and loading area lighting;~~
- ~~2. Pedestrian walkway lighting;~~
- ~~3. Internal access road lighting;~~
- ~~4. Lighting of public entrances into buildings; and~~
- ~~5. Flood lights illuminating buildings, equipment, or significant natural features. (5/22/03)~~

~~E. Equipment and Utilities: All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar utility equipment that must be installed aboveground shall be visually screened from public view. (5/22/03)~~

~~F.E. Hazardous Substances Containment Review: This subsection shall apply in the North Bank of the Clackamas River Principal River Conservation Area. (5/22/03)~~

1. Purpose: The intent of hazardous substances containment review is to promote public safety and welfare by ensuring that uses which use hazardous substances locate in appropriate locations and develop in such a manner as to not be a serious threat to the Clackamas River and groundwater. (5/22/03)
2. The following uses traditionally use hazardous substances. If technology is used to minimize risk and impacts to water quality, these uses may be allowed if approved by Clackamas County Water Environment Services through hazardous substances containment review. (5/22/03)
  - a. Petroleum storage containers for the exclusive use of on-site fleet vehicle fueling and maintenance and emergency generators; (5/22/03)
  - b. Uses that roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals; (5/22/03)
  - c. Manufacture and production of paving, roofing, and other construction materials, using asphaltic and petroleum-based coatings and preserving materials; and (5/22/03)
  - d. Uses that utilize hazardous substances in less than bulk plant quantities. (5/22/03)



G.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)

**604 RURAL INDUSTRIAL DISTRICT (RI) (12/20/07)**

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604.01 PURPOSE

This Section 604 is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas. (4/13/06)

604.02 AREA OF APPLICATION

Property may be zoned Rural Industrial District (RI) when the site has a Comprehensive Plan designation of Rural Industrial and the criteria in Section 1202 are satisfied. (4/13/06)

604.03 PRIMARY USES

The following are allowed as primary uses in the Rural Industrial District (RI):

- 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; (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; (4/13/06)
- M. Sheet metal and machine shops; (5/22/03)
- N. Small power production facilities. Hydroelectric facilities shall be subject to Section 829; (4/13/06)
- O. Production of renewable fuel resources such as alcohol, methanol, and biomass for retail or wholesale distribution; (5/22/03)
- P. Utility carrier cabinets, subject to Section 830; (5/22/03)
- Q. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; (5/22/03)
- R. 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; and (4/13/06)
- 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 604.03(S) shall be processed as an Interpretation pursuant to Subsection 1305.03. (4/13/06)

604.04 ACCESSORY USES

The following are allowed as accessory uses in the Rural Industrial District (RI):

- A. Uses and structures customarily accessory and incidental to a primary or conditional use; (4/13/06)
- 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. Pedestrian amenities~~Street furniture~~; (4/13/06)
- I. Bus shelters, subject to Section 823; (4/13/06)
- J. Signs, subject to Section 1010;
- K. Solar energy systems;
- L. Rainwater collection systems;
- M. Electric vehicle charging stations; and
- ~~N.~~ 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; and (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; and (11/30/06)
  11. The hosting of weddings, family reunions, class reunions, company picnics, and similar events. (11/30/06)

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

- A. The following uses ~~shall be~~ are prohibited in the Rural Industrial District (RI): (4/13/06)
1. Uses of structures and land not specifically allowed~~permitted~~; and (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. Lawfully established dwellings shall be allowed to remodel or expand without review under Section 1206. (4/13/06)

- C. Lawfully established industrial uses that existed on December 20, 2001, and are not otherwise provided for in ~~this Section 604~~, shall not be nonconforming uses and are allowed outright. (4/13/06)

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 (RI) 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. (4/13/06)
- B. Minimum Front Yard Setback: 30 feet from the front lot line or 50 feet from the centerline of any public, county, or state road, whichever is greater. (4/13/06)
- C. Minimum Side and Rear Yard Setbacks: (5/22/03)
1. When abutting any residential zoning district, 30 feet. An additional ~~five~~5 feet of setback shall be required for each 10 feet, or portion thereof, of building height over 35 feet. (5/22/03)
  2. When abutting any commercial or industrial zoning district, 10 feet. An additional ~~five~~5 feet of setback shall be required for each 10 feet, or portion thereof, of building height over 35 feet. (5/22/03)
- D. Minimum ~~Street~~Road Frontage: 50 feet. (5/22/03)
- E. Minimum Landscaping Area: 15 percent of the ~~lotsite~~area. (5/22/03)
- F. Minimum Lot Size: None, except as restricted by Subsection 604.07(A)(2). (5/22/03)
- G. Maximum Building Floor Area: (4/13/06)
1. For an industrial use within an unincorporated community, the maximum building floor area per use shall be 40,000 square feet, except: (4/13/06)
    - a. No limit shall apply to uses on abandoned or diminished mill sites. (4/13/06)

- 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. (4/13/06)
2. For an industrial use outside an unincorporated community, the maximum building floor area per use shall be 39,500 square feet, except: (4/13/06)
- a. No limit shall apply to the primary processing of raw material produced in rural areas or to uses on abandoned or diminished mill sites. (4/13/06)
  - 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. (4/13/06)

~~H. 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 a private driveway, access drive, or private road 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. (4/13/06)~~

~~H.H. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (4/13/06)~~

~~H.I. Variances: The requirements of Subsections 604.08(B) through (E) and (H) may be modified pursuant to Section 1102 when such modification is consistent with Section 1205. A proposed reduction that exceeds 20 percent of the requirement shall be processed as a separate variance application pursuant to Section 1205. (4/13/06)~~

604.09 DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. (4/13/06)

~~B. DEQ Regulations: 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. (4/13/06)~~

~~C.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. (4/13/06)

~~D. Building Siting and Design: In applying Subsection 1005.05, particular emphasis shall be given to the siting and design of those structures, or portions thereof, which may be viewed from a major arterial or a road designated as scenic on Map V-5 of the Comprehensive Plan. (4/13/06)~~

~~E. Landscaping: In applying Section 1009, emphasis shall be as follows: (4/13/06)~~

~~1. The function of landscaping shall be to enhance the appearance of the site from major arterials, from roads designated as scenic on Map V-5 of the Comprehensive Plan, and from a distance. (4/13/06)~~

~~1. 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)~~

~~2. Major public building entrances and exits shall be landscaped.~~

~~3. 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)~~

~~F.C. 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)~~

~~G.D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)~~

**606 BUSINESS PARK DISTRICT (BP) (12/20/07)**

## 606.01 PURPOSE

~~This Section 606 is adopted to implement the policies of the Comprehensive Plan for Business Park areas, providing for high technology and other clean, light industry, research facilities, and office uses needing sites with high aesthetic standards. The provisions of this section are intended to: (5/22/03)~~

~~A. Establish and maintain high aesthetic standards and preserve the natural beauty of the district; (5/22/03)~~

~~B. Assure that improvements are appropriately related to their sites and to surrounding developments; (5/22/03)~~

~~C. Enhance the value of sites and developments located within the district; (5/22/03)~~

~~D. Implement the policies and objectives of the Clackamas County Economic Development Plan for attracting and retaining businesses that require or desire a high-quality aesthetic environment; and (5/22/03)~~

~~E. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping, and graphic design. (5/22/03)~~

## 606.02 AREA OF APPLICATION

~~This district is to be applied to those areas particularly suited for business park developments. Property may be zoned Business Park District (BP) when the site has a Comprehensive Plan designation of been designated Business Park in the Comprehensive Plan and the criteria in Section 1202 are satisfied. (5/22/03)~~

## 606.03 PRIMARY USES

A. Uses: The following uses may be established when they comply with Subsections 606.03(B) through (H): (5/22/03)

1. Research: Research offices and laboratories, including testing facilities; (5/22/03)
2. Offices: Corporate headquarters, regional headquarters, and administrative offices. Business service offices identified in Subsection 606.04(C) shall be allowed as accessory uses; (5/22/03)
3. Manufacturing Uses: Any manufacturing or assembly use, except primary processing of raw materials; (5/22/03)
4. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. These uses shall not be subject to Subsections 606.03(B) through (H); (5/22/03)

5. 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; and (5/22/03)
  6. Any use that the Planning Director finds to be compatible with one or more of those specified above, provided the use satisfies the purposes and performance standards of ~~this~~ the Business Park District (BP). In determining the status of a proposed use, the Planning Director shall exclude prohibited uses under Subsection 606.07, conditional uses under Subsection 606.06 and accessory uses under Subsection 606.04. A request for a determination under ~~this~~ Subsection 606.03(A)(6) shall be processed as an Interpretation pursuant to Subsection 1305.03. Application for an interpretation under this provision shall include a detailed description of the use and operational requirements of the use, approximate number of employees, estimated volume of truck traffic to be generated, a site plan, building elevations, and preliminary landscaping plans. (6/6/02)
- B. Site Plan and Design: Structures, circulation, parking, loading, and landscaping shall be designed to: (5/22/03)
1. Avoid undue disturbance of significant vegetation, slopes, stream corridors, and floodplains; (5/22/03)
  2. Incorporate and use significant natural features to enhance the quality of the development and preserve the visual character of the site;
  3. Project a positive image as viewed from both inside and outside the site; and
  4. Minimize the impact of truck loading and maneuvering areas.
- C. Building Types and Design: The use shall occupy only the types of buildings described below:
1. Office Buildings having the following characteristics: (5/22/03)
    - a. Are designed by an architect for the specific site to accomplish the objectives of Subsection 606.03(B); (5/22/03)
    - b. Are generally ~~two~~ two or more stories in height; (5/22/03)
    - c. Provide for natural light penetration into work areas using such features as windows, skylights, atriums, and courtyards; (5/22/03)
    - d. Have distinctive public entrances; (5/22/03)

- e. Use high-image exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco; (5/22/03)
  - ~~f. Do not use metal siding material, except as approved by the Design Review Committee pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening of roof-mounted fixtures, and other architectural features; and (5/22/03)~~
  - g.f. Devote no more than 20 percent of the floor area exclusively to storage. Uses exempt from this standard include those providing storage and retrieval of records/information, needing additional storage for materials and finished products produced in the same building, and similar uses. (5/22/03)
2. Multi-use and multi-tenant buildings having the following characteristics: (5/22/03)
- a. Are designed for the specific site to accomplish the objectives of Subsection 606.03(B); (5/22/03)
  - b. Are generally ~~one~~<sup>1</sup> to ~~three~~<sup>3</sup> stories in height; (5/22/03)
  - c. May be designed to facilitate internal alterations to accommodate changes in spatial needs over a period of time (i.e. "flex-space" design); (5/22/03)
  - d. Incorporate architectural features, including distinctive entrances to office or lobby areas of the building;
  - e. Provide for natural light penetration into office areas;
  - f. Use exterior materials and finishes such as masonry or tilt-up concrete, with materials such as wood, stucco, or glass panels used to create texture and visual interest; (5/22/03)
  - ~~g. Do not use metal siding material, except as approved pursuant to Section 1102 for specific high image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features; and (5/22/03)~~
  - h.g. Are designed to accommodate either a number of tenants in one structure, or a single tenant that has various space needs, such as office, research, assembly, and storage. (5/22/03)
- D. Outdoor Storage and Process Areas: No outdoor storage of materials or products shall be allowed. No outdoor processes shall be employed in the operation of the business. Waste and recycle receptacles shall be maintained within an enclosed structure. (5/22/03)
- E. Display Areas: All display areas shall be located within an office, multi-use, or multi-tenant building. No outdoor display areas shall be allowed. (5/22/03)

F. Transportation Requirements: Loading areas shall be located to the side or rear of buildings unless topography, natural features, rail service, or other requirements of this section dictate front-yard loading bays. Loading dock areas shall be recessed, screened, or otherwise designed to buffer this use from adjacent properties and roads. The use shall provide good access to a road of at least a collector classification and shall not draw traffic through a local residential street. (5/22/03)

~~G. Parking: On street parking shall not be allowed. (5/22/03)~~

~~H. Landscaping: Typical landscaping in this district shall: (5/22/03)~~

~~1. Include a variety of plant materials;~~

~~2. Highlight public access points to buildings;~~

~~3. Buffer loading and utility areas;~~

~~4. Break up large parking areas;~~

~~5. Complement building design and materials; (5/22/03)~~

~~6. Incorporate significant trees and other natural features into the site as much as possible; (5/22/03)~~

~~7. Include street trees at 30 to 40 foot intervals along periphery and internal circulation roads except where significant trees already exist; and (5/22/03)~~

~~8. Provide for maintenance of all areas within the site area, including areas for future development.~~

~~I.G. Operational Impacts: (5/22/03)~~

~~1. The operation of the use shall not produce noise, odors, fumes, gases, or vibrations that exceed the standards of the Oregon Department of Environmental Quality. (5/22/03)~~

~~2. No hazardous materials in quantities classified under Group H, Division 1 or Division 2 Occupancies under the Oregon Structural Specialty Code shall be stored or used on the premises, except as specifically approved pursuant to Subsection 606.06. (5/22/03)~~

#### 606.04 ACCESSORY USES

The following ~~shall be~~ are allowed as accessory uses in the Business Park District (BP):

- A. Incidental Uses: Structures and uses customarily accessory and incidental to a primary use, such as:
1. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (5/22/03)
  2. ~~Street furniture and~~ B bus shelters, subject to Section 823;
  3. Pedestrian amenities;
  - ~~3.4. Solar energy system~~ collection apparatus, meeting all the dimensional and development standards of this district;
  5. Rainwater collection systems;
  6. Electric vehicle charging stations;
  - ~~4.7. Satellite dishes, provided such use is buffered from periphery and internal circulation roads;~~
  - ~~5.8. Utility carrier cabinets, subject to Section 830;~~
  9. Signs, subject to Section 1010;
  - ~~6.10. Employee lounges, indoor recreation areas and facilities, and cafeterias; (5/22/03)~~
  - ~~7.11. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses; (5/22/03)~~
  - ~~8.12. Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the project. Such signs shall be removed upon sale or lease of the premises advertised; (5/22/03)~~
  - ~~9.13. Parking and loading structures and areas; (5/22/03)~~
  - ~~10.14. Indoor areas for display and sale of products manufactured by the same business occupying the premises, provided that the floor area of such display area constitutes no more than 10 percent of the floor area of the primary use, or no more than 3,000 square feet, whichever is less; and (5/22/03)~~
  - ~~11.15. 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)~~



- B. Warehouse Structures: Within a planned business park site area occupying at least 10 acres, separate warehouse or storage structures in conjunction with a primary use may be developed concurrently with or after the primary use provided that: (5/22/03)
1. The warehouse shall be located on a site with easy access to periphery roads where impacts on other uses may be minimized, and the use shall satisfy the loading area requirements of Subsection 606.03(F). (5/22/03)
  2. Such structures shall be compatible with the primary use structure(s) on the site in the use of materials and design.
- C. Business Services: Service uses customarily provided within a business park to serve the needs of other businesses shall be allowed when such accessory uses constitute no more than 10 percent of the developed floor area of the development. Such limited uses shall be integrated within structures that also house primary uses. Such uses may include the following: (5/22/03)
1. Employment agencies;
  2. Real estate offices specializing in commercial or industrial properties;
  3. Delicatessens, pastry shops, cafes, and takeout food services offering breakfast and/or lunch items; and (5/22/03)
  4. Any use that the Planning Director finds to be similar to one or more of those specified in Subsections 606.04(C)(1) through (3). A request for a determination under ~~this~~ Subsection 606.04(C)(4) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

606.05 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)

606.06 CONDITIONAL USES

- A. Criteria: Conditional uses may be approved subject to Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)
1. Shall have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area



considering location, size, design, and operating characteristics of the use; (5/22/03)

2. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, vibrations, or truck traffic that are incompatible with primary uses allowed in this district; (5/22/03)
3. Shall be located on a site occupied by a primary use and/or in a structure that is compatible with the character and scale of uses allowed within the district; and (5/22/03)
4. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites. (5/22/03)

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

1. Heliports, ~~subject to Section 712 or 713~~; (5/22/03)
2. Uses that comply with Subsections 606.03(A) through (G) but require the storage or use of potentially hazardous materials in quantities classified as Group H, Division 1 or Division 2 Occupancies under the Oregon Structural Specialty Code; (5/22/03)
3. Daycare facilities, subject to Section 807; (5/22/03)
4. Business or vocational schools and college or university extension facilities; (5/22/03)
5. City, county, state, federal, or municipal corporation uses or buildings, telephone exchanges, railroad right-of-way, public utility facilities, fire stations and associated uses; (5/22/03)
6. Indoor and outdoor arenas and stadiums; (5/22/03)
7. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall be not closer to the property line than a distance equal to the height of the tower; (5/22/03)
8. Destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; (5/22/03)
9. Hotels and associated convention facilities, gift shops, and restaurants; and (5/22/03)
10. Multi-use developments, subject to Section 1016; (5/22/03)

606.07 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses ~~are~~ shall be prohibited in the Business Park District (BP): (5/22/03)
1. Uses that do not comply with Subsections 606.03(B) through (G), except as approved pursuant to Subsection 606.06; (5/22/03)
  2. Separate warehouse and distribution structures and activities, except as allowed in Subsection 606.04(B); (5/22/03)
  3. Motor freight terminals; (5/22/03)
  4. Auto or truck storage or repair;
  5. Uses identified as conditional uses in the Light Industrial or General Industrial Districts but not as a conditional use in the ~~BP Business Park~~ District; (5/22/03)
  6. Retail and service commercial uses except as allowed in Subsections 606.04(C) or 606.06(B). (5/22/03)
- B. Preexisting Uses:
1. Preexisting single-family dwellings shall be allowed to remodel or expand without review under Section 1206. (5/22/03)
  2. Any change in the use of a preexisting dwelling shall be subject to all requirements for new developments in ~~this~~ the BP Business Park District, except as approved pursuant to Subsection 1204.01. (5/22/03)
  3. No minimum lot size shall be required for a lot containing a preexisting dwelling. (4/13/06)
  4. Preexisting dwellings and their accessory structures shall comply with the setback standards of Section 301. (5/22/03)
  5. All other preexisting uses and structures not allowed by this section shall be nonconforming uses subject to Section 1206. (5/22/03)

#### 606.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to: (5/22/03)
1. Assure that developments have a positive image and attractive appearance from within the site, from public roads, and from adjacent properties; (5/22/03)

2. Encourage the retention of large sites and their development in a coordinated, pleasing, and efficient manner; (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 development.
- B. Site Area Requirements: A "site area" for purposes of this section shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:
1. A single tax lot, or two or more contiguous tax lots, under the same ownership; or (5/22/03)
  2. Two or more contiguous tax lots under separate ownership, provided that:
    - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and (5/22/03)
    - b. All individual tax lot ownerships are converted into development shares, or other satisfactory arrangement, allowing all lots to be combined into one lot prior to any building permit being issued for the project.
- C. Site Area Standards: The following standards shall apply: (5/22/03)
1. Minimum Site Area: Developments shall have a minimum site area of ~~three~~ three acres. (5/22/03)
  2. Preexisting Undersized Site Areas: Developments may be established on a site of less than ~~three~~ three acres if the site is physically separated from all other undeveloped or underdeveloped properties in this district. (5/22/03)
  3. Property Line Adjustments and Land Divisions: Design review approval pursuant to Section 1102 of the overall development plan for the site area, including access, circulation, parking, landscaping, and proposed building locations, shall be required prior to the approval of a property line adjustment or division of land. (5/22/03)
- D. Setback Requirements: For purposes of ~~this Section 604~~, a "perimeter access road" shall be any state, county, or public road ~~which that~~ which provides access to the site area, and an "internal circulation road" shall be any public or private roadway ~~which that~~ which provides direct access to more than one use, building, or parcel within a site area but not including connecting driveways within or between parking areas. (5/22/03)

1. Minimum Rear and Side Perimeter Access Road Setbacks: A minimum 30-foot setback shall be maintained between structures in a development and any perimeter access road, except: (5/22/03)
  - a. An additional ~~five~~5 feet of setback shall be required for each ~~five~~5 feet, or portion thereof, of building height over 35 feet. (5/22/03)
  - b. No setback shall be required between a structure and any railroad right-of-way.
  
2. Maximum Front Yard Setback: 20 feet for buildings at or near a transit stop along a major transit street, as more specifically set forth in Section 1005.
  - a. ~~Buildings at or near a transit stop along a major transit street shall have a maximum front yard setback of 20 feet. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection. (5/22/03)~~
  - b. ~~The 20-foot maximum setback shall apply in both directions along the major transit street and along the intersecting street to the depth of the Business Park zoning designation. This setback shall apply to the side of the major transit street having the transit stop and applies whether the intersecting street is a public street or a signalized private road. (Please see the diagram in Subsection 1005.03(E)(3)). (5/22/03)~~
  - c. ~~Along a signalized private road, the maximum setback shall apply only along the first 250 feet from the major transit street. (5/22/03)~~
  - d. ~~Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with the maximum setback. (5/22/03)~~
  - e. ~~The maximum setback requirement from a major transit street or intersecting street does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices. (5/22/03)~~
  - f. ~~The maximum setback from major transit streets and intersecting streets shall contain no on-site parking. However, vehicular circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (5/22/03)~~
  
3. Minimum Perimeter Side and Rear Yard Setbacks: A 20-foot setback shall be required between any structure and a side or rear perimeter line, except when a site area abuts an Urban Low Density Residential

zoning district. A 50-foot setback shall be required between any structure and the boundary of the residential zoning district. (5/22/03)

4. Minimum Internal Site Setbacks: A 20-foot setback shall be required between buildings within a site area and between any building and an internal circulation road. (5/22/03)

~~5. Corner Lots: A structure located on the corner of two roads shall comply with the minimum setback requirement from both roads. (5/22/03)~~

~~6.5. Perimeter Landscaping: Within the perimeter setback, a landscaped strip at least 20 feet wide shall be provided. (5/22/03)~~

E. Minimum Street Frontage: A site area shall have a minimum of 100 feet of street frontage on a public, county, or state perimeter access road. (5/22/03)

F. Minimum Landscaping Area: 20 percent of the lot developed site area. (5/22/03)

G. Maximum Building Height: 55 feet ~~unless this restriction is superseded by specific design plans or development agreements affecting a specific site area.~~ (5/22/03)

~~H. 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 or 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)~~

~~I.H. Exceptions to General Requirements: The requirements of Subsection 606.08 are not subject to modification under Section 900. However, these requirements may be modified pursuant to Section 1205. (5/22/03)~~

#### 606.09 DEVELOPMENT STANDARDS

All development is subject to Sections 1000 and 1100 and Subsections 606.03(B) through (I). In addition, the following shall apply: (5/22/03)

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

~~A.B. Master Plan: All developments within the Business Park District (BP) shall be reviewed and developed under a master plan which addresses the performance standards of this Ssection 606 and Section 1000.~~

~~B.C.~~ B.C. Community and Design Plans: All development within a Community or Design Plan Area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan. (5/22/03)

~~C.D.~~ C.D. Fences: Street perimeter fences or walls and guard posts shall meet a minimum setback of 30 feet and shall be of a material, color, and design complementary to the development and to adjoining properties and public access roads. (5/22/03)

~~D.E.~~ D.E. Signing: ~~The master plan for the development shall include a signing program.~~ Section 1010 and the following shall apply: (5/22/03)

1. Perimeter Street Signs: One sign oriented toward offsite traffic may be provided at each public access point from a county or state road. Such signs shall comply with the following requirements: (5/22/03)
  - a. Shall not exceed 60 square feet in area; (5/22/03)
  - b. Shall not exceed ~~five~~5 feet in height; (5/22/03)
  - c. Shall use materials and design elements that are complementary to those used in the development. (5/22/03)

~~E.~~ E. ~~On-site Lighting: All on-site lighting shall be designed, located, shielded, or deflected so as not to shine into offsite structures or impair the vision of the driver of any vehicle. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:~~ (5/22/03)

- ~~1. Parking and loading area lighting;~~
- ~~1. Pedestrian walkway lighting;~~
- ~~2. Internal access road lighting;~~
- ~~3. Lighting of public entrances into buildings; and~~
- ~~4. Flood lights illuminating buildings or significant natural features.~~

~~F.~~ F. ~~Equipment and Utilities: All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment that must be installed aboveground shall be visually screened from public view.~~ (5/22/03)

~~G.F.~~ G.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

SECTION 700

SPECIAL DISTRICTS

**701 GENERAL PROVISIONS**

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701.01 PURPOSE

This ~~Section 700~~ is adopted to implement the Comprehensive Plan policies for special areas identified by the State or County which require protection from incompatible development.

701.02 ~~OVERLAY ZONES~~ APPLICATION OF THESE PROVISIONS

~~A.~~

With the exception of the Open Space Management District and the Government Camp Open Space Management District (702), all of the districts in ~~this s~~Section 700 are overlay zones which modify or limit the development permitted in the underlying zoning district.

~~B. — Where the provisions of these districts differ from those of the underlying district, or Section 1000, the provisions of these districts shall apply.~~



**702 OPEN SPACE MANAGEMENT DISTRICT (OSM) (12/20/07)**

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702.01 PURPOSE

The intent of ~~this the Open Space Management (OSM) D~~istrict is to preserve and manage the County's committed open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation areas, help satisfy a need for contrast with the built environment, protect natural areas and provide areas of quiet contemplation and enjoyment of the natural environment. (2/13/97)

702.02 AREAS OF APPLICATION

~~The~~This Open Space Management District (OSM) shall apply to those areas identified as urban on the Comprehensive Plan and Mount Hood Community Plan maps, in Metro's Urban Reserve Areas, or identified in the Metropolitan Greenspaces Master Plan. (2/13/97)

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements). (5/11/95)
- B. Other public and private recreation areas, including school playgrounds and golf courses.
- C. Cemeteries.
- D. Unique or distinctive natural areas which have been either dedicated to the public or preserved through an easement.
- E. Natural areas in Metro's Urban Reserve ~~A~~areas or identified in the Metropolitan Greenspaces Master Plan, when under public or common ownership. (2/13/97)

702.03 PRIMARY USES

- A. Public and private outdoor recreation facilities, and parks, including covered but not enclosed areas. Such facilities may include ball fields, swimming pools, play equipment, driving ranges, tennis courts, community gardens, fountain courts, and plazas, provided such uses and facilities are not intended for the purpose of obtaining a commercial profit. These uses are allowed in the urban area and urban services areas. Outside the urban areas these uses are subject to Subsection 702.05-Conditional Uses. (2/13/97)
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas provided such uses are not intended for the purpose of obtaining a commercial profit. (5/11/95)

- C. Cemeteries
- D. Utility carrier cabinets, subject to Section 830 (2-29-84)
- E. Surface water retention and detention facilities. In the Clackamas River flood plain: surface water management biofiltration ponds and surface water pollution reduction facilities that minimize impact on the natural environment. (2/13/97)
- F. Areas suitable for flood storage and flood mitigation purposes. (2/13/97)
- G. Wetland mitigation and enhancement facilities. (5/11/95)

702.04 ACCESSORY USES

- A. Accessory uses listed under Subsection 702.04(B), ~~below~~, may be allowed, provided that any structure shall be designed and integrated into the site by:
  - 1. Minimizing visual impacts by landscaping. (5/11/95)
  - 2. Providing skirting for manufactured dwellings~~mobile homes,~~ residential trailers~~houses,~~ recreational vehicle~~travel trailers,~~ and other structures which do not have a continuous foundation.
- B. Accessory uses subject to the above conditions include:
  - 1. A caretaker's dwelling (3/24/05)
  - 2. Restroom and locker room facilities (5/11/95)
  - 3. Information and interpretive centers
  - 4. Pro shops and other concession sales uses incidental to a primary use, provided the combined total area devoted to this use does not exceed ~~five hundred (500)~~ square feet. (5/11/95)
  - 5. Maintenance buildings associated with a primary use
- C. ~~Parking and loading/maneuvering areas incidental to a primary or conditional use, subject to subsections 1007.07 and 1009.04. (5/11/95)~~
- D. ~~Bus shelters, and mass transit shelters, subject to provisions of Section 823. (5/11/95)~~
- E. Security facilities, such as lights, gates, and fences. (5/11/95)
- F. Clubhouses and lodges. (5/11/95)

G. Cemetery office buildings, crematoriums, and mausoleums in conjunction with a cemetery, subject to Section 808. (5/11/95)

H. Rainwater collection systems.

I. Solar collection systems.

J. Electric vehicle charging stations.

702.05 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 satisfies the criteria under Section 1203. (5/22/03)
1. Indoor recreation facilities, meeting rooms, interpretive centers and other similar uses provided such uses are not intended for the purpose of obtaining a commercial profit; (5/22/03)
  2. Fire stations, public schools and libraries when associated with open space or recreational facilities; (5/22/03)
  3. Pro shops and other concession sales uses incidental to a primary use exceeding the area standards of Subsection 702.04(B)(4); (5/22/03)
  4. Water treatment facilities and other public utilities that exceed the limitations of primary uses in Subsection 702.03; and (5/22/03)
  5. Any use that the Hearings Officer finds to be customarily provided in public or private recreation areas. (6/6/02)

702.06 DEVELOPMENT STANDARDS

~~All~~ development in the Open Space Management ~~D~~istrict (OSM) is subject to the applicable provisions of Section 1000; and the review procedures set forth in Section 1103. In addition, ~~the improvements in this district~~ shall meet the following standards:

- A. Landscape the site to produce a setting appropriate to its function.
- B. Provide an efficient internal circulation system and facilities layout plan.
- C. Maximize access for pedestrians, bicyclists, transit riders, and the handicapped in active recreation areas. (2/13/97)
- D. Provide conveniences for handicapped users.

- E. In case of parks, conform to the classifications and standards in policies 1.1 - 1.3 of the Parks Section of the Comprehensive Plan.
- F. Locate principal and accessory buildings at least ~~ten~~ (10) feet from any lot in a residential district.
- G. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- H. Community and Design Plans: ~~All Development~~ within a Community or Design Plan ~~a~~ Area identified ~~as described~~ in Chapter 10 of the Comprehensive Plan shall ~~also~~ comply with the specific policies and standards for the adopted Community or Design Plan. (6/29/00)

**711 GOVERNMENT CAMP OPEN SPACE MANAGEMENT DISTRICT  
(GCOSM) (3/14/02)**

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711.01 PURPOSE

The intent of ~~this the Government Camp Open Space Management District~~ (GCOSM) is to preserve and manage the Government Camp Village open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation, water quality treatment facilities, natural protection areas and pedestrian networks. Management of these resources will help protect, enhance and maintain the quality of living and environmental character of the Government Camp ~~village~~Village.

711.02 AREAS OF APPLICATION

The Government Camp Open Space Management GCOSM District (GCOSM) shall apply to those areas within the Government Camp Village, as described in the Mount Hood Community Plan, and have the following characteristics:

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Public and private recreation areas, including areas used for skiing, skating, skateboarding, hiking, biking and other similar activities.
- C. Natural and historic areas that are dedicated to the public or preserved through an easement.
- D. Areas that buffer existing residential development for the purpose of providing privacy and maintaining the natural character and quality of living in the community.
- E. Areas necessary for utility facilities, such as sewage treatment plants, public water facilities or water quality treatment facilities.

711.03 PRIMARY USES

- A. Public and private outdoor recreation areas, including hiking and biking trails, and ski transportation facilities such as chairlifts and gondolas.
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas.
- C. Utility carrier cabinets, subject to Section 830.
- D. Water quality treatment facilities, except those listed as conditional uses in Subsection 711.05.

711.04 ACCESSORY USES

- A. Accessory uses listed below may be allowed provided landscaping in compliance with Section 1009 of the Zoning Development Ordinance is used to obscure visual impacts:
1. Restroom and locker room facilities;
  2. Information and interpretive centers, provided they are not enclosed;
  3. Maintenance buildings and support facilities customarily associated with a primary use;
  4. Rainwater collection facilities;
  5. Solar collection systems; and
  6. Electric vehicle charging stations.

711.05 CONDITIONAL USES

- A. The following uses may be allowed as conditional uses in the Government Camp Open Space Management District (GCOSM) upon satisfying the criteria in Section 1203 for conditional uses and §subsection 504.08(B)(~~810~~) for commercial development. Consideration of these uses is subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted if the proposed use requires a new access to Highway 26 or additional parking, unless such access and parking receives approval from the Oregon Department of Transportation. (3/14/02)
1. Medical clinics, when associated with and incidental to a primary use.
  2. Sport shops, restaurants and other concession sales uses when associated and incidental to a primary use.
  3. Sewage treatment plants.

711.06 PROHIBITED USES

- A. Private outdoor recreation uses that generate vehicular trips, excluding uses for the Summit, or Multorpor Ski Bowl Ski Area's that do not exceed the United States Forest Service (USFS) Persons at One Time (PAOT) limits. See the table below for the PAOT limits:

US Forest Service Permitted Recreation Facility	US Forest Service Persons at One Time (PAOT) limits
Summit Ski Area	1500
Multorpor Ski Bowl (Ski Bowl West and Ski Bowl Multorpor Combined)	7800

711.07 BUFFER AREAS

- A. Buffer areas shall be maintained in natural vegetation, except for minor developments such as:
  - 1. Extending and connecting trail systems;
  - 2. Posting directional, interpretative and warning signs not exceeding three (3)-square feet for trails;
  - 3. Bridges or constructed walkways;
  - 4. Lift and tram towers; and
  - 5. Development of connecting roads to lands within the Government Camp Urban Unincorporated Community boundary shall be minimized to the fullest possible extent.

711.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards ~~provisions of this subsection~~ are intended to:
  - 1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;
  - 2. Provide for and protect the unique character, livability, and scenic quality of the Mt. Hood Community;
  - 3. Provide for fire safety and protection, and adequate snowslide area, between all structures;
  - 4. Protect the privacy and livability of on- and off-site dwellings and yard areas; and
  - 5. Provide for adequate open space within and between the developments.
- B. Perimeter Requirements For All Structures:



1. Minimum Front Yard Setback: ~~No structure constructed after the effective date of this amendment shall be located closer than thirty (30) feet from the front property line.~~
2. Minimum Rear Yard Setback: ~~Thirty (30) feet.~~
3. Minimum Side Yard Setback: ~~Ten (10) feet.~~

711.09 DEVELOPMENT STANDARDS

Development of conditional uses in the Government Camp Open Space Management District (GCOSM) is subject to the applicable provisions of Section 1000, and the review procedures set forth in Sections 1102. In addition, ~~the improvements in this district shall~~ meet the following standards:

- A. Landscape the site to produce a setting appropriate to the area's character and development's function.
- B. Provide an efficient internal circulation system and facilities layout plan. Additionally, provide for both motorized and non-motorized connections to external circulation systems and trails.
- C. Maximize access for pedestrians, bicyclists, transit riders, and the disabled in active recreation areas.
- D. Park facilities shall comply with the classifications and standards in policies 1.1 - 1.3 of the Parks Section of the Comprehensive Plan.
- E. Screening and buffering of adjacent residential zoning districts shall occur pursuant to ~~the standards in~~ Section 1009.

SECTION 800

SPECIAL USES

**801 GENERAL PROVISIONS (6/6/02)**

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801.01 Special uses are those included in Section 800. Due to their public convenience and necessity and their effect upon the surrounding area, these uses are subject to conditions and standards that differ from those required of other uses. Special uses shall be subject to the provisions of the section that regulates the specific use and the provisions of the zoning district in which the special use will be located. Special uses are permitted only when specified as a primary, accessory, limited or conditional use in the subject zoning district. ~~Where a dimensional or development standard for a special use differs from that of the subject zoning district, the standard for the special use shall apply. (6/6/02)~~

**804 CHURCHES (5/22/03)**

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804.01 CONDITIONAL STANDARDS

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

- A. Maximum Lot Coverage: 50 percent (5/22/03)
- B. Maximum Building Height: 50 feet (5/22/03)
- C. Minimum Front Yard Setback: 30 feet (5/22/03)
- D. Minimum Side and Rear Yard Setbacks: 20 feet. This distance shall be increased by five5 feet for each story in excess of two2 stories. (5/22/03)
- ~~E. Minimum Side Yard Setback: 20 feet. This distance shall be increased by 5 feet for each story in excess of 2 stories. (5/22/03)~~
- ~~F. Signs: Signs shall be subject to Section 1010. (5/22/03)~~
- ~~G. Offstreet Parking: Offstreet parking shall be subject to Subsection 1007.07. (5/22/03)~~

805 SCHOOLS (5/22/03)

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805.01 ~~CONDITIONAL STANDARDS~~

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

A. ~~The mMinimum sSide yYard sSetback for a school shall be:~~ 20 feet.  
(5/22/03)

B. ~~Offstreet Parking: Offstreet parking shall be subject to Subsection 1007.07.~~  
(5/22/03)

C. ~~Offstreet Loading: Offstreet loading and unloading for buses shall be subject to Subsection 1007.08.~~ (5/22/03)

D. ~~Bicycle Facilities: Within Urban Growth Boundaries, schools shall provide:~~  
(5/22/03)

1. ~~Bicycle and pedestrian facilities connecting to offsite bikeways and sidewalks; and~~ (5/22/03)

2. ~~Bicycle storage racks adequate to serve the facility.~~

**806 HOME OCCUPATIONS TO HOST EVENTS (4/22/10)**

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806.01 APPLICABILITY

Section 806 shall apply in the RR, RA-1, RA-2, RRFF-5, FF-10, FU-10, EFU, TBR, and AG/F zoning districts. (4/22/10)

806.02 DEFINITIONS

Unless specifically defined in Subsection 806.02, words or phrases used in Section 806 shall be interpreted to give them the same meaning as they have in common usage and to give Section 806 its most reasonable application. (4/22/10)

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

806.03 CONDITIONAL STANDARDS

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

- A. The home occupation shall be sited on a lot of record that contains a lawfully established dwelling.
- B. The operator of the home occupation shall be a resident of the property on which the home occupation is located. (4/22/10)
- C. The home occupation shall have no more than five full-time or part-time employees on the site.
- D. The home occupation shall be operated substantially in:
  - 1. The dwelling; (4/22/10)

2. Other buildings or areas which are normally associated with uses permitted in the zoning district in which the subject property is located; or (4/22/10)
  3. One temporary tent. The tent shall be placed on the subject property no more than 24 hours before the event and removed no more than 24 hours after the event. (4/22/10)
- E. The construction of any structure that would not otherwise be allowed in the zoning district in which the subject property is located shall be prohibited. (4/22/10)
- F. In the EFU and AG/F zoning districts, either the subject property, or a portion thereof, shall be located in a Historic Landmark (HL) overlay zoning district, or a winery as defined in Oregon Revised Statutes (ORS) 215.452 shall be present on the subject property prior to the operation of the home occupation. In the TBR zoning district, the subject property, or a portion thereof, shall be located in an HL overlay zoning district. (4/22/10)
1. If the subject property is removed from the HL overlay zoning district, or the winery is discontinued for more than one year, the conditional use approval shall become null and void. (4/22/10)
  2. If the subject property is wholly or partially within an HL overlay zoning district (and does not otherwise qualify for the home occupation based on the presence of a winery), events shall be confined to the area within 250 feet of a historic landmark structure. However, office activities, parking, onsite sewage disposal, and other similar elements of the home occupation may occur outside this area. The distance from the historic landmark structure may be increased if the applicant provides evidence substantiating that steep slopes, significant natural features, significant existing landscaping, existing structures, other physical improvements, or other similar constraints prevent compliance with this standard. (4/22/10)
- G. If the subject property is located in or adjacent to an EFU, TBR, or AG/F zoning district, prior to operating the home occupation, the applicant shall record a written irrevocable statement in the deed records of the County binding upon the landowner, and the landowner's successors in interest, acknowledging the right of adjacent and nearby farm and forest operators to employ accepted farm and forest management practices and prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. Impacts from farming and forest practices may include, but are not limited to: noise, dust, spray, smoke, vibrations, and visual impacts. (4/22/10)

- H. In the EFU, TBR, and AG/F zoning districts, the evaluation of compliance with Subsection 1203.01(D) shall include consideration of impacts on dwellings even though dwellings are not primary uses in these zoning districts. (4/22/10)
- I. During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00 p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.
- J. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.
- K. A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time. (4/22/10)
- L. The maximum number of guests for any single event shall not exceed 300. However, a lower limit may be imposed based on site capacity constraints.
- M. All lighting used during events shall be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.
- N. Noise shall be regulated as follows:
  - 1. From 7:00 a.m. until 10:00 p.m. on Friday and Saturday and until 9:00 p.m. on all other days of the week, the average peak sound pressure level of the noise shall not exceed the greater of 60 dB(A) or the ambient noise level when measured off the subject property. During all other hours, the average peak sound pressure level of the noise shall not exceed the greater of 50 dB(A) or the ambient noise level when measured off the subject property.
    - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 806.03(N)(1). (4/22/10)
    - b. Subsection 806.03(N)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way. (4/22/10)
  - 2. A noise study may be required to demonstrate compliance with Subsection 806.03(N)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the



use of the sound level meter, and measurement procedures consistent with that training shall be followed. (4/22/10)

- O. The home occupation shall comply with Section ~~10151007~~, except as modified by this subsection.
  - 1. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.
  - 2. The minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.
  - 3. On-street parking shall be prohibited on the day of an event.
- P. Restroom facilities shall be regulated as follows:
  - 1. Portable restroom facilities shall include hand-sanitizing or hand-washing facilities.
  - 2. Portable restroom facilities shall be subject to the standards of the service provider and the County Water Environment Services Department. (4/22/10)
  - 3. Portable restroom facilities shall be screened from adjacent properties and rights-of-way by sight-obscuring fences or plantings and shall be located a minimum of 50 feet from all property lines.
  - 4. Use of on-site sewage disposal facilities shall be subject to approval by the County Water Environment Services Department. (4/22/10)
- Q. One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign. (4/22/10)
- R. Equipment, furniture, goods, and other amenities used for events shall be stored indoors on non-event days. The use shall not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature, except for those characteristics normally associated with or allowed for a primary use in the subject zoning district, on non-event days.
- S. The use shall comply with any applicable requirements of the Oregon Liquor Control Commission.

807 DAYCARE FACILITIES (5/22/03)

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807.01 CONDITIONAL STANDARDS (5/22/03)

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

- A. ~~Design review shall be required pursuant to Section 1102. Special consideration shall be given to:~~ (5/22/03)
1. Compatibility in appearance with the surrounding area; (5/22/03)
  2. Provision of usable onsite open space appropriate to the needs of the children to be served; and (5/22/03)
  3. Clearly defined property boundaries.
- B. ~~Offstreet Parking: Parking spaces shall be provided onsite in defined locations with adequate turnaround space. In addition, a passenger loading area shall be provided on the site. A minimum of 1 space for staff shall be provided, plus 1 space per 7 children to be served.~~ (5/22/03)

~~807.02 SUBMITTAL REQUIREMENTS AN APPLICATION FOR A DAYCARE FACILITY SHALL INCLUDE THE FOLLOWING:~~ (5/22/03)

~~A DESCRIPTION OF THE PROPOSED USE, INCLUDING THE MAXIMUM NUMBER OF CHILDREN TO BE SERVED, THE NUMBER OF STAFF, AND THE ESTIMATED DAYS AND HOURS OF OPERATION; AND~~ (5/22/03)

~~A. A SITE PLAN SHOWING EXISTING OR PROPOSED STRUCTURES AND IMPROVEMENTS, INCLUDING LANDSCAPING, PLAY YARDS, AND PARKING AREAS, AND THE LOCATION OF STRUCTURES AND IMPROVEMENTS ON ADJACENT PROPERTIES.~~ (5/22/03)

809 HOSPITALS (5/22/03)

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809.01 CONDITIONAL STANDARDS (5/22/03)

- A. Minimum Lot Size: 10 acres (5/22/03)
- B. Access: Primary access to the site shall be from a road with a functional classification of major arterial as identified on Comprehensive Plan Map V-2a or V-2b. (5/22/03)
- C. Minimum Front, Rear, and Side Yard Setbacks: 50 feet (5/22/03)
- D. Maximum Building Height: 2-½ stories or 35 feet. The maximum building height may be exceeded provided that the height of the building is not greater than the setback distance from the higher portion of the building to any Urban Low Density Residential District. (5/22/03)
- ~~E. Offstreet Parking: 1 space per 3 beds plus 1 per employee of the hospital for any 2 shifts. (5/22/03)~~
- ~~F. Offstreet Loading: Offstreet loading shall be subject to Subsection 1007.08. (5/22/03)~~
- ~~G. Screening: (5/22/03)
  - ~~1. When a property line abuts a residential area, a sight-obscuring planting or fence 6 feet in height shall be provided adjacent to the property line. (5/22/03)~~
  - ~~2. Other screening may be required by the Hearings Officer when deemed necessary. (5/22/03)~~~~
- ~~H. Signs: Signs shall be subject to Section 1010. (5/22/03)~~

~~809.02 SUBMITTAL REQUIREMENTS (5/22/03)~~

~~An application for a hospital shall include the following: (5/22/03)~~

- ~~A. A landscape plan and a timetable for completion of the landscaping. (5/22/03)~~

**815 PRODUCE STANDS**

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**815.01 CONDITIONAL STANDARDS**

A produce stand may be established under the following conditions:

- A. The produce stand shall be an accessory use to a single-family dwelling.
- B. All produce displayed and sold from the stand shall be grown on-site.
- C. The produce stand is exempt from the front yard setback standards, but shall comply with the side and rear yard setback standards.
- D. Hours of operation shall be limited to between 8 a.m. and 8 p.m.
- E. The produce stand shall comply with the following criteria:
  - 1. May include a table, bench (or similar), cart, or a collapsible covered temporary structure.
  - 2. Shall occupy an area no greater than 100 square feet in area.
  - 3. Shall not exceed eight feet in height.
  - 4. Shall be anchored in a manner which both prevents the stand from being moved or blown from its location, and allows the prompt removal of the stand.
  - 5. Shall be kept in sound condition.
  - 6. Shall not block or encroach on a road, access drive, accessway, sidewalk, pedestrian pathway, or bikeway.
- F. Signs:
  - 1. Shall not exceed a total of three square feet in area, distributed among any number of signs.
  - 2. Shall have no illumination.
  - 3. Shall be attached to, and shall not extend above a roof of, the produce stand.

**820 SERVICE STATIONS (5/22/03)**

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820.01 **CONDITIONAL STANDARDS (5/22/03)**

- A. Location: No service station at which gasoline or any other motor vehicle fuel is sold shall be located closer than 200 feet from any school, public playground, church, or institution for dependents or children. (5/22/03)
- B. Dimensional Standards:
1. No structure shall be erected closer than 32 feet from the centerline of any public, county, or state road. (5/22/03)
  2. Minimum Front Yard Setback:
    - a. Signs, gasoline pumps, pump islands, and enclosed buildings, excluding attached or detached canopies: 15 feet (5/22/03)
    - b. Attached or detached canopies: 2 feet (5/22/03)
  3. Minimum Street Frontage: 100 feet (5/22/03)
  4. Minimum Lot Depth: 60 feet (5/22/03)
  5. Minimum Lot Size: 12,000 square feet (5/22/03)
- ~~C. Access, Parking, and Circulation Requirements: (5/22/03)~~
- ~~6. Each developed site shall have no more than 2 access points to any one street. (5/22/03)~~
  - ~~7. No vehicles under control of the operator of the service station or of any employee of the service station shall be parked on public rights-of-way, sidewalks, or landscaped areas. (5/22/03)~~
  - ~~8. Onsite parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.~~
- ~~D.C. Outdoor Storage: Storage of materials on the site shall be screened.~~
- ~~E.D. Lighting: All outside lighting shall be arranged and shielded so as not to shine into adjacent residential areas and to prevent any undue glare or reflection and any nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or property. All lighting used shall be erected only on the same premises with the use. (5/22/03)~~

F.E. Additional Requirements: Service stations in Rural Commercial zoning districts shall comply with the following requirements. (5/22/03)

1. No vehicle may be parked on the premises and offered for sale, lease, or rent.
2. Automotive repair and lubricating operations shall be conducted within the service station building.
3. Signs shall not cause any glare or reflection of light on other property or buildings.

821 LIVESTOCK (3/24/05)

821.01 CONDITIONAL STANDARDS (5/22/03)

Livestock shall be subject to the following conditional standards:

- ~~A. Livestock shall not be kept in commercial or multifamily zoning districts. (5/22/03)~~
- ~~B. Livestock shall be allowed in Urban Low Density Residential, RR, RA-1, and HR zoning districts, subject to the following restrictions: (5/22/03)~~
  - A. ~~1. Livestock shall not be kept for commercial purposes. (5/22/03)~~
  - B. ~~2. The raising of swine is not permitted.~~
  - C. Notwithstanding the prohibition of swine, the keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (sus scrofa vittatus) is allowed, subject to the following conditions:
    - 1. The maximum height of the swine may be no more than 18 inches at the shoulder and weight shall be no more than 95 pounds:
    - 2. The swine must be spayed or neutered;
    - 3. No more than two such swine may be kept on a lot of record for any period in excess of three calendar days.
  - D. ~~3. Cows, horses, and similar large animals livestock shall not be kept on lots less than one acre in size. The total number of such animals, other than their young under the age of 6 months, shall be provided at least be limited to the lot area used for this purpose divided by 25,000 square feet of usable pen area for each animal. (5/22/03)~~
  - E. ~~4. Each goat, miniature horse, or sheep, other than their young under the age of 6 months, shall require be provided at least 10,000 square feet of lot usable pen area used for this purpose. (5/22/03)~~
  - F. Two options for rabbits and fowl are available:



1. ~~5.~~ Hutches, coops, barns or pens for any number of rabbits or fowl shall be located no closer than 100 feet from any dwelling other than the dwelling of the owner of the subject property; or (3/24/05)

2. Up to six rabbits or fowl older than 12 weeks shall be allowed in hutches, coops, or pens located behind the front building line of the dwelling and no closer than five feet from the property line.

a. All animal byproducts and waste shall be kept a minimum of five feet from the property line.

b. Hutches and coops for rabbits or fowl shall be enclosed on those sides that are not otherwise screened from adjacent properties by a sight-obscuring fence, wall, or hedge a minimum of six feet in height.

3. Roosters, peacocks, or any other fowl known for its loud call are prohibited.

G. ~~6.~~ Livestock shall be properly caged or housed, and proper sanitation shall be maintained at all times.

H. All livestock food shall be stored in rodent-proof receptacles. (5/22/03)

**822 HOME OCCUPATIONS (4/22/10)**

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**822.01 PURPOSE**

Section 822 is adopted to:

- A. Encourage economic development in the County by promoting home occupations;
- B. Reduce vehicle miles traveled by providing opportunities for people to work from their homes;
- C. Recognize the differences between residential communities, and provide standards for home occupations consistent with these differences;
- D. Ensure the compatibility of home occupations with other uses permitted in the underlying zoning district;
- E. Maintain and preserve the character of the community and residential neighborhoods; and
- F. Mitigate noise, traffic, and other possible negative effects of home occupations.

**822.02 DEFINITIONS**

Unless specifically defined in Subsection 822.02, words or phrases used in Section 822 shall be interpreted to give them the same meaning as they have in common usage and to give Section 822 its most reasonable application.

- A. **Abutting Properties:** Properties that are contiguous to the property on which the home occupation is proposed, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.
- B. **Accessory Space:** Any building space, other than the dwelling unit, that is used for the home occupation, including, but not limited to, an attached garage, detached garage, or pole building. Accessory space does not include manufactured dwellings, residential trailers, or recreational vehicles.
- C. **Employee:** Any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.
- D. **Home Occupation:** An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling unit and/or

an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one resident of the dwelling unit; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year. (5/22/03)

- E. Incidental Use: The use of no more than 25 percent of the floor area of a structure or 500 square feet, whichever is less.
- F. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, lives full-time in a dwelling unit on the subject property, and is responsible for strategic decisions and day-to-day operations of the home occupation.
- G. Property: A lot of record.
- H. Vehicle: Any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, detached trailer, or a truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for this use through a home occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.
- I. Vehicle Trip: A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.

#### 822.03 LEVEL ONE MINOR HOME OCCUPATION

No land use permit is required for a Level 1 Minor Home Occupation, which shall comply with the following standards:

- A. Employees: No persons other than residents of the dwelling unit in which the home occupation is located shall be employees of the home occupation.
- B. Building Space: The home occupation shall be conducted in a dwelling unit, but is limited to incidental use thereof. In addition, incidental use of accessory space is allowed for storage purposes only.
- C. Noise, Vibration, Glare, Fumes, and Odors: The home occupation shall not create noise, vibration, glare, fumes, or odors detectable to normal sensory

perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

- D. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- E. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.03. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- F. Signs: Signs shall be permitted pursuant to Section 1010.
- G. Traffic: The home occupation shall not generate more than 10 vehicle trips per day.
- H. Parking: Parking associated with the home occupation shall be regulated as follows:
  - 1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
  - 2. The maximum number of customer or client vehicles that are associated with the home occupation and located on the subject property shall not exceed two at any time.
  - 3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. Parcel post, United Parcel Service, or similar in-town delivery services shall be limited to no more than one delivery per day.
  - 4. Two parking spaces for customers/clients shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. The minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.

#### 822.04 LEVEL TWO MAJOR HOME OCCUPATION

The Planning Director may approve a Level Two Major Home Occupation, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating compliance with the following standards:

- A. Location: The home occupation shall be located on a property where the majority of abutting properties are equal to or less than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.
- B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.
- C. Employees: The home occupation shall have no more than five employees.
- D. Building Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. A maximum of 500 square feet of accessory space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.
- E. Noise: Noise shall be regulated as follows:
  - 1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.
    - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(E)(1).
    - b. Subsection 822.04(E)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
  - 2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

- F. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
- G. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- H. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- I. Signs: Signs shall be permitted pursuant to Section 1010.
- J. Traffic: The home occupation shall not generate more than 20 vehicle trips per day.
- K. Parking: Parking associated with the home occupation shall be regulated as follows:
  - 1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
  - 2. The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee vehicles and customer/client vehicles.
  - 3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks.
  - 4. Parking spaces needed for employees or customers/clients of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.
- L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon



Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.

- M. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
  2. Towing and vehicle storage business;
  3. Any other use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame; and
  4. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.
- N. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.
- O. If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.

#### 822.05 LEVEL THREE MAJOR HOME OCCUPATION

The Planning Director may approve a Level Three Major Home Occupation, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating compliance with the following standards:

- A. Location: The home occupation shall be located on a property where a minimum of 50 percent of abutting properties are greater than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.



- B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.
- C. Employees: The home occupation shall have no more than five employees.
- D. Building Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. A maximum of 1,500 square feet of accessory space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.
- E. Noise: Noise shall be regulated as follows:
  - 1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise that is detectable to normal sensory perception off the subject property.
    - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.05(E)(1).
    - b. Subsection 822.05(E)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
  - 2. A noise study may be required to demonstrate compliance with the noise standards. If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.
- F. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

- G. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- H. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.05. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- I. Signs: Signs shall be permitted pursuant to Section 1010.
- J. Traffic: The home occupation shall not generate more than 30 vehicle trips per day.
- K. Parking: Parking associated with the home occupation shall be regulated as follows:
  - 1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
  - 2. The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property.
  - 3. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight of 11,000 pounds.
  - 4. Parking spaces needed for employees or customers/clients of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.
- L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.

- M. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair; and
  2. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.
- N. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.
- O. If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.

822.06 EXCEPTIONS

- A. The Hearings Officer may approve a Level Two or Level Three Major Home Occupation that includes an exception to any of the standards identified in Subsections 822.04(C) through (M) or 822.05(C) through (M), pursuant to Section 1300, if the applicant provides evidence substantiating the following:
1. The subject property takes direct vehicular access to a road with a functional classification of collector, minor or major arterial, or freeway/expressway as identified on Comprehensive Plan Map V-2a or V-2b.
  2. The use remains compatible with the area. The following factors shall be considered when determining if a use is compatible with the area:
    - a. The number of standards identified in Subsections 822.04(C) through (M) or 822.05(C) through (M) that will be exceeded; it is presumed that the more standards exceeded, the more difficult it will be to demonstrate compatibility;

- b. The character of the neighborhood, including such factors as the presence of other similar uses, proximity of other dwellings, the level of surrounding traffic, the size of accessory buildings, background noise levels, and other outside storage uses;
  - c. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example, driveway or road improvements);
  - d. Potential environmental impacts, including effects on air and water quality; and
  - e. Provision of adequate and safe access to public, County, or state roads.
3. Services adequate to serve the proposed use are available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.02(F), 1006.06(B), and 1006.08(C) (except as set forth in Subsection 1006.09), and 1007.09~~Section 1022~~ is required.

B. Notwithstanding Subsection 822.06(A):

- 1. Maximum accessory space for the home occupation shall not exceed 3,000 square feet; and
- 2. If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.

822.07 PREEXISTING HOME OCCUPATIONS

Home occupations legally established prior to April 22, 2010, which complied with all provisions of this Ordinance then in effect, including appropriate permits if required, are exempt from the requirements of Section 822. Those preexisting home occupations that were subject to annual permit review shall be reviewed for compliance with the standards in effect at the time of their establishment, on the same schedule as home occupations established under the current provisions of Section 822. Home occupations established prior to the requirement for permit application and review are not subject to automatic review, but must continue to comply with the standards in effect at the time of their establishment. Preexisting home occupations may not be transferred to another operator or be enlarged without satisfying all the requirements of Section 822.

822.08 APPROVAL PERIOD AND RENEWALS

- A. A Major Home Occupation permit shall be valid for three years from the date of the final written decision and may be renewed an unlimited number of

times. Renewals also shall be valid for three years from the date of the final written decision.

- B. Renewals of Major Home Occupation permits, including those for home occupations with previously approved exceptions under Subsection 822.06, shall be reviewed by the Planning Director pursuant to Subsection 1305.02. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal shall be reviewed by the Hearings Officer pursuant to Section 1300.

**823 BUS SHELTERS (5/22/03)**

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823.01 SUBMITTAL REQUIREMENTS (5/22/03)

All applications for bus shelters shall include a site plan drawn to scale and including the following:

- A. Proposed location(s) of the bus shelter(s); (5/22/03)
- B. Location of all trees on the site on which the bus shelter is to be located; (5/22/03)
- C. Location of all public rights-of-way adjacent to the property; (5/22/03)
- D. Location of all drainage channels, ways, or easements on or adjacent to the property; and (5/22/03)
- E. Location of all public or private utilities on or adjacent to the property.

823.02 FACTORS FOR REVIEW (5/22/03)

The following factors shall be considered in the review of a bus shelter:  
(5/22/03)

- A. The impact of the bus shelter on adjacent properties; (5/22/03)
- B. The impact of the bus shelter on traffic and pedestrian safety; and (5/22/03)
- C. The impact of the bus shelter on drainage.

823.03 CONDITIONAL STANDARDS (5/22/03)

- A. No advertising shall be allowed on bus shelters.
- B. A concrete apron shall be provided to facilitate safe pedestrian circulation around the shelter and between the shelter and the street.
- C. Bus shelters shall not be placed on a bikeway.
- D. Bus shelters shall be provided with waste and cigarette disposal receptacles and shall be maintained to present an attractive appearance. (5/22/03)
- E. Bus shelters shall comply with the corner vision requirements of this ordinance but shall not be subject to the other setback standards of this Ordinance limitations. (5/22/03)

**825 MANUFACTURED DWELLING PARKS (12/20/07)**

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825.01 APPLICABILITY (12/20/07)

This section shall apply to manufactured dwelling parks. (12/20/07)

825.02 CONDITIONAL STANDARDS (12/20/07)

The following conditional standards shall apply: (12/20/07)

A. Manufactured dwelling parks shall comply with the applicable provisions of Section 1000.

~~A.B.~~ The density of manufactured dwellings in a manufactured dwelling park shall be subject to the density requirements of the underlying zoning district and Section 1012. (12/20/07)

~~B.C.~~ Manufactured dwelling parks shall observe a minimum front yard setback of 25 feet from all perimeter public streets. Within the MR-1 zoning district, a minimum perimeter setback of ~~10~~<sup>ten</sup> feet from side and rear property lines shall be required. (12/20/07)

Within an Urban Low Density Residential District, carports, interior drives and the park perimeter, shall be subject to a minimum setback of 20 feet. A minimum ~~10~~<sup>ten</sup>-foot separation shall be maintained between manufactured dwellings. (12/20/07)

~~C.D.~~ Access drives shall be provided to each manufactured dwelling space, shall be continuous, shall connect with a public street, and shall have a minimum width of 20 feet for interior circulation. The point of access to the street shall be a minimum of 32 feet in width. (12/20/07)

~~D.E.~~ A minimum five-foot wide hard-surfaced sidewalk or pathway system shall be provided within the park ~~in accordance with the applicable Oregon Structural Specialty Code.~~ (12/20/07)

~~E.F.~~ Access drives within the manufactured dwelling park shall be hard-surfaced according to the standards established by the Department of Transportation and Development for subdivision streets of comparable widths. Each manufactured dwelling space shall be improved with one concrete patio, or rot-resistant wood deck, having a minimum area of 150 square feet, and one crushed rock, or better, manufactured dwelling pad ~~in accordance with the applicable Oregon Manufactured Dwelling Standards and the Oregon Uniform Fire, Life and Safety Code.~~ (12/20/07)

~~F.~~ Off-street parking shall be provided as required in Subsection 1007.07, with a ~~minimum of two parking spaces for each manufactured dwelling. Minimum-~~



~~width access drives shall not be considered in fulfilling this requirement.~~  
(12/20/07)

G. Storage and similar accessory structures may be located within any manufactured dwelling space, but shall not be attached to any manufactured dwelling, and shall comply with the setback requirements of Subsection 825.02(B), and shall be subject to the Oregon Manufactured Dwelling Standards and the Oregon Structural Specialty Code. (12/20/07)

~~H. A manufactured dwelling park shall be screened/buffered from adjacent properties, employing one of the techniques specified under Subsection 1009.05, in addition to the setback requirements of Subsection 825.02(B).~~  
(12/20/07)

~~I.H. No manufactured dwelling enlargements or Eexpansions of a manufactured dwelling park shall be permitted unless the preexisting manufactured dwelling or park expansion is made to conform substantially with all the requirements for new construction for the enlargement of the manufactured dwelling or with this Ssection 825 for the expansion of the park.~~ (12/20/07)

~~I.I. The entire manufactured dwelling park, or each phase of manufactured dwelling development, shall comply with Section 825the aforesaid requirements prior to occupancy.~~

~~K.J. A minimum of 200 square feet of usable outdoor passive or active recreation space shall be provided.~~ (12/20/07)

1. Outdoor recreation areas shall be designed for adequate surveillance opportunities.
2. Recreation areas shall be conveniently located and accessible to all manufactured dwellings.

~~L.K. In an Urban Low Density Residential District, a minimum area of one acre shall be required for a manufactured dwelling park. Land area less than one acre may be added to an approved manufactured dwelling park.~~ (12/20/07)

## 825.03 REDEVELOPMENT

A. A manufactured dwelling park shall not be redeveloped with a different use until: (12/20/07)

1. The manufactured dwelling park landlord submits a plan for relocation of the existing tenants to the County Administrator or designee of the Administrator which includes a schedule of amounts required to be paid to affected park tenants under Subsection 825.03(B) and a plan

for making these payments to affected park tenants upon cancellation of affected rental agreements; and (12/20/07)

2. The County Administrator or designee of the Administrator approves the relocation plan and notifies the Planning Director of the approval. The County Administrator or designee of the Administrator may require the park landlord to deposit into escrow the amounts required to be paid to affected park tenants under Subsection 825.03(B) as a condition for approval under this subsection. (12/20/07)
- B. If a manufactured dwelling park is to be closed or partially closed under conditions that require a payment under Section 2(1)(b), Chapter 906, Oregon Laws 2007, then in addition to and not in lieu of the payment to be made under Section 2(1)(b), Chapter 906, Oregon Laws 2007, the landlord or other person responsible for making the payment under Section 2(1)(b), Chapter 906, Oregon Laws 2007, shall make an additional payment to each tenant whose rental agreement with the landlord is terminated as a result of the change in use in compliance with Section 2(4), Chapter 906, Oregon Laws 2007. A separate payment shall be made for each space for which a rental agreement is terminated. The amount of the payment shall equal: (12/20/07)
1. A sum of \$11,000 for a single-wide manufactured dwelling, \$16,000 for a double wide manufactured dwelling, and \$20,500 for a triple-wide manufactured dwelling; minus (12/20/07)
  2. The sum of the payment required to be made under Section 2(1)(b), Chapter 906, Oregon Laws 2007, the tax credit to which the tenant is entitled under Section 17, Chapter 906, Oregon Laws 2007, and any other government assistance to which the tenant is entitled by reason of the change in use of the park, as of the date a relocation plan is submitted for approval under Subsection 825.03(A). (12/20/07)
- C. Notwithstanding Subsection 825.03(B), for calendar years beginning on or after January 1, 2009, the payment amount described in Subsection 825.03(B) shall be adjusted by the percentage change by which the monthly averaged consumer price index for the preceding calendar year differs from the monthly averaged consumer price index for the 2007 calendar year. As used in Subsection 825.03(C), “consumer price index” means the US Bureau of Labor Statistics Consumer Price Index - All Urban Consumers (CPI-U), US City Average, All Items. (12/20/07)
- D. As used in Subsection 825.03, “manufactured dwelling park” has the meaning given that term in Oregon Revised Statutes 90.100. (12/20/07)

**829 HYDROELECTRIC FACILITIES (6/6/02)**

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829.01 PURPOSE

This Section is adopted to provide for the production of electricity by hydroelectric facilities in a manner which is consistent with the preservation and protection of the natural resources, recreational resources, natural features, and water quality in the river and stream corridors of the County.

829.02 AREA OF APPLICATION

All hydroelectric facilities shall be subject to the provisions of this Section.

- A. Over 25,000 Kilowatts: Facilities with a nominal electric generating capacity of more than 25,000 kilowatts shall be subject to Hearings Officer review under the provisions of Section 1300, unless this process is superseded by a joint State and County Public Hearing.
- B. 25,000 or less Kilowatts: Facilities with a nominal electric generating capacity over 100 theoretical horsepower, (See Administrative rules, Water Resources Dept.), up to 25,000 kilowatts, shall be subject to Hearings Officer review under the provisions of Section 1300.
- C. 100 theoretical horsepower or less: All facilities with a nominal electric generating capacity of 100 theoretical horsepower or less shall be subject to staff review with notice given pursuant to provisions of subsection 1305.02, and to any person or group that requests such notices and, if requested, pays a reasonable fee therefore.

829.03 OTHER COUNTY PERMITS REQUIRED

- A. Flood Hazard Permit: All facilities proposed within a floodplain area shall be subject to the provisions and review procedures under Section 703.
- B. Principal River Conservation Area: All facilities located on, or within a quarter mile of, the Clackamas, Sandy/Salmon, Molalla/Pudding, and Tualatin River corridors as identified on Maps III-1a, III-1b, III-1c and III-1d of the Comprehensive Plan shall be subject to the provisions of Section 704.
- C. Willamette River Greenway: All facilities located within the Willamette River Greenway shall be subject to the provisions of Section 705.

## 829.04     CONDITIONAL STANDARDS

- A.     Oregon Administrative Rule:
1.     All facilities over 25,000 kilowatts shall be reviewed under the Oregon Administrative Rules (OAR 690-74-005 through 690-74-095) adopted to achieve the purposes set out in ORS 536.220 and 536.310, and adopted basin programs. (12/18/85)
  2.     All other facilities shall satisfy the provisions under those sections of the rules covering environmental and socioeconomic impacts (OAR 690-74-020 through 690-74-075). However, if the applicant can prove that the interests protected by requiring a certain finding are not present in the circumstances involved in the application, that finding need not be made. (12/18/85)
- B.     Development Standards: All facilities, and associated construction and installation procedures, shall be subject to the applicable provisions of this Ordinance for:
1.     Protection of natural features, under Section 1002;
  2.     Hazards under Section 1003;
  3.     Historic protection under Section 1004;
  4.     Utility lines and facilities, under Section 1006;
  5.     Storm drainage, under Section 1008;
  6.     Erosion control, revegetation and screening, under Subsections 1009.05 and 1009.078; and
  7.     Open Space protection, under Section 1011, except that no hydroelectric facility development shall occur in, nor shall any such development be allowed where it may produce significant adverse impacts on, Significant Natural Areas or Wetlands, as identified in the Comprehensive Plan and supporting inventories and documents.
- C.     Stream Flows: At all times during the operation of the project the use of water, or diversion thereof, shall not interfere with the maintenance of pre-project fish population levels in the stream or river utilized by the project. Minimum stream flow standards to satisfy this provision shall be established as follows:

1. If the State or Federal agency licensing the particular facility establishes, as a condition of approval, minimum stream flow for the project, maintenance of such flow shall be a condition of the County permit.
  2. If no minimum stream flow requirements are established under 829.04C1, above, the County shall:
    - a. Establish minimum stream flow requirements based upon the best available information from the State Departments of Fish and Wildlife, and Water Resources, or County, State, or Federal agencies, or other sources, with expertise to evaluate the stream flow requirements; and
    - b. Require maintenance thereof as a condition of approval.
- D. Noise: All noise standards of the Department of Environmental Quality shall be satisfied.
- E. Bonding: The County may require the posting of a bond to assure compliance with the provisions of this Ordinance and any conditions of approval imposed by the County.

829.05 SUBMITTAL REQUIREMENTS

Applications for hydroelectric facilities shall include all information necessary to demonstrate that the applicable conditional standards are satisfied, including a description of required measures to mitigate anticipated negative impacts. (6/6/02)

830 UTILITY CARRIER CABINETS (2/29/84)

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830.01 STANDARDS FOR OFFSITE SERVICE FACILITIES

- A. Size Limits
  - 1. Within the Urban Growth Boundary - The combined volume of all utility carrier cabinet equipment located on a lot shall not exceed 40 cubic feet. The combined volume for the urban commercial and industrial areas shall not exceed 200 cubic feet.
  - 2. Outside the Urban Growth Boundary - The combined volume of all utility carrier cabinet equipment located on a lot shall not exceed 250 cubic feet.
  - 3. Additional cubic feet of equipment on a lot shall be subject to a Conditional Use permit review under Section 1203 and 1300.
- B. Height limits. The maximum height limit shall be 5 feet.
- C. Utility carrier cabinets may be located in the right-of-way or within the required setback area of the underlying district, ~~but shall be subject to the corner vision requirements of this Ordinance.~~
- D. Utility companies shall clearly identify their carrier cabinets and provide an emergency telephone number where accidents or public safety concerns may be reported.
- E. Within the Urban Growth Boundary, carrier cabinets shall be designed, screened, or landscaped to blend with the development on the same or adjacent lot.



**835 WIRELESS TELECOMMUNICATION FACILITIES (6/29/06)**

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835.01 PURPOSE

- A. This section is intended to bring this ordinance into compliance with the Federal Telecommunications Act of 1996;
- B. Enhance the provision of communication services to county residents, businesses and visitors;
- C. Protect the visual character of the county from the potential adverse effects of wireless communications facilities development;
- D. Encourage collocation of facilities to minimize the number of new facilities; and
- E. Ensure structural safety.

835.02 APPLICABILITY

All wireless telecommunication facilities are subject to the standards of this section, with the following exceptions:

- A. Existing wireless telecommunication facilities. Collocation on existing wireless telecommunication facilities is subject to the provisions of this section;
- B. Amateur (Ham) radio towers, citizen band transmitters and antennas;
- C. Wireless telecommunication facilities located in the Exclusive Farm Use District when the wireless telecommunication tower is less than or equal to 200 feet tall; and
- D. Towers located on lands wholly owned by any branch of the United States government.

835.03 DEFINITIONS

- A. Abandonment. Wireless telecommunication facilities will be considered abandoned when there has not been a carrier licensed or recognized by the Federal Communications Commission operating on the facility for a period of one year (365 consecutive days).
- B. Antenna. A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omnidirectional antennas, such as whips.



- C. Collocation. The use of a single support structure by more than one wireless telecommunications provider.
- D. Essential Public Communication Services. Police, fire and other emergency communications networks.
- E. Equipment Shelter. A structure that houses power lines, cable, connectors and other equipment ancillary to the transmission and reception of telecommunications.
- F. Existing Wireless Telecommunication Facility. A wireless telecommunications tower, or other supporting structure, antenna and equipment structures that received land use approval prior to 3/14/02.
- G. Support Structure. A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.
- H. Wireless Telecommunication Facility. An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

Freestanding point-to-point microwave dishes, high power television and FM transmission facilities and AM facilities are not wireless telecommunication facilities.

- I. Wireless Telecommunication Tower. A freestanding support structure, including monopole and lattice tower, designed and constructed primarily to support antennas and transmitting and receiving equipment. Wireless telecommunication towers include:
  - 1. Lattice tower. A tower characterized by an open framework of lateral cross members which stabilize the tower; and
  - 2. Monopole. A single upright pole, engineered to be self-supporting, that does not require guy wires or lateral cross supports.
- J. Wireless Telecommunication Tower Height. The distance from the finished grade at the antenna tower base to the highest point of the tower, including the base pad, mounting structures and panel antennas, but not including lightning rods and whip antennas.

835.04 PRIMARY USES

- A. Collocation of antennas on a previously approved wireless telecommunication facility, provided:
1. Collocation proposals involving an existing wireless telecommunication facility must have an approved and implemented landscaping plan that is in compliance with Subsection 835.08(G);
  2. No increase in the height of the existing wireless telecommunication support structure is proposed;
  3. The proposed collocated antennas are no more than 20 feet higher than the existing support structure;
  4. All aspects of the collocation improvements must be located within the previously approved fenced (lease) area;
  5. The collocation improvements must satisfy the development standards for the underlying zone;
  6. The collocation may not involve the removal of any previously approved landscaping/buffering;
  7. The collocation does not propose the location of antennas on a wireless telecommunication tower within an urban residential zoning district, to include the Future Urbanizable (FU-10) 10 Acre District; and
  8. Collocations in commercial and industrial zones are not subject to Section 1102 (Design Review).
- B. Use of existing utility poles (electric, cable, telephone, etc.), within a public right-of-way, for the placement of wireless telecommunication facilities, provided the following requirements are satisfied:
1. If it is necessary to replace the existing pole with a pole that is suitable for wireless communication, the new pole shall be no taller than the pole that is being replaced; and
  2. Equipment shelters shall be consistent with Section 830, located on the pole and within the public right-of-way.
- C. Essential Public Communication Services. When these facilities are proposed in commercial, industrial, or multifamily zoning districts, they are subject to the Section 1102 (Design Review).

835.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

- A. The following uses may be approved by the Planning Director pursuant to Subsection 1305.02 when the applicant demonstrates compliance with Subsections 835.08 and 835.09 and Section 1000. Uses authorized under Subsection 835.05(A)(1) are also subject to Subsection 835.07.
1. Wireless telecommunication facilities on lands located within commercial and industrial zoning districts, except the Neighborhood Commercial zone;
  2. Collocation of facilities that exceed the limitations identified in Subsection 835.04(A). Collocations in commercial or industrial zones are not subject to Section 1102 (Design Review); and
  3. The use of a replacement utility pole (electric, cable, telephone, etc.), within a public right-of-way, for the placement of wireless telecommunication facilities when the height of the replacement pole exceeds the height of the pole being replaced by no more than 20 feet.

835.06 CONDITIONAL USES

- A. The following uses may be approved by the Hearings Officer when the applicant demonstrates compliance with Subsections 835.07, 835.08 and 835.09 and Sections 1000 and 1203:
1. Wireless telecommunication facilities proposed in the Village Community Service District or on sites with a Comprehensive Plan designation of Residential, Unincorporated Community Residential, Rural, or Forest; and (4/13/06)
  2. Wireless telecommunication facilities in the Exclusive Farm Use District that include a tower over 200 feet in height.
- B. The Hearings Officer may require the applicant to provide information about possible alternate locations on the tract. The Hearings Officer may require placement of the tower in an alternate location on the tract if the Hearings Officer finds that the alternate location would result in greater compliance with the criteria in Section 1203 than the proposed site. In order to avoid relocating the proposed facility, the applicant must demonstrate that the necessary service cannot reasonably be provided from the alternate location.

835.07 COLLOCATION

No new tower will be permitted under the provisions of Subsections 835.05(A)(1) or 835.06 unless the applicant demonstrates to the satisfaction of the Planning Director or Hearings Officer, as applicable, that no existing tower or support structure can accommodate the applicant's proposed antenna. All proposals for new wireless telecommunication facilities must be accompanied by a statement from a qualified person, as determined by the Planning Director or Hearings Officer, that the necessary service cannot be provided by collocation for one or more of the following reasons:

- A. No existing towers or support structures, or approved but not yet constructed towers or support structures, are located within the geographic area required to meet the applicant's engineering requirements;
- B. Existing towers or support structures are not of sufficient height to meet the applicant's engineering requirements;
- C. Existing towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna; or
- E. The applicant demonstrates that there are other limiting factors that render existing towers and support structures unsuitable.

835.08 CONDITIONAL STANDARDS

- A. All wireless telecommunication towers proposed for location within the Portland metropolitan area urban growth boundary shall be of monopole type construction.
- B. All new wireless telecommunication towers shall be designed and built to accommodate collocation or additional loading. For the purposes of this provision, this means that the tower shall be designed specifically to accommodate no less than the following equipment, in addition to the applicant's proposed equipment:
  - 1. Twelve antennas with a float plate wind-loading of not less than four square feet per antenna;
  - 2. A standard mounting structure, stand off arms, platform or other similar structure designed to hold the antennas;

3. Cable ports at the base and antenna levels of the tower; and
  4. Sufficient room within or on the tower for 12 runs of 7/8" coaxial cable from the base of the tower to the antennas.
- C. Wireless telecommunication towers shall be painted or coated in a manner that blends with the surrounding area. The finished coloring shall result in a non-reflective surface that makes the tower as visually unobtrusive as possible, unless state or federal regulations require different colors. Colors will be determined through the Design Review process.
- D. Equipment shelters may be painted or coated with a finish that best suits the operational needs of the facility, including the ability to reflect heat and to resist accumulations of dirt. Colors will be determined through the Design Review process. If, through the Design Review process, it is determined that there is a conflict between acceptable colors and the operational needs of the facility, Design Review may require the use of architectural screen panels.
- E. No lighting shall be permitted on a tower, except as required by state or federal regulations. If required, the light shall be shielded or deflected from the ground and other properties, to the extent practicable.
- F. The wireless telecommunication facility shall be located within an area that is enclosed on all sides. The enclosure must be at least six feet tall and sight obscuring.
- G. Landscaping shall be placed outside of the enclosed area and shall consist of the following:
1. A combination of landscaping materials that includes ground cover, shrubs and trees that are reflective of the natural surrounding vegetation in the area, as determined through the Design Review process;
  2. Existing landscaping/vegetation may be used to satisfy the above requirements;
  3. Through the Design Review process, applications shall be reviewed for consistency with Subsection 1009.0810; and
  4. In cases where a portion of the wireless telecommunication facility is screened from points off-site by a building that is at least eight feet tall, the landscaping requirements of this subsection will not be required for the screened area.
- H. Applications reviewed under Subsections 835.05(A)(1) and (3) and 835.06 are subject to Section 1102 (Design Review).

- I. Equipment shelters shall be entirely enclosed. Equipment shelter exterior materials shall be those approved through the Design Review process.
- J. Noise generated by the wireless telecommunication facility shall not exceed the levels established by the State of Oregon, Department of Environmental Quality (DEQ). If properties adjacent to the property upon which the wireless telecommunication facility is proposed have a lower DEQ standard than the proposed site, the lower standard shall be applicable.
- K. Maintenance of the lease area is the responsibility of the owner/operator of the wireless telecommunication facility. The owner operator shall prevent the facility from entering into a state of disrepair due to negligence, vandalism, natural hazard, or any other source. This requirement places the responsibility for maintenance on the owner/operator and is, otherwise, consistent with the requirements of Subsection 1102.06. (6/29/06)

835.09 DIMENSIONAL STANDARDS.

- A. Lands within the Portland metropolitan area urban growth boundary and lands zoned HR, RR, MRR and RTC:
  - 1. Wireless telecommunication tower maximum height: 100 feet.
  - 2. Minimum tower separation: 1000 feet.
  - 3. Setbacks: Must satisfy setbacks of the zone. Additionally, the wireless telecommunication tower shall be set back a distance not less than its height from all property lines.
- B. Lands with a Comprehensive Plan designation of Unincorporated Community Residential, Rural Commercial, Rural Industrial, or Rural (except lands zoned RR): (4/13/06)
  - 1. Wireless telecommunication tower maximum height: 150 feet.
  - 2. Minimum tower separation: 2000 feet.
  - 3. Setbacks: Same as 835.09(A)(3).
- C. Lands with a Comprehensive Plan designation of Forest or Agriculture:
  - 1. Wireless telecommunication tower maximum height: 250 feet.
  - 2. Minimum tower separation: 2640 feet.
  - 3. Setbacks: Same as 835.09(A)(3).



835.10 SUBMITTAL REQUIREMENTS

- A. Uses authorized under Subsection 835.04 (Primary Uses):
  - 1. Building permit application accompanied by information demonstrating compliance with Subsections 835.04(A)(1) through (6) or (B)(1) and (2).
- B. Uses reviewed under Subsection 835.05 (Uses Subject to Review by the Planning Director):
  - 1. Planning Division land use application form;
  - 2. Planning Division supplemental application form;
  - 3. A site plan, drawn to scale, that includes:
    - a. existing and proposed improvements;
    - b. adjacent roads;
    - c. parking, circulation and access;
    - d. areas of existing and proposed vegetation to be added, retained, replaced, or removed; and
    - e. setbacks from property lines of all existing and proposed structures. If an adjustment is requested, the plan must identify the distance from the wireless telecommunication tower to dwellings and other structures off-site that are within a distance not less than the height of the tower from the proposed location of the tower. (3/24/05)

Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this submittal requirement;

- 4. A vicinity map showing adjacent properties, land uses, zoning and roadways within 500 feet of the proposed antenna site;
- 5. Elevations showing antennas, towers, equipment shelters, area enclosure and other improvements related to the facility;
- 6. Color simulations of the site after construction of the antenna for all new antennas;
- 7. An accurate graphic (map) inventory of existing wireless telecommunication facilities within one mile of the property under consideration; and



8. An alternatives analysis demonstrating compliance with Subsection 835.07.
- C. Uses subject to review under Subsection 835.06 (Conditional Uses):
1. Requirements listed under Subsections 835.10(B)(1) through (8); and
  2. Requirements listed in Subsection 1203.04. (6/6/02)

#### 835.11 ADJUSTMENTS

- A. Adjustments to the standards of this section may be approved by the Hearings Officer. The Hearings Officer may grant an adjustment under either of the following circumstances:
1. The Hearings Officer may grant an adjustment when a gap in the applicant's service exists and that gap can only be alleviated through the adjustment of one or more of the standards of this section. If an adjustment is to be approved, the applicant must demonstrate the following:
    - a. A gap in coverage or capacity exists in the wireless telecommunication provider's service network that results in network users being regularly unable to connect with the provider's network, or maintain connection;
    - b. The proposed facility will fill the existing service gap. The gap would be filled if the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and
    - c. The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment under this subsection.
  2. The Hearings Officer may grant an adjustment to a standard when the proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding properties. For the purposes of this subsection, site characteristics shall include, but need not be limited to, those identified in Subsection 1203.01(B). Applicants for an adjustment under this provision must demonstrate that the adjustment will result in a lower level of impact on surrounding properties than would be generated if the standard were not adjusted. In considering the requested adjustment, the Hearings Officer may consider the following:
    - a. Visual impacts;

- b. Impacts on view;
  - c. Impacts on property values; and
  - d. Other impacts that the Hearings Officer finds can be mitigated by an adjustment so that greater compliance with Subsection 1203.01(D) occurs.
- B. Requests for adjustment under this subsection shall be considered part of the application to establish a wireless telecommunication facility, not a separate application. All applications that propose an adjustment must be reviewed by the Hearings Officer pursuant to Section 1300.

835.12 ABANDONMENT

- A. Determination of abandonment will be made by the Planning Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna use.
- B. Upon determination of abandonment, the facility owner shall have 60 calendar days to:
  - 1. Reuse the facility or transfer the facility to another owner who will reuse it within 60 calendar days of the determination of abandonment; or
  - 2. Remove the facility.
- C. If the facility is not reused within 60 calendar days of the determination of abandonment, county authorization for the use shall expire. Once authorization for the use has expired, the facility operator shall remove the facility from the property within 90 calendar days. If the facility operator does not remove the facility within 90 calendar days, the county may remove the facility at the expense of the facility operator, or, in the alternative, at the property owner's expense.

**903 SETBACK EXCEPTIONS (3/24/05)**

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**903.01 REVERSE FRONTAGE, DOUBLE FRONTAGE, THROUGH, AND CORNER LOTS (3/24/05)**

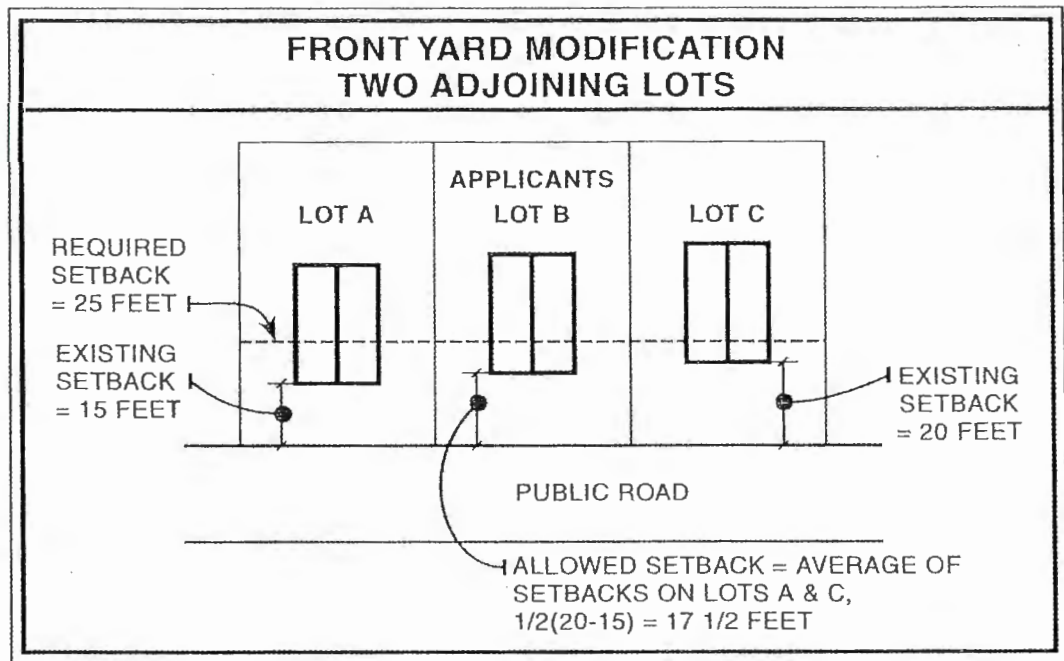
Structures on reverse frontage, double frontage, through, and corner lots shall comply with the front yard setback from both streets, except as provided below: (3/24/05)

- A. Reverse Frontage Lots: The lot line abutting one of the streets shall be designated as the rear lot line as provided in Section 202. (3/24/05)
- B. Corner Lots: Front yard setback standards for corner lots in the Urban Low Density Residential, Recreational Residential, and Hoodland Residential zoning districts are set forth in Sections 301, 305, and 312, respectively. (3/24/05)

**903.02 FRONT YARD MODIFICATION**

The purpose of this section is to provide for flexibility in administering the front yard setback regulations of this Ordinance in specific situations. The front yard of a lot may be modified to present a continuous appearance when adjoining lots on the same side of the street have front yards less than required. This applies to adjoining lots with nonconforming front yards which existed before the district was adopted. Flag lots are excluded when referring to adjoining lots. The following exceptions to the front yard requirements for a lot are authorized in all districts. (5/21/79)

- A. If there are dwellings or structures other than accessory structures on both adjoining lots on the same side of the street with front yards less than the required setback, then the front yard setbacks for the lot shall not be less than the average of the setbacks on the adjoining lots (see illustration for front yard modification, two adjoining lots).



- B. If there is a ~~primary principal~~ use structure on one adjoining lot on the same side of the street with a front yard less than the required setback, then the front yard for the lot shall not be less than the average of the required setback and the setback on the adjoining lot with the nonconforming setback.
- C. Front yards on corner lots shall not be less than the average of the setback of the front yard on the adjoining lot on the same street and the required setback.
- ~~D. Corner vision requirements shall be as provided elsewhere in the Ordinance.~~
- ~~E.D.~~ In no case shall signs be considered as structures for the purpose of front yard modifications. When a building setback is modified under these provisions, the setback for the sign provided in conjunction with the building may be modified to the same extent as the modified building setback.

903.03 ADDITIONS TO EXISTING STRUCTURES

When a structure exists at the time when a zone is adopted that would not be allowed in that zone by reasons of setback restrictions, additions to this structure not conforming to the front yard setbacks shall be allowed, provided: (5/21/79)

- A. The setback distance will not be decreased by the addition;
- B. The addition conforms to all other provisions of the zoning district; and
- C. The addition shall not be greater than ~~forty (40)~~ percent of the square footage on the ground level of the existing structure.

## 903.04 PUBLIC DEDICATIONS

~~A. Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to subsection 903.03.~~

## 903.05 USES EXEMPT FROM SETBACK REQUIREMENTS

Setback limitations stipulated elsewhere in this Ordinance shall not apply to:

- A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state, or municipal corporation;
- B. ~~The~~ side and rear yards of underground structures, except:
  1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the applicable zoning district and subsection 903.06(C) shall apply.
  2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the applicable zoning district;
- C. Entryway approval pursuant to Section 1016;
- D. The side and rear yards of ground-mounted solar energy systems extending less than six feet above finished grade; and
- E. The side and rear yards of rainwater collection facilities extending less than six feet above finished grade.

## 903.06 PROJECTIONS INTO REQUIRED YARDS

Architectural features and certain structures may project into required yards, ~~or courts~~ as ~~follows~~under the following provisions:

- A. Architectural features may project into the required yard not more than one-third ~~(1/3)~~ the distance of the setback requirement, and not exceeding ~~forty~~ (40) inches into any required yard adjoining a street right-of-way.
- B. Open unenclosed fire escapes may project a distance not exceeding ~~forty-eight~~ (48) inches.
- C. An uncovered porch, deck, terrace, patio, or underground structure extending no more than two and one-half ~~(2-1/2)~~ feet above the finished grade~~elevation~~

may extend within three (3)-feet of a side lot line or within ~~ten~~(10) feet of a front or rear lot line. (~~5/21/79~~)

903.07 FLAG LOTS

The location of side, rear, and front lot lines and yards may be modified during the review of ~~a~~the partition, subdivision, variance, or building permit application to allow flexibility in the placement of structures on flag lots when the following conditions apply: (~~8/5/82~~)

- A. The modification is consistent with the purposes for the dimensional standards as specified in the applicable zoning district, and
- B. It is not possible to extend an easement to serve additional properties due to physical conditions such as topographic barriers or existing structures; or
- C. It is not necessary to extend an easement to serve additional property because such properties are already fully developed or have access from other existing roads or easements.



1001 GENERAL PROVISIONS (11/13/08)

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.~~

1001.012 APPLICABILITY APPLICATION OF SECTION (3/24/05)

- A. Except where a different applicability standard is set forth elsewhere in Section 1000, Section 1000 shall apply to partitions; subdivisions; institutional, commercial, and industrial developments; projects; manufactured dwelling parks; condominiums; multifamily dwellings; two- and three-family dwellings; and attached single-family dwellings where three<sup>3</sup> or more dwelling units are attached to one another.
- B. Except where a different applicability standard is set forth elsewhere in Section 1000, the following portions of Section 1000 shall apply to dDetached single-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: (11/13/08)
  - ~~1. Hazards to safety, under Section 1003.~~
  - 12. Slopes of twenty (20) percent or greater, under Subsection 1002.03, *Hillsides*;
  - 23. Rivers and stream corridors, under Subsection 1002.065, *River and Stream Corridors*;
  - ~~34. Wildlife habitats and distinctive resource areas, under Subsection~~



1002.076; Wildlife Habitats and Distinctive Resource Areas;-

4. Section 1003, Hazards to Safety;
5. Cultural resources and historic sites, under Section 1004, *Historic Protection*;-
6. Natural drainage channels, under Subsection 1008.03.
67. Utilities, including sewer and water, under Subsection Section 1006, *Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency*;- (1/25/96)
78. Pedestrian facilities, under Subsection 1007.065, *Pedestrian and Bicycle Facilities*;- (1/17/08)
8. Subsection 1007.10, *Fee in Lieu of Construction*; and
9. Subsection 1008.03, *General Standards*.

1001.02 CONFLICTS

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

1. Standards required in Section 700 for an overlay zoning district;
2. Standards required in Section 800 for a special use;
3. Standards required in Chapter 10 of the Comprehensive Plan or Sections 1600, 1602, or 1700 for a community or design plan area;
4. Standards required in the section of this Ordinance that regulates the underlying zoning district in which the subject property is located; and
5. Standards required in Section 1000. 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. If 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 development rReview pProcess set forth in Section 1100, where applicable.

1001.03 ~~OTHER CODES PART OF THIS ORDINANCE~~

~~All Ddevelopment in the county is~~ shall be subject to the following codes, which are hereby incorporated into this ~~Zoning and Development Ordinance~~:

~~A. Oregon Specialty Codes, including: Structural, Residential, Mechanical, Plumbing, Electrical, Manufactured Dwelling Installation, Energy Efficiency, and Solar Installation;~~

~~B. Oregon Fire Code;~~

~~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.~~

~~CD. Chapter 9.01 of the Clackamas County Code, *Uniform Code for the Abatement of Dangerous Buildings* as adopted by separate order of the Board of County Commissioners;:-~~

~~D. Chapter 9.02 of the Clackamas County Code, *Application and Enforcement of the Clackamas County Building Code*;~~

~~E. Chapter 9.03 of the Clackamas County Code, *Excavation and Grading*;~~

~~E. Chapter 70 of the Uniform Building Code as adopted by separate order by the Board of County Commissioners;:-~~

~~F. The Clackamas County Roadway Standards; and~~

~~GF. Any other code adopted by the Board of County Commissioners.~~

**1002 PROTECTION OF NATURAL FEATURES (9/28/10)**

1002.01 PURPOSE

Section 1002 is adopted to: (1/5/09)

- A. Protect the natural environmental and scenic features of the County; (3/24/05)
- B. Encourage site planning and development practices which protect and enhance significant natural features such as streams, swales, hillsides, ridges, rock outcroppings, views, large trees, and wooded areas; (3/24/05)
- C. Provide ample open space; and (3/24/05)
- D. Create a human environment compatible and harmonious with the natural environment. (9/28/10)

1002.02 GENERAL TERRAIN PREPARATION

- A. All developments shall be planned, designed, constructed, and maintained with maximum regard to significant natural terrain features and topography, such as hillside areas, floodplains, and other significant land forms. (3/24/05)
- B. Developments shall be planned, designed, constructed, and maintained to: (3/24/05)
  - 1. Avoid substantial probability of: (3/24/05)
    - a. Accelerated erosion;
    - b. Pollution, contamination, or siltation of lakes, rivers, and streams; (3/24/05)
    - c. Damage to vegetation; and (3/24/05)
    - d. Injury to wildlife and fish habitats; and (3/24/05)
  - 2. Minimize the removal of trees and other native vegetation that stabilize hillsides; retain moisture; reduce erosion, siltation, and nutrient runoff; and preserve the natural scenic character. (3/24/05)

1002.03 HILLSIDES

All development proposed on slopes of 20 percent or greater shall be subject to the following standards: (9/28/10)

- A. No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of Subsection 1002.03. (9/28/10)
- B. Development on land over 35-percent slope—and residential development on land over 25-percent slope in the RR, MRR, and HR zoning districts—shall be subject to Planning Director review pursuant to Subsection 1305.02. Approval shall not be granted unless the following conditions are satisfied: (3/24/05)
  1. An engineering geologic study approved by the County establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include the items listed in Subsection 1003.02(B)(2). (3/24/05)
  2. Access to the site is approved by the County and the affected fire district pursuant to the engineering geologic study and associated conditions. Design review shall be required if construction of such access requires cut and fill, blasting, tree cutting, retaining walls, or other terrain alterations which detract from the natural scenic quality of the site. (3/24/05)
  3. Design review of the proposed design of structures and re-vegetation plans shall be required to ensure preservation or rapid reestablishment of the scenic quality of the site. (3/24/05)
  4. A plan for storm drainage and erosion control is approved by the County pursuant to Subsection 1008.02. (3/24/05)
  5. Other provisions of Subsection 1002.03 are addressed and satisfied by the proposal. (9/28/10)
  6. When a building is proposed, the applicant shall, in addition to satisfying the above conditions, demonstrate that at least one of the following conditions applies: (3/24/05)
    - a. It is not feasible to either transfer the density (in the case of residential development) or to develop on a portion of the site which is less sloped; or (3/24/05)
    - b. Unique characteristics of the site, such as, but not limited to, vistas or solar exposure, could be better utilized by the proposed siting of structures with less or equal overall disturbance of the property than would occur otherwise under the provisions of this Ordinance. (3/24/05)
- C. Grading, stripping of vegetation, and lot coverage by structures and impervious surfaces shall be limited to no more than 30 percent of slopes 20 percent or greater. Variances to this standard may be granted pursuant to Section 1205. A

variance shall not be granted unless the proposed development satisfies the following conditions: (1/5/09)

1. The proposed lot coverage shall not exceed the maximum lot coverage standard of the zoning district; (3/24/05)
  2. The additional lot coverage, grading, or stripping shall not: (3/24/05)
    - a. Decrease the stability of the slope;
    - b. Appreciably increase erosion, sedimentation, or drainage flow from the property; or (3/24/05)
    - c. Adversely impact high priority open space as defined in Section 1011. (3/24/05)
  3. Measures shall be employed to minimize grading or filling to accomplish the development. (3/24/05)
  4. Disturbed areas shall be compacted if necessary and re-vegetated as soon as practical and before the annual wet season. (3/24/05)
- D. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.
- E. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided.
- F. Roads shall be of minimum width, with grades consistent with County specifications. One-way streets may be allowed. (3/24/05)
- G. Re-vegetation of all graded areas shall be the responsibility of the developer and shall occur as soon as feasible following the final grading. Maintenance of the slopes shall be the responsibility of the developer until the property ownership is transferred. (3/24/05)

1002.04 DEVELOPMENT RESTRICTION FOLLOWING EXCESSIVE TREE REMOVAL  
(9/28/10)

Subsection 1002.04 applies to land inside the Portland Metropolitan Urban Growth Boundary, except land specially assessed as forestland on September 28, 2010.  
(9/28/10)

- A. Definitions. Unless specifically defined in Subsection 1002.04(A), words or phrases used in Subsection 1002.04 shall be interpreted to have the same meaning



as they have in common usage and to give Subsection 1002.04 its most reasonable application. (9/28/10)

1. Christmas Tree: A tree of a marketable species and evidencing periodic maintenance practices of shearing for Douglas fir, fir, and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, and soil cultivation. (9/28/10)
  2. Diameter Breast Height (d.b.h.): A tree's diameter measured by diameter tape at four and one-half feet above grade on the uphill side. On multi-stem trees, the stem with the largest diameter shall be measured. (9/28/10)
  3. Hazardous Tree: A tree that, by reason of disease, infestation, age, or other condition, presents a known or immediate hazard to people or property. (9/28/10)
  4. Nuisance Tree: Any tree of the following species: tree of heaven (*Alianthus altissima*), single seed hawthorn (*Crataegus monogyna*), English holly (*Ilex aquifolium*), plums (*Prunus* hybrids, which are not commercial nursery species), sweet cherry (*Prunus avium*), English laurel (*Prunus laurocerasus*), Portuguese laurel (*Prunus lusitanica*), black locust (*Robinia pseudoacacia*), European mountain ash (*Sorbus aucuparia*), and any listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System. (9/28/10)
  5. Orchard Tree: A tree maintained for the production of fruit or nuts for human consumption. (9/28/10)
  6. Tree: Any woody plant with at least one well-defined stem. (9/28/10)
  7. Tree Removal: The act of removing a tree by digging up or cutting down, or the effective removal through damage to a tree or its root system. Effective removal shall include any procedure the natural result of which is to cause the death or substantial destruction of a tree, including, but not limited to: topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree, girdling, and placing fill in excess of six inches deep over the root zone. Tree removal does not include routine pruning or trimming. (9/28/10)
- B. Excessive Tree Removal. Excessive tree removal is the removal of more than three trees—excluding those identified as exempt in Subsection 1002.04(E)—on a lot of record in a calendar year. (9/28/10)

- C. Development Restriction. If excessive tree removal occurred in the five years immediately preceding the date that a complete application is filed for design review, a subdivision, a partition, or a conditional use, the application will be denied. (This restriction applies to a conditional use under Section 1203, but not to a greenway conditional use under Section 705.) (9/28/10)
- D. Exception to Development Restriction. Notwithstanding Subsection 1002.04(C), a minor modification of a previous design review, subdivision, partition, or conditional use approval may be approved pursuant to Subsection 1305.01(L). (9/28/10)
- E. Exempt Trees. Removal of the following exempt trees is not excessive tree removal, regardless of the number of such trees removed. However, removal of the listed trees may be regulated under other provisions of this Ordinance, such as Section 705 (Willamette River Greenway), Section 706 (Habitat Conservation Area District), and Section 709 (Water Quality Resource Area District), or by conditions of approval on a previous land use decision. (9/28/10)
1. Trees with a d.b.h. of less than six inches; (9/28/10)
  2. Trees required to be removed by local, state or federal law or regulation, or by a fire official; (9/28/10)
  3. Trees removed by a public utility—or required by a public utility to be removed—in order to maintain, repair, or replace an existing utility line; (9/28/10)
  4. Trees removed by a public utility—or required by a public utility to be removed—in order to construct a new utility line, unless the purpose of the new line is to serve future development of the subject property; (9/28/10)
  5. Orchard trees; (9/28/10)
  6. Christmas trees; (9/28/10)
  7. Trees planted on the site of a commercial nursery and grown for commercial purposes; (9/28/10)
  8. Nuisance trees; (9/28/10)
  9. Dead trees, where death resulted from an accident or non-human cause; (9/28/10)
  10. Diseased or hazardous trees, where the condition resulted from an accident or non-human cause; (9/28/10)



11. Trees, the removal of which is authorized by approval of an administrative action under this Ordinance; and (9/28/10)
12. Trees removed prior to September 28, 2010. (9/28/10)

1002.05 TREES AND WOODED AREAS

- A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted. Site planning and design techniques which address incorporation of trees and wooded areas in the development plan include, but are not limited to, the following: (9/28/10)
  1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees; (3/24/05)
  2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows; (3/24/05)
  3. Use of flexible road standards as provided in Subsection 1007.034(BA)(3), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain; (3/24/05)
  4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009.
  5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area; (3/24/05)
  6. Retention of trees which are necessary to ensure the stability of clumps or groves of trees considering the type of trees, soil and terrain conditions, exposure to prevailing winds, and other site-specific considerations; (3/24/05)
  7. Use of trees and wooded areas to buffer, screen, or provide transitions between different or conflicting uses on and off the site; (3/24/05)
  8. Use of flexible-lot-size and planned unit development designs to minimize disturbance of wooded areas; (3/24/05)
  9. Siting of uses and structures to utilize the natural microclimates created by

wooded areas and trees to reduce extremes in temperature, provide wind protection, filter pollutants, and replenish oxygen and moisture to the air; and (3/24/05)

10. Use of other development techniques described in Subsection 1011.03(C). (3/24/05)

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

1. Avoiding disturbance of the roots by grading and filling activity; (9/28/10)
2. Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces; (3/24/05)
3. Pruning or topping of trees which will be in parking areas or near buildings, as necessary, to maintain proper balance between top growth and roots, reduce windfall potential, and provide adequate vision clearances for safe vehicular circulation; and (3/24/05)
4. Requiring, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection of specified wooded areas or specimen trees, as recommended by the arborist or horticulturist.

1002.06 RIVER AND STREAM CORRIDORS (3/24/05)

The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary. (1/5/09)

A. Developments shall be planned, designed, constructed, and maintained so that: (1/5/09)

1. River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices; and (3/24/05)
2. Buffers or filter strips of natural vegetation are retained along all river and stream banks.

B. Except in the case of a river or stream subject to Section 704 or 705, the minimum structure setback from a river or perennial streambed shall be equal to the distance necessary to maintain or improve upon existing water quality. This distance shall be determined by a site investigation, but will not exceed 150 feet. Investigation shall consider: (1/5/09)

1. Soil types; (3/24/05)
  2. Types and amount of vegetative cover; (3/24/05)
  3. Bank stability; (3/24/05)
  4. Slope of the land abutting the river or stream; (3/24/05)
  5. Hazards of flooding; (3/24/05)
  6. River or stream character; and (3/24/05)
  7. Any special Comprehensive Plan designation or management program.  
(1/5/09)
- C. For water impoundments, diversions, and hydropower facilities, reasonable mitigation of adverse impacts to fisheries, wildlife, water quality, and flow shall be required commensurate with the intensity of the proposed use and resulting generating capacity. (3/24/05)

1002.07 WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS

- A. Developments on land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary shall be designed to: (1/5/09)
1. Protect native plant species, aquatic habitats, and endangered or otherwise important wildlife species; and (3/24/05)
  2. Minimize adverse wildlife impacts in sensitive habitat areas, such as deer and elk winter range below 3,000 feet in elevation, riparian areas, and wetlands.  
(3/24/05)
- B. Development in areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3 proposed in or within 100 feet of natural wetlands shall be designed to: (1/5/09)
1. Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover; (3/24/05)
  2. Provide compatibility with the continued performance of wetland functions, such as:
    - a. Conservation of soil, vegetation, water, fish, and wildlife; (3/24/05)

- b. Low-intensity, dispersed outdoor recreation, such as hiking and nature study; and (3/24/05)
  - c. Utility easements, but only on peripheral areas and where alternative alignments are impractical; (3/24/05)
- 3. Eliminate the need for filling, dumping, and/or excavating in the wetland proper, unless approved pursuant to Subsection 1011.04; and (3/24/05)
  - 4. Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainageways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.
- C. In significant natural areas identified by the County, building and road construction, filling and excavation, paving, and tree removal shall be restricted to the extent necessary to protect the unique or fragile character or features that are the basis for their designation in the Comprehensive Plan. Restrictions may be modified pursuant to Subsection 1011.04. Outside the Portland Metropolitan Urban Growth Boundary, forest practices on forestlands shall be subject to the Oregon Forest Practices Act. (9/28/10)

1005 SUSTAINABLE SITE AND BUILDING DESIGN1005.01 PURPOSE

Section 1005 is adopted to ensure sites are developed and buildings designed to:

- A. Efficiently utilize the land used in development, particularly urban land in centers, corridors, station communities and employment areas;
- B. Create lively, safe, attractive and walkable centers, corridors, station communities, employment areas and neighborhoods;
- C. Support the use of non-auto modes of transportation, especially pedestrian trips to and between developments;
- D. Support community interaction by creating lively, safe and attractive public use spaces within developments and on the street;
- E. Reduce impacts of development on natural features and vegetation;
- F. Utilize opportunities arising from a site's configuration or natural features;
- G. Encourage use of green building technologies and green site development practices, energy conservation and use of renewable energy resources;
- H. Design illumination so that dark skies are maintained to the extent possible, balanced with the lighting needs of safe and functional developments; and
- I. Accommodate the needs of the users to be located in developments.

1005.02 APPLICABILITY

Section 1005 shall apply to institutional, commercial and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwellings. Subsection 1005.04 (F) shall also apply to attached single-family dwellings.

1005.03 GENERAL SITE DESIGN STANDARDS

Development shall be subject to the following standards:

- A. Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.
- B. Cluster and modulate building masses to minimize disturbance of existing significant landforms and vegetation. Through the design review process, minimum front yard setbacks may be reduced or waived to minimize disturbance of natural landforms or vegetation. If a setback reduction is granted, a program for protection of those landforms and vegetation during construction, and for long-term maintenance, shall be provided.



- C. Incorporate existing significant plants, terrain or other natural features into the landscape design and development.
- D. Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.
- E. Minimum setbacks may be reduced by up to 50 percent as needed to allow improved solar access—as demonstrated by technical standards set forth in Section 1018 or by other credible evidence—when solar panels or other active or passive solar use is incorporated into the building plan.
- F. A continuous, interconnected on-site walkway system meeting the following standards shall be provided.
  - 1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.
  - 2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children’s play areas and plazas.
  - 3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.
  - 4. Walkways shall be constructed with a well drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.
  - 5. Standards for walkways through vehicular areas:
    - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.
    - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.
    - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
    - d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.
    - e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.

- f. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.
  - g. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.
  - h. Notwithstanding 1005.03 (F)(5)(f) and (g), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.
- G. Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front yard setback line.
- 1. If the minimum front yard setback is less than 20 feet, the setback may be increased to 20 feet provided pedestrian amenities are developed within the setback.
  - 2. Primary building entrances for buildings used to comply with Subsection 1005.03 (G), shall:
    - a. Face the street;
    - b. Be located at an angle facing both the street and a parking lot; or
    - c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.
  - 3. If a development has frontage on more than one street, Subsection 1005.03 (G) must be met on only one frontage, as follows:
    - a. If one of the streets is a major transit street, the standard shall be met on that street.
    - b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.
    - c. If neither 1005.03(G)(3)(a) or (b) applies, then the standard shall be met on the longest frontage.
- H. Inside the UGB, parking lots larger than three acres in size shall be built with major on-site vehicular circulation ways that include raised walkways with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
- 1. Onsite vehicular circulation aisles for multifamily, mixed use, commercial, institutional and industrial developments shall be a maximum of 24 feet in width, unless additional width is required by the *County Roadway Standards* or in areas designed for truck circulation.
- J. Inside the UGB:



1. The development shall have no more than the minimum number of driveways allowed by the Department of Transportation and Development on all arterial and collector streets.
2. For properties having more than one street frontage, driveways shall be located on the street with the lowest functional classification, if feasible.
3. Driveways shall be no wider than the minimum width allowed by the *County Roadway Standards*.
4. Driveways shall be located so as to maximize the number of allowed on-street parking spaces, the number of street trees and optimum street tree spacing.

K. New retail, office, mixed use and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.

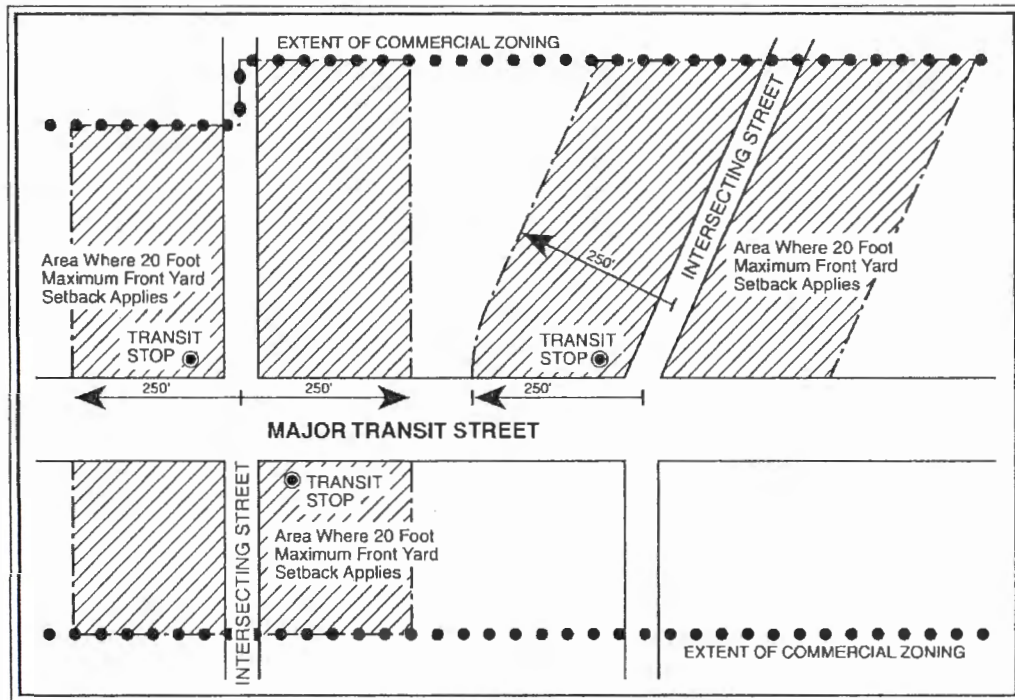
1. A private street used to meet the standards in Subsection 1005.02 (C)(4) must have raised walking surfaces on both sides, street trees, curbs, and pedestrian-scale street lighting, and must connect at both ends to an existing or proposed street.
2. If a development has frontage on more than one major transit street this orientation requirement needs to be met on only one side.
3. The public entrance orientation requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

L. Buildings located at or near a transit stop along a major transit street in the Community Commercial (C-2), General Commercial (C-3), Office Commercial (OC), Retail Commercial (RTL), Business Park (BP), or Corridor Commercial (CC) districts shall have a maximum front yard setback of 20 feet from a state, County, public, or private road.

1. “At or near” means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection, as illustrated in Figure 1005-1:
2. The 20-foot maximum setback shall apply in both directions along the major transit street and along the intersection street to the depth of the designation of any zone identified in 1005.03(L). This setback applies to the side of the major transit street having the transit stop, and applies whether the intersection street is a public street or signalized private road.
3. Except in the Corridor Commercial (CC) district, along a signalized private road, the maximum setback shall apply only along the first 250 feet from the major transit street.
4. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback.

5. The maximum setback requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
6. Except in the Corridor Commercial (CC) district, this maximum setback from major transit streets and, except in the Retail Commercial (RTL) district, intersecting streets shall contain no onsite parking; however, vehicle circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians.

1. Figure 1005-1



M. In Centers, Station Communities or along Corridor Streets as identified on Comprehensive Plan Maps IV-8, *Urban Growth Concept*; Maps X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center and Corridors*; X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area* shall meet the following development standards:

1. Site plans shall illustrate potential future development on the site, including: additional buildings, expansions of proposed buildings, locations of understructure or structured parking, and circulation and connections to adjacent uses. For Corridor Streets, this shall apply to the depth of the multifamily, mixed use, commercial or industrial zoning.
2. The site shall be developed to accommodate the potential future development illustrated.

1005.04 BUILDING DESIGN

- A. The following standards apply to building facades visible from a public or private street or accessway and to all building façades where the primary entrance is located.
1. Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.
  2. Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.
  3. Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters or modulating building masses.
  4. Utilize human scale, and proportion and rhythm in the design and placement of architectural features.
  5. Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
  6. When uses between ground-level spaces and upper stories differ, provide differentiation through use of bays or balconies for upper stories, and awnings, canopies, trim and other similar treatments for lower levels.
- B. Requirements for building entries:
1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.
  2. Commercial, mixed-use and institutional buildings sited to comply with 1005.03 (G) shall have public entries that face streets and are open to the public during all business hours.
- C. The street-facing façade of commercial, mixed-use and institutional buildings sited to comply with 1005.03 (G) shall meet the following requirements:
1. Facades of buildings shall have transparent windows, display windows, entry areas, or arcades occupying a minimum of 60% of the first floor linear frontage.
  2. Transparent windows shall occupy a minimum of 40% of the first floor linear frontage. Such windows shall be designed and placed for viewing access by pedestrians.
  3. For large-format retail buildings greater than 50,000 square feet, features to enhance the pedestrian environment, other than transparent window,



may be approved through Design Review. Such items may include, but are not limited to display cases, art, architectural features, wall articulation, landscaping, or seating, provided they are attractive to pedestrians, are built to human scale, and provide safety through informal surveillance.

D. Requirements for roof design:

1. For buildings with pitched roofs:
  - a. Eaves shall overhang at least 24 inches.
  - b. Roof vents shall be placed on the roof plane opposite the primary street.
2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

E. Requirements for exterior building materials:

1. Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood's intended visual identity.
2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.
4. Notwithstanding Section 1005.04(E)(3) metal may be approved as an exterior building material through design review pursuant to Section 1102 for specific high-image surfaces, canopies, awnings, doors, screening of roof-mounted fixtures, or other architectural features.

F. Additional building design requirements for multifamily dwellings, two- and three-family dwellings, and attached single-family dwellings:

1. Façades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.
2. Windows shall be frequent and coordinate with bays and balconies.
3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.
4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities.

5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas shall be completely enclosed and easily accessible to respective dwelling units.

G. Requirements to increase safety and surveillance:

1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.
2. Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.
3. Locate parking and automobile circulation areas to permit easy police patrol.
4. Design landscaping to allow for surveillance opportunities.
5. Addresses shall be clearly marked. Addresses for complexes shall be visible from the street, and addresses of individual businesses and dwelling units shall be clearly marked at a pedestrian scale within the development.
6. Locate mail boxes where they are easily visible and accessible.
7. Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of three feet in height.
8. Locate play areas for clear parental monitoring.

H. Solar access requirements:

1. Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.
2. Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.
3. Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.

- I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.04(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept: Maps X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center and Corridor; X-SC-1, Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location; or X-MC-1, McLoughlin Corridor Design Plan, Design Plan Area.* The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

1. Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.
2. Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.
3. Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.
4. Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings.
5. Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.
6. In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.
7. In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.
8. In open space or scenic areas, use natural color tones, lines and materials which blend with the natural features of the site or site background.

J. Requirements for screening mechanical equipment:

1. Roof-top mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.
2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that blocks at least 80% of the view.
3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.04(J)(1) or (2)

1005.05 OUTDOOR LIGHTING

A. Outdoor lighting devices:

1. Shall be architecturally integrated with the character of the associated structures, site design and landscape.
2. Shall not direct light skyward.
3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;
4. Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;
5. Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and
6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.

B. The following are exempt from Subsection 1005.05(A):

1. Temporary lights used for holiday decorations;
2. Street lights regulated in Section 1006; and
3. Lighting associated with outdoor recreation uses such as ball fields or tennis courts.

1005.06 ADDITIONAL REQUIREMENTS

In addition to the requirements listed in Subsections 1005.03 through 1005.05, development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.

1. Install a solar energy system in the development.
2. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:
  - a. Modulate building masses to maximize solar access.
  - b. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites, as demonstrated by technical standards set forth in Section 1018 or by other credible evidence.
  - c. Locate buildings to maximize windbreaks.
  - d. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.
  - e. Utilize deciduous trees to provide summer shade and allow winter sun.



- f. Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.
- g. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.
- h. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.
- 3. Use highly reflective (high albedo) materials on roof surfaces.
- 4. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.
- 5. Construct a minimum of 75% of walkway area of porous pavement.
- 6. Construct a minimum of 75% of all parking spaces with porous pavement.
- 7. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1. For example, if the minimum area requirement is 20%, then 22% shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.
- 8. Include additional swales in development landscaping, pursuant to Section 1009. Credit shall be given for additional swale(s) that exceed the requirements of Subsection 1009.04(A)(2) by at least 10 percent of area. For example, if 1009.04(A)(2) requires 200 square feet of swale area, then an additional 20 square feet of swale area would be required.
- 9. Collect rainwater from roofs and/or other impervious surfaces and use it for irrigation.
- 10. Apply other techniques for onsite storm water treatment identified by the surface water management regulatory authority.
- 11. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, mini-parks, and accessways that are open to the general public.
- 12. Enhance sidewalks and/or walkways by providing additional width, using higher quality materials; shielding from vehicular traffic with enhanced planting strips, street trees and on-street parking, and/or providing pedestrian amenities that are compatible with the design of the development as well as the neighborhood as a whole.
- 13. Coordinate development between adjacent uses to provide for a more attractive and lively streetscape, enhance connections, minimize conflicts and provide common-use areas.
- 14. Enhance the pedestrian connection between the development and neighborhood shopping areas, nearby transit, trails, bikeways or parks. Examples include additional width or pedestrian amenities.
- 15. Provide functional and accessible rooftop gardens.
- 16. For multifamily dwelling units that face the street, raise first floor units a minimum of two feet above street level.

17. Provide structured or under-structure parking to meet all or part of the parking need.
18. Provide no more than the minimum number of surface parking spaces set out in Table 1015-2, all of which shall be no greater than the minimum dimensions allowed in Subsection 1015.04(B)(2).
19. Lay out sites or orient structures, to maximize significant vistas.
20. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.
21. Utilize rail service opportunities abutting the site.
22. Inside the UGB, a minimum of 75 percent of the street frontage of each lot shall have buildings located at the minimum front setback line. If the minimum front setback is zero, up to 20 feet of additional setback may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
23. Outside the UGB, or for industrial developments, a minimum of 25 percent of the street frontage of each lot shall have buildings located at the minimum front setback line. Up to 20 feet of additional setback may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
24. Locate buildings at the minimum side yard setback or within 10 feet of the side setback line, whichever is greater.
25. For developments not in Centers, Station Communities or along Corridor Streets site plans shall illustrate potential future buildings and potential future expansions of proposed buildings, locations of understructure or structured parking, and circulation and connections to adjacent uses. Lay out and develop the site to accommodate future additional buildings, circulation and structured parking.

#### 1005.07 MODIFICATIONS

Modification of any standard identified in Subsections 1005.03 and 1005.04 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in subsection 1005.01 as well or better than the requirement listed.

~~1005 — BUILDING SITING AND DESIGN (4/13/06)~~

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~~1005.01 — PURPOSE~~

~~To site and design buildings in an energy efficient manner compatible with the natural and man-made environment, and assure equal access using all transportation modes. (9/8/94)~~

~~1005.02 — GENERAL PROVISIONS~~

~~A. — Review of building and site plans shall include an evaluation of the development to ensure that the design addresses the standards set forth in this section to accomplish the following objectives:~~

- ~~1. — Energy conservation and use of solar potential for heat and light;~~
- ~~2. — Compatibility with surrounding neighborhood, uses, and the natural environment;~~
- ~~3. — Crime prevention and security of persons and property;~~
- ~~4. — Privacy (multifamily only), and~~
- ~~5. — Ensure that building orientation and site development include appropriate transit, bicycle and pedestrian oriented features, i.e. sidewalks, accessways, bikeways, pedestrian and bicycle amenities, bus shelters, bus pullout lanes and walkways within and between developments. (9/8/94)~~

~~B. — When specific standards of this section conflict with each other or other standards of this ordinance when applied to a particular property or use, such conflicts shall be resolved and conflicting standards prioritized during the preapplication process. Prioritization of standards shall be based on the natural potentials and constraints of the site, and the effects on the proposed use of the property.~~

~~C. — Clackamas Regional Center Area Design Plan: All development within the boundary of the Clackamas Regional Center Area Design Plan Area shown on Comprehensive Plan Map X-CRC-1, is subject to the provisions in Section 1700 as well as this section. (5/3/01)~~

~~1005.03 — SITING AND ORIENTATION~~

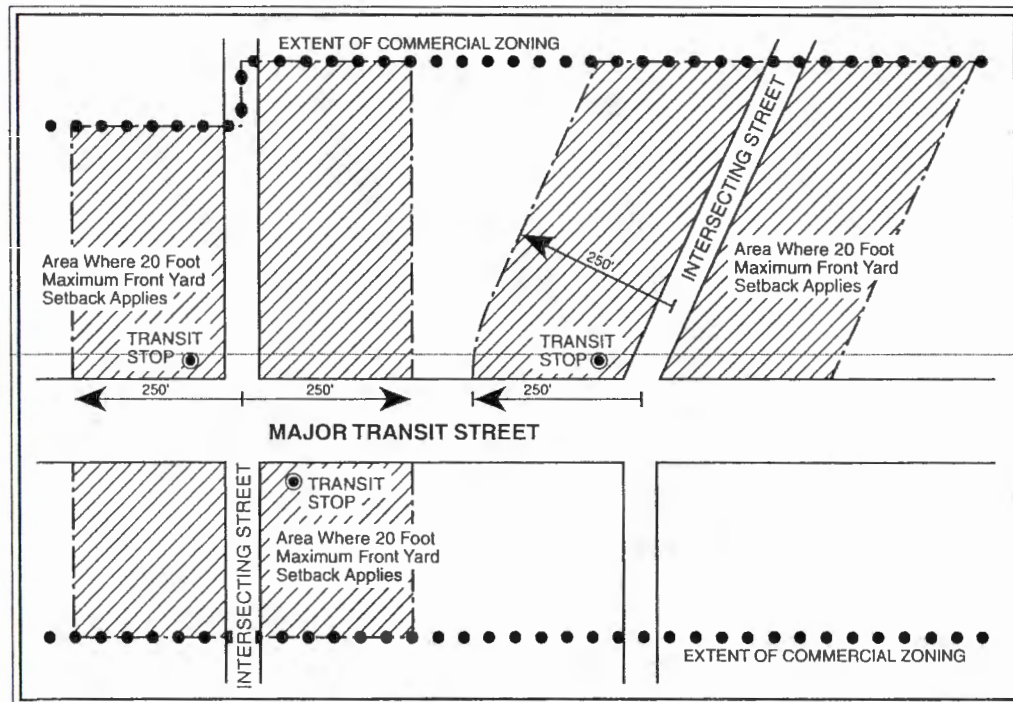
~~A. — Lay out streets and building lots to allow buildings to maximize solar access where practical, using such techniques as:~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. Maximizing east-west street length so that principal building facades will face south.
  2. Laying out lots or building sites so that buildings can be oriented within (20) degrees of true south and can maximize south-facing dimension.
  3. Placement of higher buildings on the north portion of the site, while protecting solar access for adjacent sites.
  4. Placement of major yard spaces on south side of buildings.
- B. Design and locate buildings and streets to minimize disturbance to existing natural landforms, trees, shrubs and other natural vegetation, using such techniques as:
1. Reducing length of streets, area of pavement, length of utility runs;
  2. Clustering buildings or building "envelopes", and integrating structures with natural landforms and terrain to provide large usable outdoor recreation areas or open space areas.
  3. Variable setbacks on building lots to maximize retention of vegetation and solar access.
  4. Location of buildings on building "envelopes" to maximize windbreaks, and to avoid winter shading on south side. Optimum summer shading should be on west and southwest sides of buildings.
- C. Lay out lots, or orient structures, to maximize visual access to significant vistas, or recognize other site features.
- D. Lay out lots and site commercial and industrial buildings in consideration of those objectives listed below, which are appropriate to the development:
1. Convenient pedestrian access to transit;
  2. Need for coordinated development, including shared access, circulation, pedestrian areas, parking and loading facilities;
  3. Need for exposure of retail commercial uses;
  4. Need for maximum utilization of rail service opportunities; and
  5. Need to minimize conflicts between uses and between vehicle, bicycle, and pedestrian circulation. (9/8/94)
  6. Future development on the property. (12/23/98)



- E. New retail, office and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street. (9/8/94)
1. A private street used to meet this standard must have sidewalks or raised walking surfaces on both sides, street trees, curbs, pedestrian-scale street lighting as defined in Section 202, and connect at both ends to an existing or proposed street. (12/23/98)
  2. If a development has frontage on more than one major transit street this orientation requirement needs to be met on only one side. Public entrances referred to in this Section shall be open to the public during all business hours. (9/8/94)
  3. This requirement for building orientation as well as maximum setback requirements from major transit streets or intersecting streets do not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices. (9/8/94)



4. Maximum setback requirements at or near transit stops shall apply within an area as determined by the following diagram. (9/8/94)
5. If a pedestrian overlay zone applies with maximum setbacks different from those contained in this section, those setbacks shall replace the setbacks specified in this section. (9/8/94)

1005.04 BUILDING DESIGN AND ENERGY CONSERVATION

~~A. A. Design buildings which are conducive to energy efficiency and conservation, using techniques including, but not limited to, those listed below which are most appropriate to the development:~~

- ~~1. Concentrate window areas on the south side (within twenty (20) degrees) of buildings where there is good southern exposure, and provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.~~
- ~~2. Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.~~
- ~~3. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.~~
- ~~4. Use and most energy efficient conventional heating and cooling system, considering the type and use of the structure.~~
- ~~5. Reuse waste heat from industrial processes.~~
- ~~6. Use underground structures or berming against building walls.~~
- ~~7. Use active solar or wind systems.~~
- ~~8. Provide insulation and weatherization over and above the minimum requirements of the Uniform Building Code, particularly on north sides of buildings.~~

~~B. Design and orient taller structures to allow maximum feasible solar access for development or potential development on adjacent properties.~~

#### ~~1005.05 SITING AND DESIGN FOR COMPATIBILITY~~

~~A. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:~~

- ~~1. In open space or scenic areas, use natural color tones, lines and materials (including plant materials) which blend with the natural features of the site or site background.~~
- ~~2. In rural and natural resource areas, use materials and shapes which imitate or complement those in the surrounding areas, such as those used in typical farm structures.~~

- ~~3. In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development. (4/13/06)~~
- ~~4. In urban areas, use colors, materials and architectural designs to visually reduce the scale and impact of large buildings.~~
- ~~5. In areas of pedestrian activity, provide architectural relief and interest in building design, with emphasis at entrances, and along sidewalks. For example: (12/23/98)
  - ~~a. Vary facades to provide visual interest. Examples of appropriate techniques for varying facades include: articulation, placement and design of windows and entrances, building trim, art paint, detailing, ornamentation and planters.~~
  - ~~b. Provide differentiation between ground level spaces and upper stories when uses differ. Examples of appropriate techniques include bays and balconies for residential upper stories, and lower levels with awnings, canopies, trim or other similar treatments.~~
  - ~~c. Blank walls should be avoided when possible by modulating building spaces, and using features listed in (a) and (b) above.~~~~
- ~~6. Building design should be compatible with the physical capabilities of the site, the intended uses(uses) and surrounding development. (12/23/98)~~
- ~~7. Use building materials and architectural features which are durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance. (12/23/98)~~
- ~~8. Use colors, materials, and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations. (12/23/98)~~
- ~~B. Arrange structures and use areas to be compatible with adjacent developments and surrounding land uses, using the following design and siting techniques:
  - ~~1. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.~~
  - ~~2. Design structures and intervening spaces to provide visual order and variety, and avoid monotony in layout and design.~~~~



3. ~~Orient major service activity areas (e.g., loading and delivery areas) of the proposed project away from existing dwellings. (3/24/05)~~
4. ~~All refuse storage areas shall be contained within opaque enclosures and gates. Such enclosures shall be built with materials compatible with the development and shall be a minimum of six (6) feet in height. Refuse storage areas shall be located where they may be easily accessed by trucks.~~
5. ~~"Street furniture," such as bus shelters, drinking fountains, benches, mail boxes, etc., should be compatible with the design of buildings of the development as well as the neighborhood as a whole.~~
6. ~~Screen or mask mechanical equipment, except solar collection apparatus, from view or place in locations where they will not be viewed by the public.~~
7. ~~Outdoor lighting shall be located, designed, and shielded so it does not shine into dwellings or impair the vision of the driver of any vehicle. (3/24/05)~~

~~1005.06 SECURITY AND CRIME PREVENTION~~

- A. ~~Locate buildings and windows to maximize potential for surveillance of entryways, pathways, bikeways, parking, recreation and laundry areas. Play areas should be placed for clear parental monitoring.~~
- B. ~~Provide adequate lighting for entryways, pathways, bikeways, parking recreation and laundry areas.~~
- C. ~~Parking and automobile circulation areas should be designed to permit easy police patrol.~~
- D. ~~Minimize distance between parking areas and building entrance.~~
- E. ~~Landseaping should not block surveillance opportunities.~~
- F. ~~Addresses should be clearly marked, especially on multifamily dwelling units. (3/24/05)~~
- G. ~~Mail boxes should not be located in dark alcoves.~~

~~1005.07 PRIVACY STANDARDS FOR MULTIFAMILY DEVELOPMENTS~~

- A. ~~Entry areas should be designed to act as an outdoor extension of each dwelling or transition between semi-public and private areas, using such techniques as:~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. ~~Changing the level, color, scale, texture or direction of the path; and~~
  1. ~~The use of gates, fences, doors, and landscaping.~~
- B. ~~Design and cluster units to maximize privacy, using such techniques as:~~
1. ~~Facing main housing areas toward garden areas, open space and exposure to sun; and~~
  1. ~~Placement of buildings to minimize the potential of windows facing directly toward primary living areas of other units/homes.~~
- C. ~~Convenient areas shall be provided for storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be completely enclosed and easily accessible to respective dwelling units.~~

**1007**     **ROADS AND CONNECTIVITY, CIRCULATION, AND PARKING (1/17/08)**

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1007.01    **PURPOSE**

~~Section 1007 is adopted to provide safe, efficient, convenient, and economical movement of vehicles and pedestrians while minimizing environmental degradation and conserving energy.~~

- ~~A.     Provide for safe, efficient, convenient, and economical movement of vehicles, freight, transit, bicycles, and pedestrians on a balanced and sustainable transportation system network;~~
- ~~B.     Implement the provisions of Chapters 5 and 10 of the Comprehensive Plan pertaining to the design and construction of necessary transportation system improvements required in conjunction with new development;~~
- ~~C.     Protect public safety through functional, efficiently designed improvements addressing the impact of new development upon the roadway system;~~
- ~~D.     Support sustainable development by efficient utilization of land and resources;~~
- ~~E.     Facilitate and encourage the use of non-auto modes of transportation, such as transit, walking, and bicycling;~~
- ~~F.     Provide a highly interconnected transportation system with suitable access and route choices for pedestrians, bicyclists, and drivers;~~
- ~~G.     Support improved public health by providing safe and attractive pedestrian and bicycle facilities;~~
- ~~H.     Reduce vehicle miles traveled;~~
- ~~I.     Create walkable centers, corridors, and neighborhoods with pedestrian, bicycle, and vehicular connections within and between destinations;~~
- ~~J.     Reduce impacts from the transportation system on vegetation, natural features, neighborhoods, and public facilities; and~~
- ~~K.     Recognize and support the importance of streets and streetscapes as an ubiquitous aspect of the public realm in our landscape, and build streets that support and enhance community interaction.~~

1007.02    **APPLICABILITY**

Section 1007 applies to the design of new and reconstructed transportation improvements in public rights-of-way, private roads, and accessways required through development permit approvals that are subject to Section 1007.

1007.032 GENERAL PROVISIONS

- A. The location, alignment, design, grade, width, and capacity of all roads, circulation, and parking systems within the County shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control, conform to the Comprehensive Plan and shall be established so as to:
- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- C. New developments shall have access points connecting with existing private, public, county, or state roads.
1. Intersection spacing and access control shall be based on Comprehensive Plan Table V-5, *Access Requirements by Functional Classification, Urban Areas Only*; Comprehensive Plan Map V-4, *Undeveloped Sites Larger Than 5 Acres*; Chapter 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.
  2. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors as deemed appropriate by the Department of Transportation and Development.
  3. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.

4. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development.
5. Access to state highways shall require a road approach permit issued by the Oregon Department of Transportation pursuant to Oregon Revised Statutes Chapter 374.
- D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.
- E. All roads shall be designed and constructed to safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.
- F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.
- G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossings shall be minimized and the road system shall be designed to provide frequent pedestrian connections.
- A. ~~Protect public health and safety through functional, efficiently designed improvements; (1/17/08)~~
- B. ~~Require the least amount of impervious surface necessary to adequately serve the type and intensity of proposed land uses within developments, provide adequate access for service vehicles, and take into account future traffic demands by type and volume; (1/17/08)~~
- C. ~~Require the creation of the minimum feasible amounts of land coverage and the minimum feasible disturbance to the soil; (1/17/08)~~
- D. ~~Provide, to the extent feasible, for the separation of motor vehicular, bicycle, pedestrian, and equestrian traffic; (1/17/08)~~
- E. ~~Create conditions of proper drainage; and (1/17/08)~~
- F. ~~Provide for proper landscaping and preserve trees, vegetation, and topography to the greatest extent possible.~~

1007.0403 PUBLIC AND PRIVATE ROADWAYS

- A. ~~Right-of-way dedication and improvements shall be required of all new developments and subdivisions as deemed necessary by the Department of Transportation and Development. All roadways shall be developed according to the classifications, and guidelines, tables, figures, and maps listed in Tables V-2 and V-3 Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards. These standards may be deviated from when the County finds that alternate designs would better accommodate: (1/17/08)~~
- ~~1. Terrain; (1/17/08)~~
  - ~~2. Scenic qualities; (1/17/08)~~
  - ~~3. Existing development; (1/17/08)~~
  - ~~4. Forest or agricultural uses; (1/17/08)~~
  - ~~5. Planned unit developments; (1/17/08)~~
  - ~~6. Local streets less than 200 feet in length which are not extendible; (1/17/08)~~
  - ~~7. Interior vehicular circulation for multifamily, commercial, and industrial developments; (1/17/08)~~
  - ~~8. Half streets or private common access drives within developed urban areas providing access to not more than seven lots; or (1/17/08)~~
  - ~~9. Management of stormwater through the use of techniques such as landscaped curb extensions, low infiltration planters and basins, swales, trees, and pervious surfaces. (1/17/08)~~
1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.
  2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map V-3, *Regional Street Design Types*, shall:
    - a. Comply with the design guidelines in Comprehensive Plan Table V-4, *Regional Street Design Types*, or demonstrate why compliance is not feasible;
    - b. Provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not

limited to the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes; and

c. Strictly control vehicle access and sight distance requirements.

~~B. Where appropriate, roadways shall be designed to accommodate transit services.~~

~~C. Development along the specific urban arterials listed in the Comprehensive Plan shall improve those arterials to the specifications set forth in the Plan. (1/17/08)~~

~~D3. Development adjacent to scenic roads identified on Comprehensive Plan Map V-5, Scenic Roads, listed in the Comprehensive Plan and adjacent to any future roads which may be designated as scenic roadways by the County shall conform where appropriate to the following design standards, as deemed appropriate by the Department of Transportation and Development: (1/17/08)~~

~~1. New developments shall have strict access controls.~~

~~a2. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and~~

~~b3. Turnouts shall be provided at view-points or for recreational needs as determined by the County.~~

~~4. Design review of developments adjacent (immediately abutting) to scenic roads shall place particular emphasis on visual characteristics and signing appropriate for the area. (1/17/08)~~

~~5. Buildings, parking areas, and frontage roads which are developed adjacent to scenic roads shall be set back a suitable distance to provide for a landscaped buffer along the scenic road. (1/17/08)~~



4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:

a. On-street parking;

b. Street trees;

c. Street lighting;

d. Pedestrian amenities; and

e. Truck routes shall be specified for deliveries to local businesses.

5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial and rural areas, the needs of vehicles shall take precedence.

B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.

1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.

2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.

3. These standards may be deviated from when the County finds that safe and efficient alternate designs would better accommodate:

a. Sustainable development features such as “Green Streets” as defined in the Clackamas County Roadway Standards;

- b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;
  - c. Preservation of existing significant trees and native vegetation;
  - d. Preservation of natural terrain and other natural landscape features;
  - e. Achievement of maximum solar benefit for new development through orientation and block sizing;
  - f. Existing forest or agricultural uses;
  - g. Existing development;
  - h. Scenic qualities;
  - i. Planned unit developments;
  - j. Local access streets less than 200 feet in length which are not extendible; and
  - k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.
- C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.
- D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:
- 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and
  - 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.
- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

F. Road frontage improvements in the UGB and Mt. Hood urban villages shall include:

1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;
2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.06;
3. Transit amenities as specified in Subsection 1007.07, and
4. Street trees as specified in Subsection 1007.08.

G. Within public and county rights-of-way, the following uses may be permitted, subject to compliance with the Clackamas County Roadway Standards:

1. Solar energy systems owned and operated by a public entity or utility;
2. Electric vehicle charging stations owned and operated by a public entity or utility; and
3. On-street parking within the UGB.

~~E. Boulevard design guidelines in Table V-4 of the Comprehensive Plan shall be considered for Regional and Community Boulevards designated on Map V-3 of the Comprehensive Plan or as specified in Chapter X of the Comprehensive Plan. (1/17/08)~~

- ~~1. Developments and subdivisions adjacent to boulevards shall provide pedestrian, bicycle, transit, and visual amenities. These may include: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bikeways/bike racks, bus shelters, pedestrian spaces and access to the boulevard, landscaped medians, aesthetically designed lights, bridges, signs, and turn bays rather than continuous turn lanes, as appropriate. (1/17/08)~~
- ~~2. Vehicle access shall be strictly controlled with strict visibility controls on signing, planting, and curbside parking. (1/17/08)~~
- ~~3. Boulevard design and developments fronting boulevards shall be environmentally sensitive including people-oriented uses and transit amenities. (1/17/08)~~
- ~~4. Noise and pollution control measures shall be incorporated into the design of developments along boulevards.~~

- F. ~~New developments, subdivisions, and partitions may be required to dedicate land and/or make road frontage improvements to existing rights-of-way as required in Subsections 1007.02 through 1007.05. (1/17/08)~~
- G. ~~Road frontage improvements in the urban area shall include surfacing, curbing or concrete gutters, except as provided under Subsection 1007.03(A) or 1007.05(G), and street lights. Pedestrian and bicycle circulation facilities and transit amenities shall be provided as required under Subsections 1007.05 and 1007.06. Street trees are required as specified in Subsection 1009.09. (1/17/08)~~
- H. ~~For all or part of the road frontage improvements required by Subsections 1007.03(F) and (G), located within the Portland Metropolitan Urban Growth Boundary, and required for a partition, a two- or three-family dwelling, an attached or detached single-family dwelling, or a manufactured dwelling, the developer may elect to pay a fee in lieu of construction as follows. (1/17/08)~~
1. ~~The fee in lieu of construction may be paid if the road frontage improvements are located on a local or collector road that is not identified on the Essential Pedestrian Network (Map V-8 of the Comprehensive Plan) and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or (1/17/08)~~
  2. ~~The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on the Essential Pedestrian Network (Map V-8 of the Comprehensive Plan); payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met: (1/17/08)~~
    - a. ~~The improvements are included in the Five-Year Capital Improvement Program; (1/17/08)~~
    - b. ~~The improvements are located on a road where significant topographical or natural feature constraints exist; or (1/17/08)~~
    - c. ~~The improvements are located on a local or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements. (1/17/08)~~
  3. ~~For a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to~~

~~one another, or a manufactured dwelling, the fee in lieu of construction shall be \$25.00 per lineal foot of frontage. The fee shall be adjusted annually to account for the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index. The annual adjustment shall be made in January on the date that the ENR publishes its first index of the year. (1/17/08)~~

- ~~4. For a partition, a three-family dwelling, or an attached single-family dwelling where three or more dwelling units are attached to one another, the fee in lieu of construction shall be equal to the estimated cost of constructing the required frontage improvements and shall be calculated as follows. (1/17/08)~~
  - ~~a. A frontage improvement cost construction estimate acceptable to the Department of Transportation and Development shall be completed by an engineer who is registered by the State of Oregon. (1/17/08)~~
  - ~~b. The elements to be considered when calculating the fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, curb, sidewalk, and retaining wall. (1/17/08)~~
- ~~5. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local or collector roads within the Portland Metropolitan Urban Growth Boundary. (1/17/08)~~
- ~~I. Onsite vehicular circulation roadways in the case of multifamily, commercial, and industrial developments shall be a maximum of 24 feet in width unless the size and intensity of development warrants additional width for turning lanes or truck circulation. (1/17/08)~~
- ~~J. When easements are used to provide vehicular access to lots within subdivisions, the minimum width shall be 20 feet. The access easements shall be developed according to the most recent standards adopted by separate order by the Board of County Commissioners. Access easements may also be used for utilities. Access easements shall be designated as common access and utility easements on the final plat or recorded survey. Existing access easements shall be identified by recorder's fee number. (1/17/08)~~
- ~~K. Roadways in condominium developments shall be constructed to the standards of the Department of Transportation and Development. Such roadways shall be constructed or the construction shall be guaranteed pursuant to Section 1104 prior to final approval by the Department of Transportation~~



and Development. Roadways in condominium developments shall be inspected by the County Road Engineer prior to final approval. The normal inspection fee shall be paid prior to review of road and storm drainage plans and recording of the final plat. (1/17/08)

- L. ~~In all developments, road compaction tests shall be conducted in all fill areas and backfill areas when deemed necessary by the Department of Transportation and Development. The cost of the compaction tests shall be borne by the developer. (1/17/08)~~

#### 1007.05 PRIVATE ROADS AND ACCESS DRIVES

A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Tables V-2, Roadway Classifications and Guidelines, and V-3, Roadway Classification and Guidelines (Continued), Chapter 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:

1. When easements or "flag-pole" strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district's Fire Marshal;
2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and/or the Clackamas County Roadway Standards;
3. Access easements or "flag-pole" strips may be used for utility purposes in addition to vehicular access;
4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.04(D).

#### 1007.04 VEHICLE ACCESS

~~A. The location and design of an access to existing and new developments shall be planned, coordinated, and controlled by the Department of Transportation and Development. (1/17/08)~~

~~B. Access control shall be based on the guidelines found in Table V-5 of the Comprehensive Plan. Joint access and circulation drives shall be utilized whenever feasible. (3/17/04)~~

~~C. Access to state highways shall require a road approach permit issued by the Oregon Department of Transportation. (1/17/08)~~

~~D. Visibility:~~

~~1. Developments and subdivisions along all roadways shall be designed to optimize visibility for vehicular traffic. (3/14/02)~~

~~2. No planting, signing, or fence shall be allowed which restricts vision. (1/17/08)~~

~~3. Curbside parking restrictions may be required along streets determined to have visibility problems.~~

1007.065 PEDESTRIAN AND BICYCLE FACILITIESCIRCULATION (1/17/08)

A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Tables V-2, Roadway Classifications and Guidelines, and V-3, Roadway Classification and Guidelines (Continued), Chapter 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

BA. Pedestrian and Bicycle Facility Design: Pedestrian and bicycle circulation facilities shall be designed to: (9/8/94)

1. Minimize conflicts among automobiles, trucks, pedestrians, and bicyclists; (1/17/08)

2. Provide safe, convenient, and an appropriate level of access to various parts of the development and to locations such as schools, employment centers, shopping areas, adjacent developments, recreation areas and open space, and transit corridors; (1/17/08)

3. Allow for unobstructed movements and access for transportation of disadvantaged persons; and (1/17/08)

4. Be consistent with Comprehensive Plan Maps V-7a, Planned Bikeway Network, Urban, V-7b, Planned Bikeway Network, Rural, and V-8,



*Essential Pedestrian Network* of the ~~Comprehensive Plan~~, North Clackamas Parks and Recreation District's Park and Recreation Master Plan, and Metro's Regional Trails and Greenways Map. (1/17/08)

- CB. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), sidewalks, pedestrian pathways, and accessways, ~~and walkways~~ shall be constructed as required in Subsection 1007.06 ~~below~~ for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, ~~developments,~~ and industrial, or institutional developments, ~~except that~~ However, for structural additions to existing commercial, ~~or~~ industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. (1/17/08)
- DC. Requirement for Sidewalk Construction: Within the UGB ~~Portland Metropolitan Urban Growth Boundary~~, sidewalks shall be constructed, as required in Subsection 1007.06(F), for two-family dwellings, detached single-family dwellings, attached single-family dwellings where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park ~~as required below~~. ~~However, sidewalks inside a manufactured dwelling park shall be regulated pursuant to Section 825.~~ (1/17/08)
- ED. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial development, or industrial, or institutional development is proposed. (1/17/08)
- FE. Sidewalk Location: Sidewalks required by Subsection 1007.065(CB) or (DC) shall be constructed on:
1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if ~~topographic or natural feature constraints require a reduction in road standards or if:~~
    - a. The road is not a through road;
    - b. The road is 350 feet or less in length, and cannot be extended; (1/17/08); or

c. In consideration of the factors listed in Subsection 1007.04(B)(3).

2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial development, or industrial, or institutional development is proposed; and (1/17/08)
3. Local or collector road street frontage(s) of a lot upon which a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but
  - a. The requirement shall be waived if the dwelling is a replacement for one destroyed by an unplanned fire or natural disaster; and-
  - b. In addition, the sidewalk requirement shall apply to no more than two street frontages for a single lot or parcel. (1/17/08)

GF. Pedestrian Pathways: Inside the UGBPortland Metropolitan Urban Growth Boundary, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local or collector road when it is recommended by the Department of Transportation and Development; the surface storm water management regulatory authorityagency approves the design; and at least one of the following criteria is met: (1/17/08)

1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic; (1/17/08)
2. No sidewalk exists adjacent to the site; (1/17/08)
3. Redevelopment potential along the road is limited; or (1/17/08)
4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego. (1/17/08)

HG. Sidewalk and Pedestrian Pathway Width: Sidewalks and pedestrian pathways shall be constructed to the following minimum widths shown in Table 1007-1; (1/17/08)

Table 1007-1: (3/14/02)

Functional Class, Land Use Designation/Minimum Required Sidewalk and Pedestrian Pathway Width

<b>Street Type</b>	<b>Residential Sidewalk</b>	<b>Commercial/Public/ or Institutional Sidewalk</b>	<b>Industrial Sidewalk</b>
Local	5' feet	7' feet	5' feet
Connector	5' feet	7' feet	5' feet
Collector	5' feet	8' feet	5' feet
Arterial	6' feet	8' feet	6' feet

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.
2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign. (1/17/08)
3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This five-foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The separation strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards such as trees, mailboxes, fire hydrants, telephone poles, or benches. (1/17/08)
4. Uses located in the Campus Industrial, Light Industrial, General Industrial, or Business Park District Industrial uses and containing over 5,000 square feet of office space shall comply with the requirements for Commercial/~~Public~~ and Institutional uses. (1/17/08)

**III.** Accessways: Accessways shall comply with the following standards: (1/17/08)

1. Accessways shall be required ~~where topography allows and~~ where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is

~~otherwise~~-available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length. (1/17/08)

2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, church, day-care center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. ~~Where~~ required, accessways shall be constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands. (5/24/01)
3. An accessway shall include at least a 15-foot-wide right-of-way and an eight-foot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable ~~b~~Bollards or other large objects may be used to ~~bar~~block motor vehicular access. (1/17/08)
4. ~~So that they may be safely used at night, a~~Accessways shall be illuminated ~~either by street lights or luminaires on shorter poles so that they may be safely used at night~~. Separate lighting shall not be required if existing lighting adequately illuminates the accessway. (9/8/94)
5. Fences are not required, but the ~~maximum~~ height of a fence along an accessway shall not exceed six feet. (1/17/08)
6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process. (9/8/94)

~~I. Walkways shall comply with the following standards: (1/17/08)~~

- ~~1. Walkways shall connect at least one public entrance of each building accessible to the public to the nearest sidewalk or other walkway leading to a sidewalk. Walkways shall also connect to outdoor activity areas such as parking lots, transit stops, children's play areas and plazas. Walkways shall be designed to minimize walking distance between sidewalks and public entrances of buildings. (9/8/94)~~
- ~~2. Buildings set back from the sidewalk more than 75 feet shall have walkways directly connecting to walkways in adjacent developments or stubbed to the adjacent side yard property line if the adjacent land is vacant or is developed without walkways. The location of such a~~

walkway stub shall be in consideration of topography and eventual redevelopment of the adjacent property. Walkway linkage to adjacent developments shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.

(3/14/02)

3. ~~Walkways shall be constructed with a well drained, hard surfaced, or permeable hard surfaced material that shall be at least 5 feet in unobstructed width. (3/17/04)~~
4. ~~Portions of walkways shorter than 30 feet across driveways, parking lots or walkways crossing surfaces shared by fork lift or heavy truck traffic may use a painted crossing zone. Otherwise, walkways crossing driveways, parking areas, and loading areas shall be clearly identifiable to motorists through the use of a different paving material, raised elevation, warning signs or other similar method. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps. (9/8/94)~~
5. ~~Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway. (9/8/94)~~

J. Bikeways: Bikeways shall be required as follows: (1/17/08)

1. Shoulder bikeways, bike lanes, or bike paths shall be included in the reconstruction or new construction of any street if a bikeway is indicated on the Planned Bikeway Network (Comprehensive Plan Maps V-7a, Planned Bikeway Network, Urban, and V-7b, Planned Bikeway Network, Rural of the Comprehensive Plan), North Clackamas Parks and Recreation District's Park and Recreation Master Plan, and Metro's Regional Trails and Greenways Map. (1/17/08)
2. Shoulder bikeways, bike lanes, or bike paths shall be considered in the reconstruction or new construction of any other arterial or collector. (3/17/04)
3. ~~Bikeway improvement standards, including signage, shall be as specified by the current Oregon Department of Transportation Oregon Bicycle Plan. (1/17/08)~~
3. Within urban growth boundaries, shoulder bikeways, bike lanes, or bike paths shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to

provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.

K. Trails: (9/8/94)

1. Trail dedications or easements shall be provided and developed as shown on ~~Map IX-1 of the Comprehensive Plan~~ Map IX-1, *Open Space Network & Recreation Needs*, the Facilities Plan (Figure 4.3) in the North Clackamas Parks and Recreation District's Park and Recreation Master Plan, and Metro's Regional Trails and Greenways Map. (1/17/08)
2. Off-road sections of trails shall have a minimum 30-foot right-of-way or easement width. (3/14/02)

1007.076 TRANSIT AMENITIES

~~Major new~~All residential, commercial, institutional, and industrial developments on existing and planned transit routes shall be reviewed with the participation of by Tri-Met or other appropriate transit provider to ensureinsure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets, but shall ensureinsure also that pedestrian/bikeway, facilitiesamenities and other transit-supportive features, such as shelters, bus pull-outturn bays, park-and-ride spaces, and signing will be provided. The designs shall comply with Tri-Met standards and specifications. (6/29/06)

1007.08 STREET TREES

A. Street trees are required for developments fronting on designated boulevards in the Comprehensive Plan and shall comply with the following standards:

1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case bases. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees, or where trees approved under Subsection 1007.08(A)(2) are to be planted on the property adjoining the street right-of-way.
2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development.



3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.
4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.
5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.

B. Street trees are required for developments in the Clackamas Regional Center Area as shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, and shall comply with the following standards:

1. Street trees are required along all streets, except for drive aisles in parking lots.
2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.
3. Street trees are required along private access streets under the following conditions:
  - a. On both sides when the access point is a signalized intersection;
  - b. On both sides when the street section has four or more lanes at the access point;
  - c. On both sides when the private street is developed to comply with building orientation standards;
  - d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1700.03(C) and 1700.04(F); and
  - e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is



developed.

4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11 for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.08(A) and (B).

C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.

D. In the Campus Industrial District, street trees are required.

E. Street trees are required for developments in the Sunnyside Village Community Plan area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, along both sides of all connector and local streets. In addition:

1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are required. If a larger canopy (greater than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.

2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.

3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Planting strips or tree wells are required along streets with a classification below connector status.

4. The trees listed in Table 1007-2 are prohibited as street trees.

Table 1007-2: Prohibited Street Trees in the Sunnyside Village Community Plan Area

<u>Scientific Name</u>	<u>Common Name</u>	<u>Reason for Prohibition</u>
<u>Acer macrophyllum</u>	<u>Big-leaf Maple</u>	<u>Leaves block drainage; Roots buckle sidewalks</u>
<u>Acer negundo</u>	<u>Box Elder</u>	<u>Insect prone; Weak wood</u>
<u>Acer saccharinum</u>	<u>Silver Maple</u>	<u>Shallow roots; Weak wood</u>
<u>Aesculus hippocastanum</u>	<u>Common Horsechestnut</u>	<u>Messy fruits</u>
<u>Betulus species</u>	<u>Birches</u>	<u>Insect prone; Weak wood</u>
<u>Carya species</u>	<u>Hickories</u>	<u>Fruits cause litter and safety problems</u>
<u>Catalpa species</u>	<u>Catalpas</u>	<u>Seed pods cause litter problem</u>
<u>Corylus species</u>	<u>Filberts</u>	<u>Fruits cause litter and safety problems</u>
<u>Crataegus species</u>	<u>Hawthorns</u>	<u>Thorns; Fruits cause litter and safety problems</u>
<u>Fraxinus species</u>	<u>Ashes</u>	<u>Seed pods cause litter problem</u>
<u>Gleditsia triacanthos</u>	<u>Honey Locust (species, does not include horticultural variants)</u>	<u>Seed pods cause litter problem</u>
<u>Juglans species</u>	<u>Walnuts</u>	<u>Fruits cause litter problem</u>
<u>Morus species</u>	<u>Mulberries</u>	<u>Fruits cause litter and safety problems</u>
<u>Populus species</u>	<u>Poplars</u>	<u>Shallow roots; Weak wood</u>
<u>Robinia species</u>	<u>Locusts</u>	<u>Weak wood; Suckers</u>
<u>Salix Species</u>	<u>Willows</u>	<u>Shallow roots; Weak wood</u>
<u>Ulmus fulva</u>	<u>Slippery Elm</u>	<u>Insect prone; Shallow roots; Weak wood</u>
<u>Ulmus pumila</u>	<u>Siberian Elm</u>	<u>Shallow roots; Weak</u>

		wood
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- F. For additional street tree requirements in the Sunnyside Village Community Plan area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, see Subsection 1600.03.

1007.09 TRANSPORTATION FACILITIES CONCURRENCY

- A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or, within a reasonable period of time following the approval of new development.
- B. Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.
- C. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
1. Development that is located:
    - a. In the Light Industrial, General Industrial, or Business Park District; and
    - a. North of the Clackamas River; and
    - b. West of Highway 224 (south of Highway 212) or 152<sup>nd</sup> Drive (north of Highway 212); and
    - c. South of Sunnyside Road (east of 82<sup>nd</sup> Avenue) or Harmony Road (west of 82<sup>nd</sup> Avenue) or Railroad Avenue (west of Harmony Road); and
    - d. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).
  2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;

3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;
5. Home occupations to host events, which are approved pursuant to Section 806; and
6. Development in the Government Camp Village, as shown on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan Land Use Plan & Boundary*, that is otherwise consistent with the Comprehensive Plan and zoning designations for the Village.

D. As used in Subsection 1007.09(C), “adequate” means a minimum of Level-of-Service (LOS) D, except:

1. Portions of 82<sup>nd</sup> Avenue, Sunnyside Road, and Johnson Creek Boulevard located in the Clackamas Regional Center or the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to the following minimums:
  - a. LOS E during the weekday midday peak one-hour period; and
  - b. LOS F during the first hour and LOS E during the second hour of the weekday PM peak two-hour period.
2. Portions of 82<sup>nd</sup> Avenue, Sunnyside Road, and Johnson Creek Boulevard located in the Clackamas Regional Center Area but outside the Clackamas Regional Center and the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to the following minimums:
  - a. LOS D during the weekday midday peak one-hour period; and
  - b. LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period.
3. Roadways—other than 82<sup>nd</sup> Avenue and Sunnyside Road—in the Clackamas Regional Center, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to the following minimums:
  - a. LOS E during the weekday midday peak on-hour period; and

- b. LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period.
  4. Except as established by Subsections 1007.09(D)(1) through (3), LOS E shall apply to developments proposed on property in a Campus Industrial, Light Industrial, General Industrial, Rural Industrial, or Business Park zoning district.
  5. Except as established by Subsections 1007.09(D)(1) through (3), LOS E shall apply to high-employment developments. A high-employment development is one that provides a minimum of 50 FTE per acre. Only jobs where the employee reports to work at the subject property shall be included in this calculation.
  6. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the State of Oregon, with the exception of those facilities identified in Subsections 1007.09(D)(1) and (2).
- E. For the purpose of calculating capacity as required by Subsections 1007.09(C) and (D), the following standards shall apply:
1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the Clackamas County Roadway Standards. The method of calculating capacity on state facilities is established by the Oregon Highway Plan.
  2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards.
  3. Capacity shall be evaluated for motor vehicle traffic only.
  4. Except as established by Subsections 1007.09(D)(1) through (3), capacity shall be evaluated for the peak 15-minute period of both the AM weekday and PM weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the AM or the PM peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s).
- F. As used in Subsection 1007.09(C), “timely” means:
1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement

Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;

2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;
3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
4. Alternatively, "timely" means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
  - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
    - i. Complete the necessary improvements; or
    - ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.
5. For a phased development, the first phase shall satisfy Subsections 1007.09(F)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:
  - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.
  - b. Necessary improvements for a particular phase shall either:
    - i. Comply with Subsections 1007.09(F)(1) through (3) at the time of building permit approval, except that the



improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or

- ii. Comply with Subsection 1007.09(F)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.

G. As used in Subsection 1007.09(F), “necessary improvements” are:

1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.09(D).

a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

H. As an alternative to compliance with Subsection 1007.09(C), the applicant may make a voluntary substantial contribution to the transportation system.

1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:

a. A complete project or a segment of a roadway identified in the Clackamas County 20-Year Capital Improvement Plan (CIP), the Statewide Transportation Improvement Plan (STIP), or the capital improvement plan (CIP) of a city or another county.

i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in the Clackamas County 20-Year CIP the STIP or the CIP of a city or another county—will be completed within five years;



- b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards;
  - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1<sup>st</sup> of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in the County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:
    - i. Change in Average Market Value X 0.50 + Change in Construction Cost Index X 0.50 = Minimum Construction Cost Adjustment Factor
    - ii. After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.
2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
- a. Complete the substantial contribution; or
  - b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

#### 1007.10 FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007 Subsections 1007.03(F) and (G); located within the Portland Metropolitan Urban Growth Boundary (UGB); and required for a partition, a two- or three-family

dwelling (where no more than one such dwelling is proposed), an attached or detached single-family dwelling, or a manufactured dwelling; the developer may elect to pay a fee in lieu of construction as follows. (1/17/08)

- A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local or collector road that is not identified on Comprehensive Plan Map V-8, the Essential Pedestrian Network (Map V-8 of the Comprehensive Plan), and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or (1/17/08)
- B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map V-8, the Essential Pedestrian Network (Map V-8 of the Comprehensive Plan); payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met: (1/17/08)
  - 1. The improvements are included in the Five-Year Capital Improvement Program; (1/17/08)
  - 2. The improvements are located on a road where significant topographical or natural feature constraints exist; or (1/17/08)
  - 3. The improvements are located on a local or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements. (1/17/08)
- C. For a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling, the fee in lieu of construction shall be \$25.00 per lineal foot of frontage. The fee shall be adjusted annually to account for the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index. The annual adjustment shall be made in January on the date that the ENR publishes its first index of the year. (1/17/08)
- D. For a partition, a three-family dwelling, or an attached single-family dwelling where three or more dwelling units are attached to one another, the fee in lieu of construction shall be equal to the estimated cost of constructing the required frontage improvements and shall be calculated as follows. (1/17/08)
  - 1. A frontage improvement cost construction estimate acceptable to the Department of Transportation and Development shall be completed by an engineer who is registered by the State of Oregon. (1/17/08)

2. The elements to be considered when calculating the fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, curb, sidewalk, and retaining wall. (1/17/08)
- E. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local or collector roads within the UGBPortland Metropolitan Urban Growth Boundary. (1/17/08)

## ~~1007.07 OFFSTREET PARKING REGULATIONS~~

### ~~A. General Provisions~~

- ~~1. The provision and maintenance of offstreet parking spaces is a continuing obligation of the property owner. When any parking area for the parking of three (3) or more cars is to be established, the standards set forth herein shall apply.~~
- ~~2. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has maneuvering area for the vehicles, as determined by the Planning Director.~~
- ~~3. In cases of enlargement of a building or use existing on the effective date of this Ordinance, the number of parking spaces required shall be based only on the floor area or capacity added and not the area or capacity of the previously existing building or use.~~

~~At least the same number of parking spaces that were established for the previously existing building or use must be provided if enlargement covers any of the previously existing parking area.~~

- ~~4. In the event several uses occupy a single structure or parcel of land, the total requirement for offstreet parking shall be the sum of the requirements of the several uses computed separately. The total sum may be reduced up to 10% per use when "shared parking", as provided below, is utilized. (9/11/85)~~
- ~~5. "Shared parking" may be defined, for purposes of subsection 1007.07B2c, as parking spaces used jointly by two or more uses within the same development, or separate developments, which either have peak hours of operation which do not overlap, or typically provide services to many of the same patrons (i.e. hotel providing lodging for convention participants within the same development), provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for all parties jointly using them. (9/11/85)~~

- ~~6. Offstreet parking spaces existing prior to the effective date of this Ordinance may be included in the amount necessary to meet the requirement in case of subsequent enlargement of the building or use to which such spaces are accessory.~~
- ~~7. Parking spaces fulfilling the minimum requirement for a specified use shall not be rented, leased, or assigned to any other person or organization, except as provided for "shared parking". The conducting of any business activity shall not be permitted on the required parking spaces, except for temporary uses (e.g., Saturday markets). (9/11/85)~~
- ~~8. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least four (4) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required landscaping.~~
- ~~9. All areas used for circulation and parking shall be graded and drained to dispose of all surface water on the site.~~
- ~~10. Outside of areas identified as urban by the Comprehensive Plan, all areas used for parking and maneuvering of cars shall be surfaced with screened gravel or better. In 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. (4/13/06)~~
- ~~11. Outdoor illumination in parking lots shall be designed and situated to avoid glare and shall be deflected so as not to shine into adjacent properties. (3/14/02)~~
- ~~12. Adequate backing and maneuvering areas for cars, trucks, and service vehicles shall be located entirely on site.~~
- ~~13. Parking and loading should be separated from major onsite circulation patterns, and from each other, especially in commercial developments.~~
- ~~14. Utilize double loaded parking bays where possible to reduce hard surfacing.~~
- ~~15. Offstreet parking requirements for types of uses and structures not specifically listed in this Ordinance shall be determined by the Planning Director.~~
- ~~16. All parking lots shall be landscaped, screened and buffered, as provided in subsection 1009.04.~~
- ~~17. Uses located on transit service lines which have days and hours of operation~~



not in conflict with weekday use, such as churches, fraternal organizations, or nighttime amusements, may be encouraged, or required under subsection 1007.06, to allow a portion of their parking area to be used for a park-and-ride lot.

18. New industrial and office developments shall provide carpool/vanpool spaces for employees. A minimum of five percent, but not fewer than one, of the required parking spaces shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee motor vehicle parking spaces to the building entrances normally used by employees, except for any handicapped spaces provided. (9/8/94)

19. On-site parking spaces constructed in excess of those required may be redeveloped for transit oriented uses or any other uses permitted in the applicable zone. (9/8/94)

**Table 2 Automobile Off-Street Parking Requirements (3/24/05)**

Land Use	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
General Office (includes Office Park, "Flex-Space", Government Office and miscellaneous services) (per 1000 gsf)	2.7	3.4	4.1
Light Industrial, Industrial Park, Manufacturing (per 1000 gsf) See Section 1007.07 C 3	1.6	None	None
Warehouse (per 1000 gsf). See Section 1007.07 C 4. Maximum parking requirements apply only to warehouses 150,000 gsf or greater.	0.3	0.4	0.5
Schools: College/University and High School (per student or staff member)	0.2	0.3	0.3
Schools: Elementary and Junior High Schools (per school)	15	None	None
Tennis Racquetball Court (per 1000 gsf)	1	1.3	1.5
Bowling alleys (per alley)	3	None	None
Sports Club/Recreation Facilities (per 1000 gsf)	4.3	5.4	6.5
Amusement Parks, riding academies and camps (per 1000 square feet of serving area)	0.8	None	None
Retail/Commercial, including shopping centers (per 1000 gla)	4.1	5.1	6.2

Land Use	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Retail stores with bulky merchandise, such as furniture, appliances, automobiles, service/repair shops (per 1000 gla)	2	5.1	6.2
Bank with drive-in (per 1000 gsf)	4.3	5.4	6.5
Movie Theater (per seat)	0.3	0.4	0.5
Fast Food with Drive Thru (per 1000 gsf)	9.9	12.4	14.9
Other Restaurants, taverns (per 1000 gsf)	15.3	19.1	23
Places of Worship (per seat) (or 1 per 8-foot section of bench length)	0.33	0.6	0.8
Medical/Dental Clinic (per 1000 gsf)	3.9	4.9	5.9
Nursing homes, welfare or correctional institutions, institutions for children (per bed)	0.2	None	None
Theaters, dance halls, community clubs, skating rinks, public meeting places (per seat) (or 1 per 100 gsf exclusive of stage)	0.25	None	None
Roadside stand (per stand)	4	None	None
Hotel/Motel (per unit)	1	None	None
Two and Three Family Dwellings (3/24/05)	1.5	None	None
Lodging or boarding houses (per boarder or lodger)	0.5	None	None
Manufactured dwelling park (per unit)	2	None	None
Fraternity or sorority houses or dormitories (per occupant)	0.33	None	None
Multifamily dwelling, one bedroom	1.25	None	None
Multifamily dwelling, two bedroom	1.5	None	None
Multifamily dwelling, three bedroom	1.75	None	None

gsf = gross square feet

gla = gross leasable area

~~B. Exceptions to Parking Requirements: Exceptions to standards of this section may be granted by staff as follows: (11/5/98)~~

~~1. Parking Maximums: exceptions to parking maximums in Table 2 may be taken for:~~

~~a) Parking spaces in parking structures;~~

~~b) Fleet parking;~~

~~c) Designated employee carpool spaces;~~

~~d) Dedicated valet parking spaces;~~

~~e) User paid spaces; and~~

~~f) Parking for vehicles for sale, lease or rent;~~

~~2. Parking Minimums: exceptions to the parking minimums in Table 2 may be taken for shared parking spaces provided under Subsection 1007.07A5. (11/5/98)~~

~~3. Government Camp: Parking space requirement may be reduced by the number of head-in parking spaces available between property lines projected out onto Old Mt. Hood Loop Highway for properties with frontage on Old Mt. Hood Loop Highway between Wyeast Trail and Church St. and on Little Trail between Olive and Church Streets. Corner lots shall count parking on adjacent streets calculated in the same manner towards a parking requirement reduction. (3/3/93).~~

~~C. Specific Parking Standards~~

~~1. Parking Minimums: (11/5/98)~~

~~a) New development is subject to the parking minimums in Table 2. Uses not listed in Table 2 are subject to the minimums for the most similar use, unless specified in the underlying zoning district, or Section 800. (3/14/02)~~

~~2. Parking Maximums:~~

~~a) Within the Urban Growth Boundary, the Parking Maximums listed in Table 2, Zone A, apply when an area has 20 minute peak hour transit service within one-quarter (1/4) mile walking distance for bus transit or one-half (1/2) mile walking distance for light rail transit; (3/14/02)~~



~~b) Within the Urban Growth Boundary, areas not meeting the requirement of 1007.07C2a, are subject to the maximums listed in Table 2, Zone B. (3/14/02)~~

~~e) Uses not listed in Table 2 are not subject to parking maximums.~~

~~3. Parking minimums for industrial, manufacturing and processing facilities: (3/14/02)~~

~~a) Zero to 24,999 square feet: See Table 2 (3/14/02)~~

~~b) 25,000 to 49,999 square feet: One (1) per 700 square feet.~~

~~c) 50,000 to 79,999 square feet: One (1) per 800 square feet.~~

~~d) 80,000 to 199,999 square feet: One (1) per 1,000 square feet.~~

~~e) 200,000 square feet and over: One (1) per 2,000 square feet.~~

~~4. Parking minimums for warehousing and storage distribution, terminals (air, rail, truck, water, etc.): (3/14/02)~~

~~a) Zero to 49,999 square feet: See Table 2 (3/14/02)~~

~~b) 50,000 square feet and over: One (1) per 5,000 square feet.~~

~~D. Dimensions (4/13/06)~~

~~1. Parallel parking spaces shall be a minimum of 8 feet wide and a minimum of 22 feet long. (4/13/06)~~

~~2. Parking spaces in parking structures shall be a minimum of 8.5 feet wide and a minimum of 18 feet long. These spaces shall be considered full-size, rather than compact, for the purpose of calculating the maximum number of compact spaces permitted for a development. (4/13/06)~~

~~3. All other parking spaces shall comply with one of the following: (4/13/06)~~

~~a) A minimum of 70 percent of the required spaces shall be a minimum of 9 feet wide and a minimum of 20 feet long. All other spaces shall be a minimum of 8.5 feet wide and a minimum of 16 feet long, provided that such spaces are marked "Compact Only"; or (4/13/06)~~

~~b) A minimum of 85 percent of the required spaces shall be a minimum of 9 feet wide and a minimum of 18 feet long. All other spaces shall be a minimum of 8.5 feet wide and a minimum of 16 feet long, provided that~~

~~such spaces are marked "Compact Only". (4/13/06)~~

~~e) Where appropriate, a two-foot overhang may be counted toward compliance with the minimum length standards. (4/13/06)~~

~~4. Up 50 percent of the required parking spaces for residential, industrial, office, or institutional uses may be compact spaces when the applicant demonstrates that a higher ratio of compact and regular-sized vehicles are found in parking areas of similar developments and uses. (4/13/06)~~

~~E. Bicycle Parking Standards (9/8/94)~~

~~1. Location (9/8/94)~~

~~a) Required bicycle parking spaces must be illuminated and at least 75% of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building. (3/14/02)~~

~~b) Bicycle parking may be provided within a building, if the location is easily accessible for bicycles. (9/8/94)~~

~~c) Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered within 50 feet of each building's entrance in one or several locations and shall meet all other requirements for bicycle parking. (3/17/04)~~

~~2. Covered Spaces. Cover for bicycle parking can be provided by buildings or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or free standing shelters. (3/14/02)~~

~~3. Signs. If the bicycle parking is not visible from the street or main building entrance, then a sign must be posted indicating the location of the parking facilities. (9/8/94)~~

~~4. Rack types and dimensions. (9/8/94)~~

~~a) Bicycle racks must hold bicycles securely by the frame and be securely anchored. (9/8/94)~~

~~b) Bicycle racks must accommodate both: (9/8/94)~~

~~1) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and, (9/8/94)~~

~~2) Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than 6 feet. (3/17/04)~~

5. ~~Bicycle parking spaces must be at least 6 feet long and 2 feet wide, and in covered situations the overhead clearance must be at least 7 feet. An aisle 5 feet wide for bicycle maneuvering must be provided. (3/14/02)~~
6. ~~Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only, and separated from motor vehicle parking to prevent damage to parked bicycles. (9/8/94)~~

TABLE 3 (3/24/05)

MINIMUM REQUIRED BICYCLE PARKING SPACES  
FOR URBAN AREAS

(MINIMUMS IN NON-URBAN AREAS ARE 20% OF URBAN REQUIREMENTS)

USE CATEGORIES	MINIMUM REQUIRED SPACES
Multifamily Dwellings	1 per 2 dwelling units
Residential Care Facility, Nursing Home, and Hospital	1 per 8 beds
Preschools	4 per school
Elementary Schools	2 per classroom (maximum of required spaces—100 spaces) (3/17/04)
Junior High and Middle Schools	2 per classroom (maximum of required spaces—100) (3/17/04)
Senior High Schools	2 per classroom (maximum of required spaces—100) (3/17/04)
Colleges	2 per classroom (maximum of required spaces—100) (3/17/04)
Theater, Church, Auditorium, Dance Hall and other Public Assembly Places	1 per 40 seats or 1 per 40 persons of design capacity, whichever is greater
Retail and Commercial including offices and clinics	1 per 2500 sq. ft. up to 50,000 sq. ft. of building square footage. One additional space for each 5,000 sq. ft. (3/17/04)

USE CATEGORIES	MINIMUM REQUIRED SPACES
Warehouses and industrial buildings without attached offices, automotive service uses such as service stations and tire stores or businesses selling large items such as major appliances, furniture, cars or boats	1 per 10,000 sq. ft. of building square footage (3/17/04)
Park and Ride Lots, Transit Centers and Community Parks	A minimum of 5 spaces per acre

- All development shall have a minimum of 2 bicycle parking spaces.
- When more than 7 bicycle parking spaces are required, 50% of the spaces shall be covered. 100% of all bicycle spaces required for schools, park and ride lots, retirement homes, boarding houses, and multifamily development shall be covered.
- When more than 15 covered bicycle parking spaces are required, 50% of the required covered spaces shall be enclosed and offer a high level of security, i.e., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.

#### 1007.08 OFFSTREET LOADING REGULATIONS

##### A. General Provisions:

1. The provisions and maintenance of offstreet loading facilities is a continuing obligation of the property owner. When any loading area is to be established, the standards set forth herein shall apply.
2. No area shall be considered a loading space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles, as determined by the Planning Director.
3. In cases of enlargement of a building or use existing on the effective date of this Ordinance, the number of loading spaces required shall be based only on the floor area or capacity added and not on the area or capacity of the previously existing building or use. At least the same number of loading spaces that were established for the previously existing building or use must be provided if enlargement covers any of the previously existing loading area.
4. In the event several uses occupy a single structure or parcel of land, the total requirement for offstreet loading shall be the sum of the requirements of the several uses computed separately.
5. Offstreet loading spaces existing prior to the effective date of this Ordinance may be included in the amount necessary to meet the requirements.
6. It shall be unlawful to store or accumulate goods in a loading space, rendering it useless for loading and unloading operations.

7. ~~Where the boundary of a loading area adjoins or is within a residential district, such loading area shall be screened by a sight-obscuring fence. The screening shall be continuous along the boundary and shall be at least six (6) feet in height.~~
8. ~~Artificial lighting, which may be provided, shall be deflected so the light does not shine into adjoining structures used as dwellings or other types of living units. (3/14/02)~~
9. ~~Outside of areas identified as urban by the Comprehensive Plan, all areas used for loading and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage. In 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. (4/13/06)~~
10. ~~Offstreet loading requirements for types of uses and structures not specifically listed in this Ordinance shall be determined by the Planning Director.~~

~~B. Specific loading requirements:~~

~~1. Multifamily dwellings and hotels:~~

~~a) Multifamily dwellings:~~

<del>50 to 99 units:</del>	<del>One (1) loading berth</del>
<del>100 to 199 units:</del>	<del>Two (2) loading berths</del>
<del>200 or more units:</del>	<del>Three (3) loading berths</del>

~~b) Motels and hotels (per square feet of gross floor area):~~

<del>Under 5,000:</del>	<del>Zero (0) (3/14/02)</del>
<del>5,000 to 29,999:</del>	<del>One (1) loading berths</del>
<del>30,000 to 69,999:</del>	<del>Two (2) loading berths</del>
<del>70,000 to 129,999:</del>	<del>Three (3) loading berths</del>
<del>130,000 to 219,999:</del>	<del>Four (4) loading berths</del>
<del>220,000 to 379,000</del>	<del>Five (5) loading berths</del>
<del>380,000 to 699,999:</del>	<del>Six (6) loading berths</del>
<del>700,000 to 1,499,000:</del>	<del>Seven (7) loading berths</del>
<del>More than 1,500,000:</del>	<del>Eight (8) loading berths</del>

~~2. Institutions:~~

~~a) Nursing homes, welfare and correctional institutions, institutions for children:~~

- ~~One (1) offstreet loading berth where the number of beds exceeds twenty-five (25). (5/29/91)~~
- b) ~~Schools shall provide at least one (1) offstreet location per two school buses for loading and unloading of school buses.~~
- c) ~~Hospitals (square feet of floor area):~~

<del>Under 5,000:</del>	<del>Zero (0) (3/14/02)</del>
<del>— 5,000 to — 39,999:</del>	<del>One (1) loading berths</del>
<del>40,000 to — 99,999:</del>	<del>Two (2) loading berths</del>
<del>100,000 to — 159,999:</del>	<del>Three (3) loading berths</del>
<del>160,000 to — 239,000:</del>	<del>Four (4) loading berths</del>
<del>240,000 to — 319,000</del>	<del>Five (5) loading berths</del>
<del>320,000 to — 399,999:</del>	<del>Six: (6) loading berths</del>

3. ~~Commercial (square feet of floor area):~~

<del>Under 5,000:</del>	<del>Zero (0) (3/14/02)</del>
<del>— 5,000 to — 24,999:</del>	<del>One (1) loading berths</del>
<del>25,000 to — 49,999:</del>	<del>Two (2) loading berths</del>
<del>50,000 to — 100,000:</del>	<del>Three (3) loading berths</del>
<del>Each additional 50,000:</del>	<del>One (1) loading berth</del>

4. ~~Industrial, manufacturing, warehousing, storage, processing and terminals (square feet of floor area):~~

<del>Under 5,000:</del>	<del>Zero (0) (3/14/02)</del>
<del>— 5,000 to — 24,999:</del>	<del>One (1) loading berths</del>
<del>25,000 to — 49,999:</del>	<del>Two (2) loading berths</del>
<del>50,000 to — 100,000:</del>	<del>Three (3) loading berths</del>
<del>Each additional 50,000:</del>	<del>One (1) loading berth</del>

C. ~~Minimum length and width requirements of loading berths:~~

1. ~~Hotel, local or general commercial, commercial amusement, office, bank or hospital, etc.: Thirty five (35) feet; twelve (12) feet. (3/14/02)~~
2. ~~Industry, wholesale, storage, etc.: Sixty (60) feet; twelve (12) feet. (3/14/02)~~
3. ~~Multifamily dwellings: 25 feet; 12 feet. (3/24/05)~~



1009 LANDSCAPING (3/24/05)

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1009.01 PURPOSE

Section 1009 is adopted to:

- A. Promote sustainable development practices, including energy efficiency, water conservation, reduced use of pesticides and synthetic fertilizers, and onsite storm water containment;
  - B. Support clean air and water, wildlife habitat, greenhouse gas reduction, and the retention of existing natural features;
  - C. Create compatibility between adjacent land uses, with particular emphasis on mitigating off-site impacts to residential areas;
  - E. Provide outdoor recreational space in residential developments;
  - F. Encourage the planting of edible gardens;
  - G. Create an attractive, safe, and functional pedestrian environment;
  - H. Facilitate the safe and efficient movement of traffic through parking lots; and
  - I. Enhance the appearance of development.
- ~~A. To complement the color, texture, scale and building materials used in a development, while taking into account existing landscape elements and native plant materials.~~
  - ~~B. To provide landscaped areas within parking lots which are designed to facilitate movement of traffic, breakup large areas of impervious surfaces, provide shade, buffer and screen adjacent properties, and promote a safe environment with a pleasant appearance.~~
  - ~~C. To promote energy efficiency and conservation of water and other resources.~~
  - ~~D. To guide the planting and maintenance of landscaping materials.~~
  - ~~E. To provide pedestrian amenities along streets and within new development. (12/23/98)~~
  - ~~F. Promote the retention and use of natural features on a site. (11/23/98)~~
  - ~~G. Highlight public access to buildings for streets, parking areas and structures, and~~

public spaces such as plazas. (12/23/98)

H. Promote compatibility between land uses by reducing visual, noise, and lighting impacts of development on users of the site and abutting uses, with particular attention to off-site impacts when abutting a residential area. (12/23/98)

I. Enhance the overall appearance of a development. (12/23/98)

~~1009.02~~ MINIMUM AREA STANDARDS

~~The minimum area requirements may include landscaping around buildings and in parking and loading areas, outdoor recreational use areas, and buffering as required under this Section (1009). Exceptions to these requirements for development within the Clackamas Regional Center Area Design Plan, Comprehensive Plan Map X-CRC-1, are specified in Section 1700. (5/3/01)~~

~~A. Medium and High Density Residential: A minimum of 25 percent of the gross land area shall be used for landscaping in medium and high density districts. This requirement may be reduced to a minimum of 20 percent when any combination of the following is substituted for gross land area: (3/24/05)~~

~~1. Interior courtyards.~~

~~2. Atriums, solar greenhouses, solariums~~

~~3. Roof gardens~~

~~4. Indoor recreation areas~~

~~5. Other comparable amenities as determined by the Design Review Committee~~

~~Redevelopment or additions to multifamily developments shall meet the minimum area requirements of this section.~~

~~B. Special High Density Residential: The minimum area requirements shall be as specified under subsections 304.10(D) and (E). Reductions in the forty (40) percent requirement may be allowed as provided under subsection 304.10(E), for indoor recreational facilities over and above the minimum requirements. (3/14/02)~~

~~C. Commercial and industrial districts: The minimum area requirement for landscaping shall be fifteen (15) percent of the total developed land area in Commercial, Light Industrial and General Industrial districts; twenty (20) percent in Business Park districts; and twenty-five (25) percent in Campus Industrial districts.~~

- D. ~~The minimum landscaping requirement may include natural features and areas as specified in Section 1011.~~
- E. ~~Additions or alterations to nonconforming uses and nonconforming development on a commercial or industrial site which do not comply with the landscaping requirements of this Ordinance must provide landscaping in scale with the modification, as follows: (8/27/93)~~
1. ~~Structural additions of 1,000 to 1,999 square feet are required to landscape at least five (5) percent of the developed site area.~~
  2. ~~Structural additions of 2,000 to 4,999 square feet are required to landscape at least ten (10) percent of the developed site area.~~
  3. ~~Structural additions of 5,000 square feet or more are required to meet the current minimum landscape requirement for new development.~~
  4. ~~Where successive structural additions occur the landscape requirement shall accumulate until total conformance is reached. (8/27/93)~~

1009.023 GENERAL PROVISIONS

- A. ~~For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, groundcover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or pedestrian amenities (e.g. plazas, pocket parks, courtyards, seating areas that provide usable pedestrian spaces, and street furniture). Up to one third (1/3) of the landscape area requirement may be met by pedestrian amenities. Landscaped areas shall not be used for other purposes such as storage or display of automobiles, equipment, and other uses. (12/13/89)~~
- B. ~~Landscaping shall be designed, developed and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:~~
1. ~~Type, variety, scale and number of plants used;~~
  2. ~~Placement and spacing of plants;~~
  3. ~~Size and location of landscaped areas;~~
  4. ~~Contouring, shaping and preparation of landscaped areas;~~
  5. ~~Use and placement of nonplant elements within the landscaping;~~

- ~~C. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.~~
- ~~A.D. Landscaping~~ Landscaping ~~Landscaping~~ materials shall be selected and sited to produce a ~~hardy and drought-resistant low-maintenance landscaped area with an emphasis on fast-growing plants.~~ Selection shall include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the ~~subject property site,~~ building walls and overhangs, and compatibility with ~~existing native-vegetation to be preserved on the site.~~ Notwithstanding the requirement for hardiness, annuals are permitted as provided in Subsection 1009.02(B).
- ~~B. A variety of plants, intermixed throughout landscaped areas, shall be provided, as follows:~~
- ~~1. Evergreen and deciduous;~~
  - ~~2. Trees, shrubs, and groundcover;~~
  - ~~3. Plants of varying textures;~~
  - ~~4. Plants of varying widths and heights at maturity; and~~
  - ~~5. Plants with seasonal color interest (e.g., foliage, flowering perennials, annuals).~~
- ~~C. The planting of invasive non-native or noxious vegetation shall be prohibited, and existing invasive non-native or noxious vegetation shall be removed.~~
- ~~D. Landscaped areas shall not be used for other purposes, such as storage or display of automobiles, equipment, merchandise, or materials.~~
- ~~EE. Street-side Landscaping of the unimproved area between a property line and the improved portion of within an adjacent road the right-of-way shall be required when there are no immediate plans to develop or otherwise disturb the unimproved areaportion of the right-of-way between the road and the property line, and one or more of the following applyapplies:~~
- ~~1. The subject property is located inside the Portland Metropolitan Urban Growth Boundary (UGB); Street trees are to be provided, under provisions of subsection 1009.09.~~
  - ~~2. Landscaping is necessary to present an appearance consistent with the proposed development as viewed from the road; (8/31/81)~~
  - ~~3. Landscaping is necessary to reduce dust, noise, erosion, or fire hazard; or~~

4. The road is designated as a scenic road in the on Comprehensive Plan Map V-5, Scenic Roads.
5. ~~The street design standards for the road, as described in the Comprehensive Plan, include a landscaped buffer between the curb and sidewalk. (5/24/01)~~
- F. Landscaping shall be used to highlight public entrances to buildings, except that this requirement will be waived where buildings are not set back from the front property line.
- G. Where feasible, landscaping shall be required adjacent to walkways and other areas intended for pedestrian use.

1009.03 MINIMUM AREA STANDARDS

- A. Table 1009-1 establishes the minimum percentage of the area of the subject property that shall be landscaped.
  1. The minimum landscaping percentage shall be calculated after subtracting any public dedications from the area of the subject property.
  2. Landscaping in adjacent rights-of-way shall not count toward compliance with the minimum landscaping percentage.
  3. Requirements for surface parking and loading area landscaping, screening and buffering, and outdoor recreational areas set forth in Section 1009 apply regardless of whether compliance with those requirements results in landscaping a greater percentage of the site than is required by Table 1009-1.
  4. Notwithstanding Subsection 1009.03(A), additions to a commercial, industrial, or institutional development which does not currently comply with the minimum landscaping percentage standard, shall require additional landscaping area, as follows:
    - a. Structural additions of 1,000 to 1,999 square feet: An additional five percent of the subject property, but no more than the percentage required by Table 1009-1;
    - b. Structural additions of 2,000 to 4,999 square feet: An additional 10 percent of the subject property, but no more than the percentage required by Table 1009-1;
    - c. Structural additions of 5,000 square feet or more: The percentage



required by Table 1009-1; and

- d. Where successive structural additions occur at different times, the required landscaping percentage shall increase until total conformance is reached.

Table 1009-1: Minimum Landscaped Area

Zoning District	Minimum Landscaped Area
<u>RTL, RCO, RCC, PMU, CC, SCMU<sup>1</sup></u>	<u>10 percent</u>
<u>NC, C-2, C-3, RTC<sup>2</sup>, RC, I-2, I-3, RI, VCS, VO, VC</u>	<u>15 percent</u>
<u>OC, OA, BP, RCHDR<sup>3</sup></u>	<u>20 percent</u>
<u>MR-1, HDR, PMD, MRR, MR-2, CI, VTH, VA</u>	<u>25 percent, except 20 percent for developments of attached single-family dwellings in the MR-1 and MR-2 zoning districts</u>
<u>HR</u>	<u>25 percent for the development of conditional uses; 20 percent for the development of attached single-family dwellings, if three or more dwelling units are attached to one another</u>
<u>R-2.5 through R-30, RR, RA-1, RA-2, RRF-5, FF-10, HR, FU-10, VR-4/5, and VR-5/7</u>	<u>25 percent for the development of conditional uses</u>
<u>SHD</u>	<u>40 percent<sup>4</sup></u>

<sup>1</sup> In the SCMU District, the minimum shall be 15 percent for developments of three-family or multifamily dwellings, including mixed-use developments that include these uses.

<sup>2</sup> In the unincorporated community of Government Camp, as shown on Comprehensive Plan Map X-MH-4, Government Camp Village Plan Land Use Plan & Boundary, the minimum shall be 10 percent, except that there shall be no minimum for properties with frontage on the Old Mt. Hood Loop Road from E. Wy'east Trail to E. Olive Street and on E. Little Trail from E. Olive Street to E. Church Street, where public plazas are provided in compliance with Subsection 504.09(E).

<sup>3</sup> In the RCHDR District, this is the minimum percentage for landscaping, outdoor surface areas, and certain recreational facilities, as regulated by Subsections 1706.10(D) and (E).

<sup>4</sup> This is the minimum percentage for certain indoor recreational facilities, as set forth in Subsection 304.10(C), and outdoor surface areas, including the following: landscaping; courtyards; pedestrian plazas; areas dedicated for parks; onsite walkways and bikeways; recreational areas and facilities; and shared yards, decks, terraces, patios, and roof gardens.

B. A minimum of 75 percent of the minimum landscaped area required by Table 1009-1—excluding any area occupied by pedestrian amenities, active recreational areas, or edible gardens—shall be landscaped with native or drought-tolerant plants.

C. Outdoor recreational areas required by Subsection 1009.06, as well as outdoor



recreational areas in the Mountain Recreational Resort District, shall count toward the minimum landscaped area required by Table 1009-1, except that impervious surface area exceeding 25 percent of the outdoor recreational area shall be excluded.

- D. Edible gardens may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1.
- E. Green roofs may comprise a maximum of 25 percent of the minimum landscaped area required by Table 1009-1.
- F. Turf lawn may comprise a maximum of 10 percent of the minimum landscaped area required by Table 1009-1. However, this limitation shall not apply to active recreational areas, provided that no other areas of the subject property are planted in turf lawn, and it shall not apply to cemeteries.
- G. Pedestrian amenities may comprise a maximum of one-third of the minimum landscaped area required by Table 1009-1. However, no more than 15 percent of the minimum landscaped area required by Table 1009-1 and developed with pedestrian amenities shall have an impervious surface.
- H. Area occupied by walls, fences, or trellises constructed to comply with Subsections 1009.04 and 1009.05 shall count toward the minimum landscaped area required by Table 1009-1.
- I. In Medium, Medium High, and High Density Residential Districts, the following may comprise a maximum of 20 percent of the minimum landscaped area required by Table 1009-1: interior courtyards, atriums, solar greenhouses, solariums, roof gardens, indoor recreational areas, and other comparable amenities.

1009.04 SURFACE PARKING AND LOADING AREA LANDSCAPING

Surface parking and loading areas shall be landscaped as follows:

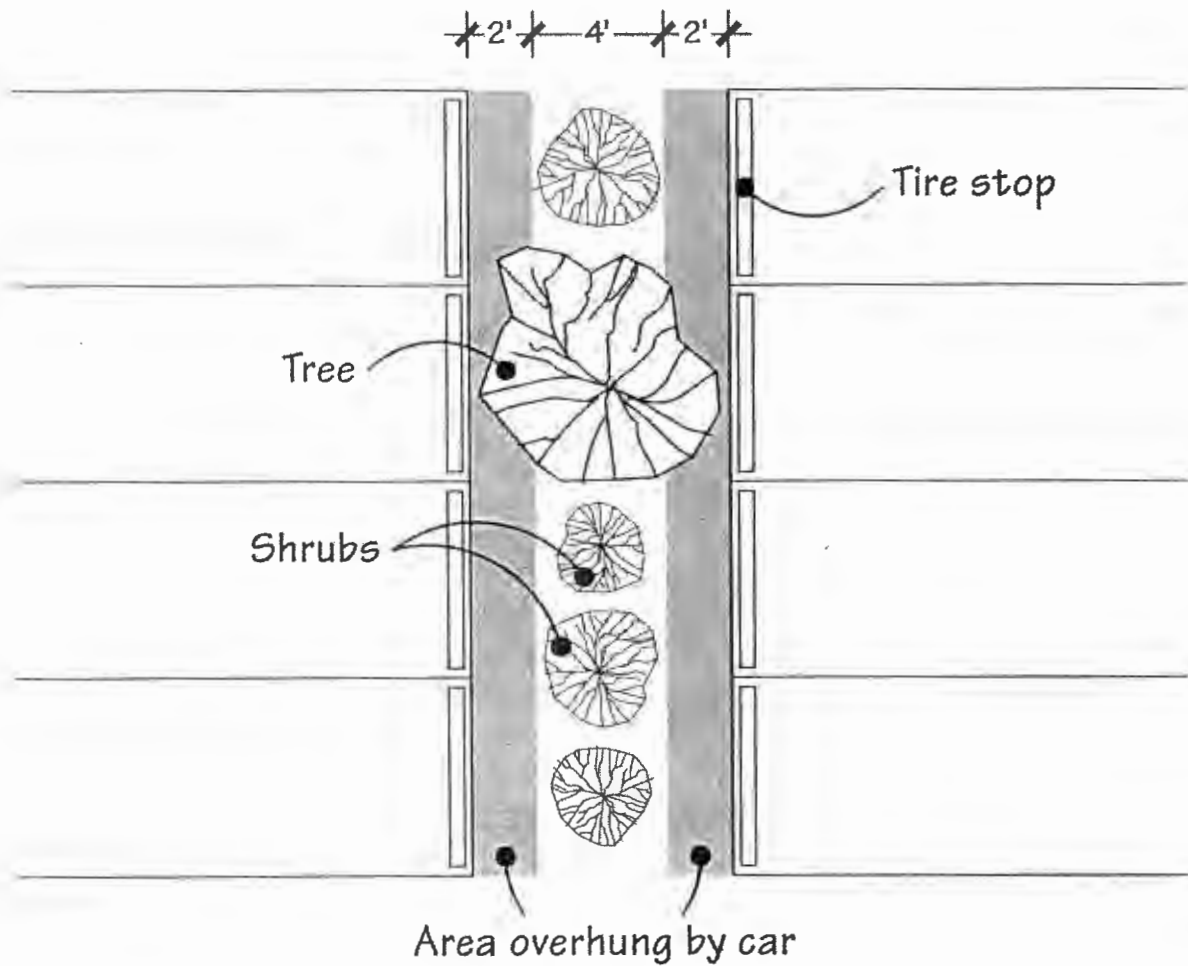
- A. A mixture and grouping of deciduous and evergreen plant material shall be provided throughout an automotive use area. (12/13/89)
- B.A. Surface parking areas that include more than 15 parking spaces shall comply with the following landscaping requirements: The following interior landscaping requirements shall apply to multifamily parking areas for twenty (20) or more automobiles, and commercial and industrial use parking areas for thirty (30) or more automobiles: (12/13/89)
  - 1. Twenty-five Ten (10) square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the

standard shall be reduced to 20 square feet for each parking space developed entirely with porous pavement.

~~2. Landscaped areas shall be distributed to provide maximum shading and should divide parking into bays:~~

2. One landscape swale located between two rows of parking spaces, as shown in Figure 1009-1, is required for every six rows of parking spaces, unless all parking spaces are developed entirely with porous pavement. Additional swales beyond the minimum requirement are allowed.
  - a. For the purpose of Subsection 1009.04(A)(2), a "row" of parking spaces is one space deep, meaning that where two spaces abut at their ends, it is considered two "rows".
  - b. Parking spaces separated by pedestrian or vehicle crossings perpendicular to the row of parking spaces are considered to be part of a single row.
  - c. The first required swale shall be developed for the entire length of the longest row of parking spaces.
  - d. Gaps in a required swale are permitted only to provide for pedestrian and vehicle crossings.
  - e. The parking lot shall be graded to allow surface water to flow into a swale. Curbs shall not separate parking spaces from the swale, and gaps between parking space tire stops are required to allow surface water to flow into a swale.
  - f. Swales shall be a minimum of four feet wide.
  - g. If the front portions of parking spaces are landscaped as allowed by Subsection 1015.04(B)(11), the landscaped portion of the parking space shall be adjacent and in addition to the swale, as shown in Figure 1009-1.
  - h. Turf lawn is prohibited in swales.

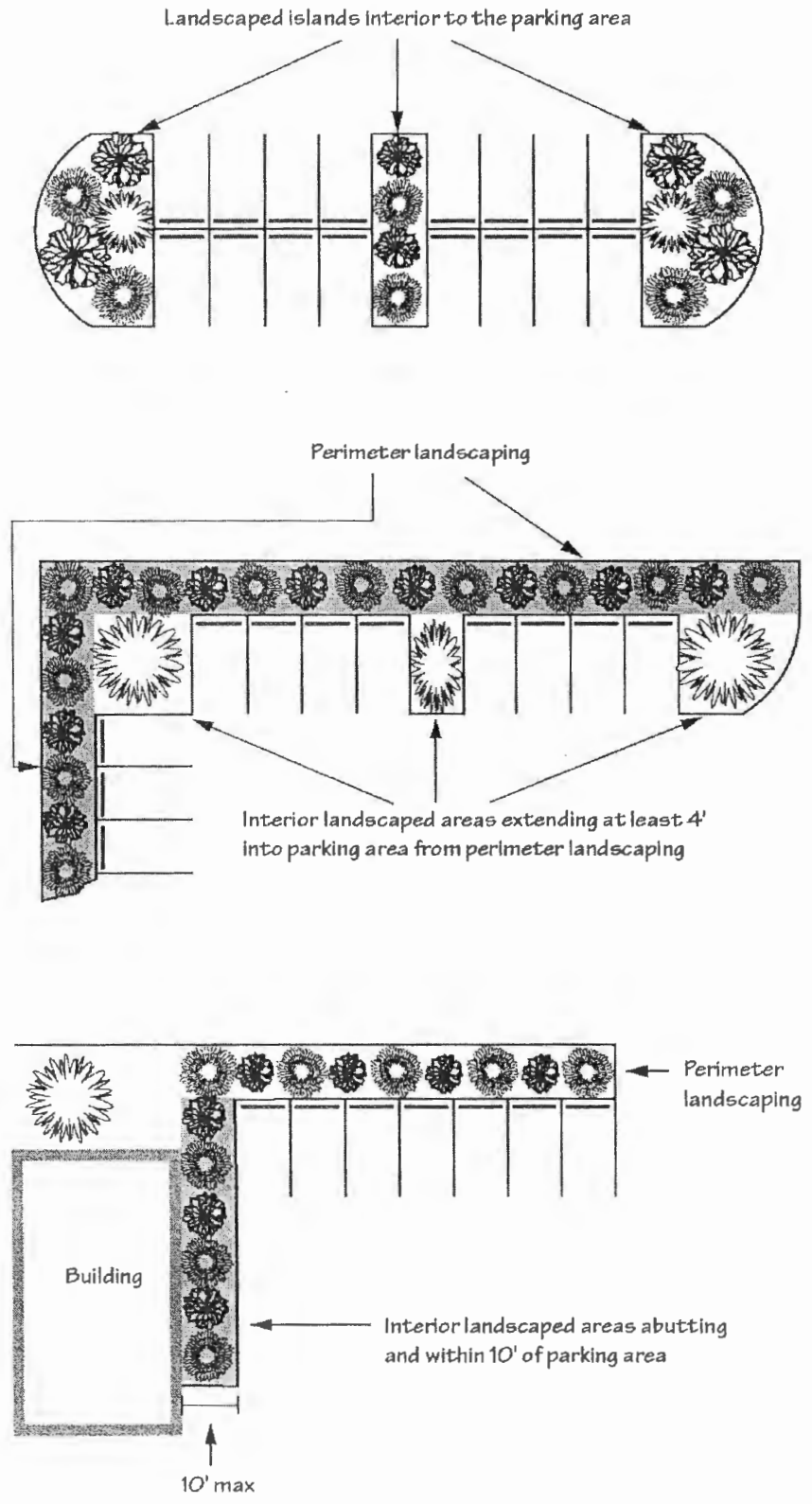
**Figure 1009-1**  
**Parking Lot Swale**



3. Interior landscaping not developed as swales pursuant to Subsection 1009.04(A)(2) shall comply with the following standards:
  - a. It shall be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking. See Figure 1009-2.

- b. It may join perimeter landscaping as long as the interior landscape area extends at least four feet into the parking area from the perimeter landscape line. See Figure 1009-2.
- c. Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
  - i. The abutting landscaped area must be in addition to required perimeter landscaping;
  - ii. Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
  - iii. The landscaped area is not abutting and parallel to required perimeter landscaping. See Figure 1009-2.
- d. The interior length and width of landscaped areas shall be a minimum of four feet.

### Figure 1009-2 Interior Landscaping



43. Interior landscaped areas, including swales, shall include a minimum of one tree located every eight interior parking spaces, or fraction thereof, except in the Office Apartment (OA), Village Apartment (VA), Village Community Service (VCS), Village Office (VO), and Village Commercial (VC) Districts, where a minimum of one tree shall be located every six interior parking spaces.

a. Where necessary to accommodate other design considerations, variable spacing of the trees required by Subsection 1009.04(A)(4) is allowed, but in no case shall there be less than one tree planted in every 12 parking spaces.

b. The species number of trees required shall be determined on the basis of the growth habit of the tree species and the need to provide maximum shading of surface parking areas. The minimum number of trees shall be no less than an average of one (1) tree per 25 feet of planter length, or portion thereof. (8/31/81)

~~4. Landscaped islands shall be a minimum of fifty (50) square feet.~~

~~5. Evergreen ground cover and shrubs shall be no more than thirty (30) inches in height at the end of planting areas, to insure adequate traffic visibility.~~

C.B. Perimeter landscaping requirements for surface parking and loading areas/vehicular-use areas adjacent to abutting properties or rights-of-way are as follows:

1. A landscaping minimum strip with a minimum width of five (5)-feet shall be provided adjacent to the perimeter of the surface parking or loading area, except in the Office Apartment, Village Apartment, Village Community Service, Village Office, and Village Commercial Districts, where the minimum width shall be 10 feet. (12/23/98)

2. The required landscaping strips shall comply with the following standards:

a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or a berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior side of the landscaping strip.

b. In addition, one tree is required for every 30 linear feet of landscaping strip, or as otherwise required to provide a tree canopy over the



landscaping strip.

c. Ground cover plants must fully cover the remainder of the landscaped area.

3. A perimeter landscape strip is not required for a surface parking area adjacent to an abutting property if one or more interior driveways connect the two properties and if the abutting property also is developed with a surface parking area adjacent to the shared property line.

4. Required walkways may cross perimeter landscaping strips.

~~2. The minimum number of trees required is one (1) tree per forty five (45) feet of perimeter length.~~

~~3. Provide ground cover and shrubs. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened as per Section 1009.05.~~

~~4. Areas adjacent to railroad rights-of-way on an industrial site may be exempt from perimeter landscaping requirements.~~

~~D. Perimeter landscaping requirements when adjacent to streets and walks are as follows:~~

~~1. A minimum strip width of five (5) feet adjacent to street.~~

~~2. The minimum number of trees required shall be one (1) tree for every forty five (45) feet of perimeter length.~~

~~3. Plantings shall reflect the landscaping objectives of the district.~~

~~4. Areas adjacent to road and driveway intersections may be exempt.~~

#### 1009.05 SCREENING AND BUFFERING

A. Screening shall be used to eliminate or reduce the visual impacts of the following:

1. Service areas and facilities, such as including garbage and waste disposal containers, recycling bins, and loading areas and receptacles for solid waste or recyclable materials;

2. Storage areas;

3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;

~~3.4. Parking lots within or adjacent to an Urban Low Density Residential, Recreational Residential (RR), Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Rural Residential Farm/Forest 5-Acre (RRFF-5), Farm/Forest 10-Acre (FF-10), Hoodland Residential (HR), Future Urbanizable 10-Acre (FU-10), Village Small-Lot Residential (VR-4/5), or Village Standard-Lot Residential (VR-5/7) zoning districts; and as specified in subsection 1009.04.;~~

~~4. On and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.~~

5. Any other area or use, as required by this Ordinance.

B. Screening ~~shall~~ may be accomplished by the use of sight-obscuring plant materials (generally evergreens), vegetated earth berms, walls, fences, trellises building parapets, proper siting of disruptive elements, building placement, or other design techniques.

C. Screening ~~shall be~~ is required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property site. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six (6) feet in height and up to a maximum of ten (10) feet shall be is required around the material or equipment. (8/27/93)

D. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration ~~shall will~~ be given to the buffering and screening between residential uses and commercial or industrial uses, and in visually sensitive areas. (8/27/93)

E. Buffering shall be accomplished by one of the following Methods of achieving adequate buffers include: (08/27/93)

1. A landscaping strip with a minimum width Width of ~~not less than fifteen~~ (15) feet and planted with:-

a) At least one row of deciduous and evergreen trees staggered and spaced not more than ~~30~~ fifteen (15) feet apart.;

b) At least one row of evergreen shrubs, spaced not more than five (5) feet apart, which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting; and

~~e)c. Lawn, low~~Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;

2. ~~A berm with a minimum width~~Width of not less than ten (10) feet, —berm plus planting~~a maximum slope of 40 percent on the side away from the area screened from view, and planted with a dense evergreen hedge;~~

~~a)Berm forms should not slope more than forty (40) percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.~~

~~b)A dense evergreen hedge.~~

3. ~~A strip with a minimum width~~Width of not to be less than five (5) feet, and including: —wall/fence plus planting.

~~a)a. A masonry wall or sight-obscuring fence not less than five~~5 feet in height;

~~b)b. An evergreen hedge, vines, trees, or shrubs; and~~

~~c)c. Lawn, low~~Low-growing evergreen shrubs; and evergreen ground cover covering the balance of the area; or

4. ~~Another method~~Other methods which produce that provides an adequate buffer considering the nature of the impacts to be mitigated, as approved by the Design Review Committee.

F. Required walkways shall be accommodated, even if such accommodation necessitates a gap in required screening or buffering.

1009.06 OUTDOOR RECREATIONAL AREAS—MEDIUM AND HIGH DENSITY RESIDENTIAL

An outdoor recreational area shall be provided in developments of two-family, three-family, or multifamily dwellings in the Medium Density Residential (MR-1), Medium High Density Residential (MR-2), and High Density Residential (HDR) zoning districts, and in developments of three-family or multifamily dwellings, including mixed-use developments that include these uses, in the Station Community Mixed Use (SCMU) zoning district, as follows:

A. A minimum of Two hundred (200) square feet of usable outdoor recreational space (passive or active) per dwelling unit shall be provided for studio, and one- bedroom, and two-bedroom units. ; and The minimum shall be increased

~~to three hundred (300) square feet per dwelling unit of usable outdoor recreation space (passive or active) shall be provided for units with three or more bedrooms/bedroom units. Notwithstanding these requirements, see Subsections 1707.08(D)(1) and (2) for limitations that apply in the SCMU zoning district.~~

~~B. Outdoor recreational areas may be designed for passive or active recreation, including edible gardening.~~

~~B.C. Outdoor recreational areas in multifamily development shall be designed for adequate surveillance opportunities.~~

~~C.D. Outdoor recreational/Recreation areas shall be conveniently located and accessible to all dwelling/living units.~~

~~1009.07 ENERGY CONSERVATION~~

~~A. Use berms and plant materials where practical to assist in energy conservation and efficiency. Suggested alternatives are as follows:~~

~~1. Locate and form berms to protect buildings and exterior use spaces against winter winds.~~

~~2. Utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.~~

~~3. Utilize deciduous trees to provide summer shade and allow winter sun.~~

~~4. Utilize deciduous vines on fences, trellises and arbors to provide summer shade.~~

~~B. Landscape materials should not block solar access to buildings.~~

~~1009.078 EROSION CONTROL~~

~~A. Revegetate graded/Graded areas shall be re-vegetated with suitable plants to ensure/insure erosion control. Plant disturbed areas with suitable plant material.~~

~~B. Provide/Nnetting shall be provided, where necessary, on sloped areas while ground cover is being established.~~

~~1009.09 STREET TREES~~

~~A. All developments fronting on designated boulevards in the Comprehensive Plan shall be required to plant street trees in accordance with the standards of this~~

~~section. Street trees shall be encouraged in all developments and/or may be required in accordance with any adopted community plan.~~

- ~~B. Exemptions from the street tree requirements may be granted by the Planning Director or staff on a case-by-case basis. Exemptions may be granted, for example, if existing trees are to be saved which can be used as a substitute for street trees, or where trees approved under subsection 1009.09C, below, are to be planted on the property adjoining the street right-of-way.~~
- ~~C. Street trees to be planted shall be chosen from an approved list of street trees (if adopted) unless approval for planting of another species is given by the Planning Director or staff.~~
- ~~D. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters and bus stops.~~
- ~~E. Location and planting of street trees also may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.~~
- ~~F. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.~~

1009.0810 PLANTING AND MAINTENANCE

- A. Impervious weed barriers (e.g. plastic sheeting) are prohibited.

~~No sight-obscuring plantings exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the corner nearest the intersection of any road, driveway or easement. 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 in areas facilitating automobiles and ten (10) feet in areas facilitating truck traffic.~~

- B. Plant materialsPlants shall not cause a hazard. PlantsLandscape plant materials over walkways, sidewalkswalks, pedestrian pathwayspaths, and seating areas shall be pruned to maintain a minimum height of eight (8) feet below the lowest hanging branches. Plants over streets and other vehicular use areas shall be pruned and to maintain a minimum height of fifteen (15) feet below the lowest hanging branches over streets and vehicular traffic areas.

- C. Landscape plant materialsPlants shall be of a type that, at maturity, selected which typically does not generally interfere with above- or below-ground utilities above or below ground at maturity.



- D. ~~Landscape plant material~~ Plants shall will be installed to current nursery industry standards.
- E. ~~Landscape plant materials~~ Plants shall be properly property guyed and staked to current nursery industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- F. ~~All landscape~~ Landscaping materials shall will be guaranteed in writing by the developer for a period of one year from the date of installation. A copy of the guarantee shall will be furnished to the County by the developer. The developer also shall also submit a signed maintenance contract, or provide a financial guarantee pursuant to Section 1104 ~~post a bond or other surety acceptable to Clackamas County, covering the landscape maintenance costs during the guarantee period. See Section 1104 for bonding requirements.~~ (12/13/89)
- G. ~~Plants materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas which that will not be irrigated shall~~ should be sufficiently hardy to thrive under these conditions. Plants shall ~~should have vigorous root systems, and be sound, healthy, and free from defects, and diseases, and infections.~~
- H. ~~When planted, d~~ Deciduous trees shall ~~should be fully branched, have a minimum caliper of two one and one quarter (1 1/4) inches, and have a minimum height of eight (8) feet at the time of planting.~~
- I. ~~When planted, e~~ Evergreen trees shall be fully branched and have a minimum height of eight six (6) feet in height, fully branched.
- J. ~~Shrubs shall~~ should be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) to fifteen (15) inches.
- K. ~~Ground cover Most ground cover plantings should~~ shall be planted on a maximum of thirty (30) inches on center with a maximum of and thirty (30) inches between rows. Rows of plants shall ~~are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size containers, except that the minimum shall be reduced to or a two and one quarter (2 1/4) inches container or equivalent if the ground cover is planted a minimum of eighteen (18) inches on center.~~
- L. ~~L.~~ Plants shall be spaced so that ground coverage three years after planting is expected to be 90 percent, except where pedestrian amenities, rainwater collection systems, or outdoor recreational areas count as landscaping pursuant to Subsection 1009.03. Areas under the drip line of trees count as



ground coverage.

~~L. All developments are required to provide appropriate methods of irrigation for the landscaping. It is recommended that large landscape areas be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Sprinkler heads shall not cause any hazard to the public. Hose bibs and manually operated methods of irrigation may be appropriate for small landscaping areas. Irrigation shall not be required in wooded areas, wetlands, floodplains, and along natural drainage channels or streambanks.~~

M. Irrigation of plants shall be required, except in wooded areas, wetlands, and in river and stream buffers. The irrigation system shall be automatic, except that hose bibs and manually operated methods of irrigation may be permitted in small landscaped areas close to buildings. Automatic irrigation systems are subject to the following standards:

1. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
2. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
3. Narrow or irregularly shaped areas, including turf lawn, less than eight feet in width in any direction shall be irrigated with subsurface or low volume irrigation.
4. Overhead sprinkler irrigation shall not be permitted within two feet of any non-permeable surface. Allowable irrigation within the two-foot setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
  - a. The landscaped area is adjacent to permeable surfacing and no runoff occurs; or
  - b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
  - c. The irrigation designer specifies an alternative design or technology, and clearly demonstrates strict adherence to Subsection 1009.08(M)(1).

d. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling.

N. ~~M.~~ Appropriate methods of plant care and landscaping maintenance of landscape plant material shall be provided by the property owner of the property.

O. ~~N.~~ Landscaping material Plants shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable ~~methods~~ method.

1010 SIGNS (11/30/06)

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1010.01 PURPOSE

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

1010.02 GENERAL PROVISIONS

A. Permits Required: If a sign other than one named in Subsection 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.

~~B. Conflicting Standards: Signs shall be allowed subject to the provisions of this section, except when these provisions conflict with the specific standards for signs in the subject district, zoning ordinance, or a design plan adopted by the Board of County Commissioners affecting the site, in which case the latter provisions shall prevail.~~

~~C.~~ B. Along State Highways: All off-premises signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Motorists Information Act.

~~D.~~ C. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in ~~this S~~Section 1010.

~~E.~~ D. Address Display: The signing program for a multifamily, commercial or industrial development shall include the display of the street number(s) for the development on the sign or building where it can be seen from adjacent roads and meet fire district standards.

~~F.~~ E. Sign Clearances: A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under freestanding and projecting signs.

~~G.~~ F. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.

~~H.~~ G. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning districts in which they are located.

~~I.~~ H. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.

J.I. Illuminated Signs:

1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle. (3/24/05)
2. The light intensity of an illuminated sign shall conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.
3. The Design Review Committee may approve an electronic message center. No other sign or illuminating devices shall have blinking, flashing, or fluttering lights.

K.J. Signs or displays containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.

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

M.L. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in a safe condition, in compliance with all building and electrical codes, and in conformance with Section 1010~~this code~~, at all times.

N.M. Preexisting Signs: Notwithstanding ~~Section 1206 of this Ordinance~~, signs and sign structures existing prior to ~~the adoption of this amendment on September 12, 1996~~, which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of ~~this Section 1010~~ shall be subject to the following provisions:

1. Alterations to a nonconforming sign which reduce or do not increase its noncompliance with the provisions of this Ordinance, including changes in display surface, sign areas, height, and setback, may be allowed subject to review under ~~provisions of Subsection 1010.05~~, and
2. Failure to use the copy area of a nonconforming sign for purposes permitted under ~~this s~~Section 1010 for a period of more than ~~twelve (12)~~ consecutive months shall constitute a "discontinuation of use" as provided under Subsection 1206.02 and such sign shall be removed or modified to satisfy all applicable requirements of Section 1010 and the underlying zoning district.

~~O.N.~~ Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.

~~P.O.~~ Sign Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.

~~Q.P.~~ Site: For purposes of ~~this~~ Section 1010, a "site" shall be the entire "site area" of the development as it is defined in Subsection 601.09(B), and onsite signs shall be those permanent signs which are oriented towards internal circulation roads, driveways, and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways. ~~(3/14/02)~~

~~R.O.~~ Incidental signs shall not exceed three ~~(3)~~-square feet per side.

1010.03 EXEMPT SIGNS:

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

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

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

1. Incidental signs;
2. Product dispensers, such as beverage, newspaper, and recycling machines; and
3. Window signs.

1010.04 PROHIBITED SIGNS:

The following signs and sign characteristics are prohibited:

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

districtszones;

- E. Signs that obstruct free and clear vision of a traffic sign or signal from intended users, or otherwise constitute a traffic impediment;
- F. Signs imitating or resembling official traffic signs or signals;
- G. Any sign imitating or resembling an official county street or road sign, unless the sign is approved pursuant to Chapter 7.05, the County Addressing and Road Naming Ordinance, of the Clackamas County Code;
- H. Colored lights which might in any way be confused with or construed to be traffic signals or lights on emergency vehicles;
- I. Strobe lights and signs containing strobe lights;
- J. Any sign that emits sound, odor, or visible matter; and
- K. Multiple reader signs designed to be read as a continued statement. (11/6/97)

1010.05 DESIGN REVIEW

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

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

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

- A. Residential Signs in Urban Low Density ~~Urban~~ and Future Urbanizable Districts:
  - 1. Shall not exceed three ~~(3)~~ square feet.
  - 2. Shall be located inside the dwelling or located flat against the dwelling.



3. Only one ~~(1)~~ such sign shall be permitted upon the premises.
4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)-(1) and (2).
5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used, except as provided in Subsection 1010.13; Temporary Displays and Signs.

B. Signs in Rural Residential Districts:

1. Shall not exceed eight ~~(8)~~ square feet per side or six ~~(6)~~ feet in height.
2. Only one ~~(1)~~ such sign shall be permitted upon the premises.
3. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.
4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)-(1) and (2).
5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used, except as provided in Subsection 1010.13; Temporary Displays and Signs.

C. Freestanding signs for multifamily developments or subdivisions:

1. Maximum total sign area: ~~thirty-two (32)~~ square feet per side.
2. Maximum number: No more than one ~~(1)~~ freestanding sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
  - a) a. When an additional sign is located at a major public access point located on a different public road, or
  - b) b. When two ~~(2)~~ single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign, or;
  - c) c. In mixed-use developments, a separate monument sign, not to exceed ~~thirty-two (32)~~ square feet, may be allowed for the multifamily portion of the development.

d) ~~\_\_\_\_\_~~ In the case of signs permitted under Subsection 1010.06(C)(2)(a)-  
or (b), ~~above, the larger of the~~ neither signs shall ~~not~~ exceed the maximum  
sign size allowed.

3. Maximum top-of-sign height: Five (~~5~~) feet above the finished ground elevation  
(not including berms or mounds specifically created for the sign).
4. Setbacks: Behind property line.

#### 1010.07 SIGNS IN NATURAL RESOURCE DISTRICTS.

##### A. Commercial signs:

1. Shall not exceed ~~thirty-two (32)~~ square feet. Signs may be two sided.
2. Freestanding commercial signs:
  - a) Maximum top-of-sign height: Eight (~~8~~) feet above finished ground  
elevation (not including berms or mounds specifically created for the sign).
  - b) Maximum number: The maximum number of signs shall be four. (11/6/97)
  - c) Setback: Behind front property line.
  - d) May include portable signs when anchored in accordance with Subsection  
1010.13(A), (~~5~~).
  - e) May be illuminated by internal or external lighting, subject to sSubsection  
1010.02(~~I~~).
3. Building commercial signs:
  - a) Maximum number: One (~~1~~)
  - b) May be illuminated by internal or external lighting, subject to sSubsection  
1010.02(~~I~~).

##### B. Residential signs as per Subsection 1010.06(B).

##### C. Institutional uses as per Subsection 1010.08.

1010.08 SIGNS FOR SERVICE, RECREATIONAL, AND INSTITUTIONAL USES  
(11/30/06)

The following standards shall apply to signs in urban residential, rural residential, future urbanizable, and natural resource zoning districts for service and recreational uses regulated by Section 813, and for institutional uses. ~~Institutional uses may include, but are not limited to, public and semi-public facilities, schools, churches, hospitals, and similar uses.~~ (11/30/06)

- A. Maximum Area: ~~Thirty-two (32)~~ square feet per side. Neither a freestanding nor a building sign shall exceed this standard. (11/30/06)
- B. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I). (11/30/06)
- C. Maximum Number: One ~~(1)~~ freestanding and one ~~(1)~~ building sign shall be permitted upon the premises. (11/30/06)
- D. Maximum Top-of-Sign Height: Five ~~(5)~~ feet for a freestanding sign. (11/30/06)

1010.09 COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Commercial freestanding signs.

- 1. Number: Only one ~~(1)~~ sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless through dDesign rReview pursuant to Section 1102, the following is determined:

~~a)~~a. An additional sign is needed to provide identification of the development at major public access points located on two ~~(2)~~ different public roads, and/or

~~b)~~b. When two ~~(2)~~ single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.

~~e)~~c. In mixed use developments a separate freestanding sign, not to exceed ~~thirty-two (32)~~ square feet, may be allowed for the multifamily portion of the development.

~~d)~~d. In the case of signs permitted under Subsection 1010.09(A)(1)(In the case of (a) or (b) above, the larger of theneither signs shall ~~not~~ exceed the maximum sign size allowed.

e) For General Commercial (C-3) and Retail Commercial (RTL) zoning districts, one additional freestanding sign may be allowed on a public, County, or State road when the frontage on that road exceeds 450 feet. In no case shall the number of freestanding signs exceed four (4) for any development. The additional signs shall be a maximum of ~~sixty (60)~~ square feet.

This provision for an additional freestanding sign shall not allow an additional sign on any site located on a corner which qualifies for an additional sign by reason of that corner location under Subsection 1010.09 (A)-(1)-(a).

2. Maximum top-of-sign height:

a) Pole signs: In C-3 and RTL zoning districts zones, ~~twenty-five (25)~~ feet. In all other Commercial zoning districts, zones ~~twenty (20)~~ feet. (11/6/97)

b) Monument signs: In all Commercial zoning districts zones, six (6) feet. In all industrial zoning districts zones, five (5) feet. (11/6/97)

3. Maximum Sign Area: ~~Sixty (60)~~ square feet. Signs may be two sided. For developments of more than one use included on the same site, a sign area may be increased above this requirement an additional ~~ten (10)~~ square feet per tenant, up to a maximum of two hundred (200) square feet, subject to Design Review standards Subsection (1010.05). Additionally, multiple-tenant signs shall use a common background.

4. Setbacks: Behind property line.

5. The sign supporting structure shall not be counted for purposes of determining sign area.

6. Illumination: Such signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

B. Building commercial signs:

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

2. Maximum size:

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

b. If there is a freestanding sign on the same site frontage, then one ~~(1)~~-square foot of sign area per linear footage of the occupant's primary building wall. ~~(11/6/97)~~

c. Wall signs based on the sign rights of a primary building wall may be placed on a secondary building wall; they may not be placed onto another primary building wall. ~~(11/6/97)~~

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

e. In no case shall a building sign exceed ~~two hundred (200)~~ square feet.

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

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

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

#### 1010.10 ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS

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

~~A.B.~~ Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two ~~(2)~~-square feet per tenant, use, or building specifically identified, up to a maximum of ~~forty (40)~~ square feet.

~~B-C.~~ Directories, including those attached to buildings, that are oriented toward pedestrian circulation areas, ~~including those attached to buildings,~~ shall be a maximum of ~~twenty-four (24)~~ square feet in area, and a maximum of eight (8)-feet in top-of-sign height.

~~C-D.~~ An onsite monument sign for an individual building within a development may be allowed as an alternative to a building sign, provided such sign shall:

1. Be located adjacent to the building being identified.
2. Not exceed ~~twelve (12)~~ square feet in area.
3. Not exceed four (4)-feet in top-of-sign height.
4. Use materials and colors ~~which~~ that are the same, or substantially the same, as those used on the building identified by the sign.

1010.11 OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS

A. A temporary permit may be approved, renewable after five years. Criteria for approval:

1. Shall be allowed only in Natural Resource zoning districts.
2. The sign shall provide the actual registered name of a business and directions to the business (e.g., left or right, an arrow, one-quarter1/4 mile, etc.).
3. A maximum of three (3)-offsite traffic control identification signs are allowed for each business.;
4. Maximum distance of business from offsite traffic control identification sign:  
Five (5)-miles.
5. A maximum of two offsite traffic control signs shall be located at any one site.

B. Development Standards

1. Maximum size: Shall not exceed four (4)-square feet per side.
2. Setback: Behind the front property line.
3. Illumination: Offsite traffic control and identification signs shall not be illuminated.



1010.12 FLAGS

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

- A. Number: Three ~~(3)~~ flags per site.
- B. Maximum size: No flag shall exceed ~~forty~~ (40) square feet.
- C. Height: Top of pole supporting flag shall not exceed ~~thirty-five~~ (35) feet above finished ground elevation (not including berms or mounds specifically created for the sign).
- D. All flags shall be located on one pole.

1010.13 TEMPORARY DISPLAYS AND SIGNS

A. Temporary sSigns may be displayed under the following conditions and limitations:

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

B. Temporary dDisplays (pennants, banners, streamers, strings of lights, and beacon lights) may be displayed according to Subsections 1010.13~~(-A)~~~~(2)~~ and (5) and 1010.02~~(N)~~.

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

A. Area of Application: ~~The provisions of this s~~Subsection 1010.14 shall apply to all permanent identification signs for commercial developments in the Rural Tourist Commercial (RTC) and Mountain Recreational Resort (MRR) zoning districts ~~zoned properties~~ in Government Camp and in the ~~the~~ Hoodland Residential (HR) zoning district on properties with frontage on ~~the~~ Government Camp Loop Road. The purpose of these sign standards is to provide a consistent design theme in the commercial areas.

B. Conformance: Signs shall comply with the other applicable provisions of General Provisions Section 1010.02 and all applicable subsections, except as otherwise provided in ~~this s~~Subsection 1010.14. Where there are conflicts, ~~s~~Subsection 1010.1409 shall govern. ~~No sign may be erected unless it conforms with the regulations of this section and a sign permit has been approved. A s~~Sign pPlan must be submitted to the Design Review Committee which shows:

1. Total signage allowed for the proposed sign frontage, face area of existing signage, and face area of proposed signage;:-
2. The design of the sign and sign support including dimensions, materials, colors, sign copy, lighting, and graphics;:- and
3. A site plan and building elevation showing placement of existing and proposed signs on the site.

C. Preexisting Signs: Signs and sign structures existing prior to ~~the adoption of this amendment on February 10, 1993, which that~~ complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of ~~this~~Section 1010 shall be subject to the provisions of Section 1206 and Subsection 1010.02, Preexisting Signs, except:

1. Any permanent sign which is nonconforming in any manner other than individual size shall be brought into conformance with the provisions of this Ordinance prior to any expansion or change in use which requires design review or a conditional use permit. Total signage area of existing and new signs may not exceed the maximum established in these standards. No occupancy permit shall be issued until a sign plan is submitted.
2. Should any permanent nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement costs at the time of damage, it shall be reconstructed or replaced in conformance with these sign standards.

3. Placement of a new sign where existing signage is greater than the total allowed, or where the new sign will make the total greater, requires removal of an amount of existing signage to keep the total signage area under the limit.
4. Where a Clackamas County Development Agency incentive program is in effect, all nonconforming signs, except those that are nonconforming in size alone, must be brought into conformance or removed by February 10, 1996.

#### D. DESIGN STANDARDS

~~1.~~ Signs shall comply with ~~the provisions of Subsection 1010.05 Design Standards~~ and the following conditions.

~~2.1.~~ Design: Sign design and support structure shall uphold the rustic, mountain environment of Government Camp through a Cascadian design theme.

~~3.2.~~ Materials:

a) a. Signs and support structures are limited to wood or wood exterior, stone, brick, etched or stained glass, wrought iron, or non-shiny metal. Plywood may be used for signs only if it is heavily painted and/or edged to obscure the plywood texture and the surface is sealed to keep it from delaminating.

b) b. Neon signs are permitted inside windows only.

e) c. Plastic may be used only in the letters of sign copy or the portion of a sign with changeable copy.

d) d. Signs in the RTC--zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26 or with frontage on U.S. Highway 26 may be constructed of plastic if the design intent is upheld.

~~4.3.~~ Colors: No reflective or fluorescent colors shall be used on signs or support structures.

~~5.4.~~ Lighting: The source of the lighting shall be external and obscured from the pedestrian. Internally lit signs are permitted only where the letters of the copy are illuminated or in RTC--zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26, or in signs on U.S. Highway 26 frontage.

~~6.5.~~ Changeable Copy: Electronic sign copy and changeable sign copy is limited to no more than 20% percent of total signage allowed.

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

8.7. Placement: Signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.

E. Total Signage Area:

1. Developments less than ~~3~~ three acres in size:

a) ~~a~~ a. Total ~~Signage Area~~ area shall be determined by the lineal feet of building frontage per street. This shall be a minimum of ~~thirty~~ (30) square feet of signage plus one (1) square foot for every five (5)-feet of building frontage greater than ~~thirty~~ (30) lineal feet.

b) ~~b~~ b. Buildings two (2)-stories or taller may increase the total signage allowed by 50% percent.

c) ~~c~~ c. Only frontages on streets shall be used to determine total signage per frontage per development.

d) ~~d~~ d. Signage shall not be transferred between frontages.

2. Developments over three (3) ~~acres in size in Village Sign Standards area:~~

a) ~~a~~ a. Total signage area shall be determined by lineal street frontage. This shall be a minimum of ~~thirty~~ (30) square feet of signage plus a one square foot of signage per five (5)-lineal feet of street frontage greater than ~~thirty~~ (30) feet.

b) ~~b~~ b. Internal signs not readily visible from the street shall not be subject to total signage area restrictions ~~of in this~~ Subsection 1010.14(E)(2).

3. Developments with U.S. Highway 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to Oregon Department of Transportation ~~ODOT~~ sign regulations. One sign shall be allowed per development per U.S. Highway 26 frontage and will be handled on a case-by-case basis. Signage shall conform to the Government Camp design intent to the degree possible.

F. Types of Signs Permitted:

1. Freestanding or m ~~m~~ Monument signs:

a) a ~~a~~ a. Shall be situated within setback.

b)b. Shall have a maximum of ~~1~~one ground mounted sign per ~~fifty~~(50) feet of lineal building frontage.

e)c. Shall have a maximum face area of ~~twenty-four~~(24) square feet.

d)d. Shall have a maximum top-of-sign height of ~~twelve~~(12) feet.

e)e. Shall be on a base or wooden supports; poles are permitted only if integrated into a base. Any metal poles must be free of peeling paint and rust.

2. Building signs:

a)a. Shall have a maximum face area of ~~twenty-four~~(24) square feet.

b)b. Shall not extend more than ~~ten~~(10) inches from the wall.

e)c. Sign or components shall not exceed top of roofline or extend beyond the face area of the building.

3. Projecting signs:

a)a. Shall not extend more than two ~~(2)~~ feet into the public right-of-way, project farther than five ~~(5)~~ feet from the building, or exceed top of roofline immediately above.

b)b. Shall not exceed ~~1~~one projecting sign per ~~twenty-five~~(25) feet of lineal building frontage.

e)c. Shall have a maximum face area of ~~twelve~~(12) square feet; buildings over ~~2~~two stories may have signs of up to ~~twenty-four~~(24) square feet.

d)d. Supporting structure may not exceed sign's height or width by more than two ~~(2)~~ feet or extend higher than roofline.

4. Window signs readily visible from outside the building:

a)a. Shall have a maximum face area of ~~30%~~percent of total window area per frontage; maximum sign size per individual window sign is ~~twelve~~(12) square feet.

b)b. Interior neon window signs readily visible from the street shall not exceed 10% percent of the total window area per street frontage. No more than ~~20%~~percent of an individual window should be covered with neon. Neon signs within these limits shall not be counted toward the ~~t~~Fotal ~~s~~Signage aArea.

5. Awning/~~o~~Overhead or walkway covering signs:

a)~~a~~. Shall be completely positioned on awning, overhead, or covered walkway

b)~~b~~. Shall have a maximum face area of ~~twenty-four (24)~~ square feet.



**1011 OPEN SPACE AND PARKS (1/5/09)**

1011.01 PURPOSE

Section 1011 is adopted to: (1/5/09)

- A. Preserve a network of open space resources within the urban area; (1/5/09)
- B. Protect sensitive or hazardous open space resources from incompatible development; and (1/5/09)
- C. Provide land that meets the open space and recreation needs of the people. (1/5/09)

1011.02 AREA OF APPLICATION (1/5/09)

- A. Section 1011 applies to areas generally indicated as Open Space on Map IV-6 of the Comprehensive Plan or on the Mt. Hood Community Plan Map when one or more of the following open space resources is present: (1/5/09)
  - 1. Willamette River Greenway; (1/5/09)
  - 2. Distinctive urban forests; (1/5/09)
  - 3. Hillsides of more than 20 percent slope; (1/5/09)
  - 4. Areas of confirmed land movement hazard; (1/5/09)
  - 5. Areas of severe erosion or unstable soil; (1/5/09)
  - 6. Areas of high visual sensitivity; (1/5/09)
  - 7. Significant natural areas; and (1/5/09)
  - 8. Other distinctive or unique natural areas, or areas of serious natural hazard. (1/5/09)
- B. Section 1011 also applies to areas generally indicated as Open Space on the Mt. Hood Community Plan Map when one or more of the following open space resources is present: (1/5/09)
  - 1. Bodies of water, such as rivers, lakes, or lagoons; (1/5/09)
  - 2. Special flood hazard areas, as defined in Section 703; (1/5/09)
  - 3. Land within 100 feet of mean low water of all major rivers and 50 feet of

- other perennial streams; and (1/5/09)
4. Wetlands, including recharge areas. (1/5/09)
- C. Open space regulated pursuant to Subsection 1011.02(A) or (B) shall be categorized as follows: (1/5/09)
1. "High priority" open space shall be the following:
    - a. Land or water necessary to assure a continuous network of open space (e.g., stream corridor, forested hillside); (1/5/09)
    - b. Land over 35 percent slope; (1/5/09)
    - c. Confirmed land movement hazard areas; (1/5/09)
    - d. Areas judged to have severe erosion potential due to soil type, geologic structure, and vegetation; (1/5/09)
    - e. Bodies of water such as rivers, lakes, or lagoons; (1/5/09)
    - f. Wetlands; and (1/5/09)
    - g. Significant natural areas. (1/5/09)
  2. "Second priority" open space shall be the following:
    - a. Land greater than 20 percent slope and less than 35 percent slope; (1/5/09)
    - b. Distinctive urban forests; (1/5/09)
    - c. Land within a special flood hazard area, as defined in Section 703, or within 25-year flood limits where special flood hazard areas have not been designated; (1/5/09)
    - d. Land used as a recharge area for wetlands; and (1/5/09)
    - e. Areas of high visual sensitivity. (1/5/09)

1011.03 DEVELOPMENT STANDARDS AND LIMITATIONS

- A. Site planning and development shall avoid disturbance of identified open space resources, except as provided in Subsections 1011.03(B) and (C). Full use should be made of density transfers pursuant to Section 1012, siting of structures and roads, and other appropriate means of designing the development around the open space. (3/24/05)
  
- B. "High priority" open space shall be preserved outright, except:
  - 1. Development on hillsides over 35 percent slope shall be subject to Subsection 1002.03(B). (1/5/09)
  
  - 2. Commercial or industrial developments affecting wetlands or significant natural areas may be allowed, subject to Subsection 1011.04 and when permitted by the U.S. Army Corps of Engineers and the Oregon Division of State Lands. (1/5/09)
  
- C. "Second priority" open space shall be preserved to the maximum extent possible making full use, as necessary, of techniques which reduce the need for land coverage, and disturbance of open space features. Various site plan and development options shall be identified and applied on a case-by-case basis pursuant to the open space review process under Section 1103. Site plan and development techniques may include but are not limited to:
  - 1. Multistory construction; (1/5/09)
  
  - 2. Elevated pole structures; (1/5/09)
  
  - 3. Understructure parking; (1/5/09)
  
  - 4. Reduction of parking requirements as provided under Subsection 1015.04(F)(2)(a) and (b)~~1007.07(B)~~;
  
  - 5. Clustering of buildings; (1/5/09)
  
  - 6. Minimized driveway areas, use of shared driveways and loading areas; (1/5/09)
  
  - 7. Reduction of road widths or use of one-way roads to accommodate terrain or other features; and (1/5/09)
  
  - 8. Siting of buildings to maximize transit and pedestrian orientation.

- D. Satisfying the requirement for open space in commercial and industrial developments may count for up to 60 percent of the landscape requirement. Satisfying the open space requirement in residential developments may count for all of the 20-percent open space requirement in planned unit developments and up to 80 percent of the multifamily landscape requirements, including outdoor recreation space. (See Subsection 1009.032 for landscape requirements.) (1/5/09)
- E. All open space requirements of Section 1011 shall be met using one or more of the following options: (1/5/09)
  - 1. Dedication to the public; (1/5/09)
  - 2. Placement under a legally responsible group, such as a homeowner's association; (1/5/09)
  - 3. Preservation through conservation easements but maintained by individual land owners; or (1/5/09)
  - 4. Some other suitable mechanism acceptable to the County.

1011.04 CONFLICT RESOLUTION FOR WETLANDS AND SIGNIFICANT NATURAL AREAS (1/5/09)

High priority open space wetlands and significant natural areas shall not be disturbed unless approved by the Planning Director, pursuant to Subsection 1305.02, for a specific commercial or industrial development plan. Approval shall not be granted unless the applicant demonstrates that the following social, economic, energy, and appropriate environmental considerations are addressed and satisfied: (1/5/09)

- A. Social: The proposed development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area. (1/5/09)
- B. Economic:
  - 1. The wetland or significant natural area must be disturbed for reasonable use of the site and, if not disturbed, the applicant would be substantially damaged. (1/5/09)
  - 2. The use proposed is a benefit to the community and meets a substantial public need or provides for a public good which clearly outweighs retention of the wetland or significant natural area. (1/5/09)

C. Energy:

1. Disturbance of the open space will not require public costs, including maintenance, due to secondary impacts, or exacerbate existing conditions.
2. The development, as proposed, supports the Comprehensive Plan policies for energy efficient land use considering such things as transportation costs, efficient utilization of urban services, area self-sufficiency, and retention of natural features which create microclimates conducive to energy efficiency.

D. Environmental: Disturbance of the wetland or significant natural area is minimized, as provided under Subsection 1011.03(C) and the review process and conditions of development pursuant to Section 1103, and the following specific conditions are satisfied: (1/5/09)

1. Wetlands:

- a. The wetland can be altered without substantial adverse impact upon the character of the area, and function of the wetland.
- b. The wetland does not support rare or endangered species.
- c. Elimination, alteration, or relocation does not significantly alter water movement, including normal levels or rates of runoff into and from wetlands. (1/5/09)
- d. The proposed use or alteration of the wetland is approved by the U.S. Army Corps of Engineers and the Oregon Division of State Lands. (1/5/09)

2. Significant Natural Areas: A study conducted by a person or persons with expertise related to the natural features of the site identified by the County shall be required. The study shall include: (7/15/81)

- a. An evaluation of the sensitivity or fragility of the elements of the natural area to be affected, including types of activity, development, or alteration which is likely and unlikely to disturb or destroy those elements; (1/5/09)
- b. An evaluation of the preservation value of the natural area, or portion thereof, to be disturbed or destroyed by the proposed development, addressing status, need for representation, diversity, naturalness, viability, defensibility, and security; (1/5/09)

- c. An evaluation of the proposed development, and alternative development proposals, as they relate to the fragility and/or preservation value of the natural area identified under Subsection 1011.04(D)(2)(a) and (b); and (1/5/09)
- d. Findings to support the following:
  - i. The proposed development will not disturb the significant feature(s) of the site identified by the County; or (1/5/09)
  - ii. The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the natural area on or adjacent to the site; and (1/5/09)
  - iii. The site is suitable for the type of development proposed from a geologic standpoint. This may require an engineering geologic study. (1/5/09)

1011 05. PARK AND EASEMENT DEDICATIONS

- A. The standards and requirements of Section 1011 shall be applied whenever land is to be dedicated for a park, recreation area, or easement. (1/5/09)
- B. The park classifications and standards of Policies 1.1 through 1.5 in the Parks and Recreation section of Chapter 9 of the Comprehensive Plan shall be followed in the dedication and development of parks and recreation areas. (1/5/09)



**1014 DESIGN STANDARDS FOR LAND DIVISIONS (3/24/05)**

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1014.01 PURPOSE

Section 1014 is adopted to ensure ~~To~~ assure that land divisions development occurs in an orderly, efficient, sustainable, and cost-effective manner, while preserving the livability of the County. (3/24/05)

1014.02 ~~APPLICABILITY~~ APPLICATION OF SECTION

Section 1014 ~~This section~~ shall apply to all subdivisions and partitions.

~~1014.03~~ STREET DESIGN PROVISIONS

- ~~A.~~ Entrances and exits for vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering or leaving the development.
- ~~B.~~ Subdivisions and partitions shall have access points connecting with existing private, County, or State roads. (3/24/05)
- ~~C.~~ Developments using private roads or access drives for access shall be subject to Subsection 1007.03. (3/24/05)
- ~~D.~~ The layout of streets shall provide for the continuation of arterial, collector, connector, and local streets within the development and between adjoining developments when deemed necessary and feasible by the County Department of Transportation and Development. When public access to adjoining property is required, this access shall be improved and dedicated to the County. (3/24/05)
- ~~E.~~ Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the County Department of Transportation and Development. (3/24/05)
- ~~F.~~ A street which is dedicated to the boundary of the subdivision or partition shall have a reserve strip deeded to the County for the purposes of controlling access from adjacent properties to said street until such time as the street is continued into the adjacent properties and constructed. (3/24/05)
- ~~G.~~ Streets within developments shall be designed to discourage the use of minor streets for through traffic.
- ~~H.~~ Street alignments, intersections, and centerline deflection angles shall be designed to the standards of the County Department of Transportation and Development. (3/24/05)

- ~~I. Street intersections shall be as near to right angles as possible or as otherwise provided under the County Roadway Standards. Street jogs with offsets of less than 125 feet between centerlines shall be avoided. (3/24/05)~~
- ~~J. Intersections with arterial streets should be separated by at least 1000 feet or as otherwise provided under the County Roadway Standards. (3/24/05)~~
- ~~K. If existing streets provide adequate access to a minor or major arterial, new access roads shall enter on the lower classification street.~~
- ~~L. New County, public, or private roads terminating in cul-de-sacs or other County approved turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads. Cul-de-sacs off the primary street(s) within the development may be permitted when Subsections 1014.03(D) and 1014.03(E) have been satisfied and interior loop road connections or additional street stubs to adjacent properties are precluded by natural features, parks, dedicated open space, or existing development. (3/24/05)~~

~~1014.04 LOT OR PARCEL PROVISIONS~~

1014.03 GENERAL DESIGN STANDARDS

~~A. General Design Standards:~~

- ~~A. 1. Every lot or parcel shall abut or have adequate access to a County, public, or private road or access drive and shall conform to the minimum frontage requirement of the applicable zoning district, unless a variance to these standards is approved. (3/24/05)~~
- ~~B. 2. Lots or parcels shall be designed, when appropriate, to allow for the future re-division of the property; and a master plan depicting potential future lot or parcel configurations shall be provided when any proposed lot or parcel is of sufficient size to be re-divided without exceeding the base density of the parent lot or parcel.~~
- ~~C. 3. Residential lots thatwhich have street frontage along two opposite boundaries shall be prohibited, except:
  - ~~1. For reverse frontage lots which are necessary to separate residential development from arterial streets; or~~
  - ~~2. To overcome specific disadvantages of topography, and orientation, or parent lot or parcel configuration, as necessary to permit~~~~

compliance with the minimum density standard required under Section 1012; or

3. Where alleys are provided for rear-loaded lot or parcel layouts.

D. Developments with reverse frontage lots or parcels shall have a restriction in favor of the County at least one-foot wide along the lot or parcel lines abutting the arterial street, across which there shall be no access. Alternatively, there shall be a note on the final plat stating that direct access to the arterial street will not be allowed. (3/24/05)

1014.04 MINIMUM LOT OR PARCEL SIZE

A.

~~— B. Flexible Lot Size Developments: Partitions and subdivisions may include lots or parcels which are smaller than the minimum lot or parcel size specified for the applicable zoning district, provided that: (3/24/05)~~

A. Lots or parcels in subdivisions and partitions shall comply with the minimum lot size standard of the applicable zoning district, unless a planned unit development is approved pursuant to Section 1013, or a flexible-lot-size development is approved pursuant to Subsection 1014.04(B). In any case, the overall density of the subdivision or partition shall comply with Section 1012.

B. The overall density of the development shall comply with Section 1012. (3/24/05)  
~~2-Flexible-lot-size developments are~~ may be permitted in the following zoning districts and with the following minimum lot or parcel sizes:

~~a.4.~~ R-2.5 District: Except as modified by Subsection 301.03(A)(3)(c), the smallest lot or parcel size permitted is 2,000 square feet, except that perimeter lots or parcels adjacent to an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30a more restrictive zoning district shall be a minimum of 2,500 square feet. (3/24/05)

~~b.5.~~ R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts: The smallest lot or parcel size permitted is 80 percent of the minimum lot or parcel size specified in the applicable underlying zoning district for detached single-family dwellings and 2,000 square feet for attached single-family dwellings.

~~e.6.~~ VR-5/7 District: The smallest lot or parcel size permitted is 4,000 square feet.;

~~d.7.~~ VR-4/5 District: The smallest lot or parcel size permitted is 2,000 square feet.;

- e.8. ~~MR-1 and MR-2 Districts for Attached Single-Family Dwellings: The smallest lot or parcel size permitted is 1,800 square feet. (3/24/05)~~
- f.9. ~~RRFF-5 District: The smallest lot or parcel size permitted is two<sup>2</sup> acres, and the average lot size shall be no less than five acres.;~~
- g. ~~These lot or parcel size standards may be subject to modification for planned unit developments pursuant to Section 1013. (3/24/05)~~

1014.05 ZERO-LOT-LINE DEVELOPMENTS

~~C. Zero-Lot-Line Developments: Within the Urban Low Density Residential zoning districts, subdivisions and partitions may be designed to allow the construction of single-family dwellings, manufactured homes, and accessory structuresbuildings with zero setback from the side or rear lot line, provided that:~~

- ~~1.A. The final approved plat includes a diagram, approved by the County Building Codes Division, indicating the buildable area of each lot; and (3/24/05)~~
- ~~2.B. Minimum yard setbacks from lot lines on the perimeter of the subdivision or partitiondevelopment shall be the same as are otherwise required in the applicableunderlying zoning district.~~

~~1014.05 PHASED SUBDIVISIONS AND REPLATS (1/28/87)~~

- ~~A. Density: The total number of lots in a subdivision shall not exceed the maximum density allowed under Section 1012. The total number of lots in all recorded phases of a subdivision shall not exceed the maximum density allowed under Section 1012 for the gross site area included in all such phases.~~
- ~~B. The first phase shall be platted within 2 years of the date of preliminary approval, subject to Subsection 1105.06. If the Planning Director or the Hearings Officer has authorized a phasing schedule for the recording of subsequent phases, that schedule shall apply. The phasing schedule shall be developed in consideration of such factors as the size of the proposed development, complexity of development issues, required improvements, and other factors deemed relevant by the Planning Director or the Hearings Officer. (3/24/05)~~
  - ~~1. The Planning Director may grant time extensions for recording of the first phase pursuant to Subsection 1105.06. The Planning Director may grant modifications to the phasing schedule allowing 1 additional year for final platting of each subsequent phase, subject to the criteria in Subsection 1105.06; however, in no case shall time extensions or modifications to the phasing schedule be granted permitting the recording of any phase more than 5 years after the date of preliminary approval. (3/24/05)~~

- C. ~~Replating: If a subdivision or a phase of a subdivision, or any portion thereof, is replatted, the number of lots in the replatted area shall not exceed the number previously approved for the area, unless all of the following provisions are satisfied:~~
1. ~~The gross site area of the affected subdivision, or phase of a subdivision, is increased, or the zoning on the property has been changed since the previous approval. (3/24/05)~~
  2. ~~The allowed density is recalculated under Section 1012 on the basis of the gross site area of the original subdivision, or phase thereof, plus any additional gross site area, and, if applicable, on the basis of the new zoning. (3/24/05)~~
  3. ~~All existing lots within the subdivision, or phase thereof, which are not affected by the replat, including additional lots which may be created by partition under existing zoning, shall be subtracted from the base density in determining allowed density for the replatted portion. (3/24/05)~~
  4. ~~All open space requirements of the original subdivision, if applicable, shall be satisfied by the replatted subdivision, or portion thereof. (3/24/05)~~
  5. ~~The replat application request shall be signed by all owners of the property within the portion of the subdivision being replatted. (3/24/05)~~
  6. ~~The replatted subdivision, or portion thereof, including any additional site area, shall be reviewed and approved under the same standards and procedures as applied to new subdivisions of the same size.~~
  7. ~~Notice of the Planning Director action or public hearing on the proposed replat shall be sent to all owners of lots within the original subdivision.~~



1015 PARKING AND LOADING

1015.01 PURPOSE

Section 1015 is adopted to:

- A. Provide safe, efficient, and functional parking areas for automobiles and bicycles, and adequate loading areas for service vehicles;
- B. Provide parking and loading areas that complement the design of the development, the street, and the community, and support planned urban form in urban areas;
- C. Minimize disturbance of soils, impervious surfaces, and other negative environmental impacts of parking and loading areas; and
- D. Implement Title 4 of the Regional Transportation Functional Plan.

1015.02 APPLICABILITY

If there is a conflict between Section 1015 and the Clackamas County Roadway Standards, Section 1015 shall govern.

1015.03 GENERAL PROVISIONS

- A. The provision and maintenance of offstreet parking and loading facilities is a continuing obligation of the property owner. When any parking area for the parking of three or more cars is to be established, the standards set forth herein shall apply.
- B. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, 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.
- C. Outside the UGB, all areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.
- D. Parking and loading requirements for types of uses and structures not specifically listed in Tables 1015-2, 1015-3, and 1015-4, or specified in other Sections of this Ordinance, shall be subject to the requirements for the most similar use, as determined by the Planning Director.

1015.04 AUTOMOBILE PARKING AREA STANDARDS



A. Off-street parking areas shall be provided in defined areas of the subject property and shall meet the following requirements for location of the parking area on the site:

1. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has required maneuvering area for the vehicles.
2. Automobile parking areas shall be separated from bicycle parking areas and from loading areas to the extent possible.
3. Commercial or recreational vehicle storage areas shall be located in areas that are farther from building entrances than parking spaces for customers and employees.

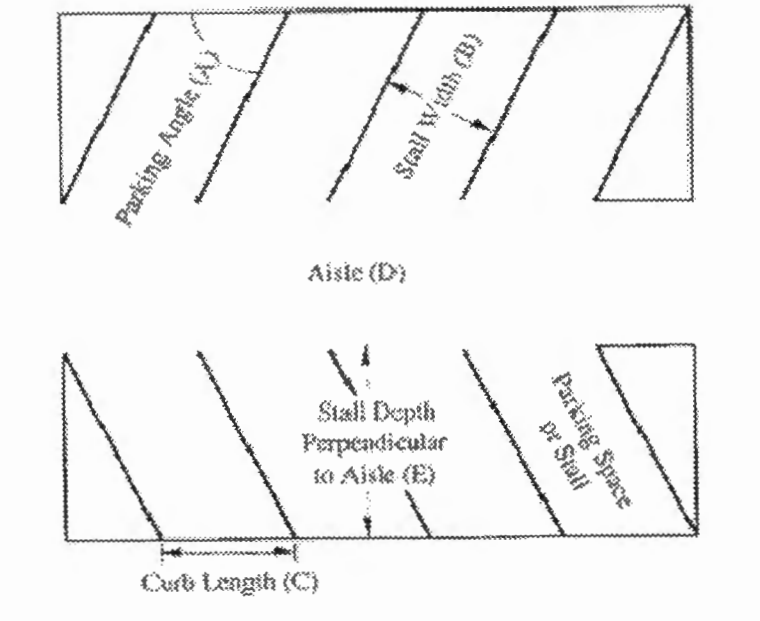
B. Off-street parking areas shall be designed to meet the following requirements:

1. Parking areas must meet the requirements of the Americans with Disabilities Act.
2. Except for parallel parking spaces, the minimum size for all standard parking spaces shall be 8.5 feet wide and 16 feet long.
3. Minimum dimensions of curb length, stall depth, and parking lot aisles are based on the parking space orientation as follows:

Table 1015-1: Minimum Parking Space and Aisle Dimensions

<u>Parking Space Orientation (A)</u>	<u>Curb Length (C)</u>	<u>Stall Depth (E)</u>	<u>One-Way Aisle (D)</u>	<u>Two-Way Aisle (D)</u>
<u>Parallel</u>	<u>22 feet</u>	<u>8 feet</u>	<u>12 feet</u>	<u>20 feet</u>
<u>30 degree angle</u>	<u>17 feet</u>	<u>15 feet</u>	<u>12 feet</u>	<u>20 feet</u>
<u>45 degree angle</u>	<u>12 feet</u>	<u>17 feet</u>	<u>12 feet</u>	<u>20 feet</u>
<u>60 degree angle</u>	<u>9.75 feet</u>	<u>17.5 feet</u>	<u>16 feet</u>	<u>20 feet</u>
<u>90 degree angle</u>	<u>8.5 feet</u>	<u>16 feet</u>	<u>24 feet</u>	<u>24 feet</u>

Figure 1015-1 Parking Dimension Factors



3. Double-loaded, ninety-degree angle parking bays shall be utilized where possible.
4. A maximum of 50 percent of the parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long, with the following exceptions:
  - a. Outside the Portland Metropolitan Urban Growth Boundary (UGB), more than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long.
  - b. For retail uses such as building supply stores, furniture stores, and other stores selling bulky items, more than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long.
  - c. More than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long, when the applicant demonstrates that a higher ratio of over-sized vehicles are found in parking areas of similar developments and uses.

- d. More than 50 percent of parking spaces may be larger than 8.5 feet wide and 16 feet long, but not larger than 9 feet wide and 18 feet long, when porous pavement is used for all parking spaces.
5. A minimum of five percent, but at least one space, of the required parking spaces shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee automobile parking spaces to the building entrances normally used by employees, but shall not take priority over any spaces required for individuals with disabilities.
6. Required backing and maneuvering areas for on-site automobile parking spaces shall be located entirely onsite.
7. In parking lots greater than one acre, major onsite circulation drive aisles and lanes crossing to adjacent developments shall not have parking spaces accessing directly onto them.
8. Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.
9. Except for parallel spaces, parking spaces heading into landscaped areas or along the perimeter of a parking lot shall be provided with a sturdy tire stop at least four inches high and located two feet within the space to prevent any portion of a car within the lot from extending over the property line.
10. For parking spaces heading into a landscaped area, the area in front of the tire stop that is included in the parking space dimension may be landscaped instead of paved or graveled according to the following standards:

  - a. Landscaping shall be ground cover plants only;
  - b. The area in front of the tire stop that is included in the parking space dimension shall be in addition to the required minimum dimension for a landscape planter; and
  - c. The landscaped area in front of the tire stop may count toward overall site landscaping requirements established in Table 1009-1. However, it may not count toward perimeter landscaping requirements established in Section 1009.04(B)(1).
11. Required parking spaces shall not be used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering it useless for parking.

C. Uses located on transit service lines and that have days and hours of

operation not in conflict with weekday use (e.g. churches, fraternal organizations, or nighttime amusements) may be required under Subsection 1007.07, to allow a portion of their parking area to be used for a park-and-ride lot.

D. Parking Minimums: The minimum parking spaces listed in Table 1015-2 apply unless modified in Subsection 1015.04(F).

1. In case of expansion of a building or use that, prior to the expansion, does not meet the minimum parking space requirements in Table 1015-2, the following provisions shall apply:

a. The minimum number of additional parking spaces required shall be based only on the floor area or capacity added and not the area or capacity existing prior to the expansion.

b. If the enlargement covers any of the pre-expansion parking spaces, lost parking spaces shall be replaced, in addition to any required additional spaces.

c. The maximum number of parking spaces allowed for the entire development after the expansion shall be based on Table 1015-2.

2. In the event more than one use occupies a single structure or parcel, the total minimum requirement for parking shall be the sum of the minimum requirements of the several uses computed separately.

3. Parking spaces fulfilling the minimum requirement for a specified use shall not be rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.03(F)(2)(a) for shared parking.

4. The conducting of any business activity, except for temporary uses (e.g., Farmers' Markets), shall not be permitted to occupy any of the required parking spaces.

E. Parking Maximums:

1. Within the UGB, the parking maximums listed in Table 1015-2, Urban Zone A, apply when an area has 20-minute peak hour transit service within one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit;

2. Within the UGB, areas not meeting the requirements of Subsection 1015.04(E)(1), are subject to the parking maximums listed in Table 1015-2, Urban Zone B.

3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-2:
  - a. Existing parking spaces may be retained, replaced, or eliminated, provided that after the expansion, the total number of remaining spaces complies with the minimum parking space requirement of Table 1015-2 for the entire development; and
  - b. Additional parking spaces are allowed only if required to comply with the minimum parking space requirement of Table 1015-2 for the entire development after the expansion.

**Table 1015-2: Automobile Parking Space Requirements\***

\* Parking ratios are based on spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

<u>Land Use Category</u>	<u>Minimum Parking Spaces</u>	<u>Maximum Parking Spaces (Urban Zone A)</u>	<u>Maximum Parking Spaces (Urban Zone B)</u>
<u>Amusement Parks, Riding Academies, and Camps (per 1000 square feet of serving area)</u>	<u>0.8</u>	<u>None</u>	<u>None</u>
<u>Bank with Drive-in</u>	<u>4.3</u>	<u>5.4</u>	<u>6.5</u>
<u>Bowling Alleys (per alley)</u>	<u>3</u>	<u>None</u>	<u>None</u>
<u>Daycare Facilities</u>	<u>0.5</u> <u>In addition, a passenger-loading area shall be provided on the site.</u>	<u>None</u>	<u>None</u>
<u>Hospitals</u>	<u>0.5</u>	<u>None</u>	<u>None</u>
<u>Hotels and Motels (per unit)</u>	<u>1</u>	<u>None</u>	<u>None</u>
<u>Industrial, Manufacturing, and Processing Facilities</u>			
<u>Zero to 24,999 square feet</u>	<u>1.5</u>	<u>None</u>	<u>None</u>
<u>25,000 to 49,999 square feet</u>	<u>1.42</u>	<u>None</u>	<u>None</u>
<u>50,000 to 79,999 square feet</u>	<u>1.25</u>	<u>None</u>	<u>None</u>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Land Use Category</u>	<u>Minimum Parking Spaces</u>	<u>Maximum Parking Spaces (Urban Zone A)</u>	<u>Maximum Parking Spaces (Urban Zone B)</u>
80,000 square feet and greater	<u>1</u>	<u>None</u>	<u>None</u>
Medical and Dental Clinics	<u>3.5</u>	<u>4.9</u>	<u>5.9</u>
Movie Theaters (per seat)	<u>0.3</u>	<u>0.4</u>	<u>0.5</u>
Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children (per bed)	<u>0.2</u>	<u>None</u>	<u>None</u>
Office Uses (includes Office Park, "Flex-Space", Government Office and Miscellaneous Services)	<u>2.7</u>	<u>3.4</u>	<u>4.1</u>
Places of Worship (per seat located in main assembly room), unless a school, daycare, or similar facility is proposed in conjunction with primary use, in which case it shall have separate parking requirement	<u>0.5</u> or 1 per 5.3 feet of bench length in main assembly room	<u>0.6</u>	<u>0.8</u>
Produce Stands (per stand)	<u>4</u>	<u>None</u>	<u>None</u>
Dwellings, including			
<u>Single-Family Dwelling or Manufactured Dwelling in Urban Low Density, Village Small Lot, or Village Standard Lot Residential District, except in a Planned Unit Development (per dwelling unit)</u>	<u>1, located behind the front yard setback line</u>	<u>None</u>	<u>None</u>
<u>Planned Unit Development (per single-family dwelling unit)</u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>Hoodland Residential District (per dwelling unit 800 square feet or less) <sup>1</sup></u>	<u>1</u>	<u>None</u>	<u>None</u>
<u>Hoodland Residential District (per dwelling unit greater than 800 square feet) <sup>1</sup></u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>Mountain Recreational Resort District, except congregate housing facilities (per 600 square feet of residential building area)</u>	<u>1</u>	<u>None</u>	<u>None</u>
<u>Attached Single-Family Dwelling in Medium or Medium High Density Residential District (per dwelling unit)</u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>Attached Single-Family Dwelling in Station Community Mixed Use District (SCMU) District (per dwelling unit)</u>	<u>1 onsite</u>	<u>2 onsite</u>	<u>NA</u>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Land Use Category</u>	<u>Minimum Parking Spaces</u>	<u>Maximum Parking Spaces (Urban Zone A)</u>	<u>Maximum Parking Spaces (Urban Zone B)</u>
<u>Attached Single-Family Dwelling in Village Townhouse District (per dwelling unit)</u>	<u>1, located in a garage</u>	<u>None</u>	<u>None</u>
<u>Two- and Three-Family Dwellings (per dwelling unit)</u>	<u>1.5</u>	<u>None</u>	<u>None</u>
<u>Manufactured Dwelling Park (per dwelling unit)</u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>Multifamily Dwelling (per one-bedroom dwelling unit)</u>	<u>1.25</u>	<u>None</u>	<u>None</u>
<u>Multifamily Dwelling (per two-bedroom dwelling unit)</u>	<u>1.5</u>	<u>None</u>	<u>None</u>
<u>Multifamily Dwelling (per three-bedroom dwelling unit)</u>	<u>1.75</u>	<u>None</u>	<u>None</u>
<u>Congregate Housing Facilities (per resident)</u>	<u>0.25</u>	<u>None</u>	<u>None</u>
<u>Accessory Dwelling Units (per dwelling unit)</u>	<u>1, located behind the front yard setback line</u>	<u>None</u>	<u>None</u>
<u>Restaurants: Fast Food with drive-thru window service</u>	<u>9.0</u>	<u>12.4</u>	<u>14.9</u>
<u>Restaurants: With no drive-thru window service, Taverns</u>	<u>15.0</u>	<u>19.1</u>	<u>23</u>
<u>Retail/Commercial, including shopping centers</u>	<u>4.1, except in the Clackamas Regional Center Area, 3.0</u>	<u>5.1</u>	<u>6.2</u>
<u>Retail stores with bulky merchandise, such as furniture, appliances, automobiles, service/repair shops</u>	<u>2</u>	<u>5.1</u>	<u>6.2</u>
<u>Schools: Colleges, Universities, and High Schools (per student or staff member)</u>	<u>0.2</u>	<u>0.3</u>	<u>0.3</u>
<u>Schools: Elementary and Junior High Schools (per school)</u>	<u>15, or 2 per classroom, whichever is less</u>	<u>None</u>	<u>None</u>
<u>Service Stations (per employee at peak employment period)</u>	<u>1</u>	<u>None</u>	<u>None</u>
<u>Sports Clubs/Recreation Facilities</u>	<u>4.3</u>	<u>5.4</u>	<u>6.5</u>

<u>Land Use Category</u>	<u>Minimum Parking Spaces</u>	<u>Maximum Parking Spaces (Urban Zone A)</u>	<u>Maximum Parking Spaces (Urban Zone B)</u>
Surface Mining	On-site vehicular parking for employees, customers and visitors, determined through Conditional Use process.	None	None
Tennis and Racquetball Courts	1	1.3	1.5
Theaters, Dance Halls, Community Clubs, Skating Rinks, Public Meeting Places (per seat, or 1 per 100 sq. ft. exclusive of stage)	0.25	None	None
Warehouse and Storage Distribution, and Terminals (air, rail, truck, water, etc.) **Maximum parking requirements apply only to warehouses 150,000 gross square feet or greater.			
Zero to 49,999 square feet	0.3	None	None
50,000 square feet and over	0.2	0.4**	0.5**

<sup>1</sup> On land above 3,500-foot elevation, covered parking shall be provided for structures containing three or more dwelling units.

F. Exceptions to Parking Requirements

1. Parking maximums in Table 1015-2 may be increased for the following:
  - a. Parking spaces in parking structures;
  - b. Fleet parking;
  - c. Designated employee carpool spaces;
  - d. User paid spaces;
  - e. Parking for vehicles for sale, lease, or rent; and
  - f. Structured parking.
2. Parking minimums in Table 1015-2 may be reduced for the

following:

- a. The total minimum requirement for parking spaces may be reduced up to 20 percent per use when shared parking is utilized.
- b. Within the UGB, available permitted on-street parking spaces on a development's street frontage may be counted toward required parking as follows:
  1. All on-street parking spaces may count towards required parking in the following zoning districts: Neighborhood Commercial (NC), Community Commercial (C-2), General Commercial (C-3), Office Commercial (OC), Retail Commercial (RC), Campus Industrial (CI), Light Industrial (I-2), General Industrial (I-3), Business Park (BP), Village Office (VO), Village Commercial (VC), Regional Center Office (RCO), Regional Center Commercial (RCC), Corridor Commercial (CC), and Station Community Mixed Use District (SCMU).
  2. In Office Apartment and Planned Mixed Use zoning districts, each on-street parking space may count towards 0.5 required parking space.
- c. Motorcycle parking may substitute for vehicle parking spaces as follows:
  - i. Up to five spaces or five percent of required automobile parking, whichever is less, may be utilized.
  - ii. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
  - iii. Existing parking may be converted to take advantage of this provision.
  - iv. Each motorcycle space must be at least four feet wide and 8 feet deep.
- d. Electric vehicle charging stations may be installed according to the following standards:
  - i. Two spaces or five percent of the minimum required parking spaces, whichever is greater, may be utilized for electric vehicle charging stations and identified exclusively for such use.

- ii. Additional parking spaces of the minimum required parking may be utilized for electric vehicle charging stations, provided they are not identified exclusively for such use.
- iii. Any portion of parking spaces provided that are beyond the required minimum number of parking spaces may be utilized for electric vehicle charging stations, regardless of whether they are identified exclusively for such use.

1015.05 BICYCLE PARKING STANDARDS

A. Bicycle parking areas shall meet the following on-site locational requirements:

- 1. Bicycle parking racks shall be located in close proximity to an entrance but shall not conflict with pedestrian needs.
- 2. At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building.
- 3. Bicycle parking areas shall be separated from automobile parking.
- 4. Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.
- 5. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered in one or several locations within 50 feet of each building's entrance.
- 6. If the bicycle parking is not easily visible from the street or main building entrance, then a sign must be posted near the building entrance indicating the location of the parking facilities.

B. Bicycle parking shall be designed to meet the following requirements:

- 1. When more than seven bicycle parking spaces are required, a minimum of 50 percent of the spaces shall be covered. All (100 percent) of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, and multifamily dwellings shall be covered.
- 2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.

3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g. bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.
4. Required bicycle parking spaces shall be illuminated.
5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.
6. Bicycle parking space dimensions and standards:
  - a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.
  - b. An aisle five feet wide for bicycle maneuvering must be provided.
  - c. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
  - d. Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if, through design review pursuant to Section 1102, it is determined that comparable dimensions, maneuvering, and clearance are provided to the user.
  - e. Bicycle racks must accommodate both:
    - i. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
    - ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.
7. The minimum bicycle parking spaces listed in Table 1015-3 are required.
8. Notwithstanding Table 1015-3, all listed uses located within the Portland Metropolitan Urban Growth Boundary (UGB) shall have a minimum of two bicycle parking spaces.

**Table 1015-3: Minimum Required Bicycle Parking Spaces**



<u>Land Use Category</u>	<u>Minimum Bicycle Parking Spaces*</u>
<u>Elementary Schools, Junior High Schools, Middle Schools, Senior High Schools, and Colleges (per classroom)</u>	<u>2</u> <u>(maximum required spaces – 100)</u>
<u>Multifamily Dwellings (per dwelling unit)</u>	<u>0.5</u>
<u>Park-and-Ride Lots, Transit Centers, and Community Parks (per acre)</u>	<u>5</u>
<u>Preschools</u>	<u>4</u>
<u>Residential Care Facilities, Nursing Homes, and Hospitals (per 8 beds)</u>	<u>1</u>
<u>Retail and Commercial including offices and clinics</u>	
<u>Per 2,500 square feet, up to 50,000 square feet</u>	<u>1</u>
<u>Per each additional 5,000 square feet</u>	<u>1</u>
<u>Theaters, Places of Worship, Auditoriums, Dance Halls and other Public Assembly Places (per 40 seats or per 40 persons of design capacity, whichever is greater)</u>	<u>1</u>
<u>Warehouses and industrial buildings without attached offices, automotive service uses such as service stations and tire stores, and businesses selling large items such as major appliances, furniture, cars, or boats (per 10,000 square feet of building area)</u>	<u>1</u>

\* Minimums outside the UGB are 20 percent of the requirement listed in Table 1015-3.

1015.06 OFF-STREET LOADING STANDARDS

A. Loading areas shall meet the following onsite locational requirements:

1. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.
2. Loading areas shall be separated from vehicle and bicycle parking areas.

B. Loading berths fulfilling the minimum requirement for a specified use shall not be rented, leased, or assigned to any other person or organization, except as provided for under shared loading berths in Subsection 1015.06(F).

C. The conducting of any business activity, except for permitted temporary uses (e.g., Farmer’s Markets), shall not occupy any of the minimum required loading berths.

D. No required loading berth shall be used for storing or accumulating goods or a commercial or recreational vehicle, camper, or boat, rendering it useless



for loading operations.

E. In cases of expansion of a building or use, that prior to the expansion, does not meet the minimum loading berth requirements in Table 1015-4, the following provisions shall apply:

1. The minimum number of additional loading berths required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.

2. If the expansion covers any pre-expansion loading berths, lost loading berths shall be replaced, in addition to any required additional berths.

F. In the event several uses occupy a single structure or parcel of land and share the same loading berths, the total requirement for off-street loading shall be reduced by up to 25 percent of the sum of the requirements of the several uses computed separately.

G. The minimum off-street loading berths listed in Table 1015-3 are required.

**Table 1015-4: Minimum Required Off-Street Loading Berths**

<u>Land Use Category</u>	<u>Unit of Measurement</u>	<u>Number of Loading Berths</u>	<u>Minimum Required Dimension</u>
<u>Multifamily Dwellings</u>	<u>Number of Dwelling Units</u>		<u>25 feet x 12 feet x 14 feet high</u>
	<u>Below 50</u>	<u>None</u>	
	<u>50 to 100</u>	<u>1</u>	
	<u>101 to 200</u>	<u>2</u>	
	<u>201 or more</u>	<u>3</u>	
<u>Hotels and Motels</u>	<u>Square feet of floor area</u>		<u>35 feet x 12 feet x 14 feet high</u>
	<u>Under 5,000</u>	<u>None</u>	
	<u>5,000 to 50,000</u>	<u>1</u>	
	<u>50,001 to 150,000</u>	<u>2</u>	
	<u>150,001 to 300,000</u>	<u>3</u>	
	<u>300,001 to 500,000</u>	<u>4</u>	
	<u>For each additional 200,000</u>	<u>1 additional berth</u>	
<u>Institutional Uses</u>			
<u>Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children</u>	<u>Number of beds</u>		<u>35 feet x 12 feet x 14 feet high</u>
	<u>Less than 25</u>	<u>0</u>	
	<u>More than 25</u>	<u>1</u>	
<u>Assisted Living Facilities</u>	<u>Square feet of floor area</u>		
	<u>Below 10,000</u>	<u>None</u>	
	<u>10,000 to 60,000</u>	<u>1</u>	
	<u>60,0001 to 160,000</u>	<u>2</u>	
	<u>160,001 to 264,000</u>	<u>3</u>	
	<u>388,001 to 520,000</u>	<u>5</u>	
	<u>520,001 to 652,000</u>	<u>6</u>	
	<u>652,001 to 784,000</u>	<u>7</u>	

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	<u>784,001 to 920,000</u>	<u>8</u>	
	<u>For each additional 140,000</u>	<u>1 additional berth</u>	
<u>Schools</u>	<u>Per each school bus</u>	<u>0.5</u>	
<u>Hospitals</u>	<u>Square feet of floor area</u>		<u>35 feet x 12 feet x 14 feet high</u>
	<u>Under 5,000</u>	<u>None</u>	
	<u>5,000 to 16,000</u>	<u>1</u>	
	<u>16,001 to 40,000</u>	<u>2</u>	
	<u>40,001 to 64,000</u>	<u>3</u>	
	<u>64,001 to 96,000</u>	<u>4</u>	
	<u>96,001 to 128,000</u>	<u>5</u>	
	<u>128,001 to 160,000</u>	<u>6</u>	
	<u>160,001 to 196,000</u>	<u>7</u>	
	<u>For each additional 36,000</u>	<u>1 additional berth</u>	
<u>Commercial Uses</u>	<u>Square feet of floor area</u>		<u>35 feet x 12 feet x 14 feet high</u>
	<u>Under 5,000</u>	<u>None</u>	
	<u>5,000 to 24,999</u>	<u>1</u>	
	<u>25,000 to 49,999</u>	<u>2</u>	
	<u>50,000 to 100,000</u>	<u>3</u>	
	<u>Each additional 50,000</u>	<u>1</u>	
<u>Industrial, Manufacturing, Warehousing, Storage, Processing, and Terminals</u>	<u>Square feet of floor area</u>		<u>60 feet x 12 feet x 14 feet high</u>
	<u>Under 5,000</u>	<u>None</u>	
	<u>5,000 to 16,000</u>	<u>1</u>	
	<u>16,001 to 40,000</u>	<u>2</u>	
	<u>40,001 to 64,000</u>	<u>3</u>	
	<u>64,001 to 96,000</u>	<u>4</u>	
	<u>96,001 to 128,000</u>	<u>5</u>	
	<u>128,001 to 160,000</u>	<u>6</u>	
	<u>160,001 to 196,000</u>	<u>7</u>	
	<u>For each additional 36,000</u>	<u>1 additional berth</u>	

**1016 MULTI-USE DEVELOPMENT (~~6/29/06~~)**

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**1016.01 PURPOSE**Section 1016 is adopted:

- A. To implement the goals and policies of the Comprehensive Plan for multi-use developments.
- B. To accommodate and encourage innovation and design excellence in the development of multi-use centers containing a mixture of different uses in close proximity.
- C. To insure functionally coordinated, aesthetically pleasing and cohesive site planning and design which maximizes the benefits of multi-use to all individual components of the development.
- D. To insure compatibility of multi-use developments with the surrounding area and minimize off-site impacts associated with the development.
- E. To provide for the development of sites that, because of their strategic location, can be developed to a higher and better land use development pattern than would otherwise be allowed in the underlying zoning district.
- F. To provide focal points for various levels of transportation service (roads, transit, etc.) that can better serve areas of mixed uses and higher concentrations of development.
- G. To recognize the need for a higher level of economic activity, development and employment which multi-use developments generally provide in a community.
- H. To accommodate the changing land use and economic dynamics of the region, including the decentralization of many businesses and services into subregional centers to better serve their clients.
- I. To recognize and accommodate the need to provide for cultural, social and entertainment interests of the larger community.
- J. To recognize the increasing importance of tourism on the economy of the County, and provide for a variety of attractions and tourist-related services to increase the County's share of this market.
- K. Facilitate the economic objectives of the Comprehensive Plan, and other adopted County plans.

**1016.02 AREA OF APPLICATION**

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1016-1

The provisions of this section for Multi-Use Developments Section 1016 may be applied to sites within the Portland Metropolitan Urban Growth Boundary, or the Hoodland Residential or Mountain Recreational Resort zoning districts, when the sites satisfy the following conditions, and the -specific development plan satisfies the criteria under Subsection 1016.03:

- A. The underlying district allows Multi-Use Developments as a conditional use.
- B. The ownerships or parcels are large enough to satisfy the dimensional requirements under Subsection 1016.08(B).
- C. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided to accommodate the development of the property.
- D. The site is suited to and desirable for a mix of different categories of use, one or more of which is not allowed outright in the underlying district, considering location, size, shape, access, topography, transportation networks existing or planned for the area, visibility, natural features and existence of improvements and uses which support the higher intensity use of the site associated with Multi-Use Developments.
- E. The use of the site for multi-use will not substantially limit, impair or preclude the use of surrounding properties for uses allowed in the underlying districts.

1016.03 PROCEDURE FOR REVIEW OF A MULTI-USE DEVELOPMENT

- A. Conditional Use: A Multi-Use Development shall be a conditional use, subject to public hearing review under the provisions of Section 1300. Approval shall be granted when the applicant demonstrates that the site and master plan satisfy the requirements of this Section.
- B. Conceptual Approval/Master Plan: Application for a Multi-Use Development shall include a master plan for the entire property for which the conditional use is requested. The master plan shall address the standards and requirements of this Section 1016, and shall be reviewed by the Design Review Committee pursuant to ~~the provisions of Section 1102~~.

The recommendation of the Design Review Committee shall be incorporated into the staff report and recommendation to the Hearings Officer. The application and master plan shall include:

- 1. Identification of proposed use categories, square footage of building area included in each category, and percentage of total building/land area to be used for each category of use, satisfying the provisions of Subsection 1016.04.

2. Identification of major uses - those uses within the development most likely to generate the most traffic, or otherwise impact public services and facilities - and those uses for which special use provisions have been adopted under Section 800.
3. A site analysis including the requirements under Subsections 1102.05(A)(7) and (8). (6/29/06)
4. A preliminary site plan including the requirements under Subsections 1102.05(A)(9) through (12), and addressing the purposes under Subsection 1016.01, the site planning and design objectives under Subsection 1016.09(A), and dimensional requirements under Subsection 1016.08. (6/29/06)
5. Proposed phasing of the development, if applicable to satisfy the requirements of Subsection 1016.04(G).
6. Other information and plans necessary to address the special use provisions of Section 800 for affected uses within the proposed development.

C. Final Approval: A multi-use development shall automatically become final if, within two (~~2~~)-years of the date of approval of the final action approving the master plan and conditional use, the following is accomplished:

1. Plans, as required under Subsections 1102.05(A)(7) through (12), are submitted, reviewed, and approved by the Design Review Committee and staff, and (6/29/06)
2. At least one building permit for a major component of the development is issued and construction is actively pursued.
3. In the case of phased developments, the initial application shall specify a timetable for each phase. This proposed timetable shall be subject to review, modification, and/or approval by the Hearings Officer.

D. Expiration of Approval/Time Extensions: The conditional use approval of a Multi-Use Development, or any phase thereof, shall expire if the provisions under Subsection 1016.03(C), ~~above~~, are not satisfied. Time extensions of up to three (~~3~~)-years each may be granted by the Planning Director, pursuant to Subsection 1305.02, when the following conditions and findings are satisfied:

1. A time extension must be requested in writing at least ~~thirty~~-(30) days prior to the expiration of the approval.
2. The applicant demonstrates:



- a. There exists good cause for the failure to proceed with final approval and construction of the development.
  - b. There is reasonable expectancy that the final plans will be submitted for approval, and building permits will be issued within the extension period.
- E. Modification of Approved Plans: A major modification to an approved multi-use development shall be subject to the same procedure as the original application. Minor modifications shall be subject to review and approval by the Design Review Committee.
- 1. Criteria for Determination of Major or Minor Status: The Planning Director shall determine the status of a proposed modification. A modification shall be considered minor only if the portion of the Master Plan being proposed for change:
    - a. Is consistent with the conditions of the prior approval;
    - b. Complies with the provisions of Section 1016 which are in effect at the time of the modification request;
    - c. Does not involve a change in use which results in:
      - i. the addition of a new category of use not included in the original application,
      - ii. the deletion of a category of use approved in the original application,
      - iii. an increase in the square footage of land area (la) or floor area (fa) exceeding five (~~5%~~) percent of the "limited" uses, or ~~ten~~ (10%) percent of the "permitted" and/or "required" uses approved in the Master Plan.
      - iv. the addition of a major use, such as a large commercial amusement, public use, entertainment, or educational facility, which will generate more traffic or use more public facility capacity than anticipated in the findings or record supporting the original application approval.
    - d. Will not result in an increase in traffic or use of public facilities which exceed those capacities on which the original approval was based;
    - e. Will not cause a disturbance to an open space feature, as defined in Subsection 1011.02, and identified and preserved in the Master Plan approval;
    - f. Does not result in a reduction in required pavement widths or a change in major access locations or major circulation patterns which force more traffic maneuvers onto public, County, or State roads.

2. Review of a Minor Modification: A modification which satisfies the criteria under Subsection 1016.03(E)(1), ~~above~~, shall be reviewed by the Design Review Committee. The Committee may approve, deny, or approve with conditions the proposed modification in consideration of the following:
  - a. The Ordinance provisions in effect at the time of the original approval of the Master Plan for the development.
  - b. The consistency of the proposed modification with the design approved in the Master Plan, including site layout, architectural design, vehicle and pedestrian circulation, transit amenities, parking areas, scale of structures and treatment of open spaces, plazas and landscaping.

#### 1016.04 DETERMINATION OF USES

The following provisions shall determine the uses allowed in a multi-use development. See Table 1016-1 "Determination of Use Chart" for specific information about what categories of use may be allowed in each district.

- A. Use Selection: Uses shall be selected from those categories (or subcategories) of uses which are "Required," "Permitted" or "Limited" in the underlying district, as specified in Table 1016-1 on the "Determination of Use Chart" (D.U.C.).
- B. "Required" Uses: Those uses which are "required" shall be included at the minimum percent of floor area or land area specified in Table 1016-1 on the D.U.C.
- C. "Limited" Uses: The total area occupied by "limited" uses shall not exceed the maximum percent of floor area or land area specified in Table 1016-1 on the D.U.C.
- D. "Permitted" Uses: Uses which are "permitted" may occupy whatever floor area or land area remains after satisfying the minimum "required" use area and subtracting the amount of "limited" use area proposed in the development.  
Total area - ("required" + "limited" areas) = "Permitted" area.
- E. Residential District/"Limited" Uses: In low density residential districts at least one-half (~~50%~~) of the proposed residential units shall be constructed prior to the introduction of "limited" uses into the development. In multifamily districts limited uses located within the same building as dwelling units may be developed concurrently provided the maximum allowed percent of developed floor area for limited uses is not exceeded at any time.

- F. Residential Districts/"Required" Uses: In residential zoning districts the total land area may be used to calculate the base density, as provided under Section 1012, for the underlying zoning district. At least 80% percent of the base density in the Medium Density Residential~~MR-1~~ and High Density Residential~~HDR~~ zoning districts, and 50% percent of the base density in the Special High Density Residential~~SHD~~ zoning district shall be provided in the development. Residential units may be clustered to provide for limited uses and preserve natural features or protect restricted areas. However, the density on any acre of land shall not exceed that allowed in the next highest residential Comprehensive Plan category.
- G. Commercial/Industrial Phased Developments: In commercial or industrial zoning district phased developments, the floor area/land area developed for "limited" uses in each phase shall not exceed the floor area/land area developed for other uses in that phase. An increase in the ratio of "limited" to other uses may be proposed and approved for any phase when other protection measures are used, such as binding development agreements, bonding, or other suitable controls over the total development percentages.
- H. Minimum Mix: In commercial and industrial districts, the Master Plan shall include uses from at least three (~~3~~) of the primary use categories under Subsection 1016.05.

#### 1016.05 USE CATEGORIES

Uses listed under the following use categories may be included in a Multi-Use Development when allowed in the zoning district pursuant to Table 1016-1~~the Determination of Use Chart (DUC)~~, subject to the requirements under Subsection 1016.04, ~~above~~.

- A. Office/Manufacturing:
1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturers' representatives, corporate facilities; medical and dental, chiropractic, counseling, and other similar services and clinics; insurance, real estate, travel agencies and membership organization headquarters; studios for artists, photographers, writers, radio and television broadcasting (but not transmission towers).
  2. Research and development operations and testing laboratories; manufacturing and assembly of medical equipment, communications equipment, electronic components, measuring and analyzing instruments; printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting and photo finishing; and similar uses, except those prohibited under Subsection 1016.07, provided that no operation shall be conducted

or equipment or chemicals used which would create a hazard or offensive noise, odor, vibration, smoke, dust, or other similar condition.

3. Other industrial uses listed under Subsection 602.03 or 603.03.

B. Hospitality/Public Use:

1. Hotels, motels, guest lodges and associated convention facilities; gift shops, newsstands and eating and drinking establishments located within the same building with a motel, hotel, or public use facility; tourist facilities and information services.
2. Health, recreation and exercise facilities, including health clubs, swimming pools, spas, tennis, racquetball, handball courts, golf courses and driving ranges and similar uses.
3. Large scale public use facilities such as auditoriums for live entertainment, operas, concerts and plays; convention facilities not part of a hotel or motel; indoor or outdoor stadia and arenas, spectator sport and multi-use facilities, such as coliseums or domes; exhibition halls, galleries and museums; movie theaters; other public use gathering places of similar nature.
4. A "destination restaurant" may be allowed as a "hospitality" use in the ~~Town Center Campus Industrial (TCI), Campus Industrial (CI), and Office Commercial (OC)~~ zoning districts. A "destination restaurant," for purposes of this Ordinance, is a "full menu establishment" (as defined by the U.S. Census Bureau) with no drive-through service, which satisfies five (5) of the criteria listed below. On sites 40 acres or larger, up to two (2) restaurants meeting four (4) of the seven (7) criteria listed below may be allowed as a "hospitality" use.
  - a. Has a minimum seating capacity of 75;
  - b. Specializes in gourmet, ethnic, or specialty cuisine;
  - c. Includes banquet facilities and services;
  - d. Provides live entertainment at least two nights a week;
  - e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
  - f. Has an OLCC license to serve beer and wine;
  - g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

C. Commercial

1. Neighborhood retail and service commercial uses listed under Subsection 501.03 which primarily serve the tenants and/or residents of the Multi-Use Development and the immediate surrounding area.
2. Commercial amusement uses such as bowling alleys, game rooms, billiard and pool halls, miniature golf, roller or ice skating rinks, and similar uses, but not those included in Category B, or prohibited under Subsection 1016.07.
3. All retail and service commercial uses except those included under Subsection 1016.05(C),(4), below; eating and drinking establishments except those qualifying as "hospitality" uses under Subsection 1016.05(B), above; banks, credit unions, and financial institutions.
4. Sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, trailers, manufactured dwellings, farm or construction equipment and other heavy machinery; lumber yards, fuel yards, carpentry or sheet metal shops; mini-storage and vehicle storage facilities, moving equipment rental; funeral parlors; gasoline service stations. In the Light Industrial (~~I-2~~) and General Industrial (~~I-3~~) zoning districts, those uses listed above which are allowed as primary uses shall not be included in the "limited" use land area. (11/24/99)

D. Residential:

1. Low density residential zoning district primary uses, as specified in the underlying zoning district (i.e., R-7 through R-30 and Hoodland Residential, ~~HR~~).
2. Medium Density Residential zoning district (~~MR-1~~) primary uses, subject to Section 302.
3. High Density Residential zoning district (~~HDR~~) primary uses, subject to Section 303.
4. Special High Density Residential zoning district (~~SHD~~) primary uses, subject to Section 304.
5. Mountain Recreational Resort zoning district (~~MRR~~) primary uses, subject to Section 306.

E. Educational: Colleges, universities or graduate centers; business, trade and craft schools; specialty schools in the arts, music, counseling, etc.; and rehabilitation and worker training/retraining centers and facilities.

1016.06 ACCESSORY USES

The following uses may be provided in conjunction with any category of use, or uses, approved under Subsection 1016.03.

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- B. Transit stations, bus shelters, bike racks, ~~street furniture, drinking fountains, and other pedestrian amenities,~~ and transit amenities.
- C. ~~Parking areas and structures.~~
- D. Utility carrier cabinets.
- E. ~~Solar energy systems, collection apparatus and~~
- ~~E-F.~~ Ceo-generation facilities.
- ~~F-G.~~ Radio and television earth stations and dishes.
- ~~G-H.~~ Day-care facilities centers associated with a principal use.
- ~~H-I.~~ Cafeterias, delicatessens, and other such facilities provided for employees of a principal use.
- ~~I-J.~~ Recycling collection containers, provided all materials are presorted, no processing occurs on-site, and all materials are stored within an enclosed structure or area between pickup days.
- ~~J-K.~~ Private recreational facilities as part of a multifamily residential complex.
- ~~K-L.~~ Helistops.
- ~~M.~~ Rainwater collection systems.
- ~~N.~~ Electric vehicle charging stations .
- ~~L-O.~~ Other uses and structures customarily accessory and incidental to a primary use, as determined by the Design Review Committee.

1016.07 PROHIBITED USES

The following uses shall be prohibited in a multi-use development.

- A. Any category of use, or major use not included on the approved site plan for a multi-use development shall be prohibited in that development. A modification of the approved plan, as provided under Subsection 1016.03(E), shall be required prior to the addition of a new category of use or major use.



~~B. Within Activity Centers, sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, trailers, mobile homes, farm or construction equipment and other heavy machinery shall be prohibited.~~

~~C.B.~~ New dwellings, manufactured dwellings and manufactured dwelling parks, except as permitted within low density or medium density (~~MR-1~~) residential districts. (11/24/99)

~~D.C.~~ Outdoor storage of materials or products.

~~E.D.~~ Drive-thru window service, except those associated with a bank, credit union, or other financial institution, subject to ~~the provisions of~~ Section 827.

~~F.E.~~ Industrial uses listed as Conditional Uses in the General Industrial (~~I-3~~) zoning district under Subsection 603.06(A), except as specifically allowed under Subsection 1016.05. (3/14/02)

1016.08 DIMENSIONAL STANDARDS REQUIREMENTS

A. ~~The dimensional standards are intended purpose of these requirements and limitations is to:~~

1. Provide for and encourage coordinated development and the most efficient use of property within a multi-use development.
2. Ensure adequate structure separation for light, air, fire safety and protection of all uses and structures within the development, and between the development and uses and structures on adjacent properties.
3. Protect adjacent properties and uses from incompatible uses, and provide adequate buffering and transitioning between different uses within the development.
4. Ensure an attractive appearance through the use of open spaces, setbacks, landscaping and pedestrian amenities, plazas, buffering, and retention of significant natural features.
5. Ensure adequate access to property and minimum traffic conflicts and impacts.

B. A multi-use development shall comply with the following dimensional requirements:

1. Minimum Site Area: For purposes of this section, "site area" shall be as defined in Subsection 304.109(B). (3/14/02)
  - a. Low Density Residential (R-7 through R-30): 30 acres

- b. Hoodland Residential (HR): 30 acres
  - c. Medium Density Residential (MR-1): 10 acres
  - d. Mountain Recreational Resort (MRR): 10 acres
  - e. High Density Residential (HDR): 5 acres
  - f. Special High Density Residential: 5 acres
  - g. General Commercial (C-3 and C-3/AC): 1 acre
  - h. Office Commercial (OC): 10 acres
  - i. Campus Industrial (CI): 20 acres
  - ~~j. Town Center Campus Industrial (TCI): 20 acres~~
  - ~~k. j. Light Industrial (I-2): 10 acres~~
  - ~~l. k. General Industrial (I-3): 20 acres~~
  - ~~m. l. Open Space Management (OSM): 20 acres~~
  - ~~n. m. A site area less than the above requirements may be allowed when such site is physically separated from all other undeveloped or underdeveloped properties in the underlying district.~~
2. Minimum front yard setbacks:
    - a. From major periphery roads: 25 feet.
    - b. From interior access driveways and circulation roads: 10 feet.
  3. Minimum side and rear setbacks: 15 feet.
  4. Minimum building separation: The minimum separation between a multifamily residential use located in a separate building on the same site, or on an adjacent site, and any building housing another category of use shall be 50 feet. However, this shall not preclude the mixing of multifamily residential with other categories of use within one building.
  5. Minimum site area street frontage: 200 feet, except in the General Commercial C-3 and C-3/AC zoning district, the minimum street frontage shall be 100 feet.
  6. Maximum building height: Same as underlying zoning district.
  7. Minimum landscaping/open space area requirements: ~~All Multi-Use Developments shall satisfy the requirements under Section 1009, except~~ the minimum landscaped area standards under Table 1009-11~~1009-02.~~ shall be modified as follows:
    - a. In the General Commercial (C-3) (C3/AC), Town Center Campus Industrial (TCI), Light Industrial (I-2), and General Industrial (I-3)

zoning districts, a minimum of ~~twenty (20%)~~ percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of ~~fifteen (15%)~~ percent for any phase when the applicant demonstrates how the minimum ~~twenty~~20-percent requirement will be satisfied.

- b. In ~~the all residential (R-7 through R-30, LDR, MR-1, HDR, SHD, and MRR, HR), Open Space Management (OASM), Campus Industrial (CI), and Office Commercial (OC)~~ zoning districts, a minimum of ~~twenty-five (25%)~~ percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of ~~twenty (20%)~~ percent for any phase when the applicant demonstrates ~~ed~~ how the minimum 25-percent requirement will be satisfied.

- ~~8. Corner vision: No sight-obscuring structures or planting 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, State, or private roads or from the intersection of a private driveway or easement and a public, County, State, or private road.~~

~~Trees located within a twenty (20) foot radius of any such intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest hanging branches.~~

- C. Exceptions to Dimensional Requirements: The requirements of this subsection are not subject to modification pursuant to the provisions of Section 900. However, except for minimum landscape provisions, these requirements may be reduced up to ~~twenty (20)~~ percent by the Design Review Committee during the review process when such modification is consistent with the purposes of ~~this Section~~ under Subsections 1016.01 and 1016.08(A). The effect of the proposed modification on the natural features of the site and on the use and preservation of solar access shall be considered when applicable. Proposed modifications which exceed ~~twenty (20)~~ percent of the requirement of the section shall be subject to the ~~procedures set forth in Sections 1205 and 1300.~~

## 1016.09 DEVELOPMENT STANDARDS

A multi-use development shall comply with the development standards in Section 1000. In addition, the following standards and objectives shall apply:

- A. Site Planning and Design: The master plan and siting of individual uses and buildings within a multi-use development shall address the following objectives:

1. Identity: To create a stimulating environment through the siting of various uses, the use and articulation of open spaces, structure scale, design and texture, and the provision of pedestrian level amenities to produce a strong "sense of place."
  2. Pedestrian Circulation: To provide pedestrian access and movement through the site in a manner that maximizes foot traffic exposure to goods and services, and minimizes conflicts with vehicle circulation areas.
  3. Transit: To maximize the use of mass transit services through the provision of transit and pedestrian facilities and amenities in cooperation with the regional transit provider.
  4. Parking: To minimize the visual impact of parking areas. This may be accomplished through the use of: landscaping techniques; the incorporation of ~~parking structures and/or understructure parking areas~~, as provided under Subsection 1016.09(D); the siting of uses to maximize the "shared parking" provisions of Section 1015~~under subsection 1007.07A5~~; ~~reducing the number of spaces needed as provided under subsection 1007.07B2~~, or a combination of ~~these~~the above methods.
  5. Access/Circulation: To minimize the number of access points onto the site from adjacent roads and provide for traffic circulation between on-site uses, as appropriate.
  6. Visual Access/Traffic Impacts: To maximize visibility and access for uses most dependent upon impulse shopping, or off-the-street business while minimizing traffic impacts on other uses within the development.
  7. Natural Features: To protect the aesthetic and location advantages provided by the terrain and natural features of the site and minimize the alteration thereof as far as practicable.
  8. Impacts: To minimize negative impacts of proposed uses on adjacent properties and uses and ensure the livability of residential areas of the site, when applicable.
- B. Building Design: In addition to the provisions of Section 1005, a multi-use development shall require:
1. Buildings and structures to be designed using materials, architectural styling and features, pedestrian plazas and amenities, and color, texture and scale of architectural elements to produce a mix of complimentary styles which are in scale with each other and demonstrate comparable excellence in design and implementation.

2. Buildings housing retail commercial uses shall provide ample window area oriented toward pedestrian walkways or plazas, and, when single-story construction is used, shall incorporate design techniques and elements to enhance the scale of the building(s).

C. Landscaping/Open Space: The minimum percent of landscaping/open space required shall be as specified under Subsection 1016.08(B)(7). In addition to the requirements under Section 1009, the design and development of open space and landscaping in a multi-use development shall:

1. Include street trees and parking area trees which are in scale with the development.
2. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.
3. Provide pleasing transitions between uses, soften and buffer utility and loading areas, visually break up parking areas into identifiable subareas, and provide pleasing textures and variety, particularly next to buildings, along walkways, and within plazas.
4. Include open spaces and plazas which are in scale with the development, invite activity appropriate to adjoining uses, and incorporate plant materials, seating, waste receptacles, lighting, and a focal element such as a fountain, sculpture, mural, or other visual art object.

D. Parking and Circulation: In addition to the standards of Section ~~10151007~~, the County may require parking structures ~~and/or understructure parking~~ to serve intensive uses. Factors to be considered include:

1. Topography and other physical characteristics of the site;
2. Effects on distinctive natural features of the site;
3. Effects on surface drainage and associated facilities;
4. Effect on the capacity of the site to absorb the parking and traffic impacts of the intensive use(s);
5. Effects on the quality of the overall site design in addressing the objectives under Subsection 1016.09(A); and
6. The benefits associated with structure parking, such as the increase in development intensity and provision of open space amenities, and the ability or inability of such benefits to recoup the added expense associated with such facilities.

E. Identification/Signing: The provisions of Section 1010 shall be modified as follows:

1. Signing Master Plan: Applications for Multi-Use Developments shall include a comprehensive Signing Plan which shall include:
  - a. elevations illustrating the major sign and sign types;
  - b. maps and drawings indicating location of all proposed signs;
  - c. descriptions of sizes and heights of signs;
  - d. description of how the proposed sign plan satisfies the criteria set forth in this ordinance pertaining to size, design, placement, height, and number of signs.
  
2. Standards: The Design Review Committee shall review the Signing Master Plan under the provisions of Section 1010, except as specifically provided below:
  - a. Freestanding Signs: One ~~(1)~~ freestanding identification sign may be provided on each public, County or State road from which the development takes access. One additional freestanding sign may be allowed on a public, County or State road when the frontage on that road exceeds 1,000 feet, and two or more major access points are provided. In no case shall the number of freestanding signs exceed four ~~(4)~~ for any Multi-Use Development. The maximum size and height for each freestanding sign shall be determined by the Design Review Committee under the provisions of Subsection 1010.05(A)~~(3)~~.
  - b. On-Building Signs: Individual on-building tenant identification signs shall be allowed under the provisions of Subsection 1010.05(B).
  - c. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:
    - i. no onbuilding sign with the same message is facing in the same direction;
    - ii. the sign area does not exceed 30 square feet;
    - iii. the sign does not exceed five ~~(5)~~ feet in height;
    - iv. architectural features may be added to the sign structure provided the total sign size and height are not increased by more than one-third ~~(1/3)~~ of the above requirements.
  
3. Addresses/Road Signs: Street addresses shall be clearly displayed on or in front of each separate building or commercial tenant space. The Planning Division may require that interior circulation roads be named. Such names shall be subject to Planning Division approval. Signs identifying



roads within the development shall be installed and maintained by the developer or management association. Directional signs to various uses within the development may be included on the road signs.

- F. Management Association/Easements: The County may require the formation of a management association or other suitable mechanism approved by the County to assure that the following maintenance and liability duties are adequately addressed:
1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
  2. To provide and maintain cross-easements between uses and parcels within the development for parking, circulation, drainage facilities, utilities, and similar elements shared in common.
  3. To adopt and enforce restrictions on the use of open space, landscaping, plazas, and service areas, malls, and other public access areas of the site.
  4. To maintain liability insurance and pay local taxes, unless other legally binding mechanism is provided.
  5. To assess and collect from members their pro rata share of the cost associated with the responsibilities herein described. The association shall be able to adjust the assessment to meet changes as needed.
  6. To make revisions to the bylaws as necessary, subject to County review and approval, when the County determines that such changes protect the intent and purpose of this ordinance and are in the public's interest.

**DETERMINATION OF USE CHART (DUC)**

	RESIDENTIAL					COMMERCIAL				INDUSTRIAL			
DISTRICTS	LDR	MR-1	HDR	SHD	MRR	C-3	<del>C-3/A</del>	OC*	<del>FCI**</del>	CI	I-2	I-3	OSM
Minimum Site Area***	30 ac	10 ac	5 ac	5 ac	10 ac	1 ac	<del>1 ac</del>	10 ac	<del>20 ac</del>	20 ac	10 ac	20 ac	20 ac
Minimum % <u>R</u> la or fa required	80% la	70% fa	50% fa	50% fa	70% fa	N/A	<del>N/A</del>	N/A	<del>N/A</del>	60% fa	70% la	70% la	70% la
Minimum % bd required		80% bd	80% bd	50% fa									
Maximum % (L) la or fa allowed	20% la	15% fa	20% fa	25% fa	20% fa	N/A	<del>N/A</del>	35% fa	<del>N/A</del>	35% fa	10% la	10% la	30% la
<b>CATEGORY A</b>													
1. Offices	(L)	P	P	P	P	P	P	P	P	<u>R</u>	P	(L)	(L)
2. High Tech	X	X	X	X	X	P	P	P	P	<u>R</u>	<u>R</u>	<u>R</u>	X
3. Other I-2/I-3	X	X	X	X	X	X	<del>X</del>	X	<del>X</del>	X	<u>R</u>	<u>R</u>	X
<b>CATEGORY B</b>													
1. Hospitality	X	P	P	P	P	P	P	P	P	P	(L)	(L)	(L)
2. Health/Recreation	(L)	P	P	P	P	P	P	P	P	P	(L)	(L)	<u>R</u>
3. Public Use/Cultural	X	P	P	P	P	P	P	P	P	P	P	P	(L)
<b>CATEGORY C</b>													
1. Neighborhood Commercial	(L)	(L)	(L)	(L)	(L)	P	P	(L)	<del>(L)</del>	(L)	(L)	(L)	(L)
2. Commercial Amusement	X	X	(L)	(L)	(L)	P	P	(L)	<del>(L)</del>	(L)	X	X	(L)
3. Retail/Service	X	X	X	(L)	X	P	P	(L)	<del>(L)</del>	(L)	X	X	X
4. Strip/Auto	X	X	X	X	X	P	<del>X</del>	X	<del>X</del>	X	X	(L)	X
<b>CATEGORY D</b>													
1. Residential (District Density)	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	MR-1 to HDR	<del>MR-1 to SHD</del>	HDR	<del>HDR</del>	HDR	X	X	X
<b>CATEGORY E</b>													
1. Education	(L)	P	P	P	P	P	P	P	P	P	P	P	(L)

DETERMINATION OF USE CHART (DUC)

SYMBOL KEY:

P	Permitted Use
<u>R</u>	Required Use (See Minimum % Required)
la	Land Area
bd	Base Density
(L)	Limited Use (See Maximum % allowed)
X	Prohibited Use
fa	Floor Area
*	"Office Commercial" District
**	Town Center Campus Industrial
***	See 1016.08B1n and 1016.08C for exceptions

**1019 SOLAR ACCESS PERMIT ORDINANCE (3/24/05)**

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1019.01 PURPOSE

This ordinance authorizes the owners of certain properties to apply for a County permit that prohibits shade caused by certain vegetation on neighboring properties from being cast on a solar feature(s) on the property of a permittee.

1019.02 APPLICATION OF SECTION (3/24/05)

An owner of property, including a government, agency, or firm, may apply for and/or be subject to a solar access permit for a solar feature(s) if that property is in a VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 zone, or will be developed with a dwelling. The County's decision whether or not to grant a solar access permit is intended to be ministerial. (3/24/05)

1019.03 DEFINITIONS

Words and terms used in ~~this Section 1019~~ shall be defined as provided under Subsection 1017.03, except that vegetation lawfully planted prior to the establishment of the solar feature upon which the solar access permit is based shall be considered exempt vegetation. Other vegetation covered by the definition of "exempt vegetation" in Subsection 1017.03 is also exempt under Section 1019.

1019.04 APPROVAL STANDARDS FOR A SOLAR ACCESS PERMIT

The Planning Director shall approve an application for a solar access permit if:

- A. The application is complete;
- B. The information in the application is accurate; and
- C. The applicant shows that nonexempt vegetation on his/her property does not shade the solar feature(s).

1019.05 DUTIES CREATED BY SOLAR ACCESS PERMIT

- A. A party to whom the County grants a solar access permit shall:
  - 1. File the permit in the office of the County Recorder with the deeds to the properties affected by it and pay the fees for such filing;
  - 2. Install the solar feature in a timely manner as provided in Subsection 1019.09; and

3. Maintain nonexempt vegetation on the site so it does not shade the solar feature.
- B. An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping nonexempt vegetation from exceeding the solar access height limit.

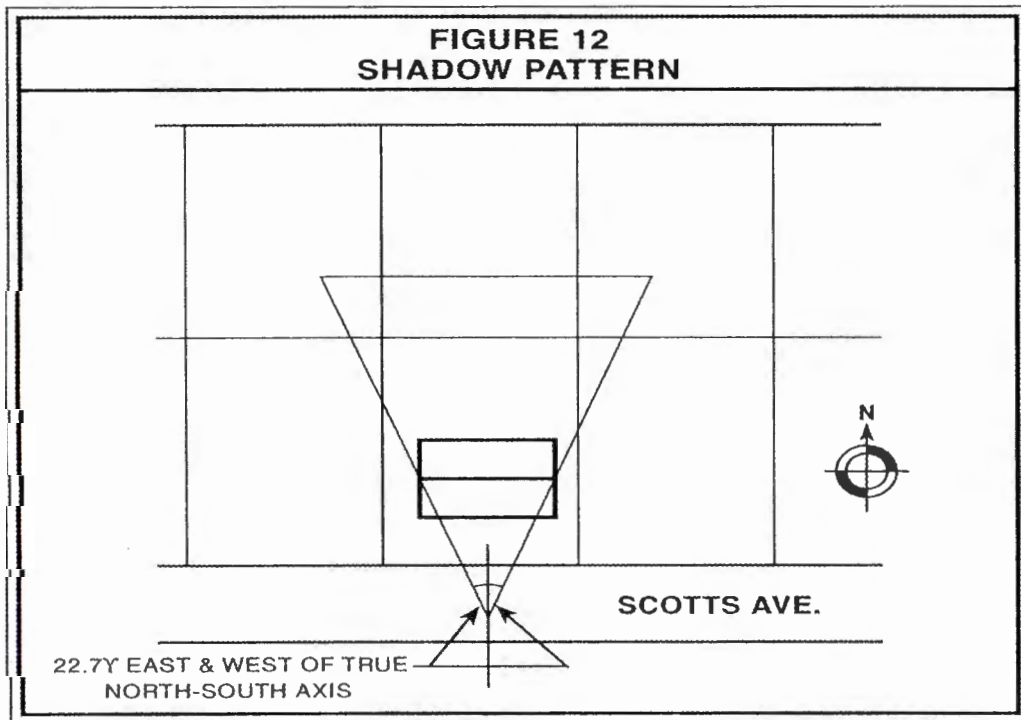
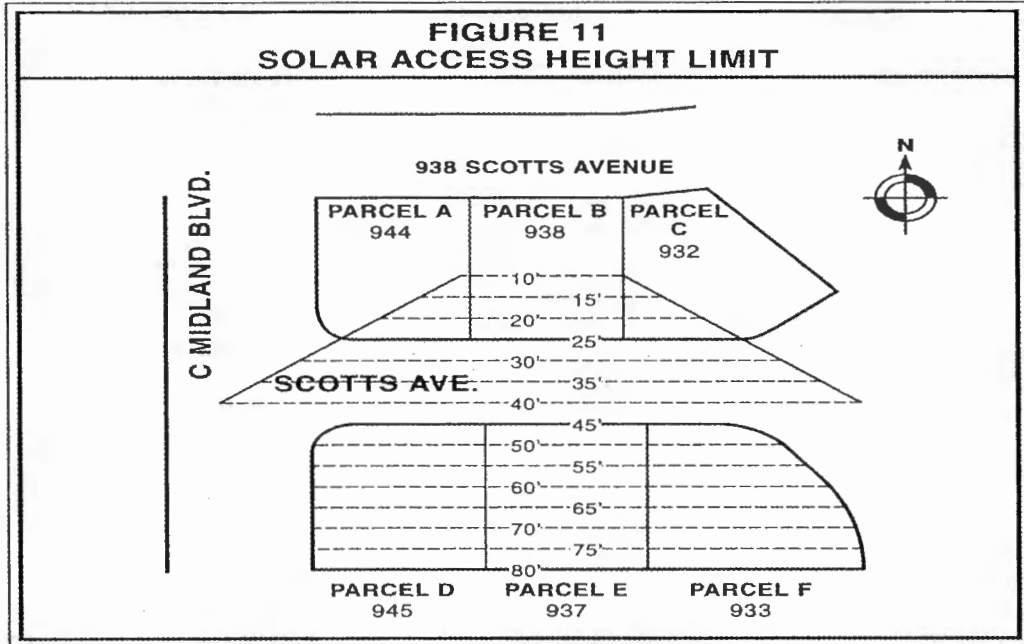
1019.06 APPLICATION CONTENTS

An application for a solar access permit shall contain the following:

- A. Legal Description: A legal description of the applicant's lot and a legal description, owners' names, and owners' addresses for lots all or a portion of which are within 150 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The records of the County shall be used to determine who owns property for purposes of an application. Persons whose names and addresses are not on record at the time an application is filed need not be listed. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may have been affected.
- B. Site Plan: A scaled plan of the applicant's property showing:
1. Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature(s).
  2. The approximate height above grade of the solar feature(s), its location, and its orientation relative to true south.
- C. Other: A scaled plan of the properties listed in Subsection 1019.06A, above, showing:
1. Their approximate dimensions; and
  2. The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.
- D. Solar Access Height Limit: For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a Solar Access Permit (see Figure 11). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five-foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south.

Notwithstanding the preceding, the solar access height limit at the northern lot

line of any lot burdened by a solar access permit shall allow nonexempt vegetation on that lot whose height causes no more shade on the benefited property than could be caused by a structure that complies with the Solar Balance Point Ordinance (Section 1018) for existing lots.



E. Fee: A fee as required by the Planning Division.



- F. Verification Form: If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted, verifying that the vegetation shown on the plan submitted pursuant to Subsection 1019.05C, above, accurately represents vegetation in the ground on the date of the application. The County shall provide a form for that purpose. The signed statements provided for therein are permitted but not required for a complete application.

1019.07 APPLICATION REVIEW PROCESS

- A. Preapplication Conference: Unless waived by the Planning Director, prior to filing an application for a solar access permit, an applicant or applicant's representative shall meet with the Planning Director or designate to discuss the proposal and the requirements for an application. If a meeting is held, the Planning Director or designate shall convey a written summary of the meeting to the applicant by mail within 5 calendar days of the meeting. The applicant may file an application containing the information required in Subsection 1019.06, above, after the preapplication meeting is held or waived.
- B. Preliminary Review: Within 7 calendar days after an application is filed, the Planning Director or designate shall determine whether the application is complete and, if it is not complete, notify the applicant in writing, specifying what is required to make it complete.
- C. Tentative Decision: Within 14 calendar days after the Planning Director decides an application for a solar access permit is complete, the Planning Director or his/her designate shall issue a written decision tentatively approving or denying the request, together with reasons therefor, based on the standards in Subsection 1019.04.
1. If the tentative decision is to deny the permit, the Planning Director shall mail a copy of the decision to the applicant.
  2. If the tentative decision is to approve the permit and the owners of all affected properties did verify the accuracy of the plot plan as permitted under Subsection 1019.06F, the Planning Director shall mail a copy of the decision to the applicant and affected parties.
  3. If the tentative decision is to approve the permit and the owners of all affected properties did not verify the accuracy of the plot plan as permitted under Subsection 1019.06F, the Planning Division shall mail a copy of the tentative decision to the applicant and to the owners of affected properties who did not sign the verification statement pursuant to Subsection 1019.06F. The notice shall include the plot plans required in Subsections 1019.06B and C, above, the proposed solar access height limits, and the duties created by the permit. The notice shall request recipients to verify that the plot plan shows all nonexempt vegetation on the recipient's property and to send the Planning

Division comments in writing within 14 calendar days after the tentative decision is mailed if the recipient believes the applicant's plot plan is inaccurate.

- D. Final Decision: Within 28 days after notice of a tentative decision is mailed to affected parties, the Planning Division shall consider responses received from affected parties and/or conduct an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and issue a final decision. The Planning Division shall send a copy of the permit and solar access height limits to the owners of each property affected by the permit.
- E. Recording of Solar Access Height Limits: If the application is approved, the applicant shall file the permit and associated solar access height limits in the office of the County Recorder with the deeds to the properties affected by it before the permit is effective.

#### 1019.08 PERMIT ENFORCEMENT PROCESS

- A. Enforcement Request: A solar access permittee may request the County to enforce the solar access permit by providing the following information to the Planning Division:
  - 1. A copy of the solar access permit and the plot plans submitted with the permit; and
  - 2. The legal description of the lot(s) on which alleged nonexempt vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the nonexempt vegetation; and
  - 3. Evidence the vegetation violates the solar access permit, such as a sunchart photograph, shadow pattern, and/or photographs.
- B. Enforcement Process: If the Planning Director determines the request for enforcement is complete, he or she shall initiate an enforcement action.

#### 1019.09 EXPIRATION AND EXTENSION OF A SOLAR ACCESS PERMIT

- A. Expiration: Every permit issued by the Planning Division under the provisions of this ordinance shall expire if the construction of the solar feature(s) protected by such a permit is not commenced within 180 days from the date of such permit, or if the construction of the solar feature(s) protected by such a permit is suspended or abandoned at any time after the work is commenced for period of 180 days. The Planning Director shall terminate the permit by filing the notice of expiration in the office of the County Recorder with the deeds to the affected properties.
- B. Extension: Any permittee holding an unexpired permit may apply for an

extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this subsection for good and satisfactory reasons. The Planning Division may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**1021 REFUSE AND RECYCLING STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY DEVELOPMENTS (9/21/94)**

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1021.01 PURPOSE

Section 1021 is adopted to: ~~It is the intent and purpose of these provisions to~~

A. ~~Implement the recycling and waste management policies of the Comprehensive Plan;~~ ~~Additionally, the purpose is to:~~

BA. Provide efficient, safe, and convenient siting and location of refuse and recycling areas;

~~B.~~ C. Provide efficient, safe, and convenient on-site maneuvering of collection vehicles, equipment, and personnel for servicing solid waste and recycling areas; and

~~C.~~ D. Achieve compliance with the Clackamas County Solid Waste and Waste Management Ordinance, Metro's Waste Reduction Program and the Oregon Revised Statutes (ORS) Chapter 459.

1021.02 APPLICABILITY AREA OF APPLICATION

Section 1021 applies ~~These provisions shall apply~~ to all development and expansions of the following uses pursuant to the application and procedural Design Review requirements of Section ~~Subsection 1102 of the Ordinance:~~

A. Multifamily developments of five ~~(5)~~ units or more;

B. Commercial and industrial developments; and

C. Uses subject to the ~~Special Use Requirements of Section 800 of this~~ Ordinance.

1021.03 DEFINITIONS

The following terms are hereby defined, consistent with the provisions of the Clackamas County Solid Waste and Waste Management Ordinance (SWWMO). The SWWMO definitions shall prevail for those terms not specifically defined in Subsection 1021.03 ~~these provisions.~~

A. Compactor: Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or waste or recyclable materials.

- B. Container: A receptacle with wheels, one (1) cubic yard or larger in size, used to store solid waste or waste or recyclable material, but not a drop box or compactor.
- C. Drop Box: A single container designed for the storage and collection of large volumes of solid waste or waste or recyclable materials, which is usually ten (10) cubic yards or larger in size.
- D. Receptacle: A can, cart, container, drop box, compactor, or a recycling bin, or any other means of containment of solid waste or waste or recyclable materials.
- E. Recycling Enclosure: A structure built consistent with the State of Oregon Structural Specialty Code and designed to provide shelter for compactors, containers, drop boxes, receptacles, or any other solid waste and recycling containment facilities.
- F. Recycling Shelter: A pre-manufactured structure designed for containment and storage of recyclable materials.
- G. Recycling/Solid Waste Service Area: An area designed and established for the purpose of satisfying the local franchised collection firm's service requirements.

1021.04 GENERAL PROVISIONS

All commercial, industrial and multifamily development shall comply with the standards set forth in these provisions. Modifications may be granted when consistent with the local franchised solid waste and recycling collection firm's service requirements pursuant to the ~~Exceptions provisions in~~ Subsection 1021.10. Additionally:

- A. Compactors, containers, and drop boxes shall be located on a level Portland Cement concrete pad, a minimum four (4) inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.
- B. RECYCLING AND SOLID WASTE SERVICE AREAS
1. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.
  2. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.
  3. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect resistive material.

The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.

4. The location of the recycling area and method of storage shall be approved by the local fire marshal.
5. Recycling and solid waste service areas shall be at ground level and be accessible to the franchised solid waste and recycling collection firm.
6. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.
7. Recyclable material service areas shall be maintained in a clean and safe condition pursuant to the provisions of the Clackamas County Solid Waste and Waste Management Ordinance.

C. SPECIAL WASTES OR RECYCLABLE MATERIALS

1. Environmentally hazardous wastes defined in Oregon Revised Statutes 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.
2. Containers used to store cooking oils, grease, or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

D. SCREENING AND BUFFERING

Screening and buffering shall be in accordance with ~~the provisions of Section 1009.05 of the Clackamas County Zoning and Development Ordinance.~~

1021.05 ENCLOSURES AND GATES

- A. Gates shall be designed to permit sufficient service access for local franchised solid waste collection equipment and personnel.
- B. The gate swing shall be free of obstructions and have restrainers in the open and closed positions.
- C. Enclosures constructed of wood or chain link fencing material shall contain a two- ~~(2)~~ to four- ~~(4)~~ inch- ~~(4)~~ high bumper curb at ground level located ~~twelve~~ ~~(12)~~ inches inside the perimeter of the outside walls of the enclosure or



fencing to prevent damage from container impacts.

- D. Enclosures constructed of concrete, brick, and masonry block or similar type materials shall contain a bumper curb described in Subsection 1021.05(C) ~~(above)~~ or a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the service receptacle.
- E. All areas around the receptacles shall be kept free of obstructions and accumulations of waste matter, grease, oil, water, and standing water.
- F. ~~Receptacles or recycling shelters located within a structure shall be consistent with local fire and structural specialty code provisions.~~

#### 1021.06 RECEPTACLE DESIGN STANDARDS

The following provisions shall apply to the design and location of receptacles.

##### A. CONTAINERS

Enclosures shall be designed consistent with the following standards:

1. Length and width of the service container.
2. A minimum of two ~~(2)~~ feet, including pad area, shall be provided around the sides and rear of each container.
3. A minimum three ~~(3)~~ feet, including pad area, shall be provided in front of each container for maneuverability in depositing garbage or recyclable materials. In cases where the containers face each other, a minimum four ~~(4)~~ feet shall be provided.
4. Containers two ~~(2)~~ cubic yards or less in size shall be provided with a minimum nine ~~(9)~~ feet of unobstructed overhead or vertical clearance for servicing.
5. Containers greater than two ~~(2)~~ cubic yards in size shall be provided with a minimum ~~twenty (20)~~ feet of unobstructed overhead or vertical clearance for servicing.

##### B. DROP BOXES AND COMPACTORS

1. The size of the pad shall be at least ~~fourteen (14)~~ feet wide and at least five ~~(5)~~ feet longer than the length of the drop box or compactor.
2. Setbacks:

- a. The pad shall be located a minimum of two ~~(2)~~ feet from any perimeter wall or structure.
  - b. Drop boxes and compactors shall be located a minimum of five ~~(5)~~ feet from any combustible wall, structure, opening, or overhang. This may be reduced to a minimum of two ~~(2)~~ feet provided the pad is located adjacent to a noncombustible wall, structure, opening, or overhang.
3. Loading dock areas shall have a guide rail and bumper stop placed at ground level or at dock level where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.
  4. Compactors shall be compatible with collection equipment and weight limits prescribed by state and local law. The local franchised collection firm shall be consulted for equipment compatibility and service demands.
  5. Weekly collection and disposal of putrescible waste is required by the Clackamas County Solid Waste and Waste Management Ordinance. More frequent collection may be required to prevent nuisance conditions when use and capacity of the receptacle(s) is inadequate to provide clean and safe conditions.
  6. The maintenance of privately owned compactors and the area surrounding the compactor is the responsibility of the property owner.

1021.07 VEHICLE ACCESS

- A. The minimum safe vehicular access to the front of a service container pad, shelter, or enclosure shall be a length of ~~forty-five (45)~~ feet and width of ~~twelve (12)~~ feet.
- B. Vehicle access to service a drop box or compactor shall include the pad length as required in Subsection 1021.07(A) ~~above~~, plus a minimum of ~~sixty-five (65)~~ feet in front of the loading hook placement position.
- C. The vehicular access to a pad or enclosure shall be hard-surfaced consistent with the off-street parking provisions of Subsection ~~1015.1007.07 of the Clackamas County Zoning and Development Ordinance~~.
- D. In the absence of an on-site through street or driveway, a cul-de-sac with a minimum ~~fifty (50)~~ foot turning radius shall be provided for vehicle maneuvering at the end of a private dead end street or driveway. A standard emergency services hammerhead turnaround, consistent with the County's

standards for road improvements, may be granted in lieu of the cul-de-sac when the design is approved by the local fire district.

- E. The percent of grade for access to the pad or enclosure shall not exceed three per-cent (~~3%~~). Exceptions may be granted when compatible with the equipment manufacturer's specifications and consistent with the ~~Exceptions provisions of Subsection 1021.10.~~

1021.08 SIGNS

"No Parking" signs shall be placed in a prominent location on the enclosure, or shelter, and painted on the pavement in front of the enclosure, or shelter, to provide unobstructed and safe access for servicing receptacles. Signs clearly identifying recycling containers and type of recyclable material shall be placed on each respective container and ~~be maintained at all times.~~

1021.09 EXISTING DEVELOPMENTS

- A. Developments existing prior to September 21, 1994, ~~the adoption of this Ordinance~~ that implement an on-site recycling program shall provide improvements consistent with these provisions. Additionally:
  - 1. Shelters or enclosures used to house or store recyclable materials shall be designed to complement the existing development; and
  - 2. Screening and buffering of the recycling area, shelter, or enclosure shall be in accordance with ~~the provisions of Subsection 1009.05 of the Clackamas County Zoning and Development Ordinance.~~

1021.10 EXCEPTIONS

Modifications to these provisions of Section 1021 may be permitted when the changes are consistent with the purpose of Section 1021 ~~these provisions~~ and the County receives written evidence from the local franchised solid waste and recycling firm that the proposed changes:

- A. Are compatible with the firm's methods of operation; and,
- B. Will not result in an increase in the cost of service.

~~1022 — CONCURRENCY~~~~1022.01 — PURPOSE~~

~~The purpose of Section 1022 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or within a reasonable period of time following the approval of new development. [Amended by Ord. ZDO-226, 3/7/11]~~

~~1022.02 — APPLICATION OF SECTION~~

~~Section 1022 shall apply to the following development applications: design review, tentative subdivision plans, tentative partition plans, and conditional uses. [Amended by Ord. ZDO-226, 3/7/11]~~

~~1022.03 — TRANSPORTATION FACILITIES~~

~~A. — Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:~~

- ~~1. — Development that is located:
 
  - ~~a. — In a Light Industrial, General Industrial, or Business Park zoning district; and~~
  - ~~b. — North of the Clackamas River; and~~
  - ~~c. — West of Highway 224 (south of Highway 212) or 152<sup>nd</sup> Drive (north of Highway 212); and~~
  - ~~d. — South of Sunnyside Road (east of 82<sup>nd</sup> Avenue) or Harmony Road (west of 82<sup>nd</sup> Avenue) or Railroad Avenue (west of Harmony Road); and~~
  - ~~e. — East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).~~~~
- ~~2. — Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property; provided that an increase in motor vehicle traffic does not result;~~
- ~~3. — Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;~~
- ~~4. — Mass transit facilities, such as light rail transit stations and park and ride lots;~~

5. ~~Home occupations to host events, which are approved pursuant to Section 806; and~~
6. ~~Development in the Government Camp Village (Comprehensive Plan Map X-MH-4) that is otherwise consistent with the Comprehensive Plan and zoning designations for the Village.~~

B. ~~As used in Subsection 1022.03(A), "adequate" means a minimum of Level of Service (LOS) D, except:~~

1. ~~Portions of 82<sup>nd</sup> Avenue, Sunnyside Road, and Johnson Creek Boulevard located in the Clackamas Regional Center or the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to the following minimums:
 
  - a. ~~LOS E during the weekday midday peak one-hour period; and~~
  - b. ~~LOS F during the first hour and LOS E during the second hour of the weekday PM peak two-hour period.~~~~
2. ~~Portions of 82<sup>nd</sup> Avenue, Sunnyside Road, and Johnson Creek Boulevard located in the Clackamas Regional Center Area but outside the Clackamas Regional Center and the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to the following minimums:
 
  - a. ~~LOS D during the weekday midday peak one-hour period; and~~
  - a. ~~LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period.~~~~
3. ~~Roadways other than 82<sup>nd</sup> Avenue and Sunnyside Road in the Clackamas Regional Center, as identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community* shall be subject to the following minimums:
 
  - a. ~~LOS E during the weekday midday peak one-hour period; and~~
  - a. ~~LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period.~~~~
4. ~~Except as established by Subsections 1022.03(B)(1) through (3), LOS E shall apply to developments proposed on property with a zoning designation of Campus Industrial, Light Industrial, General Industrial, Rural Industrial, or Business Park.~~
5. ~~Except as established by Subsections 1022.03(B)(1) through (3), LOS E shall apply to high-employment developments. A high-employment~~

~~development is one that provides a minimum of 50 FTE per acre. Only jobs where the employee reports to work at the subject property shall be included in this calculation.~~

- ~~6. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the State of Oregon, with the exception of those facilities identified in Subsections 1022.03(B)(1) and (2).~~

~~C. For the purpose of calculating capacity as required by Subsections 1022.03(A) and (B), the following standards shall apply:~~

- ~~1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the *Clackamas County Roadway Standards*. The method of calculating capacity on state facilities is established by the Oregon Highway Plan.~~
- ~~2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the *Clackamas County Roadway Standards*.~~
- ~~3. Capacity shall be evaluated for motor vehicle traffic only.~~
- ~~4. Except as established by Subsections 1022.03(B)(1) through (3), capacity shall be evaluated for the peak 15-minute period of both the AM-weekday and PM-weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the AM or the PM peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s).~~

~~D. As used in Subsection 1022.03(A), "timely" means:~~

- ~~1. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;~~
- ~~2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;~~
- ~~3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.~~



4. ~~Alternatively, "timely" means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:~~
    - a. ~~Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:~~
      - i. ~~Complete the necessary improvements; or~~
      - ii. ~~For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.~~
  5. ~~For a phased development, the first phase shall satisfy Subsections 1022.03(D)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:~~
    - a. ~~At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.~~
    - b. ~~Necessary improvements for a particular phase shall either:~~
      - i. ~~Comply with Subsections 1022.03(D)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or~~
      - ii. ~~Comply with Subsection 1022.03(D)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.~~
- E. ~~As used in Subsection 1022.03(D), "necessary improvements" are:~~
1. ~~Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1022.03(B).~~

- a. ~~A determination regarding whether submittal of a transportation impact study is required shall be made based on the *Clackamas County Roadway Standards*, which also establish the minimum standards to which a transportation impact study shall adhere.~~
  2. ~~If a transportation impact study is not required, county traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.~~
- F. ~~As an alternative to compliance with Subsection 1022.03(A), the applicant may make a voluntary substantial contribution to the transportation system.~~
1. ~~As used in this subsection, "substantial contribution" means construction of a roadway or intersection improvement that is all of the following:~~
    - a. ~~A complete project or a segment of a roadway identified in the Clackamas County 20-Year Capital Improvement Plan (CIP), the Statewide Transportation Improvement Plan (STIP), or the capital improvement plan (CIP) of a city or another county.~~
      - i. ~~For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in the Clackamas County 20-Year CIP the STIP or the CIP of a city or another county—will be completed within five years;~~
    - b. ~~Located within the impact area of the proposed development. The impact area shall be established by the *Clackamas County Roadway Standards*;~~
    - c. ~~Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1<sup>st</sup> of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in Clackamas County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News-Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:~~

$$\begin{aligned} & \text{Change in Average Market Value} \times 0.50 \\ + & \text{Change in Construction Cost Index} \times 0.50 \\ = & \text{Minimum Construction Cost Adjustment Factor} \end{aligned}$$

After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.

2. ~~Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:~~
  - a. ~~Complete the substantial contribution; or~~
  - a. ~~For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.~~
- G. ~~Where there is a conflict between Chapter 10 of the Comprehensive Plan and Subsection 1022.03, the provisions of Chapter 10 shall take precedence.~~

[Amended by Ord. ZDO-226, 3/7/11]

**1102 DESIGN REVIEW (8/18/10)**

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## 1102.01 APPLICABILITY (6/29/06)

~~This Section 1102 applies~~ shall apply to all development, redevelopment, expansions, and improvements in all commercial, industrial, and multifamily zoning districts and to other uses as required by the Planning Director, the Hearings Officer, or the Board of County Commissioners. For purposes of this provision, the Medium Density Residential District and the Medium High Density Residential District ~~MR-1 and MR-2 zoning districts~~ shall be considered “multifamily zoning districts,” even though attached single-family dwellings are a primary use. (3/24/05)

## 1102.02 CRITERIA AND PROCEDURE (6/29/06)

- A. A design review application may be approved pursuant to Subsection 1305.02 if the applicant provides evidence substantiating that the proposed development complies with Section 1000, the standards of the zoning district in which the subject property is located, and all other applicable provisions of this Ordinance. (6/29/06)
- B. The Planning Director may review and render a decision on an application for design review or forward the application to the Design Review Committee for review and decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider: (6/29/06)
  - 1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements; (6/29/06)
  - 2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors; (6/29/06)
  - 3. Visual significance; and (6/29/06)
  - 4. Impact on neighboring properties, particularly where a project is adjacent to a residential area. (6/29/06)
- C. An application shall be forwarded to the Design Review Committee for review and decision if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners. (6/29/06)
- D. The Planning Director may consult with individual members of the Design Review Committee at any point during the evaluation of a design review application or in determining compliance with conditions of design review approval. (6/29/06)

1102.03 DESIGN REVIEW COMMITTEE

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- A. The Board of County Commissioners shall appoint a Design Review Committee and may remove members of the Committee. (6/29/06)
- B. Members of the Design Review Committee shall be appointed for a term of four years and may, at the discretion of the Board of County Commissioners, serve more than one term. (6/29/06)
- C. The Design Review Committee shall consist of a minimum of seven members and shall include the following: (6/29/06)
  - 1. One landscape architect; (6/29/06)
  - 2. One architect; (6/29/06)
  - 3. One registered engineer; (6/29/06)
  - 4. One graphic design representative; (6/29/06)
  - 5. One representative from the field of finance or the construction and development industry; and (6/29/06)
  - 6. Two members from the general public, who may be from any discipline or group, including any of the above. (6/29/06)
- A. The Design Review Committee shall adopt rules to govern its deliberations and decisions and shall keep a record of its proceedings. (6/29/06)

1102.04 PREAPPLICATION CONFERENCE

- A. A preapplication conference between the applicant and the Planning Director shall be required prior to submission of an application for design review. (6/29/06)
- B. The following subjects shall be reviewed at the preapplication conference: (6/29/06)
  - 1. Description of existing site conditions, including: (6/29/06)
    - a. Property location and size; (6/29/06)
    - b. Adjacent land uses and potential cooperation or conflict in land use (e.g., shared parking or need for buffers); (6/29/06)
    - c. Access to the site for different modes of transportation, including mass transit, trucks, passenger vehicles, bicycles, and pedestrians; (6/29/06)
    - d. Designated Open Space or zoning overlays (e.g. Floodplain Management District; River and Stream Conservation Area; Historic Landmarks, Districts, and Corridors); (6/29/06)



- e. Natural features on the site (e.g., land forms, drainage, wooded areas, large trees, wetlands); (6/29/06)
  - f. Existing and potential noise sources; and (6/29/06)
  - g. Existing uses, structures, circulation, parking, landscaping, and setbacks; (6/29/06)
2. Development concepts and requirements, including: (6/29/06)
- a. Proposed uses, structures, circulation, parking, landscaping, and setbacks; (6/29/06)
  - b. Applicable provisions of this Ordinance, the Comprehensive Plan, and other development regulations administered by the County or other service providers. Emphasis will be on identifying and, if possible, resolving conflicts between regulations; and (6/29/06)
  - c. Conditions placed on previous development approvals. (6/29/06)

1102.05 SUBMITTAL REQUIREMENTS (6/29/06)

- A. An application for design review shall include the following: (6/29/06)
- 1. A completed design review application on a form provided by the County Planning Division; (6/29/06)
  - 2. A narrative describing the proposed use; (6/29/06)
  - 3. Calculations demonstrating compliance with the density standards of Section 1012, if applicable; (6/29/06)
  - 4. An engineering geologic study, if required pursuant to Section 1002 or 1003; (6/29/06)
  - 5. Preliminary statements of feasibility, if required pursuant to Sections 1006 and ~~1007~~1022; (8/18/10)
  - 6. A transportation impact study, if required pursuant to Section 1007-~~or~~ 1022; (6/29/06)
  - 7. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property; (6/29/06)
  - 8. An existing conditions map of the subject property showing: (6/29/06)



- a. Contour lines at ~~two~~2-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at ~~five~~5-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information. (~~6/29/06~~)
  - b. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent; (~~6/29/06~~)
  - c. Drainage; (~~6/29/06~~)
  - d. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003; (~~6/29/06~~)
  - e. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings; (~~6/29/06~~)
  - f. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, of a scale not to exceed 1":400', may be submitted and only those trees that will be affected by the proposed development need be sited accurately; (~~6/29/06~~)
  - g. Location of any overlay zones regulated by Section 700 (e.g. Floodplain Management District, Willamette River Greenway, Historic Landmark); (~~6/29/06~~)
  - h. Noise sources; (~~6/29/06~~)
  - i. Sun and wind exposure; (~~6/29/06~~)
  - j. Significant views; and (~~6/29/06~~)
  - k. Existing structures, impervious surfaces, utilities, landscaping, and easements; (~~6/29/06~~)
9. A proposed site pPlan showing: (~~6/29/06~~)
- a. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties; (~~6/29/06~~)
  - b. Property lines and dimensions for the subject property. Indicate any proposed changes to these; (~~6/29/06~~)
  - c. Natural features to be retained; (~~6/29/06~~)

- d. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the subject property; (6/29/06)
  - e. The location of at least one temporary benchmark and spot elevations; (6/29/06)
  - f. Location and dimensions of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings; (6/29/06)
  - g. Approximate location and size of storm drainage facilities; (6/29/06)
  - h. Relation to transit; location and dimensions of parking and loading areas, including dimensions of individual parking spaces and drive aisles; bikeways and bicycle racks, sidewalks and pedestrian crossings; (6/29/06)
  - i. Orientation of structures showing windows and doors; (6/29/06)
  - j. Location and type of lighting; (6/29/06)
  - k. Service areas for waste disposal, recycling, loading, and delivery; (6/29/06)
  - l. Location of mail boxes; ~~a~~And (6/29/06)
  - m. Freestanding signs; (6/29/06)
10. A grading plan showing location and extent of proposed grading, general contour lines, slope ratios, slope stabilization proposals, and natural resources protection consistent with Sections 1002 and 1003; (6/29/06)
11. Architectural drawings, including: (6/29/06)
- a. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs; (6/29/06)
  - b. Building sections; (6/29/06)
  - c. Floor plans; (6/29/06)
  - d. Color and type of building materials; and (6/29/06)
  - e. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination; (6/29/06)

12. A general landscape development plan, which shall include the elements required on the proposed site plan and: (6/29/06)
  - a. Existing plants and groups of plants proposed; (6/29/06)
  - b. Description of soil conditions; plans for soil treatment such as stockpiling of topsoil or addition of soil amendments; and plant selection requirements relating to soil conditions; (6/29/06)
  - c. Erosion controls, including plant materials and soil stabilization, if any; (6/29/06)
  - d. Irrigation system (i.e. underground sprinklers or hose bibs); (6/29/06)
  - e. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and (6/29/06)
  - f. Open space or recreation areas, if applicable. (6/29/06)

1102.06 MAINTENANCE

All approved onsite improvements shall be the ongoing responsibility of the property owner or occupant. (6/29/06)

1102.07 COMPLIANCE

The development shall be completed pursuant to the approved final plans prior to issuance of a certificate of occupancy, except as provided under Section 1104. (6/29/06)

**1105 SUBDIVISIONS (8/18/10)**

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**1105.01 APPLICABILITY (6/6/02)**

Except as may be otherwise required by Section 808, Oregon Revised Statutes Chapter 97, or other applicable regulations, Section 1105 applies to subdivisions, including — except as may be otherwise required by Section 808, Oregon Revised Statutes Chapter 97, or other applicable regulations — subdivisions for cemetery purposes.

- ~~A. Pursuant to ORS Chapter 92, subdivisions are all divisions of property creating 4 or more lots in the same calendar year. (6/6/02)~~
- ~~B. For application review purposes, the Planning Division distinguishes between major and minor subdivisions as follows: (6/6/02)~~
  - ~~1. Major subdivisions are all divisions of property creating 11 or more lots in the same calendar year and are subject to review by the Hearings Officer pursuant to Section 1300. (6/6/02)~~
  - ~~2. Minor subdivisions are all divisions of property creating 4 to 10 lots in the same calendar year and shall be processed as Planning Director decisions pursuant to Subsection 1305.02. (6/6/02)~~
- ~~C. Except as may be otherwise required by Section 808, ORS Chapter 97, or other applicable regulations, this section shall apply to subdivisions for cemetery purposes. (6/6/02)~~

**1105.02 GENERAL PROVISIONS**

- ~~A. All subdivisions shall comply with this Ordinance and Oregon Revised Statutes Chapter 92. (6/6/02)~~
- ~~B. A master plan for future lots and access shall be required for any application that leaves any portion of the subject property capable of further division. (6/6/02)~~
- B. Subdivisions are subject to Section 1000.

**1105.03 SUBMITTAL REQUIREMENTS (6/6/02)**

- A. Applications for subdivisions shall be submitted to the Planning Division on forms provided by the Planning Division. (6/6/02)
- B. Applications shall include 20 copies of the preliminary plat prepared by an Oregon registered professional engineer or professional land surveyor, drawn to a scale of not less than one+ inch equals 50 feet nor more than one+ inch

equals 200 feet. If the preliminary plat drawings are larger than 11" by 17", a minimum of ~~five~~ reduced-sized, legible copies of the preliminary plat shall be submitted on 8-1/2" by 14" or 11" by 17" paper. The following information shall be provided on the preliminary plat or by separate cover: (6/6/02)

1. Complete names, addresses and phone numbers of all property owners, applicants, engineers and land surveyors; (6/6/02)
2. Source of domestic water; (6/6/02)
3. Method of sewage disposal; (6/6/02)
4. Existing zoning; (6/6/02)
5. Proposed utilities; (6/6/02)
6. Calculations justifying the proposed density pursuant to Section 1012, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district; (3/24/05)
7. Subdivision name that has been approved pursuant to Subsection 1105.05(D); (6/6/02)
8. Date the drawing of the preliminary plat was made; (6/6/02)
9. Property description of the proposed subdivision by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses; (6/6/02)
10. North arrow; (6/6/02)
11. Vicinity map showing the location of the subdivision relative to well-known landmarks in all directions, at a scale of ~~one~~ inch equals 2,000 feet or some other scale that better depicts the area, and at least ~~four~~4 inches by ~~four~~4 inches in size; (6/6/02)
12. Identification of each lot and block by number; (6/6/02)
13. Gross acreage of property being subdivided; (6/6/02)
14. Locations, dimensions and area of each lot and tract; (6/6/02)
15. Locations and widths of all roads abutting the subdivision site, and their legal and common names and numbers, direction of drainage and approximate grades; (6/6/02)

16. Locations and widths of all proposed roads and their proposed names, approximate grades, and radii of curves and note whether public or private; (6/6/02)
17. Location and width of legal access to the subdivision, other than public or county roads, if applicable; (6/6/02)
18. Contour lines at ~~two~~2-foot intervals if 10 percent slope or less, ~~five~~5-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information; (~~6/6/02~~)
19. Locations of all seasonal and perennial drainage channels, including their name if known, width, depth and direction of flow; (~~6/6/02~~)
20. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose(s); (6/6/02)
21. Locations and dimensions of all driveways, pedestrian walkways and existing structures on the subject property; (6/6/02)
22. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas; (6/6/02)
23. Contiguous property under the same ownership as the subject property, including property descriptions; (6/6/02)
24. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable; and (3/24/05)
25. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees. (6/6/02)

C. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsections 1102.05(A)(7) and (8) and Section 1103. The analysis required under these provisions may be incorporated in the subdivision application review process. (6/29/06)

D. Except for applications submitted pursuant to Subsection 1105.108, each application shall be accompanied by a boundary survey map of the property being platted. The survey map shall be prepared by an Oregon registered professional land surveyor and shall have been accepted for filing with the County Surveyor. (6/6/02)

E. An application shall be accompanied by preliminary statements of feasibility required pursuant to Sections 1006 and ~~1007~~1022. (8/18/10)



1105.04 PRELIMINARY PLAT REVIEW (6/6/02)

- A. Upon receipt of an application satisfying the submittal requirements of Subsection 1105.03, the Planning Division shall provide notice of the application to the following: (6/6/02)
1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s); (6/6/02)
  2. Any city or other entity whose dual-interest or urban growth management agreement involves the subject property and requires such notice; (6/6/02)
  3. County Assessor; (6/6/02)
  4. County Surveyor; (6/6/02)
  5. Sewer district serving, or which could serve, the property; (6/6/02)
  6. Water district serving the property; (6/6/02)
  7. Surface water management regulatory authority; (6/6/02)
  8. Fire district serving the property; (6/6/02)
  9. Divisions of the Department of Transportation and Development; and (6/6/02)
  10. Others deemed by the Planning Director to have an interest in the application. (6/6/02)
- B. Those parties provided notice pursuant to Subsection 1105.04(A) shall be given a minimum of 15 calendar days from the date of mailing to reply unless otherwise prescribed in a dual-interest or urban growth management agreement. (6/6/02)
- C. Major subdivisions are all divisions of property creating 11 or more lots in the same calendar year and are subject to review by the Hearings Officer pursuant to Section 1300. (6/6/02)
- D. Minor subdivisions are all divisions of property creating four to 10 lots in the same calendar year and are subject to review by the Planning Director pursuant to Subsection 1305.02.

1105.05 FORM OF FINAL PLAT (6/6/02)

- A. The final plat shall be prepared in a form and with information consistent with the relevant provisions of Oregon Revised Statutes (ORS) Chapter 92 and ORS 209.250. (6/6/02)
- B. The final plat shall contain, at a minimum, the following information:
1. The lines and names of all streets and other public ways, parks, playgrounds, and easements dedicated to the public or granted for the use of the owners within the subdivision and to whom the easement will be conveyed; (6/6/02)
  2. The length and bearings of all straight lines, curves, radii, arcs and the semi-tangents of all curves; (6/6/02)
  3. All dimensions along the lot lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any lot line in the field; (6/6/02)
  4. Suitable primary control points, approved by the County Surveyor and description and ties to these control points, to which all dimensions, angles, bearings and similar data given on the plat map shall be referred; (6/6/02)
  5. The location and complete physical descriptions of all permanent monuments found or set, including full physical descriptions of Public Land Survey Corners (monument and accessories) shown on the plat. Record references for the found monuments shall be cited; (6/6/02)
  6. The plat numbers and, if applicable, names of all platted subdivisions, partitions, condominiums and cemeteries, and the legal numbers and names of all roads adjacent to the subdivision; (6/6/02)
  7. The date(s) monuments were set (so identified), the date(s) the final plat was prepared (so identified), a north arrow and a graphical and an engineering scales; (6/6/02)
  8. The boundary of the divided tract, with the bearings, curves and distances marked, as determined by a field survey made by an Oregon registered professional land surveyor, and to close with a linear error of closure of not more than one foot in 10,000 feet. In addition, the survey shall be performed with the reference to the Federal Geodetic Control Committee guidelines for third order class II; (6/6/02)
  9. Any easements or notes required by the Department of Transportation and Development, Water Environment Services, other public service providers or the County Surveyor and the locations, widths and purposes of all existing easements of record, including instrument numbers; and (6/6/02)

10. Open space and common ownerships within the plat shall be labeled as tracts and their use and ownership identified. Labeling of tracts shall be alphabetical beginning with the letter "A" and no missing letters shall be allowed. (6/6/02)
- C. All Homeowners Association Agreements, Articles and Bylaws, and other similar items required or proposed shall be submitted with the final plat for review by the Planning Division, Office of County Counsel and, if requested, by the County Surveyor. (6/6/02)
1. The final plat shall not be approved by the Planning Division until the Homeowners Association Agreement, Articles and Bylaws are approved.
  2. The Homeowners Association Agreement, Articles and Bylaws shall be consistent with ORS Chapter 92 and ORS Chapter 94, if appropriate. (6/6/02)
  3. A certificate of formation of a nonprofit corporation, with a state seal, for the Homeowners Association shall be submitted with the final plat for review by the Planning Division. (6/6/02)
  4. After Planning Division approval, signed and notarized original documents of the Homeowners Association Agreement, Articles and Bylaws and the certificate of formation described in Subsection 1105.05(C)(3) shall be submitted for recording at the same time as the final plat is submitted to the County Clerk. The final plat shall contain references to such documents. (6/6/02)
- D. Proposed plat names shall be subject to approval by the County Surveyor pursuant to ORS 92.090. An applicant shall obtain plat name approval prior to submittal of the preliminary plat. (6/6/02)

1105.06 APPROVAL PERIOD (6/6/02)

- A. Approval of a preliminary plat is valid for ~~2~~two years from the date of the final written decision. If the county's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this ~~2~~two-year period, the final plat shall be recorded with the County Clerk. If a final plat is not recorded within ~~2~~two years of the final written decision approving a preliminary plat, a maximum of ~~3~~three, ~~1~~one-year extensions of the approval may be granted as a Planning Director decision pursuant to Subsection 1305.02, subject to the following provisions: (6/6/02)
1. A time extension shall be requested in writing, on forms provided by the Planning Division, prior to the expiration of preliminary plat approval; and (6/6/02)

2. The applicant shall demonstrate that: (6/6/02)
  - a. The subdivision is consistent with the provisions of this Ordinance in effect on the date a complete application for a time extension is submitted; and (6/6/02)
  - b. There exists good cause for failure to record the final plat with the County Clerk; and (6/6/02)
  - c. There is reasonable expectancy that the final plat will be recorded within the one-year extension period; and (6/6/02)
  - d. There have been no changes in the property or surrounding area that would be cause for reconsideration of the original decision. (6/6/02)

1105.07 PHASING OF A SUBDIVISION

- A. The total number of lots in all recorded phases of a subdivision shall not exceed the maximum density allowed under Section 1012 for the gross site area included in all such phases.
- B. If a subdivision is platted in two or more phases, the first phase shall be platted within two years of the date of preliminary approval of the entire subdivision, subject to Subsection 1105.06.
- C. If the Planning Director or the Hearings Officer has authorized a phasing schedule for the recording of subsequent phases, that schedule shall apply.
  1. The phasing schedule shall be developed in consideration of such factors as the size of the proposed development, complexity of development issues, required improvements, and other factors deemed relevant by the Planning Director or the Hearings Officer.
- D. The Planning Director may grant time extensions for recording of the first phase pursuant to Subsection 1105.06.
  1. The Planning Director may grant modifications to the phasing schedule allowing one additional year for final platting of each subsequent phase, subject to the criteria in Subsection 1105.06.
  2. In no case shall time extensions or modifications to the phasing schedule be granted permitting the recording of any phase more than five years after the date of preliminary approval.

1105.087 FINAL PLAT REVIEW (6/6/02)

- A. The final plat shall be submitted to the Planning Division for review. If the plat is consistent with the approved preliminary plat and the conditions of

approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify Planning Division approval by signing the plat. (6/6/02)

B. After Planning Division approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements. ~~The applicant shall be responsible for any fees that may be charged for services performed by the following officials.~~ (6/6/02)

1. County Assessor; (6/6/02)
2. County Surveyor; (6/6/02)
3. Board of County Commissioners; and (6/6/02)
4. County Road Official (6/6/02)

C. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent file records of the County Clerk. ~~The applicant shall be responsible for all recording fees.~~ (6/6/02)

1105.09 REPLATS OF RECORDED SUBDIVISION PLATS

A. If a subdivision plat, or any portion thereof, is replatted, the number of lots in the replatted area shall not exceed the number previously approved for the area, unless all of the following provisions are satisfied:

1. The gross site area of the affected subdivision plat is increased, or is of sufficient size to allow additional lots, or the zoning on the property has been changed since the previous approval, permitting a greater density on all, or part, of the original platted area.
2. The allowed density is recalculated under Section 1012 on the basis of the gross site area of the original platted area of the subdivision and any additions to the gross site area, and, if applicable, on the basis of the new zoning.
3. All existing lots within the subdivision plat which are not affected by the replat, including additional parcels or lots which may be created by partition or subdivision under existing zoning, shall be subtracted from the base density of the original plat area in determining allowed density for the replatted portion.
4. All open space requirements of the original subdivision, if applicable, shall be satisfied by the replatted subdivision, or portion thereof.



5. The replat application shall be signed by all owners of the property within the portion of the plat being replatted.
6. The replatted subdivision, or portion thereof, including any additional site area, shall be reviewed and approved under the same standards and procedures as a new land division of the same size.
7. Notice of the Planning Director decision or public hearing on the proposed replat shall be sent to all owners of lots within the original plat.

1105.108 VACATION OF RECORDED PLATS OR PORTIONS THEREOF (6/6/02)

- A. The county may initiate proceedings to vacate public property pursuant to Oregon Revised Statutes (ORS) 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes. The property owner may initiate vacation proceedings of public or private property by filing with the Planning Division an application that includes the following: (6/6/02)
  1. A description of the property proposed to be vacated, including any recorded legal descriptions or recorded plat; (6/6/02)
  2. A recent title report on each property proposed to be vacated that was prepared under the criteria of the County Surveyor; (6/6/02)
  3. A statement of the reasons for requesting that the plat, or portions thereof, be vacated; (6/6/02)
  4. The complete names, addresses and phone numbers of all persons holding any recorded right, title or interest in or to each property proposed to be vacated; (6/6/02)
  5. The complete names, addresses and phone numbers of all persons owning any improvements being constructed on any public property proposed to be vacated; (6/6/02)
  6. The complete names, addresses and phone numbers of all persons owning any real property abutting any public property proposed to be vacated; and (6/6/02)
  7. If the petition is for vacation of property that will be redivided in any manner, a preliminary subdivision or partition plat showing the proposed redivision shall be submitted. (6/6/02)
- D. Approval of a plat vacation request shall be granted only if the vacation is in the public interest. The determination of whether a vacation is in the public interest shall include, but not necessarily be limited to, the following findings: (6/6/02)



1. Will not result in the vacation of public roads necessary to serve the area or adjacent properties; (6/6/02)
  2. Will not interfere with the need to provide public facilities such as sewer and water; and (6/6/02)
  3. Will not jeopardize the potential for development of other properties pursuant to the Comprehensive Plan designation for the area. (6/6/02)
- E. Plat vacations shall be reviewed by the Planning Director if the proceedings for vacation were initiated by a petition that contains the notarized signatures of owners and contract purchasers of 100 percent of property proposed to be vacated and abutting any public property proposed to be vacated. The petition must indicate the owners' and contract purchasers' approval of the proposed vacation. (6/6/02)
- F. Except as provided in Subsection 1105.108(C), plat vacations shall be reviewed by the Hearings Officer at a hearing conducted pursuant to Section 1300. (6/6/02)
- G. After considering vacation proceedings pursuant to Subsection 1105.108(C) or 1105.108(D), the Hearings Officer or Planning Director shall issue a report and recommendation to the Board of County Commissioners for granting or denying the vacation of property. The report shall include an assessment of whether the vacation is in the public interest as required by Subsection 1105.108(B). Notice of the Hearings Officer's or Planning Director's recommendation shall be provided pursuant to Section 1300 or Subsection 1305.02, respectively. (6/6/02)
- H. The Board of County Commissioners shall consider the Hearings Officer's or Planning Director's recommendation to approve or deny the proposed vacation. If the Board of County Commissioners approves the proposed vacation, the Board Order shall: (6/6/02)
1. State that the plat, or portion thereof, is vacated; (6/6/02)
  2. Describe the exact location of each property to be vacated using a description prepared by and bearing the seal and original signature of an Oregon registered professional land surveyor or other appropriate means of description; and (6/6/02)
  3. Authorize the County Surveyor to mark the vacation on the plat officially recorded with the County Clerk and on the exact copy filed with the County Surveyor. (6/6/02)
- I. The Board Order vacating a plat, or portion thereof, shall be recorded with the County Clerk and certified copies of the recorded order shall be filed with the

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County Surveyor and the County Assessor. The order shall become effective upon recording. (6/6/02)

**1106 PARTITIONS (8/18/10)**

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1106.01 APPLICABILITY (6/6/02)

Section 1106 applies to partitions, except as follows:

- ~~A.~~ ~~Partitions are all divisions of property creating 3 or fewer parcels in a calendar year. (6/6/02)~~
- ~~B.~~A. Land divisions in the Exclusive Farm Use (EFU), Timber (TBR), and Ag/Forest (AG/F) zoning districts shall comply with the requirements for divisions specified in Sections 401, 406, and 407, respectively, and are not subject to the partitioning process described in Section 1106~~this section~~. However, final plats are required pursuant to Subsection 1106.06 and Oregon Revised Statutes (ORS) Chapter 92, except as noted therein or in Subsection 1106.01(~~BD~~). (6/6/02)
- ~~C.~~ ~~Partitions in zoning districts other than EFU, TBR and AG/F are subject to all the provisions in this section. (6/6/02)~~
- ~~D.~~B. ~~Partitions containing parcels~~ Parcels larger than 10 acres (based on the best available records) within a partition plat need not be surveyed; however, all partitions containing parcels smaller than 80 acres (based on the best available records) shall have a final plat that conforms to ORS Chapter 92 and Subsection 1106.06. The plat shall be prepared by an Oregon registered professional land surveyor. (6/6/02)

1106.02 GENERAL PROVISIONS

- A. ~~All~~Partitions shall comply with this Ordinance and Oregon Revised Statutes Chapter 92. (6/6/02)
- ~~B.~~ ~~Partition approval is valid in perpetuity, upon recording of the final partition plat.~~
- ~~C.~~B. Partitions are subject to Sections 1000 and 1014. (6/6/02)
- ~~D.~~ ~~Roads created for access to parcels in a partition shall be a minimum of 20 feet wide and shall be consistent with Sections 1007 and 1014 and the County Roadway Standards. (6/6/02)~~
- ~~E.~~C. Development on a parcel in a recorded partition parcel plat is subject to the requirements of the zoning district in which the parcel is located at the time of development. (6/6/02)

- ~~F. A master plan for future parcels and access shall be required for any application that leaves a portion of the subject property capable of further division. (6/6/02)~~
- ~~G.D. For partitions creating three parcels, none of the ~~No~~ parcels within an approved partition may be re-divided within the same calendar year the final partition plat is recorded, except through the subdivision process identified in Section 1105. Additionally, a partition must be recorded prior to submittal of an application for ~~re-dividing~~redivision of any parcel. (6/6/02)~~
- ~~H. The applicant, owner or developer is responsible for all fees related to the survey, inspection and recording of a partition plat. (6/6/02)~~

1106.03 SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLAT REVIEW (6/6/02)

- A. Applications for partitions shall be submitted to the Planning Division on forms provided by the Planning Division. (6/6/02)
- B. Applications shall include a preliminary plat drawn to scale of not less than one± inch equals 20 feet nor more than one± inch equals 200 feet. The following information shall be provided on the preliminary plat or by separate cover: (6/6/02)
  - 1. Complete names, addresses and phone numbers of the owners of the property to be divided; (6/6/02)
  - 2. Property description of the proposed partition by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses; (6/6/02)
  - 3. Dimensions and size in square feet or acres of all proposed parcels; (6/6/02)
  - 4. Individual parcel designation, e.g. Parcel 1, Parcel 2; (6/6/02)
  - 5. Contiguous property under the same ownership as the subject property, including property descriptions; (6/6/02)
  - 6. North arrow; (6/6/02)
  - 7. All adjacent roads (noting whether public or private), including name and road width; (6/6/02)
  - 8. Location of well(s) or name of water district; (6/6/02)
  - 9. Type of sewage disposal and name of sewer district if applicable; (6/6/02)

10. Zoning; (6/6/02)
  11. All existing structures on the property and their setbacks from existing and proposed property lines. Note whether property lines referred to are existing or proposed; (~~6/6/02~~)
  12. Location of any septic tank(s) and drainfield(s); (6/6/02)
  13. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable; (3/24/05)
  14. Locations of all seasonal and perennial drainage channels, including their name if known, width, depth and direction of flow; (6/6/02)
  15. Other pending applications, including building permits, on the subject property; (6/6/02)
  16. All easements, including widths, labeled as existing or proposed; and (6/6/02)
  17. Contour lines at ~~two~~two-foot intervals if 10 percent slope or less, ~~five~~five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information. (~~6/6/02~~)
- C. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsections 1102.05(A)(7) and (8) and Section 1103. The analysis required under these provisions may be incorporated in the partition application review process. (6/29/06)
- D. An application shall be accompanied by preliminary statements of feasibility required pursuant to Sections 1006 and 1007 ~~and 1022~~. (8/18/10)

1106.04 ~~PROCESS FOR PRELIMINARY PLAT REVIEW~~ (6/6/02)

- A. Upon receipt of an application which satisfies all submittal requirements of Subsection 1106.03, the Planning Division shall provide notice of the application to the following: (6/6/02)
1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s); (6/6/02)
  2. Any city or other entity whose dual-interest or urban growth management agreement involves the subject property and requires such notice; (6/6/02)

3. Sewer district serving, or which could serve, the property; (6/6/02)
  4. Water district serving the property; (6/6/02)
  5. Surface water management regulatory authority; (6/6/02)
  6. Fire district serving the property; (6/6/02)
  7. County Assessor; (6/6/02)
  8. Divisions of the Department of Transportation and Development; and (6/6/02)
  9. Others deemed by the Planning Director to have an interest in the application. (6/6/02)
- B. Those parties provided notice pursuant to Subsection 1106.04(A) shall be given a minimum of 15 calendar days from the date of mailing to reply unless otherwise prescribed in a dual-interest or urban growth management agreement. (6/6/02)
- C. Partitions shall be processed as Planning Director decisions pursuant to Subsection 1305.02. (6/6/02)

1106.05 APPROVAL PERIOD (6/6/02)

- A. Approval of a preliminary plat is valid for ~~2~~two years from the date of the final written decision. If the county's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this ~~2~~two-year period, the final plat shall be recorded with the County Clerk. If a final plat is not recorded within ~~2~~two years of the final decision approving a preliminary plat, a single ~~1~~one-year extension of the approval may be granted as a Planning Director decision pursuant to Subsection 1305.02, subject to the following provisions: (6/6/02)
1. A time extension shall be requested in writing, on forms provided by the Planning Division, prior to the expiration of preliminary plat approval; and (6/6/02)
  2. The applicant shall demonstrate that: (6/6/02)
    - a. The partition is consistent with the provisions of this Ordinance in effect on the date a complete application for a time extension is submitted; and (6/6/02)
    - b. There exists good cause for the failure to record the final plat with the County Clerk; and (6/6/02)



- c. There is reasonable expectancy that the final plat will be recorded within the ~~one~~-year extension period; and (6/6/02)
- d. There have been no changes in the property or surrounding area that would be cause for reconsideration of the original decision. (6/6/02)

1106.06 FINAL PLAT REVIEW (6/6/02)

- A. The final plat shall be submitted to the Planning Division for review. If the final plat is consistent with the approved preliminary plat, and if all conditions of approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify Planning Division approval by signing the plat and shall transmit the approved plat to the County Surveyor for inspection. (6/6/02)
- B. No building or manufactured home placement permit shall be issued, or parcel sold, transferred, or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk. (6/6/02)

1106.07 REPLATS OF PARTITIONS

- A. If a partition, or any portion thereof, is replatted, the number of parcels in the replatted area shall not exceed the number previously approved for the area, unless all of the following provisions are satisfied:
  - 1. The gross site area of the affected partition is increased, or is of sufficient size to allow additional parcels, or the zoning on the property has been changed since the previous approval, permitting a greater density on all, or part, of the original partition.
  - 2. The allowed density is recalculated under Section 1012 on the basis of the gross site area of the original partition and any additions to the gross site area, and, if applicable, on the basis of the new zoning.
  - 3. All existing parcels within the partition which are not affected by the replat, including additional parcels which may be created by partition under existing zoning, shall be subtracted from the base density of the original partition area in determining allowed density for the replatted portion.
  - 4. All open space requirements of the original partition, if applicable, shall be satisfied by the replatted partition, or portion thereof.
  - 5. The replat application shall be signed by all owners of the property within the portion of the partition being replatted.

6. The replatted partition, or portion thereof, including any additional site area, shall be reviewed and approved under the same standards and procedures as a new partition.
7. Notice of the Planning Director decision or public hearing on the proposed replat shall be sent to all owners of lots within the original partition.

1106.08~~7~~ VACATION

All, or a portion of, a recorded partition plat may be vacated pursuant to Subsection 1105.108. (6/6/02)

1202 ZONE CHANGE (1/20/05)

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1202.01 The Hearings Officer may approve a zone change, pursuant to Section 1300, if the applicant provides evidence substantiating the following: (1/20/05)

- A. Approval of the request is consistent with the Comprehensive Plan;
- B. If development under the new zoning designation has a need for public sanitary sewer, surface water management, and/or water service, it can be accommodated with the implementation of service providers' existing capital improvement plans. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered. (1/20/05)
- C. The transportation system is adequate, as defined in Subsection 1007.09(D)~~1022.07(B)~~, and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from this subsection. (1/20/05)

For the purpose of this criterion: (1/20/05)

- 1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a twenty-year period beginning with the year that a complete land use application is submitted. (1/20/05)
- 2. It shall be assumed that all improvements identified in the Clackamas County 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of other local jurisdictions are constructed. (1/20/05)
- 3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate. (1/20/05)
- 4. Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E)~~1022.07(C)~~. (1/20/05)
- 5. A determination regarding whether submittal of a transportation impact study is required shall be made based on the *Clackamas County Roadway Standards*, which also establish the minimum standards to which a transportation impact study shall adhere. (1/20/05)

- D. The proposal, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan. (1/20/05)

E. Safety of the transportation system is adequate to serve the level of development anticipated by the zone change. (3/14/02)

1202.02 An applicant may request that the Hearings Officer approve an alternate zoning district designation if the Hearings Officer finds that the applicant's preferred designation does not comply with the approval criteria but the alternate designation does. An alternate designation may be substituted only if the public notice required pursuant to Section 1302 includes all requested designations in its description of the applicant's proposal. (3/14/02)

**1203**      **CONDITIONAL USE (8/18/10)**

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1203.01    CRITERIA AND PROCEDURE (6/6/02)

The Hearings Officer may approve a conditional use pursuant to Section 1300 if the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates that the proposed use satisfies the following criteria: (6/6/02)

- A.     The use is listed as a conditional use in the underlying zoning district.  
(6/6/02)
- B.     The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- C.     The proposed development is consistent with Subsection 1007.09~~Section 1022~~ and safety of the transportation system is adequate to serve the proposed development. (6/6/02)
- D.     The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district.  
(6/6/02)
- E.     The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use. (6/6/02)

1203.02    APPROVAL PERIOD

- A.     A conditional use approval shall expire if it is not implemented within 2 years from the date of the final written decision unless a lesser time period is specified as a condition of approval or a time extension is approved pursuant to Subsection 1203.03. However, a conditional use approval for the following uses shall expire if the approval is not implemented within 10 years from the date of the final written decision unless a lesser time period is specified as a condition of approval or a time extension is granted pursuant to Subsection 1203.03: (5/22/03)
  - 1.     Public roads; (5/22/03)
  - 2.     Public schools, including colleges and universities; (5/22/03)
  - 3.     Public parks; (5/22/03)
  - 4.     Public safety facilities, including fire and police facilities; (5/22/03)

5. Public libraries; (5/22/03)
  6. Public sanitary sewer facilities; (5/22/03)
  7. Public surface water management facilities; (5/22/03)
  8. Public water supply facilities; (5/22/03)
  9. Private facilities that are analogous to the public facilities identified above; and (5/22/03)
  10. Hospitals. (5/22/03)
- B. If the county's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. (5/22/03)
- C. A conditional use approval is implemented when all necessary permits for development have been secured and are maintained. (5/22/03)
- D. Conditional use approval of uses identified in Subsections 1203.02(A)(1) through (10) shall not have the effect of reserving vehicle trips for purposes of evaluating transportation concurrency for other developments. Instead, the vehicle trips these facilities are expected to generate shall be reserved upon design review approval. (5/22/03)

#### 1203.03 TIME EXTENSIONS

A single, 1-year time extension may be granted for uses that received no more than a 2-year initial approval period. Two, 5-year time extensions for uses identified in Subsections 1203.02(A)(1) through (10) may be granted. Time extensions shall be processed as Planning Director decisions pursuant to Subsection 1305.02 and subject to the following provisions: (5/22/03)

- A. A time extension shall be requested in writing, on forms provided by the Planning Division, prior to the expiration of the approval; and (6/6/02)
- B. The applicant shall demonstrate that: (6/6/02)
1. The conditional use is consistent with the provisions of this ordinance in effect on the date a complete application for a time extension is submitted; and (6/6/02)
  2. There is reasonable expectancy that the necessary development permits will be secured within the extension period. (5/22/03)

#### 1203.04 SUBMITTAL REQUIREMENTS (6/6/02)

An application for a conditional use shall include the following: (6/6/02)



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- A. A completed land use application on a form provided by the Planning Division; (6/6/02)
- B. A completed conditional use supplemental application on a form provided by the Planning Division; (6/6/02)
- C. Preliminary statements of feasibility required pursuant to Sections 1006 and ~~1007~~1022. (8/18/10)
- D. A description of the proposed use and specific reason(s) for the request (6/6/02)
- E. A vicinity map showing the relationship of the proposed use to the surrounding area; (6/6/02)
- F. A site plan of the subject property, including existing and proposed improvements and other information necessary to address the requirements and conditions associated with the use; (6/6/02)
- G. Building profiles of proposed new and remodeled structures; (6/6/02)
- H. Information addressing the approval criteria in Subsection 1203.01; and (6/6/02)
- I. Any submittal requirements established by an applicable 800 section. (6/6/02)

**1204 TEMPORARY PERMITS (3/24/05)**

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**1204.01 TEMPORARY USE OTHERWISE PROHIBITED**

- A. The Planning Director, ~~or authorized designee,~~ may approve a temporary permit, ~~pursuant~~ subject to the provisions of Subsection 1305.02, for a period not to exceed one ~~(1)~~ year, when the applicant provides evidence substantiating the following:
1. The use for which a temporary permit is requested is not listed as a permitted, accessory, limited, or conditional use in the underlying zoning district; and
  2. There is no reasonable alternative to the temporary use; and
  3. The permit will be necessary for a limited time; and
  4. The temporary use will not include the construction of a substantial structure or require a permanent commitment of the land; and
  5. The temporary use will not have a materially adverse effect on the surrounding area.
- B. A permit shall not be approved pursuant to this Subsection in an Exclusive Farm Use (EFU), Timber (TBR) or Ag/Forest (AG/F) zoning district except as provided in Subsections 406.07(A) and (B) and 407.07(A) and (B).
- C. A permit approved pursuant to ~~this~~ Subsection 1204.01 may be renewed, subject to the provisions of Subsection 1305.02, for a period not to exceed one ~~(1)~~ year. A renewal shall be subject to the same approval criteria as an initial permit. A temporary permit for a use otherwise prohibited may be renewed an unlimited number of times.

**1204.02 TEMPORARY DWELLING WHILE BUILDING**

- A. The Planning Staff may approve a temporary permit in any zoning district, ~~pursuant~~ subject to the provisions of Subsection 104.01(A), for a period not to exceed two ~~(2)~~ years for the use of a manufactured dwelling, residential trailer, or recreational vehicle for residential purposes while a permanent dwelling is being constructed, when the applicant provides evidence substantiating the following:
1. A building permit to construct a permanent dwelling has been issued for the lot, parcel, or tract on which the temporary dwelling will be located; and

2. The temporary dwelling will be occupied by the owner of the subject lot, parcel, or tract.
- B. If a valid building permit for a permanent dwelling on the subject lot, parcel, or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- C. A permit approved pursuant to ~~this~~ Subsection 1204.02 shall be subject to the following conditions of approval:
1. The temporary dwelling shall be connected to a sanitary sewer system or to an on-site sewage disposal system approved by the Soils Section of the County Department of ~~Transportation and Development~~ Water Environment Services.
  2. The temporary dwelling shall comply with the primary structure setback standards of the underlying zoning district.
  3. A manufactured dwelling or residential trailer approved pursuant to ~~this~~ Subsection 1204.02 shall be removed from the subject lot, parcel, or tract when the permit expires or the permanent dwelling is occupied, whichever first occurs. A recreational vehicle approved pursuant to ~~this~~ Subsection 1204.02 shall be removed from the subject lot, parcel, or tract or placed in a stored condition when the permit expires or the permanent dwelling is occupied, whichever first occurs. For the purpose of this provision, a recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site sewage disposal system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.
  4. Other conditions may be applied as authorized by Subsection 1201.03.
- D. A permit approved pursuant to ~~this~~ Subsection 1204.02 may not be renewed. For the purpose of this provision, a renewal shall be the same or any substantially similar application filed within two ~~(2)~~ years of the date a previous permit approved pursuant to ~~this~~ Subsection 1204.02 expired.
- E. If the proposed temporary dwelling is a manufactured dwelling that complies with all requirements for a permanent dwelling in the underlying zoning district, a temporary permit shall not be required. Instead the manufactured dwelling may be approved as a permanent dwelling to be replaced by the new permanent dwelling upon completion of construction.

120403 TEMPORARY DWELLING FOR CARE

- A. The Planning Director, ~~or authorized designee,~~ may approve a temporary permit, ~~pursuant to the provisions of~~ Subsection 1305.02, for a period not to exceed two (2)-years in an Exclusive Farm Use (EFU), Timber (TBR) or Ag/Forest (AG/F) zoning district or three (3)-years in any other zoning district, for the use of a manufactured dwelling, residential trailer or recreational vehicle for residential purposes, when the applicant provides evidence substantiating the following:
1. The temporary dwelling will be occupied by a person or persons who require(s) care or who will provide care. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the temporary dwelling provided such occupancy is consistent with the remaining provisions of ~~this~~ Subsection 1204.03; and
  2. The temporary dwelling will be located on the same lot, parcel, or tract as a legally established permanent dwelling. The permanent dwelling will be occupied by the person(s) receiving care from the occupant(s) of the temporary dwelling or by the person(s) providing care to the occupant(s) of the temporary dwelling. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the permanent dwelling provided such occupancy is consistent with the remaining provisions of ~~this~~ Subsection 1204.03; and
  3. There exists a need for care. The need shall be documented by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient, generally indicate that an age-related and/or medical condition results in a need for care, and substantiate that the type of assistance required by the patient is consistent with the type of assistance identified in the definition of "care" in Subsection 1204.03(B); and
  4. There exists no reasonable housing alternative in the form of adequate housing on the subject lot, parcel, or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together shall be made based on the size and floor plan of the permanent dwelling with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider; and
  5. There exists no reasonable alternative care provider. Alternative care providers that shall be considered include:
    - a. Other adults who live with the care recipient; and

- b. Other relatives of the care recipient who live nearby. This alternative shall only be considered in cases where the care recipient currently resides on the subject lot, parcel, or tract; and
  6. There is no other temporary dwelling for care on the subject lot, parcel, or tract.
- B. As used in ~~this~~ Subsection 1204.03, “care” means assistance, required as a result of age and/or poor health, that is given to a specific person in the activities of daily living, which may include, but are not necessarily limited to, bathing, grooming, eating, medication management, ambulation, and transportation, and/or “care” means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in ~~this~~ Subsection 1204.03, “care” does not include assistance with improvement or maintenance of property in the absence of a documented need for assistance with personal activities or a need for personal supervision due to cognitive impairment. “Care” does not include financial hardship alone.
- C. A permit approved pursuant to ~~this~~ Subsection 1204.03 shall be subject to the following conditions of approval:
1. **SEWAGE DISPOSAL:** The temporary dwelling shall be connected to a sanitary sewer system or to an on-site sewage disposal system approved by the Soils Section of the County Department of ~~Transportation and Development~~ Water Environment Services. The temporary dwelling shall use the same on-site sewage disposal system used by the permanent dwelling if that disposal system is adequate to accommodate the additional dwelling as determined by the Soils Section of the County Department of ~~Transportation and Development~~ Water Environment Services. An exception may also be granted if more than one legally established on-site sewage disposal system exists on the subject lot, parcel, or tract.
  2. **SETBACKS:** The temporary dwelling shall comply with the primary structure setback standards of the underlying zoning district.
  3. **UTILITIES/SERVICES:** All water, electricity, natural gas, and ~~or~~ sanitary sewer service for the temporary dwelling shall be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. An exception may be granted ~~if~~ if the utility provider substantiates that separate service is required or if more than one legally established service exists on the subject lot, parcel, or tract.
  4. **DRIVEWAY ENTRANCE:** The temporary dwelling shall use the same driveway entrance as the permanent dwelling, although the

driveway may be extended. An exception may be granted if more than one legally established driveway entrance to the subject lot, parcel, or tract exists.

5. **SEPARATION DISTANCE:** The temporary dwelling shall be located within 100 feet of the permanent dwelling. This distance shall be measured from the closest portion of each structure. This distance may be increased if the applicant provides evidence substantiating that steep slopes, significant natural features, significant existing landscaping, existing structures, other physical improvements, or other similar constraints prevent compliance with the separation distance standard. The increase shall be the minimum necessary to avoid the constraint. An exception may also be granted if the temporary dwelling will be sited in the same or substantially similar location as a previous, legally established temporary dwelling for care.
6. **DEED STATEMENT:** A written statement shall be recorded in the County ~~d~~Deed ~~r~~Records recognizing that a dwelling approved pursuant to ~~this~~ Subsection 1204.03 is temporary and that the temporary permit is not transferable when the property is conveyed to another party.
7. **RENTAL INCOME:** The temporary dwelling shall not be a source of rental income.
8. **REMOVAL/STORAGE:** A manufactured dwelling or residential trailer approved pursuant to ~~this~~ Subsection 1204.03 shall be removed from the subject lot, parcel, or tract when the permit expires or the need for care ceases, whichever first occurs. An exception to this provision may be granted if a temporary manufactured dwelling is converted to a permanent dwelling. Such a conversion shall only be allowed if the temporary dwelling complies with all applicable requirements for a permanent dwelling, and if the conversion will not result in the subject lot, parcel, or tract's violating the density standards of the underlying zoneing district. A recreational vehicle approved pursuant to ~~this~~ Subsection 1204.03 shall be removed from the subject lot, parcel, or tract or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. For the purpose of this provision, a recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site sewage disposal system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.
9. **OTHER:** Other conditions may be applied as authorized by Subsection 1201.03.



- D. A permit approved pursuant to ~~this~~ Subsection 1204.03 may be renewed, subject to the provisions of Subsection 1305.02, for a period not to exceed two ~~(2)~~ years in an EFU, TBR, or AG/F zoning district or three ~~(3)~~ years in any other zoning district when the applicant provides evidence substantiating the following:
1. The circumstances that provided the basis on which the previous permit was granted remain substantially similar. A renewal application shall be accompanied by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient and substantiate that the level of assistance required is substantially similar to, or greater than, the level required when the previous permit was granted.
- E. An application shall be evaluated under the approval criterion for a renewal application rather than the criteria for a new application if the permit is requested for the same lot, parcel, or tract and the same care recipient as the previous permit. A temporary permit for care may be renewed an unlimited number of times subject to Subsection 1204.03(D). However, an application received after the expiration of the previous permit shall be charged the same fee as a new application.

#### 1204.04 TEMPORARY STRUCTURE FOR EMERGENCY SHELTER

- A. The Planning Director may approve a temporary permit for emergency shelter in any zoning district, ~~subject pursuant to~~ Subsection 104.01(A), for the use of a manufactured dwelling, residential trailer, or recreational vehicle for residential purposes, or a commercial office trailer for business purposes, when the applicant provides evidence substantiating that a lawfully established dwelling or business located on the subject lot, parcel, or tract has been destroyed, substantially damaged, or rendered unsafe to occupy due to fire or natural disaster. ~~(3/24/05)~~
- B. A permit approved pursuant to ~~this~~ Subsection 1204.04 shall be initially approved for 60 days. If replacement or repair of the dwelling or business is lawfully commenced within 60 days of the date the permit is initially approved, the approval shall automatically be extended for ~~two~~ 2 years from the date of initial approval. For the purpose of this provision, "lawfully commenced" shall mean the filing of a complete application for a land use, building, septic, grading, manufactured home placement and installation, plumbing, electrical, or other development permit required by the County or other appropriate permitting agency that is necessary to begin replacement or repair of the destroyed or damaged structure. If replacement or repair is not lawfully commenced within 60 days of the date the temporary permit is initially approved, the temporary permit shall become void on the sixty-first day. ~~(3/24/05)~~

- C. A permit approved pursuant to ~~this~~ Subsection 1204.04 shall be subject to the following conditions of approval:
1. The temporary dwelling or commercial structure shall be connected to a sanitary sewer system or to an on-site sewage disposal system approved by the Soils Section of the County Department of ~~Transportation and Development~~ Water Environment Services.
  2. The temporary dwelling or commercial structure shall comply with the primary structure setback standards of the underlying zoning district.
  3. A manufactured dwelling, residential trailer, or commercial office trailer approved pursuant to ~~this~~ Subsection 1204.04 shall be removed from the subject lot, parcel, or tract when the permit expires or the permanent structure is occupied, whichever first occurs. A recreational vehicle approved pursuant to ~~this~~ Subsection 1204.04 shall be removed from the subject lot, parcel, or tract or placed in a stored condition when the permit expires or the permanent structure is occupied, whichever first occurs. For the purpose of this provision, a recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site sewage disposal system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.
  4. Other conditions may be applied as authorized by Subsection 1201.03.
- D. A permit approved pursuant to ~~this~~ Subsection 1204.04 may not be renewed. For the purpose of this provision, a renewal shall be the same or any substantially similar application filed within two ~~(2)~~ years of the date a previous permit approved pursuant to ~~this~~ Subsection 1204.04 expired.

1204.05 TEMPORARY FARMERS' MARKET

- A. The Planning Director may approve a temporary permit for a Farmers' Market, pursuant to Subsection 1305.02, for a period not to exceed one year, when the applicant provides evidence substantiating the following:
1. The farmers' market will be located:
    - a. On a site in a Neighborhood Commercial (NC), Community Commercial (C-2), General Commercial (C-3), Rural Tourist Commercial (RTC), Rural Commercial (RC), Office Commercial (OC), Retail Commercial (RTL), Office Apartment (OA), Village Community Service (VCS), Village Office (VO), Village Commercial (VC), Regional Center Office (RCO), Regional Center Commercial (RCC), Planned

Mixed Use (PMU), Corridor Commercial (CC), Station Community Mixed Use (SCMU), Campus Industrial (CI), Light Industrial (I-2), General Industrial (I-3), Rural Industrial (RI), or Business Park (BP) zoning district; or

b. At an institutional use in any zoning district, provided that the institutional use has different days and times of operation than the proposed market.

2. A permit approved pursuant to Subsection 1204.05 shall be subject to the following conditions:

a. Parking: If the market is proposed under Subsection 1204.05(A)(1)(a) to operate when regular business operations are being conducted, the applicant must demonstrate that adequate parking is provided pursuant to Section 1015.

i. Fifty percent of the total area occupied by market stalls shall be calculated as developed area for the purpose of determining minimum required parking spaces.

ii. Parking spaces occupied by market stalls shall not be counted as available spaces during market operation.

b. Hours of Operation:

i. The market may be conducted on a maximum of two days each week.

ii. If the market is to be located in an Urban Low Density Residential (R-2.5 through R-30), Medium Density Residential (MR-1), High Density Residential (HDR), Special High Density Residential (SHD), Recreational Residential (RR), Mountain Recreational Resort (MRR), Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), Planned Medium Density Residential (PMD), Hoodland Residential (HR), Medium High Density Residential (MR-2), Future Urban 10-Acre (FU-10), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Village Apartment (VA) or Regional Center High Density Residential (RCHDR) zoning district, the market may only be operated (including setup and dismantling) between the hours of 8 a.m. and 8 p.m.

c. Signage:

i. The market may display 20 square feet of signage on each street frontage of the site on which the market is held.

- ii. Each farmers' market stall may display 10 square feet of signage at the stall.
- iii. Signage shall be subject to Subsection 1010.13(A)(5).
- iv. Signage may be displayed only during the hours of market operation.

1305 ADMINISTRATIVE RESPONSIBILITY OF THE PLANNING DIRECTOR (8/20/08)

1305.01 DUTIES

The Planning Director, subject to the direction of the Board of County Commissioners, shall perform the following duties: (6/6/02)

- A. Schedule and assign cases for initial hearing and review;
- B. Conduct all correspondence of the Hearings Officer; (10/21/99)
- C. Give notice as required by this ordinance; (6/6/02)
- D. Maintain dockets and minutes of all initial hearings;
- E. Compile and maintain all necessary records, files and indexes;
- F. Maintain a filing system for docket control of all matters scheduled for hearing or review; (6/6/02)
- G. Enter into the record all continuances, postponements, dates of giving notice and a summary of all actions taken by the Hearings Officer or other persons pursuant to this ordinance; (6/6/02)
- H. Enter into the minutes the decision upon each matter initially heard and the reasons for the decision;
- I. Serve copies of orders reduced to writing by mail upon any party requesting the same at a fee established by the Board of County Commissioners. There will be no fee charged for such requests by recognized and active community planning organizations; (10/21/99)
- J. Reduce orders of the Hearings Officer to writing and file same within a reasonable time; and (10/21/99)
- K. Decide all questions of interpretation or applicability to specific properties of any provision of the Comprehensive Plan or this ordinance. An application for an interpretation shall be processed pursuant to Subsection 1305.03. (6/6/02)
- L. Review minor modifications to applications, or conditions thereto, which have been approved under this Ordinance. A modification shall be considered minor if it: (8/20/08)
  - 1. Is consistent with the prior approval;



2. Is consistent with all ordinance provisions in effect at the time the modification request is submitted; and (6/6/02)
3. Does not result in any of the following:
  - a. A change in the type of use (e.g. commercial, industrial, community service); (6/6/02)
  - b. An increase of greater than 25 percent of the original approved building floor area; (5/22/03)
  - c. An increase of greater than 25 percent of the original approved lot coverage; (5/22/03)
  - d. An increase in the density of development (residential or recreational uses), or intensity of use, as demonstrated by a change in occupancy rating requiring substantial modifications to structures; (6/17/87)
  - e. An increase in traffic congestion or use of public facilities;
  - f. A reduction in approved open space;
  - g. A reduction of off-street parking spaces and loading berth spaces, except as provided under Section 1015 Subsection 1007.07; or (6/6/02)
  - h. A reduction in required pavement widths or a change in major access locations, except as required by the county. (6/6/02)

M. Initiate a public hearing before the Hearings Officer for revocation of a prior approval of an administrative action when there is a violation of conditions attached to the previous approval sufficient to merit such revocation. Revocation requests shall be processed pursuant to Section 1300. (6/6/02)

#### 1305.02 PLANNING DIRECTOR REVIEW (6/6/02)

- A. Administrative actions that require Planning Director review shall be subject to the provisions of this subsection. However, a applicant for an administrative action that is subject to Planning Director review may request that such administrative action be heard directly by the Hearings Officer pursuant to Sections 1301 through 1304. (6/6/02)
- B. Prior to the decision, a copy of the application shall be sent to the recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s). (6/6/02)



- C. Written notice of the application shall be provided to cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement. (6/6/02)
- D. A minimum of 20 days prior to the decision, written notice of the application shall be provided to the airport sponsor and the Oregon Department of Aviation when required by Subsection 712.08 or 713.07. (6/6/02)
- E. The Planning Director may approve the application as submitted, approve the application with conditions or deny the application. The Planning Director shall prepare written findings justifying the decision. (6/6/02)
- F. The Planning Director shall provide notice of the written decision to: (6/6/02)
  - 1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s); (6/6/02)
  - 2. The applicant; (6/6/02)
  - 3. Property owners of record pursuant to Subsections 1302.01(B)(2) and 1302.03; (6/6/02)
  - 4. The airport sponsor and the Oregon Department of Aviation when required by Subsection 712.08 or 713.07; and (6/6/02)
  - 5. Cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement. (6/6/02)
- G. Appeals:
  - 1. The decision of the Planning Director shall become final unless appealed in writing. The appeal must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business. (8/20/08)
  - 2. If appealed, the application shall be reviewed by the Hearings Officer pursuant to Section 1300. (6/6/02)
  - 3. An appeal to the Hearings Officer stays proceedings in the matter appealed until the determination of the appeal. (6/6/02)

- H. Refiling: If an application for an administrative action is denied, or a land use permit is revoked pursuant to Subsection 1305.01(M), an applicant may refile for consideration of the same or substantially similar application only if: (8/20/08)
1. The Planning Director finds that one of the following circumstances renders inapplicable all of the specific reasons for denial: (6/6/02)
    - a. A change has occurred in this ordinance, the Comprehensive Plan or other applicable law which is material to the application; for the purposes of this provision, “change” includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Subsection 1305.01(K); (6/6/02)
    - b. A mistake in facts was considered by the hearings authority which was material to the application; (10/21/99)
    - c. There have been changes in circumstances resulting in new facts material to the application; (10/21/99)
    - d. A change has occurred in the zoning of the property, or adjacent property, that substantially affects the merits of the application; or (10/21/99)
    - e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application. (10/21/99)
  2. Except as provided in Subsection 1305.02(H)(1) a new application cannot be filed until two years after either final denial of an application by the county or revocation of a land use permit. (8/20/08)
- I. Postponements: The applicant may request a postponement pursuant to Subsection 1303.08. (6/6/02)
- J. Reissuing a Decision: The Planning Director may reissue a Planning Director decision as a result of a clerical error, a misstatement of facts or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period. Notice of the reissued decision shall be given in the same manner as notice of the original decision. (8/20/08)

1305.03 INTERPRETATIONS (6/6/02)

- A. The Planning Director has the authority to interpret the Comprehensive Plan and this ordinance and their applicability to specific properties, except where such authority is specifically granted by this ordinance to the Hearings Officer. (6/6/02)
- B. An application for an Interpretation shall be processed pursuant to this subsection. (6/6/02)
- C. Anyone may initiate an application for an Interpretation, except that an application for an Interpretation of the applicability of this ordinance to a specific property may only be initiated by those parties identified in Subsection 1301.03(A). (6/6/02)
- D. A complete application shall include: (6/6/02)
  - 1. A completed land use application on a form provided by the Planning Division; (6/6/02)
  - 2. Identification of the provision(s) for which an Interpretation is requested; (6/6/02)
  - 3. Identification by tax map designation of the County Assessor of the specific property, if any, to which an Interpretation relates; and (6/6/02)
  - 4. A detailed description of any proposed use, specific circumstances or other factors necessary to allow the Planning Director to make an Interpretation. (6/6/02)
- E. A minimum of 15 days prior to the issuance of the Planning Director's decision, a copy of the submitted application shall be sent to all recognized and active community planning organizations whose boundaries contain property to which an Interpretation could be applicable. (6/6/02)
- F. The Planning Director shall provide notice of the written decision to the applicant, all recognized and active community planning organizations whose boundaries contain property to which an Interpretation could be applicable, and cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement. In addition, if an Interpretation relates to the applicability of this ordinance to a specific property, notice of the written decision shall be provided to property owners of record pursuant to Subsections 1302.01(B)(2) and 1302.03. (6/6/02)
- G. The decision of the Planning Director shall become final unless appealed in writing. The appeal must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business. Anyone may appeal the decision. If appealed, the application shall be

reviewed by the Hearings Officer pursuant to Section 1300. An appeal stays the proceedings in the matter appealed until the determination of the appeal by the Hearings Officer. (8/20/08)

- H. Interpretations shall be subject to Subsections 1305.02(H) through (J). (6/6/02)
- I. An application may not be filed for an Interpretation when the specific question raised in the application has already been decided through another administrative action. A question shall not be deemed to have been decided in the fact circumstances in the previous administrative action differ from those presented in an Interpretation application. (6/6/02)

**1600 VILLAGE GENERAL PROVISIONS (5/3/01)**

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**A. PURPOSE**

This section implements the policies of the Sunnyside Village Plan providing for a mixture of single family, townhouse, and multifamily residential as well as retail/office, commercial and business park uses. These uses are located in areas where suitable services and facilities are currently provided or can be provided as development occurs. In addition, this plan area allows for pedestrian friendly development with good connections via the sidewalks, trails and street system from residential areas to parks, open spaces, commercial and office uses.

**B. AREA OF APPLICATION**

The Sunnyside Village Plan is applied within the area located generally east of I-205 along the south side of Sunnyside Road between 142nd and 152nd Avenues, including portions of land west of 142nd and east of 152nd, in addition to a section north of the intersection of 142nd and Sunnyside Road. The Sunnyside Village Plan is illustrated on Comprehensive Plan Map X-SV-1. (5/3/01)

**1600.01 ACCESSWAYS**

A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, church, day-care ~~facility~~center, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.

- A. The accessway shall include at least a 15' feet of right-of-way and a 10-foot' wide paved surface.
- B. Accessways shall be illuminated so that they may be safely used at night.
- C. The maximum height of a fence along such a facility shall not exceed four feet<sup>4'</sup>.
- D. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.
- E. The designated East-West pedestrian accessway shall include a minimum 10-foot--wide concrete surface within a 10-foot--wide right-of-way, easement, or other legal form satisfactory to the Ceounty. Planting areas adjacent to the easement with street trees should be provided along at least one side of this accessway. However, alternatives to this standard may be considered through ~~the design review process~~ pursuant to Section 1102. If the accessway is within



a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on-center along both sides.

~~1600.02 — ONSITE WALKWAYS FOR COMMERCIAL, MULTIFAMILY (4 OR MORE UNITS), INSTITUTIONAL AND OFFICE DEVELOPMENT.~~

~~A. A walkway shall be provided connecting the street to a main entrance of the primary structure and shall be designed to minimize the distance from a business entrance to street side sidewalks.~~

~~B. Walkways shall connect other areas of the site such as buildings, parking lots, children's play areas and outdoor activity areas such as plazas, resting areas and viewpoints.~~

~~C. Walkways shall be constructed of concrete, paving bricks, textured and colored concrete, e.g. bomonite or other similar material and be at least five (5) feet in unobstructed width.~~

~~D. Walkways shall be illuminated.~~

~~E. Walkways and pedestrian areas shall be separated from automobile and truck circulation, parking, and loading whenever possible.~~

~~F. Where a walkway crosses driveways, parking areas, and loading areas, the walkway shall be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method.~~

~~G. Where the walkway is parallel and adjacent to an auto travel lane, the safety of the pedestrian shall be assured through a raised path or shall be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used the ends of the raised portions shall be equipped with curb ramps.~~

~~H. Walkways shall connect the site to all adjacent streets and developments, when feasible. Stub connections shall be required between developments and neighboring sites not yet developed, underdeveloped or capable of being further subdivided or partitioned. The connections shall be completed when the neighboring site is developed.~~

~~I. Walkways bordering parking spaces shall be at least 7' wide and a minimum of 5' wide when concrete bumpers, bollards, curbing, landscaping, or other similar~~



~~landscaping, or other similar improvements are provided which prevent  
provided which prevent parked vehicles from obstructing the walkway.  
obstructing the walkway.~~

### 1600.023 STREETS AND /SIDEWALKS

- A. The following streets are unique to the Sunnyside Village Community Plan area, in addition to the arterial and collector streets. (Comprehensive Plan Map X-SV-3, Street Classifications). (5/3/01)
1. Connector streets with bike lanes shall include two ~~10-foot-wide~~10-ft. wide travel lanes, two ~~six-inch-wide~~6-in. wide standard curbs, two ~~seven-foot-wide~~7-ft. wide parking strips, two ~~four- to five-foot-wide~~4 to 5-ft. wide planting strips, two ~~four-foot-wide~~4-ft. wide bike lanes, and two ~~five-foot-wide~~5-ft. wide sidewalks. The minimum right-of-way width shall be 61 to 63 ~~feet~~ft., depending on the planting strip width. If commercial/retail are adjacent to the site, then ~~nine-foot-wide~~9-ft. wide sidewalks are required. (See Comprehensive Plan Figure X-SV-1.); (5/3/01)
  2. Connector streets without bike lanes shall include two ~~10-foot-wide~~10-ft. wide travel lanes, two ~~six-inch-wide~~6-in. wide standard curbs, two ~~seven-foot-wide~~7-ft. wide parking strips, two ~~four- to five-foot-wide~~4 to 5-ft. wide planting strips, and two ~~five-foot-wide~~5-ft. wide sidewalks. The minimum right-of-way width shall be 53 to 55 ~~feet~~ft., depending on the planting strip width. If commercial/retail is adjacent to the site, then ~~nine-foot-wide~~9-ft. wide sidewalks are required. (See Comprehensive Plan Figure X-SV-2.); (5/3/01)
  3. Local streets shall include two ~~eight-foot-wide~~8-ft. wide travel lanes, two ~~six-inch-wide~~6-in. wide standard curbs, one ~~eight-foot-wide~~8-ft. wide parking strip, two ~~five-foot-wide~~5-ft. wide sidewalks, and two ~~four-foot-wide~~4-ft. wide tree planting strips. The minimum right-of-way width shall be 43 ~~feet~~ft. (See Comprehensive Plan Figure X-SV-5.); (5/3/01)
- Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40<sup>2</sup> ~~feet~~.
4. All streets adjacent to Resource Protection Areas shall have at least one ~~five-foot-wide~~5-ft. wide sidewalk along one side of the street. If there are no significant trees (at least ~~eight inches~~8-in. in diameter) along the Resource Protection Area adjacent to the street, then a minimum ~~four-foot-wide~~4-ft. wide planting strip is required along both sides of the street. If it is determined that a unique view is to be

preserved, then the Planning Director~~staff~~ will determine if street trees are required.

5. ~~Access Spacing~~—New street connections and private access driveways should be located along arterial and collector roadways within Sunnyside Village to provide safe and efficient traffic operations. New ~~s~~Street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3 of the Sunnyside Village Community Plan. New ~~s~~Street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline. (5/3/01)

New individual driveway connections shall not be permitted along arterial and collector roadways. The removal and/or consolidation of existing private driveways on arterial and collector streets should be investigated as redevelopment of properties occurs.

At existing or future major street intersections (existing or proposed traffic signals), no new driveways or street connections shall be allowed within the influence area of the intersection. The influence area is defined as the distance that vehicles will queue from the signalized intersection. The influence area shall be based upon traffic volumes summarized in the Sunnyside Area Master Plan (November 1994) or based upon information acceptable to the County Engineering Division~~DTD Traffic Engineering~~. This influence area shall include an additional 100 feet beyond the queue length for back-to-back left turns.

The preferred minimum intersection spacing on minor arterials is 500 feet, measured road centerline to centerline. Major arterial intersection spacing is preferred to be between 600 feet and 1,000 feet, measured road centerline to centerline.

6. ~~Roadway Design~~—The interior angles at intersection roadways shall be as near to ~~ninety (90)~~ degrees as possible, and in no case shall it be less than ~~eighty (80)~~ degrees or greater than 100 degrees. Minimum centerline radius for local roadways shall be 100 feet unless the alternative horizontal curve illustrated on Comprehensive Plan Figure X-SV-9 is used. (5/3/01)

7. Alleys shall be private streets with rights-of-way of 16 feet. (See Comprehensive Plan Figure X-SV-6.) (5/3/01)

8. ~~Traffic Circle~~

A traffic circle will mark the heart of the Sunnyside/Rock Creek Neighborhood and will provide suitable geometrics for the five radial streets that converge at this point. Travel on the circle shall occur in

one direction. This shall be facilitated by traffic diverters that guide vehicles but still allow comfortable pedestrian movement. The raised diverters should consist of low raised curbs and/or special paving. The travel lane within the circle should allow for easy merging.

Special paving shall demark crosswalks. Bike lanes shall be clearly marked and shall occur at the edge of the travel lane and define the inner boundary of the crosswalks and bus loading areas. The bus loading areas shall be located adjacent to the Village Retail area. On the other side of the circle, this added dimension shall be used for planting strips with street trees, adjacent to nine-foot-wide<sup>9'</sup> wide sidewalks.

The center island shall have a radius of at least 30 feet and shall be landscaped. A vertical feature or monument identifying the entrance to the Sunnyside Village area should mark the center of the circle and shall be framed by blossoming trees.

9. ~~Intersection Dimensions~~

Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.

10. For properties with frontage along SE 152nd Drive, adjacent to the proposed realignment of SE 152nd Drive, the applicant's share of costs associated with the realignment of 152nd Drive shall be limited to the dedication of required on-site right-of-way for the realignment of SE 152nd Drive as a collector street, and the guarantee of financing for the required on-site improvements, to collector-street standards, according to the requirements of the County Engineering Division.  
(11/06/97)

- B. Planting strips which include street trees are part of the street cross sections, See Subsection 1007.08~~1600.04~~ for details.
- C. Sidewalks within the Sunnyside Village shall have a minimum unobstructed width of five feet~~5 ft.~~ No street lights, mailboxes, fire hydrants, etc. are allowed within the sidewalk.

~~1600.04~~ ~~STREET TREES~~

~~Street trees are required along both sides of all connector and local streets within the Sunnyside Community Plan. One to two street trees are required per interior lot, and 2-4 for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 ft. in diameter at maturity) is proposed, then 2 per interior lots and 4 per corner lots are required. If a larger canopy (greater than 25 ft.~~

in-diameter at maturity) is proposed, then 1 per interior lot and 2 per corner lots are required.

As each portion of the project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.

The following is a list of prohibited street trees:

- Acer macrophyllum \_\_\_\_\_ Big-leaf Maple
  - \_\_\_\_\_ Leaves block drainage
  - \_\_\_\_\_ Roots buckle sidewalks
- Acer negundo \_\_\_\_\_ Box Elder
  - \_\_\_\_\_ Insect prone, weak wood
- Acer saccharinum \_\_\_\_\_ Silver Maple
  - \_\_\_\_\_ Shallow rooted, weak wooded
- Aesculus hippocastanum \_\_\_\_\_ Common Horsechestnut
  - \_\_\_\_\_ Messy fruits
- Betulus species \_\_\_\_\_ Birches
  - \_\_\_\_\_ Insect prone, weak wood
- Carya species \_\_\_\_\_ Hickories
  - \_\_\_\_\_ Fruits cause litter
  - \_\_\_\_\_ and safety problems
- Catalpa species \_\_\_\_\_ Catalpas
  - \_\_\_\_\_ Seed pods cause
  - \_\_\_\_\_ litter problems
- Corylus species \_\_\_\_\_ Filberts
  - \_\_\_\_\_ Fruits cause litter
  - \_\_\_\_\_ and safety problems
- Crataegus species \_\_\_\_\_ Hawthorns
  - \_\_\_\_\_ Thorns, fruits cause
  - \_\_\_\_\_ litter and safety problems
- Fraxinus species \_\_\_\_\_ Ashes
  - \_\_\_\_\_ Seed pods cause
  - \_\_\_\_\_ litter problem
- Gleditsia triacanthos \_\_\_\_\_ Honey Locust (species)
  - \_\_\_\_\_ Seed pods cause (does not include
  - \_\_\_\_\_ litter problem horticultural variants)

<del>Juglans species</del>	<del>Walnuts</del>
<del>Fruits cause litter problem</del>	
<del>Morus species</del>	<del>Mulberries</del>
<del>Fruits cause litter and safety problems</del>	
<del>Populus species</del>	<del>Poplars</del>
<del>Weak wood, shallow roots</del>	
<del>Robinia species</del>	<del>Locusts</del>
<del>Weak wood, suckers</del>	
<del>Salix species</del>	<del>Willows</del>
<del>Weak wood, shallow roots</del>	
<del>Ulmus fulva</del>	<del>Slippery Elm</del>
<del>Insect prone, weak wood shallow roots</del>	
<del>Ulmus pumila</del>	<del>Siberian Elm</del>
<del>Weak wood, shallow roots</del>	

~~Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasserete or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Planting strips or tree wells are required along streets with a classification below connector status.~~

~~1600.05 BICYCLE PARKING~~

~~A. Bicycle parking racks shall be located in close proximity to an entrance but shall not conflict with pedestrian needs.~~

~~B. When more than 7 bicycle parking spaces are required, 50% of the spaces shall be covered.~~

~~C. When more than 15 covered bicycle parking spaces are required, 50% of the covered spaces shall be enclosed and offer a high level of security, i.e. bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.~~

~~1600.06 INTERSECTION SIGHT DISTANCE REQUIREMENTS~~

~~All development shall meet the intersection sight distance requirements as established by Clackamas County Engineering Department.~~

~~1600.047 TRAILS AND PEDESTRIAN CONNECTIONS~~



An interconnecting system of trails and accessways throughout the Sunnyside Village Community-Plan area shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the Resource Protection areas. (5/3/01)

The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school and to adjacent commercial and residential developments.

There shall also be an east-west accessway between 142nd and 152nd, south of Sunnyside Road and above the connector street located north of the neighborhood green and community service area.

The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.

All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to the North Clackamas Parks District in conjunction with development. These connections shall be maintained by and constructed to the standards established by the North Clackamas Parks District.

The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner(s). (5/3/01)

1600.058 SIGNS

~~Signs shall be as per Section 1010 unless otherwise stated. When Section 1010 conflicts with this section, the standards of this section shall apply.~~

Freestanding signs shall be constructed of brick, masonry, wood, or other materials that are compatible with the development. (11/06/97)

1600.09 ~~STREET LIGHTS ARE REQUIRED PURSUANT TO SUBSECTION 1006.~~

1600.10 ~~REVIEW PERIOD~~

~~Two years from the date of the signing of the Board Order (August 26, 1993) for ZDO-112, it shall be brought back to the Planning Commission and Board of County Commissioners for a hearing to review and evaluate its progress. At that time, a decision shall be made to continue, modify, or revoke ZDO-112.~~

1600.0611 EXEMPTIONS

- A. The requirements of Subsection 1603.09 do not apply to new homes developed in subdivisions which have received final plat approval prior to



August 26, 1993, if there are homes developed or under construction on existing lots within the subdivision.

- B. New homes developed within subdivisions which have received preliminary plat approval within the VR 4/5 District shall meet the standards of Subsections 1603.06(I)(1) and 1603.06(J)(1)~~either 1603.09A-6.a. and 1603.09B-2.e., or 1603.09A-6.b. and 1603.09B-2.f.~~

**1603 VILLAGE STANDARD LOT RESIDENTIAL DISTRICT (VR-5/7) AND  
VILLAGE SMALL LOT RESIDENTIAL DISTRICT (VR-4/5) (9/28/10)**

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1603.01 PRIMARY USES

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

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home; (3/24/05)
- B. One attached single-family dwelling, provided that no more than two of these dwellings may be attached in succession; (3/24/05)
- C. One attached single-family dwelling in the VR-4/5 zone when transferring density from a Resource Protection Area, subject to Subsections 1604.06(D) through (I) in lieu of Subsections 1603.06(E) through (K); (3/24/05)
- D. Utility carrier cabinets, subject to Section 830; (3/24/05)
- E. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and (3/24/05)
- F. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. ~~These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied.~~ (3/24/05)

1603.02 ACCESSORY USES

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

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Accessory dwelling units located either above a detached garage, subject to Subsection 1603.06(G), or integral to the primary dwelling unit, subject to Subsection 1603.06(F); (3/24/05)
- C. Produce stands, subject to Section 815;
- D. Livestock, subject to Section 821;

~~C.E.~~ Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)

~~D.F.~~ Signs, subject to Section 1010; (3/24/05)

~~E.G.~~ Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)

~~F.H.~~ Bus shelters subject to Section 823, bicycle facilities, ~~street furniture, drinking fountains, kiosks, art works, and other pedestrian amenities,~~ and transit amenities; (3/24/05)

~~G.I.~~ Solar ~~energy system~~ collection apparatus; (3/24/05)

~~J.~~ Rainwater collection systems;

~~K.~~ Electric vehicle charging stations for residents and their nonpaying guests; and

~~H.L.~~ Family daycare providers. (3/24/05)

1603.03 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Directory may approve the following use in the Village Standard and Village Small Lot Residential Districts, 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)

1603.04 CONDITIONAL USES

A. The Hearings Officer may approve the following conditional uses in the Village Standard and Village Small Lot Residential Districts, 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- and three-family dwellings, and the conversion of single-family dwellings into 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; (5/22/03)
4. Daycare facilities, subject to Section 807; (5/22/03)
5. Nursing homes, subject to Section 810; (5/22/03)

6. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; and (5/22/03)
7. Attached single-family dwellings that do not qualify as a primary use pursuant to Subsection 1603.01(B) or (C). (3/24/05)

1603.05 PROHIBITED USES (3/24/05)

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

- A. Uses of structures and land not specifically permitted; and (3/24/05)
- B. The use of a residential trailer or mobile home, except as authorized under Section 1204. (3/24/05)

1603.06 DIMENSIONAL AND DEVELOPMENT STANDARDS (3/24/05)

- A. General: Development shall be subject to the applicable provisions of Sections 1000, ~~and 1100, 1600, and 1602. If there is a conflict between Section 1000 and this subsection, this subsection shall govern.~~ (3/24/05)
- 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.~~ (3/24/05)
- C. Parks. Streets, public paths, or open space shall abut the entire perimeter of all parks. In no case shall the rear of a building face a park. Street alignments and lot design shall ensure that building fronts or sides face parks, with building sides acceptable along not more than one-third of a park's perimeter. (3/24/05)
- D. Lot Size: (3/24/05)
  1. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR-5/7 zoning district shall be no smaller than 5,000 square feet and no larger than 7,000 square feet, or each lot shall be a minimum of 5,000 square feet and the average size of all lots shall not exceed 6,500 square feet. (3/24/05)
  2. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR-4/5 zoning district shall be no smaller than 4,000 square feet and no larger than 5,000 square feet, or each lot shall be a minimum of 4,000 square feet and the average size of all lots shall not exceed 5,000 square feet. (3/24/05)

3. The following are exceptions to the lot size requirements of Subsections 1603.06(D)(1) and (2): (3/24/05)
    - a. A portion of a property may be left capable of further division if a master plan is provided demonstrating that the remaining property can be developed consistent with applicable standards. Any area included within the master plan shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D) (1) and (2). (3/24/05)
    - b. The maximum lot size for a new lot created for a preexisting dwelling shall be 15,000 square feet when the parcel is not intended to be divided further in the future and no master plan has been prepared. Such a lot shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D)(1) and (2). No maximum lot size shall apply to preexisting dwellings in a Resource Protection Area. (3/24/05)
    - c. Resource Protection Area shall not be included in the lot-size calculations required pursuant to Subsections 1603.06(D)(1) and (2). Instead, density transfer may be used pursuant to Section 1012 or Resource Protection Area may be developed at a density of one dwelling unit per acre. (3/24/05)
    - d. The minimum lot size for flexible-lot-size developments or planned unit developments shall be 4,000 square feet in the VR-5/7 zoning district and 2,000 square feet in the VR-4/5 zoning district. (3/24/05)
  4. For subdivisions and partitions, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012. (3/24/05)
- E. Maximum Lot Coverage: 50 percent. (3/24/05)
- F. Primary Dwellings: The following standards apply to primary dwellings. (3/24/05)
1. Maximum Building Height: 35 feet. (3/24/05)
  2. Setbacks: The following standards do not apply in a Resource Protection Area. (3/24/05)
    - a. Minimum and Maximum Front Yard Setbacks: (3/24/05)
      - i. The front yard setback of a dwelling with a recessed garage shall be a minimum of 10 feet and a maximum of 18 feet or as close to the street as possible if a public utility easement precludes compliance with the maximum setback standard. Dwellings located on lots

- with less than 35 feet of street frontage shall be exempt from the maximum setback standard. (3/24/05)
- ii. The front yard setback of a primary dwelling with an attached garage extending beyond the front facade shall be 20 feet (plus or minus ~~six~~6 inches) from the sidewalk to the foremost point of the side of the garage with the garage door. (3/24/05)
  - iii. A porch may extend up to ~~four~~4 feet into the front yard setback. (3/24/05)
  - iv. A primary dwelling on a lot having more than one street frontage is required to comply with the maximum front yard setback only on two intersecting street frontages. The minimum setback shall be met on all street frontages. (3/24/05)
- b. Minimum Side Yard Setback: ~~Five~~5 feet, except that no setback shall be required from a side lot line where two attached single-family dwellings share a common wall. (3/24/05)
  - c. Minimum Rear Yard Setback: 15 feet. (3/24/05)
  - d. Yard Setbacks in Resource Protection Areas: On lots recorded after November 29, 1995, development of primary dwellings and accessory structures within a Resource Protection Area shall be subject to Design Review, pursuant to Section 1102, and the following criteria: (3/24/05)
    - i. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized. (3/24/05)
    - ii. Compliance with Subsections 1002.03 and 1002.05 shall be demonstrated. (9/28/10)
    - iii. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area. (3/24/05)
    - iv. Shared driveways are encouraged and shall be designed to be as narrow as possible, consistent with the requirements of the fire district. (3/24/05)
3. Facades: (3/24/05)
- a. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way shall not consist of a blank wall. (3/24/05)



- b. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. (3/24/05)
  4. Entries and Porches: The following standards shall apply in all subdivisions that receive final plat approval after November 29, 1995. (3/24/05)
    - a. If a lot has frontage on a local or connector street or a private street which meets local or connector street design standards, then the primary entry shall be accessed directly from and visible from one of those streets. (3/24/05)
    - b. A minimum of 50 percent of the dwellings shall have porches. A covered porch or patio shall be placed immediately adjacent to the primary entry. The porch shall have a minimum net depth of 6 feet and a minimum net width of 10 feet. (3/24/05)
  5. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited. (3/24/05)
- G. Accessory Structures: The following standards apply to accessory structures. (3/24/05)
  1. A maximum of ~~two~~<sup>2</sup> accessory structures, including one accessory dwelling unit, may be permitted on a lot. (3/24/05)
  2. An accessory structure and its projections shall be detached and separated from other structures by a minimum of ~~three~~<sup>3</sup> feet. (3/24/05)
  3. Only one accessory structure per lot may exceed 100 square feet in area. (3/24/05)
  4. Accessory structures greater than 100 square feet in area shall comply with the following requirements: (3/24/05)
    - a. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.
    - b. The square footage of the ground floor of the accessory structure shall not exceed either 600 square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed 720 square feet in size. (3/24/05)
    - c. The detached accessory structure shall have a maximum building height of 25 feet or the building height of the primary dwelling, whichever is less. (3/24/05)

5. The following setback standards apply to accessory structures, except in a Resource Protection Area: (3/24/05)
- a. The front yard setback shall be no less than the setback of the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Subsection 1603.06(J). (3/24/05)
  - b. No side or rear yard setback shall be required for any detached accessory structure that is 100 square feet or less in area and does not exceed a height of ~~eight~~8 feet. (3/24/05)
  - c. For structures that exceed 100 square feet in area or ~~eight~~8 feet in height, rear and side yard setbacks shall be as follows, except where a rear or side lot line is adjacent to a pedestrian path, sidewalk, or accessway, in which case a minimum setback of ~~five~~5 feet is required. (3/24/05)
    - i. For structures greater than ~~eight~~8 feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and ~~three~~3 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be ~~six~~6 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be ~~three~~3 feet. (3/24/05)
    - ii. For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and ~~five~~5 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be ~~six~~6 feet, except that a second-level accessory dwelling unit may cantilever up to ~~four~~4 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be ~~five~~5 feet. (3/24/05)

H. Off-Street Parking:

A minimum of ~~one~~1 off-street parking space located behind the front yard setback line shall be provided for each dwelling unit. (3/24/05)

I. Driveways: (3/24/05)

- 1. Driveways shall not exceed a width of 16 feet at the front property line. (3/24/05)
- 2. For subdivisions that receive final plat approval after November 29, 1995, a minimum of 50 percent of lots developed on alleys shall have alley access only. (3/24/05)

J. Garages:

1. In the VR-5/7 zone, a minimum of 50 percent of the primary dwellings in a development shall have a garage with a front yard setback that is a minimum of ~~five~~5 feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays, and architectural features). The remaining 50 percent of the primary dwellings in a development may have a garage with a front yard setback that is a maximum of ~~five~~5 feet less than the front yard setback of the front facade of the primary dwelling (not including porches, bays, and architectural features). (3/24/05)
  2. In the VR-4/5 zone, all garages shall have a front yard setback that is a minimum of ~~five~~5 feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays and architectural features). (3/24/05)
- K. Fences and Sight-Obscuring Plantings: (3/24/05)
- ~~1. Fences and sight-obscuring plantings shall comply with the intersection sight distance requirements established by the County Engineering Division. (3/24/05)~~
  2. The maximum height of a fence or sight-obscuring planting shall be ~~six~~6 feet along the side and rear yards behind the front building line and ~~four~~4 feet forward of the front building line. (3/24/05)
- L. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- M. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- N. Variances: The requirements of this Subsection 1603.06 may be modified pursuant to Section 1205. (3/24/05)

1604 VILLAGE TOWNHOUSE DISTRICT (VTH) (12/20/07)

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1604.01 PRIMARY USES

The following are primary uses in the Village Townhouse District:

- A. One attached single-family dwelling; (3/24/05)
- B. Two-family dwellings; (3/24/05)
- C. Three-family dwellings; (3/24/05)
- D. Multifamily dwellings containing four dwelling units; (3/24/05)
- E. Congregate housing facilities; (3/24/05)
- F. Condominiums, subject to Section 803; (3/24/05)
- G. Nursing homes, subject to Section 810; (3/24/05)
- H. Utility carrier cabinets, subject to Section 830; (3/24/05)
- I. Bed and breakfast residences, subject to Section 832; (3/24/05)
- J. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and (3/24/05)
- K. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 30 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)

1604.02 ACCESSORY USES

The following are accessory uses in the Village Townhouse District:

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts; (3/24/05)

- C. Accessory dwelling units located either above a detached garage, subject to Subsection 1604.06(F) or integral to the primary dwelling unit, subject to Subsection 1604.06(E); (3/24/05)
- D. Rental information offices; (3/24/05)
- E. Repair and maintenance services; (3/24/05)
- F. 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; (3/24/05)
- G. Solar energy systems~~collection apparatus~~; (3/24/05)
- H. Home occupations, subject to Section 822; (3/24/05)
- I. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)
- J. Bus shelters subject to Section 823, bicycle facilities, ~~street furniture, drinking fountains, kiosks, art works, and other pedestrian amenities,~~ and transit amenities; (3/24/05)
- K. Rainwater collection facilities;
- L. Electric vehicle charging stations; and
- ~~K-M.~~ Family daycare providers. (3/24/05)

160403 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Director may approve the following use in the Village Townhouse District, 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)

160404 CONDITIONAL USES

- A. The Hearings Officer may approve the following conditional uses in the Village Townhouse District, 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. Daycare facilities, subject to Section 807; (5/22/03)
2. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; and (3/24/05)
3. Alteration or expansion of a religious facility which was lawfully established prior to July 1, 1993. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting religious facility and associated facilities prior to July 1, 1993. (3/24/05)

1604.05 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses ~~shall be~~ prohibited in the Village Townhouse District: (3/24/05)
  1. Uses of structures and land not specifically permitted; and (3/24/05)
  2. The use of a residential trailer or manufactured dwelling, except as authorized under Section 1204. (3/24/05)
- B. Preexisting Uses: (3/24/05)
  1. Preexisting single-family dwellings and residential homes may be altered or expanded without review under Section 1206. (3/24/05)
  2. A new lot created for a preexisting single-family dwelling shall have a minimum lot size of 3,000 square feet and a maximum lot size of 5,000 square feet. (3/24/05)
  3. Preexisting dwellings and their accessory structures shall comply with the VR-4/5 setback standards of Section 1603. (3/24/05)
  4. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum density for the remaining lot. (3/24/05)

1604.06 DIMENSIONAL AND DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000, ~~and 1100, 1600, and 1602. If there is a conflict between Section 1000 and this subsection, this subsection shall govern.~~ (3/24/05)
- 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. (3/24/05)~~

- C. Lot Size: Each lot for an attached single-family dwelling shall have a minimum size of 2,000 square feet and a maximum size of 3,000 square feet, or each lot shall have a minimum size of 2,000 square feet and the average size of all lots shall not exceed 2,500 square feet. For subdivisions, partitions, and condominium developments, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012. Lots created for congregate care facilities, two- and three-family dwellings, or multifamily dwellings are not subject to minimum, maximum, or average lot size standards. However, the density provisions of Section 1012 are applicable. (3/24/05)
- D. Maximum Lot Coverage: 65 percent. (3/24/05)
- E. Primary Dwellings: The following standards apply to primary dwellings. (3/24/05)
  - 1. Maximum Building Height: 35 feet. (3/24/05)
  - 2. Minimum and Maximum Front Yard Setback: The front yard setback shall be a minimum of 10 feet and a maximum of 18 feet from a street right-of-way or designated accessway. On a corner lot, one of the required front yard setbacks may be reduced to eight8 feet when abutting a local or connector street. Awnings, porches, bays, and overhangs may extend up to four4 feet into this setback. (3/24/05)
  - 3. Minimum Side Yard Setback: No side yard setback is required adjacent to another dwelling unit. Any side of a primary dwelling unit which is not a common wall with another dwelling unit shall be set back a minimum of five5 feet from the side property line and pedestrian connections. (3/24/05)
  - 4. Minimum Rear Yard Setback: 15 feet. (3/24/05)
  - 5. Configuration and Facades: (3/24/05)
    - a. Attached single-family dwellings shall orient to and line streets with a series of attached "rowhouse" units. (3/24/05)
    - b. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way or designated accessway shall not consist of a blank wall. (3/24/05)
    - c. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. (3/24/05)

6. Entries and Porches: (3/24/05)
  - a. Primary entries shall be accessed directly from a street right-of-way and must be visible from the street. (3/24/05)
  - b. Porches are required for each unit and must be located immediately adjacent to the primary entry. Porches must cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of ~~six~~6 feet. (3/24/05)
7. Roofs:

Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited. (3/24/05)
- F. Accessory Structures: The following standards apply to accessory structures. (3/24/05)
  1. A maximum of ~~two~~2 accessory structures, including one accessory dwelling unit, may be permitted on a lot. (3/24/05)
  2. An accessory structure and its projections shall be detached and separated from other structures by a minimum of ~~three~~3 feet. (3/24/05)
  3. Only one accessory structure per lot may exceed 100 square feet in area. (3/24/05)
  4. Accessory structures greater than 100 square feet in area shall comply with the following requirements: (3/24/05)
    - a. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.
    - b. The square footage of the ground floor of the accessory structure shall not exceed either 500 square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed 500 square feet in size. (3/24/05)
    - c. The detached accessory structure shall have a maximum building height of 25 feet or the building height of the primary dwelling, whichever is less. (3/24/05)
  5. The front yard setback shall be no less than the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Subsection 1604.06(G). (3/24/05)

6. No side or rear yard setback shall be required for any detached accessory structure that is 100 square feet or less in area and does not exceed a height of eight8 feet. (3/24/05)
7. For structures that exceed 100 square feet in area or eight8 feet in height, rear and side yard setbacks shall be as follows, except where a rear or side lot line is adjacent to a street, pedestrian path, sidewalk, or accessway, in which case a minimum setback of five5 feet is required. (3/24/05)
  - a. For structures greater than eight8 feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and three3 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six6 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be three3 feet. (3/24/05)
  - b. For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and five5 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six6 feet, except that a second-level accessory dwelling unit may cantilever up to four4 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be five5 feet. (3/24/05)

G. Garages: (3/24/05)

- ~~1. A minimum of 1 off-street parking space shall be located in a garage and no required parking or loading space shall be used for storing a recreational vehicle, camper, or boat. (3/24/05)~~
1. A detached garage may be placed at the rear of a lot.
2. A front-access garage attached to the dwelling structure shall be recessed a minimum of two2 feet behind the front facade (not including porches, bays, and architectural features) and a minimum of 20 feet from the street right-of-way. (3/24/05)
3. A minimum two2-foot-deep trellis or bay window shall be placed above the garage opening. The trellis shall extend the full width of the garage, and the bay window shall be a minimum of eight8 feet in width. (3/24/05)
4. If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.

5. If an alley adjoins a lot, then garage access from the street is prohibited. (3/24/05)
- H. Fences and Sight-Obscuring Plantings: (3/24/05)
1. ~~Fences and sight-obscuring plantings shall comply with the intersection sight distance requirements established by the County Engineering Division. (3/24/05)~~
  2. The maximum height of a fence or sight-obscuring planting shall be ~~six~~6 feet along the side and rear yards behind the front building line and ~~four~~4 feet forward of the front building line. (3/24/05)
- I. Minimum Landscaping Area: ~~A minimum of 25 percent of the lot area shall be landscaped. (3/24/05)~~
- J. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)
- K. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- L. Variances: The requirements of ~~this~~ Subsection 1604.06 may be modified pursuant to Section 1205. (3/24/05)

**1605 VILLAGE APARTMENT DISTRICT (VA) (12/20/07)****1605.01 PRIMARY USES**

The following are primary uses in the Village Apartment District:

- A. Multifamily dwellings; (3/24/05)
- B. Three-family dwellings; (3/24/05)
- C. Two-family dwellings; (3/24/05)
- D. Congregate housing facilities; (3/24/05)
- E. Condominiums, subject to Section 803; (3/24/05)
- F. Nursing homes, subject to Section 810; (3/24/05)
- G. Utility carrier cabinets, subject to Section 830; (3/24/05)
- H. Bed and breakfast residences, subject to Section 832; (3/24/05)
- I. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; and (3/24/05)
- J. Public parks, playgrounds, recreational and community buildings and grounds, community gardens, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 30 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)~~

**1605.02 ACCESSORY USES**

The following are accessory uses in the Village Apartment District:

- A. Uses and structures customarily accessory and incidental to a primary use:
- ~~A-B.~~ Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts; (3/24/05)
- ~~B-C.~~ Rental information offices; (3/24/05)
- ~~C-D.~~ Repair and maintenance services; (3/24/05)

~~D.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; (3/24/05)

~~E.F.~~ Solar energy system ~~collection apparatus~~; (3/24/05)

~~F.G.~~ Self-service laundry facilities; (3/24/05)

~~G.H.~~ Home occupations, subject to Section 822; (3/24/05)

~~H.I.~~ Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)

~~I.J.~~ Bus shelters subject to Section 823, bicycle facilities, ~~street furniture, drinking fountains, kiosks, art works, and other pedestrian amenities~~, and transit amenities; (3/24/05)

~~K.~~ Rainwater collection facilities;

~~L.~~ Electric vehicle charging stations; and

~~J.M.~~ Family daycare providers. (3/24/05)

1605.03 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Director may allow the following use in the Village Apartment District, 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)

1605.04 CONDITIONAL USES

A. The Hearings Officer may allow the following conditional uses in the Village Apartment District, 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. Daycare facilities, subject to Section 807; and (5/22/03)

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

150.5.05 PROHIBITED AND PREEXISTING USES (3/24/05)



- A. Prohibited Uses: ~~Uses of structures and land not specifically permitted are~~The following use shall be prohibited in the Village Apartment District.: (3/24/05)
  - ~~1. Uses of structures and land not specifically permitted. (3/24/05)~~
- B. Preexisting Uses: (3/24/05)
  - 1. Preexisting commercial uses may be altered or expanded subject to Planning Director review pursuant to Subsection 1305.02, when the following conditions are satisfied: (3/24/05)
    - a. Impact: The altered or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties. (3/24/05)
    - b. Limited Area: The altered or expanded use or structure will not require an expansion of the site area occupied by the preexisting use. (3/24/05)
    - c. Compatibility: The altered or expanded use or structure and associated operational requirements are integrated into the residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing. (3/24/05)
  - 2. Preexisting single-family dwellings and residential homes may be altered or expanded without review under Section 1206. (3/24/05)
  - 3. A new lot created for a preexisting single-family dwelling shall have a minimum lot size of 3,000 square feet. (3/24/05)
  - 4. Preexisting single-family dwellings and their accessory structures shall comply with the VR-4/5 setback standards of Section 1603. (3/24/05)
  - 5. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum and minimum density for the remaining lot. (3/24/05)

1605.06 DIMENSIONAL AND DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000, ~~and 1100, 1600, and 1602.~~ ~~If there is a conflict between Section 1000 and this subsection, this subsection shall govern.~~ (3/24/05)
- 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. (3/24/05)~~

- C. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,500 square feet per dwelling unit. (3/24/05)
- D. Maximum Building Height: 45 feet, except for tower elements, which may be up to 60 feet in height, but may not exceed a footprint of 400 square feet. (3/24/05)
- E. Configuration, Setbacks, and Separation: (3/24/05)
  - 1. Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets. (3/24/05)
  - 2. Building setback from Sunnyside Road shall be a minimum of 65 feet and a maximum of 75 feet from the centerline. Buildings fronting other streets shall be set back a minimum of 10 feet and a maximum of 18 feet from the property line. Awnings, porches, and bays may extend up to ~~six~~6 feet into this setback. (3/24/05)
  - 3. A minimum 20-foot separation shall be provided between multifamily dwellings. (3/24/05)
- F. Maximum Lot Coverage: 50 percent. (3/24/05)

~~G. Off Street Parking: Surface parking and/or recessed below and behind buildings is required. Parking lots shall be placed behind buildings or a 10-foot landscaped buffer, except on Sunnyside Road, where parking lots shall not occupy more than 60 percent of the frontage. Interior area of parking lots shall have at least one tree for every 6 parking spaces. (3/24/05)~~

~~H.G. Access: No direct access is permitted off of Sunnyside Road. (3/24/05)~~

~~I.H. Entries: (3/24/05)~~

- 1. Primary entries shall be accessed directly from a street right-of-way and must be visible from the street. (3/24/05)
- 2. Secondary entries may face parking lots or loading areas.
- 3. Ground floor units should have entries directly from the street; upper story units may share one or more entries.
- 4. ~~Entries shall be sheltered with an overhang or portico with a minimum depth of 4 feet. (3/24/05)~~

H.I. Facades: (3/24/05)

1. Building facades shall be designed, at a minimum, with windows, entries, balconies, and bays. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets. Facades facing a street right-of-way or pedestrian path shall not consist of a blank wall. (3/24/05)
2. Windows shall be frequent and coordinate with bays and balconies. Vertical proportions and divided lights are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows facing the front street shall be double-hung or casement windows. (3/24/05)

K.I. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas. (3/24/05)

L.K. Materials: Exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged. (3/24/05)

M.L. Minimum Landscaping Area: ~~A minimum of 25 percent of the lotsite area shall be landscaped.~~ (3/24/05)

N.M. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

O.N. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)

P.O. Variances: The requirements of ~~this~~ Subsection 1605.06 may be modified pursuant to Section 1205. (3/24/05)

**1606 VILLAGE COMMUNITY SERVICE DISTRICT (VCS) (12/20/07)**

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1606.01 PURPOSE~~GENERAL PROVISIONS~~

Section 1606 is adopted to implement the policies of the Comprehensive Plan for Village Community Service areas.

- A. ~~Upon application for development of any portion of the Village Community Service district, the applicant shall submit a master plan for the entire site to ensure compliance with these standards.~~
- B. ~~The procedures and application requirements under Section 1100 shall apply to all Village Community Service development.~~
- C. ~~All development within the Village Community Service district is subject to the requirements under Section 1000, unless different standards are stated in this section, in which case standards in this section shall prevail.~~

1606.02 AREA OF APPLICATION

The Village Community Service zoning district applies to the area shown as Village Community Service on Comprehensive Plan Map X-SV-1~~the East Sunnyside Village Plan Map.~~

1606.03 PRIMARY~~PERMITTED~~ USES

The following are primary uses in the Village Community Service District:

- A. Auditoriums;
- B. Schools;
- C. Public rRecreation fFacilities;
- D. Daycare cCenters;
- E. Community/Senior cCenters
- F. Fire sStations;
- G. Police sStations;
- H. Government oOffices;
- I. Libraries;
- J. Museums;
- K. Postal sServices;
- L. Utility oOffices;

- M. Telecommuting uUses (copy centers with fax and computer facilities);
- N. Community gardens; and
- O. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

1606.04 ACCESSORY USES

The following are accessory uses in the Village Community Service District:

- A. Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work;:-
- B. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;:-
- C. Recyclable drop-off sites, subject to Section 819;:-
- D. Bus shelters, subject to Section 823; bike racks, ~~street furniture, drinking fountains, and other pedestrian amenities,~~ and transit amenities;:-
- E. ~~Solar energy systemseollection apparatus;~~
- F. Rainwater collection facilities;
- G. Electric vehicle charging stations; and
- F-H. Any accessory use or structure, not otherwise prohibited, that the Planning Director finds to be customarily accessory and incidental to a permitted use. A request for a determination under this Ssubsection 1606.04(H) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

1606.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Director may approve the following use in the Village Community Service District, 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)

1606.06 CONDITIONAL USES

- A. The Hearings Officer may approve cConditional uses in the Village Community Service District~~may be allowed subject to Hearings Officer,~~

pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203, ~~and any applicable provisions of Section 800,~~ and the following criteria: (5/22/03)

1. The use shall provide community facilities, including meeting rooms, recreation rooms (gymnasiums), performance facilities, or similar space; (5/22/03)
2. Community facilities shall be made available on an ongoing basis to the whole community for little or no cost; and (5/22/03)
3. Community facilities shall be a minimum of 3,000 square feet or one-third of the usable floor area built, whichever is more. (5/22/03)

B. Uses allowed subject to Subsection 1606.06(A) are:

1. Art galleries; (5/22/03)
2. Athletic clubs; (5/22/03)
3. Developer sales offices; (5/22/03)
4. Professional offices; and (5/22/03)
5. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835. Wireless telecommunication facilities shall not be subject to Subsection 1606.06(A)(1) through (3). (5/22/03)

#### 1606.07 PROHIBITED AND PREEXISTING USES

A. Prohibited Uses: Uses of structures and land not specifically permitted are prohibited in the Village Community Service District. All other uses not allowed under the provisions of this section shall be prohibited.

B. Preexisting Uses: Except for dwellings, pPreexisting uses ~~except dwellings~~ not otherwise allowed shall be considered nonconforming uses and shall be subject to ~~the provisions of~~ Section 1206. Preexisting dwellings may be allowed to remodel or expand and shall not be subject to ~~the provisions of~~ Section 1206.

#### 1606.08 DIMENSIONAL AND DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.

A.B. Maximum Lot Coverage: 50% percent.



~~B.C. Maximum Building Height: Buildings within the Village Community Service district shall not exceed 35 feet in height, except that for the maximum height of tower elements is which may be up to 60 feet in height, provided that but shall not such elements do not have a footprint exceeding 400 square feet.~~

~~C.D. Setbacks and Configuration: The buildings occupying the Village Community Service areas adjacent to the Village Green shall face the Village Green and circle to better integrate with the surrounding neighborhood. Parking shall be to the rear of the buildings. Setback from the east-west collector and the diagonal connectors shall be zero feet. All buildings shall be set back at least five feet from property lines abutting residential areas.~~

~~D.E. Access and Onsite Circulation~~

~~1. Pedestrians Circulation: Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience. Landscaping, crosswalks, street lighting, signalization, or similar improvements may be required to create safe and inviting places to cross streets.~~

~~2. Bicycles~~

~~Bicycle racks shall be provided at the following rate: for public assembly, 1 per 40 seats or 1 per 40 persons of design capacity, whichever is greater; for schools, 1 per 5 students (excluding K-2) based on design capacity; or for commercial uses, see 1608.08(D)(2). For any use, a minimum of two bicycle parking spaces shall be provided.~~

~~Bicycle racks shall meet the standards of 1600.05.~~

~~3.F. Motor Vehicles Access:~~

~~In addition to the provisions of Section 1007, the location, design, and development of access and onsite circulation shall comply with the following. When Section 1007 conflicts with specific parking standards of this section, the standards in this section shall prevail.~~

~~Where applicable, shared driveway entrances, rear yard parking, shared parking and maneuvering areas, and rear yard driveways between parking lots shall be required. Each Village Community Service areas adjacent to the Village Green shall be permitted one curb cut on the east-west collector and one on the diagonal connector. Curb cuts shall not exceed a width of 20 feet at the street right-of-way.~~

~~Village Community Service developments shall provide carpool/vanpool spaces. A minimum of five percent, but not fewer than one space, of the employee parking spaces shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the employees motor vehicle parking spaces which are closest to the~~

~~building entrances, except for any parking spaces provided for disabled.~~

~~Required parking spaces for disabled shall be as close as possible to a building entrance.~~

~~Adjacent onstreet parking spaces, including spaces adjacent to the Village Green, may be counted toward required parking.~~

~~E. Entries~~

- ~~1. Primary entries shall face the street and shall be accessed from a public sidewalk. This entrance shall be designed to be attractive and functional, and shall be open to the public during all business hours. Secondary entries may face parking lots or loading areas.~~
- ~~2. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet.~~

F.G. Facades:

1. Building facades shall be designed with windows, entries, and/or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street.
2. Windows shall be placed with no more than six feet of blank non-window wall space in every 25 feet of frontage and shall be coordinated with bays and balconies. Square or vertical proportions are preferred.
3. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level.
4. Glass walls and reflective glass are prohibited.
5. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.
6. Consistent design elements shall be used throughout the Village Community Service area to ensure that the entire complex is visually and functionally unified.
7. Awnings shall have clearance of a minimum eight (8) feet above sidewalks and walkways for pedestrian access.

G.H. Roofs: Hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas.

H.I. Materials: Exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, or similar material. Sheet metal, cinder block, and T1-11 are prohibited as exterior wall material.

I.J. Minimum Landscaping Area and Street Furniture: ~~Landscaping:~~ A minimum of fifteen (15) percent of the ~~lot~~ developed site area shall be used for landscaping. ~~Developments shall comply with the provisions of Section 1009, and in addition:~~

1. ~~Landscaping in the Village Community Service district shall be designed to complement surrounding residential areas, buffer adjacent residential uses, create an interesting pedestrian environment, prevent runoff and provide drainage, prevent erosion, filter pollutants and otherwise contribute to clean air.~~
2. ~~Landscaping materials shall be complementary to the surrounding neighborhood. Large and medium scale evergreen and deciduous trees, shrubs, groundcover, annuals, bulbs, or materials to provide autumn color or spring bloom may be required.~~
3. ~~Parking lots shall have at least one tree for every 6 parking spaces, distributed throughout the interior of the parking area to provide maximum shading. Trees shall be selected from adopted list of acceptable parking lot trees.~~
4. ~~Parking lots shall be placed behind buildings or a 10 foot landscaped buffer (see also Setbacks and Configuration).~~

J.K. Screening:

1. ~~All primary and accessory uses associated with Village Community Service uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.~~
2. ~~Parking and service areas shall be screened from adjacent residential districts using one of the techniques described under Subsection 1009.05D. This requirement may be modified during Design Review to accommodate required pedestrian access to the site but in no case shall pedestrian access be eliminated.~~
3. ~~Parking and service areas shall be screened from street by 3' high hedge or wall.~~
4. ~~Loading areas and dumpsters shall be screened by walls, trellises, fences, or landscaping. Mechanical equipment must be screened from public view.~~

K.L. Signs:

1. Signs ~~in the Village Community Service district~~ shall have a maximum of two colors in addition to black and white.
2. Only hanging, on-building, or monument signs shall be used.
3. Signs shall not exceed 24 square feet in size.

M. Master Plans: Upon application for development of any portion of the Village Community Service district, the applicant shall submit a master plan for the entire site to ensure compliance with Section 1606.

L.N. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)

1607 VILLAGE OFFICE DISTRICT (VO) (12/20/07)

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1607.01 ~~PURPOSE~~GENERAL PROVISIONS

Section 1607 is adopted to implement the policies of the Comprehensive Plan for Village Office areas.

- A. ~~Upon application for development of any portion of the Village Office District, the applicant shall submit a master plan for the entire District, to ensure compliance with these standards.~~
- B. ~~A Traffic Management Plan shall be submitted with each development application. The Plan shall address, but is not limited to, the following Traffic Management mechanisms: physical site controls on existing traffic, p.m. peak hour existing traffic limitations, traffic monitoring, restrictions on the number of parking spaces, transportation/transit information center, flextime, staggered working hours, car and van pool spaces, and similar ride share programs.~~
- C. ~~The procedures and application requirements under Section 1100 shall apply to all Village Office development.~~
- D. ~~All development within the Village Office District is subject to the requirements under Section 1000, unless different development standards are stated in this section, in which case these standards shall prevail.~~

1607.02 AREA OF APPLICATION

The Village Office District applies to the area shown as Village Office on Comprehensive Plan Map X-SV-1 the East Sunnyside Village Plan Map.

1607.03 ~~PRIMARY~~PERMITTED USES

The following uses will be allowed as primary uses in the Village Office District:

- A. Office Uses:
  - 1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, corporate and administrative offices;:-
  - 2. Medical and dental services, clinics or community health care programs, counseling services, and associated pharmacies;:-



3. Testing laboratories and facilities, provided no operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions;:-
  4. Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services;:-
  5. Light manufacturing, assembly, artisan, research and development uses which have physical and operational requirements which are similar to other office uses allowed in this district;:-
  6. Banks, credit unions, and savings and loan, brokerage, and other financial institutions, but not drive-in windows or drive through services;:-
  7. Business services such as duplicating, photocopying, mailing and stenographic services, fax and computer facilities, employment agencies, office management services, notary public, business and communications equipment and service, and real estate offices;:-
  8. Personal services: answering service, travel agent;:- and
  9. 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 1607.03(A)(9) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
- B. Service Commercial Uses: The following service commercial uses may be provided within an office development, up to a maximum of ~~twenty~~ (20) percent of the gross floor area of the development:
1. Coffee shops; cafes and delicatessens which serve at least breakfast and/or lunch; and catering services. No drive-through window service shall be allowed;:-
  2. Daycare facilities ~~shall be permitted~~, provided they are integrated within office buildings and do not exceed 1500 square feet or serve more than 13 children each;:- and
  3. Any use that the Planning Director finds to be similar to one or ~~both~~ more of those ~~listed~~ specified in Subsections 1607.03(B)(1) and (2). A request for a determination under Subsection 1607.03(B)(3) ~~this subsection~~ shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
- C. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)



1607.04 ACCESSORY USES

The following uses ~~will be allowed as~~ are accessory uses in the Village Office District:

- A. Bus shelters, subject to Section 823; bike racks, ~~street furniture, drinking fountains, and other pedestrian amenities,~~ and transit amenities;:-
- B. Temporary buildings for uses incidental to construction work;:- Such buildings which shall be removed upon completion or abandonment of the construction work;:-
- C. Utility carrier cabinets, subject to Section 830;:-
- D. Meeting facilities, cafeterias, and recreation/exercise facilities provided for employees within the same structure with a primary use;:-
- E. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;:-
- F. Building and landscape maintenance offices and enclosed storage areas for maintenance equipment;:-
- G. Satellite dishes;:-
- H. Recyclable drop-off sites, subject to Section 819;:-
- I. Solar energy systems~~collection apparatus;~~
- J. Rainwater collection facilities;
- K. Electric vehicle charging stations; and
- J.L. Any accessory use or structure, not otherwise prohibited, that the Planning Director finds to be customarily accessory and incidental to a permitted use. A request for a determination under this Ssubsection 1607.04(L) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

1607.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Director may approve 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)

## 1607.06 CONDITIONAL USES

- A. ~~The Hearings Officer may approve the following c~~Conditional uses ~~may be allowed subject to Hearings Officer review,~~ pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use shall: (5/22/03)
1. ~~Shall A~~addresses an existing neighborhood need, considering proximity of similar uses; (5/22/03)
  2. ~~Shall N~~not substantially increase traffic through the neighborhood, require an additional curb cut, or create greater noise or congestion than a permitted use; (5/22/03)
  3. ~~Shall N~~not diminish the amenities of the neighborhood; and (5/22/03)
  4. ~~Shall B~~be compatible in size, scale, general appearance, and building materials with surrounding buildings. (5/22/03)
- B. Uses allowed subject to Subsection 1607.06(A)~~the above conditions~~ are: (5/22/03)
1. ~~Dayc~~Care facilities, subject to Section 807, and providing that the facility~~it~~ is located in the southern half of the zoning district and oriented toward the adjacent residential neighborhood; (5/22/03)
  2. Health and recreational facilities, such as exercise spas, gymnasiums, tennis and racquetball courts, swimming pools, saunas, and similar uses that exceed an accessory use; (5/22/03)
  3. ~~Institutional uses provided that there is no opportunity to locate these uses in the Village Commercial District:~~ Educational institutes and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers. These uses are permitted only if there is no opportunity to locate them in the Village Commercial District; (5/22/03)
  4. ~~Cultural/public use provided that there is no opportunity to locate these uses in the Village Community Service District:~~ Galleries and museums; small-scale (seating capacity up to 500) assembly or convention facilities and theaters for performing arts; exhibition halls; libraries; senior centers; and fraternal organizations. These uses are permitted only if there is no opportunity to locate them in the Village Community Service District. (5/22/03)

1607.07 PROHIBITED AND PREEXISTING USES

A. Prohibited Uses: All other Uses of structures and land not specifically allowed are under the provisions of this section shall be prohibited in the Village Office District.

B. Preexisting Uses:

1. Except for dwellings, preexisting uses not otherwise allowed shall be considered nonconforming uses and shall be subject to the provisions of Section 1206.

~~A. 2.~~ Preexisting dwellings may be allowed to remodel or expand and shall not be subject to the provisions of Section 1206. In addition, the following provisions shall apply:

~~1. Change of Use:~~ 3. A preexisting dwelling may be converted to house any primary use in the district, subject to all requirements of this Ordinance for new development and to the standards of the Oregon Structural Specialty Code.

~~2. Lot divisions, Adjustments and Setbacks: No minimum lot size shall be required for lots created for preexisting dwellings by partition or lot line adjustment. However, parking requirements and setback and or fire wall requirements of the Oregon Structural Specialty Code shall be satisfied.~~

1607.08 DIMENSIONAL AND DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.

A.B. Maximum Lot Coverage: 50% percent.

B.C. Maximum Building Height: Buildings within the Village Office District shall not exceed 45 feet in height, except that the maximum height for tower elements which may be up to 60' feet in height, provided that but shall not such elements do not have a footprint exceeding 400 square feet.

C.D. Setbacks and Configuration:

1. A group of small low-rise buildings shall be required, oriented toward the primary surrounding streets and the adjacent multifamily dwellings and townhouses, to better integrate with the neighborhood. (3/24/05)

2. Buildings setback from 142nd Avenue shall be a minimum of 40' feet and a maximum of 50' feet from the center line. Building setback from Sunnyside Road shall be a minimum of 65' feet and a maximum of 75' feet from the center line.

3. Setbacks to other streets and pedestrian accessways shall be between five feet~~5'~~ and 10' feet.
4. Awnings or other overhangs may extend up to four~~4~~ feet into this setback. Awnings shall have clearance of a minimum eight (8)~~8~~ feet for pedestrian access.
5. Additional setbacks may be provided for small plazas and outdoor seating.

~~D. Access and Onsite Circulation~~

~~1.E. Pedestrians Circulation:~~ Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience. Landscaping, crosswalks, street lighting, signalizing, or similar improvements may be required to create safe and inviting places to cross streets.

~~2. Bicycles~~

~~Bicycle racks shall be provided at a rate of 1 per 2,500 square feet up to 50,000 sq. ft. and one additional space for each additional 5,000 sq. ft.~~

~~Bicycle racks shall meet the standards of 1600.05.~~

~~3. F. Motor Vehicles Access:~~

~~In addition to the provisions of Section 1007, the location, design, and development of access and onsite circulation shall comply with the following. When Section 1007 conflicts with specific parking standards of this section, the standards in this section shall prevail.~~

~~Shared driveway entrances, rear yard parking, shared parking and maneuvering areas, and driveways between parking lots shall be required for all nonresidential uses. The maximum width for a single-use driveway shall be twelve (12) feet; the maximum width for a shared driveway shall be twenty (20) feet.~~

~~Parking lots shall be placed behind buildings or behind a 10 foot landscaped buffer. Parking lots shall not occupy more than 50% of the frontage of any public street.~~

~~Within this zone, Ddriveway access from 142nd Avenue and Sunnyside Road is prohibited. Access shall be off of the streets which abut the Village Office District on the east and the south, as shown on Comprehensive Plan Map X-SV-1. (5/3/01)~~

~~Office developments shall provide carpool/vanpool spaces. A minimum of five percent, but not fewer than one space, of the employee parking spaces shall be marked and signed for exclusive use~~

~~as carpool/vanpool spaces. These spaces shall be the closest employee motor vehicle parking spaces to the building entrances normally used by employees, except for any handicapped spaces provided.~~

~~Required parking spaces for disabled shall be as close as possible to an entrance.~~

~~Adjacent permitted onstreet parking spaces may be counted toward required parking.~~

~~E. Entries Primary entries shall face a public street or walkway and shall be accessed from a public sidewalk. This entry shall be designed to be attractive and functional, and shall be open to the public during all business hours. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet. Secondary entries may face parking lots or loading areas.~~

F. Facades:

1. Building facades shall be designed with windows, entries, or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, accessway, or a residential area.
2. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.
3. Arcades may be used along public street rights-of-way or along walkways within the complex of buildings.
4. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.
5. There shall be no more than six6 feet of blank non-window wall space in every 25 feet of frontage. Windows shall be coordinated with bays and balconies. Square or vertical proportions are preferred. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.

G. Roofs: Hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas.

H. Materials: Exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, (or similar material). Sheet metal, cinder block, and T1-11 are prohibited as exterior wall material.

I. Minimum Landscaping Area and Street Furniture Landscaping: A minimum of fifteen (15) percent of the lotdeveloped site area shall be used for



landscaping. Developments shall comply with the provisions of Section 1009, and in addition:

- ~~1. Landscaping in the Village Office District shall be designed to complement surrounding residential areas, buffer adjacent residential uses, and create an interesting pedestrian environment, prevent runoff and provide drainage, prevent erosion, filter pollutants and otherwise contribute to clean air.~~
- ~~1. Landscaping materials shall be complementary to the surrounding neighborhood. Large and medium scale evergreen and deciduous trees, shrubs, annuals, bulbs, or materials to provide autumn color or spring bloom may be required.~~
- ~~2. Parking and service areas shall be screened from adjacent residential districts using one of the techniques described under Subsection 1009.05D. This requirement may be modified during Design Review to accommodate required pedestrian access to the site but in no case shall pedestrian access be eliminated.~~
- ~~3. Parking lots shall have at least one tree for every 6 parking spaces, distributed throughout the interior of the parking area to provide maximum shading. Trees shall be selected from adopted list of acceptable parking lot trees.~~
- ~~4. Parking lots shall be placed behind buildings or a 10 foot landscaped buffer (see also Setbacks and Configuration).~~

J. Screening:

- ~~1. All Primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.~~
- ~~2. Parking and service areas shall be screened from street by a 3 foot high hedge or wall.~~
- ~~3. Loading areas and dumpsters shall be screened from public streets and walkways by walls, trellises, fences, or landscaping.~~
- ~~4. Mechanical equipment and satellite dishes shall be screened from public view.~~

K. Signs:

- ~~1. Signs in the Village Office District shall have a maximum of two colors in addition to black and white.~~



2. Only hanging, onbuilding, or monument signs shall be used.
3. Hanging signs, shall not exceed eight square feet in size~~8 sq. ft. maximum, and shall have~~with eight-foot~~8'~~ pedestrian clearance.
4. Monument and on-building signs shall not exceed 24 square feet~~sq. ft. maximum in size.~~
- ~~3.5.~~ Except for neon signs, all illumination shall be external.

L. Master Plans: Upon application for development of any portion of the Village Office District, the applicant shall submit a master plan for the entire district, to ensure compliance with Section 1607.

M. Traffic Management Plans: A traffic management plan shall be submitted with each development application. The plan shall address, but is not limited to, the following traffic management mechanisms: physical site controls on existing traffic, p.m. peak hour existing traffic limitations, traffic monitoring, restrictions on the number of parking spaces, transportation/transit information center, flex time, staggered working hours, car and van pool spaces, and similar ride share programs.

L.N. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

**1608 VILLAGE COMMERCIAL DISTRICT (VC) (12/20/07)**

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1608.01 PURPOSE ~~GENERAL PROVISIONS~~

Section 1607 is adopted to implement the policies of the Comprehensive Plan for Village Commercial areas.

- A. ~~Upon application for development of any portion of the Village Commercial district, the applicant shall submit a master plan for the entire district to ensure compliance with these standards.~~
- B. ~~Traffic Management Plan shall be submitted with each development application. The Plan shall address, but is not limited to, the following Traffic Management mechanisms: physical site controls on existing traffic, p.m. peak hour existing traffic limitations, traffic monitoring, restrictions on the number of parking spaces, transportation/transit information center, flextime, staggered working hours, car and van pool spaces, and similar ride share programs.~~
- C. ~~The procedures and application requirements under Section 1100 shall apply to all Village Commercial development.~~
- D. ~~All development within the Village Commercial district is subject to the requirements under Section 1000, unless different standards are stated in this section, in which case these standards shall prevail.~~

1608.02 AREA OF APPLICATION

The Village Commercial District applies to the area shown as Village Commercial on Comprehensive Plan Map X-SV-1 ~~the Sunnyside Community Plan Map.~~

1608.03 PRIMARY ~~PERMITTED~~ USES

- A. The following uses will be allowed as primary uses in the Village Commercial District:
  - 1. Answering sServices;
  - 2. Antique and sSecondhand Stores;
  - 3. Art supply stores;
  - 4. Bakeries;
  - 5. Bank tellers, but not drive-in or drive-through service;

6. Barber shops, beauty salons;
7. Bicycle sales, supplies, repair service;
8. Book stores;
9. Camera stores;
10. Cafes and delicatessens which serve at least breakfast and/or lunch; catering services. No drive-through window service shall be allowed;
11. Clothing stores;
12. Coffee shops;
13. Confectionery stores;
14. Drugstores;
15. Dry cleaners, laundries, tailoring and alterations shops;
16. Dwellings, subject to Subsection 1608.03(C);
- ~~16-17.~~ Electrical/electronic equipment sales, service, repair;
- ~~17-18.~~ Fabric and dry goods stores;
- ~~18-19.~~ Florists;
- ~~19-20.~~ Galleries (art and craft);
- ~~20-21.~~ General merchandise stores;
- ~~21-22.~~ Gift stores;
- ~~22-23.~~ Grocery and produce stores;
- ~~23-24.~~ Hardware and garden supplies stores;
- ~~24-25.~~ Health clubs, gyms;
- ~~25-26.~~ Home furnishings; interior decorating sales, service;
- ~~26-27.~~ Jewelry stores;
- ~~27-28.~~ Laundromats;
- ~~28-29.~~ Locksmiths;

- ~~29.30.~~ Meat and fish markets;
- ~~30.31.~~ Novelty stores;
- ~~31.32.~~ Optometry and optical goods, sales, service;
- ~~32.33.~~ Office supplies;
- ~~33.34.~~ Personal services;
- ~~34.35.~~ Pet stores;
- ~~35.36.~~ Photo finishing, photography studios;
- ~~36.37.~~ Plumbing shops, retail sales, repairs, service;
- ~~37.38.~~ Post offices;
- ~~38.39.~~ Printing and copying services, telecommuting centers;
- ~~39.40.~~ Preexisting dwellings, subject to Subsection 1608.03(B); (6/6/02)
- ~~40.41.~~ Professional offices: doctors, dentists, chiropractors, service personnel, small clinics, or community health care programs;
- ~~41.42.~~ Radio, TV, music stores, sales, service;
- ~~42.~~ Residential, subject to Subsection 1608.03(C) (6/6/02)
- 43. Restaurants [III Minor Posting OLCC];
- 44. Schools-commercial, instruction studio;
- 45. Shoe and shoe repair stores;
- 46. Small appliance sales, service, repair;
- 47. Soda fountains;
- 48. Specialty food;
- 49. Sporting goods;
- 50. Supermarkets;
- 51. Stationery stores;
- 52. Tailors;

53. Travel ~~a~~Agents;
  54. Toy stores;
  55. Upholstery shops;
  56. Utility carrier cabinets, subject to Section 830;
  57. Variety stores;
  58. Vehicle supply stores;
  59. Veterinarian services and pet supplies;
  60. Video rental;
  61. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; ~~and~~ (3/14/02)
  62. 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 1608.03(A)(62) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
- B. Preexisting dwellings may be remodeled or expanded without satisfying the ~~provisions of~~ Section 1206. (6/6/02)
- C. Apartments are permitted on upper stories. Up to ~~two~~ stories of apartments may be conditionally permitted as infill on surface parking lots, oriented toward the east-west street facing the Village Green. (6/6/02)
1. Any dwelling unit located on the second floor must have its own outside door; exterior staircases are not permitted. (6/6/02)
  2. Residential uses in the Village Commercial district shall have hipped, gambrel or gabled roofs. (6/6/02)

1608.04 ACCESSORY USES

The following ~~uses will be allowed as~~ are accessory uses in the Village Commercial ~~D~~district:

- A. Temporary buildings for uses incidental to construction work; ~~S~~such buildings shall be removed upon completion or abandonment of the construction work;

- B. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;:-
- C. Recyclable drop-off sites, subject to Section 819;:-
- D. Bus shelters, subject to Section 823; bike racks, ~~street furniture, drinking fountains, and other pedestrian amenities,~~ and transit amenities;:-
- E. Solar ~~energy system~~~~collection apparatus~~;:-
- F. Rainwater collection facilities;
- G. Electric vehicle charging stations; and
- F.H. Any accessory use or structure, not otherwise prohibited, that the Planning Director finds to be customarily accessory and incidental to a permitted use. A request for a determination under ~~this~~ Subsection 1608.04(H) shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

1608.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The Planning Director may approve the following use in the Village Commercial District, 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)

1608.06 CONDITIONAL USES

A. The Hearings Officer may approve the following cConditional uses in the Village Commercial District, may be allowed subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition: (5/22/03)

1. The proposed use shall be needed to serve primarily the commercial needs of the neighborhood, considering accessibility of similar uses. (5/22/03)
2. The proposed use shall not substantially increase traffic through the neighborhood, require an additional curb cut, or create greater noise or congestion than a permitted use. (5/22/03)



3. The proposed use shall not diminish the amenities of the neighborhood. (5/22/03)
4. New buildings shall be compatible in size, scale, general appearance, and building materials with surrounding buildings. (5/22/03)

B. Uses allowed subject to Subsection 1608.06(A)~~the above conditions~~ are: (5/22/03)

1. Bars and cocktail lounge/tavern with OLCC IV or IV-A Minor posting where food service is included, if all activities and operations (except offstreet parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings and not located closer than 100 feet from a residential district or closer than 500 feet from a school; (5/22/03)
2. Indoor commercial amusements including bowling alleys with no more than 12 lanes, billiard halls with no more than ~~six~~6 tables, and game rooms which provide no more than 20 mechanical or electric games of science and skill, or any combination thereof, provided they are located north of the pedestrian accessway; (5/22/03)
3. Service stations, subject to Section 820; electric vehicle charging stations that exceed an accessory use; banks with a drive-through window; car washes; or any other drive-through service, provided that they are located on the north end of the Village Commercial District adjacent to Sunnyside Road; (5/22/03)
4. ~~Small-t~~Theaters (with a seating capacity up to 500), provided that they are located north of the pedestrian accessway. (5/22/03)

1608.07 PROHIBITED AND PREEXISTING USES

A. Prohibited Uses: Uses of structures and land not specifically allowed are prohibited in the Village Commercial District.

B. Preexisting uses not otherwise allowed, except dwellings (see 1608.03), shall be considered nonconforming uses and shall be subject to the provisions of Section 1206. All other uses not allowed under the provisions of this section shall be prohibited.

1608.08 DIMENSIONAL AND DEVELOPMENT STANDARDS

A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, 1600, and 1602.

A.B. Maximum Lot Coverage: 50% percent

~~B-C.~~ Maximum Building Height: Buildings south of the pedestrian accessway ~~within the Village Commercial district~~ shall not exceed 45 feet in height; buildings north of the pedestrian accessway ~~within the Village Commercial district~~ shall not exceed 35 feet in height, except that the maximum height offer tower elements is which may be 60' feet in height, provided that such elements but do not have exceed a footprint exceeding of 400 square feetsq. ft.

~~C-D.~~ Setbacks and Configuration:

1. North of the Designated Accessway:

The area north of the east-west designated accessway shall be occupied by anchor stores and a few ancillary shops, provided they are attached to the anchor store buildings. Front entries in this portion of the commercial area shall be oriented toward the north-south extension of 147th Avenue.

Minimum bBuilding setback from 147th Avenue is zero0' minimum and from Sunnyside is a minimum of 65' feet from the center line. All Bbuildings shall be set back at least five5 feet from property lines abutting residential areas.

2. South of the Designated Accessway:

The area south of the designated accessway shall be occupied exclusively by buildings which house a series of small ancillary shops oriented toward the designated accessway, 147th Avenue, or the east-west street facing the Village Green.

Parking lots shall not occupy more than 50% percent of the street frontage across from the Village Ggreen. A walkway may be required between buildings from parking lots to 147th Avenue.

In this area, retail buildings shall generally be built to the street right-of-way. Arcades are encouraged and shall be placed at the street right-of-way or a designated accessway. Where an arcade is not used, buildings may be set back up to a maximum of five5 feet; display bays may extend into this setback. Additional setbacks may be provided to accommodate small plazas and outdoor seating. All buildings shall be set back at least five5 feet from property lines abutting residential areas.

Awnings may extend up to six6 feet into street rights-of-way. Awnings shall have clearance of a minimum eight (8) feet for pedestrian access.

~~D.~~ Access and Onsite Circulation

~~E.~~ Pedestrians Circulation:

1. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.
2. Landscaping, crosswalks, street lighting, signalization, or similar improvements may be required to create safe and inviting places to cross streets.
3. Walkways shall connect the Village Commercial district with transit facilities and with Sunnyside Road.

2. Bicycles

~~Bicycle racks shall be provided at a rate of 1 per 2,500 square feet up to 50,000 sq. ft. and one additional space for each additional 5,000 sq. ft.~~

~~Bicycle racks shall meet the standards of 1600.05.~~

3.F. Motor Vehicles Access:

~~In addition to the provisions of Section 1007, the location, design, and development of access and onsite circulation shall comply with the following. When Section 1007 conflicts with specific parking standards of this section, the standards in this section shall prevail.~~

~~Shared driveway entrances, shared parking and maneuvering areas, rear yard parking, and interior driveways between parking lots shall be required for all nonresidential uses.~~

1. The maximum width for a driveway shall be ~~twenty-six (26)~~ feet. Driveways for service vehicle routes may be 30 ~~feet~~ in width if a ~~Service Vehicle Circulation Plan~~ is approved through the Design Review application process.

2. Curb cuts shall line up with each other across 147th Avenue.

~~Village Commercial developments shall provide carpool/vanpool spaces. A minimum of five percent, but not fewer than one space, of the employee parking spaces shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the employees' motor vehicle parking spaces which are closest to the building entrances, except for any handicapped spaces provided.~~

~~Required parking spaces for disabled shall be as close as possible to an entrance.~~

~~Adjacent onstreet parking spaces may be counted toward required parking.~~

E.G. Entries:

1. Primary entries shall face a public street or designated accessway and shall be accessed from a public sidewalk. All building occupants along 147th Avenue shall have at least one primary entry along 147th Avenue. These entries shall be designed to be attractive and functional, and shall be open to the public during all business hours. Secondary entries may face parking lots or loading areas. (~~11/06/97~~)
2. Anchor store entries must face 147th Avenue. Anchor stores shall be connected to 147th Avenue, Sunnyside Road, and the required pedestrian connection with a continuous walkway lined by parking lot trees planted at least every 30 feet.
3. Buildings except for anchor stores shall have entries every 25 to 30 feet.
4. Upper story residential uses shall have shared or individual entries every 70 feet on the first level only; no outside staircases are allowed.

F.H. Facades:

1. For storefronts facing public streets or pedestrian connections, building facades shall be designed with windows, entries, and/or bays. Windows shall line facades facing public streets and accessways with no more than 30% percent of blank non-window wall space on average for all such facades added together. No front facade shall have less than 70% percent window space. No side facade shall have less than 50% percent window space. For the anchor store (building greater than 40,000 square feetsq. ft.), other pedestrian environment enhancing features such as architectural features, wall articulation, art, landscaping, or seating may be used in addition to, or instead of, windows. A landscaped pedestrian walkway with seating may be substituted for this requirement along elevations where public entrances do not occur. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, accessway, or a residential area.  
  
The above ~~section~~ shall not require display windows or a landscaped pedestrian plaza adjacent to facades with loading bays; however, special landscaping and screening shall be required to lessen the potential adverse impacts of loading areas to the public.
2. Continuous arcades are strongly encouraged. If buildings house second story residential uses, bays and balconies shall be placed every 25 to 30 feet.

3. Towers, or other special vertical elements, may be used in a limited number to focus views to the area from surrounding streets.
4. Consistent design elements shall be used throughout the shopping area to ensure that the entire complex is visually and functionally unified.
5. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.

G.I. Materials: Exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, (or similar material). Sheet metal, cinder block, and T1-11 are prohibited as exterior wall material.

H.J. Minimum Landscaping Area and Street Furniture Landscaping: A minimum of fifteen (15) percent of the lot developed site area shall be used for landscaping. ~~Developments shall comply with the provisions of Section 1009 and the following. In case of conflict between the two, the following provisions shall prevail.~~

- ~~1. Landscaping in the Village Commercial district shall be designed to complement surrounding residential areas, buffer adjacent residential uses, create an interesting pedestrian environment, prevent runoff and provide drainage, prevent erosion, filter pollutants and otherwise contribute to clean air.~~
- ~~1. Landscaping materials shall be complementary to the surrounding neighborhood. Large and medium-scale evergreen and deciduous trees, shrubs, annuals, groundcovers, bulbs, or materials to provide autumn color or spring bloom may be required.~~
- ~~2. Parking and service areas shall be screened from adjacent residential districts using one of the techniques described under Subsection 1009.05D. This requirement may be modified during Design Review to accommodate required pedestrian access to the site, but in no case shall pedestrian access be eliminated.~~
- ~~3. Parking lots shall have at least one tree for every 6 parking spaces, distributed throughout the interior of the parking area to provide maximum shading. Trees shall be selected from adopted list of acceptable parking lot trees.~~
- ~~4. Parking lots shall be placed behind buildings or a 10 foot landscaped buffer (see also Setbacks and Configuration).~~

I.K. Screening:

1. ~~All Primary and accessory uses associated with Village Commercial uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.~~
2. ~~Parking and service areas shall be screened from street by a three-foot high hedge or wall.~~
3. ~~Loading areas and dumpsters shall be screened from public streets and pedestrian paths by walls, trellises, fences, or landscaping.~~
4. ~~Mechanical equipment and satellite dishes should be screened from public view, however, alternatives to physical screening, such as painting and/or alternative placement of the equipment, may be considered through the Design Review process.~~

~~J.L.~~ Signs: South of the designated accessway, only hanging, on-building, or monument signs shall be used. Hanging signs shall not exceed 8 square feet sq. ft. maximum in size, and shall have with 8-foot pedestrian clearance.  
(11/06/97)

~~M.~~ Master Plans: Upon application for development of any portion of the Village Commercial District, the applicant shall submit a master plan for the entire district, to ensure compliance with Section 1608.

~~N.~~ Traffic Management Plans: A traffic management plan shall be submitted with each development application. The plan shall address, but is not limited to, the following traffic management mechanisms: physical site controls on existing traffic, p.m. peak hour existing traffic limitations, traffic monitoring, restrictions on the number of parking spaces, transportation/transit information center, flex time, staggered working hours, car and van pool spaces, and similar ride share programs

~~K.O.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)



**1700 CLACKAMAS REGIONAL CENTER AREA GENERAL PROVISIONS**

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**1700.01 PURPOSE**

Section 1700 is adopted to:

- A. Implement the policies of the Clackamas Regional Center Area Plan set forth in Chapter 10 of the Comprehensive Plan;
- B. Provide for a transition to more intense land uses;
- C. Create districts and neighborhoods;
- D. Provide for more efficient parking;
- E. Improve circulation and connections for all modes of transportation within the Clackamas Regional Center and transportation corridors;
- F. Integrate land use, transportation, and urban design to encourage transit, bicycle, and pedestrian use;
- G. Provide more community attractions;
- H. Create civic spaces;
- I. Protect key natural features and open space;
- J. Provide attractive streetscapes;
- K. Ensure the most efficient use of land;
- L. Add parks and enhance open spaces; and
- M. Provide a safe and pleasant environment.

[Amended by Ord. ZDO-226, 3/7/11]

**1700.02 APPLICABILITY**

Section 1700 applies to development in the Clackamas Regional Center Area. This area is shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*. [Amended by Ord. ZDO-226, 3/7/11]

## 1700.03 CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS

Subsection 1700.03 applies in the Clackamas Regional Center Area, including the Regional Center and the Fuller Road Station Community, as shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*.

~~A. General: Development is subject to Sections 1000, 1102, and 1700. If there is a conflict between Section 1000 and Section 1700, Section 1700 shall govern.~~

~~B.A. Clackamas Regional Center Area Design Plan: Development is subject to the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.~~

~~C.B. Urban Design Elements: New development is subject to the urban design elements shown on Comprehensive Plan Map X-CRC-3, *Urban Design Elements*. The urban design elements are described in the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.~~

1. Urban design elements provided in a development may be used to reduce gross site area for calculating minimum density requirements in Subsection 1012.08, and to meet minimum landscaping requirements in Section 1009.
2. For phased development approved through a master plan, requirements for the urban design elements may be roughly proportional to the amount of the master planned approved development being developed in any one phase.

~~C.D. Parking Structure Orientation: Entrances for ground-level retail uses in parking structures located within 20 feet of a street shall be oriented to a street as described under Subsection 1700.03(J)(1).~~

~~D.E. Corner Lot Buildings:~~

1. A corner lot is a lot, parcel, tax lot, or land area created by a lease agreement at the intersection of two streets.
2. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
3. Development on lots at a Gateway intersection as shown on Comprehensive Plan Map X-CRC-3, *Urban Design Elements*, and Figure X-CRC-7 shall be designed to accommodate future Gateway improvements.

EF. ~~Drive-Through Thru Window Service Facilities:~~ Outside the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, ~~drive-through-thru window service~~ facilities are allowed, except for Main Streets designated on Comprehensive Plan Map X-CRC-3, *Urban Design Elements*, or where otherwise limited in the underlying zoning district, subject to the following standards:

1. When ~~drive-through-thru window service~~ facilities are oriented toward front yards or street corners, pedestrian areas shall be buffered from the noise and exhaust of ~~drive-thru~~ vehicles.
2. When building entrances are separated from sidewalks by ~~drive-through-thru window service~~ facilities, special design features may be required to ensure safe, direct, and convenient crossings and to screen pedestrian areas from ~~drive-through-thru window service~~ facilities. These may include different paving types, raised elevation, warning signs, landscaping, walls, bollards, or other similar methods.

EG. Building Setbacks from Private Streets: Where a setback from a private street, as defined in Subsection 1700.03(~~F~~)(1), is required by the standards of the underlying zoning district, the setback shall be measured from the back edge of the sidewalk.

H. ~~Landscaping: Landscaping shall comply with Section 1009 and the following:~~

~~1. Landscape Area Requirement: For the purpose of satisfying the minimum requirements of Sections 1009 and 1700, a 'landscaped area' may include pedestrian amenities. Up to one-third of the landscape area requirement may be met by pedestrian amenities, as described in Subsection 1700.03(H)(2).~~

G2. Pedestrian Amenities: The following guidelines apply to pedestrian amenities used to meet the minimum landscaping area standard requirements, as allowed by Section 1009 and the requirement for pedestrian amenities within front lot line setback areas:

- a. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.
- b. Pedestrian areas must include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with ~~seatingsitting~~ areas; and drinking fountains.

H3. Structure and Understructure Parking Structures Area Landscaping: ~~Subject to design review approval pursuant to Section 1102, parking area landscaping requirements (internal and perimeter) may be waived for non-surface parking areas when~~ If a parking structure, including understructure parking, abuts a street, appropriate features shall be provided to create a transition between the parking structure, or the understructure entrance to understructure parking, and the abutting street adjoining sidewalk(s). Examples of appropriate features include, but are not limited to, landscape planters and trellises, awnings, canopies, building ornamentation, and art. As used in Subsection 1700.03(H), a parking structure "abuts a street" if no other building is sited between the parking structure and the street.

4. ~~Street Trees: Street trees are required along all streets, except for drive aisles in parking lots. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes. Street trees are required along private access streets under the following conditions:~~

- a. ~~On both sides when the access point is a signalized intersection;~~
- b. ~~On both sides when the street section has four or more lanes at the access point;~~
- c. ~~On both sides when the private street is developed to comply with building orientation standards;~~
- d. ~~On a minimum of one side when street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet building orientation standards; and~~
- e. ~~On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.~~

I. ~~Parking: Parking shall comply with Section 1007, except Table 2 is modified as follows:~~

- 1. ~~The maximum parking ratio for General Office in Zone A is 4.0 spaces per 1,000 gross square feet.~~
- 1. ~~The minimum parking ratio for Retail/Commercial, including shopping centers is 3.0 spaces per 1,000 square feet of gross leasable area.~~
- 2. ~~The minimum parking ratio for a Movie Theater is 0.2 space per seat.~~

- F. Roads and Circulation: Roads and circulation shall comply with Section 1007 and the following:
1. Private Streets: Private streets used to meet the ~~structure building~~ orientation and/or setback standards shall include:
    - a. Sidewalks or raised walking surfaces on both sides;
    - b. Curbs;
    - c. Street trees, pursuant to ~~Subsection 1007.08~~ ~~Subsection 1700.03(H)(4)~~; and
    - d. Pedestrian-scale lighting; ~~and~~
    - e. Private streets may also provide on-street parking and at-grade loading zones, as applicable.
  2. Internal Streets
    - a. Internal streets may be required to connect to adjacent properties to increase connectivity and provide grid patterns that allow for future development.
    - b. Internal streets shall be designed to allow for future development when applicable.
    - ~~c. Access Management: Location of new streets and private access driveways shall be subject to current County and Oregon Department of Transportation standards~~
    - ~~d.c.~~ Development shall provide, when applicable, direct street and pedestrian connections between developments and schools, parks, open space, shopping areas, employment areas, and transit stops.
    - ~~e.d.~~ To provide connectivity, existing platted roads within proposed developments shall not be vacated unless similar access is provided on the site.
  3. Boulevards: The following streets are designated as Regional Boulevards, are shown on Comprehensive Plan Map X-CRC-3, *Urban Design Elements* and are subject to the design standards in Comprehensive Plan Figures X-CRC-1 through X-CRC-4.
    - a. Harmony Road;
    - b. Sunnyside Road;
    - c. Sunnybrook Boulevard; and
    - d. 82<sup>nd</sup> Avenue, between Causey and Sunnybrook.
  4. Pedestrian and Bicycle Facilities: Pedestrian and bicycle circulation connections shall be provided as shown on Comprehensive Plan Maps

X-CRC-3, *Urban Design Elements*, and X-CRC-7, *Bikeway and Path Network*.

JK. Master Plan: A master plan for sites capable of future development shall be submitted for design review pursuant to Section 1102 with the application for the first phase of development. In the Regional Center Office zoning district, this requirement is limited to sites larger than 2.5 acres that are capable of future development. The master plan shall address the standards and requirements of this Ordinance, and should include:

1. General location of all proposed uses and improvements;
2. General building dimensions, number of stories, square footage of commercial uses, and number of dwelling units of residential uses;
3. Internal circulation, including that for auto, transit, pedestrian, and freight service;
4. Transportation connections to the external street system, including off-site circulation and site access;
5. Open space and natural features to be protected;
6. Urban design elements shown on Comprehensive Plan Map X-CRC-3, *Urban Design Elements*, that are required on the subject property;
7. A demonstration that proposed street layout will accommodate future growth; and
8. General location of public facilities and private utilities.

[Amended by Ord. ZDO-226, 3/7/11]

1700.04 REGIONAL CENTER DESIGN STANDARDS

Subsection 1700.04 applies in the Regional Center, as shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*.

~~A. Architectural relief and interest shall be provided in building design, with emphasis at building entrances and along sidewalks and other pedestrian improvements, to promote and enhance a comfortable pedestrian scale and orientation. For example:~~

- ~~1. Facades should be varied to provide visual interest. Examples of appropriate techniques for varying facades include: articulation, placement and design of windows and entrances, building trim, art, paint, detailing, ornamentation, and planters.~~



2. ~~Provide differentiation between ground level spaces and upper stories when uses differ. Examples of appropriate techniques include bays and balconies for residential upper stories, and lower levels with awnings, canopies, trim, or other similar treatments.~~
  3. ~~Blank walls should be avoided when possible by modulating buildings spaces, and using features listed in Subsections 1700.04(A)(1) and (2).~~
- ~~B. Colors, materials, and scale shall be used, as appropriate, to visually connect building exteriors to adjoining public/civic spaces, such as gateways, plazas, and transit stations.~~
- ~~C. The natural features and terrain of the site shall be complemented and incorporated to the maximum extent possible.~~
- ~~D. Building design should be compatible with the physical capabilities of the site, the intended use(s), and surrounding development.~~
- ~~E.A. Freestanding parking structures located within 20 feet of pedestrian facilities, including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use may include:~~
1. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
  2. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; and
  3. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with ~~seating~~ sitting area, plazas, outdoor eating areas, and drinking fountains.
- ~~F.B. New buildings shall have at least one public entrance oriented to a street. Entrances may be oriented to a State, County, public, or private street. Private streets used to meet this standard must include the elements identified in Subsection 1700.03(F)(1).~~
- ~~G.C. Drive-through thru window service facilities are allowed, except for Main Streets designated on Comprehensive Plan Map X-CRC-3, *Urban Design Elements*, or where otherwise limited in the underlying zoning district. However, internal driveways are prohibited between the building and street to which building entrances are oriented.~~

H.D. Pedestrian amenities are required between the building and the front lot line. The following guidelines apply to pedestrian amenities used to meet this requirement:

1. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.
2. Pedestrian areas must include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with seating; and drinking fountains.

I.E. Internal streets and driveways are prohibited between buildings and the street to which building entrances are oriented.

[Moved and amended by Ord. ZDO-226, 3/7/11]

1700.05 FULLER ROAD STATION COMMUNITY DIMENSIONAL AND DESIGN STANDARDS

Subsection 1700.05 applies in the Fuller Road Station Community, as shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors and Station Community*. If the text of Subsection 1700.05 is unclear as applied to a specific development, Figures 1700-1 through 1700-11, as applicable, may be used to resolve the ambiguity.

- A. Subsections 1700.05(B) through (M) do not apply in Sectors 1 and 2, as shown on Map 1700-1, until:
1. One or more additional stories are to be added to one or more existing buildings that are more than 150 feet from 82<sup>nd</sup> Avenue in either Sector 1 or Sector 2. For the purpose of this provision, a mezzanine shall not be considered an additional story; or
  2. More than 40,000 square feet of new building area is to be developed in either Sector 1 or Sector 2.
    - a. The tally of new square footage will be cumulative starting with new development after March 7, 2011.
    - b. If an existing building is expanded, the square footage of the new building outside the existing building footprint will be counted toward the total of 40,000 square feet.
    - c. If a mezzanine is added inside an existing building, the square footage of the mezzanine will be counted toward the total of 40,000 square feet.

- d. If one or more stories are added to a building 150 feet or less from 82<sup>nd</sup> Avenue, as allowed by Subsection 1700.05(A)(1), the additional square footage will be counted toward the total of 40,000 square feet.
  - e. If a building is damaged or destroyed, regardless of the cause, and the building is restored or replaced, the square footage of the restored or new building that is constructed inside the previous building footprint will not be counted toward the total of 40,000 square feet, provided that restoration or replacement lawfully commences within three years of the occurrence of the damage or destruction. “Lawfully commenced” shall have the meaning given in Subsection 1206.03(B). However, if the new building has more stories than the previous building, Subsections 1700.05(B) through (M) will become applicable, if required pursuant to Subsection 1700.05(A)(1).
- 3. Subsections 1700.05(A)(1) and (2) apply separately to Sectors 1 and 2, meaning that compliance with Subsections 1700.05(B) through (M) will not be required in Sector 1 or 2 until that particular sector exceeds the development threshold established by Subsection 1700.05(A)(1) or (2).
  - 4. Prior to the point at which Subsections 1700.05(B) through (M) become applicable, new development in Sectors 1 and 2 shall not be sited such that it:
    - a. Precludes establishment of the “conceptual street grid” identified on Map 1700-2, or eliminates or reduces existing elements of that grid. All streets shown on the grid are planned to be Type D.; or
    - b. Precludes establishment of a connection, with a Type D street cross section, between a signalized intersection at 82<sup>nd</sup> Avenue and a point on Fuller Road within the “access area” shown on Map 1700-2.
- B. Minimum Building Height: 20 feet, measured to top of parapet or roof.
  - C. Minimum Side and Rear Yard Setbacks: Five feet, except a zero setback is allowed for attached structures. (See Figure 1700-1.)
  - D. Maximum Driveway Width: The maximum width of a curb cut for a driveway is 24 feet (not including sidewalks or landscaping) unless otherwise required by the Clackamas County Roadway Standards or applicable fire district. (See Figure 1700-1.)
  - E. Regulating Plan: Map 1700-1 is the regulating plan for the Fuller Road Station Community. It identifies each existing or planned street in the Fuller

Road Station Community as one of four street types: Type A, B, C, or D. As established by Subsections 1700.05(G) and (L), the building frontage and landscape screening regulations for the Fuller Road Station Community are applied by street type and are thereby “keyed” to the regulating plan.

- F. Streets: Street improvements are required as follows:
1. Except as set forth in Subsection 1700.05(F)(3), the locations of required new streets are shown on Map 1700-1, or will be determined pursuant to Subsection 1700.05(F)(2). New streets shown on Map 1700-1 are intended to create blocks with a perimeter no greater than 2,200 feet. Exact location of these new streets may vary up to 50 feet, provided the maximum block perimeter standard is met and provided that the new streets create the connections/intersections shown on Map 1700-1.
  2. In addition to the mapped streets (existing and new) illustrated on Map 1700-1, a through-block connection is required for any block face longer than 450 feet. (See Figure 1700-2.)
    - a. “Block face” means the curb to curb distance between any two streets, including Type E pedestrian/bicycle connections.
    - b. These additional connections shall:
      - i. Have a Type D street cross section or a Type E pedestrian/bicycle connection cross section;
      - ii. Be located no closer than 100 feet to an adjacent street intersection, whether existing or planned; and
      - iii. Align with other existing or planned streets or Type E pedestrian/bicycle connections where possible.
  3. Subsections 1700.05(F)(1) and (2) do not apply in Sectors 1 and 2 shown on Map 1700-1. Instead, compliance with either Subsection 1700.05(F)(3)(a) or Subsections 1700.05(F)(3)(b) and(c) is required.
    - a. Development shall not occur until a connection with a Type D street cross section is constructed between a signalized intersection at 82<sup>nd</sup> Avenue and a point on Fuller Road within the “access area” shown on Map 1700-2. In addition:
      - i. New development shall not be sited such that establishment of the “conceptual street grid” identified on Map 1700-2 is precluded, or existing elements of that grid are eliminated or reduced. All streets shown on the grid are planned to be Type D.

- ii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1700.05(F)(4).
- b. In lieu of compliance with Subsection 1700.05(F)(3)(a), development shall not occur until an alternative connectivity plan is approved for Sectors 1 and 2 shown on Map 1700-1. This connectivity plan shall:
  - i. Connect the on-site transportation system to the existing and planned facilities shown on Map 1700-1;
  - ii. Provide pedestrian, bicycle, and motor vehicle circulation that meets the needs of future residents and visitors;
  - iii. Emphasize pedestrian mobility and accessibility, demonstrating an effective and convenient system of pedestrian walkways leading through the subject site;
  - iv. Provide for bicycle connections and efficient motor vehicle movements through the site;
  - v. Except where precluded by existing development, existing interests in real property, natural features, or topography, provide for block faces that do not exceed 450 feet between any two streets;
  - vi. Include a minimum of three street connections to 82<sup>nd</sup> Avenue and a minimum of two street connections to Fuller Road. These connections must be Type D streets, and one must connect to Fuller Road within the “access area” shown on Map 1700-2;
  - vii. Include a phasing plan for completion of the connectivity plan based on the submitted development application or conceptual future development, as appropriate. This phasing plan shall ensure that at no point is the overall connectivity in Sectors 1 and 2 reduced and that at least one connection from 82<sup>nd</sup> Avenue to Fuller Road is constructed to a Type D street cross section in conjunction with the first phase of new development; and
  - viii. Comply with the Clackamas County Roadway Standards and the requirements of the Oregon Department of Transportation, as applicable.
- c. Once an alternative connectivity plan is approved:
  - i. New development shall not be sited such that establishment of the connections identified on the



- connectivity plan are precluded, or existing elements of that plan are eliminated or reduced.
  - ii. New development shall not occur until at least one connection from 82<sup>nd</sup> Avenue to Fuller Road is constructed to a Type D street cross section. The other connections required by the connectivity plan shall be constructed in a manner consistent with the approved phasing plan. However, at a minimum, if an existing connection is removed as allowed by the connectivity plan, a new connection that provides at least the same degree of connectivity shall be constructed.
  - iii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1700.05(F)(4). Frontage shall be determined based on the approved connectivity plan.
4. Streets and Type E pedestrian/bicycle connections shall be designed in conformance with the design standards shown in Comprehensive Plan Figures X-CRC-8 through X-CRC-11, unless an alternative design is required pursuant to the Clackamas County Roadway Standards or to accommodate fire access, necessary truck circulation, or other engineering factors. An alternative design shall not change the designated street type for purposes of applying the building frontage and landscape screening regulations. Cross section designs for SE Johnson Creek Boulevard and SE 82nd Avenue shall be determined by Clackamas County and the Oregon Department of Transportation.
- ~~5. Street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11 for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with Subsections 1700.03(H)(4) and 1009.09.~~
- G. Building Frontage Types: Four building frontage types are established, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Subsection 1700.05(G) applies to existing or future Type A, B, C, and D streets, regardless of whether they are shown on Map 1700-1. Table 1700-1 establishes which building frontage types are permitted on each street type. Figure 1700-3 summarizes the four building frontage types.

Table 1700-1: Permitted Building Frontage Type by Street Type



Permitted Building Frontage Type:	Street Type:
Landscape	A Street
Linear	A, B, C, and D Streets
Forecourt	A, B, C, and D Streets
Porch/Stoop/Terrace	B, C, and D Streets

1. Buildings, except parking structures, located wholly or partially within 40 feet of a Type A, B, C or D street are required to comply with the standards for a building frontage type permitted on the applicable street type.
  
2. The entire length of street frontage designated on Map 1700-1 as “building frontage required,” or “required retail opportunity area,” excluding walkway cuts with a maximum width of eight feet and driveway cuts, shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type.
  - a. Except along Otty Road, where the building frontage requirement extends the entire length of the street, the “building frontage required” designation extends a distance of 60 feet from the street intersection, and the “required retail opportunity area” designation extends a distance of 100 feet from the street intersection. The beginning point for measurement is the outside edge of the right-of-way, or in the case of a private street, the outside edge of the improved street surface, including any landscape strip or sidewalk.
  
3. A minimum of 50 percent of the length of street frontage not designated as “building frontage required” or “required retail opportunity area” shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type. The 50-percent building frontage requirement is calculated for each lot individually, rather than in the aggregate for an entire street.
  - a. If part of the street frontage is designated as “building frontage required” or “required retail opportunity area,” buildings developed pursuant to Subsection 1700.05(G)(2) may be counted toward meeting the 50-percent requirement for the entire street frontage.

4. If a lot has street frontage on more than one street:
    - a. Compliance with Subsection 1700.05(G)(2) is required for all street frontage designated as “building frontage required” or “required retail opportunity area.”b. Compliance with Subsection 1700.05(G)(3) is required for only one street frontage, unless one of the frontages is on Otty Road, in which case compliance with Subsection 1700.05(G)(3) is not required.
  5. Lots developed solely with parks and open space uses are exempt from Subsection 1700.05(G)(2) and (3).
- H. Landscape Building Frontage Type: Landscape Building Frontage, which is permitted on Type A Streets, shall comply with the following standards (see Figure 1700-4):
1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of 10 feet and a maximum of 15 feet.
    - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
    - b. The front yard setback area shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
    - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
    - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
      - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
    - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
      - i. The fence or wall shall be a maximum of three feet high.

- ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
  - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
  - iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling.
3. Minimum Building Depth: Buildings shall be a minimum of 40 feet deep.
4. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building facade. If an awning or canopy is provided, it shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front facade a minimum of three feet.
5. Primary Building Entrances: Each building shall have at least one building entrance that faces the street and is directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
  - a. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
  - b. If a fence or wall is within the front yard setback as provided in Subsection 1700.05(H)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
6. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing facade area.
7. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

- I. **Linear Building Frontage Type:** Linear Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1700-5):
1. **Front Yard Setback:** The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback.
    - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
    - b. The front yard setback area, if any, shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
    - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
    - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
      - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
    - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
      - i. The fence or wall shall be a maximum of three feet high.
      - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
      - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
      - iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
  2. **Minimum Ground Floor Height:** The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when

the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.

3. **Ground Floor Construction Type:** In areas designated “required retail opportunity area” on Map 1700-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.
4. **Minimum Building Depth:** In areas designated “required retail opportunity area” on Map 1700-1, buildings shall be a minimum of 40 feet deep.
5. **Weather Protection:** Awnings or canopies shall be provided for a minimum of 50 percent of the linear distance of the street-facing building facade and shall comply with the following:
  - a. Awnings and canopies shall project a minimum of five feet and a maximum of eight feet over the sidewalk.
  - b. Awnings and canopies shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet.
6. **Building Entrances:** Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building façade. If an awning or canopy is provided, it shall have a minimum vertical clearance of 8 feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front façade a minimum of three feet.
7. **Primary Building Entrances:** Primary building entrances shall face the street and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.
  - a. Primary building entrances shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
  - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
  - c. If a fence or wall is within the front yard setback as provided in Subsection 1700.05(I)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
8. **Windows:** Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing façade area.



9. **Building Materials:** Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

J.F. **Forecourt Building Frontage Type:** Forecourt Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1700-6):

1. **Front Yard Setback:** The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback. Except for the portion of the façade located behind a recessed courtyard, as required by Subsection 1700.05(J)(2), the street-facing façade of the building shall be built to the chosen setback line.
  - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
  - b. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area or in the required courtyard. Bicycle parking may be permitted in the courtyard, subject to compliance with Section 1015.
  - c. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building façade, in the front yard setback area, or in the required courtyard, except:
    - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
2. **Courtyard:** A recessed courtyard is required and shall comply with the following standards:
  - a. The courtyard shall be set back from the street-facing building façade a minimum of 10 feet and a maximum of 30 feet.
  - b. The courtyard shall not be covered.
  - c. The courtyard shall be landscaped with plants, or paved with masonry pavers or stamped concrete.



- d. The courtyard shall span a minimum of 20 feet along the street-facing building façade and a maximum of 50 percent of the street-facing building facade. As a result, the building must have a street-facing building façade of at least 40 feet wide.
3. Incorporation of Linear Building Frontage Type: The street facing-building façade not located behind a recessed courtyard shall comply with the standards for the Linear Building Frontage Type in Subsection 1700.05(I).
4. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.
5. Ground Floor Construction Type: In areas designated “required retail opportunity area” on Map 1700-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.
6. Primary Building Entrances: Primary building entrances shall face the street or the courtyard and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.
  - a. Primary building entrances facing the street shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
  - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
7. Windows: Transparent ground-floor windows shall be provided along a minimum of 50 percent of the ground-floor, courtyard-facing façade area. See the Linear Building Frontage Type for window requirements for the street-facing façade.
8. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.
9. Fences: Fences and walls are permitted in the courtyard setback area, subject to the following standards:
  - a. The fence or wall shall be a maximum of three feet high.

- b. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
- c. A wall shall be wood, masonry, concrete, or a combination thereof.
- d. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
- e. A minimum of one pedestrian opening per courtyard street frontage shall be provided in the fence or wall. Required pedestrian openings shall be a minimum of five feet wide.

K.G. Porch/Stoop/Terrace Building Frontage Type: Porch/Stoop/Terrace Building Frontage, which is permitted on Type B, C, and D Streets, shall comply with the following standards (see Figure 1700-7):

- 1. **Front Yard Setback:** The street-facing facade of the building shall be set back a minimum of five feet and a maximum of 15 feet. Entry thresholds, including roofs over the thresholds and steps to the thresholds, may extend to the front property line.
  - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
  - b. The front yard setback area shall be landscaped with plants. Hardscaping is permitted only to provide access to the threshold and shall consist of masonry pavers or concrete.
  - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
  - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
    - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
  - e. **Fences:** Fences and walls are permitted in the front yard setback area, subject to the following standards:
    - i. The fence or wall shall be a maximum of three feet high.

- ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
  - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
  - iv. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).
2. Entry Threshold: An entry threshold, such as a porch, stoop, terrace, patio, or light court, is required and shall comply with the following standards:
- a. The entry threshold shall have a minimum depth of five feet from the street-facing building façade to the front of the threshold.
  - b. The entry threshold height shall be no more than six feet above finished grade. An additional threshold may be provided to access a lower level and shall be no more than five feet below finished grade.
  - c. The entry threshold may be covered by a roof no larger than the threshold.
3. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 10 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance. Each ground-floor dwelling unit, if any, shall have an individual entrance that complies with this requirement.
4. Windows: Transparent windows shall be provided along a minimum of 20 percent of the street-facing façade area. Windows shall be vertically oriented, but vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.
5. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

L.H. Landscape Screening Types: Street frontage not developed with a building compliant with one of the four building types established by Subsections 1700.05(H) through (K), a walkway cut with a maximum width of eight feet,

or a driveway cut, shall be developed with one of three landscape screening types, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Table 1700-2 establishes which landscape screening types are permitted on each street type. Figure 1700-8 summarizes the three landscape screening types. If the subject property abuts an existing or future Type A, B, C, or D street—regardless of whether it is shown on Map 1700-1—compliance is required with the standards for a landscape screening type permitted on the applicable street type.

Table 1700-2: Permitted Landscape Screening Type by Street Type

Permitted Landscape Screening Type:	Street Type:
Low Wall and Trellis	A, B, C, and D Streets
Urban Fence or Wall	A, B, C, and D Streets
Landscaped Setback	A, B, and C Streets

1. Low Wall and Trellis Landscape Screening Type: Low Wall and Trellis Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1700-9):
  - a. The low wall and the support structure for the trellis shall be set back a maximum of five feet from the front lot line. The trellis itself may extend to the front lot line, or may overhang an abutting sidewalk or walkway if permitted by the County Engineering Division.
  - b. Any area between the back edge of the sidewalk or walkway and the low wall shall be planted with ground cover or shrubs, or paved with masonry pavers or stamped concrete. Shrubs at maturity shall not exceed the height of the low wall.
  - c. The underside of the trellis portion of a Low Wall and Trellis shall be a minimum of eight feet above grade and a maximum of 13½ feet above grade.
  - d. The trellis shall be heavy timber or steel (or a similar metal) and shall consist of an open structure with no decking or awning material. The trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 30 feet on center.
  - e. The low wall portion of a Low Wall and Trellis shall be a minimum of 18 inches high and a maximum of three feet high

and have a minimum depth of 16 inches. The low wall shall be wood, masonry, concrete, or a combination thereof.

- f. Surface parking and loading areas shall be set back a minimum of five feet from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this setback area, in lieu of trees ordinarily required pursuant to Section 1009 for perimeter surface parking and loading area landscaping. Climbing plants shall be planted at each support column.
  - g. Openings in the Low Wall and Trellis Screening are permitted for plazas that comply with Subsection 1700.05(M).
2. Urban Fence or Wall Screening Type: Urban Fence or Wall Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1700-10):
- a. The fence or wall shall be set back a maximum of five feet from the front lot line.
  - b. Any area between the back edge of the sidewalk or walkway and the fence or wall shall be paved with masonry pavers or stamped concrete.
  - c. The fence or wall shall be a minimum of two feet high and a maximum of three feet high.
  - d. A fence shall be wrought iron, steel, or a similar material and shall be dark in color. Chain-link fences are prohibited. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).
  - e. A wall shall be wood, masonry, concrete, or a combination thereof.
  - f. Surface parking and loading areas shall be set back a minimum of five feet from the Urban Fence or Wall. This area shall be landscaped as follows:
    - i. One large tree is required a minimum of every 30 linear feet, except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards.
    - ii. A minimum of six shrubs is required every 30 linear feet along the fence or wall. The minimum shrub height at maturity shall be the same as the height of the fence or wall, and the maximum shall be six feet.

- iii. Ground cover plants must fully cover any remaining area at maturity.
  - g. Openings in the Urban Fence or Wall Screening are permitted for plazas that comply with Subsection 1700.05(M).
3. Landscaped Setback Screening Type: Landscaped Setback Screening, which is permitted on Type A, B, and C Streets, shall include a landscape strip a minimum of 10 feet wide adjacent to the property line. This area shall be landscaped as follows (see Figure 1700-11):
- a. A continuous row of shrubs shall be planted at the inside edge of the landscape strip. The shrubs shall be a minimum of three feet high, and shall be mostly opaque year round.
  - b. One large tree is required a minimum of every 30 linear feet except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards. The required shrub row may be interrupted with a gap of up to two feet wide, in order to accommodate each tree.
  - c. Ground cover plants must fully cover any remaining area at maturity.
  - d. A three-foot-high masonry wall may be substituted for the shrub row, but the trees and groundcover plants are still required.
  - e. Openings in the Landscaped Setback Screening are permitted for plazas that comply with Subsection 1700.05(M).

M.I. Plazas: Openings in required landscape screening are permitted for plazas, subject to the following standards:

- 1. The plaza shall be permanent space open to the public.
- 2. The plaza shall be integrated in the development and be accessible from and visible from the street(s) upon which it fronts.
- 3. The plaza shall be surfaced with masonry pavers or stamped concrete.
- 4. Ten percent of the total plaza area shall be landscaped. Landscape planters may count toward this requirement.
- 5. If the plaza abuts a surface parking or loading area, it shall be separated from that area by a landscape strip that complies with Subsection 1009.04(C).

[Added by Ord. ZDO-226, 3/7/11]



*Editor's Note: No changes are made to the graphics that conclude Section 1700.*

**1701 REGIONAL CENTER OFFICE DISTRICT (RCO) (12/20/07)**

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**1701.01 PURPOSE**

~~This Section 1701~~ is adopted to: (9/1/05)

- A. Implement the policies of the Comprehensive Plan for Regional Center Office areas; (9/1/05)
- B. Provide for high employment densities to accommodate expected growth in the region and support public transportation; (9/1/05)
- C. Provide support services for office development; (9/1/05)
- D. Allow a mix of land uses within a development; (9/1/05)
- E. Create a district accessible by all means of transportation; (9/1/05)
- F. Create walkable districts in the Clackamas Regional Center by providing improvements and urban design features that encourage and support pedestrian use; and (9/1/05)
- G. Encourage land uses that generate pedestrian activity and transit ridership. (9/1/05)

**1701.02 AREA OF APPLICATION**

Property may be zoned Regional Center Office (RCO) when the site has a Comprehensive Plan designation of Regional Center Office, the criteria in Section 1202 are satisfied, and at least one of the following ~~locational~~ criteria is satisfied: (9/1/05)

- A. The property is in a high-capacity transit service corridor, as identified in the Comprehensive Plan; (9/1/05)
- B. The property offers high visibility from a road with a functional classification of minor arterial or higher and will not draw traffic through residential zoning districts; or (9/1/05)
- C. The property is within the Clackamas Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center and Corridors, and has a historical commitment to office uses. (9/1/05)

**1701.03 PRIMARY USES**

- A. Office uses, including: (9/1/05)
1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, and corporate and administrative offices; (9/1/05)
  2. Medical and dental services, clinics, counseling services, and associated pharmacies; (9/1/05)
  3. Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing, and bookbinding services; (9/1/05)
  4. Research and development uses which have physical and operational requirements which are similar to other office uses allowed in this district; (9/1/05)
  5. Banks, credit unions, savings and loans, brokerages, and other financial institutions. Uses with drive-through window services are subject to Section 827; (9/1/05)
  6. Business services such as duplicating, photocopying, mailing and stenography, fax and computer facilities, employment agencies, business management, notary public, office and communications equipment and service, and real estate offices; (9/1/05)
  7. Any use that the Planning Director finds to be similar to one or more of those specified above and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03; (9/1/05)
- B. Multifamily dwellings, subject to Section 1706; (9/1/05)
- C. ~~Institutional uses, including~~ Colleges, educational institutes, and trade schools; art, music, or dance studios; and radio and television studios, excluding transmission towers; (9/1/05)
- D. Cultural and public uses, including galleries and museums; small-scale (seating capacity up to 500) assembly or convention facilities, and theaters for performing arts; exhibition halls, libraries, senior centers, and fraternal organizations; (9/1/05)
- E. ~~Parking structures and areas~~ which serve developments located within the Regional Center Office District, park-and-ride lots, transit stations, and bus shelters; (9/1/05)

- F. Hotels, including associated convention facilities, gift shops, restaurants, and newsstands located within the same building as the hotel; (9/1/05)
- G. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

1701.04 ACCESSORY USES

- A. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (9/1/05)
- B. 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; (9/1/05)
- C. Bike racks, ~~street furniture, drinking fountains, and other pedestrian amenities,~~ and transit amenities; (9/1/05)
- ~~D. Solar energy systems; collection apparatus and~~
- ~~D.E. Cogeneration facilities; (9/1/05)~~
- ~~E.F. Meeting facilities;~~
- ~~F.G. Daycare facilities, subject to Section 807; (9/1/05)~~
- ~~H. Signs, subject to Section 1010;~~
- ~~G.I. Cafeterias and recreation/exercise facilities provided for employees within the same structure as a primary use; (9/1/05)~~
- ~~H.J. Utility carrier cabinets, subject to Section 830; (9/1/05)~~
- ~~I.K. Building and landscape maintenance offices and enclosed storage areas for maintenance equipment;:-~~
- ~~L. Electric vehicle charging stations; and~~
- ~~M. Rainwater collection systems.~~

1701.05 LIMITED USES

- A. A freestanding restaurant may be allowed in conjunction with a primary use on the site, subject to the following criteria: (9/1/05)

1. The floor area of the freestanding restaurant shall not exceed 5,000 square feet. (9/1/05)
  2. If the primary use on the site is an office use, the floor area ratio of the development, including the restaurant, shall comply with Subsection 1701.09(D). (9/1/05)
  3. If the primary use on the site is a multifamily dwelling, the site area developed with the restaurant and any parking or accessory structures used exclusively for the restaurant may be subtracted from the total acreage when calculating net acreage pursuant to Subsection 1701.09(C). (9/1/05)
  4. The restaurant shall be developed concurrently with or after a primary use is developed on the site; (9/1/05)
- B. The following retail uses may be provided in a multistory building with a primary use in an amount equal to the square footage of the first floor, or on the ground-level floor of a freestanding parking structure: (9/1/05)
1. Any retail use listed in the Regional Center Commercial District except those requiring outside storage or display, or drive-through window service in conjunction with a business serving food and beverages; and (9/1/05)
  2. Any use that the Planning Director finds to be similar to one or more of those specified in Subsection 1701.05(B)(1) and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03; (9/1/05)
- C. A health club may be allowed in conjunction with a primary use on the site, subject to the following criteria: (9/1/05)
1. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Subsection 1701.09(D) may be modified as follows for a lot of greater than 2.5 acres in size: (9/1/05)
    - a. The minimum FAR for the office use shall be 0.75; and (9/1/05)
    - b. The minimum FAR for the health club and the office use combined shall be 1.0. (9/1/05)
  2. If the primary use on the site is a multifamily dwelling, the site area developed with the health club and any parking or accessory structures used exclusively for the health club shall be included in the net acreage

when calculating minimum density pursuant to Subsection 1701.09(C). (9/1/05)

3. The health club shall be developed concurrently with or after a primary use is developed on the site. (9/1/05)
4. ~~If shared parking is utilized as provided in Subsections 1007.07(A)(4) and (5), the minimum number of offstreet parking spaces required may be reduced by up to 20 percent per use. A reduction of greater than 10 percent shall only be permitted if the applicant submits a parking analysis prepared by a professional traffic engineer that demonstrates that the total number of spaces to be provided will meet anticipated demand. (9/1/05)~~

1701.06 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)

1701.07 CONDITIONAL USES

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

1. Daycare facilities that do not qualify as an accessory use pursuant to Subsection 1701.04(F), subject to Section 807; (5/22/03)
2. Hospitals, subject to Section 809; (5/22/03)
3. Assembly or convention facilities that exceed a seating capacity of 500; (5/22/03)
4. Heliports in conjunction with a primary or conditional use. (3/24/05)

1701.08 PROHIBITED AND PREEXISTING USES

- A. Prohibited Uses: The following uses shall be prohibited: (9/1/05)
  1. Uses of structures and land not specifically permitted; (9/1/05)



2. Retail or service commercial uses listed in Subsection 1702.07(A), except as provided in Subsection 1701.05; (9/1/05)
  3. Drive-through window facilities in conjunction with a primary use on streets designated Main Streets on Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements; (9/1/05)
  4. New single-family dwellings; (9/1/05)
  - ~~5. Metal sided buildings, except as approved by the Design Review Committee, pursuant to Section 1102, for high image metal materials; (9/1/05)~~
  - ~~6.5. Outdoor sales, storage, or display of materials or products. (9/1/05)~~
- B. Preexisting uses: (9/1/05)
1. Lawfully established dwellings may be remodeled or expanded without review under Section 1206. (9/1/05)
  2. A lawfully established dwelling may be converted to house any primary use in the district, subject to all requirements for new development. (9/1/05)
  3. No minimum lot size shall be required for lots created for lawfully established preexisting dwellings. However, parking requirements and ~~setback and/or fire wall requirements of the Uniform Building Code~~ shall be satisfied. (9/1/05)
  4. Preexisting lawfully established commercial or industrial uses may remodel or upgrade the premises, subject to design review approval pursuant to Section 1102. Any change of use or alteration which expands the use shall be subject to Section 1206. (9/1/05)

1701.09 DIMENSIONAL STANDARDS (9/1/05)

- A. Purpose: The dimensional standards are intended to: (9/1/05)
1. Encourage coordinated development and the most efficient use of land; (9/1/05)
  2. Provide for adequate structure separation to ensure adequate light and air access, fire safety, and protection for all developments and structures; (9/1/05)

3. Provide the urban design elements shown on Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements in the ~~Clackamas Regional Center Area Design Plan~~; and ~~(9/1/05)~~
  4. Implement the goals and policies of the Clackamas Regional Center Area Design Plan. (9/1/05)
- B. Minimum Lot Size: Two and one-half~~2.5~~ acres for the creation of new lots. (9/1/05)
- C. Minimum Density: The minimum density for a freestanding multifamily residential use is 30 units per net acre. Net acreage shall be determined by completing the steps set forth in Subsections 1012.08(A) and (B). There is no minimum density for residential uses in a building with another primary use or with a limited use under Subsection 1701.05(B). (9/1/05)
- D. Minimum Floor Area Ratio (FAR): The minimum FAR for primary office uses on lots of 2.5~~two and one-half~~ acres or less in size is 0.5. The minimum FAR for primary office uses on lots greater than two and one-half~~2.5~~ acres in size is 1.0 for the entire lot area. However, with an approved master plan, the site can be developed in phases provided that the minimum FAR of the first phase is 0.5. FAR shall be calculated as follows: (3/24/05)
1. Calculate the building floor area by determining the square footage of all buildings in the proposed development, including: (3/24/05)
    - a. Gross floor area of all commercial structures (except parking structures), including storage and mechanical equipment; and (3/24/05)
    - b. Square footage of commercial uses in a parking structure; and (3/24/05)
    - c. Square footage of the footprint of a multifamily residential structure. (3/24/05)
  2. Calculate the net site area by subtracting from the gross site area the following: (3/24/05)
    - a. Right-of-way dedications; (3/24/05)
    - b. Off-road (except sidewalks) trails, bikeways, or multi-purpose trails; (3/24/05)
    - c. Stormwater detention facilities; (3/24/05)
    - d. Design elements (plazas, greenways, transit stations, etc.); (3/24/05)
    - e. Parks; (3/24/05)

- f. Civic spaces; (3/24/05)
  - g. Stream buffers; (3/24/05)
  - h. Wetlands; and (3/24/05)
  - i. 100-year floodplain (undeveloped portion) (3/24/05)
3. Divide the building floor area by the net site area. The result is expressed as a percent. For example, if the building floor area is 20,000 square feet and the net site area is 40,000 square feet, the FAR is 0.5. (3/24/05)

E. Minimum Front Yard Setback: ~~five~~5 feet, except from Main Streets identified on Comprehensive Plan Map X-CRC-3, where there ~~shall be~~ is no minimum front yard setback. (9/1/05)

F. Maximum Front Yard Setback: (9/1/05)

1. 20 feet from all streets, as defined in Section 1700, except from Main Streets identified on Comprehensive Plan Map X-CRC-3. ~~(9/1/05)~~

~~a. Pedestrian amenities are required in the front yard setback pursuant to Section 1700. (9/1/05)~~

b. However, the 20-foot maximum setback may be exceeded to accommodate plazas designated on Comprehensive Plan Map X-CRC-3, and freestanding parking structures are exempt. (9/1/05)

2. 10 feet from ~~a designated~~ Main Streets identified on Comprehensive Plan Map X-CRC-3, except the 10-foot maximum setback may be exceeded to accommodate that plazas identified designated on Comprehensive Plan Map X-CRC-3 are exempt. (9/1/05)

G. Minimum Rear Yard Setback: None, except when the rear lot lineyard abuts a residential or Open Space Management (OSM) zoning district, in which case the minimum shall be 35 feet plus 10 feet for each 10-foot increment in building height over 35 feet. (9/1/05)

H. Minimum Side Yard Setback: None, except when a side lot lineyard abuts a residential or Open Space Management zoning district, in which case the minimum shall be 15 feet. (9/1/05)

I. Minimum Landscaping Area: 10 percent of the lotsite area. (9/1/05)

~~J. 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 a private driveway, access drive, or private road 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. (9/1/05)~~

1701. 10 DEVELOPMENT STANDARDS

- A. General. Development shall be subject to the applicable provisions of Sections 1000, 1100, and 1700. (9/1/05)
- 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. (9/1/05)
- C. Improvements: The County shall require the provision of, or participation in, the development of public facility improvements to implement adopted design plans or special standards. Such improvements include, but are not limited to, the following:
  - 1. Road dedications and improvements;
  - 2. Signalization;
  - 3. Sidewalks;
  - 4. Crosswalks;
  - 5. Storm drainage facilities;
  - 6. Sewer and water service lines and improvements;
  - 7. Underground utilities;
  - 8. Street lights;
  - 9. Street trees and landscaping; (9/1/05)
  - 10. Open space and parks; and (9/1/05)
  - 11. The urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*. (9/1/05)
- ~~D. Master Plans: A master plan is required for sites larger than 2.5 acres that are capable of further development. A master plan shall be submitted for design~~

~~review with the application for the first phase of development. Master plans shall be consistent with Sections 1100 and 1700. (9/1/05)~~

E.D. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

**1702 REGIONAL CENTER COMMERCIAL DISTRICT(RCC) (12/20/07)**

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1702.01 PURPOSE

~~This Section 1702~~ is adopted to

- ~~A. Implement the goals and policies of the Comprehensive Plan and the Clackamas regional center plan for Regional Center Commercial areas within regional centers. The intent of these provisions is to:~~
- ~~A.B. Provide for regional and local shopping;~~
- ~~B.C. Provide higher densities to support public transportation;~~
- ~~C.D. Allow a mix of land uses within a development;~~
- ~~D.E. Create a district accessible by all modes of transportation;~~
- ~~E.F. Create walkable districts within the Clackamas Regional Center by providing improvements and urban design features that encourage and support pedestrian use;~~
- ~~F.G. Encourage land uses that generate pedestrian activity and transit ridership; and~~
- ~~G.H. Implement the Clackamas Regional Center Area Design Plan.~~

1702.02 AREA OF APPLICATION

Property may be zoned Regional Center Commercial (RCC) when the site has a Comprehensive Plan designation of Regional Center Commercial, the criteria in Section 1202 are satisfied, and This district may be applied to properties when at least one of the following locational criteria isare satisfied:

- A. The property is Areas within a high-capacity transit service corridor, as identified in the Comprehensive Plan; or
- B. The property is Areas within the Clackamas Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center and Corridors*, and haswith a historical commitment to commercial uses. (5/3/04)

1702.03 PRIMARY USES

- A. Retail, service commercial, including hotels, and office uses provided that:



1. Outdoor display and storage is limited to no more than five (5) percent of the building coverage.
  2. Uses with drive-through window service are subject to the provisions of Sections 827 and the Regional Center design standards in Section 1700.
- B. Multifamily ~~dwelling~~residential, subject to Section 1706. (3/24/05)
- C. ~~Institutional Uses: Colleges, educational institutes, and trade schools; art, music or dance studios; radio and television studios, excluding transmission towers.~~
- D. Cultural/Public Use: Galleries and museums,; small-scale assembly or convention facilities (seating capacity up to 500), theaters for the performing arts,; libraries,; public parks,; exhibition halls, libraries, senior centers, and fraternal organizations.
- E. Transportation/Parking: Parking structures and areas which serve developments within the Regional Center Commercial district,; park-and-rides, transit stations, and bus shelters.
1. ~~Retail uses are allowed on the first floor of freestanding parking structures~~
  1. ~~Freestanding parking structures are subject to the provisions of Section 1700, including Subsection 1700.01(D)(1)(e). (3/24/05)~~
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

1702 0.4 ACCESSORY USES

The following uses are allowed as accessory uses in the Regional Center Commercial (RCC) District:

- A. Uses and structures customarily accessory and incidental to a primary use;
- A-B. Temporary buildings for uses incidental to construction work, which. Such buildings shall be removed upon completion or abandonment of the construction work;
- B-C. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker;

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

~~E. Solar energy systems; collection apparatus and~~

~~D.F. Cogeneration facilities;-~~

~~E.G. Accessory uses provided under Subsection 1706.04, may be allowed in conjunction with any residential use in this district;-~~

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

~~G.H. Private recreational facilities for employees or residents of a primary use;-~~

~~H.I. Private day-care facilities for employees, subject to the provisions of Section 807;-~~

~~J. Signs, subject to Section 1010;~~

~~K. Electric vehicle charging stations; and~~

~~L. Rainwater collection systems.~~

1702.05 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)

1702.06 CONDITIONAL USES

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

1. The proposed use shall not interfere with, or intrude into or between, pedestrian-oriented uses or developments. (5/22/03)

B. Uses allowed subject to the above conditions are: (5/22/03)

1. Telephone exchanges, utility substations, radio and television transmission and receiving stations; (5/22/03)

2. Heliports in conjunction with a primary or conditional use, subject to Section 712 or 713; (5/22/03)
3. Convention facilities that exceed a seating capacity of 500. (5/22/03)

1702.07 PROHIBITED AND PREEXISTING USES

The following uses are prohibited in the Regional Center Commercial (RCC) zoning District:

- A. Car washes; outdoor sales and services, including sales or repair services for trucks, boats, recreational vehicles, residential trailers, manufactured dwellings, farm and construction equipment, lumber yards, fuel yards, carpentry or sheet metal shops; mini-storage and vehicle storage facilities; moving equipment rental; gasoline service stations and similar uses. (3/24/05)
- B. Drive-through window facilities in conjunction with a primary use on streets designated Main Streets on Comprehensive Plan Map, Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements. (5/3/01)
- C. The use of a manufactured dwelling, except pursuant to Section 1204 unless specifically authorized under the provisions of Section 1204 for Temporary Permits. (11/24/99)
- D. Lawfully established dwellings may be remodeled or expanded without review under Section 1206. In addition, the following provisions shall apply: (3/24/05)
  1. Change of Use: A lawfully established preexisting dwelling may be converted to house any use permitted in the district, subject to all requirements for new development. (3/24/05)
  2. Density: A lawfully established single-family dwelling shall be one dwelling unit for purposes of calculating minimum density pursuant to Subsection 1702.09(B), unless: (3/24/05)
    - a. The dwelling will be converted to another allowed use; or (3/24/05)
    - b. The dwelling will be converted into more than one dwelling unit; or (3/24/05)
    - c. The dwelling will be removed prior to occupancy of the new multifamily residential development located on the same property. (3/24/05)

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

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

~~F.E. New single-family dwellings. (3/24/05)~~

1702.08 DIMENSIONAL STANDARDS REQUIREMENTS

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

1. Encourage coordinated development and the most efficient ~~use~~utilization of land in the ~~Regional Center Commercial district.~~
2. Provide for adequate structure separation to ensure adequate light and air access, fire safety, and protection for all developments and structures ~~within the district and adjoining districts.~~
3. Provide an aesthetically pleasing urban character through open space, landscaping, building orientation and setbacks, and pedestrian amenities.
4. Provide the urban design elements shown on the ~~Urban Design Elements Map, Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements.~~ and (5/3/01)
5. ~~Implement~~Meet the goals and policies of the Clackamas Regional Center Area Design Plan.

B. The following dimensional ~~standards~~requirements shall apply to development in the ~~Regional Center Commercial District.~~

1. Minimum Lot Size: One ~~(1)~~ acre.
2. Minimum Front ~~Yard~~Lot Line Setback:
  - a. Five ~~(5)~~ feet, on all streets except from Main Streets ~~designated identified MAIN STREETS on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3, where there is no minimum front yard setback. (5/3/01)~~

- b. ~~There is no minimum setback on a street designated as a MAIN STREET on the Design Elements Map~~
3. Maximum Front ~~Yard~~Lot-Line Setback:
- a. ~~Twenty (20) feet from~~ on all streets, as defined in Section 1700, except from Main Streets designated MAIN STREETS on Comprehensive Plan Map X-CRC-3. ~~Pedestrian amenities as defined in 1700 are required in the front yard setback area.~~
- i. ~~However, t~~The 20-foot maximum setback may be exceeded ~~for~~to accommodate plazas identifieddesignated on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3, and (5/3/01)
- ii. ~~The setback does not apply to freestanding parking structures are exempt. (3/24/05)~~
- b. ~~Ten (10) feet from~~ on a Main Streets identifieddesignated on Comprehensive Plan Map X-CRC-3MAIN STREET, except the 10-foot maximum setback may be exceeded to accommodate plazas identifieddesignated on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3. (5/3/01)
4. Minimum Rear ~~Yard~~Lot-Line Setback: None, required except when the rear lot line abuts a residential or Open Space Mmanagement (OSM) zoning district. ~~When a rear yard abuts these districts, in which case the minimum setback shall be thirty five (35) feet.~~
5. Minimum Side ~~Yard~~Lot-Line Setback: None, except when a side lot line abuts a residential or OSMopen space management zoning district. ~~When a side yard abuts these districts, in which case the minimum setback shall be fifteen (15) feet for side lot lines abutting these districts.~~
6. Minimum Landscaping Area: ~~Ten (10) percent of the lot developed site area. Pedestrian amenities as defined in sections 200 and 1700, including plazas, fountains, benches and landscape planters may count up to one third of the landscaping requirement. Landscaping is subject to all other standards in Section 1009.~~
7. ~~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 or easement and a public, county or state road. Trees located within a twenty (20)~~



~~foot radius of any such intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest hanging branches.~~

~~8. Building Height: No limitation.~~

1702 .09 DEVELOPMENT STANDARDS

~~All development in this district is subject to the review procedures and application requirements under Section 1100 and the requirements prescribed under Section 1000. In addition, the following standards shall apply to all development in the Regional Center Commercial district:~~

~~A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, and 1700.~~

~~A. Clackamas Regional Center Plan: All development shall comply with the Clackamas Regional Center Design Plan.~~

~~B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan~~

~~B.C. Minimum Density: (3/24/05)~~

~~The minimum density for a freestanding multifamily residential use is 30 units per net acre. Net acreage shall be determined by completing the steps set forth in Subsections 1012.08(A) and (B). There is no minimum density for residential uses in a building with another primary use. (3/24/05)~~

~~C.D. Minimum Floor Area Ratio (FAR): The minimum FAR for a retail development is 0.3. The minimum FAR for an office development is 0.5. FAR shall be calculated as follows: (3/24/05)~~

- ~~1. Calculate the building floor area by determining the square footage of all buildings in the proposed development, including: (3/24/05)~~
  - ~~a. Gross floor area of all commercial structures (except parking structures), including storage and mechanical equipment; and (3/24/05)~~
  - ~~b. Square footage of commercial uses in a parking structure; and (3/24/05)~~
  - ~~c. Square footage of the footprint of a multifamily residential structure. (3/24/05)~~
- ~~2. Calculate the net site area by subtracting from the gross site area the following: (3/24/05)~~



- a. Right-of-way dedications; (3/24/05)
  - b. Off-road (except sidewalks) trails, bikeways, or multi-purpose trails; (3/24/05)
  - c. Stormwater detention facilities; (3/24/05)
  - d. Design elements (plazas, greenways, transit stations, etc.); (3/24/05)
  - e. Parks; (3/24/05)
  - f. Civic spaces; (3/24/05)
  - g. Stream buffers; (3/24/05)
  - h. Wetlands; and (3/24/05)
  - i. 100-year floodplain (undeveloped portion); (3/24/05)
3. Divide the building floor area by the net site area. The result is expressed as a percent. For example, if the building floor area is 20,000 square feet and the net site area is 40,000 square feet, the FAR is 0.5. (3/24/05)

~~D. Building Siting and Design: Subject to the provisions of Section 1700 and 1005.~~

~~E. Parking: Parking shall meet the requirements in Section 1007.~~

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

1. Road dedications and improvements;
2. Signalization;
3. Sidewalks;
4. Crosswalks;
5. Storm drainage facilities;
6. Sewer and water service lines and improvements;
7. Underground utilities;
8. Street lights;
9. Street trees, landscaping;

10. Open sSpace and pParks; and
11. Urban dDesign elements shown on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements.* (5/3/01)

~~G. Master Plan: Master plans for sites capable of future development shall be submitted for design review with the application for the first phase of development. Master plans shall be consistent with the requirements of section 1100 and 1700.~~

H.F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

**1703 PLANNED MIXED USE DISTRICT (PMU) (12/20/07)**

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## 1703.01 PURPOSE

- A. This section is adopted to implement the policies of the Comprehensive Plan for Planned Mixed Use areas. The purpose of these provisions is to create an area with a mix of land uses, both within the site itself (mix of uses) and within buildings (mixed uses).
- B. Specific requirements are identified for each Planned Mixed Use (PMU) site. The specific purposes to be achieved in the Master Plan for each site ~~is~~ are listed in Table 1703-1.

## 1703.02 AREA OF APPLICATION

This district is to be applied to those areas which are particularly suited for intensive mixed use development because of proximity to existing or planned public transportation improvements, size and ownership of parcels ~~and ownership~~, good regional access, and proximity to complimentary land uses. Property may be designated Planned Mixed Use (PMU) when the site has been designated Planned Mixed Use on the Comprehensive Plan.

## 1703.03 SPECIFIC REQUIREMENTS FOR PMU SITES

Each Planned Mixed Use (PMU) site has specific use and development standards, in addition to other requirements listed in Sections 1000 and 1700. Specific requirements for each are listed in Table 1703-1.

## 1703.04 PRIMARY USES

- A. Allowed and Required Primary Land Uses for each Planned Mixed Use (PMU) Site are listed in Table 1.
- B. Primary Uses:
1. Office Uses: In the PMU zone, "office" refers to structures, designed to accommodate the following uses. Such structures may be either freestanding offices or mixed use buildings, but only space designed for the office uses will meet the requirements for office under the zone. Office uses include:
    - a. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturing representatives, property management, and corporate and administrative offices.

- b. Medical and dental services, clinics, counseling services, and associated pharmacies.
  - c. Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services.
  - d. Research and development uses that have physical and operational requirements that are similar to other office uses allowed in this district.
  - e. Banks, credit unions, and savings and loan, brokerage, and other financial institutions when located in buildings of at least 2 stories. Drive-through window services are allowed subject to the provisions of Section 827 and the Clackamas Regional Center Area Design standards in Section 1700.
  - f. Business services such as duplicating, photocopying, mailing and stenographic services, fax and computer facilities;
  - g. Employment agencies, business management services, notary public, office and communications equipment and service, and real estate offices.
  - h. Colleges, educational institutes, and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers.
  - i. Galleries and museums; small-scale (seating capacity up to 500) assembly or convention facilities, and theaters for performing arts; exhibition halls, libraries, senior centers and fraternal organizations.
  - j. Any use that the Planning Director finds to be similar to one or more of those specified above and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
2. Retail uses: Retail uses may be located in either freestanding or mixed use buildings unless the specific PMU requirements indicate otherwise. Retail uses include the following:
- a. Any retail use listed in the Regional Center Commercial district (Section 1702), except those requiring outside storage or display.
  - b. Any use that the Planning Director finds to be similar to one or more of those specified above and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be

processed as an Interpretation pursuant to Subsection 1305.03.  
(6/6/02)

3. Multifamily Residential: Residential uses may be located in freestanding or mixed use buildings. Residential uses include:
  - a. Multifamily dwellings; (3/24/05)
  - b. Condominiums; subject to Section 803; and (5/22/03)
  - c. Congregate housing facilities and Nursing Homes subject to Section 810.
  
4. Open Space: Open space uses include the following:
  - a. Open space uses as defined in Subsection 702.03;
  - b. Public and private plazas;
  - c. Greenways as shown on the ~~Urban Design Elements Map~~, Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements; and (5/3/01)
  - d. Natural areas, including tree stands, wetlands, waterways, and riparian habitat
  
5. Hospitality and Entertainment: Hospitality uses include the following:
  - a. Hotels, including associated convention facilities, gift shops, restaurants, and newsstands located within the same building as the hotel
  - b. Civic facilities, including: small to mid-size convention and exposition facilities, theaters, auditoriums, libraries, business and fraternal organization facilities, visitor centers
  - c. Health and exercise facilities and clubs
  - d. Ice rinks
  - e. Movie theaters
  - f. Any use that the Planning Director finds to be similar to one or more of those specified in Subsections 1703.04(B)(5)(a) through (e) and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
  
6. Transit Facilities: Freestanding transit facilities including transit stations or stops, transfer areas, and park and ride facilities.

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

1703.05 ACCESSORY USES

The following uses may be provided in conjunction with any category of use, or uses, approved under 1703.04.

- A. ~~Bike racks, street furniture, drinking fountains, and other pedestrian amenities, and transit amenities.~~
- B. Temporary signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the site area, which signs shall be removed upon sale or lease of the premises advertised.
- C. ~~Parking areas and structures.~~
- D. Temporary buildings for uses incidental to construction work; ~~Such~~ which buildings shall be removed upon completion or abandonment of the construction work.
- E. Utility carrier cabinets, subject to the Section 830.
- F. ~~Signs, subject to Section 1010;~~
- G. ~~Solar energy systems, collection apparatus and~~
- F.H. ~~Geo-generation facilities.~~
- G.I. ~~Radio and television earth stations and dishes.~~
- H.J. ~~Day-care facilities~~ centers for employees or residents of a primary use.
- I.K. ~~Cafeterias, delicatessens, and other such facilities provided for employees of a primary use.~~
- J.L. ~~Recycling collection containers provided all materials are presorted, no processing occurs on-site, and all materials are stored within an enclosed structure or area between pickup days.~~
- K.M. ~~Accessory uses listed in Section 1706 for a multifamily residential use in this district.~~
- L.N. ~~Helistops.~~
- M.O. ~~Private recreational facilities for employees or residents of a primary use.~~



P. Electric vehicle charging stations :

Q. Rainwater collection systems; and

N.R. Any use or structure that the Planning Director finds to be customarily accessory and incidental to a primary use. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

1703.06 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)

1703.07 PROHIBITED USES

The following uses shall be prohibited in a Planned Mix Use (PMU) development:

A. Any use not identified as a primary use in subsection 1703.04 or an accessory use in subsection 1703.05

B. Sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, residential trailers, manufactured dwellings, farm or construction equipment and other heavy machinery, lumber yards, fuel yards, mini-storage, moving equipment rental, and gasoline service stations. (11/24/99)

C. Permanent outdoor storage of materials or products, outdoor sales except temporary sidewalk sales and sidewalk cafes and food vendors.

D. Drive-through window service on a designated Main Street on Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements. (5/3/01)

E. Industrial uses.

1703.08 DIMENSIONAL STANDARDS REQUIREMENTS

The following dimensional standards shall apply to development in the Planned Mixed Use (PMU) district:

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

1. Assure coordinated master planning and development, and the most efficient use of Planned Mixed Use sites;-
  2. Encourage the consolidation of larger sites and greater compatibility between new developments and existing uses in an area;-
  3. Ensure that the minimum operational requirements of the development are provided onsite;- and
  4. Provide for adequate structure separation to ensure adequate light and air access, fire safety, and protection for all developments and structures within the district and adjoining districts.
- B. Minimum Site Size: Site size requirements for each PMU site are listed in Table 1703-1.
- C. Dimensional requirements which apply to all PMU sites are:
- ~~1. Minimum Front Yard Setback: None~~
  1. Maximum Front Yard Setback:
    - a. ~~Twenty (20) feet from~~ on all streets, including private streets as defined in ~~Subsection 1700.0203(GI)(1), except from Main Streets identified~~ designated Main Streets on Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements. Pedestrian amenities as defined in ~~1700.02E1b. are required in the front yard setback,~~ with the following exceptions:
      - ~~i. However, t~~ The 20-foot maximum setback may be exceeded for to accommodate plazas identified ~~designated on Comprehensive Plan Map X-CRC-3the Urban Design Plan,~~ and
      - ~~ii. The 20-foot maximum setback does not apply to freestanding parking structures are exempt.~~
    - b. ~~Ten (10) feet from~~ on Main Streets identified ~~designated Main Streets on Comprehensive Plan Map X-CRC-3, except:~~
      - ~~i. T~~ The ten(10)-foot maximum setback may be exceeded to accommodate plazas identified ~~designated on Comprehensive Plan Map X-CRC-3the Design Elements Map.~~
    - c. There shall be no on-site vehicular parking or circulation within the front yard setback
  2. ~~Minimum Side and Rear Yard Setbacks: None required, except when the rear lot line abuts~~ abutting a residential district or Open Space

~~Management (OSM) District, in which case the minimum setback shall be fifteen (15) feet for side and rear yards abutting these districts.~~

3. Minimum Side Yard Setback: None, except when the side lot line abuts a residential or OSM zoning district, in which case the minimum shall be 15 feet.

~~3.4.~~ In lieu of addressing Subsections 1703.08(C)(1) through (3)1-3 of this section, an applicant for approval on a site of 25 acres or larger may submit for approval alternate setback requirements which will be reviewed as part of the application. The alternative standards, or any part thereof, shall be approved if they are found to be equally effective as Subsections 1703.08(C)(1) through (3)1-3 of this section in establishing a visual image, sense of place, and quality pedestrian environment for the area, and if they comply with the specific purpose statements for the applicable site listed in Table 1703-1. If approved, the alternative setbacks will be used to evaluate the application.

D. Minimum Landscaping Area: 10 percent of the lot. Landscaping shall be used to enhance the parking and pedestrian circulation areas of the site, as well as to protect and preserve natural features and reduce glare. Landscaping shall meet all the requirements of section 1009, and the following:

~~1. A minimum of ten (10) percent of the site area shall be landscaped.~~

~~1. Landscaping shall be designed to maintain and enhance security of the parking areas, secondary entrances, and other areas of concern in the complex.~~

~~2. Buffering: When existing residential uses are located adjacent to a PMU site, such uses shall be buffered from the PMU site with landscaped buffers or by the location of streets, parks, plazas, greenways, or low density residential uses in the PMU.~~

#### 1703.09 DEVELOPMENT STANDARDS

~~All development within this district is subject to the requirements prescribed under Section 1000 and to the procedures and application requirements under Section 1100, as modified by this section. The following standards and requirements shall apply to development in this district.~~

A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, and 1700.

B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan

~~A.~~ ~~Clackamas Regional Center Area Design Plan: Sites located in the Clackamas Regional Center Area are subject to the specific requirements listed in Section 1700, including the Urban Design Elements map for the Clackamas Regional Center Area.~~

~~B.C.~~ Density Requirements. Density requirements which apply to Planned Mixed Use (PMU) sites are listed in Table 1703-1.

~~C.D.~~ Access and Circulation

Circulation on site must meet the minimum requirements shown on Comprehensive Plan Map X-CRC-3, the *Clackamas Regional Center Area Design Plan Urban Design Elements* map, and in addition:

1. Internal Circulation: An internal circulation system shall include a network of public, private and internal streets subject to Subsection 1700.03(D)(G). Private streets shall function like local streets, with curbs, sidewalks, or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county, or public streets. This internal street network shall create developable sites defined by streets.

In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.

2. Driveways: Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.

~~3. On-street parking: Parking in the travel way may be provided on private or internal streets. This parking will not count as surface parking under the maximum parking ratio requirements of section 1007, but may be counted toward minimum parking requirements.~~

~~D.E.~~ Building Siting and Design:

1. Building Orientation: New buildings shall have at least one public entrance oriented to a state, county, public, or private street.

Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building façade facing the street the building is oriented to. Entrances and windows on the street-side facade shall not be blocked, or entrances locked during operation hours. Additional major entrances may also be allowed facing minor streets and parking areas.

2. Corner Lot Buildings: Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
3. First floor window requirements: First floor windows or display cases are required on building facades facing and adjacent to public and private streets, plazas, walkways, and pedestrian areas. Windows and doorways shall not be blocked or entrances locked during operation hours.
4. Structured Parking adjacent to pedestrian facilities: Parking structures located within 20 feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use include, but are not limited to:
  - a. Provide retail, office or similar uses on the ground floor of the parking structure with windows and activity facing the pedestrian facility; or,
  - b. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; or,
  - c. Provide pedestrian amenities in the transition area between the parking structure and the pedestrian facility, including landscaping, trellises, trees, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.
  - d. The above listed techniques and features, and others of similar nature, must be used so that blank walls are not created.
- ~~5. Parking: Parking shall meet the requirements of section 1007 and the landscaping requirements of section 1009.~~
- ~~6. Drive through window facilities: Drive through window facilities are allowed subject to the standards in Section 1700.~~

~~7. Design for Urban Character: Subject to the provisions in Section 1700.~~

F. Buffering: When existing residential uses are located adjacent to a PMU site, such uses shall be buffered from the PMU site with landscaped buffers or by the location of streets, parks, plazas, greenways, or low density residential uses in the PMU.

E.G. Public Facilities: The County may require the provision of, or participation in, the development of public facility improvements to implement the Clackamas Regional Center Area Plan. Such improvements include, but are not limited to, the following:

1. Road dedications and improvements;
2. Traffic Signals;
3. Transit facilities;
4. Sidewalks, crosswalks, bump-outs and other pedestrian improvements;
5. Storm drainage facilities;
6. Sewer and water service lines and improvements;
7. Underground utilities;
8. Street lights;
9. Street trees, landscaping; and
10. Open space, greenways, plazas and parks.

~~F. 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 private, internal, public, county, or state roads, or from the intersection of a private driveway or road easement and a public, county or state road. Trees located within a twenty (20) foot radius of any such intersection shall be maintained to allow ten (10) feet of visual clearance below the lowest hanging branches.~~

G.H. Maintenance Mechanisms: The County may require the formation of a maintenance agreement or other suitable mechanism to assure that the following maintenance responsibilities are adequately addressed:



1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
2. To maintain landscaping, street furniture, storm drainage and similar streetscape improvements developed in the public right of way.

~~H.I.~~ Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

#### 1703.10 PROCEDURE FOR REVIEW

All developments in Planned ~~M~~ixed Use (PMU) zones are subject to the procedures listed below:

- A. PMU Permit: Development in this district requires a Planned Mixed Use permit.
  1. Master Plan: Review of a PMU Master Plan is subject to a ~~public hearing conducted by the~~ Hearings Officer review pursuant to Section 1300.
  2. Detailed Site Plan: Review of a detailed site plan is subject to Planning Director staff review with notice pursuant to Section ~~1305.02~~1304. However, a detailed site plan may be reviewed with a Master Plan subject to Subsection 1703.10(A)(1). (3/14/02)
- B. Preapplication Conference: Prior to submittal of a master plan or site development application, a preapplication conference is required pursuant to Subsection 1301.04.
- C. Submittal Requirements: The application for a ~~Planned Mix Use~~PMU ~~p~~ermit shall include:
  1. Land Use and Transportation Master Plan: A master plan is Rrequired for the entire property for which the PMU permit is requested ~~and~~ The master plan shall address the standards and requirements of Sections 1000, 1700, and 1703. The master plan shall include:
    - a. General location of all proposed uses and improvements;
    - b. Estimated square feet or number of units of required uses, and density (floor area ratio or units per acre);
    - c. General location of buildings, density (floor area ratio or units per acre), number of stories;

- d. Proposed area phasing of the development. Each phase must demonstrate compliance with the requirements of this zoning district;
  - e. A ~~t~~Traffic ~~i~~mpact ~~s~~tudy;
  - f. Proposed ~~t~~ransportation improvements consistent with the Clackamas Regional Center Area Design Plan, including:
    - i. Internal circulation, including auto, transit, pedestrian, and freight service;
    - ii. Transportation connections to the external street system, including off-site circulation, site access, and traffic impacts of development on the overall street system based on the ~~t~~Traffic ~~i~~mpact ~~s~~tudy;-
    - iii. Private streets, as defined in Section 1700.03(I)(1), to be used to meet building orientation requirements; and
    - iv. Phasing of streets in coordination with phased development;
  - g. Parking ratios for surface parking, total number of parking spaces, type; if structured, location and feasibility (dimensions);
  - h. Open space and significant natural features to be protected, including designated greenways, wetlands, creeks and streams, riparian habitat, and wooded areas;-
  - i. Existing or proposed parks;
  - j. Urban Design Elements shown on the ~~Urban Design Elements Map, Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements; (5/3/01)~~
  - k. Public facilities and private utilities, including storm detention facilities and water treatment facilities, and general locations;- and
  - l. A ~~d~~Development ~~n~~narrative that demonstrates compliance with the requirements of this zoning district and with the ~~t~~Traffic ~~i~~mpact ~~s~~tudy.
2. Detailed Site Plan: A detailed site plan is required for each phase of development. The detailed site plan shall meet the requirements under Subsections 1102.05(A)(7) through (12). In addition to the requirements in these subsections, the site plan shall include: (6/29/06)

- a. The specific location (footprints) of buildings, orientation, setbacks; and pedestrian amenities provided with buildings,
- b. Specific square feet or number of units for each use, floor area ratios or site coverage, as required in Table 1703-1,
- c. Transportation improvements necessary to meet the conditions of the approved master plan,
- d. Parking areas, parking ratios, number of spaces, dimensions, and circulation for structure parking,
- e. Location of public amenities, including the urban design elements required on the ~~Design Elements Map~~, Comprehensive Plan Map X-CRC-3, ~~(5/3/01)~~
- f. Specific internal traffic circulation improvements for all modes of transportation to accommodate projected traffic needs based on the ~~tTraffic iImpact sStudy~~,
- g. Public facilities and private utilities needs and location, and
- h. A ~~dDevelopment nNarrative~~ that demonstrates compliance with the requirements of this zoning district and with the ~~tTraffic iImpact sStudy~~.

D. Modification of Approved Plans:

- 1. **Minor Modification.** The Planning Director shall determine the status of a proposed modification, pursuant to Subsection 1305.01(L). A modification shall be considered minor and thus may be approved by the Planning Director, ~~or designate~~, only if the proposed modification:
  - a. Is consistent with the conditions of the prior approval;
  - b. Complies with all ordinance provisions in effect at the time of the modification, and;
  - c. Does not involve a change in use which results in:
    - i. The deletion of a category of a required use approved in the original application.
    - ii. A decrease in the square footage of land area , residential units or floor area exceeding ~~ten (10%)~~ percent of the "Required" uses approved in the Master Plan.
    - iii. An increase in the amount of residential units, square footage or floor area exceeding ~~ten (10%)~~ 10 percent of the land uses approved in the master plan, provided the applicant demonstrates compliance with this subsection.

- iv. The addition of a major use, such as a large commercial amusement, public use, entertainment, or educational facility, which will generate more traffic or use more public facility capacity than anticipated in the findings or record supporting the original application approval.
  - v. Eliminating a design element identified on the ~~Design Elements Map~~, Comprehensive Plan Map X-CRC-3. (~~5/3/01~~)
  - vi. Disturbing an open space feature identified for protection in the Master Plan approval.
  - vii. A reduction in Level of Service (~~LOS~~), required pavement widths or a change in major access locations or major circulation patterns which force more traffic maneuvers onto public, County, or State roads, unless required by the County.
2. Review of a Minor Modification: A modification which satisfies the criteria listed above shall be reviewed by the Planning Director pursuant to Section 1305. The Planning Director may approve, deny, or approve with conditions the proposed modification in consideration of the following:
- a. The consistency with the prior approval.
  - b. The consistency of the proposed modification with the design approved in the Master Plan, including site layout, architectural design, vehicle and pedestrian circulation, transit amenities, parking areas, scale of structures and treatment of open spaces, plazas and landscaping.
3. Major Modification: A proposed modification not meeting the criteria in subsection 1703.10(D)(1) for a minor modification shall be reviewed as a major modification and is subject to Hearings Officer review pursuant to ~~under~~ Section 13001301. (~~3/14/02~~)

**TABLE 1703-1**

**SPECIFIC REQUIREMENTS FOR PLANNED MIXED USE (PMU) AREA**

Planned Mix Use Area	Section 1.01 <u>Purpose</u>	Section 1.02 <u>Master plan requirements</u>	Uses Allowed but not required	Other requirements
Clackamas Town Center (PMU site 1)	<ul style="list-style-type: none"> <li>• Achieve the highest employment densities in the Clackamas Regional Center area</li> <li>• Provide for development of structured parking</li> <li>• Create a mix of uses, while expanding the site’s role as a major retail center.</li> <li>• Complement the planned LRT facilities.</li> <li>• Create a district accessible by all modes of transportation</li> <li>• Assure that the district is pedestrian accessible and a quality pedestrian environment is created.</li> <li>• Protect key natural features.</li> <li>• Provide necessary infrastructure for development</li> <li>• Provide for housing opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Conceptual master plan for the entire site, detailed site plan for any area to be developed</li> <li>• Master plan for a minimum of 525,000 sf of office</li> <li>• Master plan for at least 200 housing units, demonstrate the ability to build a minimum of 600 units</li> <li>• Master Plan for a minimum of 500,000 sq ft of retail, theater, entertainment, hotel or the equivalent.</li> <li>• Public plaza of .5 to 1.0 acres—may be adjacent to transit facilities</li> <li>• Transit facilities</li> <li>• Entertainment/Recreational facility</li> <li>• Preserve Phillips Creek and enhance Phillips Creek Greenway</li> <li>• Accommodate and provide proportionate share of streetscape improvements on Monterey, 82nd, Sunnyside, and the internal circulation network</li> <li>• Coordinate internal circulation network with the street and transit system.</li> <li>• Comply with Urban Design Elements map</li> </ul>	<ul style="list-style-type: none"> <li>• Expand the mall with retail or other uses</li> <li>• Office: freestanding or mixed use</li> <li>• Housing: freestanding or mixed use</li> <li>• Retail if built in a mixed use facility, or accessory to structure parking.</li> <li>• Hotels</li> <li>• Parking structures and surface parking lots</li> <li>• Freestanding retail if integrated either structurally or through the use of a quality pedestrian environment with the Mall</li> </ul>	

Planned Mix Use Area	Section 1.01 Purpose	Section 1.02 Master plan requirements	Uses Allowed but not required	Other requirements
Clackamas Corner (PMU site 2)	<ul style="list-style-type: none"> <li>• Create a mixed use area with high employment and housing densities, structured parking, and high amenities in urban design</li> <li>• Complement the light rail transit facilities planned adjacent to the site.</li> <li>• Create a district accessible by all modes of transportation</li> <li>• Create a walkable district</li> <li>• Provide for essential public facilities and services.</li> </ul>	<ul style="list-style-type: none"> <li>• Conceptual master plan for the entire site, detailed site plan for entire site. Minimum site size: <u>2 two</u> acres</li> <li>• 50% of the site area must be developed in housing or office.</li> <li>• Comply with Urban Design Elements map</li> </ul>	<ul style="list-style-type: none"> <li>• 50% of the site area may be developed in freestanding or mixed use retail. (RCC retail uses)</li> </ul>	<ul style="list-style-type: none"> <li>• Retail FAR same as RCC.</li> <li>• Office FAR same as ROC.</li> <li>• Residential densities same as RCHD.</li> </ul>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Planned Mix Use Area	Section 1.01 <u>Purpose</u>	Section 1.02 <u>Master plan requirements</u>	Uses Allowed but not required	Other requirements
Toys R Us ODOT (PMU site 3) 	<ul style="list-style-type: none"> <li>• Create a mixed use area with high employment and housing densities, structured parking, and high amenities in urban design</li> <li>• Complement the light rail transit facilities planned adjacent to the site.</li> <li>• Create a district accessible by all modes of transportation</li> <li>• Create a walkable district</li> <li>• Provide for essential public facilities and services.</li> </ul>	<ul style="list-style-type: none"> <li>• Conceptual master plan for the entire site, detailed site plan for any area to be developed. Minimum site size: <u>3 three</u> acres</li> <li>• 50% of the site area must be developed in housing or office.</li> <li>• Comply with Urban Design Elements map</li> </ul>	<ul style="list-style-type: none"> <li>• 50% of the site area may be developed in freestanding or mixed use retail. (RCC retail uses)</li> </ul>	<ul style="list-style-type: none"> <li>• Retail FAR same as RCC.</li> <li>• Office FAR same as ROC.</li> <li>• Residential densities same as RCHD.</li> </ul>

Planned Mix Use Area	Section 1.01 Purpose	Section 1.02 Master plan requirements	Uses Allowed but not required	Other requirements
Southwest Side of 82 <sup>nd</sup> Avenue (PMU site 4)	<ul style="list-style-type: none"> <li>• Create a mixed use area with high employment and housing densities, structured parking, and high amenities in urban design</li> <li>• Complement the Light Rail Transit facilities planned adjacent to the site.</li> <li>• Create a district accessible by all modes of transportation</li> <li>• Assure that the district is pedestrian accessible and a quality pedestrian environment is created</li> <li>• Provide for essential public facilities and services.</li> </ul>	<ul style="list-style-type: none"> <li>• Conceptual master plan for the entire site, detailed site plan for any area to be developed. Minimum site size <u>0.5one-half</u> acres</li> <li>• 50% of the site area must be developed in housing or office.</li> <li>• Comply with Urban Design Elements map</li> </ul>	<ul style="list-style-type: none"> <li>• 50% of the site area may be developed in freestanding or mixed use retail. (RCC retail uses)</li> </ul>	<ul style="list-style-type: none"> <li>• Retail FAR same as RCC.</li> <li>• Office FAR same as ROC.</li> <li>• Residential densities same as RCHD</li> </ul>

Planned Mix Use Area	Section 1.01 <u>Purpose</u>	Section 1.02 <u>Master plan requirements</u>	Uses Allowed but not required	Other requirements
Southgate (PMU site 5)	<ul style="list-style-type: none"> <li>• Create a mixed use area with high employment and housing densities, structured parking, and high amenities in urban design</li> <li>• Complement the LRT facilities planned adjacent to the site.</li> <li>• Create a district accessible by all modes of transportation</li> <li>• Create a walkable district</li> <li>• Provide for essential public facilities and services.</li> </ul>	<ul style="list-style-type: none"> <li>• Conceptual master plan for entire site</li> <li>• Detailed site plan for any area to be developed. Minimum site size: 10 acres</li> <li>• 50% of the site area must be developed in housing or office. If a mixed use building, must be the equivalent of 50% of the site.</li> <li>• Develop local streets, parks and plaza as per Urban Design Elements map of the site</li> </ul>	<ul style="list-style-type: none"> <li>• 50% of the site area may be developed in freestanding or mixed use retail. (RCC retail uses)</li> </ul>	<ul style="list-style-type: none"> <li>• Retail FAR same as RCC.</li> <li>• Office FAR same as ROC.</li> <li>• Residential densities same as RCHD</li> </ul>

**1704 CORRIDOR COMMERCIAL DISTRICT (CC)**

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1704.01 PURPOSE

Section 1704 is adopted to implement the policies of the Comprehensive Plan for Corridor Commercial areas. [Amended by Ord. ZDO-226, 3/7/11]

1704.02 AREA OF APPLICATION

Property may be zoned Corridor Commercial District (CC) when the site has a Comprehensive Plan designation of Corridor Commercial and the criteria in Section 1202 are satisfied.

1704.03 PRIMARY USES

The following ~~are~~ shall be allowed as primary uses in the Corridor Commercial District (CC):

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

[Amended by Ord. ZDO-226, 3/7/11]

1704.04 ACCESSORY USES

The following ~~are~~ shall be allowed as accessory uses in the Corridor Commercial District (CC):

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;
- C. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker;
- D. Recyclable dropoff sites, subject to Section 819;
- E. Bus shelters, subject to Section 823;
- F. Signs, subject to Section 1010;
- F.G. Park-and-ride lots;
- G.H. Bike racks, street furniture, plazas, drinking fountains, and other pedestrian amenities, and transit amenities;
- H.I. Solar energy systemseollection apparatus; and
- J. Rainwater collection systems; and
- ~~H.K. Parking structures. Ground level commercial uses are allowed on the first floor of freestanding parking structures.~~

[Amended by Ord. ZDO-226, 3/7/11]

#### 1704.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The following use may be approved by the Planning Director pursuant to Subsection 1305.02:

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

#### 1704.06 CONDITIONAL USES

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

1. Telephone exchanges, utility substations, railroad right-of-way, and public utility structures, including shops and garages;
2. Radio and television transmission and receiving towers and earth stations provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; and
3. Heliports.

[Amended by Ord. ZDO-226, 3/7/11]

#### 1704.07 PROHIBITED AND PREEXISTING USES

- A. The following uses shall be prohibited:
  1. Uses of structures and land not specifically permitted;
  2. The use of a residential trailer or manufactured dwelling, except as an office in a commercial trailer or manufactured dwelling sales lot, unless specifically authorized pursuant to Section 1204;
  3. New single-family and two-family dwellings; and
  4. Retail uses larger than 60,000 square feet of gross leasable area per building or business in areas designated as Industrial on Comprehensive Plan Map IV-8, Urban Growth Concept, of the Comprehensive Plan.
- B. Lawfully established dwellings shall be allowed to remodel or expand without review under Section 1206.
- C. A lawfully established dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new development.

[Amended by Ord. ZDO-226, 3/7/11]

#### 1704.08 DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  1. Provide for protection of adjacent properties;
  2. Provide for efficient utilization of Corridor Commercial (CC) areas;
  3. Ensure that the minimum operational requirements of the development are provided on-site; and
  4. Site buildings to encourage and support pedestrian and transit access.



- B. Minimum Front Yard Setback: 15 feet.
- C. Maximum Front Yard Setback: 20 feet for buildings at or near a transit stop along a major transit street, as more specifically set forth in Section 1005.
- ~~1. Buildings at or near a transit stop along a major transit street shall have a maximum 20-foot setback from a state, county, or private street.~~
  - ~~2. "At or near" means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection.~~
  - ~~3. Private streets used to satisfy this standard must have curbs, sidewalks, or raised walking surfaces on both sides; street trees; pedestrian-scale street lighting; and must connect at both ends to an existing or future street.~~
  - ~~4. The 20-foot maximum shall apply in both directions along the major transit street and along the intersection street to the depth of the commercial zoning designation. This setback applies to the side of the major transit street having the transit stop, and applies whether the intersecting street is a public street or signalized private road. [See the diagram in Subsection 1005.03(E)(4).]~~
  - ~~5. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback.~~
  - ~~6. This maximum setback requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.~~
- D. Minimum Rear Yard Setback: None, except when the rear yard abuts a more restrictive zoning district, in which case the minimum rear yard setback shall be 15 feet. Ten feet shall be added to the rear yard setback for each 10ten-foot increment in building height over 35 feet.
- E. Minimum Side Yard Setback: None, except when the side yard abuts a more restrictive zoning district, in which case the minimum side yard setback shall be 15 feet. Ten feet shall be added to the side yard setback for each ten10-foot increment in building height over 35 feet.
- F. Minimum Landscaping Area: ~~Ten~~ 10 percent of the lotsite area.

[Amended by Ord. ZDO-226, 3/7/11]

#### 1704.09 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000, and 1100, and 1700.

~~B. Clackamas Regional Center Area: Development within the boundary of the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to Section 1700. If there is a conflict between Section 1704 and Section 1700, Section 1700 shall govern.~~

~~C.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 Section 1704 and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern.~~

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

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

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

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

~~2. D. Road and Access Easement Vacations: Road vacations shall be prohibited in developments unless replaced with a new road or walkway that~~

serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.

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

[Amended by Ord. ZDO-226, 3/7/11]

**1706 REGIONAL CENTER HIGH DENSITY RESIDENTIAL DISTRICT (RCHDR)  
(4/22/10)**

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1706 .01 PURPOSE

Section 1706 is adopted to:

- A. Allow mixed use with an emphasis on high density housing;
- B. Provide for densities that support public transportation;
- C. Provide multifamily housing in locations accessible by all modes of transportation, particularly public transportation;
- D. Provide high density housing close to public transit, employment centers, parks, and shopping areas; and
- E. Implement the policies of the Clackamas Regional Center Area Design Plan.

1706.02 AREA OF APPLICATION

~~This district is to be applied to those areas that are particularly suited for intensive low-, mid- and high-rise residential developments.~~ Property may be zoned designated Regional Center Special High Density Residential (RCHDR) when one of the following criteria, and the criteria under Section 1202, are satisfied:

- A. The site has been designated Special High Density Residential on the Comprehensive Plan and Clackamas Regional Center Area Design Plan;
- B. The site is within one-quarter mile of a designated high capacity transit corridor;
- C. The site is within the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center and Corridors. (5/3/01)

1706.03 PRIMARY USES

- A. Multifamily dwellings; (3/24/05)
- B. Congregate housing facilities; (3/24/05)
- C. Condominiums, subject to Section 803; (3/24/05)
- D. Nursing homes, subject to Section 810; (3/24/05)
- E. Utility carrier cabinets, subject to Section 830; (3/24/05)

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

1706.04 ACCESSORY USES

- A. Indoor and outdoor recreational facilities such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development.
- ~~B. Parking and loading structures and areas provided in conjunction with a primary or limited use, subject to the limitations of Subsection 1706.10 and Section 1007. (3/14/02)~~
- ~~C. Bike racks, street furniture and drinking fountains, kiosks, art sculptures, and other pedestrian amenities, and transit amenities.~~
- ~~D. Rental and development information offices.~~
- ~~E. Handyman and maintenance services in association with primary, accessory, or limited uses in the development.~~
- ~~F. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker.~~
- ~~G. Self-service laundry facilities.~~
- ~~H. Solar energy system collection apparatus.~~
- ~~I. Family day-care providers home facilities, as defined in Section 202.~~
- ~~J. Transit pPark-and-ride facilities.~~
- ~~K. Parking sStructures.~~
- ~~L. Home occupations, subject to Section 822. (4/22/10)~~
- ~~M. Electric vehicle charging stations.~~
- ~~N. Rainwater collection systems.~~

1706.05 LIMITED USES

Office, retail, and service uses may be included in a Regional Center Special High Density Residential (RCHDR) development subject to the provisions set forth below.

- A. Office, retail, and service commercial uses, listed ~~under B below~~ in 1706.05(B), may be allowed as part of a development in this district when developed concurrently with, or after, the primary use, subject to the following limitations and conditions:
1. Limited uses are allowed only when the minimum residential density for the development site is met.
  2. Limited uses may be in the same building as a primary use or a separate building within the development.
  3. No outdoor storage of materials or display of merchandise associated with the limited use shall be allowed.
  4. ~~All limited uses shall comply with the dimensional requirements and development standards under Subsections 1706.09 and 1706.10, Section 1000 and Section 1700. (3/14/02)~~

B. Limited uses may be as follows:

1. Neighborhood Commercial uses as listed in Subsection 501.03.
2. Drinking establishments.
3. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited office uses.
4. Duplicating services.
5. Self-service postal facilities.
6. Banking facilities, except drive-through window facilities
7. Offices: Accountants, investment counselors, consultants, attorneys, architects, engineers, artists, designers, writers, musicians, dancers.
8. Any retail or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 1706.05(B) and consistent with the Comprehensive Plan and the purposes of this section. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

1706.06 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)

1706.07 CONDITIONAL USES

- A. Conditional uses may be allowed subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)
  - 1. Shall have minimal adverse impact on the livability, value, and appropriate development in the surrounding area, considering location, size, design, and operating characteristics of the use; (5/22/03)
  - 2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures on the premises and surrounding area; (5/22/03)
  - 3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and (5/22/03)
  - 4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration that can be detected off the premises of the use. (5/22/03)
- B. Uses allowed subject to Subsections 1706.07(A)(1) through (4) the above conditions are:
  - 1. Churches, subject to Section 804; (5/22/03)
  - 2. Service and recreational uses listed in Subsections 813.01(B) and (C), subject to Section 813; (5/22/03)
  - 3. Health clubs and recreational uses that exceed an accessory use, limited use, or service and recreational use; (5/22/03)
  - 4. Hotels and associated convention facilities.
- C. Uses allowed that are not subject to ~~Subsections 1706.0807~~1706.07(A)(1) through (4) are: (3/14/02)
  - 1. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835. (3/14/02)

1706.08 PROHIBITED AND PREEXISTING USES

- A. Uses of structures and land in a manner not specifically permitted in this section shall be prohibited in all Regional Center Special High Density Residential (RCHDR) districts.
- B. Preexisting legally established commercial uses may be remodeled or expand subject to staff review with public notice pursuant to subsection 1305.02, when the following conditions are satisfied:
  - 1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the surrounding area.
  - 2. Area Limitation: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.
  - 3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.
- C. Lawfully established single-family dwellings or residential homes may be remodeled or expanded without review under Section 1206. (3/24/05)
- D. A new lot may be created for a lawfully established single-family dwelling provided that the remaining lot shall be a minimum of three acres in size. (3/24/05)
- E. Lawfully established preexisting dwellings shall comply with the setback standards of Section 301. (3/24/05)
- F. Any lot less than three acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 1706.09(B)(1). (4/13/06)
- G. All other preexisting legally established structures and uses not specifically permitted as a primary use in Subsection 1706.03 shall be nonconforming uses subject to ~~provisions of~~ Section 1206.

1706. 09 DIMENSIONAL STANDARDS~~REQUIREMENTS~~

- A. Purpose: ~~The purpose of these requirements and limitations~~ dimensional standards are intended to:
  - 1. Provide for appropriate intensity of uses, and ensure the advantage and prominence of the primary uses of this district:-

2. Encourage coordinated development of large areas, and the most efficient and maximum use of special high density areas;:-
3. Provide for adequate structure separations to ensure air and light access, ~~and fire safety, and protection for all developments~~ site areas and structures ~~within the district and adjoining districts~~;-
4. Preserve opportunities for, and encourage the use of, active or passive solar energy systems in the development of any site area within or adjoining this district;:-
5. Ensure the provisions of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents;:- and
6. Provide connectivity between uses both within the site and to public transit, shopping areas, employment areas, schools and parks.

B. General Requirements: ~~T~~the following dimensional standards apply ~~to all development in this zoning district~~:

1. Site Area Requirements: A minimum gross site area of three ~~(3)~~ acres, including land dedicated for roadway purposes, shall be required for developments combining primary, accessory, and limited uses. "Site area" for purposes of this section shall be one of the following:
  - a. A single tax lot,; or two or more contiguous tax lots under the same ownership.
  - b. Two or more contiguous tax lots under separate ownership, provided that:
    - i. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
    - ii. All individual tax lot ownership's are converted into development shares prior to any building permit being issued for the project, or
    - iii. The group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownership's to the development plan for the site areas approved by the County.

No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the approved development plan for the site area.

- c. Undersized Site Areas: Primary and accessory uses may be established on less than three-~~(3)~~-acre site areas which are physically separated from all other undeveloped or underdeveloped properties in this district.

2. Setbacks:

- a. Minimum Front ~~Yard~~Lot Line Setback: Five~~(5)~~ feet, except buildings with residential uses only shall be set back a minimum of fifteen~~(15)~~ feet.
- b. Maximum Front ~~Yard~~Lot Line Setback: Twenty~~(20)~~ feet, except there is no maximum for buildings used exclusively for residential purposes.
  - i. Pedestrian amenities are required in the setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.
  - ii. The maximum setback may be exceeded to accommodate for plazas identified ~~designated~~ on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements. (5/3/01)
- c. Minimum Side Yard~~Lot Line~~ Ssetback: Zero (0)~~There is no minimum~~ except when abutting an Open Space Management District~~zone (OSM)~~ or more restrictive residential zoning district~~zone~~. The minimum setback is fifteen (15) feet when a development abuts one of these zoning districts.
- d. Minimum Rear Yard~~Lot Line~~ Ssetback: There is no minimum except when abutting an Open Space Management zoning district~~zone~~ or more restrictive residential zoning district~~zone~~. The minimum setback is twenty~~(20)~~ feet when a development abuts one of these zoning districts~~zones~~.

~~3. 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 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.~~

~~4. On-Site Building Separation Requirements. The minimum north-south and east-west separation distance between two onsite structures, and the separation distance between a structure and site area line south of~~

~~said structure, except when abutting a public, county or state road, shall be as prescribed by the Building Code, the fire district, and the development standards of this Ordinance.~~

~~5.3. Minimum North-South Separation:~~ The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. ~~(For purposes of this provision, the "top of the structure" shall be that part or projection of the structure which first intersects a 60-degree angle projecting toward the ground north of the building).~~ This provision shall be modified as follows:

- a. Intervening streets and ~~fifteen~~(15) feet of setback into the property on the north side of said street may be included in the required separation distance.
- b. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site falls within the required separation distance.
- c. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection ~~1706.09(B)(4)1706.10(F)(5)~~, below, that area may be included in the required separation distance. (3/14/02)

~~6.4. North-South Separation Easements.~~ An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:

- a. Documentation and a map of the easement is submitted with the development plans for the site areas in question; ~~and~~
- b. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; ~~and~~
- c. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.

~~7.5. Maximum East-West Separation:~~ The maximum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure (see illustration).

Formula: Separation = b x .267 (tan 15 degrees)

~~8.~~ ~~6.~~ Separation Exception: The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided: that

~~a.~~ ~~The proposed connection satisfies all building code and fire district requirements; and~~

~~b.~~ ~~The proposed connection is approved as part of the development plans for the affected site areas.~~

~~7.9.~~ ~~Minimum Landscaping and Outdoor Surface Area Buffers: Outdoor surface areas equal to twenty (20) percent of the lot net site area, as set forth in Section 1009 and Subsections 1706.10(D) and (E) shall be developed and accessible open space uses including landscaped and natural areas, courtyards, pedestrian plazas, onsite walkways and bikeways, outdoor recreational areas and facilities, and shared yards, decks, terraces, patios, or roof gardens. Surfaces used for auto and truck circulation, parking, and loading may not be used to satisfy this requirement.~~

~~a.~~ ~~Up to five (5) percent credit towards the minimum landscape standards may be granted cumulatively for courtyards, rooftop gardens, atriums gardens and other similar amenities which provide private outdoor space.~~

~~b.~~ ~~In all cases, parking area landscaping, screening and street tree requirements must be met.~~

~~e.~~ ~~When living areas face the street, usable balcony space may be applied toward achieving the minimum landscaped area standards on a 1:2 ratio (one square foot of credit for every two square feet of balcony space facing the street). The balconies must have non-opaque sides, and be designed to be incorporate landscaping or other decorative features.~~

C. ~~Exceptions to Setback and Separations Requirements: The standards requirements of Section 1706.09 this section are not subject to the modifications under Sections 903 and 904. However, these standards requirements may be modified in the development review process, pursuant to the procedures for staff review with notice under Subsection 1305.02. Approval shall not be granted unless:-~~

1. The purposes set forth under Subsection 1706.09(A) are addressed and satisfied in the proposed design of the development, and (3/14/02)



2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.

1706. 10 DEVELOPMENT STANDARDS

~~All development within this district is subject to the review procedures and application requirements under Section 1100 and the development standards under Section 1000. In addition, the following specific standards, requirements, and objectives shall apply to development in this district.~~

~~A. Clackamas Regional Center Area Design Plan: All development shall comply with the Clackamas Regional Center Area Design Plan and the provisions of Section 1700 of the Zoning and Development Ordinance.~~

A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, and 1700.

B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.

CB. Density: The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be determined by completing the steps set forth in Subsections 1012.08(A) and (B). (3/24/05)

~~C. Building Siting and Design: Subject to the provisions of Section 1005 and 1700, and the following specific requirements:~~

~~1. Private Outdoor Living Space: Residential units are encouraged to provide usable private outdoor space. Residential units that provide usable private open space facing streets may receive credit towards minimum landscaping area requirements as provided for in Section 1009.02B;~~

~~2. Emergency Vehicle Access: Buildings shall be sited to maximize access by emergency vehicles.~~

~~D. Offstreet Parking and Loading Requirements: Parking and loading areas shall be developed in accordance with the provisions of Section 1007 and the following:~~

~~1. Up to twenty (20) percent of the spaces provided for primary uses may be utilized to meet the parking requirements for those limited uses on the same site which have days and hours of operation which do not conflict with the use of these spaces for primary uses. This percentage may be increased subject to the provisions of Subsection 1007.07A5.~~

- ~~2. Required parking or loading spaces shall not be used for storing of recreational vehicles, campers, or boats.~~

D. Landscaping and Outdoor Surface Area: The minimum landscaping percentage in Subsection 1706.09(B)(7) shall be met with shared outdoor surface areas, including landscaping; courtyards; pedestrian plazas; areas dedicated for parks; onsite walkways and bikeways; recreational areas and facilities; and yards, decks, terraces, patios, and roof gardens. In addition, indoor recreational facilities may be counted toward meeting the minimum area standard, as set forth in Subsection 1706.10(E), and private outdoor areas may be counted toward meeting the minimum area standard, as follows:

1. A maximum of 25 percent of the minimum landscaping and outdoor surface area may be comprised of usable private outdoor space, except that the 25-percent cap does not apply to usable private open space facing streets and accessory to residential development.
2. When living areas face the street, usable balcony space may be applied toward achieving the minimum landscaping and outdoor surface area standard on a 1:2 ratio (one square foot of credit for every two square feet of balcony space facing the street). The balconies must have non-opaque sides, and be designed to incorporate landscaping or other decorative features.

E. Recreational Facilities: ~~Every Special High Density A~~ residential development shall provide a least one ~~(1)~~ of the following recreational facilities for the first 60 dwelling units, or portion thereof, and at least one ~~(1)~~ additional facility for every additional 120 dwelling units, or portion thereof. ~~A reduction in the twenty(20) percent open space requirement may be considered when indoor recreational facilities over and above the minimum standard, as well as all outdoor recreational facilities, may be counted toward the minimum landscaping and outdoor surface area requirement of Subsection 1706.09(B)(7) are substituted for net site area. Outdoor recreational facilities, including areas dedicated for parks, may be included to satisfy the open space requirement.~~

1. An 800 square foot or larger heated swimming pool.
2. A minimum 1,000 square foot exercise room with exercise equipment and mats.
3. Two handball/racquetball courts.
4. Whirlpool and sauna or steam bath rooms.
5. Minimum 1,200 square foot game room with pool and ping pong tables, folding tables and chairs, and kitchenette.

6. An 800 square foot shop equipped with hand tools, work benches, storage shelves, lockers, and ventilation.
  7. A 400 square foot greenhouse with all-season solar exposure, equipped with benches, water, ventilation, summer shading materials, and storage areas for pots, tools, potting soil, fertilizers, etc.
  8. 3,000 square feet of hard surface play area, such as a tennis court, basketball court, or roller-skating area.
  9. 4,200 square feet of soft surface play area with equipment provided for lawn games such as volleyball, badminton, croquet, or horseshoes.
  10. Any other similar facility, as determined by the Planning Director, or designate.
- F. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.  
(12/20/07)

**1707 STATION COMMUNITY MIXED USE DISTRICT (SCMU)**

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**1707.01 PURPOSE**

Section 1707 is adopted to implement the policies of the Comprehensive Plan for Station Community Mixed Use areas. [Added by Ord. ZDO-226, 3/7/11]

**1707.02 AREA OF APPLICATION**

Property may be zoned Station Community Mixed Use District (SCMU) when the site has a Comprehensive Plan designation of Station Community Mixed Use and the criteria in Section 1202 are satisfied. [Added by Ord. ZDO-226, 3/7/11]

**1707.03 PRIMARY USES**

Except where prohibited by Subsection 1707.05, the following shall be allowed as primary uses:

- A. Residential Uses: Attached single-family dwellings; three-family dwellings; multifamily dwellings; congregate housing facilities; and nursing homes, subject to Section 810;
- B. Office Uses: These uses are characterized by activities conducted in an office setting and focused on business, government, professional, health, or financial services. Examples include photocopy and mailing services; employment agencies; legal, financial, architectural, and engineering services; banks and credit unions; medical, dental, acupuncture, physical therapy, or similar clinics; and counseling services;
- C. Retail and Personal Service Uses with less than 40,000 square feet of gross leasable ground floor area per building or business: These uses involve the sale, lease or rent of new or used products to the public. They also may provide personal services, hospitality, or product repair or services for consumer and business goods. Examples include retail stores for clothing, furniture, groceries, books, home improvement and home decorating goods, and office or home business supplies; pharmacies; restaurants, cafes, and retail bakeries; and services such as travel agents, barber and beauty salons, and dry cleaners;
- D. Institutional/Civic/Cultural Uses: These uses involve activities of a public, nonprofit, or charitable nature. (For-profit ventures similar to those covered under Subsection 1707.03(D) are not necessarily prohibited in the Station Community Mixed Use District, but would have to be consistent with

Subsection 1707.03(C).) They provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples of permitted Institutional/Civic/Cultural uses include daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit facilities and park-and-ride facilities; fire stations, police stations and other structures providing necessary municipal services. Schools are not subject to Section 805, and churches are not subject to Section 804;

- E. Manufacturing uses with less than 10,000 square feet of gross leasable area per building if part of a mixed use development and if the total amount of manufacturing use represents less than 25 percent of the mixed use development: These uses involve the manufacturing, processing, fabrication, packaging, or assembling of goods; natural, man-made, raw, secondary, or partially completed materials may be used. Products are made for the wholesale market, transfer to other plants, or to order for firms or consumers. Examples include ceramics, pottery, stained glass, leatherwork, jewelry, and similar crafts manufacturing; upholstery shops; carpentry, and other woodcraft manufacturing; research offices and laboratories, including testing facilities;
- F. Parks and Open Space Uses: These uses include natural areas with mostly vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares. These elements are used for public recreation or for preservation or enhancement of areas with scenic or ecological significance;
- G. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; and
- H. Any use that the Planning Director finds to be similar to one or more of those listed in Subsections 1707.03(A) through (H). A request for a determination under Subsection 1707.03(H) shall be processed as an Interpretation pursuant to Subsection 1305.03.

[Added by Ord. ZDO-226, 3/7/11]

#### 1707.04 ACCESSORY USES

The following shall be allowed as accessory uses:

- A. Uses and structures customarily accessory and incidental to a primary use;
- B. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise rooms, community meeting rooms, lounges,

playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts;

- C. Repair and maintenance services;
- D. Home occupations, subject to Section 822;
- E. Family daycare providers;
- F. Self-service laundry facilities;
- G. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;
- H. 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;
- I. Bus shelters, subject to Section 823;
- J. Park-and-ride lots;
- K. Bike racks, street furniture, plazas, drinking fountains, and other pedestrian and transit amenities;
- L. Utility carrier cabinets, subject to Section 830;
- M. Satellite dishes;
- N. Solar energy system~~collection apparatus~~; and
- O. Rainwater collection systems;
- P. Electric vehicle charging stations; and
- QØ. Parking structures.

[Added by Ord. ZDO-226, 3/7/11]

#### 1707.05 PROHIBITED USES

The following uses shall be prohibited:



- A. Uses of structures and land that are not within one of the primary use categories in Subsection 1707.03 or identified as an accessory use in Subsection 1707.04; and
- B. The following uses, even if part of a primary use category in Subsection 1707.03:
  - 1. Detached single-family dwellings;
  - 2. Two-family dwellings;
  - 3. The use of a residential trailer or manufactured dwelling, unless ~~specifically~~ authorized pursuant to Section 1204;
  - 4. Businesses involving storage, display, or sale of explosive or incendiary devices;
  - 5. ~~Drive-through~~ thru window service or drive-up facilities;
  - 6. Outdoor displays, processes, or storage, except for the storage of solid waste and recyclables either as required by Section 1021 or as an accessory use to an attached single-family dwelling;
  - 7. Service stations or fuel yards;
  - 8. Industrial service firms engaged in repair or service of industrial or business machinery, equipment, products, or by-products;
  - 9. Truck stops, including hotels, restaurants, and other services that are part of a truck stop;
  - 10. Mini-storage facilities;
  - 11. Moving equipment rental;
  - 12. Storage, sales, repair, and service of equipment, machinery, and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction, or similar activities, and for automobiles, trucks, boats, motorcycles, recreational vehicles, residential trailers, and manufactured dwellings;
  - 13. Commercial parking facilities which are not accessory to a primary use. A facility that provides both accessory parking for a primary use

and regular fee parking for people not connected to the use is also classified as a commercial parking facility. Examples include short- and long-term fee parking facilities, commercial shuttle parking, and mixed parking lots (partly for a specific use, partly for rent to others);

14. Sheet metal and machine shops;
15. Warehouse, freight movement, and distribution firms involving the storage or movement of goods for themselves or other firms;
16. Waste-related uses characterized by receiving solid or liquid wastes from others for disposal on the site or for transfer to another location, collection of sanitary wastes, manufacture or production of goods or energy from the biological decomposition of organic material (composting), or receiving hazardous wastes from others subject to regulations of Oregon Administrative Rules 340.100 through 340.110, Hazardous Waste Management. Recyclable dropoff sites are included in this category; and
17. Power production facilities, including electrical power cogeneration, or production of renewable fuel resources such as alcohol, methanol, and biomass for retail or wholesale distribution.

[Added by Ord. ZDO-226, 3/7/11]

#### 1707.06 NONCONFORMING DWELLINGS AND CONVERSION OF DWELLINGS

- A. Dwellings classified as nonconforming uses shall be allowed to remodel or expand without review under Section 1206.
- B. A lawfully established dwelling may be converted to any use permitted in the Station Community Mixed Use District (SCMU) district, subject to all requirements of this Ordinance for new development.
- C. All other lawfully established structures and uses not specifically permitted in Section 1707 shall be nonconforming uses subject to Section 1206.

[Added by Ord. ZDO-226, 3/7/11]

#### 1707.07 DIMENSIONAL STANDARDS

The following dimensional standards shall apply:

- A. Minimum Lot Size: New lots of record shall be a minimum of one-half acre, except that the minimum shall be 2,000 square feet for a lot developed with an attached single-family dwelling.
- B. Minimum Street Frontage: 100 feet for a new lot of record, except that the minimum for a lot developed with an attached single-family dwelling shall be 20 feet. A new lot of record with frontage on more than one street shall meet the minimum on each street.
- C. Minimum Driveway Spacing: Driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the *Clackamas County Roadway Standards*.
- D. Minimum Density: The minimum density for residential development shall be 20 dwelling units per net acre. Net acreage shall be determined by completing the steps set forth in Subsections 1012.08(A) and (B). However, there is no minimum density standard applicable to mixed-use development.
- E. ~~Minimum Landscaping Area: 10 percent of the lot, except that the minimum is 15 percent for developments of three-family or multifamily dwellings, including mixed-use developments that include these uses.~~

[Added by Ord. ZDO-226, 3/7/11]

1707.08 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000, 1100, and 1700.
- B. Clackamas Regional Center Area: Development within the boundary of the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, shall be subject to Section 1700. ~~If there is a conflict between Section 1707 and Section 1700, Section 1700 shall govern.~~
- C. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan. ~~If there is a conflict between Section 1707 and a Community or Design Plan, the Community or Design Plan shall govern.~~

- D. Landscaping: In developments of three-family or multifamily dwellings, including mixed-use developments that include these uses, outdoor recreational areas shall be provided pursuant to Subsection 1009.06.
1. The requirement shall apply only to the first 20 dwelling units per acre, or prorated equivalent thereof.
  2. The amount of required outdoor recreational area may be reduced, to the minimum extent necessary, if—when combined with the minimum landscaping requirements of Subsections 1009.04, 1009.05, and 1700.05(L)—full compliance would result in landscaping more than 15 percent of the lot.

E. Motor Vehicle Parking shall comply with Section 1015 and the following:

- ~~1. For developments of single family attached dwellings, a minimum of one and a maximum of two off-street parking spaces per dwelling unit shall be provided. The required parking space shall not be used for storing a recreational vehicle, camper, or boat.~~
- ~~2. For three family and multifamily dwellings, off-street parking spaces shall be provided pursuant to Subsection 1007.07.~~
1. ~~3. Non-residential development shall comply with the minimum and maximum parking requirements in Subsection 1007.07, provided that~~ 3. Non-residential development shall comply with the minimum and maximum parking requirements in Subsection 1007.07, provided that ~~the total amount of parking provided for non-residential development (either onsite or offsite) shall not exceed the parking cap pursuant to Subsections 1707.08(E)(1)(a) and (b), regardless of the size of the proposed development or the number of pre-existing parking spaces.~~
  - a. The parking cap for a development site shall be based on the gross site size.
  - b. The parking cap shall be determined as follows:

$\text{Total gross acres of the development site} \times 67 \text{ parking spaces} = \text{Parking Cap}$
--

- ~~2. 4. On-street parking may be counted toward compliance with the minimum number of parking spaces required pursuant to Subsection~~

~~1007.071015.04~~ or Subsection 1707.08(E), subject to the following standards:

~~a.~~ a.—The following constitutes one on-street parking space:

- i. Parallel parking, each 22 feet of uninterrupted curb;
- ii. Diagonal parking (45/60 degree), each 12 feet of uninterrupted curb; or
- iii. Perpendicular (90 degree) parking, each 12 feet of uninterrupted curb.

~~b.~~ ~~An on-street parking space may be counted when it is on the block face abutting the subject development, does not obstruct a required clear vision area, and does not violate any law or street standard.~~

~~b.~~ e.—On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

F. Public Facilities: The County shall require the provision of, or participation in, the development of public facility improvements to implement the Clackamas Regional Center Area Plan. Such improvements include, but are not limited to, the following:

1. Road dedications and improvements;
2. Traffic signals;
3. Transit facilities;
4. Sidewalks, crosswalks, bump-outs, and other pedestrian improvements;
5. Storm drainage facilities;
6. Sewer and water service lines and improvements;

7. Underground utilities;
8. Street lights;
9. Street trees and other landscaping; and
10. Open space, greenways, plazas, and parks.

G. Hazardous Materials: No hazardous materials in quantities classified under Group H, Division 1 or Division 2 occupancies under the Oregon Structural Specialty Code shall be stored or used on the premises.

H.– Maintenance Mechanisms: The County may require the formation of a maintenance agreement or other suitable mechanism, to be recorded in the deed of the subject property, to ensure that the following maintenance responsibilities are adequately addressed:

1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting; and
2. To maintain landscaping, street furniture, storm drainage, and similar streetscape improvements developed in the public right of way.

I. Signs: The standards in Section 1010 that apply generally in all zoning districts are applicable in the Station Community Mixed Use Zone. In addition:

1. Attached single-family dwellings and three family dwellings are subject to Subsection 1010.06(A) ~~and each dwelling unit may have one sign.~~
2. Developments of multifamily dwellings are subject to Subsection 1010.06(C).
3. All other developments, including mixed-use developments, are subject to Subsection 1010.09, except:
  - a. Pole signs, electronic message center signs, and other changeable copy signs are prohibited.
  - b. Monument signs shall not exceed a height of six feet or an area of 60 square feet, regardless of the number of tenants.



- c. Building signs may be projecting signs, and projecting signs are subject to the following standards:
  - i. A maximum of one projecting sign per entrance per tenant is permitted.
  - ii. A projecting sign shall project no more than four feet from the building or one-third the width of an abutting sidewalk or walkway, whichever is less. However, if there is no wall sign on the same building façade, the sign shall project no more than six feet from the building.
  - iii. A projecting sign shall not exceed 12 square feet per side, excluding the support brackets. However, if there is no wall sign on the same building façade, the sign shall not exceed 24 square feet per side, excluding the support brackets.

[Added by Ord. ZDO-226, 3/7/11]



  
**CLACKAMAS**  
COUNTY  
PUBLIC SERVICES BUILDING  
OFFICE OF COUNTY COUNSEL  
2051 KAEN ROAD | OREGON CITY, OR 97045

DEPT OF

MAY 05 2011

LAND CONSERVATION  
AND DEVELOPMENT

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

