

# CLACKAMAS COUNTY, OREGON ZONING AND DEVELOPMENT ORDINANCE

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## TABLE OF CONTENTS

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### **SECTION 100: INTRODUCTORY PROVISIONS**

- [101 Title](#)
  - [102 Purpose and Scope](#)
  - [103 District Designations](#)
  - [104 Summary of Procedures](#)
- 

### **SECTION 200: GENERAL DEFINITIONS**

- [201 General](#)
  - [202 Definitions](#)
- 

### **SECTION 300: URBAN AND RURAL RESIDENTIAL DISTRICTS**

- [301 Urban Low Density Residential \(R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30\)](#)
- [302 Medium Density Residential District \(MR-1\)](#)
- [303 High Density Residential \(HDR\)](#)
- [304 Special High Density Residential \(SHD\)](#)
- [305 Recreational Residential District \(RR\)](#)
- [306 Mountain Recreational Resort District \(MRR\)](#)
- [307 Rural Area Single Family Residential District \(RA-1\)](#)
- [308 Rural Area Single Family Residential District \(RA-2\)](#)
- [309 Rural Residential Farm Forest 5 Acre \(RRFF-5\)](#)
- [310 Farm Forest 10 Acre District \(FF-10\)](#)
- [311 Planned Medium Density Residential \(PMD\)](#)
- [312 Hoodland Residential District \(HR\)](#)
- [313 Medium High Density Residential District \(MR-2\)](#)

[314 Future Urbanizable 10 Acre District \(FU-10\)](#)

---

**SECTION 400: NATURAL RESOURCE DISTRICTS**

[401 Exclusive Farm Use District \(EFU\)](#)

[406 Timber District \(TBR\)](#)

[407 AG/Forest District \(AG/F\)](#)

---

**SECTION 500: COMMERCIAL DISTRICTS**

[501 Neighborhood Commercial \(NC\)](#)

[502 Community Commercial \(C-2\)](#)

[503 General Commercial \(C-3\)](#)

[504 Rural Tourist Commercial District \(RTC\)](#)

[505 Rural Commercial \(RC\)](#)

[506 Planned Commercial District \(PC\)](#)

[507 Office Commercial \(OC\)](#)

[508 Retail Commercial \(RTL\)](#)

[509 Office Apartment District \(OA\)](#)

---

**SECTION 600: INDUSTRIAL DISTRICTS**

[601 Campus Industrial \(CI\)](#)

[602 Light Industrial District \(I-2\)](#)

[603 General Industrial District \(I-3\)](#)

[604 Rural Industrial District \(RI\)](#)

[606 Business Park District \(BP\)](#)

---

**SECTION 700: SPECIAL DISTRICTS**

[701 General Provisions](#)

[702 Open Space Management \(OSM\)](#)

[703 Flood Management District \(FMD\)](#)

[704 River and Stream Conservation Area \(RSCA\)](#)

[705 Willamette River Greenway \(WRG\)](#)

[707 Historic Landmark \(HL\), Historic District \(HD\), and Historic Corridor \(HC\)](#)

[708 Mineral & Aggregate Overlay District \(MAO\)](#)

[709 Conservation Wetland District \(CW\)](#)

[710 Sensitive Bird Habitat District \(SBH\)](#)

[711 Government Camp Open Space Management District \(GCOSM\)](#)

[712 Private Use Airport & Safety Overlay Zone](#)

[713 Public Use Airport & Safety Overlay Zones](#)

---

## **SECTION 800: SPECIAL USE REQUIREMENTS**

[801 General Provisions](#)

[802 Two- and Three-Family Dwellings](#)

[803 Condominiums](#)

[804 Churches](#)

[805 Schools](#)

[807 Daycare Facilities](#)

[808 Cemeteries, Crematories](#)

[809 Hospitals](#)

[810 Nursing Homes](#)

[813 Service and Recreational Uses](#)

[814 Drive-In Theaters](#)

[817 Auto Wrecking Yards and Junk Yards](#)

[818 Surface Mining](#)

[819 Sanitary Landfills, Debris Fills, Recycling Centers, Transfer Stations, and Recyclable Dropoff Sites](#)

[820 Service Stations](#)

[821 Livestock](#)

[822 Home Occupations](#)

[823 Bus Shelters](#)

[824 Manufactured Dwellings](#)

[825 Manufactured Dwelling Parks](#)

[827 Drive-Thru Window Service](#)

[829 Hydroelectric Facilities](#)

[830 Utility Carrier Cabinets](#)

[831 Adult Business](#)

[832 Bed and Breakfast Residences and Inns](#)

[833 Guest Houses and Studios](#)

[834 Composting/Yard Debris Processing Facility](#)

[835 Wireless Telecommunication Facilities](#)

## **SECTION 900: GENERAL PROVISIONS AND EXCEPTIONS**

[901 General Provisions](#)

[902 Lot Size Exceptions and Modifications](#)

[903 Setback Exceptions](#)

[904 Other Exceptions](#)

---

## **SECTION 1000: DEVELOPMENT STANDARDS**

[1001 General Provisions](#)

[1002 Protection of Natural Features](#)

[1003 Hazards to Safety](#)

[1004 Historic Protection](#)

[1005 Building Siting and Design](#)

[1006 Utility Lines and Facilities](#)

[1007 Roads, Circulation and Parking](#)

[1008 Storm Drainage](#)

[1009 Landscaping](#)

[1010 Signs](#)

[1011 Open Space and Parks](#)

[1012 Density](#)

[1013 Planned Unit Developments](#)

[1014 Design Standards for Land Divisions](#)

[1016 Multi-Use Development](#)

[1017 Solar Access Ordinance For New Development](#)

[1018 Solar Balance Point/Infill Ordinance](#)

[1019 Solar Access Permit Ordinance](#)

[1020 Property Line Adjustments](#)

[1021 Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments](#)

[1022 Concurrency](#)

---

## **SECTION 1100: DEVELOPMENT REVIEW PROCESS**

[1101 General Provisions](#)

[1102 Design Review](#)

[1103 Open Space Review](#)

[1104 Development Schedule, Completion of Improvements and Bonding](#)

[1105 Subdivisions](#)

[1106 Partitions](#)

---

## **SECTION 1200: CRITERIA FOR DISCRETIONARY PERMITS**

[1201 General Provisions](#)

[1202 Zone Change](#)

[1203 Conditional Use](#)

[1204 Temporary Permits](#)

[1205 Variance](#)

[1206 Nonconforming Use](#)

---

## **SECTION 1300: ADMINISTRATIVE ACTION REVIEW PROCESS**

[1301 General Provisions](#)

[1302 Notice of Initial Hearings on Proposed Action](#)

[1303 Initial Hearing on Proposed Actions, Orders](#)

[1304 Final Decision and Appeal Procedures](#)

[1305 Administrative Responsibility of the Planning Director](#)

---

## **SECTION 1400: LEGISLATIVE CHANGES**

[1401 Initiation](#)

[1402 Procedure for Legislative Amendments of Text](#)

---

## **SECTION 1500: FEES**

[1501 Purpose](#)

[1502 General Provisions](#)

---

## **SECTION 1600: SUNNYSIDE VILLAGE**

[1600 Village General Provisions](#)

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[1602 Village Park Provisions](#)

[1603 Village Standard Lot Residential District \(VR-5/7\) and Village Small Lot Residential District \(VR-4/5\)](#)

[1604 Village Townhouse District \(VTH\)](#)

[1605 Village Apartment District \(VA\)](#)

[1606 Village Community Service District \(VCS\)](#)

[1607 Village Office District \(VO\)](#)

[1608 Village Commercial District \(VC\)](#)

---

## **SECTION 1700: CLACKAMAS REGIONAL CENTER AREA**

[1700 Clackamas Regional Center Area General Provisions \(CRC\)](#)

[1701 Regional Center Office \(RCO\)](#)

[1702 Regional Center Commercial \(RCC\)](#)

[1703 Planned Mixed Use \(PMU\)](#)

[1704 Corridor Commercial \(CC\)](#)

[1705 Low Traffic Impact Commercial \(LTIC\)](#)

[1706 Regional Center High Density Residential \(RCHDR\)](#)

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(LAST TEXT REVISION 3/24/05)

## SECTION 100 - INTRODUCTORY PROVISIONS

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### 101 TITLE

This Ordinance shall be known and may be cited and referred to as the "Clackamas County, Oregon, Zoning and Development Ordinance."

(LAST TEXT REVISION 11/27/96)

## SECTION 100 - INTRODUCTORY PROVISIONS

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### 102 PURPOSE AND SCOPE (6/26/03)

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<a href="#">102.01</a>	
<a href="#">102.02</a>	CONFORMANCE REQUIRED
<a href="#">102.03</a>	VIOLATIONS
<a href="#">102.04</a>	JURISDICTION
<a href="#">102.05</a>	INTERPRETATION
<a href="#">102.06</a>	SAVING CLAUSE
<a href="#">102.07</a>	CONFLICTING ORDINANCES

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#### 102.01

This Ordinance is enacted to implement the goals and policies of the County Comprehensive Plan and to provide methods of administration and enforcement of the provisions herein described, as authorized by Sections 215.010 to 215.615, and subsequent amendments of the Oregon Revised Statutes.

#### 102.02 CONFORMANCE REQUIRED

- A. Except as herein specified, no land, building, structure or premise shall be used or transferred, and no building or part thereof, or the structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

The County may initiate legal proceedings to enforce the terms and provisions of this Ordinance. Such proceedings may be commenced either by filing a complaint with the Compliance Hearings Officer, or by filing a civil action in Circuit Court, or both. The County may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, remove, or nullify the unlawful transfer, location, construction, maintenance, repair, alteration, or use. (02-10-94)

#### 102.03 VIOLATIONS



Violation of any provision of this Ordinance is subject to imposition of the following:

- A. A civil penalty for each day of violation where the offense is a continuing violation. (6/26/03)
- B. A civil penalty for a non-continuing offense. (6/26/03)
- C. Civil penalty amounts shall be established by resolution of the Board of County Commissioners. (6/26/03)

#### **102.04 JURISDICTION**

The County Compliance Hearings Officer and circuit courts have concurrent jurisdiction under subsection 102.03. (02-10-94)

#### **102.05 INTERPRETATION**

The provisions of the Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or easements, covenants or other agreements between parties, the provisions of this Ordinance shall control.

#### **102.06 SAVING CLAUSE**

Should any section, clause or provisions of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid; each section, clause and provision hereof being declared severable.

#### **102.07 CONFLICTING ORDINANCES**

All other zoning ordinances or regulations, by whatever authority resolved or ordained are herewith superseded and all such previous zoning ordinances are replaced.

(LAST TEXT REVISION 6/26/03)

## SECTION 100 - INTRODUCTORY PROVISIONS

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### 103 DISTRICT DESIGNATION (10/21/99)

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For the purposes of this Ordinance the unincorporated territory of Clackamas County, Oregon is hereby divided into the categories of zoning districts as listed in the Table of Contents under Sections 300-700, 1600 and 1700. (10/21/99)

#### 103.01 BOUNDARIES

- A. The boundaries of these districts are hereby established as shown on the zoning map or maps of the unincorporated territory of Clackamas County, Oregon, which map or maps are hereby made a part of this Ordinance. The said zoning map or maps and all notations and references and other matters shown thereon, shall be and are hereby made part of this Ordinance. Said zoning map or maps properly attested, shall be and remain on file in the office of the county Department of Transportation and Development, governing body of the county, or County Clerk of Clackamas County, Oregon.
- B. Except where reference is made on said map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Ordinance.
- C. The exact location of district boundary lines shall be interpreted by the Planning Director.
- D. Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

(LAST TEXT REVISION 10/21/99)

## SECTION 100 - INTRODUCTORY PROVISIONS

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### 104 SUMMARY OF REVIEW PROCEDURES (10/21/99)

#### 104.01 ADMINISTRATION

The review of applications under this Ordinance shall be subject to one of following procedures; 1) the Public Hearing or Planning Director Review Administrative Action process as defined and outlined in Section 1300; 2) the Legislative Actions process as outlined in Section 1400 or; 3) the Planning Staff Review process outlined below. (10/21/99)

##### A. Planning Staff Review:

1. The applicant shall submit an application and supplementary materials, as required in this Ordinance, to the Planning Department.
2. The application shall be reviewed by appropriate staff members who shall approve, deny or approve with conditions, the application on the basis of an evaluation of the proposal and the requirements and standards set forth in this Ordinance. (10/21/99)
3. The Planning Director, or designee, shall notify the applicant in writing of the decision. (10/21/99)
4. Decisions of the Planning Director, or designee, or review committee, made under this procedure, may be appealed to the Hearings Officer. An appeal shall be processed according to the provisions in Section 1300. An appeal stays the proceedings in the matter appealed until the determination of the appeal by the Hearings Officer. (10/21/99)

(LAST TEXT REVISION 10/21/99)

## **SECTION 200 - GENERAL DEFINITIONS**

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### **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:

(2/13/97 LAST TEXT REVISION) 202-11

## SECTION 200 - GENERAL DEFINITIONS

### 202 DEFINITIONS (3/24/05)

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">Y</a>
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**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)

**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)

"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.

**AIRCRAFT (INCLUDING AIRPLANES):** Any weight-carrying structure for navigation of the air, designed to be supported either by the buoyancy of the structure or by the dynamic action of the air against its surfaces.

**AIRCRAFT LANDING AREAS (OR FIELDS):** Any land area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary building and open spaces.

**AIRPORT:** A place, on land or water, or structure, where aircraft may land to discharge or receive passengers or cargo, make repairs or take in fuel. An airport may be public, private, or commercial and shall include both heliports and helistops.

**AIRPORT, APPROACH AND DEPARTURE ZONE:** A trapezoidal area at the end of each runway to assure obstruction free approach and departure areas for each runway.

**AIRPORT, BUILDING RESTRICTION LINE:** A designated, but not necessarily marked, boundary which provides lateral clearance between a landing strip and buildings or other permanent structures.

**AIRPORT, GENERAL AVIATION COMMUNITY AIRPORT:** A designated area for the takeoff and landing of aircraft which is designed for public use by general aviation, and where aircraft service facilities are normally provided.

**AIRPORT, GENERAL AVIATION RECREATIONAL/EMERGENCY AIRSTRIP:** A designated area for the takeoff and landing of aircraft which is designed for limited public use or use of an emergency nature and where aircraft service facilities are not necessarily provided and on which student pilot instruction is not permitted except with the written authorization of the Aeronautics Administrator.

**AIRPORT, LANDING STRIP:** That portion of the airport or airstrip on which an aircraft can be landed or taken off without damage to the aircraft or injury to its occupants.

**AIRPORT, LIMITED PUBLIC-USE:** Open to use by any pilot who possesses the skill to operate an aircraft which, according to the manufacturer's specifications, can safely operate within the dimensions of subject airport. Shall not have any commercial activities.

**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)

**AIRPORT, RUNWAY:** The center portion of the landing strip which is designed and constructed for takeoff and landing of aircraft.

**AIRPORT, TIE-DOWN RESTRICTION LINE:** A designated, but not necessarily marked, boundary which provides lateral clearance between the landing strip and facilities for securing aircraft to the ground.

**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.

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<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">Y</a>
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**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)

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<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">Y</a>
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**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)

**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. (11-05-98)

**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. (11-05-98)

**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.

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**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.

**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. (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)

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**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)

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**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)

**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. (11-05-98)

**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.

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**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. (11-05-98)

**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)

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**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).

**HELIPORT:** An area of land, water, or structure designated for the landing and takeoff of helicopter or other rotorcraft.

**HELISTOP:** A heliport which is designed and used for a specific purpose, on an infrequent basis, and accessory to another use of the property. Helistops shall not include aircraft hangars or maintenance facilities.

**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. (11-05-98)

**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)

Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services. However, if such sales and/or parties are held more than six times in any calendar year, or operate in excess of 24 cumulative days in a calendar year, such sales and/or parties shall be considered a home occupation. (2-2-87)

**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.



**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.



**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.

**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. (11-05-98)

**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". (11-05-98)

**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). (11-05-98)

**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. (11-05-98)

**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.
- 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". (11-05-98)

**LOT, THROUGH:** Lots, other than corner lots, that abut on two or more streets. See also "DOUBLE FRONTAGE LOT" AND "REVERSE FRONTAGE LOT". (11-05-98)

**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.

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**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)

**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)

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**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. (08-27-93)

**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. (08-27-93)

**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.

**NONFOREST USE:** A dwelling, or the creation of a lot for a dwelling, not provided in conjunction with a principal use in a Transitional Timber district, or a dwelling not provided in conjunction with a principal use on an existing lot in a General Timber District, or General Timber, 40 acre, 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)

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**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.

**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.

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**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:** Improvements directly accessible to pedestrians that promote and facilitate pedestrian use, including plazas, pocket parks, courtyards, awnings, fountains, outside seating areas, and street furniture. (12-23-98)

**PEDESTRIAN PATH:** As a surrogate for a sidewalk in Rural areas or Rural Communities where there is no curb, this is a hard-surfaced or permeable hard-surfaced pedestrian facility adjacent to a public roadway but protected from vehicular traffic or set back behind a planting strip. (3/17/04)

**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) feet 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.

**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)

**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. (12-4-97)

**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)

**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)

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**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 such as for road or utility purposes. (11-05-98)

**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". (11-05-98)

**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. (11-05-98)

**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. (11-05-98)

**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. (11-05-98)

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

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**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.

**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)

**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 or 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. (11-05-98)

**STREET:** See "ROAD". (11-05-98)

**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)

**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)

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**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.

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**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 (2) 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.

**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. This definition does not apply to wetlands planned and zoned Conservation Wetlands identified in section 709. (1-4-96)

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<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">Y</a>
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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. (11-05-98)

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

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

(LAST TEXT REVISION 3/24/05)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 301 URBAN LOW DENSITY RESIDENTIAL (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30) (3/24/05)

<a href="#">301.01</a>	PURPOSE
<a href="#">301.02</a>	AREAS OF APPLICATION
<a href="#">301.03</a>	PRIMARY USES
<a href="#">301.04</a>	ACCESSORY USES
<a href="#">301.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">301.06</a>	CONDITIONAL USES
<a href="#">301.07</a>	PROHIBITED USES
<a href="#">301.08</a>	MINIMUM LOT AND STRUCTURE DESIGN REQUIREMENTS
<a href="#">301.09</a>	DEVELOPMENT STANDARDS

#### 301.01 PURPOSE

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

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

#### 301.02 AREAS OF APPLICATION

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

- A. Physical Site Conditions:
  - 1. Land with soils subject to slippage, compaction, or high shrink-swell characteristics shall be zoned R15 or R-20.

2. Land with slopes of:
  - a. 0 to 20 percent shall be considered for zones R-2.5, R-5, R-7 or R-8.5 (12-23-98)
  - b. 20 percent or more shall be considered for zones R-10 to R-30. (12-23-98)
- B. Capacity of Facilities: Land shall be zoned to maximize the capacity of facilities such as streets, sewers, water and storm drainage systems.
- C. Availability of Transit: Land within walking distance (approximately 1/4 mile) of transit service shall be zoned R-2.5, R-5, R-7 or R-8.5. (12/23/98)
- D. Proximity to Trip Generators: Areas in proximity to jobs, shopping, cultural and activity centers shall be zoned R-2.5, R-5, R-7 or R-8.5. (12/23/98)
- E. Neighborhood Preservation and Variety: Areas which have historically developed on large lots where little vacant land exists shall remain zoned consistent with the existing development pattern.
- F. Vacant Lands: Unless otherwise dictated by the preceding criteria, areas of mostly vacant and sparsely developed land shall be zoned R-2.5, R-5, or R-7. To achieve an average of 7,500 square feet or less per lot in Low Density Future Urbanizable areas when conversion to Immediate Urban Low Density Residential occurs, the R-10 zone shall be limited to areas exceeding 20% slope and to Resource Protection areas. Flexible lot size subdivisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities. (12/23/98)
- G. R-2.5: In addition to the above criterion, the R-2.5, shall be applied only to: (12/23/98)
  1. Areas located within one-quarter (1/4) mile of a designated Regional Center, Corridor or Mainstreet on Comprehensive Plan Map X-CRC-1 (5/3/01).
  2. Areas with access to a residential collector or higher functional class street.
  3. Areas where the size of the site and adjoining properties zoned R-2.5 does not exceed ten (10) acres.

### **301.03 PRIMARY USES**

- A. R-2.5: (12/23/98)
  1. One attached single-family dwelling or residential home; (3/24/05)
  2. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located not less than forty-five (45) feet from any other lot in the residential district. These uses may be designated open Space Management under Section 702 when the criteria under Section 1011 are satisfied.
  3. When a development site includes areas zoned MR-2 as well as areas zoned Urban Low Density Residential, a master plan may be approved for the entire site. The master plan may provide for condominiums, two-family dwellings, three-family dwellings, and multifamily dwellings on both the areas zoned Urban Low Density Residential and the areas zoned MR-2. The following criteria shall be met: (3/24/05)

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

**B. R-5 through R-30:**

1. One detached single-family dwelling, residential home or, subject to Section 824, manufactured home; (3/24/05)
2. One attached single-family dwelling per lot on 20 percent of the total number of lots in a subdivision or 100 percent of the lots in a planned unit development; (3/24/05)
3. Condominiums, subject to Section 803; (3/24/05)
4. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied; (3/24/05)
5. Propagation, management, and harvesting of forest products. Commercial timber harvesting shall be reviewed pursuant to Policy 6.4 of the Forests section of Chapter 3 of the Comprehensive Plan; (3/24/05)
6. Utility carrier cabinets, subject to Section 830; (3/24/05)
7. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

### **301.04 ACCESSORY USES**

- A. Uses and structures customarily accessory and incidental to a primary use. (3/24/05)
- B. A guest house, as defined in Section 202. (Adopted 1115-82)
- C. Home occupations, subject to the provisions of Section 822. (Adopted 2/4/81).
- D. A private garage or parking area.
- E. Keeping of not more than two (2) roomers or boarders by a resident family.
- F. Bed and breakfast homestays, subject to the major home occupation provisions under Section 822. (7-15-87)
- G. Keeping of livestock and farm animals subject to the provisions of Section 821. Growing of

vegetables, fruits, flowers, bulbs, herbs, and other plants primarily for personal use or aesthetic purposes, but not for commercial profit except as approved under a Home Occupation permit under Section 822 or conditional use under Subsection 301.06(A)(16). (5/22/03)

H. Signs, as provided under Section 1010. (8-6-81)

I. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

J. Bus shelters, subject to the provisions of Section 823.

K. Solar collection apparatus. (8-5-82)

L. Family day-care provider home facilities, as defined in Section 202.

M. Accessory dwelling units in conjunction with detached single-family dwellings. (3/24/05)

### **301.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)**

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

A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **301.06 CONDITIONAL USES**

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

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

15. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
16. Except in the R-2.5 zoning district, horticulture, nurseries, hydroponics, and similar uses that exceed an accessory use. (5/22/03)

### **301.07 PROHIBITED USES**

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

### **301.08 MINIMUM LOT AND STRUCTURE DESIGN REQUIREMENTS**

- A. Purpose: The setback, coverage, depth, and structure height requirements of these districts are intended to:
  1. Provide consistent standards insuring a stable pattern and intensity of development for new and existing neighborhoods;
  2. Provide for fire safety and protection of all structures;
  3. Protect the privacy and livability of dwellings and yard areas;
  4. Provide for adequate light and air circulation between structures;
  5. Provide for, and protect the unique character and livability of each district;
  6. Ensure suitable access to each lot with minimum impact on adjacent lots or dwellings;
  7. Ensure consistency in the scale of structures, both vertically and horizontally.
- B. Minimum Lot Size: The minimum lot size shall be as follows, except as modified by Section 902, 1013, or 1014. For subdivisions, partitions, and condominium developments, the maximum and minimum number of primary dwelling units permitted shall be calculated pursuant to Section 1012. (3/24/05)
  1. R-2.5 2,500 square feet (3/24/05)
  2. R-5 5,000 square feet (3/24/05)
  3. R-7 7,000 square feet (3/24/05)
  4. R-8.5 8,500 square feet (3/24/05)
  5. R-10 10,000 square feet (3/24/05)
  6. R-15 15,000 square feet (3/24/05)
  7. R-20 20,000 square feet (3/24/05)
  8. R-30 30,000 square feet (3/24/05)
- C. General Requirements: The minimum dimensional standards for primary structures, except attached single-family dwellings, shall be as follows: (3/24/05)
  1. Minimum front yard setback: 20 ft. (11-05-98)

2. Minimum rear yard setback: 20 ft. (11-05-98)
3. Minimum side yard setback: 5 ft. (11-05-98)
4. Maximum building height: 35 ft
5. Maximum lot coverage
  - a. Primary use structures: 35%
  - b. Primary and accessory structures: 40%

D. Exceptions to General Requirements: The general requirements of these districts shall be subject to the provisions under Sections 900 and 1000. Further, exceptions and modifications of these requirements set forth above shall be as follows:

1. Accessory Structures: All accessory structures shall be consistent with the purposes under Subsection 301.08(A). A maximum of four accessory structures in addition to the dwelling may be permitted. Setbacks, except as prescribed for accessory dwelling units in Subsection 301.08(G), may be modified as follows: (3/24/05)
  - a. Structures 100 square feet or less in area: No side or rear yard setback behind the front building line shall be required for any detached accessory structure which is one hundred (100) square feet or less in area and does not exceed a height of eight (8) feet. No portion of any such structure shall project across a lot line.
  - b. Structures 101 - 200 square feet in area and structures up to ten (10) feet in height: A side or rear yard setback behind the front building line may be reduced to three (3) feet for any detached accessory structure and its projections.
  - c. Structures 201 - 500 square feet in area and structures up to fifteen (15) feet in height: The side and rear yard setbacks may be reduced to three (3) feet for one accessory structure, and its projections, within this category when located behind the front building line of the dwelling. The three (3) foot setback requirement shall be increased one (1) foot for each foot of height over ten (10) feet to a maximum of fifteen (15) in height. This setback need not exceed the setback requirements listed under Section 301.08(C). The structure and its projections shall be detached and separated from other structures by at least three (3) feet. (3/24/05)
  - d. Structures sixteen (16) feet in height and over shall meet the setback requirements listed under Section 301.08(C). (3/24/05)
  - e. Structures in excess of 500 square feet: One accessory structure in excess of five-hundred (500) square feet in area may be approved by the Planning Director subject to the setback requirements of the district and the following provisions:
    1. The lot is in excess of 10,000 square feet in area.
    2. The proposed accessory structure will be constructed with the same exterior building materials as that of the dwelling, or an acceptable wood or metal substitute. Metal buildings shall include roof overhangs, gutters and downspouts, with a painted steel exterior similar in color to that of the dwelling.
    3. The square footage of the accessory structure shall not exceed the square footage of the ground floor of the dwelling.
    4. The proposed accessory structure shall not exceed the height of the dwelling.
    5. The proposed accessory structure shall satisfy the provisions of Subsection

301.01.

- f. Swimming pools may extend within three (3) feet of a side or rear lot line, and within ten (10) feet of a front lot line. Lot coverage limitations do not apply to swimming pools.
2. Corner Lots: One of the required front yard setbacks may be reduced to fifteen (15) feet when abutting a Local street, private road or access drive. When one of the fronting streets is classified higher than a Local street classification, the fifteen (15) foot setback may only be applied on frontage abutting the lower classification street. The side and rear yard areas on corner lots shall be designated by the applicant with the setback distance as identified in 301.08(C). (3/24/05)
3. Undersized Lots of Record: The rear yard setback may be reduced to 1/2 the required setback and one side yard setback may be reduced to zero for any detached single-family dwelling, and the maximum lot coverage may be increased to 50 percent, on preexisting legal lots of record which are 6,000 square feet or less in size, subject to the following conditions: (3/24/05)
  - a. The proposed construction shall comply with the State of Oregon One- and Two-Family Dwelling Specialty Code. (3/24/05)
  - b. The development occurring within the yard setback area shall not block solar access to an existing window or solar collecting panel or area located on the adjacent properties. (3/24/05)
- E. Variances: The requirements of Subsection 301.08 may be modified, subject to staff review with notice pursuant to Subsection 1305.02, when the modification is consistent with the purposes set forth under Subsection 301.08(A), and satisfies the criteria for a variance under Section 1205. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered, when applicable. (3/24/05)
- F. Structure and Façade Design: All dwellings, except temporary dwellings approved pursuant to Subsection 1204, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access): (11/24/99)
  1. A covered porch at least 2 feet deep.
  2. An entry area recessed at least 2 feet from the exterior wall to the door.
  3. A bay or bow window (not flush with the siding).
  4. An Offset on the building face of at least sixteen (16) inches from one exterior wall surface to the other.
  5. A dormer.
  6. A gable.
  7. Roof eaves with a minimum projection of twelve (12) inches from the intersection of the roof and the exterior walls.
  8. Roof line offsets of at least sixteen (16) inches from the top surface of one 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. (06-02-94)
  12. Tile or shake roofs. (06-02-94)



13. Horizontal lap siding. (06-02-94)

G. Accessory Dwelling Units: Accessory dwelling units shall be subject to the following development standards: (3/24/05)

1. The square footage of an accessory dwelling unit shall not exceed 6 percent of the area of the lot of record on which it is located, or 720 square feet, whichever is less. (3/24/05).
2. Yard setbacks for an accessory dwelling unit shall be the same as those required for the primary dwelling. (3/24/05)
3. Only one accessory dwelling unit per lot of record is allowed. (3/24/05)
4. An accessory dwelling unit may: (3/24/05)
  - a. Be a detached structure; (3/24/05)
  - b. Be attached to another accessory structure; or (3/24/05)
  - c. Share at least one building wall, or portion thereof, with the primary dwelling, provided that the accessory dwelling unit has a separate entrance. "Wall" does not include a breezeway, porch, or awning. (3/24/05)
5. The exterior finish materials of the accessory dwelling unit must be the same as, or visually match, those of the primary dwelling. (3/24/05)
6. The front yard setback shall be no less than the setback of the front façade of the primary dwelling excluding the porch, garage, and architectural features. (3/24/05)
7. If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the structure. An exception to this requirement may be granted if there is no ground-level access to the accessory dwelling unit, or if the primary dwelling has additional front entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased. Exceptions shall be subject to Planning Director review pursuant to Subsection 1305.02. (3/24/05)
8. In addition to the required parking space(s) for the primary dwelling, one additional off-street parking space located behind the front yard setback line shall be provided for the accessory dwelling unit. (3/24/05)
9. Owner occupancy of either the accessory dwelling unit or the primary dwelling shall be required. A deed restriction requiring owner-occupancy of one of the dwelling units shall be recorded. (3/24/05)

H. Condominiums shall be subject to Design Review pursuant to Section 1102, Section 803, and the provisions of Section 1005. (11-05-98)

I. Attached Single-Family Dwellings: In addition to the design standards in Subsection 301.08(F), attached single-family dwellings shall be subject to the following design standards: (3/24/05)

1. Minimum Street Frontage: 25 feet. (3/24/05)
2. Minimum Front and Rear Yard Setbacks: 20 feet. (3/24/05)
3. Minimum Side Yard Setback: 10 feet opposite the common wall. (3/24/05)
  - a. No setback shall be required from any side property line where two dwelling units share a common wall. (3/24/05)
4. Maximum Lot Coverage: 50 percent. (3/24/05)
5. Maximum Building Height: 35 feet. (3/24/05)
6. Roofs: The roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.

(3/24/05)

7. Design Review: Attached single-family dwellings shall be subject to design review pursuant to Section 1102. (3/24/05)

### **301.09 DEVELOPMENT STANDARDS**

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

- A. Fences, Screening, and Buffering: No sight-obscuring structures or plantings exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the lot corner nearest the intersection of two public, county or state roads, or from the intersection of a private road or easement and a public, county or state road. Trees located within a twenty (20) foot radius of any such intersection shall be maintained to allow eight (8) feet of visual clearance below the lowest hanging branches. (12/23/98)
- B. Off-Street Parking:
  1. At least one (1) offstreet parking space located behind the front yard setback line shall be provided for each dwelling unit.
  2. Offstreet parking for other permitted uses shall be as specified in Subsection 1007.07.
- C. Subdivisions and Partitions
  1. Developments and land which meet the criteria set forth in Subsection 1013.02B shall be required to develop as Planned
  2. All subdivisions and partitions in these districts shall comply with the Development Standards of Section 1000 and the procedures set forth in Section 1100 (10-11-82).
- D. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)
- 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)

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 302 MEDIUM DENSITY RESIDENTIAL DISTRICT (MR-1) (3/24/05)

<a href="#">302.01</a>	PURPOSE
<a href="#">302.02</a>	AREA OF APPLICATION
<a href="#">302.03</a>	PRIMARY USES
<a href="#">302.04</a>	ACCESSORY USES
<a href="#">302.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">302.06</a>	CONDITIONAL USES
<a href="#">302.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">302.08</a>	DIMENSIONAL STANDARDS
<a href="#">302.09</a>	DEVELOPMENT STANDARDS

#### 302.01 PURPOSE

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

#### 302.02 AREA OF APPLICATION

Property may be zoned 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 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

- 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 1 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; (3/24/05)
- M. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of 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**

- 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 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 under the ownership and/or control of a city, county, state, or municipal corporation, subject to Section 823; (3/24/05)
- K. Family daycare providers; (3/24/05)
- L. Signs, subject to Section 1010. (3/24/05)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **302.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. 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. (3/24/05)

### **302.07 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. 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)
- 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. 1 story: 5 feet. (3/24/05)
  2. 2 stories: 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. 3 stories: 15 feet. (3/24/05)
  4. An additional 5 feet of side yard setback shall be required for each story higher than 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 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 8 feet. Structures in this category that exceed 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 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 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. 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:
  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)
  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)
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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (3/24/05)

(LAST TEXT REVISION 3/24/05)



## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

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### 303 HIGH DENSITY RESIDENTIAL (HDR) (3/24/05)

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<a href="#">303.01</a>	PURPOSE
<a href="#">303.02</a>	AREA OF APPLICATION
<a href="#">303.03</a>	PRIMARY USES
<a href="#">303.04</a>	ACCESSORY USES
<a href="#">303.05</a>	LIMITED USES
<a href="#">303.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">303.07</a>	CONDITIONAL USES
<a href="#">303.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">303.09</a>	DIMENSIONAL STANDARDS
<a href="#">303.10</a>	DEVELOPMENT STANDARDS

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#### 303.01 PURPOSE

This Section is adopted to implement the 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 designated High Density Residential (HDR) when the following criteria, and criteria under Section 1202, are satisfied:

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

#### 303.03 PRIMARY USES

- 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; (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**

- 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 collection apparatus.
- I. Family day-care provider home facilities, as defined in Section 202.

### **303.05 LIMITED USES**

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

- A. Office, retail, and service commercial uses, itemized under 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 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:
  - a. Accountants, investment counselors, management consultants
  - b. Attorneys
  - c. Architects, landscape architects, and engineers
  - d. Artists, designers, draftsmen, authors, or writers
  - e. Photographers, musicians, and dancers
  - f. Physicians, surgeons, dentists, psychologists, and counselors
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. 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 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; (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. 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 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)

### **303.07 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, 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. 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. (5/22/03)

- C. 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 may be allowed subject to Subsection 303.07(A) and the following: (5/22/03)

1. The proposed use shall provide a needed service commensurate with the population growth of the immediate area. (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. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
- E. Multi-use developments, subject to Section 1016. (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 all High Density Residential districts.
- 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 1 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. A property line adjustment may be allowed pursuant to Section 1020. Any lot less than 1 acre in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 303.09(B). (3/24/05)
- 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)**

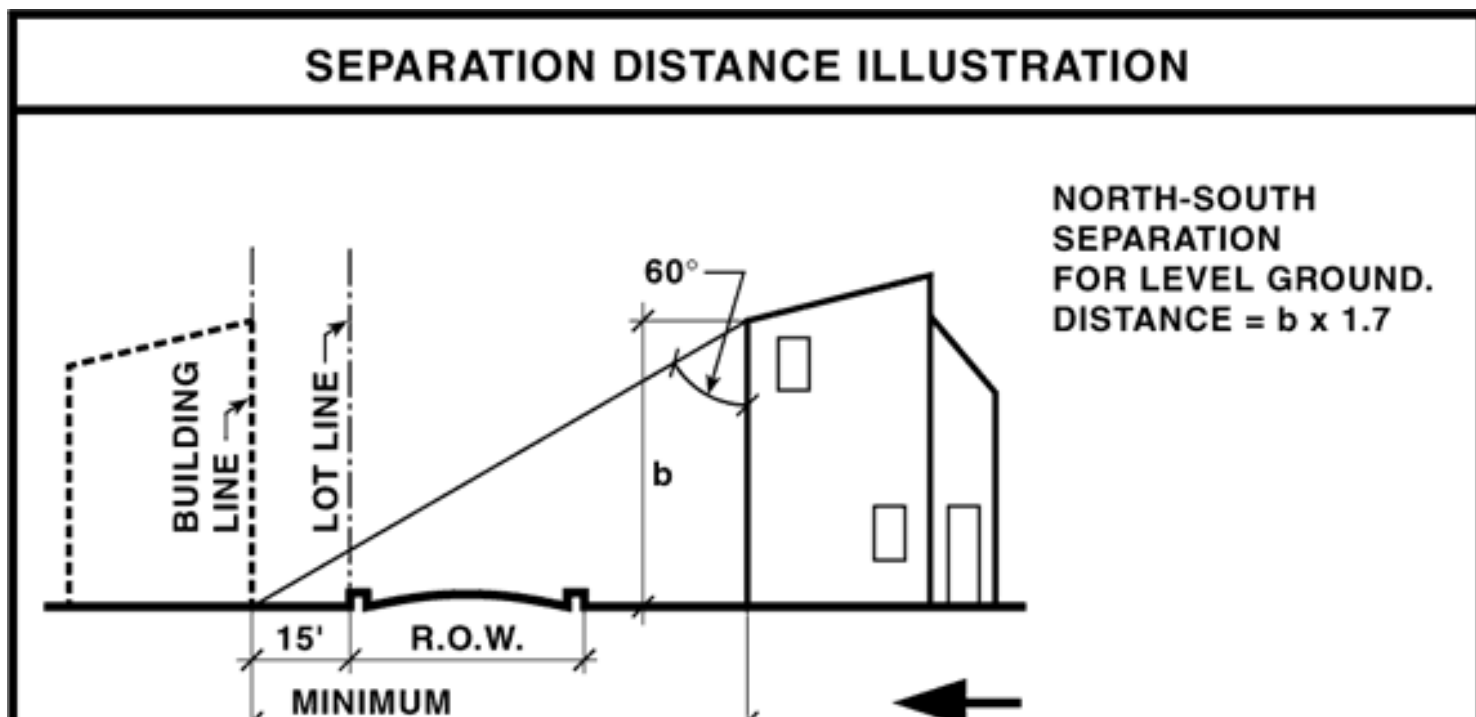
- A. The purposes of these requirements and limitations are to:
  - 1. Encourage coordinated development and the most efficient and maximum use of high density areas.
  - 2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site 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

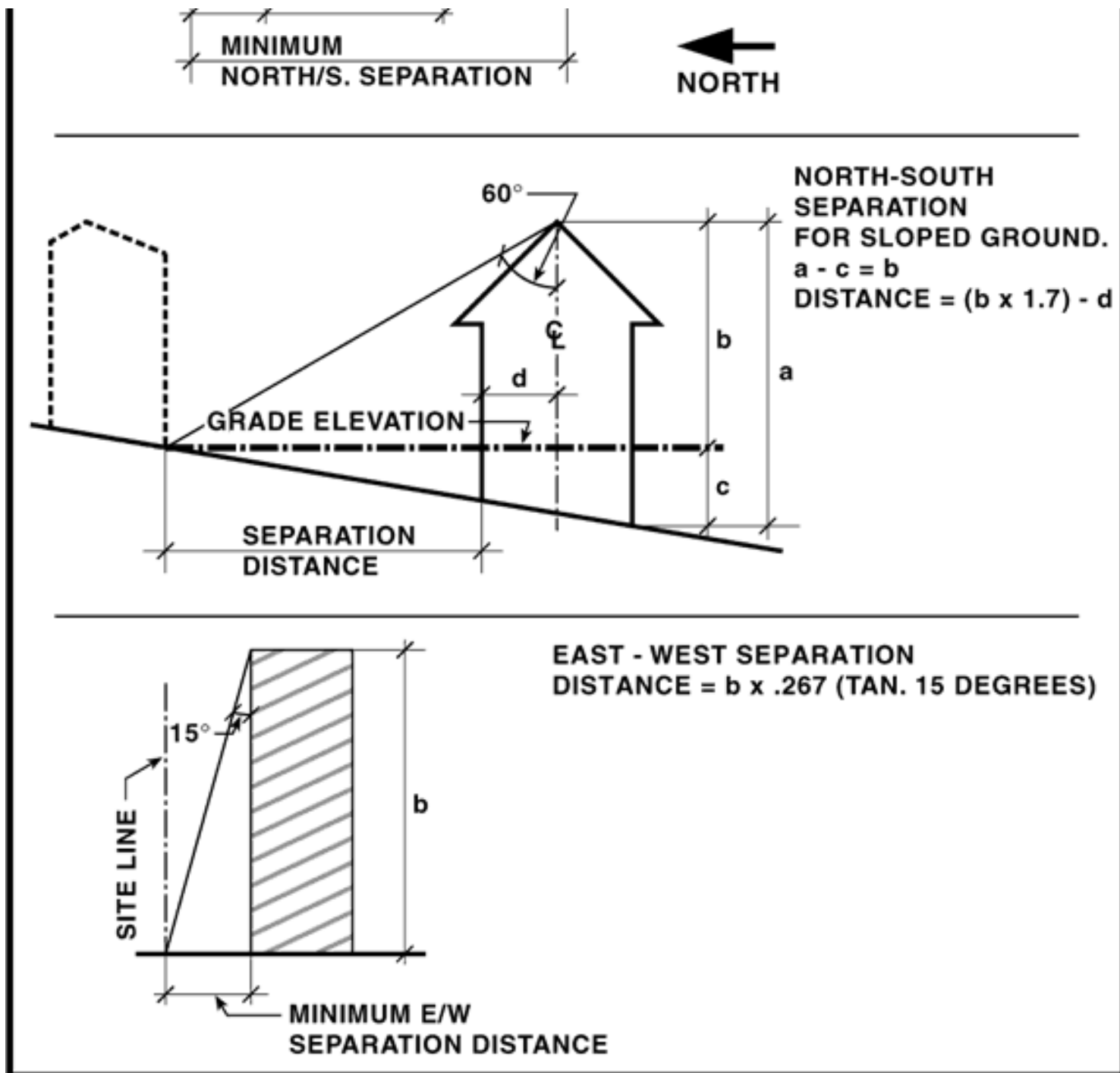
the development of any site area within or adjoining this district.

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. **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. 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. **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. **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. **Siting Setbacks, separations, and height of structures** shall be determined on the basis of the following requirements:
1. **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. **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 the 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). 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, 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.
  - c. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 303.09(F)(5), below, that area may be included in the required separation distance. (3/14/02)
5. 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 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.
6. 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).  
Formula: Separation =  $b \times .267$  (tan 15 degrees)





- G. Exceptions to Setback, 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 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.

## 303.10 DEVELOPMENT STANDARDS



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.
  - 4. To provide a variety of plant sizes, shapes, textures and colors, including seasonal color changes, to create an interesting outdoor environment.
- E. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

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### 304 SPECIAL HIGH DENSITY RESIDENTIAL (SHD) (3/24/05)

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<a href="#">304.01</a>	PURPOSE
<a href="#">304.02</a>	AREA OF APPLICATION
<a href="#">304.03</a>	PRIMARY USES
<a href="#">304.04</a>	ACCESSORY USES
<a href="#">304.05</a>	LIMITED USES
<a href="#">304.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">304.07</a>	CONDITIONAL USES
<a href="#">304.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">304.09</a>	DIMENSIONAL STANDARDS
<a href="#">304.10</a>	DEVELOPMENT STANDARDS

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#### 304.01 PURPOSE

This section is adopted to implement the 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 designated Special High Density Residential (SHD) 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.
- B. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

#### 304.03 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)

### **304.04 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 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 collection apparatus.
- I. Family day-care provider home facilities, as defined in Section 202.

### **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 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.
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 section. 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 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)

### **304.07 CONDITIONAL USES**

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. 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. 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. (3/24/05)
- C. 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 502.03(A) may be allowed subject to Subsection 304.07(A) and the following: (5/22/03)
1. The proposed use shall provide a needed service commensurate with the population growth of the immediate area. (5/22/03)
  2. 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. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
- E. Multi-use developments, subject to Section 1016. (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 all Special High Density Residential districts.
- 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 3 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. A property line adjustment may be granted pursuant to Section 1020. Any lot less than 3 acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 304.09(B). (3/24/05)
- 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)

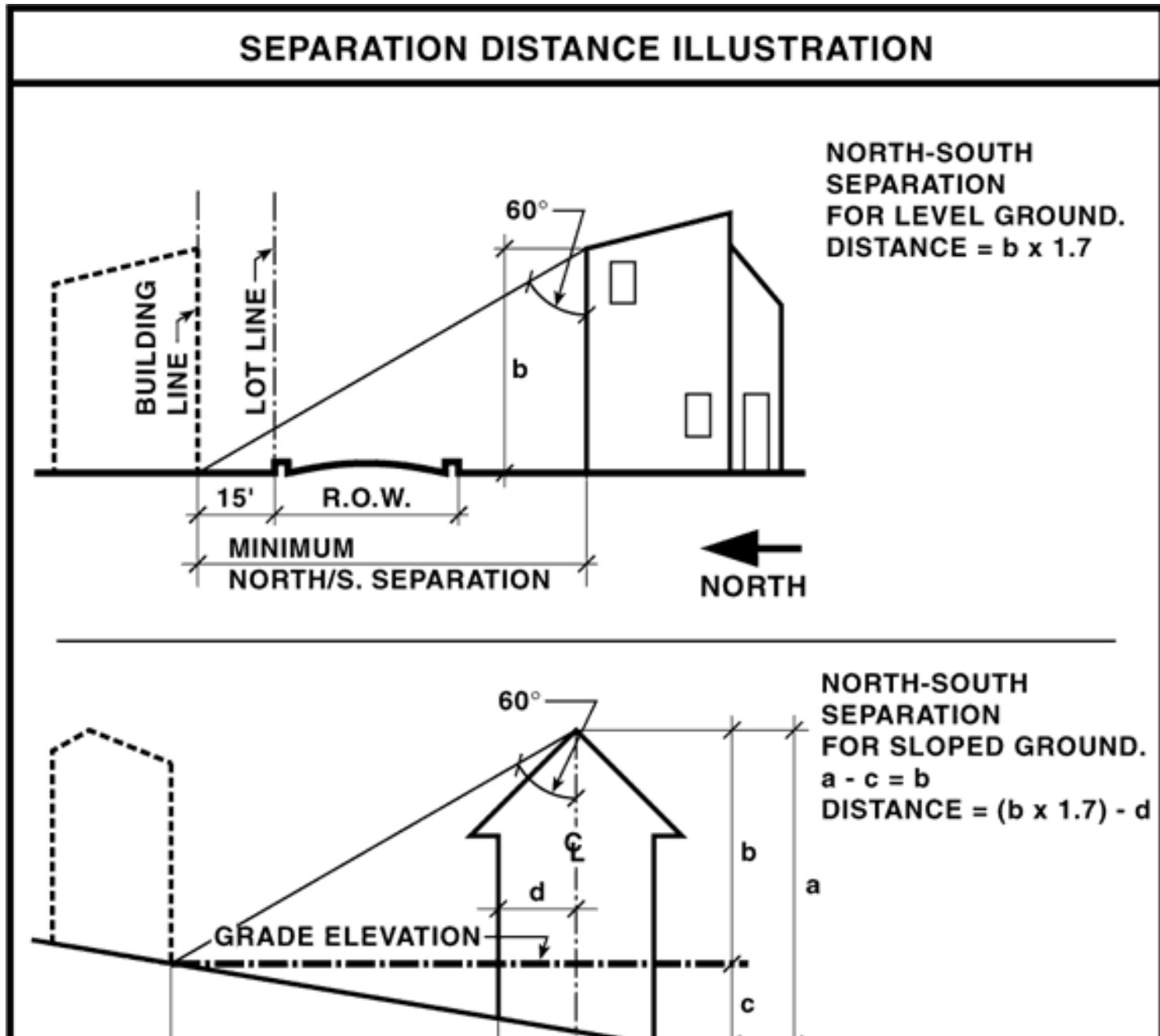
### **304.09 DIMENSIONAL STANDARDS (3/24/05)**

- A. The purpose of these requirements and limitations are 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 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.
  - 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. 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:
    - 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

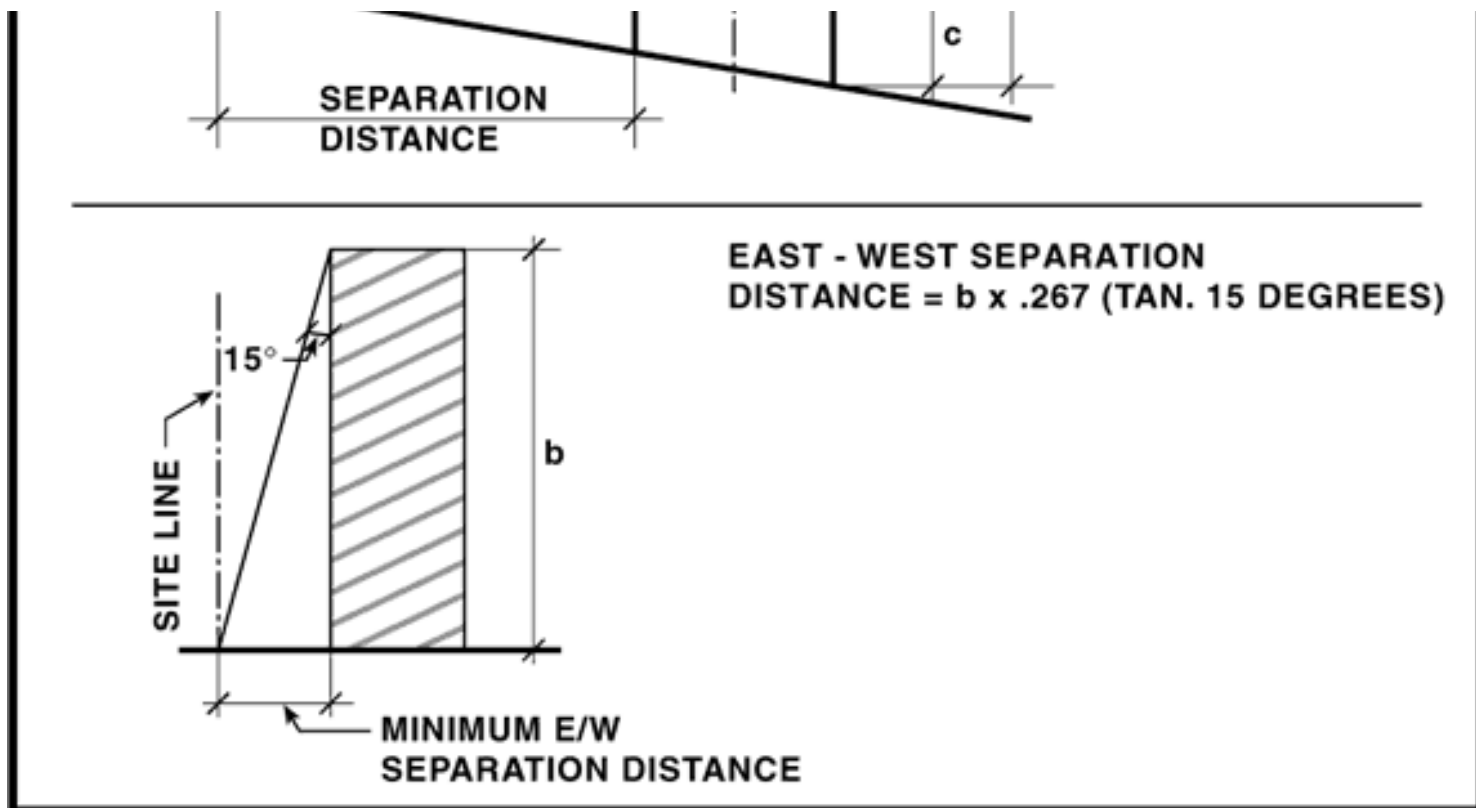
726 square feet per dwelling unit. (3/24/05)

- E. 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. 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. 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). 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 304.09(F)(5), below, that area may be included in the required separation distance. (3/14/02)
  5. 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.
6. 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 =  $b \times .267$  (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:
- 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.







G. Exceptions to Setback, Separations and Height Requirements: The requirements of this section are not subject to the modifications under Sections 903 and 904. However, these 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 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. 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 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.
  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.
  4. Provide onsite directional signing identifying the location of all uses within the development.

- C. Offstreet 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)
  2. Limited and Conditional Uses: The minimum number of spaces shall be one-half (1/2) the number prescribed under Section 1007 for the use.
  3. 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).
  4. Required parking or loading spaces shall not be used for storing of recreational vehicles, campers, or boats.
  5. 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. Recreational Facilities: Every Special High Density residential development shall provide a least one (1) of the following recreational facilities for the first 60 units, or portion thereof, and at least one (1) additional facility for every additional 120 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 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 half-

court, or rollerskating 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: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 305 RECREATIONAL RESIDENTIAL DISTRICT (RR) (3/24/05)

<a href="#">305.01</a>	PURPOSE
<a href="#">305.02</a>	AREA OF APPLICATION
<a href="#">305.03</a>	PRIMARY USES
<a href="#">305.04</a>	ACCESSORY USES
<a href="#">305.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">305.06</a>	CONDITIONAL USES
<a href="#">305.07</a>	PROHIBITED USES
<a href="#">305.08</a>	DIMENSIONAL STANDARDS
<a href="#">305.09</a>	DEVELOPMENT STANDARDS

#### 305.01 PURPOSE

This section 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 RR 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. Parcels are generally 2 acres or smaller; (3/24/05)
  2. The area is significantly affected by development; and (3/24/05)
  3. 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**

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured dwelling; (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; (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. Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- C. Guest houses, subject to Section 833; (3/24/05)
- D. Signs, subject to Section 1010; (3/24/05)
- E. Family daycare providers. (3/24/05)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **305.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Churches, with a minimum site area of 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 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 1 acre; (3/24/05)
  12. Filling, grading, excavating, clearing of vegetation, and installation of public facilities in stream corridor areas; (5/22/03)

### **305.07 PROHIBITED USES**

Uses 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;
  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 2 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 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, 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. 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. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- K. 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: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)
- 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 2 feet deep; (3/24/05)
2. An entry area recessed at least 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)
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.

( LAST TEXT REVISION 3 / 24 / 05 )



## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 306 MOUNTAIN RECREATIONAL RESORT DISTRICT (MRR) (3/24/05)

<a href="#">306.01</a>	PURPOSE
<a href="#">306.02</a>	AREA OF APPLICATION
<a href="#">306.03</a>	PRIMARY USES
<a href="#">306.04</a>	ACCESSORY USES
<a href="#">306.05</a>	LIMITED USES
<a href="#">306.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">306.07</a>	CONDITIONAL USES
<a href="#">306.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">306.09</a>	DIMENSIONAL STANDARDS
<a href="#">306.10</a>	DEVELOPMENT STANDARDS

#### 306.01 PURPOSE

This section 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 MRR when the site has a Comprehensive Plan designation of Mountain Recreation and the criteria in Section 1202 are satisfied. (3/24/05)

#### 306.03 PRIMARY USES

- 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; (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, 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; (3/24/05)
- O. Hotels, motels, and associated convention facilities, 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**

- 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 collection apparatus; (3/24/05)
- I. Home occupations, subject to Section 822; (3/24/05)
- J. 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. Family daycare providers; (3/24/05)
- L. Signs, subject to Subsection 306.10(I). (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 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)

### **306.07 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
1. Churches, subject to Section 804; (5/22/03)
  2. Schools, subject to Section 805; (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. Filling, grading, excavating, clearing of vegetation, and installation of public facilities in stream corridor areas; (5/22/03)
13. Multi-use developments, subject to Section 1016. (5/22/03)

### **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)

<b>Dwelling Unit Size (in square feet) (3/24/05)</b>	<b>District Land Area in Wemme/Welches (3/24/05)</b>	<b>District Land Area in Rhododendron (3/24/05)</b>
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 in the Comprehensive Plan 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)
- a. Yard setback requirements in the abutting zoning district; and (3/24/05)
  - b. 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. 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)

### **306.10 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. In addition, except as otherwise indicated below, the standards applicable to the 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. 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)
    - 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. 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)
  3. 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)
2. Define and provide transitions between semi-public, semiprivate and private areas within the site; (3/24/05)
3. Preserve the existing landscape in its natural state as far as possible; and (3/24/05)
4. Utilize, in new landscaping, native compatible trees and vegetation to ensure continuity with the surrounding area. (3/24/05)

H. 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 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. 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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (3/24/05)

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 307 RURAL AREA SINGLE FAMILY RESIDENTIAL DISTRICT (RA-1) (3/24/05)

<a href="#">307.01</a>	PURPOSE
<a href="#">307.02</a>	AREA OF APPLICATION
<a href="#">307.03</a>	PRIMARY USES
<a href="#">307.04</a>	ACCESSORY USES
<a href="#">307.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">307.06</a>	CONDITIONAL USES
<a href="#">307.07</a>	PROHIBITED USES
<a href="#">307.08</a>	DIMENSIONAL STANDARDS
<a href="#">307.09</a>	DEVELOPMENT STANDARDS

#### 307.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for rural center residential development.

#### 307.02 AREA OF APPLICATION

The RA-1 zoning district is applied to residential districts within areas designated as Rural Centers by the Clackamas County Comprehensive Plan.

#### 307.03 PRIMARY USES

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, and the raising of livestock and animals subject to the provisions of Section 821.
- B. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured dwelling. (3/24/05)
- C. Public parks, playgrounds, recreational and community buildings and grounds, public golf



courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in the residential district.

- D. Bus Shelters - under the ownership and/or control of a city, county, state or municipal corporation subject to the provisions of Section 823.
- E. Utility carrier cabinets, subject to Section 830. (2-29-84)
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

### **307.04 ACCESSORY USES**

- A. Accessory uses, buildings, and structures customarily incidental to any primary use and located on the same lot therewith.
- B. Home occupations, subject to the provisions of Section 822. (Adopted 2/4/81)
- C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the requirements of this ordinance for parking and signing under Sections 1007 and 1010. (6-4-86)
- D. Signs, as provided under Section 1010. (8-6-81)
- E. A guest house, as defined in Section 202, subject to the provisions under Section 833. (Revised 2-3-88)
- F. Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822. (7-15-87)
- G. Family daycare providers. (5/22/03)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **307.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Two-family dwellings, subject to Section 802; (5/22/03)
  - 2. Churches, subject to Section 804; (5/22/03)
  - 3. Schools, subject to Section 805, except as restricted by Subsection 307.07(D); (5/22/03)
  - 4. Daycare facilities, subject to Section 807; (5/22/03)
  - 5. Cemeteries and crematoriums, subject to Section 808; (5/22/03)

6. Service and recreational uses, subject to Section 813; (5/22/03)
7. Surface mining, subject to Section 818; (5/22/03)
8. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
9. Hydroelectric facilities, subject to Section 829; (5/22/03)
10. Bed and breakfast residences and inns, subject 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 not less than 200 feet from all property lines. (5/22/03)

### **307.07 PROHIBITED USES**

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

### **307.08 DIMENSIONAL STANDARDS**

- A. Purpose. The provisions of this subsection are intended to: (6-22-81)
  1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures; and
  3. Protect the privacy and livability of dwellings and yard areas.
- B. Minimum Lot Size: New lots of record shall be a minimum of 1 acre in size, except as restricted by Subsection 307.07(C) or as modified by Section 902 or 1013. (3/24/05)
- C. Minimum Front and Rear Yard Setbacks: Thirty (30) feet.
- D. Minimum Side Yard Setback: Ten (10) feet.
- E. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this Ordinance shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe the minimum rear and side yard setbacks of five (5) feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roads should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- G. Corner Vision: No sight-obscuring structures or plantings exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the lot corner nearest the intersection of two public, county, or state roads, or from the intersection of a private 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.

H. See Section 900 for exceptions to dimensional standards.

I. Variances: The 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 307.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

### **307.09 DEVELOPMENT STANDARDS**

A. All development shall be subject to the applicable provisions of Section 1000.

B. One (1) offstreet parking space located behind the front yard setback line shall be provided for each dwelling unit.

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

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

E. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 6/26/03)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 308 RURAL AREA SINGLE FAMILY RESIDENTIAL DISTRICT (RA-2) (3/24/05)

<a href="#">308.01</a>	PURPOSE
<a href="#">308.02</a>	AREA OF APPLICATION
<a href="#">308.03</a>	PRIMARY USES
<a href="#">308.04</a>	ACCESSORY USES
<a href="#">308.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">308.06</a>	CONDITIONAL USES
<a href="#">308.07</a>	PROHIBITED USES
<a href="#">308.08</a>	DIMENSIONAL STANDARDS
<a href="#">308.09</a>	DEVELOPMENT STANDARDS

#### 308.01 PURPOSE

This section is adopted to provide for rural area homesites next to rural centers.

#### 308.02 AREA OF APPLICATION

The RA-2 zoning district is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan Map, and which have a general parcel size of two (2) acres or less; are significantly impacted by development; contain no natural hazards and the topography and soil conditions are well suited for the location of homes; have a public or private community water system available, and are in proximity or adjacent to a Rural Center or incorporated city. (7-15-81.)

#### 308.03 PRIMARY USES

- A. Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals.
- B. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured

dwelling. (3/24/05)

- C. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a noncommercial nature, provided any principal building or swimming pool shall be located not less than forty-five (45) feet from any other lot in the residential district.
- D. Bus Shelters - under the ownership and/or control of a city, county, state or municipal corporation, subject to the provisions of Section 823.
- E. Utility carrier cabinets, subject to Section 830. (2-29-84)
- F. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

### **308.04 ACCESSORY USES**

- A. Accessory uses, buildings and structures customarily incidental to any primary use located on the same lot therewith.
- B. Home occupations, subject to the provisions of Section 822. (Adopted 2/4/81)
- C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the requirements of this ordinance for parking and signing under Sections 1007 and 1010. (6-4-86)
- D. Signs, as provided under Section 1010. (8-6-81)
- E. A guest house, as defined in Section 202, subject to the provisions under Section 833. (2-3-88)
- F. Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822. (7-15-87)
- G. Family daycare providers. (5/22/03)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **308.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Two-family dwellings, subject to Section 802; (5/22/03)
  - 2. Churches, subject to Section 804; (5/22/03)
  - 3. Schools, subject to Section 805, except as restricted by Subsection 308.07(D); (5/22/03)
  - 4. Daycare facilities, subject to Section 807; (5/22/03)

5. Cemeteries and crematoriums, subject to Section 808; (5/22/03)
6. Hospitals, subject to Section 809; (5/22/03)
7. Service and recreational uses, subject to Section 813; (5/22/03)
8. Surface mining, subject to Section 818; (5/22/03)
9. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
10. Hydroelectric facilities, subject to Section 829; (5/22/03)
11. Bed and breakfast residences or inns, subject to Section 832. (5/22/03)
12. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
13. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; (5/22/03)
14. Aircraft landing areas, subject to Section 712 or 713. (5/22/03)

### **308.07 PROHIBITED USES**

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

### **308.08 DIMENSIONAL STANDARDS**

- A. Purpose. The provisions of this subsection are intended to: (6-22-81)
  1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures; and
  3. Protect the privacy and livability of dwellings and yard areas.
- B. Minimum Lot Size: New lots of record shall be a minimum of 2 acres in size, except as restricted by Subsection 308.07C or as modified by Section 902. (3/24/05)
- C. Minimum Front and Rear Yard Setbacks: Thirty (30) feet.
- D. Minimum Side Yard Setback: Ten (10) feet.
- E. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this Ordinance shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe a minimum rear and side yard setbacks of ten (10) feet.
- F. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roads should be set back a sufficient distance from the right of way to permit a landscaped or natural buffer area.

- G. Corner Vision: No sight-obscuring structures or plantings exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the lot corner nearest the intersection of two public, county or state roads, or from the intersection of a private 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.
- H. See Section 900 for exceptions to dimensional standards.
- I. Variances: The 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 308.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

## **308.09 DEVELOPMENT STANDARDS**

- A. All development shall be subject to the applicable provisions of Section 1000. (7-15-81)
- B. One (1) offstreet parking space located to the rear of the front yard setback line shall be provided for each dwelling unit.
- C. Offstreet parking for other permitted uses as specified in Section 1007.
- D. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2-9-95)
- E. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 309 RURAL RESIDENTIAL FARM/FOREST 5 ACRES (RRFF-5) (3/24/05)

<a href="#">309.01</a>	PURPOSE
<a href="#">309.02</a>	AREA OF APPLICATION
<a href="#">309.03</a>	PRIMARY USES
<a href="#">309.04</a>	ACCESSORY USES
<a href="#">309.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">309.06</a>	CONDITIONAL USES
<a href="#">309.07</a>	PROHIBITED USES
<a href="#">309.08</a>	DIMENSIONAL STANDARDS
<a href="#">309.09</a>	DEVELOPMENT STANDARDS

#### 309.01 PURPOSE

- A. To provide areas for rural living where this type of development is compatible with the continuation of farm and forest uses.
- B. To conserve the natural scenic beauty of the County.
- C. To protect the watersheds of existing or potential major sources of municipal or domestic water supply from encroachment by uses that would affect the quantity or quality of water produced, protect wildlife habitats, and other such uses associated with the forest.
- D. To avoid the potential hazards of damage from fire, pollution, and conflict caused by urbanization.

#### 309.02 AREA OF APPLICATION

The RRFF-5 zone is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan map, and which have a general parcel size of five (5) acres; are affected by development; contain no serious natural hazards and the topography and soils are suitable for development, and are easily accessible to a Rural Center or incorporated city.



### **309.03 PRIMARY USES**

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured dwelling. (3/24/05)
- B. Current employment of land for general farm uses including:
  - 1. Raising, harvesting and selling of crops.
  - 2. Feeding, breeding, selling and management of livestock, poultry, fur-bearing animals or honeybees.
  - 3. Selling of products of livestock, poultry, fur-bearing animals or honeybees.
  - 4. Dairying and the selling of dairy products.
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use.
  - 6. Distribution by marketing or otherwise of products raised on such lands.
  - 7. Any other agricultural use, horticultural use, animal husbandry or any combination thereof.
- C. The propagation or harvesting of a forest product.
- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources.
- E. Fish and wildlife management programs.
- F. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit.
- G. Utility carrier cabinets, subject to Section 830. (2-29-84)
- H. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

### **309.04 ACCESSORY USES**

- A. Home occupations, subject to the provisions of Section 822. (Adopted 2/4/81)
- B. Accessory buildings and uses customarily incidental to any of the primary uses permitted in subsection 309.03.
- C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the requirements of this ordinance for parking and signing under Sections 1007 and 1010. (6-4-86)
- D. Signs, as provided under Section 1010. (8-6-81)
- E. A guest house, as defined in Section 202, subject to the provisions under Section 833. (2-3-88)
- F. Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822. (7-15-87)
- G. Family daycare providers. (5/22/03)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **309.06 CONDITIONAL USES**

- A. A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
1. Churches, subject to Section 804; (5/22/03)
  2. Schools, subject to Section 805, except as restricted by Subsection 309.07(F); (5/22/03)
  3. Daycare facilities, subject to Section 807; (5/22/03)
  4. Cemeteries, subject to Section 808; (5/22/03)
  5. Service and recreational uses that exceed the limits of Subsection 309.03(F), subject to Section 813; (5/22/03)
  6. Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources, or other subsurface resources, subject to Section 818; (5/22/03)
  7. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
  8. Hydroelectric facilities, subject to Section 829; (5/22/03)
  9. Bed and breakfast residences and inns, subject to Section 832; (5/22/03)
  10. Composting facilities, subject to Section 834; (5/22/03)
  11. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
  12. Kennels, provided that the portion of the premises used is located a minimum of 200 feet from all property lines; (5/22/03)
  13. Aircraft land uses, subject to Section 712 or 713; (5/22/03)
  14. Commercial recreational uses that exceed the limits of Subsection 309.03(F); (5/22/03)
  15. Commercial or processing activities that are in conjunction with timber and farm uses. (5/22/03)

### **309.07 PROHIBITED USES**

- A. Structures and uses of land not specifically mentioned in Section 309 are prohibited in all RRF-5 districts.
- B. Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010.
- C. Any proposed division of land within the Rural Residential Farm/Forest 5 acre zoning district and located within an Urban Growth Boundary of Sandy, Molalla, Estacada, and Canby resulting in the creation of one or more parcels of land of less than five (5) acres in size, with the exception of Conditional Uses approved by the Hearings Officer. (4/30/03)

- D. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size. (4/30/03)
- E. Residential subdivisions in Future Urban areas. (4/30/03)
- F. Public and private schools within the areas identified as Employment, Industrial and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)

### **309.08 DIMENSIONAL STANDARDS**

- A. Purpose. The provisions of this subsection are intended to: (6-22-81)
  - 1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the county;
  - 2. Provide for fire safety and protection of all structures;
  - 3. Protect the privacy and livability of dwellings and yard areas; and
  - 4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of 5 acres in size, except as restricted by Subsections 309.07(C) through (E) or as modified by Section 902, 1013, or 1014. (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. 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.
- E. Minimum Rear Yard Setback: Thirty (30) feet.
- F. Minimum Side Yard Setback: Ten (10) feet.
- G. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this amendment shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe a minimum rear and side yard setbacks of ten (10) feet.
- H. Bus shelters and roadside stands of no more than four hundred (400) square feet in size and not exceeding sixteen (16) feet in height, need not observe front yard setback lines excepting when located on a corner lot, then as provided in Subsection 309.08(I) below. (3/14/02)
- 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. Scenic Roads: Structures built on lots adjacent to roads designated as Scenic Roads should be set back a sufficient distance from the right of way to permit a landscaped or natural buffer area.
- K. See Section 900 for exceptions to dimensional standards.
- L. Variances: The requirements of this Subsection may be modified subject to staff review with notice pursuant to Subsection 1305.02, when the modifications is consistent with the purposes set

forth under 309.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

### **309.09 DEVELOPMENT STANDARDS**

- A. See Section 1000 for applicable development standards.
- B. Partitions in Future Urbanizable areas shall indicate the location of improvements, including easements and road dedications, structures, wells and septic drainfields which are consistent with the orderly development of the property at appropriate urban densities on the basis of the criteria for application of districts under subsection 301.02.
- C. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2-9-95)
- D. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 310 FARM-FOREST (FF-10) 10 ACRE DISTRICT (3/24/05)

<a href="#">310.01</a>	PURPOSE
<a href="#">310.02</a>	AREA OF APPLICATION
<a href="#">310.03</a>	PRIMARY USES
<a href="#">310.04</a>	ACCESSORY USES
<a href="#">310.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">310.06</a>	CONDITIONAL USES
<a href="#">310.07</a>	PROHIBITED USES
<a href="#">310.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">310.09</a>	DEVELOPMENT STANDARDS

#### 310.01 PURPOSE

- A. To provide areas for rural living where this type of development is compatible with the continuation of farm and forest uses.
- B. To conserve the natural scenic beauty of the County.
- C. To protect the watersheds of existing or potential major sources of municipal or domestic water supply from encroachment by uses that would affect the quantity or quality of water produced, protect wildlife habitats, and other such uses associated with the forest.
- D. To avoid the potential hazards of damage from fire, pollution, and conflict caused by urbanization.

#### 310.02 AREA OF APPLICATION

The FF-10 zone is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan map, and which have a general parcel size of ten (10) acres; are developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses; or have generally poor access to a Rural Center or incorporated city.

#### 310.03 PRIMARY USES

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured dwelling. (3/24/05)
- B. Current employment of land for general farm uses included:
  - 1. Raising, harvesting and selling of crops.
  - 2. Feeding, breeding, selling and management of livestock, poultry, fur-bearing animals or honeybees.
  - 3. Selling of products of livestock, poultry, fur-bearing animals or honeybees.
  - 4. Dairying and the selling of dairy products.
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use.
  - 6. Distribution by marketing or otherwise of products raised on such lands.
  - 7. Any other agricultural use, horticultural use, animal husbandry or any combination thereof.
- C. Propagation or harvesting of a forest product.
- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources.
- E. Fish and wildlife management programs.
- F. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit.
- G. Bus shelters - under the ownership and/or control of a city, county, state or municipal corporation subject of the provisions of Section 823.
- H. Utility carrier cabinets, subject to Section 830. (2-29-84)
- I. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

### **310.04 ACCESSORY USES**

- A. Home occupations, subject to the provisions of Section 822. (Adopted 02/04/81)
- B. Accessory buildings and uses customarily incidental to any of the primary uses permitted in subsection 310.03.
- C. Produce stands, as defined in Section 202, subject to all applicable State regulations, and the requirements of this ordinance for parking and signing under Sections 1007 and 1010. (6-4-86)
- D. Signs, as provided under Section 1010. (8-6-81)
- E. A guest house, as defined in Section 202, subject to the provisions under Section 833. (2-3-88)
- F. Bed and Breakfast Homestays, subject to the major home occupation provisions under Section 822. (7-15-87)
- G. Family daycare providers. (5/22/03)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **310.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
1. Churches, subject to Section 804; (5/22/03)
  2. Schools, subject to Section 805, except as restricted by Subsection 310.07(D). (5/22/03)
  3. Daycare facilities, subject to Section 807; (5/22/03)
  4. Cemeteries, subject to Section 808; (5/22/03)
  5. Service and recreational uses that exceed the limits of Subsection 310.03(F), subject to Section 813; (5/22/03)
  6. Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources, or other subsurface resources, subject to Section 818; (5/22/03)
  7. Sanitary landfills and debris fills, subject to Section 819; (5/22/03)
  8. Hydroelectric facilities, subject to Section 829; (5/22/03)
  9. Bed and breakfast residence 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 a minimum of 200 feet from all property lines; (5/22/03)
  13. Aircraft land uses, subject to Section 712 or 713; (5/22/03)
  14. Public and private parks, campgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, boarding or riding stables, and other similar uses intended for the purpose of obtaining a commercial profit; (5/22/03)
  15. Commercial or processing activities that are in conjunction with timber and farm uses. (5/22/03)

### **310.07 PROHIBITED USES**

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

## Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)

**310.08 DIMENSIONAL REQUIREMENTS**

- A. Purpose: The provisions of this subsection are intended to: (6-22-81)
1. Provide for and protect the unique character, livability, and scenic quality of rural areas of the County;
  2. Provide for fire safety and protection of all structures;
  3. Protect the privacy and livability of dwellings and yard areas; and
  4. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities.
- B. Minimum Lot Size: New lots of record shall be a minimum of 10 acres in size, except as restricted by Subsection 310.07(C) or as modified by Section 902 or 1013. (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. 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.
- E. Minimum Rear Yard Setback: Thirty (30) feet.
- F. Minimum Side Yard Setback: Ten (10) feet.
- G. Minimum Setbacks for Accessory Structures: No accessory structures constructed after the effective date of this amendment shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe the minimum rear and side yard setbacks of ten (10) feet.
- H. Bus shelters and roadside stands of no more than 400 square feet in size and not exceeding sixteen (16) feet in height, need not observe front yard setback lines excepting when located on a corner lot, then as per Section 310.08(I) below. (3/14/02)
- I. Corner visions: 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 road, 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. Structures built on lots adjacent to roads designated as Scenic Road should be set back a sufficient distance from the right of way to permit a landscaped or natural buffer area.
- K. See Section 900 for exceptions to dimensional standards.
- L. Variances: The 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 310.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

**310.09 DEVELOPMENT STANDARDS**



- A. See Section 1000 for applicable development standards.
- B. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2-9-95)
- C. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

( LAST TEXT REVISION 3/24/05 )

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 311 PLANNED MEDIUM DENSITY RESIDENTIAL (PMD) (3/24/05)

<a href="#">311.01</a>	PURPOSE
<a href="#">311.02</a>	AREA OF APPLICATION
<a href="#">311.03</a>	PRIMARY USES
<a href="#">311.04</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">311.05</a>	CONDITIONAL USES
<a href="#">311.06</a>	DEVELOPMENT STANDARDS
<a href="#">311.07</a>	PROCEDURAL REQUIREMENTS
<a href="#">311.08</a>	LIMITATION ON DISTRICT ALLOCATION

#### 311.01 PURPOSE

- 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 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.
- 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

This district shall apply only to those properties zoned Planned Medium Density (PMD) prior to the effective date of this amendment. (7-15-81)

### **311.03 PRIMARY USES**

- 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, golf courses, tennis courts, and swimming pools developed in conjunction with a 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. Bus shelters, subject to Section 823; (3/24/05)
- J. Home occupations, subject to Section 822; (3/24/05)
- K. 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. Signs, subject to Section 1010; (3/24/05)
- M. Utility carrier cabinets, subject to Section 830; (3/24/05)
- N. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835. (3/14/02)

### **311.04 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)

### **311.05 CONDITIONAL USES**

- 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); (5/22/03)
- E. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835. (3/14/02)

## **311.06 DEVELOPMENT STANDARDS**

- A. In considering a proposed Planned Medium Density 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:
      - 1. Bodies of water, such as lakes, rivers and ponds, and flood hazard districts.
      - 2. Lands subject to known hazards, such as landslides, flooding, wet lands and slopes greater than twenty (20) percent.
      - 3. 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. 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. 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: Planned Medium Density developments shall be appropriately located with

respect to adequate transportation facilities. All access to and from a Planned Medium Density development shall be on a street of collector classification or greater.

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.  
If located along the outer fringe of the Planned Medium Density development, it shall be adequately screened from vision from the adjacent properties. 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. **Homes Association:** For Planned Medium Density developments which 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 space, streets, drives, service and parking areas, reception areas. The following 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 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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

### **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.

(LAST TEXT REVISION 3/24/05)

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 312 HOODLAND RESIDENTIAL DISTRICT (HR) (3/24/05)

<a href="#">312.01</a>	PURPOSE
<a href="#">312.02</a>	AREA OF APPLICATION
<a href="#">312.03</a>	PRIMARY USES
<a href="#">312.04</a>	ACCESSORY USES
<a href="#">312.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">312.06</a>	CONDITIONAL USES
<a href="#">312.07</a>	PROHIBITED USES
<a href="#">312.08</a>	DIMENSIONAL STANDARDS
<a href="#">312.09</a>	DEVELOPMENT STANDARDS

#### 312.01 PURPOSE

This section 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 HR 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)

#### 312.03 PRIMARY USES

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home; (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, 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)
- G. Park-and-ride facilities. (3/24/05)

### **312.04 ACCESSORY USES**

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. One accessory dwelling unit; (3/24/05)
- C. Livestock, subject to Section 821; (3/24/05)
- D. Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- E. Guest houses, subject to Section 833; (3/24/05)
- F. Signs, subject to Section 1010; (3/24/05)
- G. Solar collection apparatus; (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. Family daycare providers. (3/24/05)

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **312.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer



pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)

1. 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 1 acre; (5/22/03)
14. Filling, grading, excavating, clearing of vegetation, and installation of public facilities in stream corridor areas; (5/22/03)
15. Multi-use developments, subject to Section 1016; (5/22/03)

### **312.07 PROHIBITED USES**

- A. Uses of structures and land not specifically permitted; (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 in the Comprehensive Plan 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 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)
- I. 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)

- J. 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. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)
- L. 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. 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: On land above the 3,500-foot elevation, covered parking shall be provided for structures containing 3 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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)
- H. 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 2 feet deep; (3/24/05)
  - 2. An entry area recessed at least 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)
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.

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 313 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT (MR-2) (3/24/05)

<a href="#">313.01</a>	PURPOSE
<a href="#">313.02</a>	AREA OF APPLICATION
<a href="#">313.03</a>	PRIMARY USES
<a href="#">313.04</a>	ACCESSORY USES
<a href="#">313.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">313.06</a>	CONDITIONAL USES
<a href="#">313.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">313.08</a>	DIMENSIONAL STANDARDS
<a href="#">313.09</a>	DEVELOPMENT STANDARDS

#### 313.01 PURPOSE

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

#### 313.02 AREA OF APPLICATION

Property may be zoned MR-2 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 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

- 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, 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)
- 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; (3/24/05)

### **313.04 ACCESSORY USES**

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

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

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

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

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

A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **313.06 CONDITIONAL USES**

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

### **313.07 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. 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. 1 story: 5 feet. (3/24/05)
2. 2 stories: 7 feet, or 10 feet when abutting an Urban Low Density Residential, VR-4/5, or VR-5/7 district. (3/24/05)
3. 3 stories: 15 feet. (3/24/05)
4. An additional 5 feet of side yard setback shall be required for each story higher than 3 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)
- 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)
  - 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 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)
  - 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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (3/24/05)

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 300 - URBAN AND RURAL RESIDENTIAL DISTRICTS

### 314 FUTURE URBANIZABLE (FU-10) 10 ACRE DISTRICT (3/24/05)

<a href="#">314.01</a>	PURPOSE
<a href="#">314.02</a>	AREA OF APPLICATION
<a href="#">314.03</a>	PRIMARY USES
<a href="#">314.04</a>	ACCESSORY USES
<a href="#">314.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">314.06</a>	CONDITIONAL USES
<a href="#">314.07</a>	PROHIBITED USES
<a href="#">314.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">314.09</a>	DEVELOPMENT STANDARDS

#### 314.01 PURPOSE

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 FU-10 zone is applied to those areas designated as Future Urbanizable on the Clackamas County Comprehensive Plan Map.

#### 314.03 PRIMARY USES

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured dwelling. (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.
  7. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof.
- C. Propagation or harvesting of a forest product. (11/24/99)
- 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. (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**

- A. Home occupations, subject to the provisions of Section 822.
- B. Accessory buildings and uses customarily incidental to any of the primary uses.
- C. Roadside stands, 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. Signs, as provided under Section 1010.
- E. A guest house, as defined in Section 202, subject to the provisions under Section 833.
- F. Bed and Breakfast Homestays, as defined in Section 200, subject to the major home occupation provisions under Section 822.

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

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

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **314.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with

Section 1203 and any applicable provisions of Section 800. (5/22/03)

1. 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, corals, boarding or riding stables, and other similar uses. (5/22/03)

### **314.07 PROHIBITED USES**

- A. Structures and uses of land not specifically mentioned in this section.
- B. Outdoor advertising displays, advertising signs, or advertising structures, except as provided in Section 1010.
- C. 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. Residential subdivisions.
- E. 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. (3/24/05)
- F. Kennels.

### **314.08 DIMENSIONAL REQUIREMENTS**

- A. Purpose. The provisions 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). (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. 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.
- E. Minimum rear yard setback: Thirty (30) feet.
- F. Minimum side yard setback: Ten (10) feet.
- G. Minimum setbacks for accessory structures: No accessory structures constructed after the effective date of this amendment shall be located closer than thirty (30) feet from the front property line. Accessory structures shall observe the minimum rear and side yard setbacks of ten (10) feet.
- H. Bus shelters and roadside stands of no more than 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. Structures built on lots adjacent to roads designated as Scenic Roads should be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer area.
- K. See Section 900 for exceptions to dimensional standards.
- L. Variances: The 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 314.08(A), and satisfies the criteria for a variance under Section 1205. (3/14/02)

## **314.09 DEVELOPMENT STANDARDS**

- A. See Section 1000 for applicable development standards.
- B. Partitions in Future Urbanizable areas shall indicate the location of improvements, including easements and road dedications, structures, wells, and 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 Subsection 301.02.
- C. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2-9-95)
- D. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 400 - NATURAL RESOURCE DISTRICTS

### 401 EXCLUSIVE FARM USE DISTRICT (EFU) (7/1/04)

<a href="#">401.01</a>	PURPOSE
<a href="#">401.02</a>	AREA OF APPLICATION
<a href="#">401.03</a>	DEFINITIONS
<a href="#">401.04</a>	PRIMARY USES ALLOWED ON LOW AND HIGH VALUE FARMLAND
<a href="#">401.05</a>	PRIMARY USES ALLOWED ON LOW VALUE FARM LAND
<a href="#">401.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">401.07</a>	CONDITIONAL USES
<a href="#">401.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">401.09</a>	CRITERIA FOR DWELLINGS
<a href="#">401.10</a>	LAND DIVISIONS, DIMENSIONS AND ADJUSTMENTS
<a href="#">401.11</a>	SUBMITTAL REQUIREMENTS
<a href="#">401.12</a>	PERMIT EXPIRATION

#### 401.01 PURPOSE

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

#### 401.02 AREA OF APPLICATION

- A. The Exclusive Farm Use District shall be applied to those areas which are generally suitable for

small and large scale agricultural uses. Criteria to be considered are:

1. Lands suitable for or characterized by small or large scale agricultural uses, such as the raising of poultry, fur bearing animals, and livestock and the growing of berries, nursery stock, vegetables, grains and field crops.
2. Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils or identified as agricultural soil by more detailed data. (1/9/03)
3. Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices. (1/9/03)
4. Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.
5. Lands designated and acknowledged as Agriculture on the County's Comprehensive Plan map. (1/9/03)

### **401.03 DEFINITIONS**

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

- A. Agricultural Land: As defined in Oregon Administrative Rule 660-33-0020. (1/9/03)
- B. Farm Use: As defined in ORS 215.203. (1/9/03)
- C. High Value Farmland: As defined in ORS 215.710 and OAR 660-033-0020(8). (1/9/03)
- D. Low Value Farmland: All land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8). (1/9/03)
- E. Date of Creation and Existence: When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- F. Tract: One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a county or public road, or contiguous at a common point. Lots or parcels divided by a State Highway are not considered contiguous. (1/9/03)
- G. Golf Course: As defined in Subsection 407.06(B)(31). (1/9/03)
- H. Irrigated: Agricultural Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this section, an area or tract 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. L. Accessory Farm Dwelling: Includes all types of residential structures allowed by the applicable state building code. (7/1/04)

#### **401.04 PRIMARY USES ALLOWED ON LOW AND HIGH VALUE FARMLAND (1/9/03)**

- A. Farm uses as defined in ORS 215.203. (1/9/03)
- B. Nonresidential buildings customarily provided in conjunction with farm uses. (1/9/03)
- C. Accessory buildings customarily incidental to an existing dwelling. (1/9/03)
- D. Propagation and harvesting of a forest product. (1/9/03)
- E. Creation of, restoration of, or enhancement of wetlands. (1/9/03)
- F. Alteration, restoration, or replacement of a lawfully established dwelling. A lawfully established dwelling is a single family dwelling which has: (1/9/03)
  - 1. Intact exterior walls and roof structure; (1/9/03)
  - 2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
  - 3. Interior wiring for interior lights; and (1/9/03)
  - 4. A heating system. (1/9/03)
  - 5. The dwelling to be replaced shall be removed, demolished, or if not a manufactured dwelling, converted to an allowable use within 90 days of the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced must be removed from the property within 30 days of the occupancy of the new dwelling. (1/9/03)
  - 6. If the dwelling to be replaced is located on a portion of the lot not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records to the County Clerk an irrevocable deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. Any release shall be signed by the Count and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. (7/1/04)
- G. A winery as described in ORS 215.452. (1/9/03)
- H. Farm stands. (1/9/03)

- I. Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.05 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b). (1/9/03)
- J. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (1)(a) or (b). (1/9/03)
- K. Climbing and passing lanes within a public right-of-way existing as of July 1, 1987. (1/9/03)
- L. Reconstruction or modification of public roads and highways including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. (1/9/03)
- M. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (1/9/03)
- N. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (1/9/03)
- O. Reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under ORS Chapter 215. (1/9/03)
- P. Collocation of wireless telecommunication facilities listed in Subsection 835.04(A), subject to Section 835, provided such facilities include an existing tower that is over 200 feet in height. (7/1/04)

#### **401.05 PRIMARY USES ALLOWED ON LOW VALUE FARM LAND (1/9/03)**

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

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

- A. The following uses may only be approved where it: (1/9/03)
  - 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (1/9/03)
  - 2. Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. (1/9/03)

B. Unless specified otherwise the following uses may be allowed on Low and High Value Farmland subject to Subsection 1305.02. (1/9/03)

1. A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area, exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet of floor area to the processing activities within another building supporting farm uses. A processing facility shall comply with Subsection 401.10(G) and other applicable siting standards, but the standards shall not be applied in a manner that prohibits the siting of the processing facility. (1/9/03)
2. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located. (1/9/03)
3. Parking of 7 or fewer log trucks. The term "parking" does not include a maintenance/repair facility. The parking/storage of other forestry equipment is not permitted. (1/9/03)
4. The propagation, cultivation, maintenance and harvesting of aquatic species. (1/9/03)
5. Dwellings and other building customarily provided in conjunction with farm uses subject to Subsection 401.09(E) or (F) and OAR 660-033-0135. (1/9/03)
6. A dwelling on real property used for farm use if the dwelling is located on the same lot or parcel as the dwelling of the farm operator and occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator subject to Subsection 401.09(H). (1/9/03)
7. Accessory farm dwellings customarily provided in conjunction with farm use subject to Subsection 401.09(I). (1/9/03)
8. One single family Lot of Record dwelling on a lawfully created lot or parcel subject to Subsection 401.09(B), (C) or (D). Lot of Record dwellings proposed on High Value Farmland composed of Class 1 or 2, or prime or unique Soils, shall be reviewed by the Hearings Officer subject to Section 1300. (1/9/03)
9. One manufactured dwelling, residential trailer or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative, as defined in Subsection 401.03(J), of the resident, subject to Subsection 1204.03. (1/9/03)
10. Replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all

- other applicable provisions of this Section. (1/9/03)
11. Residential home or facility as defined in ORS 197.660, in existing dwellings. (1/9/03)
  12. Farmworker housing as defined in Subsection 202, subject to Subsection 401.09(I). (1/9/03)
  13. Home occupations as provided in ORS 215.448 and Section 822. (1/9/03)
  14. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels. (1/9/03)
  15. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. (1/9/03)
  16. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels. (1/9/03)
  17. Utility facilities necessary for public service, including wetland waste water treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided. (1/9/03)
  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. (7/1/04)
  19. Parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120. (1/9/03)
  20. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. (1/9/03)
  21. Single family dwelling, not provided in conjunction with farm use subject to Subsection 401.09(G). (1/9/03)
  22. Fire service facilities providing rural fire protection services. (1/9/03)
- C. The following uses may be allowed on Low Value Farmland subject to Subsection 1305.02. (1/9/03)
1. Private parks, playgrounds, hunting and fishing preserves and campgrounds except as provided for in Subsection 401.08(F). (7/1/04)
    - a. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational areas such as swimming pools, tennis courts, retail stores or gas stations. (7/1/04)
    - b. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. A "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking

appliance. (7/1/04)

## **401.07 CONDITIONAL USES**

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

- A. Except for 401.07(B)(4) and (C)(2), the use may only be approved where it:
  - 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (1/9/03)
  - 2. Will not significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. (1/9/03)
- B. The following uses may be allowed on Low and High Value Farmland subject to Subsection 401.07. (1/9/03)
  - 1. Commercial activities that are in conjunction with farm use but not including the processing of farm crops as provided for in Subsection 401.06(B)(1). (7/1/04)
  - 2. MINERAL, AGGREGATE, OIL AND GAS USES; Pursuant to ORS 215.298 a land use permit is required for mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A permit for mining of aggregate shall be issued only for a site included on an inventory acknowledged in the Comprehensive Plan. (1/9/03)
    - a. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. (1/9/03)
    - b. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within 2 miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed. (1/9/03)
    - c. Processing of other mineral resources and other subsurface resources. (1/9/03)
    - d. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Subsection 401.04(I). (1/9/03)
  - 3. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service. A personal use airport as used in this Section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the

Oregon Department of Aviation. (1/9/03)

4. Roads, highways and other transportation facilities, and improvements not allowed under Subsections 401.04 - 06. Such uses may be established, subject to the adoption of an Exception to Goal 3, Agricultural Lands, and to any other applicable Goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in Oregon Administrative Rules 660-012-00035 and 660-012-0065. (1/9/03)
  5. Transmission towers over 200 feet in height. Towers supporting wireless telecommunication facilities are subject to Section 835. (1/9/03)
  6. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than twelve (12) acres on High Value Farmland, or more than 20 acres on Low Value Farmland, from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rule 660, Division 4. (1/9/03)
  7. An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks, and is subject to ORS 215.297. (7/1/04)
- C. The following uses may be allowed on Low Value Farmland subject to Subsection 401.07. (1/9/03)
1. Dog kennels not as described in Subsection 401.05(A)
  2. A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation. (1/9/03)
  3. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. (1/9/03)
  4. Composting Facilities subject to Section 834. (1/9/03)
  5. Golf Courses subject to Subsection 407.06(B)(31). (1/9/03)

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

- A. Structures and uses of land not specifically mentioned in this Section. (1/9/03)
- B. Bed and Breakfast Residences and Inns. (1/9/03)
- C. Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010. (1/9/03)
- D. Any lot division, or property line adjustment, except those approved pursuant to Subsection 401.10 and Section 1020. (1/9/03)
- E. Subdivisions, except as provided for in Subsection 401.10(A). (1/9/03)
- F. All other legally established preexisting uses and structures not specifically permitted in Section 401 shall be nonconforming uses subject to Section 1206. (1/9/03)
- G. Preexisting uses on High Value Farmland which are located wholly within this zone may be

maintained, enhanced or expanded on the same tract subject to Section 1206, except golf courses may be expanded to no more than 18 holes. (1/9/03)

- H. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director (1/9/03)

#### **401.09 CRITERIA FOR DWELLINGS:**

A permanent dwelling may be established under the following applicable provisions, when the applicant provides a complete application as required in Section 401.11 and subject to Subsections 1001.02 and 1305.02. The landowner for any dwelling approved under this Section shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)

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

- acknowledged comprehensive plan, this ordinance and other provisions of law; (1/9/03)
6. When the lot or parcel on which the dwelling will be sited is part of a tract, all remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed; (1/9/03)
  7. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2 or can be adequately mitigated. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife suggests to the county that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed 1 unit per 80 acres or 1 unit per 40 acres, if clustered within 200 feet. (1/9/03)
  8. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the effective date of the land use decision. (1/9/03)
- C. LOT OF RECORD DWELLING: When determined to be located on High Value Farmland consisting predominantly of Class III and IV Soil; subject to the following criteria: (1/9/03)
1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985; (1/9/03)
  2. The lot or parcel has been under the continuous ownership of the present owner who either; (1/9/03)
    - a. Acquired the lot or parcel prior to January 1, 1985; or (1/9/03)
    - b. Acquired the lot or parcel by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985; (1/9/03)
  3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
  4. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993; (1/9/03)
  5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan, this ordinance and other provisions of law; (1/9/03)
  6. When the lot or parcel on which the dwelling will be sited is part of a tract, all remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed; (1/9/03)
  7. The tract is no more than 21 acres; (1/9/03)
  8. The tract is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or, the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; (1/9/03)
  9. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2 or the impacts can be adequately mitigated so as not to interfere. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife



suggests to the county that in the absence of impact mitigation measures, winter range is seriously considered impacted by residential densities which exceed 1 unit per 80 acres or 1 unit per 40 acres, if clustered within 200 feet. (1/9/03)

10. An approval to construct a dwelling granted under this Subsection may be transferred to any other person after the land use decision becomes final. (1/9/03)

D. LOT OF RECORD DWELLING: When determined to be located on High Value Farmland consisting predominantly of Prime, Unique, Class I or II Soils if a Hearings Officer review pursuant to Subsection 1300 finds the following: (1/9/03)

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

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

1. The subject tract is currently employed in farm use that produced at least \$80,000 in gross annual income from the sale of farm products in the last 2 years or 3 of the last 5 years;

(1/9/03)

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

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

1. Income Test; Criteria: (1/9/03)

- a. The subject tract is currently employed for the farm use that produced at least \$32,500 in gross annual income from the sale of farm products in the last 2 or 3 of the last 5 years; (1/9/03)
- 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 years or 3 of the last 5 years; or (1/9/03)
  - b. On land identified as High Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last 2 years or 3 of the last 5 years; (1/9/03)
6. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross annual income from land owned, not leased or rented, shall be counted. (1/9/03)
  7. Any proposed land division or property line adjustment of a lot or parcel for an accessory farm dwelling approved pursuant to this Subsection shall not be approved. If it is determined that an accessory farm dwelling satisfies the requirements for a dwelling in conjunction with a farm use under Subsection 401.09(E or F), a parcel may be created consistent with the minimum parcel size requirements in Subsection 401.10(A); (1/9/03)
  8. An accessory farm dwelling approved pursuant to this Subsection shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 401.06(B)(21). (1/9/03)
  9. At any time the dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days. (1/9/03)

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

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

- A. Land Divisions: All new parcels shall be at least 80 acres. Land divisions for primary uses may be permitted by the Planning Director pursuant to Subsection 1305.02. (1/9/03)
- B. Conditional Use Divisions: The Hearings Officer may approve a division of land for nonfarm uses, except dwellings, set out in ORS 215.283(2) if the Hearings Officer finds that the parcel for the nonfarm use is not larger than the 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 1020 (1/9/03)

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 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 years after the date of mailing of the final decision; and (1/9/03)
1. One extension period of up to 2 years may be granted. (1/9/03)
  2. For the purposes of this provision, "residential development" only includes the dwellings provided for under Section 401. (1/9/03)
- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. (1/9/03)

(LAST TEXT REVISION 7/1/04)



## SECTION 400 - NATURAL RESOURCE DISTRICTS

### 406 TIMBER DISTRICT (TBR) (7/1/04)

<a href="#">406.01</a>	PURPOSE
<a href="#">406.02</a>	AREA OF APPLICATION
<a href="#">406.03</a>	DEFINITIONS
<a href="#">406.04</a>	PRIMARY USES
<a href="#">406.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">406.06</a>	CONDITIONAL USES
<a href="#">406.07</a>	TEMPORARY USES
<a href="#">406.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">406.09</a>	SITING STANDARDS FOR DWELLINGS AND STRUCTURES
<a href="#">406.10</a>	LAND DIVISIONS, DIMENSIONS AND ADJUSTMENTS
<a href="#">406.11</a>	SUBMITTAL REQUIRMENTS
<a href="#">406.12</a>	PERMIT EXPIRATION

#### 406.01 PURPOSE

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

#### 406.02 AREA OF APPLICATION

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

**406.03 DEFINITIONS**

- A. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. "Temporary structures" include on site structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation; small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed 1 year. (1/9/03)
- C. "Owner" means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild, of the owner or a business entity owned by any one or combination of these family members. (1/9/03)
- D. "Ownership" means holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. For purposes of section 406, ownership shall include all contiguous parcels, lots or tracts meeting this definition.
- E. "Tract" means one or more contiguous lots or parcels under the same ownership
- F. "Forest operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- G. "Cubic foot per acre per year", as defined in OAR 660-06-005(2).
- H. "Cubic foot per tract per year", as defined in OAR 660-06-005(3).
- I. "Date of creation and existence". When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
- J. "Historic Property", as defined in ORS 358.480. (1/9/03)

**406.04 PRIMARY USES (1/9/03)**

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations;
- B. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
- D. Alteration, restoration or replacement of a lawfully established dwelling that has: (1/9/03)
  - 1. Intact exterior walls and roof structures; (1/9/03)

2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
  3. Interior wiring for interior lights; (1/9/03)
  4. A heating system; (1/9/03)
  5. The dwelling to be replaced shall be removed, demolished or, if not a manufactured dwelling or residential trailer, converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling. (1/9/03)
- E. Widening of roads within existing rights-of-way in conformance with the transportation element of the Comprehensive Plan including public road and highway projects as described below. (1/9/03)
1. Climbing and passing lanes within the right- of-way existing as of July 1, 1987;
  2. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
  3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
  4. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- F. Farm uses as defined in ORS 215.203;
- G. Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- H. Private hunting and fishing operations without any lodging accommodations;
- I. Towers and fire stations for forest fire protection;
- J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- K. Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries;
- L. Accessory buildings and uses customarily incidental to and in conjunction with any of the uses listed as a primary use in Subsection 406.04, may be established only if a primary use exists; (1/9/03)
- M. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- N. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (7/1/04)
- O. Uninhabitable structures accessory to fish and wildlife enhancement. (7/1/04)

## **406.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR**

The following uses may be allowed subject to Subsection 1305.02. In addition, dwellings shall be

subject to Subsection 1001.02. (1/9/03)

A. HOME OCCUPATIONS, as defined in ORS 215.448, subject to Section 822 and the following criteria: (1/9/03)

1. The parcel upon which the home occupation is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
2. The home occupation will not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands;
3. The home occupation meets the siting standards of Subsection 406.09; (1/9/03)
4. If road access to the home occupation is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
5. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)

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, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
6. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
7. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
8. The tract upon which the dwelling will be sited shall pass a template test, conducted as follows: (1/9/03)
  - a. A 160 acre square template shall be centered upon the subject tract. The template may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the subject tract and, to the maximum extent possible, have its length aligned with the road or perennial stream. (1/9/03)
  - b. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the SCS Soils Atlas, of: (1/9/03)
    1. 0 - 49 cubic feet per acre per year of wood fiber production, at least part of a minimum of 3 lots of record shall fall within the template, and a minimum of 3 lawfully established dwellings shall exist on the lots within the template area; or (1/9/03)
    2. 50 - 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 7 lots of record shall fall within the template, and a minimum of 4 lawfully established dwellings shall exist on the lots within the template area; or (1/9/03)
    3. Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of 5 lawfully established dwellings shall exist on the lots

within the template area. (1/9/03)

c. The following types of lots of record and dwellings shall not be counted toward satisfying Subsection 406.05(C)(8)(b): (1/9/03)

1. Lots of record larger than 80 acres; (1/9/03)
2. Lots of record created on or after January 1, 1993; (1/9/03)
3. Dwellings on lots of record larger than 80 acres; (1/9/03)
4. Dwellings constructed on or after January 1, 1993; (1/9/03)
5. Lots of record or dwellings located within an urban growth boundary; and (1/9/03)
6. Temporary dwellings. (1/9/03)
7. The subject property. (7/1/04)

9. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of 1 of the dwellings required by Subsection 406.05(C)(8)(b) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on which the dwelling will be sited, a minimum of 1 of the dwellings required by Subsection 406.05(C)(8)(b) shall be located on the same side of the road as the proposed dwelling. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling is to be sited is at least 160 acres; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
5. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
6. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
7. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
8. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
3. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of 2 or more tracts that total 200 acres or more; (1/9/03)

4. The owner submits proof of an irrevocable deed restriction, recorded in the deed records of the county, for the tracts in the 200 acres. The deed restriction shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural and forest lands; (1/9/03)
  5. None of the parcels or tracts used to total 200 acres may already contain a dwelling. (1/9/03)
  6. All parcels or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest; (1/9/03)
  7. The siting standards described in Subsection 406.09 shall be met; (1/9/03)
  8. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
  9. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
  10. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
  11. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
- F. REPLACEMENT DWELLINGS FOR HISTORIC HOUSES: A replacement dwelling to be used in conjunction with a farm use may be approved if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all other applicable provisions of this section. (1/9/03)
- G. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3) subject to Section 835. (7/1/04)

## **406.06 CONDITIONAL USES**

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203, and any applicable provisions of Section 800, and the criteria listed below. (5/22/03)
1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (1/9/03)
  2. The proposed use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel; (1/9/03)

3. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)
4. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. (1/9/03)

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

1. Permanent facility for the primary processing of forest products;
2. Permanent facilities for logging equipment repair and storage;
3. Log scaling and weigh stations;
4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes, subject to the following: (1/9/03)
  - a. These areas may be occupied by a tent, travel trailer or recreational vehicle; (1/9/03)
  - b. These uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. (1/9/03)
  - c. The overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive 6 month period; (1/9/03)
  - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within 3 miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4. (1/9/03)
5. Public parks including only those uses specified under OAR 660-034-0035 subject to the state park master plan and including caretaker residences that meet all applicable standards set forth in Subsection 406.05(C)(1) through (7); (1/9/03)
6. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;
7. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to a well head; (1/9/03)
8. A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;
9. A disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation;
10. Fire stations for rural fire protection;
11. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an



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

12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
13. Reservoirs and water impoundments;
14. Cemeteries;
15. New electric transmission lines with right-of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal) with rights-of-way 50 feet or less in width.
16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. (7/1/04)
17. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
18. Aids to navigation and aviation;
19. Aircraft land uses subject to the provisions of Section 712 or 713. (3/14/02)
20. Expansion of existing airports subject to Section 712 or 713. (7/1/04)
21. Television, microwave and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower;
22. Public road and highway projects as described below.
  - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; and
  - b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; and
  - c. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
23. Composting Facilities subject to Section 834. (1/9/03)
24. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835. (3/14/02)
25. Youth Camps on 40 acres or more subject to OAR 660-006-0031. (1/9/03)

## **406.07 TEMPORARY USES**

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

- A. Temporary portable facility for the primary processing of forest products grown on-site, subject to Subsection 1204.01, for a period not to exceed 1 year; (1/9/03)
- B. Temporary forest labor camp subject to Subsection 1204.01 for a period not to exceed 1 year; (1/9/03)
- C. A manufactured dwelling, residential trailer or recreational vehicle may be used for care in conjunction with an existing dwelling for the term of a health hardship suffered by the existing

resident or a relative as defined in Subsection 406.03(C) and subject to Subsection 1204.03.  
(1/9/03)

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

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

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

- 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(F) (1/9/03)
  - 1. The dwelling shall have a fire retardant roof.
  - 2. The dwelling shall not be sited on a slope of greater than 40 percent. (1/9/03)
  - 3. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
  - 4. If the rural fire district or the Oregon Department of Forestry determines that an on-site water supply is required, then the following criteria shall be met: (1/9/03)
    - a. Access:  
If a water supply such as a swimming pool, pond, stream, or lake of 4,000 gallons or more exists within 100 feet of the driveway or road and the access has an average grade of 10 percent or less and a maximum grade of 15 percent, an all-weather approach to a point within 15 feet of the water's edge shall be provided. The all-weather approach shall provide a turnaround area with a 50 foot outside radius. If this standard cannot be met, then an all-weather approach and turnaround shall be constructed as per the requirements of the local emergency services provider. (1/9/03)
    - b. Identification:

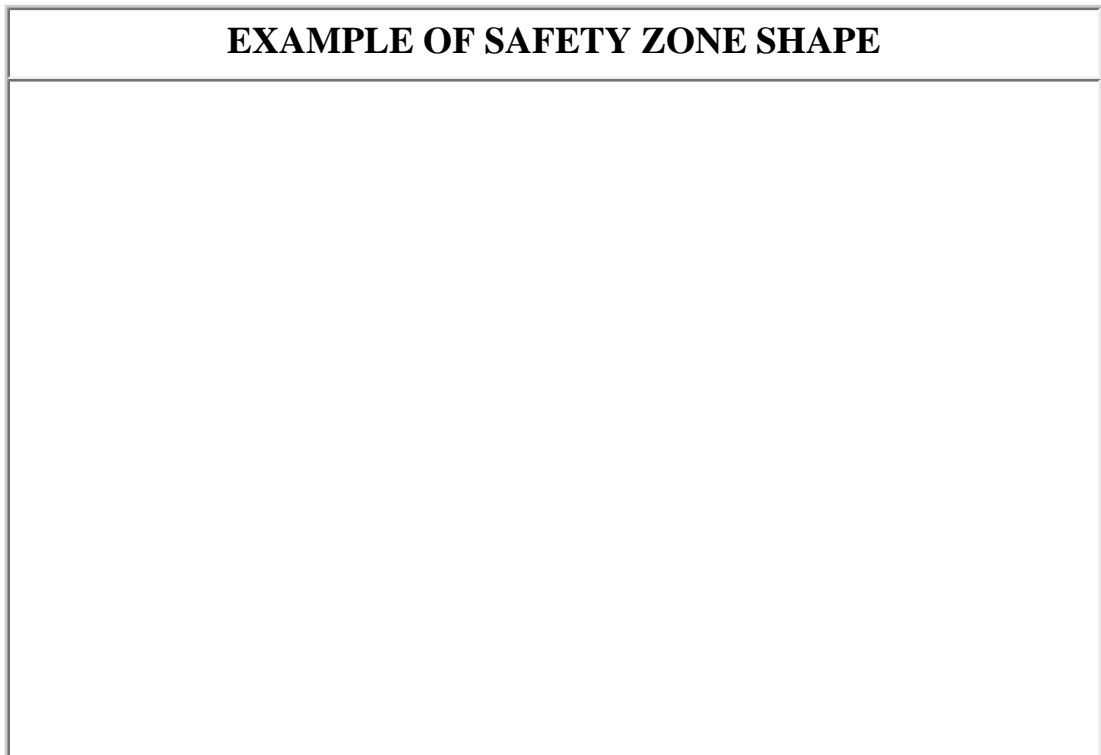
Emergency water supplies shall be clearly marked along the access route with a permanent county approved sign.

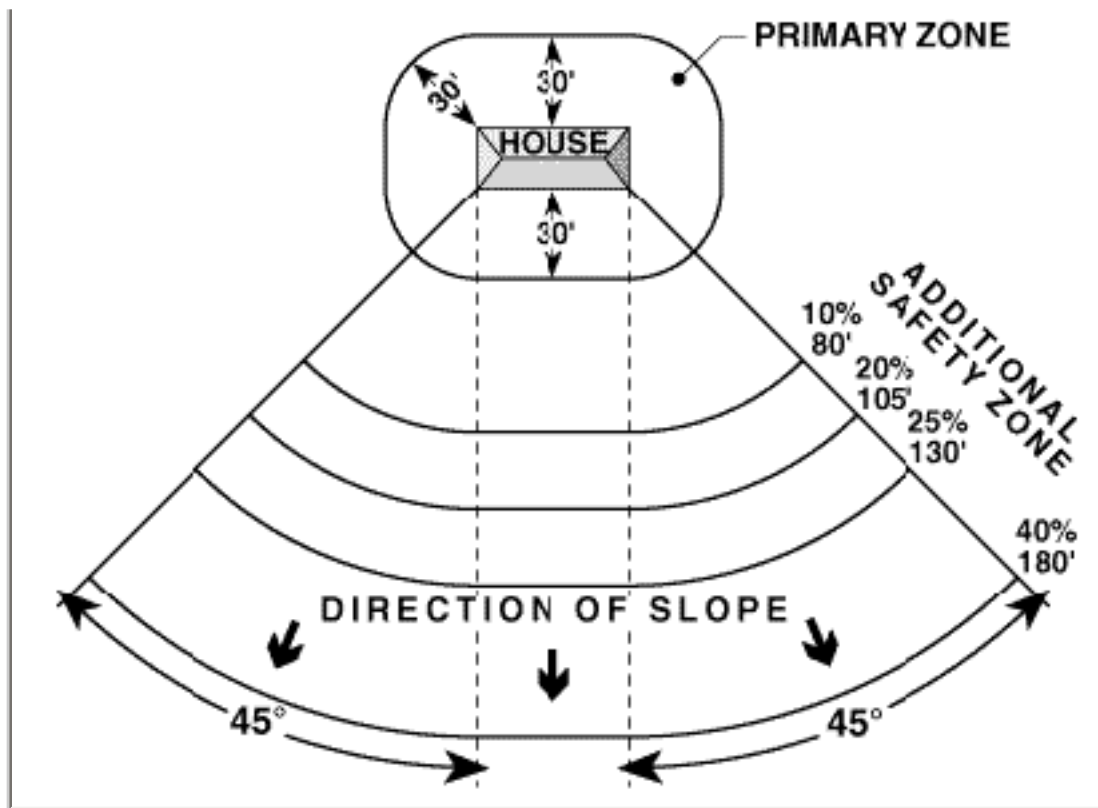
5. Fuel Break Standards:

a. Primary Safety Zone:

The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house. As slope increases, the primary safety zone shall increase away from the house and down the slope at a 45 degree angle from the house, in accordance with the following table and chart: (1/9/03)

<b>Slope</b>	<b>Feet of Primary Safety Zone</b>	<b>Feet of Additional Safety Zone Down Slope</b>
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 and Map III-2 of the Comprehensive Plan, as follows: (1/9/03)

1. When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques:
  - a. Locate new structure(s) adjacent to an existing compatible structure(s) sharing a common road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another structure); or (1/9/03)
  - b. Where "a" above is not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road; or (1/9/03)
  - c. Where "a" or "b" above are not practical, site to achieve maximum distance between structures, and mini-mize 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 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 1020. (1/9/03)

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 (1/9/03)**

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

#### **406.12 PERMIT EXPIRATION**

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

(LAST TEXT REVISION 7/1/04)





## SECTION 400 - NATURAL RESOURCE DISTRICTS

### 407 AG/FOREST DISTRICT (AG/F) (7/1/04)

<a href="#">407.01</a>	PURPOSE
<a href="#">407.02</a>	AREA OF APPLICATION
<a href="#">407.03</a>	DEFINITIONS
<a href="#">407.04</a>	PRIMARY USES
<a href="#">407.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">407.06</a>	CONDITIONAL USES
<a href="#">407.07</a>	TEMPORARY USES
<a href="#">407.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">407.09</a>	SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN THE AG/F DISTRICT DISTRICT
<a href="#">407.10</a>	LAND DIVISIONS, DIMENSIONS AND ADJUSTMENTS
<a href="#">407.11</a>	SUBMITTAL REQUIREMENTS
<a href="#">407.12</a>	PERMIT EXPIRATION

#### 407.01 PURPOSE

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

#### 407.02 AREA OF APPLICATION

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

#### 407.03 DEFINITIONS

- A. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. "Temporary structures" include on site structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation; small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed 1 year. (1/9/03)
- C. "Owner" means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members. (1/9/03)
- D. "Ownership" means holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. For purposes of Section 407.03(C), above, ownership shall include all contiguous parcels, lots or tracts meeting this definition.
- E. "Tract" means one or more contiguous lots or parcels under the same ownership.
- F. "Forest operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- G. "Cubic foot per acre per year", as defined in OAR 660-06-005(2).
- H. "Cubic foot per tract per year", as defined in OAR 660-06-005(3).
- I. "Date of creation and existence". When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
- J. "High-Value Farmland", as defined in ORS 215.710.
- K. "Low Value Farmland", all land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8). (1/9/03)
- L. "Historic Property", as defined in ORS 358.480. (1/9/03)

#### **407.04 PRIMARY USES**

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations;
- B. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
- D. Alteration, restoration or replacement of a lawfully established dwelling that:
  - 1. Intact exterior walls and roof structures; (1/9/03)

2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (1/9/03)
  3. Interior wiring for interior lights; (1/9/03)
  4. A heating system; and (1/9/03)
  5. The dwelling to be replaced shall be removed, demolished or, if not a manufactured dwelling or residential trailer, converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling. (1/9/03)
- E. Widening of roads within existing rights-of-way in conformance with the transportation element of the County's comprehensive plan including public road and highway projects as described below.
1. Climbing and passing lanes within the right- of-way existing as of July 1, 1987;
  2. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
  3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
  4. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- F. Farm uses as defined in ORS 215.203;
- G. Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- H. Private hunting and fishing operations without any lodging accommodations;
- I. Towers and fire stations for forest fire protection;
- J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- K. Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries;
- L. Accessory buildings, other than dwellings, and uses customarily incidental to and in conjunction with any of the uses listed as a primary use in Subsection 407.04, may be established only if a primary use exists; (1/9/03)
- M. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- N. Residential home or facility as defined in ORS 197.660, in existing dwellings. (1/9/03)
- O. Farm Stands:  
A structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and

the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment. (1/9/03)

- P. Utility carrier cabinets, subject to Section 830.
- Q. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (7/1/04)
- R. Wineries as described in ORS 215.452.
- S. Creation of, restoration of, or enhancement of wetlands.

#### **407.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR**

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

- A. HOME OCCUPATIONS, as defined in ORS 215.448, subject to Section 822 and the following criteria: (1/9/03)
  - 1. The parcel upon which the home occupation is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection;
  - 2. The home occupation will not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands;
  - 3. The home occupation meets the siting standards of Subsection 407.09; (1/9/03)
  - 4. If road access to the home occupation is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
  - 5. A written irrevocable statement shall be recorded in the deed records of the county binding upon the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)
- B. LOT OF RECORD DWELLING, subject to the following criteria: (1/9/03)
  - 1. The lot or parcel on which the dwelling will be sited was lawfully created prior to January 1, 1985;
  - 2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
  - 3. The lot or parcel on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993. (1/9/03)
  - 4. The lot or parcel on which the dwelling will be sited was acquired by the present owner (as defined in ORS 215.705(6)).
    - a. Prior to January 1, 1985; or
    - 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, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
6. A written irrevocable statement shall be recorded for the county binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (1/9/03)
7. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
8. The tract on which the dwelling will be sited shall pass a template test, which shall be conducted as follows:
  - a. A 160 acre square template shall be centered on the subject tract. The template test may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile

lone, 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: (1/9/03)
  1. 0 - 49 cubic feet per acre per year of wood fiber production, at least part of a minimum of 3 lots of record shall fall within the template, and a minimum of 3 lawfully established dwellings shall exist on the lots; or (1/9/03)
  2. 50 - 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 7 lots of record shall fall within the template, and a minimum of 4 lawfully established dwellings shall exist on the lots; or (1/9/03)
  3. Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of 5 lawfully established dwellings shall exist on the lots. (1/9/03)
- c. The following types of lots of record and dwellings shall not be counted toward satisfying Subsection 407.05(C)(8)(b): (1/9/03)
  1. Lots of record larger than 80 acres; (1/9/03)
  2. Lots of record lawfully created on or after January 1, 1993; (1/9/03)
  3. Dwellings on lots of record larger than 80 acres; (1/9/03)
  4. Dwellings constructed on or after January 1, 1993; (1/9/03)
  5. Lots of record or dwellings located within an urban growth boundary; and (1/9/03)
  6. Temporary dwellings. (1/9/03)
  7. The subject property. (7/1/04)
9. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of 1 of the dwellings required by Subsection 407.05(C)(8)(b) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on which the dwelling will be sited, a minimum of 1 of the dwellings required by Subsection 407.05(C)(8)(b) shall be located on the same side of the road as the proposed dwelling. (1/9/03)
10. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09B - G. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited is at least 160 acres; (1/9/03)
3. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
4. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
5. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
6. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the

United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)

7. A written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; (1/9/03)
8. If the subject parcel is larger than 10 acres, the applicant shall submit a stocking survey report to the County Assessor and the Assessor must verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. (1/9/03)
9. In cases where agriculture was the predominant use of the property on January 1, 1993, requests for a dwelling shall meet the applicable standards identified under 401.09E - G. (1/9/03)

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

1. The parcel upon which the dwelling is to be located is within a rural fire protection district or the applicant provides proof of a contract for residential fire protection; (1/9/03)
2. The tract on which the dwelling will be sited does not include a dwelling; (1/9/03)
3. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of 2 or more tracts that total 200 acres or more; (1/9/03)
4. The owner submits proof of an irrevocable deed restriction, recorded with the County Clerk, for the tracts in the 200 acres. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural and forest lands; (1/9/03)
5. None of the parcels or tracts used to total 200 acres may already contain a dwelling; (1/9/03)
6. All parcels or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest; (1/9/03)
7. The siting standards described in Subsection 407.09 shall be met; (1/9/03)
8. The parcel upon which the dwelling is to be located was lawfully created; (1/9/03)
9. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; (1/9/03)
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 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 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 and Map III-4 of the Comprehensive Plan using siting techniques a-c under Subsection 407.09(C)(1); (1/9/03)
8. Where no compatible structure(s) exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 407.09(C)(1)(a) above. (1/9/03)
9. The County shall not approve any lot division or property line adjustment which results in the location of any accessory farm dwelling on a lot or parcel separate from the farm use property for which it has been established. (1/9/03)

G. **ACCESSORY FARM DWELLING - NONRELATIVE**; An accessory farm dwelling for a nonrelative of the farm operator may be allowed when agriculture was the predominant use of the property on January 1, 1993 subject to the following criteria: (1/9/03)

1. The accessory farm dwelling shall be occupied by a person or persons who will be

- principally engaged in the farm use of the land whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; (1/9/03)
2. The accessory farm dwelling shall be located on a lawfully created lot or parcel; (1/9/03)
  3. The accessory farm dwelling shall be located: (1/9/03)
    - a. On the same lot or parcel as the primary farm dwelling; or (1/9/03)
    - 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 years or 3 of the last 5 years; or (1/9/03)
    - b. On land identified as High Value farmland, the primary dwelling is located on a farm or ranch operation that is currently employed in a farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of

farm products in the last 2 years or 3 of the last 5 years; (1/9/03)

6. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross annual income attributed to the tract. Only gross annual income from land owned, not leased or rented, shall be counted; (1/9/03)
  7. Any proposed land division or property line adjustment of a lot or parcel for an accessory farm dwelling approved pursuant to this Subsection, except as it would be consistent with Subsection 407.10(A) or (D), shall not be approved; (1/9/03)
  8. An accessory farm dwelling approved under this Subsection shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use subject to Subsection 401.06(B)(10). (1/9/03)
  9. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within ninety (90) days. (1/9/03)
  10. The County shall not approve any land division or property line adjustment which results in the location of any accessory farm dwelling on a lot or parcel separate from the farm use property for which it has been established. (1/9/03)
- H. AQUATIC SPECIES, the propagation, cultivation, maintenance, and harvesting of, are subject to the following criteria. Removal of any aggregate in conjunction with this use is subject to all standards of this ordinance: (1/9/03)
1. The use will not force a significant change in accepted farm or forest practices on surrounding land devoted to farm or forest use; (1/9/03)
  2. The use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. (1/9/03)
- I. FARM DWELLINGS, subject to the following criteria: (1/9/03)
1. A dwelling in conjunction with a farm use may be approved by the Planning Director subject to Subsection 1305.02, if the requirements of Subsection 401.09 are met. (1/9/03)
- J. Dwellings and related structures authorized by 407.05(I), where the predominant use is forestry shall be subject to the siting standards of Subsection 407.09. (1/9/03)
- K. REPLACEMENT DWELLINGS FOR HISTORIC HOUSES: A replacement dwelling to be used in conjunction with a farm use may be approved if the existing dwelling is listed on the National Register of Historic Places (as required under ORS 358.480). The use or operation of a historic property for other than uses provided under ORS 358.480(2), including use as a separate residence or creation of a separate parcel, shall be subject to all other applicable provisions of this section. (1/9/03)
- L. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3) subject to Section 835. (7/1/04)

## **407.06 CONDITIONAL USES**

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section

1300. Approval shall not be granted unless the proposal complies with Section 1203, and any applicable provisions of Section 800, and the criteria listed below. (5/22/03)

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (1/9/03)
2. The proposed use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel. (1/9/03)
3. A written irrevocable statement shall be recorded with the deed records 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)
4. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. (1/9/03)

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

1. Permanent facility for the primary processing of forest products;
2. Permanent facilities for logging equipment repair and storage;
3. Log scaling and weigh stations;
4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. A campground is an area devoted to overnight temporary use for vacation or recreational or emergency purposes but not for residential purposes, subject to the following: (1/9/03)
  - a. These areas may be occupied by a tent, travel trailer or recreational vehicle;
  - b. These uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations and not for residential purposes;
  - c. Overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive 6 month period. (1/9/03)
  - d. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4. (1/9/03)
5. Public parks including only those uses specified under OAR 660-034-0035 subject to the state park master plan and including caretaker residences that meet all applicable standards set forth in Subsection 407.05(B)(1) through (7). (1/9/03)
6. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517; (1/9/03)
7. Exploration for mineral and aggregate resources as defined in Chapter 517. (1/9/03)
8. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead; (1/9/03)
9. A disposal site for solid waste for which the Oregon Department of Environmental

- Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;
10. A disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation;
  11. Fire stations for rural fire protection;
  12. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829. (1/9/03)
  13. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
  14. Reservoirs and water impoundments;
  15. Cemeteries;
  16. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal) with rights-of-way 50 feet or less in width;
  17. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
  18. Aids to navigation and aviation;
  19. Personal use airports for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation; (1/9/03)
  20. Television microwave and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower;
  21. Collocation of wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835. (7/1/04)
  22. Public road and highway projects as described below.
    - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; and
    - b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; and
    - c. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels; and

- d. Roads, highways and other transportation facilities, and improvements not otherwise allowed under this ordinance, provided an exception is taken to Goals 3 and 4, and any other goal with which the facility or improvement does not comply;
23. Composting Facilities subject to the provisions of Section 834. (11/5/98)
24. Youth Camps on 40 acres or more subject to OAR 660-006-0031. (1/9/03)
25. Commercial activities that are in conjunction with farm use;
26. Dog kennels not as described in Subsection 401.05(A); (1/9/03)
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;
29. Public or private schools, including all buildings essential to the operation of a school. Schools shall not be approved within 3 miles of the urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-04;
30. Churches, and cemeteries in conjunction with churches. Churches shall not be approved within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-04;
31. Golf courses located on Low Value Farmland and subject to Subsection 401.04(A)(4) and (8). Existing golf courses on High Value Farmland shall not be expanded to contain more than eighteen (18) holes. A golf course is subject to the following: (1/9/03)
  - a. A golf course is an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. Golf courses approved under this provision shall be 9 or 18 hole regulation golf courses or a combination 9 and 18 hole regulation golf course;
  - b. A regulation 18 hole golf course is characterized as a site containing between 120 and 150 acres of land or more, with a playable distance of 5000 to 7200 yards, and a par of 64 to 73 strokes;
  - c. A regulation 9 hole golf course is characterized as a site containing between 65 and 90 acres of land or more, with a playable distance of 2500 to 3600 yards, and a par of 32 to 36 strokes;
  - d. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the nongolfing 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. (1/9/03)
  - e. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing, such as tennis courts; swimming pools; weight rooms; wholesale or retail operations oriented to the nongolfing public; housing. (1/9/03)
  - f. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use

that provides commercial services (e.g. food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

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

## **407.07 TEMPORARY USES**

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

- A. Temporary portable facility for the primary processing of forest products grown on-site subject to Subsection 1204.01, for a period not to exceed 1 year; (1/9/03)
- B. Temporary forest labor camp subject to Subsection 1204.01, for a period not to exceed 1 year; (1/9/03)
- C. A manufactured dwelling, residential trailer or recreational vehicle may be used for care, in conjunction with an existing dwelling for the term of a health hardship suffered by the existing resident or a relative as defined in 407.03(C) and subject to Subsection 1204.03. (1/9/03)

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

- A. Structures and uses, including temporary uses of land, not specifically mentioned in this section.
- B. Outdoor advertising displays, advertising signs or advertising structures except as provided in Sections 1010. (1/9/03)
- C. Any land division, or property line adjustment, except those approved pursuant to Subsection 407.10. (1/9/03)
- D. Subdivisions except as provided in Subsection 407.10(A) and (B). (1/9/03)
- E. Legally established preexisting uses and structures not specifically permitted in Section 407 shall be nonconforming uses subject to Section 1206. (1/9/03)
- F. Preexisting uses on High Value Farmland which are located wholly within this zone may be maintained, enhanced or expanded on the same tract subject to Section 1206, except golf courses may be expanded to no more than 18 holes. (1/9/03)
- G. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (1/9/03)

## **407.09 SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN THE AG/F DISTRICT (1/9/03)**

- A. Purpose
  - 1. Ensure compatibility between the new dwelling and the forest and agricultural operations.
  - 2. Minimize wildfire hazards and risks.

B. Fire Siting Standards. The following fire siting standards shall apply to all structures greater than 120 square feet in size including, new dwellings, and replacement dwellings not located within 100 feet of the existing dwelling in a forest zone, except as provided for in Subsection 407.10(F). (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)

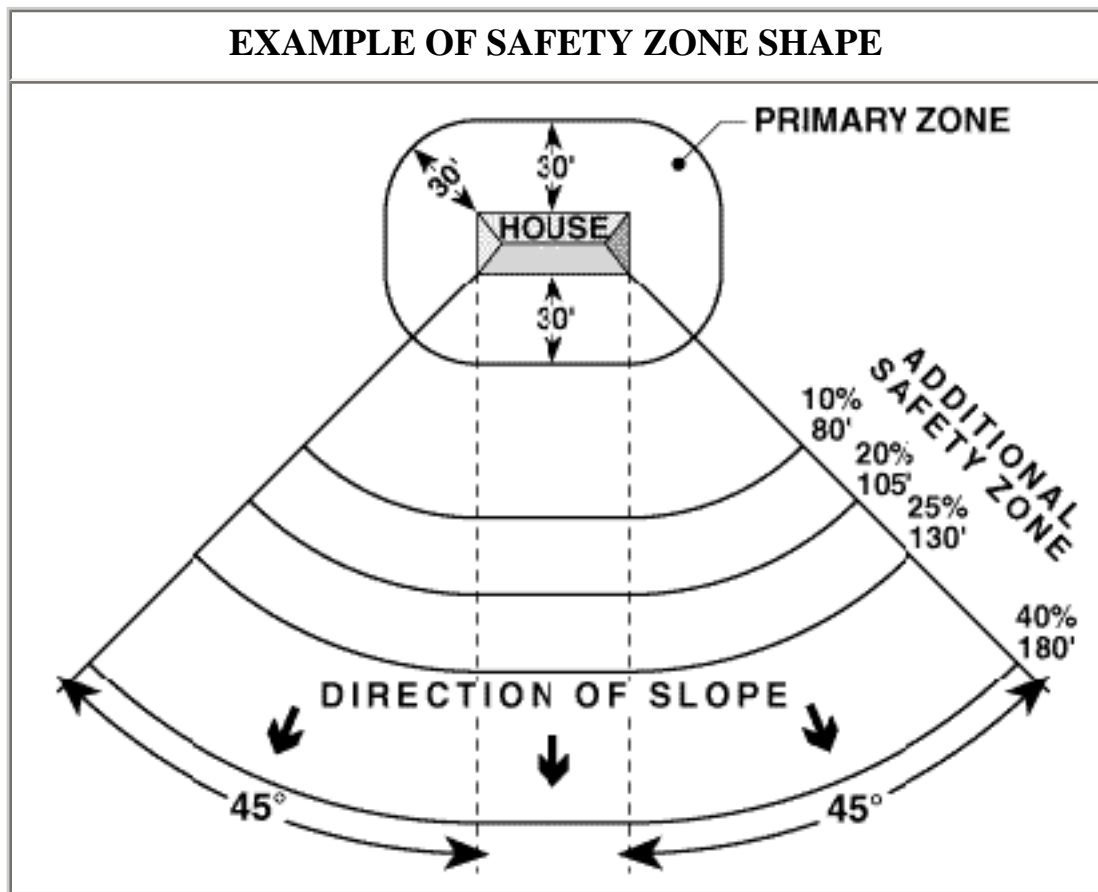
5. Fuel Break Standards (1/9/03)

- 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 foot. Vegetation within the primary safety zone may include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house. As slope increases, the primary safety zone shall increase away from the house and down the slope at a 45 degree angle from the house, in accordance with the following table and chart: (1/9/03)

<b>Slope</b>	<b>Feet of Primary Safety Zone</b>	<b>Feet of Additional Safety Zone Down Slope</b>
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 and Map III-4 of the Comprehensive Plan, as follows: (1/9/03)

1. When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques: (1/9/03)

a. Locate new structure(s) adjacent to an existing compatible structure(s) sharing a common road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another structure.); or (1/9/03)

b. Where "a" above is not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road; or (1/9/03)

c. Where "a" or "b" above are not practical, site to achieve maximum distance between structures, and minimize the length of access from the nearest existing public road. (1/9/03)

2. Where no compatible structures exist on adjacent properties, new structures shall be sited to allow future development to satisfy Subsection 406.09(C)(1)(a). (1/9/03)

D. Public and private access: (1/9/03)

1. All public roads, bridges or entrances from public roads shall be subject to the Clackamas County Roadway standards. (1/9/03)

2. All private roads, bridges and driveways shall be subject to the local Fire District Fire Apparatus Access Road standards and County Excavation and Grading ordinance. (1/9/03)

E. The applicant shall provide evidence to the Planning Division that the domestic water supply is from a source authorized in accordance with the Water Resources Department's (WRD) rules for

the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. (1/9/03)

1. For purposes of this subsection, evidence of a domestic water supply means: (1/9/03)
  - a. Verification from a water purveyor that the use described in the application will be served by the purveyor; or (1/9/03)
  - b. A water use permit issued by the WRD for the use described in the application; or (1/9/03)
  - c. Verification from the WRD that a water use permit is not required for the use described in the application. (1/9/03)
2. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well. (1/9/03)

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

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

- A. Land Divisions: The parcel size shall be no less than 80 acres. (1/9/03)
- B. Multiple Dwelling Land Divisions: A parcel or lot with at least two legally established dwellings may be partitioned subject to 407.05(A)(5) and the following provisions: (1/9/03)
  1. At least two lawfully created dwellings existed on the lot or parcel prior to November 4, 1993; (1/9/03)
  2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 407.04(D); (7/1/04)
  3. Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size; (1/9/03)
  4. At least one of the existing dwellings is located on each lot or parcel created under this provision; (1/9/03)
  5. The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director indicating the land is no longer subject to statewide planning goals for lands zoned for Forest use. (1/9/03)
  6. A lot or parcel may not be divided under this provision is 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 adjustment shall be subject to Section 1020. (1/9/03)

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 years after the date of mailing of the final decision if the development action is not initiated within that period. For purposes of this Subsection, a development is initiated if a building permit or manufactured dwelling permit is approved by the Planning Division and submitted to the Building Services Division. (1/9/03)

B. An extension period of up to 12 months may be granted if:

1. The applicant makes a written request for an extension; (1/9/03)

2. The written request is submitted prior to the expiration of the approval period; (1/9/03)

3. The applicant identifies reasons that prevented the beginning or continuing of the development within the approval period; (1/9/03)

4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. (1/9/03)

C. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for 4 years after the date of mailing of the final decision; and (11/200)

1. One extension period of up to 2 years may be granted. (1/9/03)

2. For the purposes of this provision, "residential development" only includes the dwellings

provided for under Section 407. (1/9/03)

- D. Approval or denial of an extension granted under this Subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. (1/9/03)

(LAST TEXT REVISION 7/1/04)

## SECTION 500 - COMMERCIAL DISTRICTS

### 501 NEIGHBORHOOD COMMERCIAL (NC) (5/22/03)

<a href="#">501.01</a>	PURPOSE
<a href="#">501.02</a>	AREAS OF APPLICATION
<a href="#">501.03</a>	PRIMARY USES
<a href="#">501.04</a>	ACCESSORY USES
<a href="#">501.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">501.06</a>	CONDITIONAL USES
<a href="#">501.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">501.08</a>	SUBMITTAL REQUIREMENTS
<a href="#">501.09</a>	DIMENSIONAL REQUIREMENTS
<a href="#">501.10</a>	DEVELOPMENT AND CONDITIONAL STANDARDS

#### 501.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Neighborhood Commercial 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 in areas planned for residential use, subject to Hearings Officer review under the provisions of Section 1300, when criterion "A" or criteria "B" and "C", below, are satisfied:

- A. Preexisting Uses: The site, prior to the adoption of this Section (5-3-82), was occupied by, and had an historical commitment to, neighborhood commercial uses. Additions of land area to a preexisting site shall be subject to criteria B and C, below.
- B. New Sites/Expansion of Preexisting Sites: New sites and property adjacent to any existing Neighborhood Commercial site may be tentatively zoned Neighborhood Commercial when all

the following criteria are satisfied: (2-3-88)

1. Criteria under Section 1203.01, B-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 2000 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 is located within an area designated low-, medium-, or high-density residential on the Comprehensive Plan.
- C. Final Approval: A 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 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 Establishments
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
11. Meat and fish markets

B. Service Commercial Uses:

1. Barber and beauty shops
2. Clothes pressing, alterations, and tailoring shops
3. Day care 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 Breakfast Establishment under Section 832 (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 shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

D. Preexisting retail or service commercial uses. (2-3-88)

## **501.04 ACCESSORY USES**

A. The following uses will be allowed as accessory uses in Neighborhood Commercial districts:

1. Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.
2. 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. Recyclable drop-off sites, subject to Section 819.
4. Bus shelters, subject to Section 823; bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Solar collection apparatus.
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 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. 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. 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: Any use Identified in Subsection 502.03, which is 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. 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. 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 Subsection 1203.01B-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;
  - 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;
6. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.

D. Building profiles

## 501.09 DIMENSIONAL REQUIREMENTS

A. Purpose: 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.
3. Ensure that building scale is in character with the surrounding neighborhood.

B. Dimensional Standards

1. 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. (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 from 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 501.02B3. (2-3-88)
5. Maximum Lot Coverage: Fifty (50) percent
6. Maximum Building Height: Thirty-five (35) feet
7. Minimum Landscaping: Fifteen (15) percent of the 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. Maximum Floor Area Per Use: Individual uses shall not exceed 5,000 square feet of gross floor area. (2-3-88)

C. 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 With Approved Plans: Neighborhood Commercial 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 501.02C. (2-3-88)
- B. Time Extensions: If the provisions above, under 501.10(A), are 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. Design Review: All development within the Neighborhood Commercial districts is subject to the requirements under Section 1000 and the procedures and application requirements under Section 1100.
- 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.
  - 2. Only hanging, onbuilding, or low freestanding or ground-mounted signs, graphics, or symbols shall be used. (2-3-88)
- E. 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.
  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.
- H. 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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)
- 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)

(LAST TEXT REVISION 5/22/03)

## SECTION 500 - COMMERCIAL DISTRICTS

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### 502 COMMUNITY COMMERCIAL (C-2) (3/24/05)

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<a href="#">502.01</a>	PURPOSE
<a href="#">502.02</a>	AREA OF APPLICATION
<a href="#">502.03</a>	PRIMARY USES
<a href="#">502.04</a>	ACCESSORY USES
<a href="#">502.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">502.06</a>	CONDITIONAL USE
<a href="#">502.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">502.08</a>	DIMENSIONAL STANDARDS
<a href="#">502.09</a>	DEVELOPMENT STANDARDS

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#### 502.01 PURPOSE

This section 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 designated Community Commercial when all of the following criteria are satisfied:

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

#### 502.03 PRIMARY USES

- A. The following uses shall be allowed as primary uses in the Community Commercial zone.
1. All uses allowed in the Neighborhood Commercial district (subsection 501,03A&B) including those uses that are too large in scale to be appropriate in the Neighborhood Commercial zone.
  2. Antique shops
  3. Art supply stores
  4. Banks, savings and loan associations, and loan companies
  5. Bed and Breakfast Residence or Inn, 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 hospital
  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, cocktail lounges 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

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 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. Auto and light truck repair and service
  2. Drive-thru window service in conjunction with any primary use
  3. Small animal medical and surgical clinics
  4. Service stations, subject to the provisions and requirements of Sections 801 and 820

## **502.04 ACCESSORY USES**

- A. The following uses will be allowed as accessory uses in Community Commercial districts:
1. Temporary buildings for uses incidental to construction work, 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, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
  6. Solar collection apparatus.

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



## 502.06 CONDITIONAL USE

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

- A. Uses of structures and land not specifically permitted in Section 502 are prohibited in all Community Commercial districts.
- 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. The 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 areas.
  - 3. Ensure that the minimum operational requirements of the development are provided onsite.
  - 4. Establish the maximum limits of development.
- B. 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: 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)
  - 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. Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setback shall be fifteen (15) feet.
  9. Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district, minimum setback shall be fifteen (15) feet.
  10. Minimum street Frontage: No limitation.
  11. Minimum Lot Size: No limitation.
  12. Maximum District Size: Ten (10) acres.
  13. Maximum Lot Coverage: No limitation.
  14. Minimum Landscaping: Fifteen (15) percent of total site area.
  15. Building Height: No limitation except when abutting a more restrictive district. When abutting a more restrictive district, 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: The requirements under subsection 502.08(B) above are subject to modification under the provisions of Section 900. (3/14/02)
- D. 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. 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. 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. 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. 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 of materials and merchandise shall be confined and contained within completely enclosed buildings.
- F. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)
- 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)

(LAST TEXT REVISION 3/24/05)

## SECTION 500 - COMMERCIAL DISTRICTS

### 503 GENERAL COMMERCIAL (C-3) (3/24/05)

<a href="#">503.01</a>	PURPOSE
<a href="#">503.02</a>	AREA OF APPLICATION
<a href="#">503.03</a>	PRIMARY USES
<a href="#">503.04</a>	ACCESSORY USES
<a href="#">503.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">503.06</a>	CONDITIONAL USES
<a href="#">503.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">503.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">503.09</a>	DEVELOPMENT STANDARDS

#### 503.01 PURPOSE

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

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

#### 503.02 AREA OF APPLICATION

This district is to be applied to those areas which are particularly suited for intensive commercial development. Property may be designated General Commercial when all the following criteria are satisfied:

- A. The site has been designated General Commercial on the Comprehensive Plan.

- B. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

### **503.03 PRIMARY USES**

- A. The following uses shall be allowed as primary uses in General Commercial districts:
1. Any use permitted within the Retail Commercial District.
  2. 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.
- B. Business Park Uses: Uses which satisfy the provisions of Section 606.03, which are not otherwise listed as primary uses under 503.03A, above, may locate within this district provided no smoke, noise or odors shall be emitted that detract from the character of a commercial district.
- C. Special Housing: Housing facilities for senior citizens or handicapped persons, subject to the provisions of Section 811.
- D. Institutional Uses: Colleges, educational institutes, and trade schools; art, music or dance studios; radio and television studios, excluding transmission towers.
- E. Cultural/Public Use: Galleries and museums; assembly or convention facilities, theatres for performing arts; exhibition halls, libraries, senior centers and fraternal organizations.
- F. Wireless telecommunication facilities listed in Subsections 835.04, subject to Section 835.  
(3/14/02)

### **503.04 ACCESSORY USES**

- A. The following uses will be allowed as accessory uses in General Commercial districts:
1. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
  2. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
  3. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to 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, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
  6. Solar collection apparatus.

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

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

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

## **503.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Hydroelectric facilities, subject to Section 829; (5/22/03)
  - 2. Telephone exchanges, utility substations, railroad rights-of-way, and public utility structures including shops and garages; (5/22/03)
  - 3. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; (5/22/03)
  - 4. Heliport landing areas; (5/22/03)
  - 5. Outdoor stadiums and race tracks; (5/22/03)
  - 6. Multi-use developments, subject to Section 1016. (5/22/03)

## **503.07 PROHIBITED AND PREEXISTING USES**

- A. Uses of structures and land not specifically permitted under this section are prohibited in all General Commercial districts.
- B. The use of a manufactured dwelling, except as an office in a manufactured dwelling or recreational vehicle sales lot, unless authorized under the provisions of Section 1204 for temporary permits. (11/24/99)
- C. New single- and two-family dwellings, except when incidental to a primary use. (3/24/05)
- D. Preexisting legally established dwellings may be allowed to remodel or expand without public hearing review. In addition, the following provisions shall apply: (11-5-98)
  - 1. Change of Use: A legally established dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new development. (11-5-98)
  - 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.
- E. All other preexisting structures and uses not specifically permitted in Section 503 shall be nonconforming uses subject to provisions of Section 1206. (6-22-81)
- F. In areas designated as Industrial on the Urban Growth Concept Map, Comprehensive Plan Map IV-8, retail uses larger than sixty-thousand (60,000) square feet of gross leasable area per

building or business are prohibited. (5/3/01)

## **503.08 DIMENSIONAL REQUIREMENTS**

- A. Purpose: The purposes of these requirements and limitations are to:
1. Provide for protection of adjacent properties.
  2. Provide for efficient utilization of General Commercial area.
  3. Ensure that the minimum operational requirements of the development are provided onsite.
  4. Establish the maximum limits of development.
- B. General Requirements: The following dimensional requirements shall apply to development of sites zoned General Commercial:
1. Minimum Site Area: No limitation, except a two-acre minimum for the area defined as Hinckley Road on the north, Cleo Battin on the south, and between 82nd Avenue and I-205.
  2. Minimum Front Yard Setback: Fifteen (15) feet. Structures on corner lots shall observe the minimum setback on both streets.
  3. Maximum Front Yard Setback: 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)
  4. 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)
  5. Along a signalized private road the maximum setback shall apply only along the first 250 feet from the major transit street. (9-8-94)
  6. 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)
  7. 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)
  8. This maximum setback from major transit streets and intersecting streets shall contain no on-site parking, however vehicular circulation lanes are permitted if crossing walkways are designed to ensure safety for pedestrians. (9-8-94)
  9. Minimum Rear Yard Setbacks: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the rear yard setback for each ten (10) foot increment in building height over thirty-five (35) feet.
  10. Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be

fifteen (15) feet. Ten (10) feet shall be added to the side yard setback for each ten (10) feet increment in building height over thirty-five (35) feet.

11. Minimum Street Frontage: Fifty (50) feet.
  12. Minimum Lot Size: No limitation.
  13. Maximum Lot Coverage: No limitation.
  14. Minimum landscaping: Fifteen (15) percent of total site area.
  15. Building Height: No limitation.
  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: The requirements under subsection 503.09(B) above are subject to modification under the provisions of Section 900. (3/14/02)
- D. Modifications/Variances: The requirements of subsection 503.09(B) may be modified by staff when such modification is consistent with the purposes set forth under Subsection 503.09(A), with the Comprehensive Plan and with the requirements and provisions of Section 1205. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. Proposed reductions in setbacks, frontage, or other requirements which exceed twenty (20) percent of the requirement of the district shall be subject to staff review with notice procedures set forth in Section 1305.02. (3/14/02)

## **503.09 DEVELOPMENT STANDARDS**

- A. Design Review: All development within this district is subject to the requirements prescribed under Section 1000 and to the procedures and application requirements under Section 1100.
- B. 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)
- C. Operational Impacts: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable, as determined by the Hearings Officer, by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried wastes.
- D. Landscaping: The function of landscaping in the General Commercial District shall be to implement boulevard, and transitway provisions of the Comprehensive Plan, identify access points, define internal circulation, provide onsite traffic control, and buffer adjacent residential uses.
- E. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)



## SECTION 500 - COMMERCIAL DISTRICTS

### 504 RURAL TOURIST COMMERCIAL DISTRICT (RTC) (3/24/05)

<a href="#">504.01</a>	PURPOSE
<a href="#">504.02</a>	AREA OF APPLICATION
<a href="#">504.03</a>	PRIMARY USES
<a href="#">504.04</a>	ACCESSORY USES
<a href="#">504.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">504.06</a>	CONDITIONAL USES
<a href="#">504.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">504.08</a>	DIMENSIONAL STANDARDS
<a href="#">504.09</a>	DEVELOPMENT STANDARDS

#### 504.01 PURPOSE

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

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 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 uses listed in the Neighborhood Commercial zone, Section 501.03 A&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 coops, granges, wholesales 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. Taverns.
30. Upholstery shops, including retail sales.
31. Veterinary services and clinics.
32. Churches, subject to Section 804.
33. Public utility installations.
34. Recreational vehicle camping facilities, subject to Subsection 813.01(D). (6/6/02)
35. 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. Park and ride lots, facilities and bus shelters, subject to Section 823.
37. Public and private schools, and trade schools,
38. 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)
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 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. Sports equipment rental, sale, service or repair. (07-01-97)
42. Other uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. (07-01-97)
43. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

#### **504.04 ACCESSORY USES**

- A. The following uses will be allowed as accessory uses in the Rural Tourist Commercial districts:
1. Temporary buildings for uses incidental to construction work, 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 collection apparatus.
  4. Signing, subject to Section 1010.
  5. 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.
  6. Recyclable drop-off sites, subject to Section 819.

#### **504.05 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)

#### **504.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with

Section 1203 and any applicable provisions of Section 800. (5/22/03)

1. Recycle 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, excluding landscaping, portion of the site. No outside storage shall be permitted; (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**

The following are prohibited uses in Rural Tourist Commercial District:

- A. Uses of structures and land not specifically 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 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.

## **504.08 DIMENSIONAL STANDARDS**

- A. Purpose: The 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 areas.
- B. 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. 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. Government Camp shall observe a minimum setback of

10 feet. The maximum setback for property with frontage on Old Mt. Hood Loop Highway shall be no greater than 15 feet along the frontage except where public plaza space is provided. Setback for cantilevered buildings with frontage on the Old Mt. Hood Loop Highway shall observe a 4 foot setback to the cantilever. Structures on corner lots shall observe a minimum ten foot setback on the side street from the Old Mt. Hood Loop Highway. (03-03-93)

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 sideyard setbacks on property with frontage on the Old Mt. Hood Loop Highway may have 0 side yard setback subject to compliance with all other development standards. (03-03-93)
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. Minimum Landscaping: 15 percent of total developed site area. Refer to 504.09(E) for Government Camp exceptions. (3/14/02)
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. 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. (11/30/00)
10. 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. Rhododendron Rural Service Center floor area limitation: 4000 square feet/building. (07-01-97)

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 Section 900 and 1000.

D. 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:

<b>Unit Size (in square feet) (3/24/05)</b>	<b>Maximum Number of Units per Acre in Wemme/Welches Resort Community (3/24/05)</b>	<b>Maximum Number of Units per Acre in Rhododendron Rural Service Center (3/24/05)</b>
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)

- E. Variances: The 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 504.08(A) and satisfies the criteria for a variance under Section 1205. (3/14/02)

### 504.09 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. When the provisions of Section 1000 conflict with this section or the Mt. Hood Community Plan, the provisions of this section and the Community Plan shall govern.
- B. Community Plans: 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. Government Camp Design Standards: The following standards shall apply to Government Camp

and shall govern where any standards are in conflict with the provisions of Section 504. These standards shall apply to all new development and, where reasonable, to remodels. (03-03-93)

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. (03-03-93)
  2. Loading and Delivery: Shall not be located on Old Mt. Hood Loop Highway unless there is no other access. (03-03-93)
  3. Covered Walkways: Shall be provided on all building frontage of new development on properties with street frontage on the Loop Road between Wyeast Trail and Church St. Walkway width shall be a minimum of eight (8) feet in width to be covered by a permanent structure attached to the building. Walkway shall not project beyond the property lines. Covered walkways shall be consistent with the building design and materials and shall extend along the entire frontage of the building. (03-03-93)
  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. (03-03-93)
  5. Roofing Materials: No nonarchitectural composition shingles or galvanized or corrugated metal roofs are allowed. (03-03-93)
  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". (03-03-93)
- E. Signs: In addition to the provisions of Section 1010, all signs in the Rural Tourist Commercial district 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. (03-03-93)
- F. Landscaping: In addition to the provisions of Section 1009, landscape designs in Rural Tourist Commercial districts shall comply with the following: (03-03-93)
1. A minimum of fifteen (15) percent of the developed site shall be used for landscaping. Government Camp properties with frontage on the Loop Road between Wyeast and Church Streets and on Little Trail between Olive and Church Streets shall be exempt from this provision where public plazas are provided in compliance with the standards set forth in Section 504.09(E). (3/14/02)
  2. Distinctive individual or stands of trees shall be preserved where possible.
  3. 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.

4. Government Camp Landscaping and Plaza Space: Development with street frontage on the Loop Road between Wyeast Trail and Church Street and Little Trail between Olive and Church Streets shall 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 Highway or Little Trail where there is no frontage on the Loop Highway. (03-03-93)
  - a. Square footage required: A minimum of 100 square feet of plaza space shall be provided for developments with up to 1999 square feet. Developments 2000 square feet and larger shall provide a minimum of 150 square feet plus an additional 10 square feet for each 100 square feet of floor area. This shall be developed as one contiguous space. Developments 5000 square feet and larger may develop the plaza as two separate plazas. (03-03-93)
  - b. 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. (03-03-93)
  - c. Plaza landscaping: 15 percent of the total plaza area shall be landscaped with planters and/or hardy native vegetation. (03-03-93)
  - d. 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. (03-03-93)
  - e. Garbage receptacles: One (1) garbage receptacle shall be provided in the plaza. Receptacle shall be clad in wood or stone. (03-03-93)
- 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.

(LAST TEXT REVISION 3/24/05)



## SECTION 500 - COMMERCIAL DISTRICTS

### 505 RURAL COMMERCIAL (RC) (3/24/05)

<a href="#">505.01</a>	PURPOSE
<a href="#">505.02</a>	AREA OF APPLICATION
<a href="#">505.03</a>	PRIMARY USES
<a href="#">505.04</a>	ACCESSORY USES
<a href="#">505.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">505.06</a>	CONDITIONAL USES
<a href="#">505.07</a>	PROHIBITED AND LAWFULLY ESTABLISHED PREEXISTING USES
<a href="#">505.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">505.09</a>	DEVELOPMENT STANDARDS

#### 505.01 PURPOSE

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

#### 505.02 AREA OF APPLICATION

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

#### 505.03 PRIMARY USES

- A. The following uses shall be allowed as primary uses provided each is at a scale appropriate to serve the rural community as defined in Subsection 505.08(B)(8). (3/14/02)
1. All uses listed in the Neighborhood Commercial zone, Section 501.03A&B, at a scale

- appropriate to serve the surrounding rural community.
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, truck and equipment repair services, and sale of replacement parts.
  6. Banks, credit unions, savings and loans.
  7. Billiard halls with no more than six (6) tables and game rooms which provide no more than twenty (20) mechanical or electronic games of science and skill. (4-12-82)
  8. Book and stationary 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 and post offices.
  12. Doctor and dentist offices.
  13. Drive-thru window service in conjunction with a primary use, subject to staff review under Section 827.02C-E. (2-29-84)
  14. Firewood sales.
  15. Feed stores, including wholesale and retail sales and storage.
  16. Fertilizer and similar agricultural and forestry materials wholesale and retail sales and storage.
  17. Food lockers.
  18. Garden store, including wholesale and retail sales of seeds, seedlings and nursery stock.
  19. Gunsmith.
  20. Houseware and household appliance and equipment sales and repair.
  21. Insurance agents.
  22. Leather goods and hides sales.
  23. Locksmith.
  24. Logging contractors.
  25. Liquor stores.
  26. Museums.
  27. Offices, meeting rooms, rental and sales outlets and equipment storage for organizations related to farm or forestry uses such as water boards, farmers co-ops, granges, wholesalers or retailers of farm or forestry equipment, materials and products.
  28. Pottery and ceramic stores, including manufacturing of pottery to be sold in that store and classes.
  29. Real Estate Agents.
  30. Service stations, subject to the provisions of Section 820.
  31. Taverns.
  32. Upholstery shops, including retail sales.
  33. Veterinary services and clinics.
  34. Utility carrier cabinets, subject to Section 830 (2-92-84)
  35. Telephone co-ops, including associated buildings. (7-1-97)

36. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)
37. Any use that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

## **505.04 ACCESSORY USES**

- A. The following uses will be allowed as accessory uses in the Rural Commercial districts:
1. Temporary buildings for uses incidental to construction work, 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 primary use.
  3. Solar collection apparatus.
  4. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker.
  5. Recyclable drop-off sites, subject to Section 819.

## **505.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)**

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

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

## **505.06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
1. Churches, subject to Section 804; (5/22/03)
  2. Primary and secondary schools and trade schools for trades associated with agriculture and forestry industries, subject to Sections 805, except as restricted by Subsection 505.07 (F); (5/22/03)
  3. Service and recreational uses, excluding recreational vehicle camping facilities, subject to Section 813; (5/22/03)
  4. Recycling centers and transfer stations, subject to Section 819; (5/22/03)
  5. Hydroelectric facilities, subject to Section 829; (5/22/03)
  6. Mini-storage facilities, vehicle storage, and recreational vehicle storage. (5/22/03)

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

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

- A. Uses of structures and land not specifically permitted in Rural Commercial Districts.
- B. New dwellings, except when accessory to a primary use. However, a dwelling which lawfully existed at the time of adoption of this Ordinance shall not be a nonconforming use, and may be remodeled or expanded without review under Section 1206. (3/24/05)
- C. Lawfully established commercial uses that existed prior to zoning or established through the applicable land use process on or before the date of this ordinance (12/20/01), not otherwise listed in the zone, are allowed outright and shall not be classified as non-conforming uses. (12/20/01)
- D. All other lawfully established preexisting uses and structures not specifically permitted in Section 505 shall be considered nonconforming uses subject to the provisions of Section 1206. (12/20/01)
- E. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres in size. (4/30/03)
- F. Public and private schools within the areas identified as Employment, Industrial and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map. (4/30/03)

## **505.08 DIMENSIONAL REQUIREMENTS (12/20/01)**

- A. Purpose: The requirements and limitations under this subsection are intended to:
  - 1. Provide for protection of surrounding properties and the historic character of the rural center.
  - 2. Ensure that the minimum operational requirements of the development are provided onsite.
  - 3. Establish the maximum limits of development.
  - 4. Ensure that the use and building scale is in character with the Rural Center, and appropriate to meet the needs of the Rural Center and surrounding area residents.
- B. General Requirements: The following dimensional requirements apply to site zoned Rural Commercial: (12/20/01)
  - 1. Minimum Front Yard Setback: 30 feet. Structures on corner lots shall observe the minimum setback on both streets.
  - 2. Minimum Rear Yard Setback: 10 feet. When rear yard abuts a more restrictive zone, setbacks shall be 20 feet.
  - 3. Minimum Side Yard Setback: 10 feet. When side yard abuts a more restrictive zone, setbacks shall be 20 feet.
  - 4. Minimum Street Frontage: 50 feet.
  - 5. Minimum Lot Size: No limitation except as restricted by Subsection 505.07(E). (4/30/03)
  - 6. Minimum Landscaping: 15 percent of total developed site area.
  - 7. Corner Vision: No sight-obscuring structures or plantings exceeding thirty (30) inches of

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.

8. Scale of Commercial uses: (12/20/01)

- a. Within an unincorporated community, the use shall not exceed a total of 4,000 square feet of floor area per use within a building(s). Outside an unincorporated community, the use shall not exceed a total of 3,000 square feet of floor area per use within a building(s). (12/20/01)
- b. Within an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection (12/20/01) may expand to occupy 4,000 square feet of floor area within a building(s). If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area, the floor area, the floor area may be expanded to occupy a maximum of 4,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater. (12/20/01)
- c. Outside an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection (12/20/01) may be expanded to occupy a maximum of 3,000 square feet of floor area, or an additional 25% of the floor area currently occupied, whichever is greater. (12/20/01)

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

D. Variances: The requirements of Subsection 505.08(B)(1) through (7) may be modified by staff when such modification is consistent with the purposes set forth under Subsection 505.08(A), with the Comprehensive Plan, and satisfies the criteria for a variance under Section 1205. (3/14/02)

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

## **505.09 DEVELOPMENT STANDARDS**

- A. All development within the Rural Commercial district is subject to the requirements prescribed under Section 1000 and the procedures and application requirements under Section 1100.
- B. Community Plans: If a special design, circulation or community plan has been adopted by the Board of County Commissioners for an area, the development shall comply with the special requirements and provisions of that plan. When any provision of Section 505 as applied to a specific property or area is in conflict with the implementation of the adopted design, circulation or community plan, the design, circulation or community plan shall govern.

- C. Building Siting and Design: In applying the provisions of Section 1005, particular emphasis shall be on creating a sense of visual focus and local activity center in the rural commercial district while protecting and enhancing the historic qualities of the Rural Community (7-1-97).
- D. Signs: In addition to the provisions of Section 1010, all signs in the Rural Commercial district shall be complementary to the historic character and rural scale of the Rural Community in the use of graphics symbols, lighting and natural materials. (7-1-97)
- E. Landscaping: In applying the provisions of Section 1009, landscape designs in Rural Commercial districts shall comply with the following:
  - 1. A minimum of fifteen (15) percent of the developed site shall be used for landscaping.
  - 2. Distinctive individual or stands of trees shall be preserved where possible.
  - 3. The function of landscaping in the Rural Commercial district shall be to create a visual focus in the rural community, visually integrate adjacent uses, buffer potentially conflicting uses, protect and enhance the historic qualities of the Rural Community and create an inviting shopping environment. (7-1-97)
- F. Property Line Adjustments. A property line adjustment may be granted pursuant to the provisions of Section 1020. (2-9-95)
- G. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 500 - COMMERCIAL DISTRICTS

### 506 PLANNED COMMERCIAL DISTRICT (PC) (6/6/02)

<a href="#">506.01</a>	PURPOSE
<a href="#">506.02</a>	PRIMARY USES
<a href="#">506.03</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">506.04</a>	PROCEDURAL REQUIREMENTS
<a href="#">506.05</a>	REGULATIONS, LIMITATIONS AND RESTRICTIONS
<a href="#">506.06</a>	ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF
<a href="#">506.07</a>	LIMITATION ON DISTRICT ALLOCATION
<a href="#">506.08</a>	DIMENSIONAL STANDARDS
<a href="#">506.09</a>	DEVELOPMENT STANDARDS

#### 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.
  - 1. 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. Property Line Adjustments. A property line adjustment may be granted pursuant to the provisions of Section 1020 when consistent with the provisions of Subsection 506.06. (3/14/02)
- D. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 6/6/02)

## SECTION 500 - COMMERCIAL DISTRICTS

### 507 OFFICE COMMERCIAL (3/24/05)

<a href="#">507.01</a>	PURPOSE
<a href="#">507.02</a>	AREA OF APPLICATION
<a href="#">507.03</a>	PRIMARY USES
<a href="#">507.04</a>	ACCESSORY USES
<a href="#">507.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">507.06</a>	CONDITIONAL USES
<a href="#">507.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">507.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">507.09</a>	DEVELOPMENT STANDARDS

#### 507.01 PURPOSE

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; and
- 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 when at least one of the following locational criteria is satisfied:

- A. 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. The property offers high visibility from a major highway or arterial and will not draw traffic through single family neighborhoods.
- C. The property or area provides a buffer between residential areas and commercial or industrial properties.

### **507.03 PRIMARY USES**

- A. Office Uses: These may locate within an Office Commercial district when such uses 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 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. A request for a determination under this subsection 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 Office Commercial up to a maximum of twenty (20) percent of the gross floor area of the development: (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 Sales and Rentals; (12/23/98)

4. Bakeries; (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 section. A request for a determination under this subsection 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 Breakfast Establishments: Subject to Section 832.
- G. Transportation/Parking: Parking structures and areas which serve developments located within the Office Commercial district or a park-and-ride; transit stations and bus shelters.
- H. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

## **507.04 ACCESSORY USES**

The following uses may be provided on the same site area as any primary use in an Office Commercial district:

- A. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- B. Utility carrier cabinets, subject to Section 830.
- C. Solar collection apparatus and cogeneration facilities.
- 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. 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 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)

## 507.06 CONDITIONAL USES

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
1. 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 5 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 or exceeding the limits under Subsection 507.03D, 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; (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 prohibited in an Office Commercial district:
1. Uses of structures and land not specifically 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. Outdoor storage or display of materials or products.
  5. 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 preexisting 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 lots created for preexisting dwellings by partition or property line adjustment. However, parking requirements and setback and or fire wall requirements of the Uniform Building

Code shall be satisfied. Property line adjustments may be granted pursuant to the provisions of Section 1020. (2-9-95)

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 Design Review 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 REQUIREMENTS**

A. The purposes of these requirements and limitations are to:

1. Encourage coordinated development and the most efficient use of Office Commercial 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. The following dimensional 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 are physically separated from all other undeveloped or underdeveloped properties in this district. (12-13-89)
3. Minimum Front Yard Setback: Fifteen (15) feet.
4. Maximum Front Yard Setback: None ,except: Buildings at or near a transit stop along a major transit street 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. Minimum Rear Yard Setbacks: Ten (10) feet. When 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. Minimum street frontage for a site area: forty (40) feet.
  13. 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. Minimum Landscaping Area: Twenty (20) percent of the site 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 by the staff when such modification is consistent with the purposes set forth in Section 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**

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. 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. 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, the 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. 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. 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:

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, landscaping and pedestrian area design shall:

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. (12-13-89)

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;

2. Service commercial uses must be established concurrently with, or after another primary use; and
3. The service commercial use may be in the same building as the other primary use(s) or a separate building the development site.

H. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 500 - COMMERCIAL DISTRICTS

### 508 RETAIL COMMERCIAL (RTL) (3/24/05)

<a href="#">508.01</a>	PURPOSE
<a href="#">508.02</a>	AREA OF APPLICATION
<a href="#">508.03</a>	PRIMARY USES
<a href="#">508.04</a>	ACCESSORY USES
<a href="#">508.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">508.06</a>	CONDITIONAL USES
<a href="#">508.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">508.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">508.09</a>	DEVELOPMENT STANDARDS

#### 508.01 PURPOSE

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

- A. Provide for Retail Commercial areas to meet regional shopping needs for a wide range of good and services located in areas accessible by transit and automobile.
- B. Provide for development oriented toward mass transit and pedestrians with amenities to serve people not dependent on automobiles.
- C. Allow mixed land uses. (12/23/98)

#### 508.02 AREA OF APPLICATION

This district is to be applied to those areas which are particularly suited for intensive commercial development. Property may be designated Retail Commercial when all the following criteria are satisfied:

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

### **508.03 PRIMARY USES**

- A. Office, retail, and service commercial uses shall be allowed as primary uses in Retail Commercial districts provided that:
1. Outdoor display and storage is limited to less than 5 percent of the building coverage (see exception in 4 below).
  2. Most activities are conducted within a completely enclosed structure.
  3. Uses with drive-through window service are subject to the provisions in Section 827. Within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, drive-through uses are also subject to Section 1700. (5/3/01)
  4. Auto body, R.V. and boat repair businesses shall store damaged and/or vehicles/equipment being repaired within a completely enclosed structure.
- B. Multifamily residential uses, subject to Section 303. (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; assembly or convention facilities, theatres for performing arts; exhibition halls, libraries, senior centers and fraternal organizations.
- E. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835. (3/14/02)

### **508.04 ACCESSORY USES**

- A. The following uses will be allowed as accessory uses in the Retail Commercial districts:
1. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
  2. 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. Bus shelters, subject to Section 823, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
  4. Solar collection apparatus.
  5. Accessory uses provided under Subsection 303.04 may be allowed in conjunction with any residential use in this district.
  6. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
  7. Transportation and Parking: (12/23/98)
    - a. Parking structures: If the site is within the Clackamas Regional Center Area shown on Comprehensive Plan Map X-CRC-1, commercial uses are allowed on the first

level of freestanding parking structures, subject to the provisions of Section 1000, and 1700. (5/3/01)

b. Park-and-Rides

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

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

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

## **508.06 CONDITIONAL USES**

- A. Conditional uses listed in Subsection 508.06(B) may be allowed subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use: (5/22/03)

1. Shall not interfere with, or intrude into or between, pedestrian-oriented uses or developments; (5/22/03)
2. Shall provide pedestrian and landscaping amenities which are comparable to those provided in conjunction with primary uses listed in Subsection 508.03; (5/22/03)
3. Shall not require, or result in a demand for, additional traffic signals or street improvements beyond those planned for the area without the proposed use; (5/22/03)
4. Shall use buildings and building materials which are comparable to those used for primary use developments; and (5/22/03)
5. Shall limit outdoor display/storage areas to 5 percent of the building coverage area, and screen storage areas from all streets and adjacent properties pursuant to Subsections 1009.05(C) and (D). (5/22/03)

- B. Uses allowed subject to the above conditions are: (5/22/03)

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

- C. Hydroelectric facilities shall be allowed subject to Section 829. (5/22/03)

## **508.07 PROHIBITED AND PREEXISTING USES**

- A. Uses of structures and land not specifically permitted in Sections 501, 502, and 508 are

prohibited in all Retail Commercial districts.

- B. The use of a trailer house or mobile home, except as an office in a trailer or mobile home sales lot, unless authorized under the provisions for temporary permits.
- C. New single-family dwellings except when incidental to a principal use.
- D. Preexisting legal dwellings may be allowed to remodel or expand without public hearing review. In addition, the following provisions shall apply:
  - 1. Change of Use: A dwelling may be converted to any use permitted in the district, subject to all requirements of this Ordinance for new developments.
  - 2. Lot Division, Adjustments and Setbacks: No minimum lot size shall be required for partitions or property line adjustments created for preexisting dwellings. However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied. Property line adjustments may be granted pursuant to the provisions of Section 1020. (2-9-95)
- E. New metal-sided structures, except as specially approved by the Design Review Committee for high-image metal materials.
- F. All other preexisting structures and uses not specifically permitted in Section 508 shall be nonconforming uses subject to provisions of Section 1206.

## **508.08 DIMENSIONAL REQUIREMENTS**

- A. Purpose: These requirements and limitations are intended to:
  - 1. Provide for protection of adjacent properties.
  - 2. Provide for efficient utilization of Retail Commercial area.
  - 3. Ensure that the minimum operational requirements of the development are provided onsite.
  - 4. Establish the maximum limits of development.
- B. Requirements: The following dimensional requirements shall apply to development of sites zoned Retail Commercial:
  - 1. Minimum Lot Size: One 1/2 acre.
  - 2. Undersized Lots. Primary and accessory uses may be established on smaller than 1/2 acre sites which are physically separated from all other undeveloped or underdeveloped properties in this district.
  - 3. Minimum Front Yard Setback: Fifteen (15) feet. Structures on corner lots shall observe the minimum setback on both streets.
  - 4. Maximum Front Yard Setback: None, except buildings at or near a transit stop along a major transit street shall have a maximum twenty (20) foot setback from a state, county, or private street. Private streets used to satisfy this standard must have curbs, sidewalks or raised walking surfaces on both sides, street trees, pedestrian-scale street lighting and must connect at both ends to an existing or future street. (12/23/98)
    - a. "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)
    - 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 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)
- c. 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)
  - d. 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)
  - e. Along a signalized private road the maximum setback shall apply only along the first 250 feet from the major transit street. (9-8-94)
  - f. 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)
5. **Minimum Rear Yard Setbacks:** None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the rear yard setback for each ten (10) foot increment in building height over thirty-five (35) feet.
  6. **Minimum Side Yard Setback:** None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the side yard setback for each ten (10) feet increment in building height over thirty-five (35) feet.
  7. **Maximum Lot Coverage:** No limitation.
  8. **Minimum landscaping:** Fifteen (15) percent of total site.
  9. **Building Height:** No limitation.
  10. **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. **Modifications:** The requirements of Subsection 508.08(B) may be modified by staff when such modification is consistent with the purposes set forth under Subsection 508.08(A) and with the Comprehensive Plan. The effect of the proposed modification on the natural features of the site and the use and preservation of solar access shall be considered when applicable. (3/14/02)

## **508.09 DEVELOPMENT STANDARDS**

- A. **Design Review:** All development within this district is subject to the requirements prescribed under Section 1000 and to the procedures and application requirements under Section 1100.
- B. **Clackamas Regional Center Area Design Plan:** Development within the Clackamas Regional

Center Area boundary shown on Comprehensive Plan Map X-CRC-1 is subject to the provisions of Section 1700 in addition to the provisions of this section. (5/3/01)

C. Specific Area Plans or Standards:

1. 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)
2. When any provision of Section 508, as applied to a specific property or area, is in conflict with the implementation of the adopted plan or specific standards, the area plan or standards shall govern.
3. 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:
  - a. Road dedications and improvements;
  - b. Signalization;
  - c. Sidewalks;
  - d. Crosswalks;
  - e. Storm drainage facilities;
  - f. Sewer and water service lines and improvements;
  - g. Underground utilities;
  - h. Street lights;
  - i. Street trees, landscaping.
  - j. Parks and Open Space (12/23/98)
  - k. The Urban Design Elements shown on Comprehensive Plan Map X-CRC-3 for sites within the Clackamas Regional Center Area shown on Map X-CRC-1. (5/3/01)

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

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

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

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

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

H. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)



(LAST TEXT REVISION 3/24/05)

## SECTION 500 - COMMERCIAL DISTRICTS

### 509 OFFICE APARTMENT DISTRICT (OA) (3/24/05)

<a href="#">509.01</a>	PURPOSE
<a href="#">509.02</a>	AREA OF APPLICATION
<a href="#">509.03</a>	PRIMARY USES
<a href="#">509.04</a>	ACCESSORY USES
<a href="#">509.05</a>	LIMITED USES
<a href="#">509.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">509.07</a>	PROHIBITED USES
<a href="#">509.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">509.09</a>	DEVELOPMENT STANDARDS

#### 509.01 PURPOSE

This district is adopted to implement the Goals and 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.
- 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 designated Office Apartment when they meet 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 street and the majority of the area is within 150' of the Corridor street 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 street, and
2. Access to the site is consistent with access management plans that have been prepared for the Corridor street. (For example in Sunnyside Corridor Community Plan Map X-22).

### **509.03 PRIMARY USES**

A minimum of sixty-percent (60%) of the total square footage of buildings on the 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. (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. A request for a determination under this subsection 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 district:

- A. Temporary buildings for uses incidental to construction work, 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 and transit amenities.
- D. Solar collection apparatus and cogeneration facilities.
- E. Meeting facilities.
- F. Cafeterias and recreation/exercise facilities provided for employees within the same structure of a primary use.
- G. Utility carrier cabinets, subject to Section 830.
- H. Building and landscape maintenance offices and enclosed storage areas for maintenance equipment.
- I. Gyms and health clubs provided primarily for the uses of employees.

## **509.05 LIMITED USES**

- A. No more than forty percent (40 %) of the total floor space of the buildings on 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 ten percent (10%) of the total floor space of the buildings on 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. A request for a determination under this subsection 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 thirty percent (30) of the total floor space of the buildings on a site.

5. Senior housing, congregate care facilities and nursing and convalescent homes: No more than forty 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 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 USES**

- A. Drive up windows or uses.
- B. Gas Stations, or any auto oriented use.
- C. All other uses not allowed under the provisions of this section shall be prohibited.
- D. Preexisting legally established dwellings may be allowed to remodel or expand without public hearing review. In addition, the following provisions shall apply:
  1. Change of Use: A legally established dwelling may be converted to any use permitted in the district, 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.
- E. All other preexisting legally established structures and uses not specifically permitted in Section 1704 shall be nonconforming uses subject to provisions of Section 1206.

## **509.08 DIMENSIONAL REQUIREMENTS**

- A. Building Height and Setbacks: All developments shall comply with the following minimum and maximum building height and setback 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' or less in height) shall be set back at least 6 feet.
    - b. The second story of a structure (25'-35' in height) shall be set back at least 16 feet.

- c. The third story of a structure (35-45' 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' or less in height) shall be set back at least 10 feet.
  - b. The second story of a structure (25'-35' in height) shall be set back at least 20 feet.
  - c. The third story of a structure (35-45' in height) shall be set back at least 40 feet.

## **509.09 DEVELOPMENT STANDARDS**

- A. All development in this district is subject to the application requirements and review procedures under Section 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. 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.
- D. Masterplan: Upon application for development of any portion of the Office Apartment District, 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 and Chapter 10 of the Comprehensive Plan.
- E. 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.
  2. Parking lots shall be placed behind buildings or behind a 10 foot landscaped buffer.
  3. Parking lots shall not occupy more than fifty-percent (50%) of the frontage of any public street.
  4. 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.

1. 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.
2. The entry shall be designed to be attractive and functional, and shall be open to the public during all business hours.
3. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet.
4. Secondary entries may face parking lots or loading areas.

#### I. 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. 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.

( LAST TEXT REVISION 3/24/05 )



## SECTION 600 - INDUSTRIAL DISTRICTS

### 601 CAMPUS INDUSTRIAL (CI) (3/24/05)

<a href="#">601.01</a>	PURPOSE
<a href="#">601.02</a>	AREA OF APPLICATION
<a href="#">601.03</a>	PRIMARY USES
<a href="#">601.04</a>	ACCESSORY USES
<a href="#">601.05</a>	LIMITED USES
<a href="#">601.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">601.07</a>	CONDITIONAL USES
<a href="#">601.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">601.09</a>	DIMENSIONAL STANDARDS
<a href="#">601.10</a>	DEVELOPMENT STANDARDS

#### 601.01 PURPOSE

This section is adopted to implement the policies of the Comprehensive Plan for Campus Industrial 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 be applied to those areas particularly suited for campus industrial developments. Property may be designated Campus Industrial when the following criteria, and the criteria under Section 1202, are satisfied:

- A. The site has been designated Campus Industrial in the Comprehensive Plan.
- B. The property and the affected area is presently provided with adequate public facilities, service 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 photoprocessing.
  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. (7-15-81)
  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 601.03A 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)

## **601.04 ACCESSORY USES**

- 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; bike racks, street furniture, kiosks, drinking fountains, art sculptures, and other pedestrian and transit amenities.
- F. Rental and development information offices.
- G. Handyman and maintenance services in association with primary, accessory or limited uses in the development.
- H. 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. Self-service laundry facilities.
- J. Solar collection apparatus.
- K. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any primary use.
- L. Temporary buildings for uses incidental to construction which buildings shall be removed upon completion or abandonment of the construction work.
- M. Day care facilities, subject to Section 807.

## **601.05 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 601.05B 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. 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:  $.10 \times \text{primary floor area} = \text{limited use floor area}$ .
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 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. 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 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 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)

## **601.08 PROHIBITED AND PREEXISTING USES**

- A. Uses of structures and land not specifically permitted in Section 601 shall be prohibited in all Campus Industrial districts.
- 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 2 acres in size. (3/24/05)
- E. Lawfully established preexisting dwellings shall comply with the setback standards of Section 301. (3/24/05)
- F. A property line adjustment may be granted pursuant to Section 1020. Any lot less than 2 acres in

size resulting from a property line adjustment is not buildable, except for recreational uses under Subsection 601.03D on a lot a minimum of 1 acre in size, unless combined with other property as provided under Subsection 601.09(B). (3/24/05)

- 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. The purposes of these requirements and limitations are to:
1. Encourage coordinated development, and the most efficient and maximum use of Campus Industrial districts.
  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.
  5. Provide for open space and outdoor activity areas.
- 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.
  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, shall require a minimum site area of three (3) acres.
  2. Developments which include only uses under subsection 601.03A, and accessory uses, shall require a minimum site area of two (2) acres.
  3. Developments which include only uses under Subsection 601.03D 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 is physically separated from all other underdeveloped properties in this district, or which 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).
- F. Floor Area Requirements: Any primary use or combination of primary uses under subsection 601.03A-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.

<b>FLOOR AREA LIMITATIONS FOR PRIMARY USE CATEGORIES UNDER SUBSECTION 601.03</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
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, the 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 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 601.03A-D are represented.
- H. 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. 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. Exceptions to Dimensional Requirements: The requirements of this section are not subject to modification pursuant to the provisions of Sections 903 and 904. However, the requirements for lot coverage, perimeter setback, street frontage and corner vision may be modified 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. 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. 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. Signs: One freestanding or ground-mounted sign may be provided for a development pursuant to Section 1010
- H. Outdoor Storage: No outdoor storage of materials shall be allowed within this district.
- I. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)

## SECTION 600 - INDUSTRIAL DISTRICTS

### 602 LIGHT INDUSTRIAL DISTRICT (I-2) (5/22/03)

<a href="#">602.01</a>	PURPOSE
<a href="#">602.02</a>	AREA OF APPLICATION
<a href="#">602.03</a>	PRIMARY USES
<a href="#">602.04</a>	ACCESSORY USES
<a href="#">602.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">602.06</a>	CONDITIONAL USES
<a href="#">602.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">602.08</a>	DIMENSIONAL STANDARDS
<a href="#">602.09</a>	DEVELOPMENT STANDARDS

#### 602.01 PURPOSE

This section 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 when the site has 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 (I): (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 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); (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 2 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. 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 1 to 3 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. 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. 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 6 feet in height. Fencing shall be located behind the perimeter landscaping required under Subsections 602.09(B) 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)(10) and (11). No outdoor display areas shall be 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. 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. (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 shall be allowed as accessory uses: (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 bus shelters, subject to Section 823;
  3. Solar collection apparatus, meeting all the dimensional and development standards of this

- district;
4. Satellite dishes;
  5. Utility carrier cabinets, subject to Section 830; (5/22/03)
  6. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary use; (5/22/03)
  7. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses; (5/22/03)
  8. 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. Parking and loading structures and areas; (5/22/03)
  10. 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. 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 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 2 percent of the annual gross sales attributed to the premises; (5/22/03)
  12. 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 3 consecutive days, which shall be Friday, Saturday, Sunday, and/or Monday. (5/22/03)
    - c. The building shall satisfy the applicable exiting and other fire life safety codes for the event sales. (5/22/03)
    - d. The event sales shall occur indoors.
  13. Cogeneration facilities; (5/22/03)
  14. 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(I); (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 shall be prohibited: (5/22/03)
1. Uses that do not comply with Subsections 602.03(B) through (I), 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 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 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. A new lot created for a preexisting dwelling shall have no minimum lot size. (5/22/03)
5. Preexisting dwellings and their accessory structures shall comply with the setback standards of Section 301. (5/22/03)
6. A property line adjustment involving a lot with a preexisting dwelling on it may be granted pursuant to Section 1020. (5/22/03)
7. Separate structures for industrial purposes may be approved on the same premises with an existing dwelling, subject to all provisions of this section. (5/22/03)
8. Preexisting nonconforming commercial uses and all other preexisting uses and structures not allowed by this section shall be subject to Section 1206. (5/22/03)
9. Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (5/22/03)

## **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 1 acre. (5/22/03)
2. Preexisting Undersized Site Areas: Developments may be established on a preexisting lot of record of less than 1 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 1 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 Road Frontage: A site area shall have a minimum of 100 feet of frontage on a public, county or state access road, except as provided under Subsection 904.02(A). (5/22/03)

F. Minimum Landscaping: 15 percent of the 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. 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. Community 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 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 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)

(LAST TEXT REVISION 5/22/03)

## SECTION 600 - INDUSTRIAL DISTRICTS

### 603 GENERAL INDUSTRIAL DISTRICT (I-3) (5/22/03)

<a href="#">603.01</a>	PURPOSE
<a href="#">603.02</a>	AREA OF APPLICATION
<a href="#">603.03</a>	PRIMARY USES
<a href="#">603.04</a>	ACCESSORY USES
<a href="#">603.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">603.06</a>	CONDITIONAL USES
<a href="#">603.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">603.08</a>	DIMENSIONAL STANDARDS
<a href="#">603.09</a>	DEVELOPMENT STANDARDS

#### 603.01 PURPOSE

This section 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 when

the site has been designated 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(I): (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 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 (I); (5/22/03)
  8. Truck repair, maintenance, and fueling services; (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 1 to 3 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. 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. 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(C). (5/22/03)
  2. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of 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(B) 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 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)
  2. Be concentrated on the perimeter of the site to buffer outdoor storage and process areas; (5/22/03)
  3. Highlight office areas or buildings; and
  4. Incorporate existing significant trees located near the perimeter of the site, near office areas or buildings, and within parking areas. (5/22/03)
- I. 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. (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 allowed as accessory uses: (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 bus shelters, subject to Section 823;
  4. Solar collection apparatus, meeting all the dimensional and development standards of this district;
  5. Satellite dishes;
  6. Utility carrier cabinets, subject to Section 830; (5/22/03)
  7. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary use; (5/22/03)
  8. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses; (5/22/03)
  9. 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. Parking and loading structures and areas; (5/22/03)
  11. 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. 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 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 2 percent of the annual gross sales attributed to the premises; (5/22/03)
  13. 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 3 consecutive days, which shall be Friday, Saturday, Sunday, and/or Monday. (5/22/03)
    - c. The building shall satisfy the applicable exiting and other fire life safety codes for the event sales. (5/22/03)
    - d. The event sales shall occur indoors.



14. Cogeneration facilities; (5/22/03)
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)

### **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(I); (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: (5/22/03)

1. Uses that do not comply with Subsections 603.03(B) through (I), 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; (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 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 this 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. A new lot created for a preexisting dwelling shall have no minimum lot size. (5/22/03)
5. Preexisting dwellings and their accessory structures shall comply with the setback standards of Section 301. (5/22/03)
6. A property line adjustment involving a lot with a preexisting dwelling on it may be granted pursuant to Section 1020. (5/22/03)
7. Separate structures for industrial purposes may be approved on the same premises with an existing dwelling, subject to all provisions of this section. (5/22/03)
8. Preexisting nonconforming commercial uses and all other preexisting uses and structures not allowed by this section shall be subject to Section 1206. (5/22/03)
9. Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (5/22/03)

## **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: 1 acre (5/22/03)
2. Preexisting Undersized Site Areas: Developments may be established on a preexisting lot of record which is less than 1 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 1 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(B)(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 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 Road Frontage: A site area shall have a minimum of 100 feet of frontage on a public, county, or state access road. (5/22/03)

- F. Minimum Landscaping: 15 percent of the 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. 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. Community 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 10 feet from the front property line. The area between the fence and improved roadway shall be landscaped and maintained pursuant to 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 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. 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)

(Last Text Revision 5/22/03)

## SECTION 600 - INDUSTRIAL DISTRICTS

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

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<a href="#">604.01</a>	PURPOSE
<a href="#">604.02</a>	AREA OF APPLICATION
<a href="#">604.03</a>	PRIMARY USES
<a href="#">604.04</a>	ACCESSORY USES
<a href="#">604.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">604.06</a>	CONDITIONAL USES
<a href="#">604.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">604.08</a>	DIMENSIONAL STANDARDS
<a href="#">604.09</a>	DEVELOPMENT STANDARDS

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#### 604.01 PURPOSE

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

#### 604.02 AREA OF APPLICATION

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

#### 604.03 PRIMARY USES

- A. Primary processing, packaging, treatment, bulk storage, and wholesale distribution of the following products, except when identified as a conditional use in Subsection 604.06: (5/22/03)
  1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds;

(5/22/03)

2. Ornamental horticultural products; (5/22/03)
  3. Softwood and hardwood products; and (5/22/03)
  4. Sand, gravel, clay, and other mineral products; (5/22/03)
- B. Storage, sales, repair, and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction, or similar rural activities, except when identified as a conditional use in Subsection 604.06; (5/22/03)
- C. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting, or similar contractors' offices, shops, and incidental storage of materials and equipment; (5/22/03)
- D. Cabinet making, carpentry, and other woodcraft manufacturing, storage, and wholesale distribution; (5/22/03)
- E. Furniture and household goods refinishing, repair, and storage; (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 hospital; (5/22/03)
- M. Sheet metal and machine shops; (5/22/03)
- N. Small power production facilities provided such facilities are able to satisfy state siting regulations, if applicable. Hydroelectric facilities shall be subject to Section 829; (5/22/03)
- O. Production of renewable fuel resources such as alcohol, methanol, and biomass for retail or wholesale distribution; (5/22/03)
- P. Any use that the Planning Director finds to be similar to one or more of those specified above. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03; (5/22/03)
- Q. Utility carrier cabinets, subject to Section 830; (5/22/03)
- R. Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835; (5/22/03)
- S. 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)

## **604.04 ACCESSORY USES**

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

- A. Uses and structures customarily accessory and incidental to a primary or conditional use as determined by the Planning Director; (5/22/03)



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

### **604.05 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)**

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

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

### **604.06 CONDITIONAL USES**

- A. Criteria: Conditional uses may be approved subject to Section 1203 and any applicable provisions of Section 800. In addition: (5/22/03)
  - 1. Associated odors, smoke, dust, and noise shall be controlled. (5/22/03)
  - 2. Explosive and incendiary materials shall be stored and treated such that they do not pose a danger to surrounding uses. (5/22/03)
  - 3. The use shall comply with all requirements of the Oregon Department of Environmental Quality. (5/22/03)
- B. Uses: The following uses are allowed subject to the above criteria: (5/22/03)
  - 1. Animal or poultry slaughtering and rendering, distillation of bones, and leather tanning; (5/22/03)
  - 2. Incineration or reduction of garbage, offal, dead animals, or refuse; (5/22/03)
  - 3. Compost, fertilizer, and pesticides manufacturing, processing, packaging, bulk storage, and wholesale distribution; (5/22/03)
  - 4. Surface mining and aggregate extraction and processing, including concrete mixing plants, subject to Section 818; (5/22/03)
  - 5. Storage and processing of explosive materials and devices; (5/22/03)
  - 6. Petroleum, petroleum products, and natural gas storage and wholesale distribution; (5/22/03)
  - 7. Service and recreational uses, excluding recreational vehicle camping facilities, subject to

Section 813; (5/22/03)

8. Auto wrecking yards and junkyards, subject to Section 817; (5/22/03)
9. Recycling centers and transfer stations, subject to Section 819; (5/22/03)
10. Composting facilities, subject to Section 834. (5/22/03)

## **604.07 PROHIBITED AND PREEXISTING USES (5/22/03)**

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

1. Uses of structures and land not specifically permitted; (5/22/03)
2. A subdivision or partition within the Portland Metropolitan Urban Growth Boundary resulting in the creation of one or more lots or parcels of less than 20 acres. (5/22/03)

B. Preexisting Uses: (5/22/03)

1. Preexisting dwellings shall be allowed to remodel or expand without review under Section 1206. (5/22/03)
2. Lawfully established industrial uses, not listed as primary, accessory, or conditional uses, that existed prior to zoning or were established through the applicable land use process on or before December 20, 2001, not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses. (5/22/03)
3. All other lawfully established preexisting uses and structures not specifically permitted in this section shall be subject to Section 1206. (5/22/03)
4. Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (5/22/03)

## **604.08 DIMENSIONAL STANDARDS (5/22/03)**

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

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

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

1. Minimum Front Yard Setback: 30 feet. Structures on corner or through lots shall satisfy the minimum front yard setback on both streets. No structure shall be erected closer than 50 feet from the centerline of any public, county, or state road. (5/22/03)
2. Minimum Side and Rear Yard Setbacks: (5/22/03)
  - a. When abutting any residential zoning district, 30 feet. An additional 5 feet of setback shall be required for each 10 feet, or portion thereof, of building height over 35 feet. (5/22/03)

- b. When abutting any commercial or industrial zoning district, 10 feet. An additional 5 feet of setback shall be required for each 10 feet, or portion thereof, of building height over 35 feet. (5/22/03)
  3. Minimum Road Frontage: 50 feet. (5/22/03)
  4. Minimum Landscaping: 15 percent of the site area. (5/22/03)
  5. Minimum Lot Size: None, except as restricted by Subsection 604.07(A)(2). (5/22/03)
  6. Maximum Industrial Use Floor Area: (5/22/03)
    - a. Within an unincorporated community, a total of 10,000 square feet of floor area per use. Outside an unincorporated community, the maximum square footage of floor area per use within a building is 7,500 square feet except for the primary processing of raw material produced in rural areas, where there is no square footage of floor area per use limitation. (5/22/03)
    - b. Lawfully established industrial uses, not listed as primary, accessory, or conditional uses, that existed on or before December 20, 2001 are allowed outright and shall not be classified as nonconforming uses. (5/22/03)
    - c. Within an unincorporated community a lawfully established use that existed on October 28, 1994 may expand to occupy a maximum of 10,000 square feet of floor area or an additional 50% of floor area currently occupied by the existing use, whichever is greater. (5/22/03)
    - d. Outside an unincorporated community, a lawfully established use that existed on or before December 20, 2001 may expand to occupy a maximum of 10,000 square feet of floor area or an additional 25% of floor area currently occupied by the existing use, whichever is greater. (5/22/03)
  7. 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)
- C. Exceptions to the General Requirements: Dimensional standards are subject to modification pursuant to Section 900. (5/22/03)
- D. Variances: The requirements of Subsections 604.08(B)(1) through (4) may be modified by staff when such modification is consistent with Subsection 604.08(A), the Comprehensive Plan, and the criteria for a variance under Section 1205. Proposed reductions that exceed 20 percent of the requirement shall be processed as Planning Director decisions pursuant to Subsection 1305.02. (5/22/03)

## **604.09 DEVELOPMENT STANDARDS**

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

- A. DEQ Regulations: All developments shall comply with the requirements of the Oregon Department of Environmental Quality with regard to dust, smoke, odors, noise, and air and water pollutant emissions. (5/22/03)
- B. Community 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. When any provision of this section conflicts with the implementation of the adopted Community or Design Plan, the Community or Design Plan shall govern. (5/22/03)
- C. Building Siting and Design: In applying the provisions of Subsection 1005.05, particular emphasis shall be given to the siting and design of those structures, or portions thereof, which may be viewed from any major arterial or scenic road. (8/31/81)
- D. Landscaping: In applying the provisions of Section 1009, emphasis shall be as follows: (5/22/03)
  - 1. The function of landscaping in this district shall be to enhance the appearance of the site from all major arterials and scenic roads and from a distance.
  - 2. Low-maintenance large- and medium-scale evergreen and deciduous trees and evergreen ground covers shall be used along roads and in parking lot islands. Use of indigenous plant materials shall be encouraged. (5/22/03)
  - 3. Major public building entrances and exits shall be landscaped.
  - 4. Undeveloped portions of the site shall be seeded, mowed, and maintained. Identified significant vegetation shall be retained. Interim recreational use of such areas by employees shall be encouraged. (5/22/03)
- E. 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)

( LAST TEXT REVISION 5 / 22 / 03 )

## SECTION 600 - INDUSTRIAL DISTRICTS

### 606 BUSINESS PARK DISTRICT (BP) (5/22/03)

<a href="#">606.01</a>	PURPOSE
<a href="#">606.02</a>	AREA OF APPLICATION
<a href="#">606.03</a>	PRIMARY USES
<a href="#">606.04</a>	ACCESSORY USES
<a href="#">606.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">606.06</a>	CONDITIONAL USES
<a href="#">606.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">606.08</a>	DIMENSIONAL STANDARDS
<a href="#">606.09</a>	DEVELOPMENT STANDARDS

#### 606.01 PURPOSE

This section 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 when the site has 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; (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 district. 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 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 2 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. 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 1 to 3 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. 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. Operational Impacts: (5/22/03)

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. (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 allowed as accessory uses:

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 bus shelters, subject to Section 823;
3. Solar collection apparatus, meeting all the dimensional and development standards of this district;
4. Satellite dishes, provided such use is buffered from periphery and internal circulation roads;
5. Utility carrier cabinets, subject to Section 830;
6. Employee lounges, indoor recreation areas and facilities, and cafeterias; (5/22/03)
7. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields, and similar uses; (5/22/03)
8. 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. Parking and loading structures and areas; (5/22/03)
10. 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; (5/22/03)

11. 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 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 (I) 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; (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 shall be prohibited: (5/22/03)

1. Uses that do not comply with Subsections 606.03(B) through (I), 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 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 district, except as approved pursuant to Subsection 1204.01. (5/22/03)
3. A new lot created for a preexisting dwelling shall have no minimum lot size. (5/22/03)

4. Preexisting dwellings and their accessory structures shall comply with the setback standards of Section 301. (5/22/03)
5. A property line adjustment involving a lot with a preexisting dwelling on it may be granted pursuant to Section 1020. (5/22/03)
6. All other preexisting uses and structures not allowed by this section shall be nonconforming uses subject to Section 1206. (5/22/03)
7. Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (5/22/03)

## **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 3 acres. (5/22/03)
  2. Preexisting Undersized Site Areas: Developments may be established on a site of less than 3 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, a "perimeter access road" shall be any state, county, or public road which provides access to the site area, and an "internal circulation road"

shall be any public or private roadway 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 5 feet of setback shall be required for each 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:**
  - 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. **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 frontage on a public, county, or state perimeter access road. (5/22/03)

- F. Minimum Landscaping: 20 percent of the 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. 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. Master Plan: All developments within the Business Park District shall be reviewed and developed under a master plan which addresses the performance standards of this section and Section 1000.
- B. Community 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. 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. 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 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. 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 or significant natural features.

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)

(LAST TEXT REVISION 5/22/03)

## **SECTION 700 - SPECIAL DISTRICTS**

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### **701 GENERAL PROVISIONS**

#### **701.01 PURPOSE**

This section 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 APPLICATION OF THESE PROVISIONS**

- A. With the exception of the Open Space Management District (702), all of the districts in this section are overlay zones which modify or limit the development permitted in the underlying 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.

## SECTION 700 - SPECIAL DISTRICTS

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### 702 OPEN SPACE MANAGEMENT (OSM) (3/24/05)

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<a href="#">702.01</a>	PURPOSE
<a href="#">702.02</a>	AREAS OF APPLICATION
<a href="#">702.03</a>	PRIMARY USES
<a href="#">702.04</a>	ACCESSORY USES
<a href="#">702.05</a>	CONDITIONAL USES
<a href="#">702.06</a>	DEVELOPMENT STANDARDS

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#### 702.01 PURPOSE

The intent of this district 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

This district 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 Metropolitan Greenspaces Master Plan. (2/13/97)

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements).
- 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 area 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, 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 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.
- 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.

## **702.04 ACCESSORY USES**

- A. Accessory uses listed under 702.04B, below, may be allowed provided that any structure shall be designed and integrated into the site by:
  - 1. Minimizing visual impacts by landscaping.
  - 2. Providing skirting for mobile homes, trailer houses, 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
  - 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. Maintenance buildings associated with a primary use
- C. Parking and maneuvering areas incidental to a primary or conditional use, subject to subsections 1007.07 and 1009.04.
- D. Bus shelters, and mass transit shelters, subject to provisions of Section 823.
- E. Security facilities, such as lights, gates and fences.
- F. Clubhouses and lodges.
- G. Cemetery office buildings, crematoriums, and mausoleums in conjunction with a cemetery, subject to Section 808.

## **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; (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 district is subject to the 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: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)
- H. 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)

(LAST TEXT REVISION 3/24/05)

## SECTION 700 - SPECIAL DISTRICTS

### 703 FLOODPLAIN MANAGEMENT DISTRICT (FMD)(7/29/99)

<a href="#">703.01</a>	FINDING OF FACT/PURPOSE/DISCLAIMER
<a href="#">703.02</a>	AREA OF APPLICATION/ADOPTION OF FLOODMAPS
<a href="#">703.03</a>	DEFINITIONS
<a href="#">703.04</a>	USES PERMITTED IN ALL AREAS OF SPECIAL FLOOD HAZARD
<a href="#">703.05</a>	USES SUBJECT TO DEVELOPMENT PERMIT REVIEW
<a href="#">703.06</a>	DEVELOPMENT PERMIT APPLICATION REQUIREMENTS
<a href="#">703.07</a>	ADMINISTRATION OF THIS SECTION
<a href="#">703.08</a>	GENERAL STANDARDS
<a href="#">703.09</a>	SPECIFIC STANDARDS
<a href="#">703.10</a>	EXCEPTIONS TO THE PROVISIONS OF SECTION 703
<a href="#">703.11</a>	VARIANCES

#### 703.01 FINDING OF FACT/PURPOSE/DISCLAIMER

##### A. Findings

A Floodplain Management District is needed for the following reasons:

1. Flood Losses Resulting from Periodic Inundation: The flood hazard areas of Clackamas County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the County's tax base, all of which adversely affect the public health, safety and general welfare.
2. General Causes of These Flood Losses: Flood losses are caused by the following:
  - a. The cumulative effect of obstruction in floodways causing increase in flood heights and velocities, and
  - b. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise unprotected from flood damages.

##### B. Purpose

It is the purpose of this section of the Zoning Ordinance to promote the public health, safety, and general welfare, and to minimize flood losses with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or which cause increased flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals, as much as possible, from buying lands which are not suitable for intended purposes because of flood hazard.
4. Minimize the need for rescue and relief efforts associated with flooding undertaken at the expense of the general public. (6-3-87)

C. Warning and Disclaimer of Liability

The degree of flood protection required by this district is considered reasonable for regulatory purposes and is based on engineering and scientific study. Larger floods may occur on rare occasions, or the flood height may be increased by manmade or natural causes, such as ice jams and/or bridge openings restricted by debris. This ordinance does not imply that areas outside the Floodplain Management District boundaries or land uses permitted within such a district will be free from flooding or flood damages. This section of the Zoning Ordinance shall not create liability on the part of Clackamas County, or any officer or employee thereof, for any flood damages that result from reliance on this district or any administrative decision lawfully made thereunder.

## **703.02 AREA OF APPLICATION/ADOPTION OF FLOODMAPS**

This district is applied to those areas which are subject to periodic flooding from stream flows by a regulatory flood. This district shall apply to those areas of Clackamas County where studies have been prepared by a competent agency concerned with such studies, such as the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, the Soil Conservation Service, or the Clackamas County Department of Transportation and Development. (6-3-87)

A. Adoption of Report and Maps

The areas of special flood hazard, identified by the Federal Insurance Administration in a scientific and engineering report entitled, The Flood Insurance Study for Clackamas County (unincorporated areas), dated September 30, 1988 with accompanying Flood Insurance Rate Map and Flood Boundary-Floodway Maps, are hereby adopted by reference and declared to be a part of this ordinance. The flood Insurance Study is on file at the Clackamas County Department of Transportation and Development. (7/29/99)

B. Working Classifications

Within the Floodplain Management District, four (4) subclassifications are established for areas of special flood hazard: Floodway (FW), Flood Fringe (FF), Flood Hazard (FH), and Flood Prone (FP), and these subclassifications are defined in subsection 703.03.

C. Interpretation of Flood Insurance Study Map Boundaries

The Planning Director, or designate, shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the

location of the boundary shall be given a reasonable opportunity to request review of the interpretation as provided in Section 1300 of the Zoning and Development Ordinance.

### 703.03 DEFINITIONS

Unless specifically defined below, words or phrases used in this classification shall be interpreted to give them the same meaning as they have in common usage and to give this classification its most reasonable application. This list is arranged alphabetically. (7/29/99)

- A. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Area of Special Flood Hazard: An area determined by detailed or approximate studies to be in a 100-year floodplain. For the purposes of this Ordinance, the "area of special flood hazard" includes the floodway, flood fringe, flood hazard, and flood prone areas.
- C. Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard. For purposes of Section 703, development does not include those activities of a type and magnitude which have no potential effects on water surface elevations or on the level of insurable damages, as determined by the Planning Director or designate, based on documentation supplied by the applicant. (8-31-81)
- D. Flood: A temporary rise in stream flow or stage that results in water overflowing the streambed and inundating adjacent land. (6-3-87)
- E. Flood Fringe Subclassification: The flood fringe area is that land area which is outside of the stream's floodway, but is subject to periodic inundation by regulatory flood.
- F. Flood Hazard Subclassification: The flood hazard area is an area which is subject to periodic inundation from regulatory flood stream flows and in which flood elevations are available but the floodway has not been defined.
- G. Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- H. Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevations of the base flood.
- I. Floodplain: The area is an area which is subject to periodic inundation from regulatory flood stream flows, and elevations are available and the floodway and flood fringe have been determined. (7/29/99)
- J. Flood Prone Subclassification: The flood prone area is that land which has been determined by approximate methods to be an area of special flood hazard for which base flood elevation data are not available.
- K. Flood Proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard

area.

- L. Floodway Subclassification: The channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.  
Habitable Floor: Definition deleted under ZDO-53A. (1-6-88)
- M. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Subsection 703.09A1 of this Ordinance. (6-3-87)
- N. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (6-3-87)
- O. New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- P. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across or projected into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where it might be carried downstream by the flow of water resulting in damage to life or property.
- Q. Person: Any individual or group of individuals, corporation, partnership, association or any other entity, including state and local governments and agencies.
- R. Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river.
- S. Recreational Vehicle: A vehicle which is: (7/29/99)
1. Built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. Designed to be self-propelled or permanently towable by a light duty truck; and
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- T. Regulatory Flood, Base Flood: The regulatory flood, also referred to as base flood, is a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood, for the purpose of this section of the Ordinance, generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.
- U. Regulatory Flood Protection Elevation: The elevation to which uses regulated by this district are required to be elevated or flood proofed. This elevation is one (1) foot above the regulatory flood elevation.
- V. Start of Construction: Includes substantial improvement, and means the date the building permit

was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. (6-3-87)

- W. Structure: A walled and roofed building, manufactured home, or a gas or liquid storage tank that is principally above ground. (6-3-87)
- X. Substantial Improvement: Any repair, rehabilitation, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
  1. Before the improvement or repair is started, or
  2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension for the structure. The term does not, however, include either:
    1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (7/29/99)
    2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (7/29/99)

## **703.04 USES PERMITTED IN ALL AREAS OF SPECIAL FLOOD HAZARD**

The uses listed below may be permitted in all areas of special flood hazard, provided they do not constitute "development" as defined in 703.03C, subject to the requirements of the underlying zoning district.

- A. Agricultural: Uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Industrial/Commercial: Uses such as loading areas, parking areas, airport landing strips.
- C. Recreational: Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
- D. Residential: Uses such as lawns, gardens, parking areas, and play areas.

Any repair, rehabilitation, reconstruction or improvement of a structure that is not a Substantial Improvement may be permitted in all areas of Special Flood Hazard. When the structure is located in the Floodway and results in an increase in ground coverage, a certification must be provided by a registered engineer or architect along with engineering data that demonstrates the structure will not result in any increase in the flood levels during the Regulatory Flood discharge. (7/29/99)

Such structures that result in an increase in the regulatory flood level during the regulatory flood discharge are prohibited. (7/29/99)

### **703.05 USES SUBJECT TO DEVELOPMENT PERMIT REVIEW**

- A. Flood Hazard (FH), Flood Fringe (FF), Flood Prone (FP), and Shallow Flooding (AO) (1-6-88) Areas: All uses and development allowed in the underlying district which are not otherwise specifically permitted under 703.04, above, shall be subject to review and approval of a development permit under the procedures and standards of this section.
- B. Floodway (FW) Subclassification: Development in the floodway is prohibited, unless it is a use described below, and a certification is provided by a registered engineer or architect along with engineering data that demonstrates the use will not result in any increase in the flood levels during the Regulatory Flood discharge, and the use complies with all other provisions of this section and the underlying district: (7/29/99)
  - 1. Commercial or industrial development may be allowed when such development requires a waterfront location (such as a marina or public boat ramp).
  - 2. Riprap or other structural stream bank protection measures may be allowed if consistent with other provisions in this section. (7-15-81)
  - 3. Private moorage facilities for personal, noncommercial use, may be allowed if designed to be no larger than necessary to accommodate the use.
  - 4. Hydroelectric facilities may be allowed when such facilities satisfy the provisions of this section and Section 829. (7-26-82)

### **703.06 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

A development permit shall be obtained before construction or development begins within the Floodplain Management District. The permit shall be for all structures including manufactured homes, and for all other development including fill and other activities as set forth in the definitions. Application for a development permit shall be made on forms furnished by the Planning Division and shall include, but not be limited to: (7/29/99)

- A. Site Plans: Plans drawn to scale, showing elevations of the site; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; and location and elevations of streets, water supply, sanitary facilities, soil types, and other



applicable information.

B. **Building Plans/Technical Data:** Specifications for building construction and materials, loads and forces, and effect on soil bearing pressures, erosion control, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation, in relation to mean sea level, to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meets the flood proofing criteria in Subsection 703.09A2.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## **703.07 ADMINISTRATION OF THIS SECTION**

Development permit applications shall be reviewed and initially approved or denied by the Planning Director, pursuant to the provisions of Subsection 1305.02, based on the standards and provisions of this section.

A. **Review Procedures/Coordination:** Duties and responsibilities of the Planning Director under this section shall include, but not be limited to:

1. Review of all development permits to determine:
  - a. That all permit requirements of this Ordinance have been satisfied.
  - b. That all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
  - c. If the proposed development is in the floodway. If so, assure that the provisions of Subsection 703.05B are met.
  - d. If the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this section, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one (1) foot at any point.
2. **Use of Other Base Flood Data:** When base flood elevation data has not been provided in accordance with Subsection 703.02A or, when more detailed data is available, the Planning Director or designate shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Subsections 703.05B and 703.09.
3. **Obtaining and Maintaining Information:**
  - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (1-6-88)

- b. For all new or substantially improved flood proofed structures:
    1. Verify and record the actual elevation of the lowest floor (in relation to mean sea level), and
    2. Maintain the flood proofing certifications required in Subsection 703.09A2.
  - c. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
4. Notification of Alteration of Watercourses:
- a. Notify adjacent communities and the State Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. (6-3-87)
  - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- B. Factors of Consideration: In reviewing an application for a development permit, the following factors shall be considered: (4-12-82)
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions. (7/29/99)
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  5. The importance to the community of the service provided by the proposed facility.
  6. The requirements of the facility for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
  10. The safety of access to property in times of flood for ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  12. Such other factors which are relevant to the purpose of this Ordinance.
- C. Imposition of Conditions: The County may attach conditions deemed necessary to further the purpose of this section. Such conditions may include, but are not limited to: (4-12-82)
1. Limitations on periods of use and operation.
  2. Imposition of operation controls, sureties, and deed restrictions.
  3. Flood proofing and other protective measures, such as:
    - a. Installation of watertight doors, bulkheads, and shutters.
    - b. Reinforcement of walls to resist water pressure.
    - c. Use of paints, membranes, or mortars to reduce seepage of water through walls.
    - d. Addition of mass or weight to structures to resist flotation.
    - e. Installation of pumps to lower water levels in structures.

- f. Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
- g. Pumping facilities for subsurface external foundation wall and basement floor pressures.
- h. Construction to resist rupture or collapse caused by water pressure or floating debris.
- i. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
- j. Requirements for construction of channel modifications, dikes, levees, and other protective measures.

## **703.08 GENERAL STANDARDS**

In the Floodplain Management District, the following standards are required:

### **A. Anchoring**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (6/3/87)

### **B. Construction Materials and Methods/Utilities**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that minimize flood damage.(1/6/88)
2. New and replacement water and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and/or discharge from the systems into flood waters.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (6/3/87)
4. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
5. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the County. (6/3/87)

### **C. Manufactured Homes**

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in

accordance with the provisions of Subsection 703.08A2. (6/3/87)

D. Recreational Vehicles (7/29/99)

Recreational vehicles placed on sites within the Floodplain Management District shall:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

E. Fill (6/3/87)

1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner, showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by riprap, vegetative cover, or bulkheading.
3. Structures may be allowed to be constructed on fill, subject to the specific standards under 703.09, if the first floor or basement floor is one (1) foot above the base flood elevation. The finished fill shall be at a point no lower than the base flood elevation for the particular area. (1/6/88)
4. All fill placed at or below the base flood elevation shall be balanced with at least an equal amount of material removal either on-site, or from a nearby area at or below the base flood elevation and in the same drainage basin. (7/29/99)
  - a. Excavation below the level of the seasonal groundwater table shall not be used in balancing fill volumes against excavation volumes; and; (7/29/99)
  - b. The mean annual groundwater level shall be determined by soil morphology, or other available data on groundwater conditions; and (7/29/99)
  - c. Balancing of a fill shall occur at the same time as the fill is placed on the development site; and (7/29/99)
  - d. The site plan required in subsection 703.06 shall identify the area where material is removed from the floodplain to balance fill volumes, including pertinent elevations and volume of fill removed; and (7/29/99)
  - e. A registered engineer or architect shall certify that the amount of material removed balances the amount of fill material; and (7/29/99)
  - f. A suitable recorded easement or similar legally-binding mechanism, in a form acceptable to County Counsel, indicating that future development of the delineated area where material is removed to balance fill volumes is prohibited, and the delineated area cannot be used in the future as balancing for a fill. (7/29/99)
  - g. When the balancing occurs off-site, the application shall also include: (7/29/99)
    1. Property-owner authorization; and (7/29/99)
    2. a site plan as described in subsection 703.08E(4), including a legal description of the parcel. (7/29/99)
5. The following uses or activities are not subject to the provisions of Section 03.08E4: (7/29/99)
  - a. Removal and/or fill necessary to plant new trees or vegetation; (7/29/99)

- b. Removal and/or fill required for the construction of storm-water runoff detention facilities and/or structures; (7/29/99)
  - c. Removal and/or fill required for the construction of other facilities such as levees designed specifically to reduce or mitigate flood impacts; (7/29/99)
6. Stream crossings, including bridges and culverts, and transportation projects may be permitted if designed as balanced removal and fill projects, or are designed to not significantly raise the base flood elevation, provided that: (7/29/99)
- a. Such projects shall be designed to minimize the area of fill in the area of Special Flood Hazard areas and to minimize erosive water velocities; (7/29/99)
  - b. Stream crossings shall be as close to perpendicular to the stream as practicable; and (7/29/99)
  - c. Stream crossings shall be designed to allow fish passage; and (7/29/99)
  - d. Stream crossings are subject to review and approval pursuant to applicable Federal and State statutes and administrative rules. (7/29/99)

#### F. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

## 703.09 SPECIFIC STANDARDS

### A. Flood Fringe (FF) Areas

In the Floodplain Management District, where base flood elevation data has been provided and floodways have been established as set forth in Section 703.02 or Section 703.07A2, the following provisions are required:

1. Residential Construction: New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.(1-6-88) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: (6-3-87)
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. (6-3-87)
  - b. The bottom of all openings shall be no higher than one foot above grade. (6-3-87)
  - c. Openings may be equipped with screens, louvers, or other coverings or devices

provided that they permit the automatic entry and exit of floodwaters. (6-3-87)

2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial and other nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot above the base flood elevation and satisfy the provisions under 703.09A,1,(1-6-88) or, together with attendant utility and sanitary facilities, shall:
  - a. Be flood proofed so that below the base flood elevation level the structure is watertight, with walls substantially impermeable to the passage of water. (7/29/99)
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the County. (6-3-87) (Added to this section 1-6-88)

#### B. Flood Hazard (FH) Areas

Where elevation data has been provided but floodways have not been established, development shall be subject to the provisions of 703.09A, above, and shall satisfy the following additional requirements:

1. The cumulative effect of any proposed development, when combined with all other anticipated and existing development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
2. Structures
  - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
  - b. So far as practical, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

#### C. Flood Prone (FP) Areas

Where elevation data are not available in flood prone (FP) areas, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding, and comply with the siting requirements under 703.09B,2, above.(1-6-88) The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, post-flood improvements to the waterway, etc., where available.

#### D. Shallow Flooding (AO) Areas (added section 1-6-88)

Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM, or at least two feet if no depth number is specified.
2. New construction and substantial improvements of nonresidential structures within AO

zones shall either:

- a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM, or at least two feet if no depth number is specified; or
  - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as provided in section 703.09A,2c.
3. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

## **703.10 EXCEPTIONS TO THE PROVISIONS OF SECTION 703**

### **A. Residential Accessory Structures**

A development permit shall be required pursuant to Subsection 703.05. If it is determined that the accessory structure may cause significant flood risk, all requirements of Section 703 shall be satisfied. Otherwise, the applicant need not satisfy the submittal requirements of Subsection 703.06B3 or the specific standards of Subsection 703.09A2, provided that:

1. The floor area of all floors of the accessory structure totals 500 square feet or less.
2. The accessory structure shall not be used for human habitation.
3. The accessory structure shall be designed to have low flood damage potential.
4. The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
5. The accessory structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
6. All service facilities, such as electrical and heating equipment associated with the accessory structure, shall be elevated or flood proofed.

### **B. Insurance Consequences**

When accessory structures built under the provisions of this section exceed a value greater than ten (10) percent of the value of the principal residential structure, substantial increases in insurance rates may result.

## **703.11 VARIANCES**

### **A. Criteria**

The Planning Director may permit a variance from the requirements of Section 703, if all of the following are demonstrated: (4-12-82)

1. The request will be consistent with all provisions of Subsection 703.07B.
2. The applicant shows good and sufficient cause for the variance.

3. Compliance with the requirements of Section 703 would cause an exceptional hardship to the applicant.
4. Approval of the variance would not result in increased flood levels, additional threats to public safety, extraordinary public expense, or a nuisance condition.
5. The variance requested is the minimum necessary, considering the flood hazard, to provide relief.

**B. Insurance Consequences**

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the regulatory flood protection elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



## SECTION 700 - SPECIAL DISTRICTS

### 704 RIVER AND STREAM CONSERVATION AREA (RSCA (12/4/97))

<a href="#">704.01</a>	PURPOSE
<a href="#">704.02</a>	DEFINITIONS
<a href="#">704.03</a>	AREA OF APPLICATION
<a href="#">704.04</a>	RIVER AND STREAM SETBACKS
<a href="#">704.05</a>	STANDARDS FOR DEVELOPMENT
<a href="#">704.06</a>	EXCEPTIONS TO THE STANDARDS OF SUBSECTION 704.04
<a href="#">704.07</a>	VEGETATION PRESERVATION REQUIREMENTS
<a href="#">704.08</a>	APPLICATION REQUIREMENTS
<a href="#">704.09</a>	ADMINISTRATION OF THIS SECTION

#### 704.01 PURPOSE

- A. To maintain the integrity of the rivers and streams in Clackamas County by minimizing erosion, promoting bank stability, maintaining and enhancing water quality and fish and wildlife habitats, and preserving scenic quality and recreational potentials; and (12/4/97)
- B. To maintain rivers in their natural state to the maximum extent practicable, thereby recognizing their natural, scenic, historic, economic, cultural and recreational qualities; and
- C. To implement the Rivers Area Design Plan stated in the Comprehensive Plan.

#### 704.02 DEFINITIONS (12/4/97)

Unless specifically defined below, words or phrases used in this classification shall be interpreted to give them the same meaning as they have in common usage and to give this classification its most reasonable application.

- A. Composite Bank Stabilization: A combination of structural and nonstructural bank stabilization methods that includes a revetment of rock with a natural vegetation cover or overlay.
- B. Development: Any man-made change to improved or unimproved real estate, including but not

limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or any other activity which results in the removal of substantial amounts of vegetation or in the alteration of natural site characteristics.

- C. Mean High Water Line: The bank of any river or stream established by the annual fluctuations of water generally indicated by physical characteristics such as a line on the bank, changes in soil conditions or vegetation line.
- D. Nonstructural Bank Stabilization: The placement of natural vegetation, which may or may not include a filter fabric, along a shoreline whose primary purpose is for bank stabilization.
- E. Structural Bank Stabilization: A man-made, concrete wall or revetment of rock placed along the shoreline whose primary purpose is for bank stabilization.

### **704.03 AREA OF APPLICATION**

- A. The standards of Section 704 apply to land generally within a quarter mile of the mean high water line of the Clackamas, Sandy/Salmon, Molalla/Pudding, Roaring, Tualatin, and Zig Zag River corridors. Classified as Principal Rivers, these conservation areas are identified in Chapter 3 of the Clackamas County Comprehensive plan. The location of these rivers may vary from these maps if more specific information is provided. (12/4/97)
- B. The standards of Section 704 apply to land located within one hundred (100) feet of the mean high water line of large, Type F streams, except Principal Rivers identified in 704.03A above, identified on Water Protection Rule Classification (WPRC) Maps which are compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas, these large streams are designated in the Comprehensive Plan as those that generally have annual average flows of ten (10) cubic feet per second or greater. (12/4/97)
- C. The standards of Section 704 also apply to land located within seventy (70) feet of the mean high water line of medium Type F streams which are identified on Water Protection Rule Classification (WPRC) Maps compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas, these medium streams are designated in the Comprehensive Plan as those that generally have annual average flows greater than two (2) cubic feet per second and less (10) cubic feet per second. (12/4/97)
- D. The standards of Section 704 also apply to land located within fifty (50) feet of the mean high water line of small Type F streams which are identified on Water Protection Rule Classification (WPRC) Maps compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas, these small streams are designated in the Comprehensive Plan as those that generally have annual average flows less than (2) cubic feet per second. (12/4/97)
- E. The provisions of Section 704 are in addition to those requirements of the State Scenic Waterways Act, Omnibus Oregon Wild and Scenic Rivers Act of 1988, and the Federal Wild and Scenic Rivers Act of 1968. In those areas so designated, the requirements of the County shall be

administered subject to the application requirements of 704.08 and prevail when they are more restrictive than State and Federal standards.(02-25-93)

#### **704.04 RIVER AND STREAM SETBACKS (12/4/97)**

Minimum setbacks for all primary and accessory structures exceeding one hundred twenty (120) square feet or 10 feet in height shall be as follows: (12/4/97)

##### **A. Principal River Conservation Area**

Primary and accessory structures shall be located at least 100 feet from the mean high water line of the river. This minimum setback may be increased up to 150 feet from the mean high water line to lessen the impact of development. In determining the minimum setback, the following shall be considered:

1. The size and design of any proposed structures;
2. The width of the river;
3. The topography of the land between the site and the river;
4. The type and stability of the soils;
5. The type and density of existing vegetation between the site and the river;
6. Established recreation areas or areas of public access; and
7. Visual impact of any structures.

##### **B. Stream Conservation Area: (12/4/97)**

1. Large stream: Minimum one hundred (100) feet from the mean high water line.
2. Medium streams: Minimum seventy (70) feet from the mean high water line of the stream.
3. Small streams: Minimum fifty (50) feet from the mean high water line of the stream.

#### **704.05 STANDARDS FOR DEVELOPMENT (12/4/97)**

- A. Residential structures and structures accessory to residential structures which can be seen from Principal Rivers shall be thirty-five (35) feet or less in height. (12/4/97)
- B. Subsurface sewage disposal drainfields are prohibited within 100 feet of the mean high water line, except lots or parcels legally created prior to May 1, 1973 may be approved within 100 feet, but not less than 50 feet, from the mean high water line when consistent with all the provisions of OAR 340, Division 71 as determined by the County Soils staff. (12/4/97)
- C. Commercial or industrial facilities, such as structures, parking and storage areas shall satisfy the setback provisions of Subsection 704.04 and signs shall be screened from view of the Principal Rivers or Stream Conservation Area by an opaque vegetation buffer. These facilities shall be reviewed pursuant to the Design Review provisions of Section 1102. (12/4/97)
- D. Subdivisions and partitions shall be designed, where possible, to allow compliance with the provisions of Section 704. (12/4/97)

**704.06 EXCEPTIONS TO THE STANDARDS OF SUBSECTION 704.04**

- A. Residential lots of record where lot depth precludes compliance with the setback standards of subsection 704.04, shall be exempt from these standards. Structures shall be sited the maximum distance from the mean high water line which meets the setback and other standards of the underlying zone. The footprint of structures proposed on lands outside the urban growth boundary shall not exceed 25% of the lot area. All other provisions of Section 704 shall apply. (12/4/97)
- B. Repairs, additions, alterations to, or replacement of structures, roadways, driveways, or other development, which is located closer to a river or stream than permitted by the setback requirements of Subsection 704.04 shall be permitted, provided that such development does not encroach into the setback any more than the existing structures, roadways, driveways, or other development, and complies with the other provisions of Section 704. (12/4/97)
- C. Water dependent uses, such as ODFW fish enhancement projects, private boat docks, marinas, or boat ramps, shall be exempt from the provisions of subsection 704.04, except that structures shall be muted earth tones. All other provisions of Section 704 shall apply to water-dependent uses, and any structure shall be the minimum size necessary to accommodate the use. (12/4/97)
- D. Uses such as roads, bridges, culverts, pipes and power lines that are necessary for crossing streams shall be allowed within the setbacks stated in subsection 704.04A, provided they do not create barriers to fish movement and that adverse impacts are mitigated. (12/4/97)
- E. Water impoundments, diversions, detention and retention facilities and hydroelectric facilities shall be exempt from the setback provisions under subsection 704.04A. All such facilities shall comply with all other applicable provisions of this Section and Ordinance, and are subject to review and approval pursuant to applicable State and Federal statutes and administrative rules. (7-26-82)
- F. Structural, nonstructural and composite methods of bank stabilization, as defined in this Section, may be approved subject to Section 703 of the Ordinance. Structural methods of bank stabilization shall only be approved when consistent with the following criteria: (12/4/97)
1. The structural improvements are required to protect existing structures; and (12/4/97)
  2. The applicant demonstrates nonstructural methods will be insufficient to adequately protect the existing structures; and (12/4/97)
  3. The structural method will utilize a composite method as defined in Subsection 704.02. (12/4/97)
- G. The setback and vegetation buffering provisions of this Section may be modified for purposes consistent with the adopted Economic, Social, Environmental and Energy (ESEE) analyses for the applicable watershed. (12/4/97)

**704.07 VEGETATION PRESERVATION REQUIREMENTS**

- A. A minimum of seventy-five percent (75%) of the setback area (distance) shall be preserved with native vegetation. (12/4/97)
- B. Tree cutting and grading shall be prohibited within the buffer or filter strip, with the following

exceptions:

1. Diseased trees or trees in danger of falling may be removed; and
  2. Tree cutting or grading may be permitted in conjunction with those uses listed in subsection 704.05 and 704.06 to the extent necessary to accommodate those uses.
  3. Vegetation removal may occur when approved by the Oregon Department of Fish and Wildlife (ODFW) upon written notification that such removal is required as part of a river or stream enhancement project. (12/4/97)
- C. Commercial forest activities and harvesting practices outside the urban growth boundary shall be subject to the Oregon Forest Practices Act. Commercial forest harvesting activities inside the urban growth boundary shall be reviewed pursuant to the Forest Policies of the Comprehensive Plan.

## **704.08 APPLICATION REQUIREMENTS**

Development or tree-cutting activity shall be reviewed pursuant to a building or grading permit submitted to the Planning Division. The permit application shall be accompanied by such materials as identified below. Examples of such materials include: (12/4/97)

- A. A site plan showing existing vegetation and development, and locations of proposed development or tree-cutting activity; and
- B. Elevations of any proposed structures; and
- C. Exterior materials list for any proposed structures, including type and colors of siding and roofing; and
- D. Cross-section of any area within the vegetative buffer or filter strip where grading, filling or excavating will occur. (12/4/97)
- E. Bank stabilization improvements shall be subject to the application and development requirements of Section 703 of the Ordinance. (12/4/97)

## **704.09 ADMINISTRATION OF THIS SECTION**

- A. All development and tree-cutting activities on the Clackamas, Molalla, Pudding, Salmon, Sandy, Roaring Tualatin and Zig Zag Rivers controlled by the provisions of Section 704 within a principal river conservation area shall be reviewed by the Planning Division staff to insure consistency with Section 704. Proposed developments on lands within (150) feet of the annual mean high water line shall be reviewed with notice pursuant to Subsection 1305.02. For lands beyond 150 feet of the annual mean high water mark, notice shall be sent to both the U.S. Forest Service and Bureau of Land Management (12/4/97)
- B. All development and grading permits within Stream Conservation Areas shall be reviewed pursuant to Subsection 104.01A(1) through (4). (12/4/97)
- C. The applicant may appeal to the Hearings Officer a decision of the Planning Division staff as provided under subsection 1305.01K. (7-1-83)

(LAST TEXT REVISION 12/4/97)

## SECTION 700 - SPECIAL DISTRICTS

### 705 WILLAMETTE RIVER GREENWAY (WRG) (4/29/93)

<a href="#">705.01</a>	PURPOSE
<a href="#">705.02</a>	AREA OF APPLICATION
<a href="#">705.03</a>	STANDARDS FOR INTENSIFICATION OR CHANGE OF USE, OR DEVELOPMENT WITHIN THE GREENWAY
<a href="#">705.04</a>	PROHIBITED ACTIVITIES
<a href="#">705.05</a>	APPLICATION REQUIREMENTS

#### 705.01 PURPOSE

- A. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River;
- B. To maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;
- C. To implement the Willamette River Design Plan described in the Comprehensive Plan.

#### 705.02 AREA OF APPLICATION

- A. The standards of Section 705 apply to all lands and water within the Willamette River Greenway;
- B. The standards of Section 705 apply to all development, change of use, or intensification of use within the greenway, unless specifically excepted by Section 705.02C. For the purposes of Section 705, the following definitions are applicable:
  1. Development: The act, process or result of developing.
  2. Develop: To bring about growth or availability; to construct or alter a structure; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels; to create or terminate rights of access.
  3. Change of Use: Making a different use of the land or water which requires construction, alterations of the land, water, or other areas outside of existing buildings or structures and which substantially alters or affects the land or water.
  4. Intensification: Any addition or action which increases or expands the area or amount of an existing use, or the level of activity, including remodeling the exterior of a structure if the remodeling substantially alters the appearance of the structure.
  5. Water-dependent use: A use or activity that can be carried out only on, or adjacent to

water areas because the use requires access to the water body for water borne transportation, recreation, energy production, or source of water. (4/29/93)

C. Exceptions to Subsection 705.02B

1. A change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated.
2. Landscaping, driveway construction and modifications of existing structures or the construction or placement of subsidiary structures or facilities which are usual and necessary to the use and enjoyment of existing improvements.
3. Changes, modifications and other practices customarily related to those farm uses described in Section 401 and 402.
4. Gravel removal from the bed of the Willamette River when conducted under a permit from the State of Oregon, and when compatible with the purposes stated in Subsection 705.01.
5. Customary dredging and channel maintenance.
6. The placing, by a public agency, of signs, workers or aids to serve the public.
7. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands.
8. Acquisition and maintenance of scenic easements by the Oregon Parks and Recreation Department (4/29/93)
9. The partial harvest of timber shall be permitted beyond the vegetative fringes in areas not covered by a scenic easement when the harvest is consistent with an approved plan under the Forest Practices Act. If such activity is not covered by the Forest Practices Act, it shall be reviewed by the Planning Division to assure consistency with the purposes of this Section, as stated in Subsection 705.01.
10. Commercial forest activities and harvesting practices shall provide for vegetation buffers and the intended shading, soil stabilizing and water filtering effects required by the Forest Practices Act.

**705.03 STANDARDS FOR INTENSIFICATION OR CHANGE OF USE, OR DEVELOPMENT WITHIN THE GREENWAY**

- A. To insure consistency with the provisions of this Section, all intensification or change of use, or development, shall be reviewed by the Planning Director pursuant to the procedures in Subsection 1305.02, with written notice given to owners of adjoining property and any individual or groups requesting notices. (7-1-83)
- B. All intensification or change in use, or development shall require a Greenway Conditional Use permit. A Conditional Use shall be granted only if the applicant shows that the request will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river. The depth of this area need not exceed 150 feet. Additionally, the applicant shall demonstrate all of the following: (4/29/93)
  1. That approval of the request will be consistent with the purposes stated in Subsection 705.01. (4/29/93)



2. That, where necessary, public access has been provided by appropriate legal means to and along the river. (4/29/93)
  3. That the request complies with Subsections 705.03D and 705.03E. (4/29/93)
- C. A conditional use shall be granted only if the applicant shows that the request will result in the preservation of a filter or buffer strip of natural vegetation along the river bank. The depth of this buffer strip need not exceed 150 feet, and shall be determined by consideration of the following: (4/29/93)
1. The character of the use of development.
  2. The width of the river.
  3. Steepness of the terrain.
  4. Type and stability of the soil.
  5. The type and density of the existing vegetation.
- D. All structures shall observe a minimum setback between 100 and 150 feet from the mean low water level. The setback shall be determined by evaluation of the criteria stated in Subsection 705.03. Residential lots of record and water dependent uses unable to meet this requirement shall be exempt from this setback.
- E. Private noncommercial docks and boathouses shall be subject to the standards listed below, in addition to the other standards in Subsection 705.03: (4/29/93)
1. General Provisions:
    - a. Private noncommercial docks, boathouses, and pilings shall either be dark natural wood colors, or painted dark earth tones (dark brown or green).
    - b. The square footage of docks and boathouses in measured as the length times the width of the outer edge of the structure;
    - c. The length- to- width ratio of a private noncommercial dock shall not exceed 3:1;
    - d. Only one dock and boathouse is allowed per riverfront lot of record.
  2. Oregon City Falls to Multnomah County line:
    - a. Private noncommercial docks shall not exceed 400 square feet;
    - b. Private boathouses are prohibited.
  3. Oregon City Falls to Marion County line:
    - a. Private noncommercial docks shall not exceed 700 square feet;
    - b. Private noncommercial boathouses shall not exceed 500 square feet, and; shall not exceed 12 feet in height, measured from the platform of the dock to the roof peak.
  4. All docks located on state-owned submerged and/or submersible land must be leased or registered with the Oregon Division of State Lands, according to State law.

## **705.04 PROHIBITED ACTIVITIES**

- A. Residential structures and structures accessory to residential structures exceeding a height of thirty-five (35) feet are prohibited.
- B. Subsurface sewage disposal drainfields are prohibited within 100 feet of the mean low water line.
- C. Low head hydroelectric dam facilities, which adversely impact fisheries or the scenic and water quality of the river shall be prohibited.

- D. Private noncommercial docks and moorages in the limited use rural portions of the greenway (as identified in Chapter 3 of the Comprehensive Plan) are prohibited.

## **705.05 APPLICATION REQUIREMENTS**

- A. Applications submitted for review pursuant to Section 705 shall be accompanied by such materials as are reasonably necessary for adequate review. Examples of such materials include:
1. A site plan showing existing vegetation and development, and locations of proposed development or activity.
  2. Elevations of any proposed structures.
  3. Materials list for any proposed structures, including type and colors of siding and roofing.
  4. Cross section of any area within the vegetative fringe where grading, filling or excavating will occur.
- B. Written notice, including a copy of the application will be sent immediately upon receipt to the Oregon Parks and Recreation Department, by certified mail-return receipt requested. The Oregon Division of State Lands shall also be notified of the application. The Parks and Recreation Department and Division of State Lands will have fifteen (15) working days from the date of mailing to respond before a decision is rendered. (3-31-93)

(LAST TEXT REVISION 4/29/93)

## SECTION 700 - SPECIAL DISTRICTS

### 707 HISTORIC LANDMARK (HL), HISTORIC DISTRICT (HD), AND HISTORIC CORRIDOR (HC) (3/24/05)

<a href="#">707.01</a>	PURPOSE
<a href="#">707.02</a>	AREA OF APPLICATION
<a href="#">707.03</a>	BARLOW ROAD HISTORIC CORRIDOR
<a href="#">707.04</a>	INTERIM PROTECTION MEASURES FOR STRUCTURES LISTED ON THE CLACKAMAS COUNTY CULTURAL RESOURCES INVENTORY
<a href="#">707.05</a>	USES PERMITTED
<a href="#">707.06</a>	HISTORIC REVIEW BOARD
<a href="#">707.07</a>	THE REVIEW PROCESS

#### 707.01 PURPOSE

The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors and promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources. The provisions of this section are intended to:

- A. Provide for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the County that reflect special elements of the County's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage;
- B. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas;
- C. Encourage public knowledge, understanding and appreciation of the County's history and culture;
- D. Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;
- E. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the County;
- F. Preserve diverse architectural styles reflecting phases of the County's history; and encourage complimentary design and construction impacting cultural resources;
- G. Enhance property values and increase economic and financial benefits to the County and its

inhabitants;

- H. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and
- I. Integrate the management of cultural resources and relevant data into public and private land management and development processes.

## 707.02 AREA OF APPLICATION

- A. The provisions of Section 707 shall apply to all designated Historic Landmarks, Historic Districts, and Historic Corridors within the County.
- B. Historic Landmark: A site, structure, or object may be zoned Historic Landmark if it is listed on the *National Register of Historic Places*, or if it is rated as "significant" under the County's procedure for evaluating historic resources under the specific architectural, environmental, and historic association criteria. A site or structure must receive a total of 40 or more points under the following criteria to be considered for Historic Landmark status:

### ARCHITECTURAL SIGNIFICANCE

1. It is an early (50 years or older), or exceptional, example of a particular architectural style, building type, or convention. (up to 10 points)
2. It possesses a high quality of composition, detailing, and craftsmanship. (up to 4 points)
3. It is a good, or early, example of a particular material or method of construction. (up to 4 points)
4. It retains, with little or no change, its original design features, materials, and character. (up to 7 points)
5. It is the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction. (up to 10 points)

### ENVIRONMENTAL SIGNIFICANCE

6. It is a conspicuous visual landmark in the neighborhood or community. (up to 10 points)
7. It is well-located considering the current land use surrounding the property, which contributes to the integrity of the pertinent historic period. (up to 4 points)
8. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, viewsheds and natural features. (up to 10 points)
9. It is an important or critical element in establishing or contributing to the continuity or character of the street, neighborhood, or community. (up to 7 points)

### HISTORICAL SIGNIFICANCE

10. It is associated with the life or activities of a person, group, organization, or institution

that has made a significant contribution to the community, state, or nation. (up to 10 points)

11. It is associated with an event that has made a significant contribution to the community, state, or nation. (up to 10 points)
12. It is associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation. (up to 10 points)
13. It possesses the potential for providing information of a prehistoric or historic nature. (up to 10 points)

C. Historic District: Designation of a Historic District on the County zoning and Comprehensive Plan maps may be initiated by the Historic Review Board, the Board of County Commissioners, or by petition of at least sixty (60%) percent of the property owners within the geographically defined area. Criteria for designation are as follows:

1. The area is listed as a *National Register Historic District*, or
2. The area includes a significant concentration or linkage of sites, buildings, structures, objects or landscapes which are unified visually by style, plan, or physical development and distinguished by association with historic periods, events, people, or cultural trends, and
3. The area is of sufficient size and scope, and the component parts are cohesive enough to adequately represent, demonstrate, or commemorate the significant historic period, event, people, or trend, and
4. A substantial number of the component parts within the area are exceptionally well preserved.

D. Historic Corridor: Designation of a Historic Corridor on the County zoning and Comprehensive Plan maps may be initiated by the Historic Review Board, the Board of County Commissioners, or by petition of at least sixty (60%) percent of the owners of property within a historic trail, roadway, or rail corridor. Property designated shall satisfy one or both of the following criteria:

1. The property, site, trail, roadway, or rail corridor is associated with events that have made a significant contribution to the broad patterns of our history or are likely to yield additional information in the future, categorized under one or more of the following theme areas:
  - a. archeology and prehistory;
  - b. exploration;
  - c. western migration;
  - d. settlement;
  - e. agriculture;
  - f. commerce and industry;
  - g. transportation technology;
  - h. government, politics, and military activities;
  - i. culture.
2. The property or site is necessary to provide for the continuity of, or future use of, the historic trail, roadway, or rail corridor.

E. Contributing Resource:

1. In order to designate a site, object, structure or landscape features as a contributing resource, the Board shall find that:
  - a. The resource is or, at the time the designation becomes effective, will be within a Historic District or Historic Corridor; and
  - b. The resource is 50 years old or older, may have received alterations, but retains its overall physical integrity, or is of special architectural or environmental or cultural significance; and
  - c. The resource contributes to the integrity of the Historic District or Historic Corridor; and
  - d. The resource does not merit landmark designation; and
  - e. The resource is compatible with landmarks in the district or corridor considering overall proportions, scale, architectural detail and materials.
2. Contributing resources shall be identified upon the creation of a Historic District or Historic Corridor and a list shall be created containing the same information for each resource as is required for landmarks.

### **707.03 BARLOW ROAD HISTORIC CORRIDOR (10-26-93)**

- A. Intent: This Ordinance provision is intended to provide for the preservation and protection of the Barlow Road Historic Corridor. The intent of this Ordinance is to preserve the privacy of private property owners along the Barlow Road Historic Corridor. There is no intent by Clackamas County to condemn private property now or in the future.
- B. Barlow Road Historic Corridor is defined by the Barlow Road Background Report and Management Plan maps and shown in Chapter 3 of the Comprehensive Plan, Map III-2. Within the corridor, the following provisions shall apply: (5/3/01)
  1. The Barlow Road Historic Corridor is defined as a 40 foot wide historic corridor as shown on the Clackamas County assessor maps, identified through the Barlow Road Survey Project 1991-1992, and adopted through the historic corridor designation process within the provisions of this Ordinance. In the Government Camp area, north of Highway 26, the historic corridor width is 20 foot wide.
  2. Third priority property segments shall be allowed to develop for primary uses allowed in the underlying zone. Significant development shall be reviewed as described in (3). Where physical evidence of the Barlow Road exists, property owners are encouraged to preserve the evidence.
  3. The Historic Review Board shall review and make recommendations pertaining to proposed "significant development," within the historic corridor. "Significant development" shall include: zone change, conditional use, and subdivision application; commercial, industrial, and multifamily development application; and mining and gravel extraction.

A site analysis shall be submitted for any "significant development" by the applicant indicating potential impacts to the historic corridor. To the maximum practicable extent, the historic corridor shall be protected as open space. Where physical evidence of the

Barlow Road exists, such as wagon ruts, such evidence shall not be disturbed by development unless it is shown that the property can not be developed if the historic corridor is preserved.

4. Where road segments include portions of a County road, the Historic Review Board shall review and make recommendations to the County about any proposed right of way expansion or realignment to insure that original features of the Barlow Road are retained where possible.
5. Where State Highways are aligned with the Barlow Road Historic Corridor, proposed right of way expansion or realignment will be reviewed as outlined under 707.07, when historic resource sites identified in the *Clackamas County Cultural Resources Inventory*, *Barlow Road Survey Project* or other identified potential sites may be impacted.
6. Within the Highest and Secondary Priority Barlow Road Historic Corridor as defined on the Clackamas County assessor maps, the following activities are prohibited: structural development, mining, highway or road building, cultivation, utility line/pipeline development, vehicular use and other uses which would cause major surface disturbance to the road remains. Limited disturbance to the corridor shall be allowed when necessary to service the underlying use, such as sewer and utility lines.

Where the corridor has been used by vehicles, continued use is allowed. Maintaining driveways by repairing the driving surface is allowed. All attempts to preserve the historic road contour should be made when undergoing maintenance activities.

Where Highest and Secondary priority road segments include portions of a County or State road, the Historic Review Board shall review any proposed right of way expansion or realignment. To the maximum practicable extent, the Barlow Road alignment and historic landscape should be retained.

A variance application can be made to allow development in rare cases under the provision of 1205.02.

Normal maintenance activities are allowed such as clearing brush and fallen trees from the Historic Corridor and removing other objects foreign to the route. (10-26-93)

#### **707.04 INTERIM PROTECTION MEASURES FOR STRUCTURES LISTED ON THE CLACKAMAS COUNTY CULTURAL RESOURCES INVENTORY**

- A. Intent: This Ordinance provision is intended to provide interim protective measures for structures listed on the *Clackamas County Cultural Resources Inventory*. After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks within each study area or Inventoried Book, the Interim Protection Measures will cease to apply.
- B. Cultural Resource Inventory properties: Review of "significant development," as defined below, shall occur for any property listed on the Clackamas County Cultural Resources Inventory as per provisions set forth in this Ordinance. "Significant development" shall include: zone change, conditional use, and subdivision applications; commercial, industrial, and multifamily development applications and demolition permit applications.

## 707.05 USES PERMITTED

- A. **Primary Uses:** A Historic Landmark or properties within a Historic District or Historic Corridor may be used for any use which is allowed in the underlying district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of this Section.
- B. **Conditional Use Findings:** In urban and rural districts, uses listed below under 707.05C, which are not otherwise allowed in the underlying district, may be allowed, subject to the specified review procedure. Approval shall not be granted unless the proposal satisfies the criteria under Section 1203 and the applicable provisions under Section 800, and the applicant demonstrates that the use, if allowed:
1. Will preserve or improve a resource which would probably not be preserved or improved otherwise;
  2. Will not require the extension or development of urban services in rural areas;
  3. Will not adversely affect surrounding natural resource uses; and
  4. Will utilize existing structures rather than new structures, except where new structures are determined by the Historic Review Board to be in the best interest of preserving the historic resource. (12/4/97)
  5. All structures of any form or size, including new structures, shall satisfy the provisions of 707.07. (12/4/97)
- C. **Public Hearing Review:** The following uses may be permitted by the Hearings Officer after a public hearing conducted pursuant to Section 1300 when the proposal satisfies the requirements under Subsection 707.05B, above:
1. Art and music studios
  2. Galleries
  3. Offices
  4. Craft shops
  5. Bed and Breakfast establishments
  6. Gift shops
  7. Museums
  8. Catering Services
  9. Book stores
  10. Boutiques
  11. Restaurants
  12. Antique shops
  13. Community Center for civic or cultural events
  14. Replacement of a historic landmark dwelling with an additional dwelling on the same site and continued use of the existing dwelling for Rural Residential purposes, provided: 1) the existing dwelling is listed individually on the National Register of Historic Places or on state and local registers as a Historic Landmark; 2) the existing dwelling is maintained under an approved plan for rehabilitation (e.g. Secretary of Interior guidelines); and 3) there is a recorded deed recognition statement with the County that the additional dwelling



is authorized only for the duration of the historic resource and to inform subsequent purchasers. A lot with an additional dwelling approved subject to this provision may not be divided pursuant to Subsection 902.01(B)(3). (3/24/05)

15. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsections 707.05(C)(1) through (14). (6/6/02)

## **707.06 HISTORIC REVIEW BOARD**

- A. **Appointment and Composition:** The Board of County Commissioners shall appoint a minimum of five (5) individuals who have demonstrated an interest in historic preservation and have experience and/or special expertise or knowledge in the field of historic preservation. Three (3) positions shall be filled under the following designations: (1) Architect, with knowledge in historic restoration, (2) Contractor, with expertise in construction techniques applied to historic structures, (3) Representative from a historic group in the County. Individuals from a city within the County may be appointed by the city to join the Historic Review Board to review permit applications within the city.
- B. **Terms of Service:** Except for initial appointment periods specified herein, all members of the Historic Review Board shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the Board of County Commissioners.
- C. **Duties and Responsibilities:** It is the responsibility of the Historic Review Board to insure that the purposes of this Section are implemented and to perform the following duties:
  1. Adopt rules to govern its deliberations and decisions, including a method of recording its proceedings.
  2. Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners on historic preservation matters.
  3. Review and render decisions on proposals to alter the exterior of a Historic Landmark or primary, secondary, or contributing structure within a Historic District or Historic Corridor, subject to the procedures and criteria set forth in 707.07.
  4. Review and render decisions on all proposed new construction within a Historic District or Corridor, or on property on which a Historic Landmark is located, subject to the procedures and criteria set forth in 707.07.
  5. Review and make recommendations on all applications referred by the Board of County Commissioners, Hearings Officer, Planning Commission or Design Review Committee.
  6. Review and make recommendations on all applications for zoning of a Historic Landmark, a Historic District, or a Historic Corridor, as provided under 707.06.
  7. Review all requests for demolition or removal of a Historic Landmark, as provided under 707.09.
  8. Review and make recommendations to the Hearings Officer on all Conditional Use applications under 707.05B.
  9. Review and make recommendations on all partitions and subdivisions of designated properties.
  10. Disseminate information to educate the public as to State and Federal laws protecting

antiquities and historic places.

11. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.
12. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the County.
13. Insure that information on inventoried historic properties is updated and maintained.
14. Continue to add to the Clackamas County Cultural Resources Inventory when appropriate.

## **707.07 THE REVIEW PROCESS**

This section shall apply to all Historic Landmarks, properties within Historic Districts and Historic Corridors and contributing resources therein.

### **A. Designation of a Historic Landmark, Historic District or Historic Corridor:**

1. **County Initiated Action:** The Historic Review Board or Board of County Commissioners may initiate the process for designation of a Historic Landmark or Historic District or Historic Corridor. If the Historic Review Board or Board of County Commissioners initiates the process, notice shall be provided pursuant to Section 1302. (6/6/02)
2. **Quasi-Judicial Application:** The owner(s) of property, or properties, may request the zoning of their property, or properties, as a Historic Landmark(s), Historic District, or Historic Corridor by making application at the Planning Division. Notice shall be provided pursuant to Section 1302. (6/6/02)
3. **Historic Review Board Evaluation:** The Historic Review Board shall evaluate the proposed zoning action and shall enter findings and make a written recommendation to the Board of County Commissioners.
4. **Board of County Commissioners Public Hearing:** The Board of County Commissioners shall conduct a public hearing to consider the proposed zoning action and shall either approve or deny the request. The Board shall enter written findings supporting its decision.
5. **Pending Permits:** No building permit for altering or moving any proposed Historic Landmark or any building within an area proposed for designation as a Historic Landmark, Historic District or Historic Corridor, shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building affected by a pending public hearing or appeal under this Section shall be a violation of this Ordinance.

### **B. Application Requirements:**

1. Prior to formal application submission, a preapplication conference between the applicant and Planning Director or Historic Review Board shall occur.
2. **Standard Requirements:** All applications for alteration and development made pursuant to this Section shall include:
  - a. The applicant's name and address.
  - b. The owner's name(s) and address(s);

- c. An explanation of what review process the applicant wishes to initiate and why.
- d. A written description of the boundaries of the proposed Historic District, if applicable, or the location of the site;
- e. A map illustrating the boundaries of the proposed district, if applicable, or the location of the site;
- f. A list of exterior materials pertinent to the application request.
- g. Drawings:
  1. Side elevation for each side of any affected structure.
  2. Drawings shall indicate dimensions and be to scale.
  3. Photographs may be used in lieu of drawings for small projects.
- h. Floor plans of affected structure(s).
- i. Site plan showing relationship of structure(s) to roadways, parking areas, access drives, landscape features, plant materials, fences and other pertinent elements drawn to scale.

C. Alteration and Development:

1. Purpose: It is the intent of this subsection to provide for the appropriate level of review for proposed alterations and development affecting properties within Historic Districts or Historic Corridors, or those affecting Historic Landmarks, and to provide criteria for review.
2. Maintenance: The normal responsibilities of the property owner to care, repair and replace with like materials can be done without formal review. Normal maintenance may include but not be limited to:
  - a. Painting and related preparation of the structure. Original paint colors or colors appropriate to the historic period should be used on Historic Landmark buildings.)
  - b. Repair and/or replacement of roofing materials with the same kind of roof materials existing.
  - c. Grounds care and maintenance required or the permitted use on the property.
  - d. Replacement of fences, shrubs, or other yard fixtures or landscaping with like type and/or style.
  - e. Existing materials may be replaced in kind for a small portion of either building or grounds because of damage or decay of materials.
  - f. Installation and maintenance of irrigation systems.
3. Minor Alterations: The Planning Director shall determine the status of a proposed alteration. Minor alterations shall be reviewed and approved by the Planning Director, who may consult with the Historic Review Board, or any member thereof, in applying the provisions of this Section. An alteration shall be considered "minor" when the result of the proposed action is to restore portions of the exterior to the original historic appearance while performing repairs, such as:
  - a. Addition of gutters and downspouts.
  - b. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.
  - c. Change in material to match original type of material on the structure or grounds.
  - d. Change in type of roof material in character with the original roofing material.

- e. Replacement of storm windows or doors.
4. Alterations Criteria: The Historic Review Board shall review all proposed alterations which exceed a "minor" status under 707.07BC, above. A request for an alteration permit under this provision shall be made on the appropriate application form provided by the Planning Division. Review and approval of an application shall be based on findings of adherence to the following standards for rehabilitation:
  - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finished, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the least damaging or gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property, including historic plant materials, and its environment would be unimpaired.
5. New Construction: The Historic Review Board shall review all building permits for proposed structures on a landmark site or within a Historic District or Historic Corridor.

Review and approval of an application shall be based on the following criteria:

- a. The design of the proposed structure is compatible with the design of the landmark building(s) on the site or in the district or corridor considering scale, style, height, and architectural detail, materials, and colors.
  - b. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the district or corridor, considering setbacks, distances between structures, location of entrances, and similar siting considerations.
  - c. Changes to yard areas including planters, fences ponds, walkways and landscape materials should be compatible with the overall historic setting.
  - d. Scale of commercial use: Individual permitted uses shall be of a scale appropriate to serve properties surrounding the historic overlay. (12/20/01)
6. Scale of commercial uses within rural and natural resource lands: Those uses located within rural designated lands and within an unincorporated community shall not exceed a total of 4,000 square feet of floor space per use within a building(s). Outside an unincorporated community, the use shall not exceed a total of 3,000 square feet of floor area per use within a building(s). (12/20/01)
- a. Preexisting Commercial Uses: Lawfully established commercial uses located within rural designated lands existing on or before the date of this ordinance Subsection (12/20/01), not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses. (12/20/01)
  - b. Within an unincorporated community a lawfully established use that existed prior to the date of this Subsection (12/20/01) may expand to occupy a space of 4,000 square feet of floor area per use within a building(s). If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area, the floor area may be expanded to occupy a maximum of 4,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater. (12/20/01)
  - c. Outside an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection (12/20/01) may be expanded to occupy a maximum of 3,000 square feet of floor area, or an additional 25% of the floor area currently occupied, whichever is greater. (12/20/01)
7. Partitions and Subdivisions: The Historic Review Board shall review and make recommendations on all proposed partitions or subdivisions of sites designated as a Landmark site or located within a Historic District or Historic Corridor. Review of proposed subdivisions or partitions shall be based on the following criteria:
- a. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and Inventory, to be located on a separate site from the landmark.
  - b. The partition or subdivision allows adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels.
  - c. Yard and landscaped areas including large trees and shrubs associated with the

Historic Landmark structure shall be retained with the structure whenever possible.

8. Appeals:

- a. Any person may appeal a decision of the Planning Director to the Historic Review Board. The appeal must be filed within 12 days of the date of mailing of the written decision of the Planning Director. (6/6/02)
- b. Any person may appeal a decision of the Historic Review Board within 12 days of the date of mailing of the written decision of the Historic Review Board. The appeal will be heard by the Hearings Officer pursuant to Section 1300. (6/6/02)

9. Building Code Requirements:

- a. Permits Required: Any alteration or relocation of a Historic Landmark shall be subject to the applicable regulations under the Uniform Building Code.
- b. Waivers: As provided in Section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a Historic Landmark, or building within a Historic District or Historic Corridor, may be made without conformance to all the requirements of the Uniform Building Code when authorized by the building official, provided:
  1. Any unsafe conditions as described in the Uniform Building Code are corrected;
  2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and
  3. The building official seeks the advice of the Oregon State Historic Preservation Officer, or designee.
- c. Modifications to certain regulations: The Historic Review Board may modify regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of offstreet parking spaces required, and regulations prescribing setbacks, if the modifications:
  1. Are necessary to preserve the historic character, appearance or integrity of the proposed Historic Landmark, Historic District or Historic Corridor and (10-26-93)
  2. Are in accordance with the purposes of the zoning and sign regulations.
- d. Appeals: In the case of appeals related to the application of the Uniform Building Code to a Historic Landmark, or building within a Historic District or Historic Corridor, the County appeals board or the appropriate State appeals board shall seek the advice of the State historic preservation officer.

D. Moving or Demolition of a Historic Landmark or Contributing Resource:

1. Purpose: The intent of this Subsection is to protect Historic Landmarks and Historic Districts and Corridors from destructive acts and to provide the citizens of the County time to review the significance of a Historic Landmark or building within a Historic District or Corridor, and to pursue options to preserve such building(s) if historic preservation is deemed in the best interest of the community.
2. Preapplication Preservation Plan Required:
  - a. Preapplication preservation plan to be submitted: If an applicant requests to move

or to demolish a Historic Landmark, the applicant shall prepare and submit a plan for preservation of the Historic Landmark prior to said application.

A preapplication conference shall be scheduled to allow the applicant and staff to discuss the proposal, the preservation plan requirements and the applicable criteria. The preservation plan may be submitted to the County after the preapplication conference and shall be reviewed and approved by staff or the Historic Review Board.

- b. The preservation plan shall include a narrative describing how the applicant will accomplish all of the following:
    1. The applicant or applicant's agent shall advertise the resource in local, regional and historic preservation newspapers of general circulation in the area once per week during the preapplication period and shall provide evidence of such advertising.
    2. Give public notice by placing a sign on the property informing the public of intended action which will remove or demolish the structure. The sign shall remain on the property until a permit is issued. It should also state the County department and telephone number to call for further information.
    3. Prepare and make available information related to the history and sale of the property to all who inquire.
    4. Provide information regarding the proposed use for the Historic Landmark site.
    5. Keep a record of the parties who have expressed an interest in purchasing and/or relocating the structure. To ensure that an adequate effort has been made to secure a relocation site, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.
  - c. Following receipt of the preservation plan, the Planning Director shall issue a media release to local and state newspapers of general circulation in the County. The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed demolition or removal, and the possible options for preserving the Historic Landmark.
3. Review Required: No building identified as a primary, secondary, or contributing structure within a Historic District or Corridor, or building designated as a Historic Landmark, shall be intentionally moved, or demolished unless such action is approved by the Historic Review Board. Application for permit to move or demolish such building shall be made to the Planning Division, and to the Building Services Division when applicable.
  4. Public Hearing Review: The Historic Review Board shall hold a public hearing, under the provisions and procedures in Subsection 1302.01A and B and Section 1303, to review the request to move, demolish or destroy a Historic Landmark, or building within a Historic District or Corridor, and shall make written findings supporting its decision to approve or suspend the request.
  5. Moving a Historic Landmark or Contributing Resource:

- a. In order to allow the moving of a Historic Landmark or contributing resource, the Historic Review Board shall consider the following:
  1. Relocation is the only alternative for preservation of the Historic Landmark or contributing resource; and,
  2. The proposed relocation site will not greatly reduce the historical and/or architectural significance of the Historic Landmark or contributing resource; the site is a contextually appropriate setting; it is within the County and preferably within the neighborhood within which it is currently located; and
  3. The designated resource cannot reasonably be used in conjunction with the proposed use; and,
  4. The continued location of the landmark or contributing resource on the proposed development site precludes development on the site which would provide a greater community benefit; and,
  5. The designated landmark or contributing resource is structurally capable of relocation; and
  6. If the landmark or contributing resource is relocated within the County, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within 90 days of relocation to the County for designation as a Historic Landmark, to be protected under the provisions of this Ordinance.
  7. The loss of the landmark or contributing resource will not affect the integrity of the Historic District or Historic Corridor; and adequate effort has been made to seek a relocation site within the Historic District or Corridor.
6. Demolition of a Historic Landmark or Contributing Resource: In order to allow the demolition of a landmark or contributing resource within a Historic District or Corridor, the Historic Review Board shall consider the following:
  - a. All plans, drawings, and photographs submitted by the applicant; and,
  - b. Information presented at the public hearing concerning the proposed work; proposal; and,
  - c. The Clackamas County Comprehensive Plan; and,
  - d. The purposes of this Ordinance as set forth in Section 707.01; and,
  - e. The criteria used in the original designation of the Historic Landmark or Historic District or Corridor in which the property under consideration is situated; and,
  - f. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area; and,
  - g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value; and,
  - h. Whether suspension of the permit will involve substantial hardship to the applicant,



and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this Ordinance; and,

- i. When applicable, the findings of the building official in determining the status of the subject building as a "dangerous building" under the most recent Uniform Code for the Abatement of Dangerous Buildings, and the feasibility of correcting the deficiencies to meet the requirements of the building official rather than demolishing the building.
7. Approval of Moving or Demolition Request/ Appeals: The Historic Review Board may approve the moving or demolition request in consideration of the provisions under 707.06, 6 and 7, above. The action of the Historic Review Board shall be transmitted to the applicant in writing within ten (10) days of the decision on the request, and shall be final after a period of 10 days from the date of the letter and findings approving the request, unless a notice of appeal is filed by any aggrieved party, pursuant to Section 1304.
  8. Suspension of Moving or Demolition Permit Request: The Historic Review Board may suspend the request for moving or demolition of an Historic Landmark or contributing resource building within a Historic District or Historic Corridor if it determines that in the interest of preserving historic values for public benefit, the building should not be moved or demolished. Written findings supporting the suspension of the request shall be transmitted to the applicant within seven (7) days of the final public hearing on the request.
  9. Stay of Moving or Demolition: If the moving or demolition request is suspended by the Historic Review Board, the written finding supporting the action to suspend the request shall be transmitted to the building official along with a request that the enforcement of any applicable Notice and Order of the building official be stayed during the pendency of an appeal, or for a period of not more than sixty (60) days from the date of the letter and findings supporting the suspension. During this stay of demolition period, the following actions may be taken:
    - a. The building official may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.
    - b. The applicant may be required to continue to carry out the preapplication plan activities through the entire stay of moving or demolition.
    - c. The Historic Review Board may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects.
      1. If the Board determines that there is reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to thirty (30) additional days per extension, not to exceed more than a total of 120 days from the date of the letter and finding suspending the request.
      2. If the Board determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application for a

demolition permit or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a Notice and Order of the building official, then, at the end of the stay of demolition period, the Planning Director and building official may issue such permit, subject to all other applicable codes and ordinances.

10. Appeal of Stay of Demolition: Action of the Historic Review Board in suspending issuance of the permit for demolition may be appealed by the applicant to the Board of County Commissioners, within 15 days of the date of the written findings suspending the demolition permit, by filing a notice of appeal as provided in Section 1304.
11. Documentation Required: When moving or demolition is eminent, whether by direct approval or if efforts during the preapplication preservation plan and Stay of Demolition are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the County by the applicant:
  - a. Floor plans to scale of the structure(s) and related structures.
  - b. Site plan to scale showing surrounding roadways, landscaping, natural features, structure(s), and related structures.
  - c. Drawings to scale or photographs of all exterior elevations.
  - d. Photographs of architectural detail not shown in elevation photographs.
  - e. The Historic Preservation League of Oregon or local preservation group to be given opportunity to salvage and record the resource.
12. Moving or Demolition Permit Issuance: A moving or demolition permit for a landmark found to comply with all provisions set forth in 707.09 of this Ordinance shall not be issued until all development permit applications for the new use or development have been approved by the County.

(LAST TEXT REVISION 3/24/05)

## SECTION 700 - SPECIAL DISTRICTS

### 708 MINERAL & AGGREGATE OVERLAY DISTRICT (MAO) (6/6/02)

<a href="#">708.01</a>	PURPOSE
<a href="#">708.02</a>	DEFINITIONS
<a href="#">708.03</a>	MINERAL AND AGGREGATE OVERLAY DISTRICT
<a href="#">708.04</a>	EXTRACTION AREA USES
<a href="#">708.05</a>	EXTRACTION AREA DEVELOPMENT STANDARDS
<a href="#">708.06</a>	RECLAMATION
<a href="#">708.07</a>	SITE PLAN REVIEW
<a href="#">708.08</a>	IMPACT AREA USES AND DEVELOPMENT STANDARDS
<a href="#">708.09</a>	TERMINATION OF THE MINERAL AND AGGREGATE OVERLAY DISTRICT

#### 708.01 PURPOSE

The Mineral & Aggregate Overlay District carries out the decisions and policies of the Comprehensive Plan for significant mineral and aggregate resources. The overlay assures protection of mineral and aggregate resource sites and regulates the mining of these sites to assure compatibility with nearby land uses.

#### 708.02 DEFINITIONS

*Mining.* The extraction of sand, gravel, soil, rock or other similar mineral deposits. Mining does not include excavation or grading conducted during construction, reconstruction or maintenance of public roads. Mining does not include excavation or grading conducted in the process of farming, forestry or cemetery operations or other onsite construction when no more than 5000 cubic yards of such minerals are removed from the property for compensation. Mining also does not include removal of more than 5000 cubic yards of such minerals from the property for compensation when the construction activities are authorized by a building permit.

*Processing.* The washing, crushing, milling, screening, handling, and conveying of mineral and

aggregate resources, and the batching and blending of such resources into asphalt concrete or Portland Cement Concrete.

*Aggregate.* Sand, gravel, rock, stone or similar minerals commonly used in construction.

*Significant site.* A site listed on the Comprehensive Plan inventory as a significant site.

*Extraction Area.* The area of an identified significant resource in which mining and processing may occur.

*Impact Area.* The area surrounding the Extraction Area where conflicting uses are regulated to assure that the resource site is protected to some extent. The County determines the Impact Area for each resource site.

*Conflicting use.* A use allowed, either outright or through a discretionary permit, in the underlying zone and in the Impact Area that could adversely affect protection of a resource site or mining a protected site.

*ESEE Analysis.* The analysis of the economic, social, environmental and energy consequences of (1) allowing mining on a significant site, and (2) allowing the conflicting uses to displace mining on a significant site. Based on the results of the ESEE analysis, the County shall determine a level of protection for the resource, and implement a program to achieve the designated level of protection.

*Noise or dust sensitive use.* A conflicting use which is primarily used for year-round habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise or dust sensitive uses during their period of use. Forest uses and farm uses are not noise or dust sensitive uses unless so determined based on analysis and findings adopted through the Goal 5 planning process to the effect that they satisfy this definition in more than an incidental manner.

*Restrictive covenant.* An enforceable promise, given by the owner of a parcel whose use and enjoyment of that parcel will be restricted in some fashion by mining activities occurring on another parcel, not to object to the lawful conduct of mining or processing. The restrictive covenant shall be recorded in the real property records of the County, shall run with the land and shall be binding upon the heirs and successors of the parties. The restrictive covenant shall state that the obligations imposed by the restrictive covenant shall be released when the mining and reclamation has been completed.

*Goal 5 planning process.* The full planning process for a Goal 5 resource, including the identification of resource sites, the determination of significant sites, the identification of conflicting uses, the analysis of ESEE consequences, the determination of the level of protection to be afforded a resource site, and the development of a program to achieve the Goal.

*Site Plan.* A county permit either (1) to commence mining and processing in the Extraction Area pursuant to this Section, or (2) to commence a use permitted outright or through a discretionary permit

in the underlying zone in the Impact Area. The site plan shall include such maps, diagrams, narratives and other writings to describe the placement of and use of all improvements, equipment, fixtures, mitigation measures, landscaping and vehicles on site.

*Screened uses.* Noise sensitive uses or other uses determined to be conflicting uses through the Goal 5 planning process or scenic viewpoints or other areas designated as significant Goal 5 scenic resources.

### **708.03 MINERAL AND AGGREGATE OVERLAY DISTRICT**

The Mineral and Aggregate Overlay District contains two elements, the Extraction Area and the Impact Area. The County shall not apply either element of the overlay to land in a city or another county.

The Mineral and Aggregate Overlay District may be applied through the initial legislative planning process, the plan update process or through an individual application for a comprehensive plan amendment and zone change. The boundary of the district shall be all property within the mineral and aggregate resources Extraction and Impact Areas. Individual applications shall be initiated by the petition of the owner, contract purchaser, or option holder of property comprising the Extraction Area.

### **708.04 EXTRACTION AREA USES**

- A. The County may allow the following uses subject to standards of ZDO 708.05, and any requirements adopted as part of the Comprehensive Plan.
1. Mining;
  2. Processing, except the batching or blending of mineral and aggregate materials into asphalt concrete within two miles of a planted commercial vineyard existing on the date the application was received for the asphalt batch plant;
  3. Stockpiling of mineral and aggregate materials extracted and processed onsite;
  4. Temporary offices, shops or other accessory structures used for the management and maintenance of onsite mining and processing equipment;
  5. Sale of mining products extracted and processed onsite;
  6. Storage of transportation equipment or machinery used in conjunction with onsite mining or processing;
  7. Other activities including buildings and structures necessary and accessory to development or reclamation of the onsite mineral or aggregate resource.
- B. The County may permit other uses allowed by the underlying zone subject to requirements of the underlying zone and requirements of this section for protection of significant mineral and aggregate sites.

### **708.05 EXTRACTION AREA DEVELOPMENT STANDARDS**

The following standards are the basis for regulating mining and processing activities in the Mineral and Aggregate Overlay District. Requirements adopted as part of the Comprehensive Plan also apply to mining and processing activities in the overlay. Before beginning any mining or processing activity, the applicant shall show compliance with these standards and requirements adopted as part of the Comprehensive Plan program.

- A. Access. Onsite roads used in mining and processing, and access roads from the Extraction Area to a public road shall meet the following standards:
  1. All access roads within 100 feet of a paved county road or state highway shall be paved, oiled or watered:
  2. All roads in the Extraction Area shall be constructed and maintained to ensure compliance with applicable state standards for noise control and ambient air quality.
  3. All roads in the Extraction Area shall be paved at all points within 250 feet of a noise or dust sensitive use existing on February 22, 1996.
- B. Screening
  1. The mining activities listed in Subsection (B)(2) of this Section shall be obscured from the view of screened used, unless one of the exceptions in Subsection (B)(4) applies. Screening shall be accomplished in a manner consistent with Subsection (B)(3).
  2. Mining activities to be screened:
    - a. All excavated areas, except: areas where reclamation activity is being performed, internal onsite roads existing on the date of county adoption, new roads approved as part of the Site Plan Review, material excavated to create berms, and material excavated to change the level of the mine site to an elevation that provides natural screening,
    - b. All processing equipment.
    - c. All equipment stored on the site.
  3. Types of screening
    - a. Natural screening is existing vegetation or other landscape features within the boundaries of the Extraction Area that obscure mining activities from screened uses. Natural screening shall be preserved and maintained except where removed according to a mining or reclamation plan approved by DOGAMI.
    - b. Supplied screening is either vegetative or earthen screening. Supplied vegetative screening is screening that does not exist at the time of the Site Plan Review. Plantings used in supplied vegetative screening shall be evergreen shrubs and trees, and shall not be required to exceed six feet in height when planted. Supplied earthen screening shall consist of berms covered with earth stabilized with ground cover.
  4. Exceptions. Supplied screening shall not be required if any of the following circumstances exist:
    - a. The natural topography of the site obscures mining and processing from screened uses.
    - b. Supplied screening cannot obscure mining and processing from screened uses because of local topography.

- c. Supplied vegetative screening cannot reliably be established or cannot survive due to soil, water or climatic conditions.
- C. Air and Water Quality. The discharge of contaminants and dust created by mining and processing shall comply with applicable state air quality and emissions standards and applicable state and federal water quality standards.
  - D. Streams and Drainage. Mining and processing shall not occur within 100 feet of mean high water of any lake, river, perennial water body or wetland not constructed as part of a reclamation plan approved by DOGAMI unless allowed by specific provisions adopted in the Comprehensive Plan.
  - E. Noise. Mining and processing shall comply with state noise control standards. Operators may show compliance with noise standards through the report of a certified engineer that identifies mitigation methods to control noise. Examples of noise mitigation measures are siting mining and processing using existing topography, using supplied berms, or modifying mining and processing equipment.
  - F. Hours of Operation.
    1. Mining and processing is restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 5:00 PM Saturday. Hauling and other activities may operate without restriction provided that state noise control standards are met.
    2. No operations shall take place on Sundays or the following legal holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.
  - G. Drilling and Blasting.
    1. Drilling and blasting is restricted to the hours of 9:00 AM to 4:00 PM Monday through Friday. No drilling or blasting shall occur on Saturdays, Sundays, or the following legal holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.
    2. Notice of blasting events shall be posted at the Extraction Area in a manner calculated to be seen by landowners, tenants and the public at least 48 hours prior to the blasting event. In the case of ongoing blasting activities, notice shall be provided once each month for the period of blasting activities, and specify the days and hours when the blasting event is expected to occur.
  - H. Surface and Ground Water. Surface and ground water shall be managed in a manner that meets all applicable state water quality standards and DOGAMI requirements. The applicant shall demonstrate that all water necessary for the proposed operation has been appropriated to the site and is legally available.
  - I. Compliance with Special Conditions. The County may impose additional, special conditions to resolve issues specific to an individual site. The conditions shall be specified in the site-specific program to achieve the Goal adopted as part of the Comprehensive Plan.
  - J. Security. The permittee shall fence the Extraction Area boundary between the mining site and any parcel where dwellings are a principal use. Fencing shall be a cyclone type fence a minimum of six feet high.
  - K. Performance requirements.
    1. The mining operator shall maintain DOGAMI and other state agency permits.

2. The mining operator shall carry a comprehensive general liability policy covering mining, and incidental activities during the term of operation and reclamation, with an occurrence limit of at least \$500,000. A certificate of insurance for a term of one year shall be deposited with the County prior to the commencement of mining and a current certificate of insurance shall be kept on file with the County during the term of operation and reclamation.

## **708.06 RECLAMATION**

- A. No mining shall begin until the permittee provides the county with a copy of a DOGAMI Operating Permit or exemption in accordance with ORS 517.750 through 517.900 and the rules adopted thereunder.
- B. The County's jurisdiction over mined land reclamation is limited to determining the subsequent beneficial use of mined areas, ensuring that the subsequent beneficial use is compatible with the Comprehensive Plan and Zoning and Development Ordinance, and ensuring that mine operations and reclamation activities are consistent with the program to achieve the Goal adopted as part of the Comprehensive Plan.
- C. The County shall coordinate with DOGAMI to ensure compatibility between DOGAMI and the County in the following manner.
  1. When notified by DOGAMI that an operator has applied for reclamation plan and an Operating Permit, the County shall inform DOGAMI whether Site Plan Review approval by the County is required.
    - a. If Site Plan Review approval is required, the County shall request that DOGAMI delay final action on the application for approval of the reclamation plan and issuance of the Operating Permit until after Site Plan Review approval has been granted.
    - b. If Site Plan Review approval is not required, the County shall so notify DOGAMI and the County shall review the proposed reclamation plan and Operating Permit during DOGAMI's notice and comment period.
  2. When reviewing a proposed reclamation plan and Operating Permit application circulated by DOGAMI, the County shall review the plan against the following criteria:
    - a. The plan provides for rehabilitation of mined land for a use specified in the Comprehensive Plan, including subsequent beneficial uses identified through the Goal 5 planning process.
    - b. The reclamation plan and surface mining and reclamation techniques employed to carry out the plan comply with the standards of Section 708.05.
    - c. Measures are included which will ensure that other significant Goal 5 resources determined to conflict with mining will be protected in a manner consistent with the Comprehensive Plan.

## **708.07 SITE PLAN REVIEW**



- A. Site Plan Review under the Mineral and Aggregate Overlay District is a Planning Director administrative action. An application for a permit shall be processed pursuant to Subsections 1305.02(A), (E) and (G) through (I) to the extent these Subsections are consistent with the requirements of ORS 215.425 and 197.195. (6/6/02)
- B. The County shall approve, approve with conditions, or deny the application for the permit based on the conformance of the site plan with the standards of ZDO Sections 708, 1006, 1010, and the requirements of the site-specific program to achieve Goal 5 adopted as part of the Comprehensive Plan.

## **708.08 IMPACT AREA USES AND DEVELOPMENT STANDARDS**

- A. Uses Permitted Outright. Outright permitted uses and discretionary uses in the underlying zone, except noise or dust sensitive uses or conflicting uses, shall be permitted subject to the standards and criteria of the underlying zone.
- B. Uses Allowed Conditionally. Noise or dust sensitive uses and conflicting uses shall be reviewed subject to the standards and criteria of the underlying zone and the approval criteria of this Section.
- C. Prohibited Uses. The county shall not allow uses in the Impact Area which it identified in the Goal 5 planning process as incompatible in all instances with protection of the resource site or mining and processing.
- D. Approval Criteria. Applicants for uses in the Impact Area shall show how their proposal meets the following criteria:
  - 1. The proposed use meets the standards of the underlying zone.
  - 2. The proposed use meets the clear and objective conditions imposed on noise or dust sensitive uses and conflicting uses by the Goal 5 planning process and this Section.
  - 3. The proposed use will not cause the mining operation that is otherwise lawfully operating to violate any applicable standards of this Section or the requirements of a site-specific program to achieve Goal 5.
  - 4. Approval of any new noise or dust sensitive use or conflicting use in the Impact Area shall be conditioned upon execution of a restrictive covenant in favor of the mining use to the effect that the use will not cause the mining operation to violate any applicable standards of this Section or requirements of a site-specific program to achieve Goal 5.
- E. Procedure. The review of uses allowed conditionally shall be a Planning Director administrative action subject to Subsections 1305.02(A), (E) and (G) through (I). Such uses shall be subject to the discretionary criteria otherwise provided for in the underlying zone and the provisions of Subsection 708.08 (D). (6/6/02)

## **708.09 TERMINATION OF THE MINERAL AND AGGREGATE OVERLAY DISTRICT**

When a significant site has been fully mined and reclamation has been completed, the County shall

remove the site from the Comprehensive Plan inventory and rezone the property to remove the Mineral and Aggregate Overlay District. The comprehensive plan amendment and zone change shall be initiated by the County or the owner or contract purchaser of the property comprising the Extraction Area. If a restrictive covenant is imposed within the Mineral and Aggregate Overlay District, it shall state that the obligations imposed expire upon the termination of the Mineral and Aggregate Overlay District.

(LAST TEXT REVISION 6/6/02)

## SECTION 700 - SPECIAL DISTRICTS

### 709 CONSERVATION WETLAND DISTRICT (CW) (5/3/01)

<a href="#">709.01</a>	PURPOSE
<a href="#">709.02</a>	AREA OF APPLICATION/ADOPTION OF REPORTS
<a href="#">709.03</a>	DEFINITIONS
<a href="#">709.04</a>	USES IN CONSERVATION WETLANDS AND BUFFER AREAS
<a href="#">709.05</a>	BUFFER STANDARDS
<a href="#">709.06</a>	WETLAND DEDICATIONS, COVENANTS, AND EASEMENTS
<a href="#">709.07</a>	CONSERVATION WETLAND REVIEW SUBMITTAL REQUIREMENTS
<a href="#">709.08</a>	ISSUANCE OF WETLAND PERMITS
<a href="#">709.09</a>	AMENDMENTS TO THE CONSERVATION WETLAND DISTRICT

#### 709.01 PURPOSE

- A. To conserve wetland resources and buffer areas and preserve their functions and values.
- B. To establish standards and procedures for evaluating and permitting developments, alterations and vegetation removal that affect wetland areas.
- C. To implement the wetland policies of the Natural Resources and Energy, Land Use, and Open Space, Parks and Historic Chapters of the Comprehensive Plan.
- D. To enhance coordination between County, state, federal and other jurisdictional agencies regarding alterations and development activities in or proximate to wetlands.

#### 709.02 AREA OF APPLICATION/ADOPTION OF REPORTS

- A. The Conservation Wetland District is an overlay district that consists of conservation wetlands and generally includes a twenty-five (25) foot buffer as identified in the Clackamas County Comprehensive Plan Wetland Inventory, and Economic, Social, Environmental and Energy (ESEE) analysis, completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 16 provisions. The standards and procedures of the Conservation Wetland Zoning District (CW) apply to all development, alterations and vegetation removal on any property containing any portion of a conservation wetland or a conservation wetland buffer area. Should a jurisdictional delineation determine a conservation wetland and buffer area no longer exists on

- any portion within a Conservation Wetland Zoning District, that portion shall not be subject to these provisions. In the event a conservation wetland is located in an area designated Resource Protection on Comprehensive Plan Map IV-6 or IV-7, the standards and procedures of this section shall supersede other conflicting Ordinance provisions affecting wetlands. (5/3/01)
- B. The conservation wetland and buffer areas administered through these provisions are based on the Wetland Inventory adopted by reference to the Comprehensive Plan and Economic, Social, Environmental and Energy (ESEE) findings and conclusions. The Inventory maps and ESEE reports are hereby adopted by reference and declared to be part of this Ordinance. (5/3/01)
- C. The provisions of Section 709 are in addition to the requirements of the Clean Water Act administered by the U.S. Army Corps of Engineers and the Removal/Fill law administered by the Oregon Division of State Lands. In those areas so designated, the requirements of the County shall prevail when they are more restrictive than State and Federal standards.

## 709.03 DEFINITIONS

Unless specifically defined below, 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.

**Alteration:** A use which adversely impacts the condition of a wetland and/or buffer area. Alterations include, but are not limited to, buildings or other structures, grading, filling, dredging, draining, channelizing, mining, paving (including sidewalks, roads and bikepaths), surface water management facilities, or other land uses that adversely impact the existing vegetation, hydrology, wildlife or wildlife habitat of the wetland.

**Boardwalk:** A raised wooden walkway.

**Compensatory Mitigation:** Any of three (3) actions used to replace wetland functions and values resulting from permitted impacts to wetlands including restoration of former wetlands, creation of new wetlands, enhancement of existing wetlands or other acceptable techniques recognized by the Division of State Lands and, if required, by the Corps in Engineers.

**Development:** A partition, subdivision, or property line adjustment that may or may not include an alteration.

**Enhancement:** An action which improves one or more specific functions or values of an existing wetland.

**Economic, Social, Environmental and Energy (ESEE) Analysis:**

The analysis conducted pursuant to Statewide Planning Goal 5 in which the County evaluated the conflicting economic, social, environmental and energy consequences and the Board of County Commissioners reached a decision on which, if any, conflicting use (s) would be allowed fully or on a limited basis.

**Functions and Values:** Functions refer to the environmental roles served by wetland and buffer areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, flood storage, nutrient attenuation, and sediment trapping. Values refer to the qualities ascribed to a wetland such as educational and recreational opportunities, open space, and visual aesthetic qualities. (See Values)

**Jurisdictional Delineation:** A delineation, approved by the Division of State Lands and, if required, by the Corps of Engineers, that determines a wetland boundary and is accurate to plus or minus 2 feet using the methodology described in the 1987 Corps of Engineers Wetlands Delineation Manual (technical report Y-87-1) or current accepted methodology.

**Mitigation Site:** A wetland restored, created or enhanced to compensate for the permitted loss of wetland functions and values (see compensatory mitigation).

**Passive Recreational Facilities:** A low-intensity improvement such as trails, blinds, interpretive signs, low-intensity lights, benches, picnic tables, fences, boardwalks, viewing platforms, gardens, patios and decks. The aggregate size of the improvement per lot shall not exceed two hundred (200) square feet.

**Planning Director's Prohibited Plant List:** A list adopted by the Board of County Commissioners to be used for vegetation planting and removal decisions in conservation wetlands and buffer areas.

**Public Facilities:** Publicly owned above ground, or underground utilities, structures and facilities including, but not limited to, pedestrian/bicycle road and other transportation facilities, bridge abutments, street lighting systems, traffic signals, utility cabinets, water systems, sanitary sewer systems, power lines, natural gas lines, telephone and communication facilities, cable TV lines, and storm water management facilities.

**Values:** (See Functions and Values)

**Wetland:** A significant wetland resource site as determined by the Goal 5 ESEE analysis conducted pursuant to Goal 5 and Oregon Administrative Rule 660, Division 16.

**Wetland, Boundary:** The boundary of a conservation wetland as mapped on the Wetlands Inventory maps adopted by reference to the Clackamas County Comprehensive Plan or as established by a jurisdictional delineation approved by the Oregon Division of State Lands and, if required, by the US Army Corps of Engineers. Generally, the boundary is the line, located by a qualified wetland specialist, between wetland and nonwetland area. (5/3/01)

**Wetland, Buffer:** An area around conservation wetlands that is included on the planned and zoned Conservation Wetland Zoning District overlay maps.

## **709.04 USES IN CONSERVATION WETLANDS AND BUFFER AREAS**

### **A. Permitted Uses:**

1. Open space.
2. Reconstruction, modification and maintenance of existing public facilities that do not extend beyond the existing structures, easements or right-of-ways.
3. Manual planting of any plants except those identified on the Planning Director's Prohibited Plant List.
4. Passive recreational facilities in wetland buffers on lots of record recorded prior to the effective date of this Section.
5. Alterations, in wetland buffers on Low Density Residential lots of record recorded prior to the adoption of this Section, where lot configuration precludes compliance with the 25 foot buffer, shall be sited the maximum practical distance from the wetland boundary as determined by the Planning Director or designate.

### **B. Uses Subject to Administrative Review and Approval**

Alterations, developments and enhancements to wetland and buffer areas consistent with the underlying zoning district located within a Conservation Wetland Zoning District may be granted, subject to review with notice pursuant to Subsection 1305.02, when the applicant demonstrates:

1. The proposal is consistent with the final decision of the Economic, Social, Environmental, and Energy (ESEE) analysis for the applicable wetland (refer to the Northeast Urban Area Wetland Inventory Goal 5 ESEE Analysis adopted as part of the County Comprehensive Plan); and
2. A suitable mitigation site consistent with the policies of the Comprehensive Plan, when necessary, has been approved by the Oregon Division of State Lands and, if required, the U.S. Army Corps of Engineers; and
3. The wetland and, if required, the mitigation site will have long term protection consistent with Subsection 709.06; and
4. Vegetation and construction management plans demonstrate the alteration and/or development will be consistent with the provisions of this Section.

### **C. Prohibited Uses**

1. Fill or removal of material, structures, uses of land and vegetation removal not otherwise authorized in this Section are prohibited.
2. The planting of plants on the Planning Director's Prohibited Plant List within wetland and buffer areas.

### **D. Exempt Uses and Alterations**

1. Diseased or dead trees may be removed when such trees constitute a danger to life or property.
2. Modifications to structures, facilities and uses located within wetland areas, that were legally established prior to the adoption of this Section are exempt from the provisions of this Section provided the modifications do not extend beyond the existing disturbed area.

## **709.05 BUFFER STANDARDS**

- A. Purpose: The provisions of this Subsection are intended to:
1. Maintain the integrity of the wetlands by minimizing erosion and promoting stabilization of the wetlands; and,
  2. Protect the wetland from impacts adverse to its functions and values.
- B. Minimum Buffer Setback: No alteration after the effective date of this amendment shall be located closer than twenty-five (25) feet to a wetland, except:
1. Alterations occurring on Low Density Residential lots of record, recorded prior to the adoption of this Section, where lot configuration precludes compliance with the 25 foot buffer. Alterations shall be located the maximum practical distance, as determined by the Planning Director or designate, from the wetland boundary.
  2. Public trails and boardwalks may be constructed within buffer areas when consistent with a North Clackamas Parks and Recreation District (NCPRD) or other adopted local government Plan.
- C. Variances: The minimum buffer setback in Subsection 709.05B may be modified subject to staff review with notice, pursuant to Subsection 1305.02, when the modifications are consistent with the purposes set forth in Subsection 709.05A and satisfies the variance criteria in Subsection 1205.
- D. Wetland and buffer areas disturbed by alterations considered pursuant to Subsection 709.04B and/or 709.05C shall be revegetated with plants not identified on the Planning Director's Prohibited Plant List at a pre-disturbance or greater density within ninety (90) days of completion or a surety agreement shall be provided pursuant to Subsection 1104. The developer shall submit a written contract guaranteeing vegetation survival of at least eighty percent (80%) for a minimum one (1) year period.

## **709.06 WETLAND DEDICATIONS, COVENANTS, AND EASEMENTS**

Multifamily, commercial and industrial alterations and developments, except property line adjustments, shall conserve and protect wetland and buffer areas by use of any of the following methods:

- A. The resource may be transferred by deed to a city, county, regional, state, federal, or municipal corporate organization; except in the event a site is identified on the NCPRD Master Plan or Neighborhood Plan as a trail site, the applicant shall provide an easement or fee simple ownership to the NCPRD.
- B. The resource may be protected by conditions, covenants and restrictions for ownership and maintenance by a private nonprofit association.
- C. The resource may be protected by a conservation easement recorded on deeds and plats that prescribe conditions and restrictions on alterations and developments.
- D. A combination of the above or other appropriate and legally-binding mechanism, in a form acceptable to County Counsel, which ensures the long-term protection and maintenance of the

wetland and buffer area.

## **709.07 CONSERVATION WETLAND REVIEW SUBMITTAL REQUIREMENTS**

Applications for proposed alterations, developments and enhancements in wetland and buffer areas considered pursuant to Subsection 709.04B shall be made on forms provided by the Planning Department and include the following information:

- A. A site plan showing existing natural features and the proposed alteration, development and/or enhancement on the wetland and mitigation site(s), including proposed vegetation planting and removal, surface water sources, tree cutting activity, utilities, easements and location of the wetland and buffer areas.
- B. A statement identifying the instrument that will be used pursuant to Subsection 709.06 to insure long term protection of the wetland and buffer area, and the proposed compensatory mitigation site(s).
- C. A jurisdictional delineation of the wetland boundary approved, when necessary, by the Oregon Division of State Lands and, if required, the U.S. Army Corps of Engineers.
- D. An analysis describing how the proposal is consistent with the applicable ESEE decision.
- E. A construction management plan describing the timing and sequence of construction activities, equipment, surface water management, and erosion control plan.
- F. A vegetation enhancement plan that includes:
  - 1. Vegetation (species and quantity) to be removed and planted; and
  - 2. Method of removal and planting; and
  - 3. Methods of erosion control.

## **709.08 ISSUANCE OF WETLAND PERMITS**

- A. Prior to commencing any activities authorized by permits for alterations, developments or enhancements, the applicant shall submit to the County copies of the following:
  - 1. A copy of the removal/fill permit granted, when required, by the Oregon Division of State Lands or the U.S. Army Corps of Engineers.
  - 2. The mitigation plan approved, when necessary, by the Oregon Division of State Lands and, if required, the U.S. Army Corps of Engineers.
  - 3. The surface water permit required by the applicable surface water management district.
- B. Prior to issuance of development permits, the boundary of the Conservation Wetland Zoning District, as identified on the County maps, shall be clearly marked with stakes connected by flagging. The applicant shall retain this temporary marking until development is completed or vegetation on the site is reestablished.
- C. Approval of a Wetland Permit shall expire in the event the approval is not implemented within two (2) years from the date of the final written decision unless a lesser time period is specified as a condition of approval.



## **709.09 AMENDMENTS TO THE CONSERVATION WETLAND DISTRICT**

These provisions apply to the planning and zoning of Conservation Wetlands and mitigation sites.

### **A. Comprehensive Plan Designation**

Designating mitigation sites and modifications to Conservation Wetlands, wetland boundaries, conflicting uses, or any other information that fundamentally affects the decisions made for these resources and uses can be reexamined pursuant to the Comprehensive Plan amendment process. The designation of mitigation sites shall be initiated by the Planning Director and considered as required on an infrequent basis. This process is described under "Amendments and Implementation," of the Clackamas County Comprehensive Plan. Proposed amendments shall also comply with the Statewide Planning Goals and Guidelines as identified in the Oregon Administrative Rules Chapter 660 Division 16.

### **B. Zoning of Conservation Wetlands**

The zoning of Conservation Wetlands and mitigation sites shall occur simultaneously with the Plan designation process described above pursuant to the provisions of Section 1400.

(LAST TEXT REVISION 5/3/01)

## SECTION 700 - SPECIAL DISTRICTS

### 710 SENSITIVE BIRD HABITAT DISTRICT (SBH) (12/4/97)

<a href="#">710.01</a>	PURPOSE
<a href="#">710.02</a>	AREA OF APPLICATION/ADOPTION OF REPORTS
<a href="#">710.03</a>	DEFINITIONS
<a href="#">710.04</a>	USES IN SENSITIVE BIRD HABITAT AREAS
<a href="#">710.05</a>	DEVELOPMENT STANDARDS
<a href="#">710.06</a>	SENSITIVE BIRD HABITAT REVIEW SUBMITTAL REQUIREMENTS
<a href="#">710.07</a>	ISSUANCE OF PERMITS
<a href="#">710.08</a>	AMENDMENTS TO THE OVERLAY ZONE AND COMPREHENSIVE PLAN

#### 710.01 PURPOSE

- A. To conserve sensitive bird resources by protecting nesting and rearing habitat and providing buffer areas.
- B. To establish standards and procedures for evaluating and permitting developments which affect sensitive bird habitat areas.
- C. To implement the sensitive bird policies of the Natural Resources and Energy Chapter of the Comprehensive Plan.
- D. To enhance coordination between County, state, federal and other jurisdictional agencies regarding development activities in or near sensitive bird sites.

#### 710.02 AREA OF APPLICATION/ADOPTION OF REPORTS

- A. The Sensitive Bird Habitat District (SBH) is an overlay district that consists of sensitive bird habitat areas as identified in the Clackamas County Comprehensive Plan policies and Sensitive Bird Inventory completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 16 provisions. The sensitive habitat area to be protected pursuant to the provisions of this Section shall be defined as the area necessary to protect the sensitive bird site from impacts adverse to its nesting and rearing activities. The area protected is dependent upon the specific species as described in the Comprehensive Plan Inventory and Economic, Social, Environmental and Energy (ESEE) findings and conclusions. The standards and procedures of the Sensitive Bird

Zoning Overlay District (SBH) apply to all development, alterations and vegetation removal within any portion of a sensitive bird site habitat or buffer area. Should the County be notified by the Oregon Department of Fish and Wildlife that a sensitive bird site area no longer exists within a Sensitive Bird Zoning District, development activities and uses shall not be subject to the provisions of this Section.

- B. The sensitive bird habitat areas administered through these provisions are based upon the Comprehensive Plan Inventory and Economic, Social, Environmental and Energy (ESEE) findings and conclusions. The Inventory maps and ESEE reports are hereby adopted by reference and declared to be part of this Ordinance.
- C. The provisions of Subsection 710 are in addition to the requirements of the Oregon Department of Fish and Wildlife and U.S. Department of Fish and Wildlife. In those areas so designated, the requirements of the County shall prevail when they are more restrictive than State and Federal standards.

## **710.03 DEFINITIONS**

Unless specifically defined below, 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.

**Alteration:** A use which adversely impacts the condition of a sensitive bird habitat site and/or buffer area. Alterations include, but are not limited to, buildings or other structures, grading, filling, dredging, draining, channelizing, mining, paving (including sidewalks, roads and bikepaths), surface water management facilities, or other land uses that adversely impact the existing vegetation, hydrology, wildlife or wildlife habitat.

**Development:** A partition, subdivision or property line adjustment which may or may not include an alteration.

**Economic, Social, Environmental and Energy (ESEE) Analysis:** The analysis conducted pursuant to Statewide Planning Goal 5 in which the County evaluates the conflicting use economic, social, environmental and energy consequences and the Board of County Commissioners reached a decision of which, if any, conflicting use(s) would be allowed fully or on a limited basis.

**Rookery:** A discrete area which contains one or more Great Blue Heron nests.

**Sensitive Bird Habitat:** The nesting, rearing and roosting area of sensitive birds as identified in the Comprehensive Plan.

**Sensitive Bird, Buffer:** An area around a sensitive bird site, determined to be appropriate for the specific species, that is included on the planned and zoned Sensitive Bird Habitat District overlay maps

**Sensitive Bird Habitat, Edge or Boundary:** The boundary of a sensitive bird habitat area as mapped on the Clackamas County Comprehensive Plan Sensitive Bird Habitat Inventory maps. Generally, the edge or boundary is the line, represented by a horizontal line regardless of elevation between sensitive bird habitat areas and nonsensitive bird habitat areas.

## **710.04 USES IN SENSITIVE BIRD HABITAT AREAS**

- A. Alterations and developments consistent with the underlying zoning district located within a Sensitive Bird Habitat District may be granted, subject to review with notice pursuant to Subsection 1305.02, when the applicant demonstrates:
1. The proposal is consistent with Policy 11.0 of the Wildlife Habitats and Distinctive Resource Areas Section of the Natural Resources and Energy Element of the Comprehensive Plan; and,
  2. A mitigation plan demonstrates the proposed alteration or development will not disrupt the nesting or rearing habitat; and,
  3. Vegetation and construction management plans demonstrate the alteration or development will be consistent with the provisions of this Section.
- B. Prohibited Uses  
Vegetation removal within the buffer is prohibited unless the removal is permitted in conjunction with a vegetation and construction management plan described in 710.04A3.
- C. Exempt Uses
1. Modifications that do not extend beyond the footprint of legally established uses, structures, and facilities are exempt from the provisions of this subsection.
  2. Commercial forest practices subject to ORS Chapter 527 and the Oregon Administrative Rules adopted pursuant thereto.
  3. Agricultural practices subject to ORS 30.930 through ORS 30.939 and the Oregon Administrative Rules adopted pursuant thereto.

## **710.05 DEVELOPMENT STANDARDS**

The following standards shall apply to alterations or development in sensitive bird habitat areas.

- A. Based on the biology and characteristics of the species and characteristics of the site, the proposed alteration or development shall provide protection that will prevent destruction or abandonment of the subject site.
- B. Alteration activities shall be prohibited during the nesting season unless the Oregon Department of Fish and Wildlife determines in writing the proposed alteration will not be disruptive to the nest or rookery. Alterations necessary to (1) repair or reconstruct septic systems or structures damaged or (2) destroyed by fire or natural causes are exempt from this provision.
- C. New roads, driveways or public trails shall be located the greatest distance possible from the nest or rookery unless topographic, vegetation or structural features will provide greater visual or

noise buffer to the nest or rookery.

- D. Existing vegetation buffers the nest or rookery and shall be retained unless removal is granted pursuant to Subsection 710.04A.
- E. No land divisions or property line adjustments shall be approved which would result in the location of a structure within the designated sensitive habitat area.
- F. Exterior lighting for new uses shall be sited and shielded away from the nest or rookery.
- G. Residential lots of record where lot configuration precludes compliance with these provisions shall be exempt when proposed structures are sited the maximum practical distance from the rookery and reviewed pursuant to Subsection 1305.02.
- H. Additions to existing structures which are located closer than the required buffer shall be permitted provided the addition complies with the remaining provisions of this subsection
- I. Sensitive bird habitat areas disturbed by alterations considered pursuant to Subsection 710.04A shall be revegetated with plants not identified on the Planning Director's Prohibited Plant List at a pre-removal or greater density within ninety (90) days of completion, considering Subsection 710.05B, or a surety agreement shall be provided pursuant to Subsection 1104. The developer shall submit a written contract guaranteeing vegetation survival of at least eighty percent (80%) for a minimum one (1) year period.

## **710.06 SENSITIVE BIRD HABITAT REVIEW SUBMITTAL REQUIREMENTS**

Applications for proposed alterations or developments in sensitive bird habitat and buffer areas considered pursuant to Subsection 710.04A shall be made on forms provided by the Planning Department and include the following information:

- A. A site plan showing existing natural features and the proposed development on the site(s), including proposed alterations, vegetation removal, surface water sources, tree cutting activity, utilities, easements and location of the nesting or rookery site and respective buffer.
- B. A written analysis describing how the proposal is consistent with Policy 11.0 of the Wildlife Habitats and Distinctive Resource Areas Section of the Natural Resources and Energy Element of the Comprehensive Plan.
- C. A written construction management plan describing the timing and sequence of construction activities, equipment, surface water management, and erosion control plan.
- D. A vegetation plan that includes the species and quantity to be removed and planted, and any maintenance activities that will be used to ensure survival and growth of the vegetation.

## **710.07 ISSUANCE OF PERMITS**

- A. Prior to commencing alteration or construction activities on parcels containing sensitive bird habitat, the edge of the Sensitive Bird Habitat District and buffer area, as identified on the County maps, shall be clearly marked with stakes connected by flagging. The applicant shall retain this temporary marking until construction is completed and vegetation on the site is reestablished.

- B. Approval of an alteration shall expire in the event the approval is not implemented within two (2) years from the date of the final written decision unless a lesser time period is specified as a condition of approval.

## **710.08 AMENDMENTS TO THE OVERLAY ZONE AND COMPREHENSIVE PLAN**

These provisions apply to the planning and zoning of Sensitive Bird Habitat sites.

- A. **Comprehensive Plan Designation**

Designating sensitive bird habitat areas, examining conflicting uses, or any other information that fundamentally affects the decisions made for these resources and uses can be reexamined pursuant to the Comprehensive Plan amendment process. This process is described under "Amendments and Implementation", of the Clackamas County Comprehensive Plan. Proposed amendments shall also comply with the Statewide Planning Goals and Guidelines as identified in the Oregon Administrative Rules Chapter 660 Division 16.

- B. **Zoning of Sensitive Bird Habitat**

The zoning of Sensitive Bird Habitat sites shall occur simultaneously with the Plan designation process described above pursuant to the provisions of Section 1400.

(12/4/97 LAST TEXT REVISION)

## SECTION 700 - SPECIAL DISTRICTS

### GOVERNMENT CAMP OPEN SPACE MANAGEMENT DISTRICT (GCOSM) (3/14/02)

<a href="#">711.01</a>	PURPOSE
<a href="#">711.02</a>	AREAS OF APPLICATION
<a href="#">711.03</a>	PRIMARY USES
<a href="#">711.04</a>	ACCESSORY USES
<a href="#">711.05</a>	CONDITIONAL USES
<a href="#">711.06</a>	PROHIBITED USES
<a href="#">711.07</a>	BUFFER AREAS
<a href="#">711.08</a>	DIMENSIONAL STANDARDS
<a href="#">711.09</a>	DEVELOPMENT STANDARDS

#### 711.01 PURPOSE

The intent of this district 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.

#### 711.02 AREAS OF APPLICATION

The GCOSM District 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.

### **711.05 CONDITIONAL USES**

- A. The following uses may be allowed as conditional uses in the Government Camp Open Space Management District upon satisfying the criteria in Section 1203 for conditional uses and subsection 504.08(B)(10) 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:



## **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 provisions of this subsection are 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 offsite dwellings and yard areas;
  5. Provide for adequate open space within and between the development.
- 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 is subject to the 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 districts shall occur pursuant to the standards in Section 1009.

(LAST TEXT REVISION 3/14/02)

## SECTION 700 - SPECIAL DISTRICTS

### 712 PRIVATE USE AIRPORT & SAFETY OVERLAY ZONE (3/24/05)

<a href="#">712.01</a>	PURPOSE
<a href="#">712.02</a>	APPLICATION
<a href="#">712.03</a>	DEFINITIONS
<a href="#">712.04</a>	CONTINUED OPERATION OF EXISTING USES
<a href="#">712.05</a>	EXPANSION OF EXISTING USES
<a href="#">712.06</a>	NEW USES
<a href="#">712.07</a>	IMAGINARY SURFACE DELINEATION
<a href="#">712.08</a>	NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN SAFETY OVERLAY ZONES
<a href="#">712.09</a>	HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONES
<a href="#">712.10</a>	VARIANCES TO HEIGHT LIMITATIONS
<a href="#">712.11</a>	PROCEDURES
<a href="#">712.12</a>	NONCONFORMING USES

#### 712.01 PURPOSE

This section is adopted to implement ORS 836.600 through 836.630 and policies of the Comprehensive Plan as they relate to private use airports. When applied, it provides for the continued operation and vitality of private use airports consistent with state law. It also provides for safety standards to promote air navigational safety at these airports, and to reduce the potential for safety hazards for property and for persons living, working or recreating on lands near such airports.

#### 712.02 APPLICATION

This special use zoning district may be applied to private-use airports in Clackamas County that are shown in the records of the Oregon Department of Aviation as the base for three (3) or more aircraft on December 31, 1994.

The boundaries of this special use zoning district are coterminous with airport boundaries as described in ORS 836.608. The boundaries of safety overlay zones radiate from points at the ends of the airport's primary surface as described in Oregon Administrative Rules 660-013-0070(1)(b) and Exhibit 2 that accompanies that rule. The definitions in subsection 712.03 are consistent with ORS Chapter 836, OAR 660-013 and Exhibit 2 of that Rule.

If an airport that had this special use zoning district applied is removed from the State's list of airports in a manner described in ORS 836.610, the application of this special use zoning district to such airport is automatically terminated.

## **712.03 DEFINITIONS**

- A. Aircraft. Means airplanes and helicopters, but not hot air balloons or ultralights.
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
- D. Airport Imaginary Surfaces. Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary surfaces for private use airports are defined by the primary surface and approach surfaces.
- E. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- F. Approach Surface. An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of twenty (20) feet outward for each one (1) foot upward.
- G. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
- H. Hazard. All hazards within and around airports shall be as determined by the Oregon Department of Aviation or Federal Aviation Administration.
- I. Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
- J. Heliports. A heliport is an area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft. The heliport overlay zone applies the following imaginary surfaces. The Heliport Approach Surfaces begin at each end of the heliport primary surface and have the same width as the primary surface. They extend outward and upward for a horizontal distance of 4,000 feet where their width is 500 feet. The slope of the approach surfaces is 8 to 1 for civilian heliports and 10 to 1 for military heliports. The Heliport Primary surface coincides in

size and shape with the designated takeoff and landing area of a heliport. The heliport primary surface is a horizontal plane at the established heliport elevation. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

- K. Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- L. Primary Surface. A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface for private use airports is 200 feet.
- M. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- N. Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to, buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earthen formations and overhead transmission lines. Structures do not include paved areas.

## **712.04 CONTINUED OPERATION OF EXISTING USES**

Operation of the following uses may be continued at their current levels as of the effective date of this ordinance upon a demonstration that the use existed at the airport at any time during 1996. A list of those uses for each private use airport classified as having three (3) or more based aircraft is contained in the County's Airport Plan.

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed-base operator facilities; 1 single family dwelling in conjunction with an airport (if there is not one there already) for an airport manager, caretaker, or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing, and other uses. (3/24/05)
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement, military, and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

- E. Search and rescue operations, including aircraft and ground based activities that support the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft, aircraft components or aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.
- L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving.
- M. --Reserved for Future use--

## **712.05 EXPANSION OF EXISTING USES**

The expansion of uses identified in Section 712.04 of this special use zoning district that existed at any time during 1996 at an airport is permitted as provided in this section.

- A. Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

1. Construction of additional hangars and tie-downs by the owner of the airport.
2. Basing of additional aircraft at the airport.
3. Increases in flight activity.

**B. Other Expansions of Existing Uses.**

1. Growth of existing uses that require building permits, other than those existing uses identified in subsection 712.05A, shall be permitted as an administrative decision subject to the provisions of subsection 1305.02 of this Ordinance, unless the growth:
  - a. Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
  - b. Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or
  - c. Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

## **712.06 NEW USES**

Uses identified in Section 712.04 of this special use zoning district at an airport shall be permitted following a public hearing before the Clackamas County Land Use Hearings Officer as an administrative action as described in Section 1300 upon demonstration of compliance with the following standards.

- A. The use is or will be supported by adequate types and levels of public facilities, services and transportation systems authorized by applicable statewide land use planning goals;
- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports adjacent to land zoned for exclusive farm use, the use complies with the standards described in ORS 215.296.
- D. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

Uses not identified in Section 712.04 of this special use zoning district, but allowed in the base zoning district, may be allowed at an airport if they do not conflict with allowed uses in Section 712.04, safety, or the continued operation and vitality of the airport.

## **712.07 IMAGINARY SURFACE DELINEATION**

The airport elevation and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this safety overlay zone and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this safety overlay zone.

## **712.08 NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN SAFETY OVERLAY ZONES**

- A. Written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments involving property located within this safety overlay zone, shall be provided to the airport sponsor and the Oregon Department of Aviation in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. Where the application does not involve a public hearing, such notice shall be provided at least twenty (20) days prior to the initial decision on the land use or limited land use application.
- B. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Oregon Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.

## **712.09 HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONES**

- A. --Reserved for Future use--
- B. --Reserved for Future use--
- C. Mediation is available from the County for airport sponsors and owners of obstructions not conforming with height limitations addressed in this Section to resolve disputes about those obstructions.
- D. The traveling of any lawful vehicle or livestock kept on private or public land, road, waterway, or railway shall not be considered an obstruction. Fences to a height necessary for agricultural use, shall not be considered obstructions.

## **712.10 VARIANCES TO HEIGHT LIMITATIONS**

Variations to the height limitations may be permitted when supported in writing by the airport sponsor and the Oregon Department of Aviation. Applications for height variances shall be subject to the procedures and standards in Sections 1205 and 1305 of this Ordinance and shall be subject to such conditions and terms as recommended by the Oregon Department of Aviation.

## **712.11 PROCEDURES**

An applicant seeking a land use or limited land use approval or a building permit in an area within safety overlay zones enacted by this ordinance shall provide the following information in addition to any other information required in the permit application:

- A. --Reserved for Future use--
- B. --Reserved for Future use--



- C. If a height variance is requested, letters of support from the airport sponsor and the Oregon Department of Aviation shall be submitted with the application.

## **712.12 NONCONFORMING USES**

- A. These regulations shall not be construed to require the removal, lowering or alteration of any existing structure or vegetation not conforming to these regulations. These regulations shall not require any change in the construction, or alteration of the intended use of any structure, the construction or alteration of which was begun or completed prior to the effective date of this safety overlay zone.
- B. --Reserved for Future use--
- C. --Reserved for Future use--

(LAST TEXT REVISION 3/24/05)

## SECTION 700 - SPECIAL DISTRICTS

# 713 PUBLIC USE AIRPORT & SAFETY OVERLAY ZONES (3/24/05)

<a href="#">713.01</a>	PURPOSE
<a href="#">713.02</a>	APPLICATION
<a href="#">713.03</a>	DEFINITIONS
<a href="#">713.04</a>	USES PERMITTED OUTRIGHT
<a href="#">713.05</a>	USES PERMITTED SUBJECT TO HEARINGS OFFICER REVIEW
<a href="#">713.06</a>	IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY DELINEATION
<a href="#">713.07</a>	NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN SAFETY OVERLAY ZONES
<a href="#">713.08</a>	HEIGHT LIMITATIONS ON ALLOWED USES WITHIN SAFETY OVERLAY ZONES
<a href="#">713.09</a>	PROCEDURES
<a href="#">713.10</a>	LAND USE COMPATIBILITY REQUIREMENTS
<a href="#">713.11</a>	WATER IMPOUNDMENTS WITHIN SAFETY OVERLAY ZONES
<a href="#">713.12</a>	NONCONFORMING USES

### 713.01 PURPOSE

This section is adopted to implement ORS 836.600 through 836.630 and policies of the Comprehensive Plan as they relate to public use airports. When applied, it provides for their continued operation and vitality consistent with state law by allowing certain compatible airport related commercial and recreational uses. It also provides for safety standards to promote air navigational safety at such public use airports and to reduce the potential for safety hazards for property and for persons living, working or recreating on lands near such airports.

### 713.02 APPLICATION

This special use zoning district may be applied to publicly owned airports in Clackamas County, that are shown in the records of the Oregon Department of Aviation on December 31, 1994. It also may be

applied to those privately owned, public use airports in Clackamas County identified pursuant to ORS 836.610(3) by the Oregon Department of Aviation as providing important links in air traffic in Oregon, providing essential safety or emergency services, or are of economic importance to the county where the airport is located.

The boundaries of this special use district are coterminous with airport boundaries as described in OAR 660-013-0040. The boundaries of safety overlay zones radiate from points at the ends of the airport's primary surface as described in Oregon Administrative Rules 660-013-0070(1)(a) and Exhibits 1 and 4 that accompany that Rule. The definitions in subsection 713.03 are consistent with ORS Chapter 836, OAR 660-013 and Exhibits 1 and 4 of that rule.

If an airport that had this special use zoning district applied is removed from the State's list of airports in a manner described in ORS 836.610, the application of this special use zoning district is automatically terminated.

### **713.03 DEFINITIONS**

- A. Aircraft. Means airplanes and helicopters, but not hot air balloons or ultralights.
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
- D. Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
- E. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.
- F. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- G. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
  - 1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
    - a. 1,250 feet for a utility runway having only visual approaches;
    - b. 1,500 feet for a runway other than a utility runway with only visual approaches;
    - c. 2,000 feet for a runway with a non-precision instrument approach;
    - d. 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
    - e. 4,000 feet for a non-precision instrument runway, other than utility, having a non-precision approach with visibility minimums as low as three-fourths statute mile;

and

f. 16,000 feet for precision instrument runways.

2. The approach surface extends for a horizontal distance of:

a. 5,000 feet at a slope of twenty (20) feet outward for each foot upward for all utility and visual runways;

b. 10,000 feet at a slope of thirty-four (34) feet outward for each foot upward for all non-precision instrument runways, other than utility; and

c. 10,000 feet at a slope of fifty (50) feet outward for each one foot upward, with an additional 40,000 feet at a slope of forty (40) feet outward for each one foot upward, for precision instrument runways.

3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

H. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of 4,000 feet.

I. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

J. FAA. The Federal Aviation Administration.

K. Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

L. Heliports. A heliport is an area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft. The heliport overlay zone applies the following imaginary surfaces. The Heliport Approach Surfaces begin at each end of the heliport primary surface and have the same width as the primary surface. They extend outward and upward for a horizontal distance of 4,000 feet where their width is 500 feet. The slope of the approach surfaces is 8 to 1 for civilian heliports and 10 to 1 for military heliports. The Heliport Primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. The heliport primary surface is a horizontal plane at the established heliport elevation. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

M. Hazard. All hazards within and around airports shall be as determined by the Oregon Department of Aviation or Federal Aviation Administration.

N. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet for all runways designated as utility or visual.

2. 10,000 feet for all other runways.

3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

- O. Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or other FAA planning document.
- P. Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- Q. Other than Utility Runway. A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
- R. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.
- S. Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
  - 1. 250 feet for utility runways having only visual approaches;
  - 2. 500 feet for utility runways having non-precision instrument approaches;
  - 3. For other than utility runways the width is:
    - a. 500 feet for visual runways having only visual approaches;
    - b. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
    - c. 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with a visibility minimum as low as three-fourths statute mile, and for precision instrument runways.
- T. Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
- U. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- V. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary

surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

1. 1,000 feet for utility runways.
2. 1,700 feet for other than utility runways having non-precision instrument approaches.
3. 2,500 feet for precision instrument runways.

- W. Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earthen formations and overhead transmission lines. Structures do not include paved areas.
- X. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
- Y. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- Z. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.
- AA. Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

## **713.04 USES PERMITTED OUTRIGHT**

The following uses and activities are permitted outright in the Public Use Airport special use zoning district:

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed-base operator facilities; 1 single-family dwelling in conjunction with an airport (if there is not one there already) for an airport manager, caretaker, or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing, and other uses. (3/24/05)
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and

needs identified in the Oregon Department of Aviation Airport System Plan.

- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement, military, and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that support the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft and aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.
- L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).

- M. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least ten (10) contiguous acres in size. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.
- N. Uses not identified in Section 713.04 of this special use zoning district, but allowed in the base zone, may be allowed if they do not conflict with allowed uses in Section 713.04, safety, or the continued operation and vitality of the airport.
- O. --Reserved for future use--

### **713.05 USES PERMITTED SUBJECT TO HEARINGS OFFICER REVIEW**

Uses not identified in section 713.04 and contained in an Airport Expansion Plan approved by the County as part of the Comprehensive Plan shall be permitted following a public hearing before the Clackamas County Land Use Hearings Officer as an administrative action pursuant to the procedures specified in Section 1300 of this Ordinance and upon demonstration of compliance with the following standards.

- A. The use is, or will be, supported by adequate types and levels of public facilities, services and transportation systems authorized by applicable statewide land use planning goals;
- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports where the underlying zone is exclusive farm use, the use shall comply with the standards described in ORS 215.296.
- D. The development standards in Section 1000 of this ordinance shall be applied appropriate to the type of use permitted.
- E. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

### **713.06 IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY DELINEATION**

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, direct and secondary impact boundaries shall be delineated for each public use airport where this district is applied and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this zone.

### **713.07 NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN SAFETY OVERLAY ZONES**



Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within the largest of these safety zones, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 5,000 feet of the sides or ends of a visual runway and within 10,000 feet of the sides or ends of a runway with an instrument approach.
- B. Notice of land use and limited land use applications shall be provided within the following timelines.
  - 1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
  - 2. Notice of land use or limited land use applications not involving public hearings shall be provided at least twenty (20) days prior to the initial decision on the land use or limited land use application.
- C. Notice of the decision on the land use or limited land use application shall be provided to the airport sponsor within the same timelines that notice is provided to parties to the proceeding.
- D. Notices required under Paragraphs A-C of this Section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:
  - 1. Would allow only structures of less than thirty-five (35) feet in height;
  - 2. Involves property located entirely outside the approach surface;
  - 3. Does not involve industrial uses, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
  - 4. Does not involve wetland mitigation, creation, enhancement or restoration.

## **713.08 HEIGHT LIMITATIONS ON ALLOWED USES WITHIN SAFETY OVERLAY ZONES**

- A. --Reserved for future use--
- B. --Reserved for future use--
- C. Mediation is available from the County for airport sponsors and owners of obstructions not conforming with height limitations addressed in this Section to resolve disputes about those obstructions.
- D. The traveling of any lawful vehicle or livestock kept on private or public land, road, waterway, or railway shall not be considered an obstruction. Fences to a height necessary for agricultural use, shall not be considered obstructions.
- E. --Reserved for future use--

- F. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall be subject to the procedures and standards in Section 1205 and 1305 of this Ordinance and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

## **713.09 PROCEDURES**

An applicant seeking a land use or limited land use approval or a building permit in an area within safety overlay zones enacted by this ordinance shall provide the following information in addition to any other information required in the permit application:

- A. --Reserved for future use--
- B. --Reserved for future use--
- C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA shall be submitted with the application.

## **713.10 LAND USE COMPATIBILITY REQUIREMENTS**

Applications for land use or building permits for properties within the boundaries of these safety overlay zones shall comply with the requirements of this Section as provided herein.

- A. --Reserved for future use--
- B. --Reserved for future use--
- C. --Reserved for future use--
- D. --Reserved for future use--
- E. --Reserved for future use--
- F. --Reserved for future use--
- G. --Reserved for future use--

## **713.11 WATER IMPOUNDMENTS WITHIN SAFETY OVERLAY ZONES**

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

- A. --Reserved for future use--

## **713.12 NONCONFORMING USES**

- A. These regulations shall not be construed to require the removal, lowering or alteration of any existing structure or vegetation not conforming to these regulations. These regulations shall not require any change in the construction, or alteration of the intended use of any structure, the construction or alteration of which was begun or completed prior to the effective date of this safety overlay zone.
- B. --Reserved for future use--
- C. --Reserved for future use--

(LAST TEXT REVISION 3/24/05)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 801 GENERAL PROVISIONS (6/6/02)

#### 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)

(LAST TEXT REVISION 6/6/02)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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

#### 802.01 APPLICATION OF SECTION

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

#### 802.02 CONDITIONAL STANDARDS

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

A. Minimum Lot Area Per Dwelling Unit: (5/22/03)

1. R-5, Residential: 3,333 square feet (6/26/03)
2. R-7 zoning district: 4,662 square feet (5/22/03)
3. R-8.5 zoning district: 5,661 square feet (5/22/03)
4. R-10 zoning district: 6,660 square feet (5/22/03)
5. R-15 zoning district: 9,990 square feet (5/22/03)
6. R-20 zoning district: 13,320 square feet (5/22/03)
7. R-30 zoning district 19,980 square feet (5/22/03)
8. RA-1 zoning district: 1 acre (5/22/03)
9. RA-2 zoning district: 2 acres (5/22/03)

B. Minimum Offstreet Parking: 1-1/2 spaces per dwelling unit. (5/22/03)

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

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 803 CONDOMINIUMS (5/22/03)

#### 803.01

The establishment of condominiums shall be subject to ORS 100 and Section 1000. (5/22/03)

#### 803.02

Prior to recording, a proposed condominium plat shall be reviewed and approved by the Planning Director and the County Road Official for compliance with the provisions of the underlying zoning district, County Roadway Standards, and other relevant provisions of this ordinance. (5/22/03)

#### 803.03

The proposed plat of a condominium development shall bear the following approval signature blocks in addition to County Assessor, County Surveyor, and County Clerk signature blocks: (5/22/03)

A. APPROVED \_\_\_\_\_, (YEAR)  
CLACKAMAS COUNTY PLANNING DIVISION

BY \_\_\_\_\_  
DIRECTOR, PLANNING DIVISION

B. APPROVED \_\_\_\_\_, (YEAR)  
CLACKAMAS COUNTY ROAD OFFICIAL

BY \_\_\_\_\_  
DEPUTY

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 804 CHURCHES (5/22/03)

#### 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 Rear Yard Setback: 20 feet. This distance shall be increased by 5 feet for each story in excess of 2 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)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 805 SCHOOLS (5/22/03)

#### 805.01 CONDITIONAL STANDARDS

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

- A. Minimum Side Yard Setback: 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.

(LAST TEXT REVISION 5/22/03)



## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 807 DAYCARE FACILITIES (5/22/03)

#### 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. 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)
- B. 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)

(LAST TEXT REVISION 5/22/03)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 808 CEMETERIES, CREMATORIES

#### 808.01 CONDITIONAL STANDARDS

- A. Crematories shall be located a minimum of five hundred (500) feet from any existing dwelling other than a dwelling on the site.
- B. Minimum Lot Area for Cemetery: Fifty (50) acres
- C. Minimum Lot Area for Crematory: Five (5) acres
- D. Graves shall be located a minimum of thirty (30) feet from any public right of way.
- E. Points of access must be approved in writing by the County Engineer and, if on a state highway, by the District State Highway Engineer.
- F. A plat of the cemetery must be filed in the official county records.
- G. No cemetery lots shall be offered for sale until an adequate water supply for irrigation has been developed and approved by the County and the appropriate water district.
- H. Notwithstanding the above regulations, all cemeteries and related uses must comply with all State regulations pertaining to these uses.

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 809 HOSPITALS (5/22/03)

#### 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: 2-1/2 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)

#### 809.02 809.02 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)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 810 NURSING HOMES (5/22/03)

#### 810.01 CONDITIONAL STANDARDS (5/22/03)

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

#### 810.02 CONDITIONAL STANDARDS

A. Minimum Lot Size:

1 to 5 beds	10,000 square feetfeet (5/22/03)
6 to 10 beds	15,000 square feetfeet (5/22/03)
11 to 15 beds	20,000 square feetfeet (5/22/03)
Plus 800 square feet for each bed over 15 beds	

- B. Design Review: An application for a nursing home shall be subject to design review pursuant to Section 1102. (5/22/03)
- C. Minimum Setbacks: Minimum front, rear, and side yard setbacks shall be the same as the underlying zoning district unless the Hearings Officer finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site. (5/22/03)
- D. Fence: A fence of at least 5 feet in height shall be provided between property used for a nursing home and any contiguous residential property. (5/22/03)
- E. Public Facilities: A nursing home shall be served by public sewer and water. (5/22/03)
- F. Access: A nursing home shall be located within 1/4 mile of a road with a functional classification of collector or higher as identified on Comprehensive Plan Map V-2a or V-2b. (5/22/03)
- G. Signs: Signs shall be subject to Section 1010. (5/22/03)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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

#### 813.01 ALLOWED USES (6/6/02)

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

- A. Private commercial, noncommercial or nonprofit recreational areas, uses and facilities, including country clubs, lodges, fraternal organizations, swimming pools, gymnastics facilities, golf courses, boarding or riding stables, boat moorages, parks and concessions; (6/6/02)
- B. City, county, state, federal, service district or municipal corporation uses or buildings. These do not include uses or buildings otherwise specifically listed as conditional uses in individual zoning districts or identified in Subsections 813.01(C) or (D); (6/6/02)
- C. Telephone exchanges, railroad right-of-way, and public utility structures without shops, garages or general administrative offices. Radio and television transmission and receiving towers and earth stations, provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower. Wireless telecommunication facilities, amateur (Ham) radio towers, citizen band transmitters and antennas, and essential public communication services are excluded from this subsection; (6/6/02)
- D. Recreational Vehicle Camping Facilities subject to the following standards; (6/6/02)
  1. Locational Standards:
    - a. Within an urban area, recreational vehicle camping facilities shall be located on a road with a functional classification of minor arterial or higher, and shall be no more than 1/2 mile from a major arterial or freeway/expressway. (6/6/02)
    - b. Outside an urban area, recreational vehicle camping facilities shall be located no more than 1 mile from a major arterial or freeway/expressway. (6/6/02)
  2. Campsite/Area Requirements:
    - a. In areas served by public sewer, the maximum number of campsites shall not exceed 1 per 1,500 square feet of net site area. (6/6/02)
    - b. In areas not served by public sewer, the maximum number of campsites allowed shall be subject to review and approval by the Soils Section of Water Environment Services. (6/6/02)
    - c. Each campsite shall be at least 1,000 square feet, exclusive of roadways. (6/6/02)
  3. Improvements: Each recreational vehicle campsite shall include the following: (6/6/02)
    - a. Electrical service hookup; (6/6/02)
    - b. Potable water hookup; (6/6/02)
    - c. Sewage disposal service; and (6/6/02)
    - d. Landscaping in areas that are not intended to be occupied by the recreational vehicle or used for a parking space. (6/6/02)
  4. Parking Requirements: (6/6/02)

- a. Each recreational vehicle campsite shall include 1 recreational vehicle parking space with minimum dimensions of 12 feet by 20 feet. (6/6/02)
  - b. Parking spaces shall be provided for the manager and employees of the camping facility; (6/6/02)
  - c. A minimum of 1 parking space per campsite shall be provided in addition to the space required for parking of a recreational vehicle. The additional space need not be located on the same site as the recreational vehicle space. (6/6/02)
  - d. Within an urban area, parking spaces shall be hard-surfaced. Outside an urban area, a graveled surface with a minimum base of 3 inches of crushed rock or better may be substituted for hard surfacing. (6/6/02)
5. Dimensional Standards: The dimensional standards shall be the same as those required in the zoning district in which the subject property is located. (6/6/02)
6. Accessory Uses: The following accessory uses and structures may be provided at a scale intended to serve the tenants of the recreational vehicle camping facility: (6/6/02)
  - a. A caretaker's/manager's dwelling or office. (11/24/99)
  - b. Recreational areas and equipment.
  - c. Clubhouses.
  - d. Tourist information centers.
  - e. Laundry, restroom and shower facilities.
  - f. Storage and/or maintenance buildings.
  - g. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsection 813.01(D)(6). Where a recreational vehicle camping facility is a primary use, this determination shall be made by the Planning Director and shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)
7. Access and Circulation:
  - a. The location of access driveways shall be subject to approval by the Department of Transportation and Development.
  - b. Any driveway, or portion thereof, which does not provide for continuous circulation shall not exceed 600 feet in length and shall terminate with a turnaround having a minimum diameter of 60 feet. (6/6/02)
  - c. The minimum driveway width for two-way traffic shall be 24 feet, except that if parking is permitted on the margins of the driveway, the minimum driveway width shall be 32 feet. The minimum driveway width for one-way traffic shall be 16 feet, except that if parking is permitted on the margins of the driveway, the minimum driveway width shall be 24 feet. (6/6/02)
  - d. Driveways shall be hard-surfaced.
8. Screening: Except as necessary to accommodate access driveways and corner vision requirements, the facility shall be screened on all sides by sight-obscuring plant materials or fencing, or a combination thereof, with a minimum height of 6 feet. (6/6/02)
9. Maintenance: Storage of materials or equipment shall be within enclosed structures. Trash receptacles shall be provided in convenient locations for use by guests of the camping facility and in such number and of such capacity that there is no uncovered accumulation of trash at any time. (6/6/02)

10. Other Regulations: Recreational vehicle camping facilities shall comply with all applicable rules and regulations of the Public Health Department and state agencies governing such facilities. (6/6/02)

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

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

(LAST TEXT REVISION 6/6/02)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 814 DRIVE-IN THEATERS

#### 814.01 CONDITIONAL STANDARDS

- A. The face of the screen shall not be visible from any major street or major arterial.
- B. The entrance to the theater shall be at least one hundred fifty (150) feet from the established street or road right-of-way.
- C. Exits shall be at least thirty-five (35) feet from street rights-of-way.
- D. The theater shall be setback from the street rights-of-way at least twenty (20) feet.



## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 817 AUTO WRECKING YARDS AND JUNKYARDS (5/22/03)

#### 817.01 CONDITIONAL STANDARDS

- A. Minimum Lot Size: 1 acre (5/22/03)
- B. Minimum Street Frontage: 100 feet (5/22/03)
- C. Minimum Lot Depth: 125 feet (5/22/03)
- D. Minimum Building Setbacks: If the building is located outside of a sight-obscuring fence, the minimum front yard setback shall be 30 feet and the minimum rear and side yard setbacks shall be 25 feet. (5/22/03)
- E. Fences: (5/22/03)
  - 1. A sight-obscuring fence shall be constructed to completely enclose the wrecking or junkyard. The fence shall be painted one color and kept in good repair. It shall be the responsibility of the occupant to maintain the fence. (5/22/03)
  - 2. The front yard fence shall have a minimum height of 6 feet. However, when the front yard abuts a state highway, the fence shall have a minimum height of 8 feet. (5/22/03)
  - 3. The side yard fence shall have a minimum height of 6 feet. (5/22/03)
  - 4. The front yard fence shall have a minimum setback of 25 feet. (5/22/03)
- F. Storage of Vehicles: (5/22/03)
  - 1. All storage shall be within the fenced area.
  - 2. At no time shall any items be piled higher than the fence.
- G. Vector Control: Scrap tires shall not be stored outside for a period exceeding 30 days. (5/22/03)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 818 SURFACE MINING (3/24/05)

<a href="#">818.01</a>	PURPOSE
<a href="#">818.02</a>	APPLICATION OF THIS ORDINANCE
<a href="#">818.03</a>	GENERAL APPLICATION REQUIREMENTS
<a href="#">818.04</a>	GENERAL OPERATION REQUIREMENTS AND STANDARDS
<a href="#">818.05</a>	RECLAMATION PLAN REQUIREMENTS AND STANDARDS
<a href="#">818.06</a>	INITIAL PERMIT - EVALUATION

#### 818.01 PURPOSE

To provide that the usefulness, productivity and scenic values of all lands and water resources affected by surface mining operations within this County shall receive the greatest practical degree of protection during mining and through reclamation necessary for their intended subsequent use in cooperation with State programs.

To assure that land affected by surface mining and reclaimed in a plan, approved by the State Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County, minimizes any adverse impact on mined land on the livability, value and appropriate development of the affected land and adjacent property.

#### 818.02 APPLICATION OF THIS ORDINANCE

- A. This section applies to surface mining regulated by this Zoning and Development Ordinance. A technical mining and reclamation permit may also be required from the Oregon Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County.
- B. This section does not apply to operations within a road right-of-way or other easement for the purpose of construction, reconstruction, or maintenance.
- C. This section does not apply to excavations of sand, gravel, clay, rock, or other similar materials by a landowner or tenant for the purpose of construction, reconstruction, or maintenance of access roads, excavation or grading in the process of farming, forestry or cemetery operations, or other onsite construction unless more than 5,000 cubic yards of such materials are removed from

the property for compensation. More than 5,000 cubic yards of such materials may be removed from the property for compensation when the construction activities are authorized by a building permit.

### **818.03 GENERAL APPLICATION REQUIREMENTS**

An application for a permit for surface mining shall contain the following information and whatever additional information necessary to adequately describe and evaluate the proposed operation. Where required information is already available on an Oregon Department of Geology and Mineral Industries mined land reclamation permit application, a duplicate copy may be submitted to satisfy these general application requirements.

- A. Name and address of the applicant, and the name and address of the landowner, the owner of the surface estate, the operator and any parent corporation of the operator. If the applicant does not own the land on which the mining is to take place, the following shall be required:
  - 1. Written consent of the owner of that land for the mining to take place there;
  - 2. Written acknowledgment of the owner's obligation to see that the land is reclaimed after the mining ceases;
- B. Legal description of the property to be mined.
- C. Vertical aerial photograph of the property, to a scale of at least one (1) inch to four hundred (400) feet, accurately representing the condition of the property at the time the application is made.
- D. Site plan drawn at a scale no smaller than 1 inch to 600 feet showing:
  - 1. Property boundaries;
  - 2. Location of all bodies of water, wetlands, roads, railroads, and utility facilities within or adjacent to the property;
  - 3. Contour intervals;
  - 4. Locations of buildings and other structures;
  - 5. Location of all access roads, parking;
  - 6. The boundaries of the mining site;
  - 7. Areas for excavation;
  - 8. Areas for processing and stockpiling;
  - 9. Areas for settling ponds and washing plants; and
- E. The present use of the property and the planned subsequent beneficial use.
- F. The starting date of the mining and expected life of the mining operation.
- G. A description of each mineral to be mined and the estimated quantity to be extracted.
- H. A description of the mining methods and types of equipment to be used.
- I. The characterization of the ground and surface water based on available wells, drill logs, springs, and surface drainages within one mile of the proposed mining operation.
- J. A surface water management plan to provide protection against contamination of ground water and discharge of sediments into adjacent waterways. This plan must include provisions for settling ponds, diversion dikes, and channels, or other facilities as may be required.
- K. An erosion control plan detailing ground cover plantings and other methods of controlling

erosion of surfaces affected by the mining.

- L. The procedures to control the discharge of contaminants and the disposal of mining refuse.
- M. Applications for non-aggregate mining shall include the following additional information if applicable:
  - 1. Details of measures taken to conserve the quantity and quality of affected aquifers.
  - 2. A description of any toxic or radioactive materials known to be present in the ore, spoil, tailings, overburden or any other material involved in the mining operation, and their approximate concentrations.
  - 3. A description of how the toxic or radioactive materials described above will be handled during mining and reclamation.
  - 4. Environmental baseline information as may be required by the County. A copy of any such information prepared for any other agency shall be furnished the county.
- N. Identification of the backfilling techniques, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding, or planting rates and schedules.
- O. The procedures for the salvage, storage, and replacement of topsoil or acceptable replacement.
- P. Identification of the procedures for the stable storage of overburden which includes a description of the pre-mine topography, method of emplacement, height of lifts, final height, slope configuration, and vegetative cover.

## **818.04 GENERAL OPERATION REQUIREMENTS AND STANDARDS**

All surface mining shall meet the following operational requirements and standards:

- A. Access: An onsite access or service road used for mining shall be dust free at all points within 300 feet of a public road or dwelling off the property being mined. If the mining is the primary cause of traffic on an unpaved public road, that road shall be dust free at all points within 300 feet of dwellings off the property being mined. (3/24/05)
- B. Screening: Screening of the mining site may be required to obscure the view or minimize dust or other annoyance from adjoining property and adjacent public roads. Unless otherwise approved, the screening shall be along the boundary of the property on which the site is located and may be accomplished by one or more of the following:
  - 1. A sight-obscuring fence or wall;
  - 2. A landscaped berm or preservation of natural slope;
  - 3. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.
- C. Noise: Sound created by a mining operation which is audible off the site shall not exceed the maximum permitted by the State Department of Environmental Quality. Various methods of sound control may be required such as installation of earth berms, strategic location of stockpiles and limiting hours of operation.
- D. Air Quality: The discharge of contaminants created by the mining operation shall not exceed the air quality standards for the State Department of Environmental Quality.

- E. Erosion Control: Sedimentation or erosion resulting from the mining operation shall not adversely affect the quality of any body of water, as determined on the basis of standards established by the State Department of Environmental Quality and the State Department of Geology and Mineral Industries. Erosion resulting from the mining operation shall be contained within the permit area.
- F. Toxic Materials: Toxic materials shall be handled in a manner which prevents environmental degradation and insures the safety and health of persons involved in the mining and reclamation operations and the general public, and complies with the requirements of affected state and federal agencies.
- G. Setbacks: Excavation shall be away from the property line a distance adequate to maintain a fence on the property line and such additional distance as is necessary to allow a normal safe angle of repose during operations, assure lateral support of adjacent property, and provide the slopes identified in the reclamation plan for the depth of final excavation. Other provisions to assure protection of public and adjacent property from steep banks, deep holes, or other hazards during the mining and reclamation phases shall be required as necessary. In addition, setbacks from rivers, streams, lakes, and other bodies of water shall be adequate to maintain bank integrity and streamside vegetation. These setbacks shall be identified in the Reclamation Plan.
- H. Parking: Vehicular parking off public roads shall be available for employees, customers and visitors at the mining site.
- I. Reclamation Plan: Reclamation shall be effected in accordance with a reclamation plan approved by the State Department of Geology and Mineral Industries and or the Oregon Division of State Lands under Subsection 818.05 of this Ordinance.
- J. Inspection/Violations: If the County has reason to believe that a surface mining permit is being violated or that a surface mining operation is being conducted without a valid permit, it may inspect such surface mining areas without prior notice.

## **818.05 RECLAMATION PLAN REQUIREMENTS AND STANDARDS**

A plan for reclaiming land affected by surface mining, approved by the State Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County, shall minimize any adverse impact of mined land on the livability, value, and appropriate development of the affected land and adjacent property. This plan shall include the reclamation information required in processing applications before State agencies.

## **818.06 INITIAL PERMIT - EVALUATION**

The Department of Transportation and Development shall review each permit application and its accompanying plans, and shall evaluate each application for a surface mining on the basis of all available information provided by private individuals, county, state and federal agencies under the criteria and requirements specified in this Section. All applications and supporting documents shall be

circulated for review by appropriate natural resource public agencies and the State Department of Geology and Mineral Industries or Oregon Division of State Lands. The Department of Transportation and Development may require additional information and changes in the plans before making a recommendation to the Hearings Officer. The Hearings Officer shall consider the application, and the Department's recommendation, under the provisions of Subsections 1301-1304 of this Ordinance.

(LAST TEXT REVISION 3/24/05)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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# 819 SANITARY LANDFILLS, DEBRIS FILLS, RECYCLING CENTERS, TRANSFER STATIONS, AND RECYCLABLE DROPOFF SITES (12-13-89)

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<a href="#">819.01</a>	SANITARY LANDFILLS AND DEBRIS FILLS
<a href="#">819.02</a>	RECYCLING CENTERS AND TRANSFER STATIONS
<a href="#">819.03</a>	RECYCLABLE DROPOFF SITES

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### 819.01 SANITARY LANDFILLS AND DEBRIS FILLS

Standards - All such facilities shall comply with all aspects of the Clackamas County Solid Waste and Waste Management Ordinance, requirements of the Clackamas County Department of Transportation and Development, rules and regulations of the Oregon State Department of Environmental Quality, and the Metropolitan Service District.

### 819.02 RECYCLING CENTERS AND TRANSFER STATIONS

#### A. Mitigation Standards

##### 1. Traffic

- a. The road access system to the facility shall be adequate to handle traffic generated by the use. The County shall require the necessary traffic measures to insure the facility use is consistent with the County transportation system. The facility shall have access to major roadways and truck routes. The facility shall have an operational plan that assures those traveling to the facility, particularly trucks, travel primarily on truck routes identified by the County.
- b. Posting of Routes - The operator shall provide signage so that routes to the facility are posted and include information on fees for dumping, including differential fees for covered and uncovered loads. Signage shall be subject to the applicable County or state regulations.
- c. A detailed traffic study including onsite circulation shall be required as a means for the County to assess appropriate traffic impact measures. The study shall be based on Metro's traffic data methodology. Such a study must be performed by an engineer registered in the state of Oregon.

##### 2. Odor

- a. Emissions (odors) from the facility shall not exceed the standards set forth in OAR Chapter 340, Division 21, Section 050.
  - b. Notwithstanding 2a, above, the design and operation of the facility shall eliminate odors that would be irritating or annoying to facility personnel and to the surrounding community. Potential causes of odors and their elimination through proper design and operating procedures shall include:
    1. Spillage of acceptable waste around the feeding or processing equipment shall be removed daily; and
    2. Adequate ventilation and collection of dust generated during acceptable waste handling and processing shall be provided.
  - c. The following minimum procedural steps shall be taken to abate odors:
    1. A comprehensive program of manual and machine cleaning, combined with disinfection and vector control procedures shall be prepared in writing;
    2. A plan shall be prepared which minimizes the generation of wastewater associated with hosing down equipment, tipping areas, and platforms in the facility. Compressed air or vacuum equipment shall be used for cleaning, where feasible; and
    3. A plan shall be prepared for effective dust collection and adequate ventilation.
  - d. Each of the programs or plans required by 2c, above, shall be approved by Metro, and compliance therewith shall be required of any facility operator pursuant to applicable Metro regulations.
3. Dust
- a. A dust control plan shall be submitted to DEQ for approval. A copy of the approved plan shall be submitted to the County prior to operation of the facility.
  - b. Access and onsite roads shall be maintained to prevent excessive dust.
4. Noise
- a. The facility's operation shall be in compliance with the standards of DEQ. A copy of the DEQ approval shall be submitted to the County prior to issuance of a building permit.
  - b. Noise in the receiving area shall be controlled by effective design of the building walls and roof.
5. Storage
- a. Any storage of material shall occur only in a totally enclosed area with proper air quality controls. The storage of uncompacted material shall not exceed one day.
  - b. Source separated materials (excluding yard debris) shall be stored in containers. These containers must be located in an enclosed area.
  - c. Yard debris shall be removed at least on a weekly basis. Storage shall not exceed requirements established by the Department of Environmental Quality.
  - d. Temporary storage areas for all recovered materials from processing shall be totally enclosed.
6. Salvaging of Materials
- a. Salvaging of recyclable materials shall not be authorized unless permitted in



accordance with Metro's approved operating plan.

- b. Any authorized salvaging shall require a County recycling license or permit, if applicable.

#### 7. Sanitary Sewage/Processing Wastewater/Stormwater

- a. The facility shall comply with all applicable federal, state, and sanitary district regulations.
- b. The operator shall prepare a stormwater management plan for the stormwater collection/disposal system which shall include emergency spill containment and cleanup measures and water quality mitigation measures when appropriate. Management Plan approval by the County is required.

#### 8. Signing, Building, and Site Design

- a. The County shall review the site-specific mitigation plan, signing, building, and site design plan to determine whether the plans are consistent with the standards of the Clackamas County Zoning and Development Ordinance.
- b. Any truck-washing area shall be covered with a canopy-type roof.
- c. Paved parking adequate for facility personnel, users, and visitors shall be included in the site design. All parking and loading areas must be paved.
- d. The project design shall include onsite landscaping and screening provisions that will complement and enhance the character of the area. At least 15 percent of the developed site area shall be landscaped. All landscaped areas must have an irrigation system with automatic controls and maintained as required in Section 1009.
- e. All the facility's onsite utilities--power, telephone, water, sanitation, lighting, etc.--shall be underground.
- f. Site lighting shall be designed to avoid glare, and deflected so as not to shine onto adjacent properties and roadways.
- g. Signing
  1. A clearly visible and legible identification sign shall be maintained at the entrance to the facility. The sign content shall contain, at a minimum, the following:
    - a. Name of facility
    - b. Name of operator/phone number
    - c. Hours of operation
  2. A sign(s) describing recycling services and fees shall be posted at the facility.

#### 9. Hazardous Waste Handling

- a. No disposal of hazardous and biomedical wastes on site shall be allowed except in accordance with ORS 459 and OAR Chapter 340.
- b. The operator shall provide a covered area for handling or storage of incidental hazardous (such as household hazardous materials), toxic, or other detrimental materials. The area shall provide positive isolation from sanitary and storm sewer systems.
- c. The operator shall prepare and implement an incidental hazardous waste

containment and cleanup plan as approved by the County and DEQ.

#### 10. Safety Measures

- a. Transfer of waste from one vehicle or container to another vehicle or container shall be done within an enclosed containment area designed to assure that waste materials do not fall onto the ground or enter the groundwater, water feature, water system, drainageway, or drainage system.
- b. The facility shall establish and implement emergency operating procedures to ensure that minimal risk exists to the public in the case of an emergency. The procedures shall include training programs and practice drills.

#### 11. Identified Environmental Concern Areas

- a. The facility shall be designed to protect identified environmentally sensitive areas. Identified environmentally sensitive areas shall be those included in Chapter 3 of the County Comprehensive Plan.
- b. The facility's development shall include provisions for mitigation of potential impacts on drainageways and wildlife corridors.

#### 12. Economic Impacts

- a. Metro shall provide for the collection and disbursement of a community enhancement fee for all mixed waste entering the facility. The purpose of the fee is to provide a fund to enhance the area around the facility. The fee will be collected and a fund shall be established as required by the Plan and shall be administered in accordance therewith.
- b. Metro shall provide for the collection and disbursement of a recycling fee based on the sale of recyclable materials collected at the facility. Said fee shall be used for recycling education and promotion within the County.

#### 13. Litter

The operator/Metro shall ensure that a specific plan for the operation of any facility will be adopted to control and provide for the removal of facility-related litter along routes leading to and in the vicinity of the proposed facility. The litter control plan shall include at least the following elements:

- a. Establish, at the expense of the private operator or Metro, as appropriate, gates, signs, and other traffic control devices that direct facility-related traffic to the facility along approved routes and prevent facility-related traffic from negatively impacting surrounding sensitive areas identified in the Comprehensive Plan.
- b. Primary Impact Area - Metro shall establish, after consultation with the County, as part of its approval of any facility, a primary impact area in which the operator will assume responsibility for removal of litter and illegally dumped waste. The initial primary impact area will cover all routes to the facility for a distance of up to one-half (1/2) mile from the facility entrance. The approval shall provide that the boundaries may be adjusted by Metro based on problems which arise after the facility is in operation.  
Secondary Impact Area - Metro shall provide for removal of litter and illegally dumped waste on a weekly basis within at least a two (2) mile radius of the facility.
- c. Establish a patrol and schedule for removal of litter and illegally dumped waste

- within the primary impact area. Litter removal within the primary impact area must be completed for the entire area at least twice each day, seven days each week.
- d. The facility operator shall document and remove, for proper disposal, all illegal dumping occurring in the primary impact area. The operator shall remove illegally dumped waste within 24 hours of the discovery of the illegal dump and/or within 12 hours of being notified of the illegal dump by the County. The parties agree to take measures consistent with their resources to enforce codes and regulations to prohibit illegal dumping.
  - e. The operator shall post at the facility, in a location visible to the public, the proper routes providing access to the facility and the fees for bringing both covered and uncovered loads to the facility.
  - f. The operator shall annually publish and distribute throughout the area served by the facility a brochure which includes the proper routes providing access to the facility and the fees for bringing both covered and uncovered loads to the facility, and which both explains and encourages recycling.

### **819.03 RECYCLABLE DROPOFF SITES**

- A. Recyclable dropoff sites are allowed in the following zoning districts as accessory uses:
  1. Neighborhood Commercial (NC)
  2. Community Commercial (C-2)
  3. General Commercial
  4. Rural Tourist Commercial
  5. Rural Commercial
  6. Rural Industrial
- B. Siting may also include traditional locations for this use, such as:
  1. Schools, public and private
  2. Churches
  3. Fraternal lodges
  4. Senior citizen and other community buildings
  5. Other public facilities
- C. Standards
  1. Shall not be placed in public rights-of-way.
  2. Shall not obstruct any entrances, exits, onsite traffic circulation, or parking.
  3. Shall not be placed in required landscape areas.
  4. Shall be clean, attractively painted, and maintained at all times.
  5. Shall be kept clean and free of debris. All unwanted materials and debris shall be properly disposed of. Cleanliness shall be a continuing obligation of the operator and site owner.
  6. Shall be designed such that collected recyclable materials are totally enclosed and cannot be removed by unauthorized parties.
  7. Siting, maintenance, and hauling shall be coordinated through the area's franchised collector or by a party licensed and/or permitted by the Clackamas County Community

Environment Section.

8. Shall only be used for the collection of domestic recyclable or reusable materials such as paper, corrugated paper, glass, tin, aluminum, plastics, and clothing. Yard debris, appliances, or other large items which may otherwise be repairable, recyclable, or reusable are not acceptable.
9. Shall be removed or emptied within five (5) days of becoming full, to avoid accumulation of materials outside the box or depot trailer.
10. Shall be labeled identifying the owner and telephone number to contact in the event that the container and surrounding area becomes a nuisance. Labeling must also clearly identify the material(s) accepted, and warn that any other items are not acceptable.
11. The local fire marshal shall be consulted concerning design and siting of dropboxes and mobile depots.

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 820 SERVICE STATIONS

#### 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)
1. Each developed site shall have no more than 2 access points to any one street. (5/22/03)
  2. 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)
  3. 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. Outdoor Storage: Storage of materials on the site shall be screened.
- E. 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. 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.

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 821 LIVESTOCK (3/24/05)

#### 821.01 CONDITIONAL STANDARDS (5/22/03)

- 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)
  - 1. Livestock shall not be kept for commercial purposes. (5/22/03)
  - 2. The raising of swine is not permitted.
  - 3. Cows, horses, and similar large animals shall not be kept on lots less than 1 acre in size. The total number of such animals, other than their young under the age of 6 months, shall be limited to the lot area used for this purpose divided by 25,000 square feet for each animal. (5/22/03)
  - 4. Each goat, miniature horse, or sheep, other than their young under the age of 6 months, shall require at least 10,000 square feet of lot area used for this purpose. (5/22/03)
  - 5. Barns or pens for rabbits or fowl shall be located no closer than 100 feet from any dwelling other than the dwelling of the owner. (3/24/05)
  - 6. Livestock shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal food shall be stored in rodent-proof receptacles. (5/22/03)

(LAST TEXT REVISION 3/24/05)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 822 HOME OCCUPATIONS (3/24/05)

<a href="#">822.01</a>	PURPOSE
<a href="#">822.02</a>	DEFINITIONS
<a href="#">822.03</a>	LEVEL 1 - MINOR HOME OCCUPATION
<a href="#">822.04</a>	LEVEL 2 - MAJOR HOME OCCUPATION
<a href="#">822.05</a>	LEVEL 3 - MAJOR HOME OCCUPATION
<a href="#">822.06</a>	EXCEPTIONS
<a href="#">822.07</a>	PREEXISTING USES
<a href="#">822.08</a>	PERMIT AND APPLICATION PROCEDURES FOR MAJOR HOME OCCUPATIONS

#### 822.01 PURPOSE

This section 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

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

- A. 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)

- B. 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.
- C. Accessory Space: Any building space not constructed to residential standards under the State of Oregon One and Two Family Dwelling Code and/or the State of Oregon Structural Specialty Code 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.
- D. 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.
- E. Incidental Use: The use of no more than 25% of the floor area of a structure or 500 square feet, whichever is less.
- F. 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 the 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.
- G. 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.
- H. Abutting Properties: For purposes of this section, "abutting" properties include properties directly across any private, public, or county road provided the functional classification of the road is below that of a "collector".
- I. Property: For purposes of this section, "property" refers to a legal lot of record as determined by the Planning Division.

### **822.03 LEVEL 1 - MINOR HOME OCCUPATION**

- A. Level 1 Minor Home Occupations shall comply with the following standards:
  - 1. Location: Any property in residential use. (5/22/03)
  - 2. Scale: A Minor Home Occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. Incidental use of accessory structure space is allowed but is limited to storage purposes only.
  - 3. Character: There shall be no visible evidence of the conduct of a Minor Home Occupation from outside the dwelling except as otherwise allowed by this subsection.



4. Participants: No persons other than members of the immediate family residing on the premises shall be employed in the operation of the Minor Home Occupation.
5. Storage: There shall be no outside storage associated with a Minor Home Occupation.
6. Display of Products: There shall be no display of products visible from outside an enclosed building space.
7. Traffic:
  - a. A Level 1 Minor 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. Bulk deliveries, parcel post, or similar in-town delivery services shall be limited to no more than one delivery per day.
  - b. Customer/client traffic shall be limited to a maximum of ten trips per day.
8. Parking:
  - a. No vehicles associated with a Minor Home Occupation shall be stored, parked, or repaired on public rights-of-way.
  - b. The maximum number of customer or client vehicles that are associated with a home occupation and located on the subject property shall not exceed two at any time.
  - c. Two parking spaces for customers/clients, in addition to required residential parking, shall be provided in defined areas of the subject property. Such areas shall be located behind the front yard setback and be accessible, usable, designed and surfaced for parking.
9. Noise, Equipment, and Process Restrictions:
  - a. A Minor Home Occupation shall not create noise, vibration, glare, fumes or odor detectable to normal sensory perception off the subject property.
  - b. A Minor Home Occupation shall not create visual or audible electrical interference in any radio or television off the subject property or cause fluctuations in line voltage off the subject property.

B. No land use permit is required to operate a Minor Home Occupation.

## **822.04 LEVEL 2 - MAJOR HOME OCCUPATION**

- A. Level 2 Major Home Occupations shall comply with the following standards:
1. Location: Any property where the majority of abutting properties are equal to or less than two acres.
  2. Operator: The operator of the home occupation shall reside in a dwelling on the subject property.
  3. Employees: There shall be no more than five full or part-time employees.
  4. Accessory Space: In addition to the incidental use of the dwelling, a maximum of 500 square feet of accessory space may be used for a Level 2 Major Home Occupation. In the case of a bed and breakfast homestay, use of the dwelling is not required to be limited to incidental use. (5/22/03)

5. Noise: Between 8:00 a.m. and 6:00 p.m., a Level 2 Major Home Occupation shall not create noise that, when measured off the subject property, exceeds the greater of 60 dba or the ambient noise level. Between 6:00 p.m. and 8:00 a.m., a Level 2 Major Home Occupation shall not create noise that is detectable to normal sensory perception off the subject property. Noise generated by passenger vehicles exiting or entering the subject property shall be exempt from these standards. These off-the-property noise standards shall not apply to public rights-of-way and railroad rights-of-way.
6. Equipment and Process Restrictions: A Level 2 Major Home Occupation shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. A 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.
7. Outside Storage: No outside storage, display of goods or merchandise or external evidence of a Level 2 Major Home Occupation shall occur except as specifically allowed by this subsection.
8. Signs: Signs shall be permitted pursuant to Section 1010.
9. Traffic: A Level 2 Major Home Occupation shall not generate more than 20 vehicle trips per day.
10. Parking:
  - a. No vehicle associated with a Level 2 Major Home Occupation shall be stored, parked or repaired on public rights-of-way.
  - b. The maximum number of vehicles that are associated with a Level 2 Major Home Occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee vehicles and client vehicles.
  - c. A Level 2 Major 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.
  - d. Parking spaces needed for employees or clients of a Level 2 Major Home Occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced for parking.
11. Hazards: If a Level 2 Major Home Occupation use will alter the occupancy classification of an existing structure as determined by the building official, then the structure shall be made to conform with the State of Oregon Structural Specialty Code and/or One and Two Family Dwelling Code and the requirements of the State Fire Marshal or the local fire district. However, in no case shall:
  - a. A use be allowed that requires a structure to be upgraded or built to more restrictive requirements than a S3 occupancy; or
  - b. Hazardous material be used or stored on the subject property in quantities not typical of those normally associated with primary uses allowed in the underlying zoning district.
12. Prohibited Uses: The following uses shall be prohibited as a Level 2 Major Home Occupation:

- a. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers or boats;
  - b. Towing and vehicle storage business.
13. Access: The subject property must 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 whose property access is affected agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.
- B. A Level 2 Major Home Occupation requires a land use permit pursuant to Subsection 822.08.

### **822.05 LEVEL 3 - MAJOR HOME OCCUPATION**

- A. Level 3 Major Home Occupations shall comply with the following standards:
1. Location: Any property where a minimum of 50 percent of abutting properties are greater than 2 acres in size. (5/22/03)
  2. Operator: The operator of a Level 3 Major Home Occupation shall reside in a dwelling on the subject property.
  3. Employees: There shall be no more than five full- or part-time employees.
  4. Accessory Space: In addition to the incidental use of the dwelling, a maximum of 1,500 square feet of accessory space may be used for a Level 3 Major Home Occupation. In the case of a bed and breakfast homestay, use of the dwelling is not required to be limited to incidental use. (5/22/03)
  5. Noise: Between 8:00 a.m. and 6:00 p.m., a Level 3 Major Home Occupation shall not create noise that, when measured off the subject property, exceeds the greater of 60 dba or the ambient noise level. Between 6:00 p.m. and 8:00 a.m., a home occupation shall not create noise that is detectable to normal sensory perception off the subject property. Noise generated by passenger vehicles exiting or entering the subject property shall be exempt from these standards. These off-the-property noise standards shall not apply to public rights-of-way and railroad rights-of-way.
  6. Equipment and Process Restrictions: A Level 3 Major Home Occupation shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. A Level 3 Major 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.
  7. Outside Storage: No outside storage, display of goods or merchandise or external evidence of a Level 3 Major Home Occupation shall occur except as specifically allowed by this subsection.
  8. Signs: Signs shall be permitted pursuant to Section 1010.
  9. Traffic: A Level 3 Major Home Occupation shall not generate more than 30 vehicle trips per day.

10. Parking:

- a. No vehicle associated with a Level 3 Major Home Occupation shall be stored, parked or repaired on public rights-of-way.
- b. The maximum number of vehicles that are associated with a Level 3 Major Home Occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, 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.
- c. 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.
- d. Parking spaces needed for employees or clients of a Level 3 Major Home Occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced for parking.

11. Hazards: If a Level 3 Major Home Occupation use will alter the occupancy classification of an existing structure as determined by the building official, then the structure shall be made to conform with the State of Oregon Structural Specialty Code and/or One and Two Family Dwelling Code and the requirements of the State Fire Marshal or the local fire district. However, in no case shall:

- a. A use be allowed that requires a structure to be upgraded or built to more restrictive requirements than an H-4 or H-5 occupancy, except incidental painting in conjunction with an H-4 or H-5 use; or
- b. Hazardous materials be used or stored on the subject property in quantities not typical of those normally associated with primary uses allowed in the underlying zoning district.

12. Access: The subject property must 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 whose property access is affected agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.

B. A Level 3 Major Home Occupation requires a land use permit pursuant to Subsection 822.08.

## **822.06 EXCEPTIONS**

A. A Level 2 or Level 3 Major Home Occupation taking direct vehicular access to a road with a functional classification of collector, minor or major arterial, or freeway/expressway as identified on Comprehensive Plan Maps V-2a or V-2b, may exceed any of the standards identified in Subsections 822.04(A)(3) through (12) and 822.05(A)(3) through (11) provided the use remains compatible with the area and demonstrates compliance with remaining provisions of this subsection. The following factors shall be considered when determining if a use is compatible:

1. The number of specific standards provided by this section that will be exceeded; it is

- presumed that the more standards exceeded the more difficult it will be to demonstrate compatibility;
2. 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; (3/24/05)
  3. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example driveway or road improvements);
  4. Potential environmental impacts, including effects on air and water quality;
  5. Provision of adequate and safe access to public roadways.
- B. The applicant shall demonstrate the availability of services adequate to serve the proposed use, including transportation, public facilities and other services existing or planned for the area affected by the use. At a minimum, the applicant shall demonstrate compliance with Section 1022.
- C. Process: Exceptions shall be processed in conjunction with the Home Occupation Permit application through the Hearings Officer review process pursuant to ZDO Section 1300.
- D. Limitations: The following limitations shall apply to all home occupations:
1. Maximum accessory space for a home occupation shall not exceed 3,000 square feet;
  2. The number of employees on property zoned Exclusive Farm Use (EFU), Timber (TBR), or Ag/Forest (AG/F) shall not exceed five total;
  3. No structure shall be used in the operation of a home occupation in the Exclusive Farm Use (EFU), Timber (TBR) or Ag/Forest (AG/F) zoning districts not otherwise allowed in the zoning district.

## **822.07 PREEXISTING USES**

Home occupations legally established prior to [effective date of this amendment], which complied with all provisions of this ordinance then in effect, including appropriate permits if required, are exempt from the requirements of this section. 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 ordinance. 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 this section.

## **822.08 PERMIT AND APPLICATION PROCEDURES FOR MAJOR HOME OCCUPATIONS**

- A. Application: Application for a Major Home Occupation permit shall be made to the Planning Division on a form provided by the Division and shall be accompanied by the prevailing filing fee as established by the Board of County Commissioners.
- B. Process:
1. Application for a Major Home Occupation permit without an exception shall be subject to

the Planning Director review procedures in Subsection 1305.02;

2. Application for a Major Home Occupation permit processed with an exception shall be subject to the Hearings Officer review procedures in Section 1300.

C. Time Limit: A Major Home Occupation permit and subsequent renewals shall be valid for a period of three years from the date of approval.

D. Renewals: A Major Home Occupation permit may be renewed an unlimited number of times. A renewal application shall be reviewed pursuant to the Planning Director review procedures of Subsection 1305.02 or the Hearings Officer review procedures of Section 1300, as applicable. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.

(LAST TEXT REVISION 3/24/05)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 823 BUS SHELTERS (5/22/03)

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<a href="#">823.01</a>	SUBMITTAL REQUIREMENTS
<a href="#">823.02</a>	FACTORS FOR REVIEW
<a href="#">823.03</a>	CONDITIONAL STANDARDS

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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 other setback limitations. (5/22/03)



## SECTION 800 - SPECIAL USE REQUIREMENTS

### 824 MANUFACTURED DWELLINGS (REVISED 11/24/99)

<a href="#">824.01</a>	MINIMUM STANDARDS
<a href="#">824.02</a>	STANDARDS FOR MANUFACTURED DWELLINGS IN MANUFACTURED DWELLING PARKS IN THE URBAN AREA
<a href="#">824.03</a>	STANDARDS FOR MANUFACTURED HOMES TO BE USED AS A PERMANENT DWELLING LOCATED ON INDIVIDUAL LOTS IN THE URBAN AREA

#### 824.01 MINIMUM STANDARDS

Manufactured dwellings shall be subject to the following requirements in all of the zoning districts in which they are allowed.

- A. The manufactured dwelling shall satisfy the requirements for a manufactured dwelling as defined in Section 202 of this Ordinance.
- B. If the manufactured dwelling is to be located in a Rural or Natural Resource zone, it shall contain at least seven hundred (700) square feet of living space. If the manufactured dwelling is to be located in an R-5 through R-30, RR, HR, FU-10, VR-4/5 and VR-5/7 zone or in a manufactured dwelling park it shall contain at least one thousand (1000) square feet of living space and shall be subject to the provisions of Sections 824.03 and 825. Living space is measured from the exterior of the manufactured dwelling, excluding any hitch and any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling. This provision does not apply to manufactured dwellings approved pursuant to section 1200 or manufactured dwellings, residential trailers and recreational vehicles located within pre-existing mobile home parks.
- C. County approved final inspection for the installation of a sewage disposal system.
- D. Placement of the manufactured dwelling upon a foundation or footings according to the requirements of the Oregon Manufactured Dwelling Standards.
- E. Placement of manufactured skirting in those areas around the perimeter of the home which are not developed with a solid wall foundation.
- F. Any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling and which is intended for use either as part of the dwelling or for storage purposes shall be subject to a County building permit if so required by the appropriate state statutes and regulations.
- G. The applicant must obtain an installation/setup permit for the manufactured dwelling from the County Department of Transportation and Development.

- H. Manufactured dwellings shall not be allowed as accessory structures or to be attached to another dwelling.

## **824.02 STANDARDS FOR MANUFACTURED DWELLINGS IN MANUFACTURED DWELLING PARKS IN THE URBAN AREA**

Manufactured dwellings in manufactured dwelling parks in the Urban Medium Residential Districts shall be subject to the requirements specified in Section 824.01, and the following additional requirements:

- A. The factory design of the manufactured dwelling shall include a roof pitched at a minimum of two (2) inches in twelve (12) inches.
- B. An onsite paved parking area shall be provided for each manufactured dwelling.
- C. Skirting shall be compatible with exterior design and siding materials of the manufactured dwelling.
- D. Play Areas. A separate play area shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age unless each space has a minimum size of 4,000 square feet. Such play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each manufactured dwelling lot. If the play area abuts a railroad, a street, steep slope or other similar hazard, then a suitable separation (i.e. fence, large setback, etc.) or other safeguards shall be required.

## **824.03 STANDARDS FOR MANUFACTURED HOMES TO BE USED AS A PERMANENT DWELLING LOCATED ON INDIVIDUAL LOTS IN THE URBAN AREA**

Manufactured homes to be used as a permanent dwelling located on individual lots in the urban area including the R-5 through R-30, RR, HR, FU-10, VR-4/5 and VR-5/7 zones shall be subject to the requirements specified in Section 824.01, and the following additional requirements:

- A. The factory design of the manufactured home shall include a roof pitched at a minimum of nominal three (3) inches in twelve (12) inches.
- B. The manufactured home shall be placed on an permanent, excavated and back-filled foundation, enclosed at the perimeter with no more than twelve (12) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the twelve (12) inches do not apply.  
In addition, the foundation shall include concrete strip footings placed to accommodate interior supports. All transportation mechanisms, including wheels, axles and hitches, shall be removed.
- C. The manufactured home shall have no bare, unpainted or galvanized metal roofing or siding materials.
- D. An enclosed garage or carport shall be provided and constructed of like materials and designed

for automobile storage with at least 250 square feet of floor area.

- E. A manufactured home is a multiple sectionalized structure which shall contain at least one thousand (1000) square feet of living space. Living space is measured from the exterior of the manufactured home, excluding any hitch and any extension of or attachment which is not part of the original manufactured home.
- F. Either the manufactured home was constructed after April 1, 1992 or was manufactured under one of Bonneville Power Administration's energy conservation programs (either the Super Good Cents or the Manufactured Housing Acquisition Program).

(LAST TEXT REVISION 11/24/99)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 825 MANUFACTURED DWELLING PARKS (11/24/99)

<a href="#">825.01</a>	GENERAL REQUIREMENTS
<a href="#">825.02</a>	SPECIFIC REQUIREMENTS FOR MANUFACTURED DWELLING PARKS IN URBAN LOW DENSITY RESIDENTIAL DISTRICTS
<a href="#">825.03</a>	REDEVELOPMENT

#### 825.01 GENERAL REQUIREMENTS

- A. Applications for a manufactured dwelling park shall be accompanied by a plot plan drawn to scale of the general layout of the entire park. A statement of soils feasibility shall accompany the application if subsurface sewage is proposed.
- B. The density of manufactured dwellings in a manufactured dwelling park shall be subject to the density requirements of the primary district.
- C. Manufactured dwelling parks shall observe a minimum front yard setback of twenty-five (25) feet from all perimeter public streets. Within the Medium Density Residential District (MR-1), a perimeter setback of ten (10) feet from other property lines shall be required. Within any Urban Low Density Residential District, carports, interior drives and the park perimeter, shall be subject to a setback of twenty (20) feet. A (10) foot separation shall be maintained between manufactured dwellings.
- 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 twenty (20) feet for interior circulation. The point of access to the street shall be at least thirty-two (32) feet in width.
- E. A five (5) foot wide hard surfaced sidewalk or pathway system shall be provided within the park in accordance with the applicable Oregon Structural Specialty Code.
- 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 or comparable widths. Each manufactured dwelling space shall be improved with one concrete patio, or rot-resistance wood deck, having a minimum area of one hundred fifty (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.
- G. Offstreet parking shall be provided as required in Subsection 1007.07, with a minimum of two (2) parking spaces for each manufactured dwelling. Minimum width access drives shall not be considered in fulfilling this requirement.
- H. 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 above, under subsection 825.01C, and shall be subject to the Oregon Manufactured Dwelling Standards and the Oregon Structural Specialty Code.

- I. All manufactured dwelling parks, except as otherwise specified herein, shall include provisions for screening/buffering from adjacent properties, employing one of the techniques specified under subsection 1009.05, in addition to the setback requirements of subsection 825.01C.
- J. No manufactured dwelling enlargements or expansions of a manufactured dwelling park shall be permitted unless the pre-existing manufacture 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 section for the new expansion of the park.
- K. The entire manufactured dwelling park or each phase of manufactured dwelling development shall comply with the aforesaid requirements prior to occupancy.
- L. A minimum of two hundred (200) square feet of usable outdoor recreation space (passive or active) shall be provided.
  - 1. Outdoor recreation areas shall be designed for adequate surveillance opportunities.
  - 2. Recreation areas shall be conveniently located and accessible to all manufactured dwellings.

## **825.02 SPECIFIC REQUIREMENTS FOR MANUFACTURED DWELLING PARKS IN URBAN LOW DENSITY RESIDENTIAL DISTRICTS**

Manufactured dwelling parks in the Urban Low Density Residential Districts shall be subject to the above requirements and the following additional requirements:

- A. A minimum area of one (1) acre shall be required for manufactured dwelling parks. Land area less than (1) acre may be added to an approved manufactured dwelling park. When such land area is developed as a continuation of an approved manufactured dwelling park the continuation shall be subject to the provisions of Section 825 and shall include integrated vehicle and pedestrian circulation.
- B. All manufactured dwelling park developments shall include provisions for screening/buffering from adjacent properties, employing one of the techniques specified under subsection 1009.05, in addition to the setback requirements of Section 825.01C.

## **825.03 REDEVELOPMENT**

Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate.

(LAST TEXT REVISION 11/24/99)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 827 DRIVE-THRU WINDOW SERVICE

#### 827.01

The provisions of this section shall apply to all drive-thru window service facilities.

#### 827.02 CONDITIONAL STANDARDS

Approval of a drive-thru window service shall not be granted unless the applicant, by addressing the criteria below and submitting a traffic study, demonstrates that the proposed development:

- A. Shall not conflict with the implementation of adopted area plans or standards.
- B. Shall not limit or preclude the development of pedestrian-oriented or transit-supportive uses, or adversely impact such uses on adjacent properties;
- C. Shall create minimal conflict with pedestrian access to the building from adjacent sites or from the road;
- D. Shall not attract vehicle traffic into existing or proposed pedestrian and transit service areas; and
- E. Shall not create offsite congestion due to undersized site or lack of onsite vehicle storage area commensurate with the estimated volume of traffic to be generated.

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 829 HYDROELECTRIC FACILITIES (6/6/02)

<a href="#">829.01</a>	PURPOSE
<a href="#">829.02</a>	AREA OF APPLICATION
<a href="#">829.03</a>	OTHER COUNTY PERMITS REQUIRED
<a href="#">829.04</a>	CONDITIONAL STANDARDS
<a href="#">829.05</a>	SUBMITTAL REQUIREMENTS

#### 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 superceded 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 1009.08; 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)

(LAST TEXT REVISION 6/6/02)

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 830 UTILITY CARRIER CABINETS (2-29-84)

#### 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.

## SECTION 800 - SPECIAL USE REQUIREMENTS

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### 831 ADULT BUSINESS (12-19-84)

#### 831.01 PURPOSE

The provisions of this section are intended to ameliorate the blighting and decay-producing social effects upon residential neighborhoods, and increases in crime associated with adult businesses, as defined in the Ordinance, without intending to impose upon such businesses a restriction of the communication they offer or the right of patrons to have access to such communication.

#### 831.02 STANDARDS

- A. Locational Standards: All adult businesses shall satisfy the following setback and separation requirements:
1. No adult business shall be located within a distance of 200 feet from any residential single family or multifamily district, or school in an Open Space Management district. This distance shall be measured from the edge of the building, or portion thereof, housing the adult business which is closest to the boundary of any of the above districts.
  2. No adult business shall be located within a distance of 300 feet from any existing or previously approved adult business. This distance shall be measured from the edge of the building, or portion thereof, housing an adult business which is closest to the edge of a building, or portion thereof, of any other adult business.
- B. Advertising Regulations:
1. Signing of an adult business shall be subject to all applicable provisions of Section 1010.
  2. No adult business shall cause to be placed or maintained in such a location as can be viewed by persons on any street or sidewalk outside the premises any sign, photographic, pictorial or other graphic representation(s) that depict in whole or in part, or any page, poster or other printed matter bearing a verbal description or narrative account of, the following:
    - a. Obscene matter, as defined by ORS 167.089, or
    - b. Specified sexual activity, as defined in this Ordinance.
- C. Lighting: All parking areas and entrances shall be well illuminated.

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 832 BED AND BREAKFAST RESIDENCES AND INNS (3/24/05)

<a href="#">832.01</a>	PURPOSE
<a href="#">832.02</a>	CONDITIONAL STANDARDS

#### 832.01 PURPOSE

This section is adopted to provide for overnight tourist accommodations within dwellings in a manner consistent with the preservation of the residential or historic character of the dwelling and premises. (3/24/05)

#### 832.02 CONDITIONAL STANDARDS (5/22/03)

- A. Structure Type and Appearance: (5/22/03)
1. Bed and Breakfast Residences: Single-family dwellings, guest houses, and Historic Landmarks are the only eligible structures for this use. (5/22/03)
  2. Bed and Breakfast Inns: This use may be established only in single-family dwellings, guest houses, Historic Landmarks, and preexisting structures built as manor houses or inns. No new structures may be built for this use except in commercial or multifamily zoning districts. (3/24/05)
  3. New Structures and Additions: The architecture of new structures and additions shall be consistent in appearance with single-family dwellings not used for this purpose. (5/22/03)
- B. Operator: The bed and breakfast operator or owner shall reside at the bed and breakfast. (5/22/03)
- C. Length of Stay/Guest Register: No guest shall stay more than 60 days in any 1-year period. An accurate, up-to-date guest register shall be maintained and available for review by any authorized agent of the county or state. (5/22/03)
- D. Number of Guest Rooms: The maximum number of guest rooms allowed in a bed and breakfast residence shall be 5. The maximum number allowed in a bed and breakfast inn shall be as follows: (5/22/03) (5/22/03)
1. In R-2.5, R-5, R-7, R-8.5, R-10, and HR zoning districts: 5 rooms;
  2. In R-15, R-20, R-30, FU-10, RR, RA-1, RA-2, RRFF-5, and FF-10 zoning districts: 7 rooms; (5/22/03)
  3. In commercial or multifamily zoning districts or in Historic Landmarks in any zoning district: No limit. (5/22/03)
- E. Offstreet Parking:

1. Required number of spaces: 1 for each guest room and 1 for the proprietor. (5/22/03)
  2. Design guidelines: The following guidelines shall be used in designing offstreet parking areas to ensure that visual impacts related to required parking areas are minimized.
    - a. No more than half of the front yard area of a lot shall be used for parking. (5/22/03)
    - b. Parking areas located to the side or rear of the bed and breakfast structure shall be screened from adjacent properties using sight-obscuring plants or a wood or masonry fence or wall at least 5 feet in height. (5/22/03)
    - c. Minimum parking area surfacing requirements:
      1. In all commercial, multifamily, and low density residential districts: hard-surface, "Grasscrete" or pavers, or similar surfacing material, but not gravel. (5/22/03)
      2. In rural residential and recreational residential districts: 4 inches of crushed rock. (5/22/03)
    - d. Parking areas shall be defined using timbers, logs, railroad ties, or other acceptable methods. (5/22/03)
    - e. Maneuvering area shall be provided onsite to allow vehicles to exit the property front end first. A waiver of this requirement may be allowed when the bed and breakfast residence or inn takes access from a local street or private road. (5/22/03)
    - f. A reduction in the number of guest rooms may be required if the impacts of the parking area cannot be mitigated. (5/22/03)
  3. Offsite Parking: Public rights-of-way shall not be used in satisfying the minimum space requirements for this use. Offsite parking areas may be used provided that: (5/22/03)
    - a. The offsite parking area is not more than 200 feet from the bed and breakfast residence or inn. This distance may be measured from the closest edge of the two properties.
    - b. No natural or manmade barriers separate the parking area from the bed and breakfast residence or inn, and pedestrian access is not otherwise impeded.
    - c. Satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for the bed and breakfast use.
    - d. The offsite parking area is not in violation of this ordinance.
- F. Access: If the property takes access via a private road or access drive which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners whose property access is affected agree to allow the specific bed and breakfast use described in the application. Such evidence shall include any conditions stipulated in the agreement. (5/22/03)

(LAST TEXT REVISION 3/24/05)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 833 GUEST HOUSES AND STUDIOS (5/22/03)

#### 833.01 PURPOSE

This section is adopted to provide for guest houses and studios as accessory uses, while ensuring that such uses do not become independent dwellings. (5/22/03)

#### 833.02 DEFINITION

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)

#### 833.03 CONDITIONAL STANDARDS (5/22/03)

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

- A. Number: Only 1 guest house or studio shall be allowed on a lot of record. (5/22/03)
- B. Lot Size: The minimum lot size shall be as follows: (5/22/03)
  - 1. R-7, R-8.5, and R-10 zoning districts: 14,000 square feet; (5/22/03)
  - 2. R-15, R-20, and R-30 zoning districts: the minimum lot size of the underlying zoning district; (5/22/03)
  - 3. RR, RA-1, RA-2, RRFF-5, and FF-10 zoning districts: 1 acre. (5/22/03)
- C. Maximum Floor Area: The maximum R-3 occupancy floor area of a guest house or studio shall be 600 square feet. Garage area (M-1 occupancy) shall not be included. (5/22/03)
- D. Maximum Separation Distance: A guest house or studio shall be located within 100 feet of the primary dwelling on the same property, except as approved pursuant to Section 1205. This distance shall be measured from the closest portion of each structure. (5/22/03)
- E. Facilities: Occupants of a guest house or studio and the primary dwelling shall live together as one housekeeping unit, sharing one kitchen and one laundry facility. A guest house or studio may include one separate bathroom and a sink, but not a separate refrigerator or freezer, stove, oven, or other cooking appliances. (5/22/03)
- F. Utilities: All public water, electricity, natural gas, and sewer service for the guest house or studio shall be extended from the primary dwelling services. No separate meters for the guest house or studio shall be allowed. (5/22/03)
- G. On-site Sewage Disposal Systems: A guest house or studio shall use the same on-site sewage disposal system as the primary dwelling, except when a separate system is required by the Soils Division of Water Environment Services due to site constraints, failure of the existing system, or

where the size or condition of the existing system precludes its use. Additional drain lines may be added to an existing system when appropriate. (5/22/03)

(LAST TEXT REVISION 5/22/03)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 834 COMPOSTING/YARD DEBRIS PROCESSING FACILITY (1/9/03)

<a href="#">834.01</a>	GENERAL PROVISIONS
<a href="#">834.02</a>	DEFINITIONS
<a href="#">834.03</a>	AREA OF APPLICATION
<a href="#">834.04</a>	DEVELOPMENT STANDARDS
<a href="#">834.05</a>	SUBMITTAL REQUIREMENTS
<a href="#">834.06</a>	ISSUANCE OF PERMITS

#### 834.01 GENERAL PROVISIONS

This Section is adopted to implement the policies of the Solid Waste Section of the Public Facilities and Services element of the Comprehensive Plan. Composting/yard debris processing facilities shall be considered pursuant to the siting, design and operational provisions of this section. Additionally, these facilities shall be subject to:

- A. All requirements of the Clackamas County Solid Waste and Waste Management Ordinance.
- B. All requirements of the Clackamas County Excavating and Grading Ordinance.
- C. All rules and regulations of the Oregon State Department of Environmental Quality for all types of composting facilities as codified in ORS 468B.050 and OAR 340, Divisions 93, 95, 96 and 97.
- D. All composting rules of the Metropolitan Service District (as codified in Metro Code chapter 5.01) and compliance with Metro's Regional Solid Waste Management Plan (RSWMP) for facilities that are proposed to be sited within the Metro Boundary.
- E. The adoption of these provisions is in addition to the remaining Sections of the Ordinance. In the event there are conflicts between these and other provisions of the Ordinance, the standards and procedures of this Section shall supersede other conflicting provisions affecting composting/yard debris processing facilities.

#### 834.02 DEFINITIONS

- A. Composting means the managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purposes of soil remediation.



- B. Composting facility means 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.
- C. 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.

### 834.03 AREA OF APPLICATION

- A. The following Table of Uses lists where composting/yard debris facilities may be permitted subject to review by the Hearings Officer pursuant to the Conditional Use provisions of Section 1203 (CU) in reference to specific zoning districts. Existing lawfully established composting facilities may be maintained, enhanced or expanded subject to the provisions of this section. In the case of facilities located in areas designated farm or forest on the comprehensive plan map, such facilities shall only be approved when the use can satisfy the following criteria:
1. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or,
  2. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest practices.

<b>TABLE OF USES</b>	
<b>STATUS OF USE</b>	<b>ZONING DISTRICT</b>
CU	Timber District (TBR)
CU	AG/Forest District (AG/F)
CU*	Exclusive Farm Use District (EFU)
CU	Rural Residential/Farm Forest 5 Acre District (RRFF-5)
CU	Farm Forest 10 Acre District (FF-10)
CU	Light Industrial (I-2)
CU	General Industrial (I-3)
CU	Rural Industrial District (RI)
* Not Permitted on High Value Farmland as Defined in ORS 215.710.	

B. Composting facilities are a prohibited use in all other Districts.

## 834.04 DEVELOPMENT STANDARDS

The development of composting facilities shall be subject to the requirements prescribed in Section 1000 pursuant to the Design Review procedures of Section 1102. Additionally, these facilities shall be subject to the following development and operational standards:

A. Lot Area, Setbacks:

REVIEW CRITERIA	ZONING DISTRICT	MINIMUM LOT SIZE	Setback Requirements	
			PROPERTY LINES	PERENNIAL DRAINAGEWAYS, WETLANDS & WELLS
Conditional Use	Timber District (TBR)	5 Acres	All structure setbacks shall meet the fire break standards described under subsection 406.09(C) (1/9/03)	A minimum of 100 feet
Conditional Use	AG/Forest District (AG/F)	5 Acres	All structure setbacks shall meet the fire break standards described under subsection 407.09(C) (1/9/03)	A minimum of 100 feet
Conditional Use	Exclusive Farm Use District (EFU)	5 Acres	The operational area shall be a minimum fifty (50) feet from all property lines.	A minimum of 100 feet

Conditional Use	Farm Forest 10 Acre District (FF-10)	5 Acres	The operational area shall be a minimum fifty (50) feet from all property lines.	A minimum of 100 feet
Conditional Use	Rural Residential Farm Forest 5 Acre District (RRFF-5)	5 Acres	The operational area shall be a minimum fifty (50) feet from all property lines.	A minimum of 100 feet
Conditional Use	Light Industrial (I-2)	5 Acres	The operational area shall be a minimum fifty (50) feet from all property lines.	A minimum of 100 feet
Conditional Use	General Industrial (I-3)	5 Acres	The operational area shall be a minimum fifty (50) feet from all property lines.	A minimum of 100 feet
Conditional Use	Rural Industrial (RI)	5 Acres	The operational area shall be a minimum fifty (50) feet from all property lines.	A minimum of 100 feet

**B. Transportation:**

The County shall require the necessary traffic measures to insure the facility use is consistent with the County transportation system.

1. Facilities shall have ingress and egress from a paved road. Additionally, access to the site shall be paved a minimum fifty (50) feet into the site from the property line.
2. The road access system to the facility shall be adequate to handle traffic generated by the use. The facility shall have an operational plan that assures those traveling to the facility, particularly trucks, travel primarily on truck routes identified by the County. Additionally, the driveway apron from the paved road to the property line shall be hard-surfaced.
3. All weather roads shall be provided from the public highway or roads to and within the disposal site and shall be designed and maintained to prevent traffic congestion, traffic hazards, dust, and noise pollution.
4. The operator shall install and maintain signage so that routes to the facility are posted. Signage shall be subject to the applicable County and state regulations.
5. Effective barriers to unauthorized entry and dumping shall be provided (such as fences, gates and locks).

C. Site design, landscaping, and lighting:

1. The storage of composting materials, end products, and equipment shall occur only in the designated operation area.
2. The operational area shall be screened and buffered with vegetation. Any screening, buffering or vegetation at the intersection of any road, driveway or easement shall comply with the site distance requirements of the American Association of State Highway and Transportation Officials (AASHTO) manual.
3. On-site lighting shall be designed, located, shielded, or deflected so as not to shine off-site onto structures or impair the vision of the driver of any vehicle.
4. The property shall be located within a fire protection district capable of fire suppression as demonstrated by a written letter from the applicable district.
5. Noise generated from the operation of the composting facility shall not unreasonably interfere with the use and enjoyment of surrounding properties for their primary use. Various methods of sound control may be required such as installation of earth berms, strategic location of stockpiles and limiting hours of operation as required by the Hearings Officer.
6. The maximum height of storage materials shall not be more than twenty five (25) feet, or the height of the vegetation screening, whichever is less.
7. The feedstock shall be ground within one (1) week of receipt.
8. The tipping, grinding and storage areas of unprocessed yard debris shall be managed to control odors.
9. The facility owner or operator shall on a daily basis collect litter and illegally dumped waste on all public roads leading to the facility for a distance up to one-quarter (1/4) mile of the facility entrance.
10. Feedstocks shall be incorporated into active compost piles within a reasonable time. Grass clippings shall be incorporated within twenty four (24) hours of receipt.
11. Storage
  - a. All feedstocks deposited at the site shall be confined to the designated dumping area.
  - b. Facilities and procedures shall be provided for handling, recycling or disposing of feedstocks that are non-biodegradable by composting.

## 834.05 SUBMITTAL REQUIREMENTS

- A. A detailed traffic study, including onsite circulation, shall be required as a means for the County to assess appropriate traffic impact measures. The study shall be based on Metro's traffic data methodology and meet the requirements of the County's comprehensive transportation planning model. Such a study must be performed by an engineer registered in the state of Oregon.
- B. The applicant shall submit a transportation plan that assures those traveling to the facility, particularly trucks, travel primarily on truck routes identified by the County. If no truck routes are readily available, the routes selected and used shall not significantly impact the existing traffic patterns.

C. An application shall be required and shall include but not be limited to:

1. Location and design of the physical features of the site and composting plant, surface drainage control, wastewater facilities, fences, residue disposal, controls to prevent adverse health and environmental impacts, and design and performance specifications for major composting equipment and detailed descriptions of methods to be used.
2. A proposed plan for utilization of the processed compost or other evidence of assured utilization of composted feedstocks.
3. A proposed plan to dispose of processed compost that, due to concentration of contaminants, cannot be marketed or used for beneficial purposes, and finished compost which has been stored for two years since processing was completed.
4. A dust control plan shall be submitted to the County and, when required, DEQ for approval. A copy of the approved plan shall be submitted to the County prior to operation of the facility.

### **834.06 ISSUANCE OF PERMITS**

Prior to commencing any activities authorized by the Hearings Officer pursuant to these provisions, the applicant shall submit copies of all operating permits or licenses required by DEQ or Metro as applicable.

(1/9/03)

## SECTION 800 - SPECIAL USE REQUIREMENTS

### 835 WIRELESS TELECOMMUNICATION FACILITIES (3/24/05)

<a href="#">835.01</a>	PURPOSE
<a href="#">835.02</a>	APPLICABILITY
<a href="#">835.03</a>	DEFINITIONS
<a href="#">835.04</a>	PRIMARY USES
<a href="#">835.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">835.06</a>	CONDITIONAL USES
<a href="#">835.07</a>	COLLOCATION
<a href="#">835.08</a>	CONDITIONAL STANDARDS
<a href="#">835.09</a>	DIMENSIONAL STANDARDS.
<a href="#">835.10</a>	SUBMITTAL REQUIREMENTS
<a href="#">835.11</a>	ADJUSTMENTS
<a href="#">835.12</a>	ABANDONMENT

#### 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 omni-directional 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 (date of adoption).
- 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, Rural Center, Rural or Forest; and
  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 1009.10; 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 1102.09.

### **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 Rural Center, Rural Commercial, Rural Industrial or Rural (except lands zoned RR):
  - 1. Wireless telecommunication tower maximum height: 150 feet.
  - 2. Minimum tower separation: 2000 feet.
  - 3. Setbacks: Same as 835.09(A)(3).
- 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.

( LAST TEXT REVISION 3/24/05 )

## SECTION 900 - GENERAL PROVISIONS AND EXCEPTIONS

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### 901 GENERAL PROVISIONS (3/24/05)

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<a href="#">901.01</a>	PENDING APPLICATION FOR BUILDING PERMITS
<a href="#">901.02</a>	ACCESS AND EGRESS
<a href="#">901.03</a>	UNSAFE BUILDING
<a href="#">901.04</a>	BASEMENT DWELLING
<a href="#">901.05</a>	CONVERSION OF BUILDINGS
<a href="#">901.06</a>	SIGHT-OBSCURING FENCE OR PLANTING

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#### 901.01 PENDING APPLICATION FOR BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction size or designated use of any development, building structures or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance. If such building permits become void and/or a new building permit is necessary, the proposed construction shall conform with the zoning regulations.

#### 901.02 ACCESS AND EGRESS

Every use of property shall hereafter have defined points of access and egress on any street. Such defined points of access shall be approved at the time of issuance of a building permit.

#### 901.03 UNSAFE BUILDING

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

#### 901.04 BASEMENT DWELLING

Structures consisting of a basement only shall not be used as a dwelling in any district.

## **901.05 CONVERSION OF BUILDINGS**

The conversion of the use or occupancy of any building, or the conversion of any dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a district in which a new building of similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction and use in such district. (3/24/05)

## **901.06 SIGHT-OBSCURING FENCE OR PLANTING**

The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the Planning Director, or his designate.

(LAST TEXT REVISION 3/24/05)

## SECTION 900 - GENERAL PROVISIONS AND EXCEPTIONS

### 902 LOT SIZE EXCEPTIONS AND MODIFICATIONS (3/24/05)

<a href="#">902.01</a>	MINIMUM LOT SIZE EXCEPTIONS
<a href="#">902.02</a>	MINIMUM LOT SIZE

#### 902.01 MINIMUM LOT SIZE EXCEPTIONS (3/24/05)

- A. Minimum lot size exceptions do not apply within the Portland Metropolitan Urban Growth Boundary in the following zones: RA-1, RA-2, RRFF-5, FF-10, RC, and RI. (3/24/05)
- B. The subdividing and partitioning of land shall comply with the minimum lot size provisions of the underlying zoning district, except under the following circumstances: (3/24/05)
1. Bonus Density: A smaller lot size is necessary to provide bonus density dwelling units awarded under Section 1012. (3/24/05)
  2. Planned Unit Developments and Flexible-Lot-Size Developments: The smaller lots are within a planned unit development as provided under Section 1013, or a flexible-lot-size development as provided under Subsection 1014.04(B). (3/24/05)
  3. Two or More Lawfully Established Dwellings on One Lot of Record: The smaller lot size is necessary to allow separate ownership of each of two or more lawfully established dwellings located on one lot of record with a Comprehensive Plan designation of Low Density Residential or Rural. The number of separate lots created under this provision shall not exceed the number of lawfully established dwellings located on the lot prior to the division. This provision shall not apply to the creation of separate lots for accessory dwellings established on a lot with a Comprehensive Plan designation of Agriculture, Forest, or Rural, or for accessory dwelling units or guest houses, or for manufactured dwellings and residential trailers established under a temporary permit or within a manufactured dwelling park. (3/24/05)
  4. Conditional Use: The smaller lot size is for a conditional use, and the proposed lot satisfies the lot size and other special use requirements for the use, as specified in this Ordinance. (3/24/05)
  5. Urban/Rural/Agriculture/Forest Split: When through a legislative zone change, a lot, parcel, or tract of land is divided by Urban, Rural, Agriculture, or Forest Comprehensive Plan boundaries, the lot, parcel, or tract of land may be divided along the Plan boundary line (access strips and parcels of less than 1 acre are excluded), subject to the subdivision or partition requirements of this Ordinance. Development on the resulting lots, parcels, or tracts of land shall be subject to the provisions of the underlying zoning district. (3/24/05)



## **902.02 MINIMUM LOT SIZE (3/24/05)**

- A. No dwelling shall be built on a lot of record containing less than 3,000 square feet in area unless otherwise permitted in the underlying zoning district. (3/24/05)

(LAST TEXT REVISION 3/24/05)

## SECTION 900 - GENERAL PROVISIONS AND EXCEPTIONS

### 903 SETBACK EXCEPTIONS (3/24/05)

<a href="#">903.01</a>	REVERSE FRONTAGE, DOUBLE FRONTAGE, THROUGH, AND CORNER LOTS
<a href="#">903.02</a>	FRONT YARD MODIFICATION
<a href="#">903.03</a>	ADDITIONS TO EXISTING STRUCTURES
<a href="#">903.04</a>	PUBLIC DEDICATIONS
<a href="#">903.05</a>	USES EXEMPT FROM SETBACK REQUIREMENTS
<a href="#">903.06</a>	PROJECTIONS INTO REQUIRED YARDS
<a href="#">903.07</a>	FLAG LOTS

#### 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)

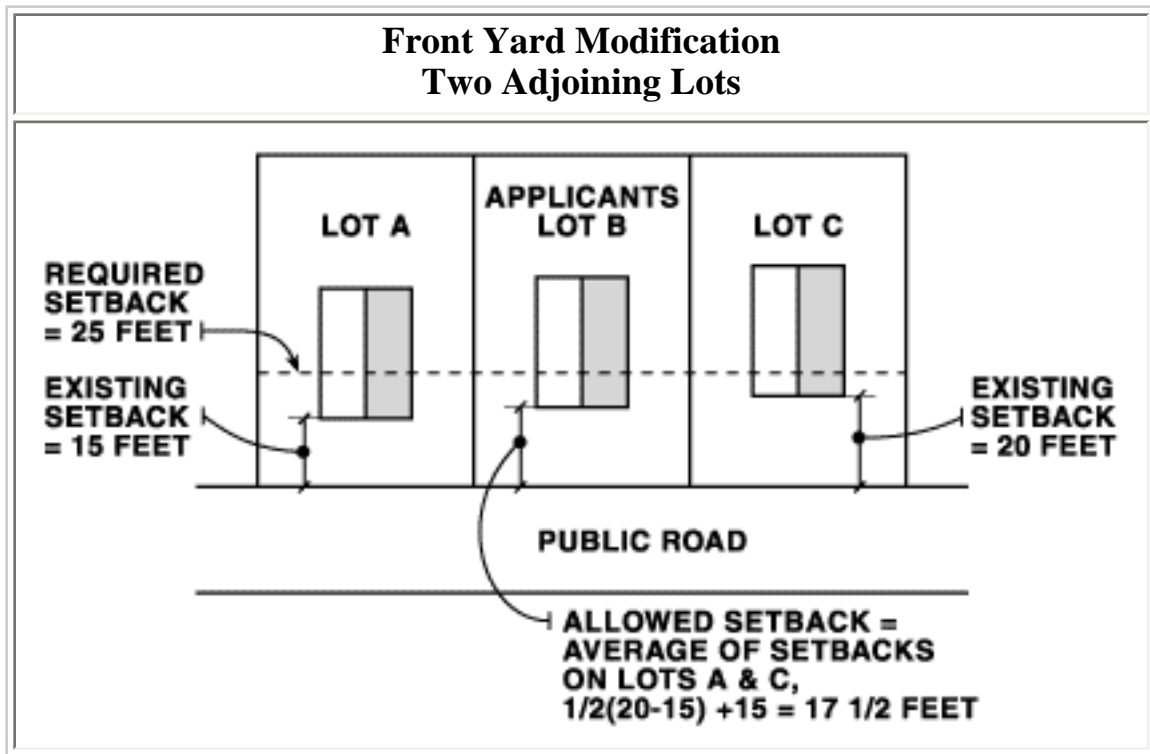
- A. Reverse Frontage Lots: The lot line abutting one of the streets shall be designated as the rear lot line as provided in Section 202. (3/24/05)
- B. Corner Lots: Front yard setback standards for corner lots in the Urban Low Density Residential, Recreational Residential, and Hoodland Residential zoning 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 (adopted 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 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. 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: (adopted 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. To 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 district and subsection 903.06C shall apply.
  - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.
- C. Entryway approval pursuant to Section 1016.

## **903.06 PROJECTIONS INTO REQUIRED YARDS**

Architectural features and certain structures may project into required yards or courts 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, terrace, patio, or underground structure extending no more than two and one-half (2-1/2) feet above the finished elevation may extend within three (3) feet of a side lot line or within ten (10) feet of a front or rear lot line. (adopted 5/21/79)

## **903.07 FLAG LOTS**

The location of side, rear and front lot line and yards may be modified during the review of 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 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.

(LAST TEXT REVISION 3/24/05)

## SECTION 900 - GENERAL PROVISIONS AND EXCEPTIONS

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### 904 OTHER EXCEPTIONS

#### 904.01 HEIGHT LIMITS

Height limitations stipulated elsewhere in this Ordinance shall not apply to:

- A. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio and television towers, masts and antennae, and solar collection apparatus.

#### 904.02 STREET FRONTAGE

Street frontage requirements stipulated elsewhere in this Ordinance shall not apply to: (8-5-82)

- A. Lots on cul-de-sacs: A lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than twenty-five (25) feet in a residential district, or thirty-five (35) feet in an industrial or commercial district, measured on the arc.

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1001 GENERAL PROVISIONS (3/24/05)

<a href="#">1001.01</a>	PURPOSE
<a href="#">1001.02</a>	APPLICATION OF SECTION
<a href="#">1001.03</a>	OTHER CODES PART OF THIS ORDINANCE

#### 1001.01 PURPOSE

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

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

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

- A. Section 1000 shall apply to partitions; subdivisions; commercial and industrial projects; multifamily dwellings; three-family dwellings; and attached single-family dwellings where 3 or more dwelling units are attached to one another. Detached single-family dwellings, two-family dwellings, and attached single-family dwellings where two dwelling units are attached to one another shall be subject to Subsection 1001.03 and the following: (3/24/05)
  1. Hazards to safety, under Section 1003.
  2. Slopes of twenty (20) percent or greater, under Subsection 1002.03.
  3. Rivers and stream corridors, under Subsection 1002.05.
  4. Wildlife habitats and distinctive resource areas, under Subsection 1002.06.
  5. Cultural resources and historic sites, under Section 1004.
  6. Natural drainage channels, under Subsection 1008.03.

7. Utilities, including sewer and water, under Subsection 1006. (1-25-96)

B. The application of these standards to a particular development shall be modified as follows:

1. Development standards which are unique to a particular use, or special use, shall be set forth within the district or in Section 800.
2. Those development standards which are unique to a particular district or area shall be set forth in the section governing that district or area.
3. When conflicts arise in the application of the various standards set forth in Section 1000, identification and resolution of such conflicts shall be a function of the Review Process set forth in Section 1100.

### **1001.03 OTHER CODES PART OF THIS ORDINANCE**

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

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

(LAST TEXT REVISION 3/24/05)



## SECTION 1000 - DEVELOPMENT STANDARDS

### 1002 PROTECTION OF NATURAL FEATURES (3/24/05)

<a href="#">1002.01</a>	PURPOSE
<a href="#">1002.02</a>	GENERAL TERRAIN PREPARATION
<a href="#">1002.03</a>	HILLSIDES
<a href="#">1002.04</a>	TREES AND WOODED AREAS
<a href="#">1002.05</a>	RIVER AND STREAM CORRIDORS
<a href="#">1002.06</a>	WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS

#### 1002.01 PURPOSE

This section is adopted to: (3/24/05)

- 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 manmade environment compatible and harmonious with the natural environment. (3/24/05)

#### 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 limited to the extent that: (3/24/05)

- A. No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of this section.
- 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 this section are addressed and satisfied by the proposal.
  - 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 such slopes. 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: (3/24/05)
  - 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 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. Site planning and design techniques which address this standard include, but are not limited to, the following:
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 1007.03(A), 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 activity; (3/24/05)
  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.

## **1002.05 RIVER AND STREAM CORRIDORS (3/24/05)**

- A. All developments shall be planned, designed, constructed, and maintained so that:
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. The minimum separation distance necessary to maintain or improve upon existing water quality shall be the required structure setback from a river or perennial streambed. If a river or stream is not subject to Section 704 or 705, this distance shall be determined by a site investigation, but will not exceed 150 feet. Investigation shall consider: (3/24/05)
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 plan designation or management program, such as the Willamette River Greenway.
- C. The siting/construction of subsurface sewage disposal fields within 100 feet of any perennial watercourse is prohibited. (3/24/05)
- D. 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)

## 1002.06 WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS

- A. Decisions regarding development of wetlands in the urban area shown on Comprehensive Plan Map IV-6 have been made pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 16 provisions. Wetlands in this urban area that are subject to County regulations are identified as Conservation Wetlands and are regulated pursuant to Section 709. The remaining wetlands in this urban area shall not be regulated pursuant to this Ordinance. (3/24/05)
- B. Development of wetlands in areas not identified as urban in the Comprehensive Plan is not regulated by the County but is subject to the requirements of the U.S. Army Corps of Engineers and the Oregon Division of State Lands. The County will notify the Oregon Division of State Lands of development applications proposed in areas shown on the Statewide Wetlands Inventory as prescribed in ORS 215.418. (3/24/05)
- C. Except as provided in Subsection 1002.06(A), developments proposed in or within 100 feet of natural wetlands shall be designed to: (3/24/05)
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)
- D. Development in areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3 and IV-3 through IV-5 proposed in or within 100 feet of natural wetlands shall be designed to: (3/24/05)
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.
- E. 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, commercial forest activities and harvesting

practices shall be subject to the Oregon Forest Practices Act. (3/24/05)

(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1003 HAZARDS TO SAFETY (3/24/05)

<a href="#">1003.01</a>	PURPOSE
<a href="#">1003.02</a>	STANDARDS FOR EARTH MOVEMENT HAZARD AREAS
<a href="#">1003.03</a>	STANDARDS FOR FLOOD HAZARD AREAS
<a href="#">1003.04</a>	STANDARDS FOR SOIL HAZARD AREAS
<a href="#">1003.05</a>	STANDARDS FOR FIRE HAZARD AREAS

#### 1003.01 PURPOSE

- A. To protect lives and property from natural or man-induced geologic or hydrologic hazards and disasters.
- B. To protect property from damage due to soil hazards.
- C. To protect lives and property from forest and brush fires.
- D. To avoid financial loss resulting from development in hazard areas.

#### 1003.02 STANDARDS FOR MASS MOVEMENT HAZARD AREAS (3/24/05)

- A. An engineering geologic study shall be required for development proposed on slopes of twenty (20) percent or greater. The study shall include items under subsection 1003.02B 2.
- B. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:
  1. Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the County.
  2. An engineering geologic study approved by the County establishing that the site is stable for the proposed use and development. The study shall include the following:
    - a. Index map
    - b. Project description, to include: Location; topography; drainage; vegetation; discussion of previous work; and discussion of field exploration methods.
    - c. Site geology, to include: Site geologic map; description of bedrock and surficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
    - d. Discussion and analysis of any slope stability problems.

- e. Discussion of any offsite geologic conditions that may pose a potential hazard to the site or that may be affected by onsite development.
  - f. Suitability of site for purposed development from geologic standpoint.
  - g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
  - h. If deemed necessary by the engineering geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory test; and references.
  - i. Signature and certification number of an engineer or engineering geologist registered in the State of Oregon.
  - j. Additional information analyses as necessary to evaluate the site.
- C. Vegetative cover shall be maintained or established for stability and erosion control purposes.
- D. Diversion of storm water into these areas shall be prohibited.
- E. The principal source of information for determining mass movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the mass movement hazards data base. (3/24/05)

### **1003.03 STANDARDS FOR FLOOD HAZARD AREAS**

- A. Development proposed in flood hazard areas, in addition to provisions of Section 703, shall be limited to the extent that:
- 1. Clearing, stripping of vegetation and coverage of the site by roads and structures shall be no more than necessary to maintain water quality and meet the provisions of Section 1011.
  - 2. Site buildings to minimize alteration of terrain and other natural features.

### **1003.04 STANDARDS FOR SOIL HAZARD AREAS**

- A. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: Wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock.
- B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and accompanying maps. Approved site specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards data base accordingly.

### **1003.05 STANDARDS FOR FIRE HAZARD AREAS**



- A. Development in areas with the potential for forest or brush fires shall be designed:
1. To provide adequate water storage and pressure for purposes of maintaining minimum flows for fire protection.
  2. To provide, in cooperation with local fire districts, fire hydrants appropriate to the intensity and type of development.
  3. So that dwellings are not sited in areas subject to extreme fire hazard, such as areas of heavy fuel concentration, draws, etc. (3/24/05)
  4. To provide for other methods of fire protection and prevention appropriate to the location and type of development, utilizing techniques recommended by the Oregon State Forestry Department.

(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1004 HISTORIC PROTECTION

#### 1004.01 PURPOSE

To preserve structures, sites, objects, and areas within Clackamas County having historic, cultural, or archaeological significance.

#### 1004.02 STANDARDS

- A. Refer to Section 707 for standards and provisions related to historic/cultural resource designation and County review of any proposed alteration.
- B. All developments shall be planned, designed, constructed, and maintained to assure protection of any designated historic or cultural resource on or near the site. Restrictions on development may include:
  - 1. Clustering of buildings and incorporation of historic-cultural resources into site design in a manner compatible with the character of such resources.
  - 2. Limitations on site preparation and grading to avoid disturbances of areas within any historic or archaeological sites, monuments or objects of antiquity.
  - 3. Provision of adequate setbacks and buffers between the proposed development and the designated resources.
- C. The County may attach additional conditions with respect to the following design factors in protecting the unique character of historic/cultural resources:
  - 1. Architectural compatibility;
  - 2. Proposed intensity of development;
  - 3. Relationship to designated open space;
  - 4. Vehicular and pedestrian access;
  - 5. Proposed building or structural mass in relation to the designated resource.

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1005 BUILDING SITING AND DESIGN (3/24/05)

<a href="#">1005.01</a>	PURPOSE
<a href="#">1005.02</a>	GENERAL PROVISIONS
<a href="#">1005.03</a>	SITING AND ORIENTATION
<a href="#">1005.04</a>	BUILDING DESIGN AND ENERGY CONSERVATION
<a href="#">1005.05</a>	SITING AND DESIGN FOR COMPATIBILITY
<a href="#">1005.06</a>	SECURITY AND CRIME PREVENTION
<a href="#">1005.07</a>	PRIVACY STANDARDS FOR MULTIFAMILY DEVELOPMENTS

#### 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; and
  4. Privacy (multifamily only).
  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

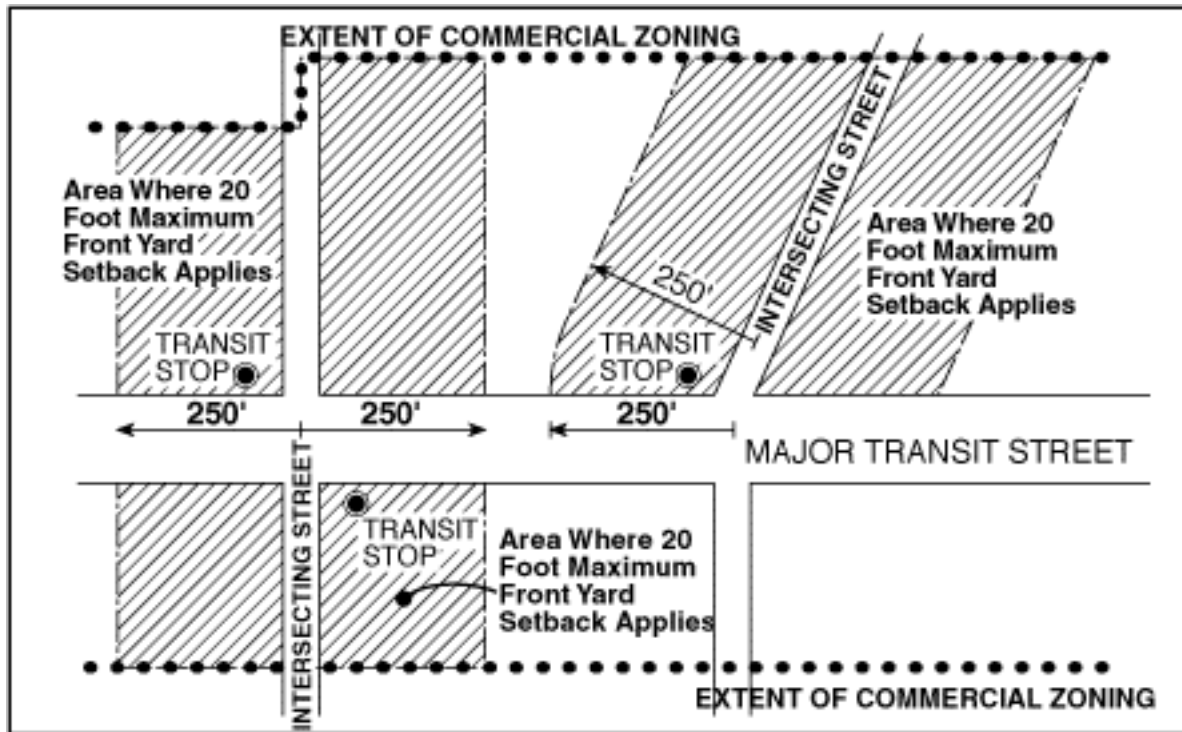
Clackamas Regional Center Area Design Plan Area shown on Comprehensive Plan Map X-CRC-1, is subject to the provisions in Section 1700 as well as this section. (5/3/01)

### **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:
  - 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. 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 rural centers, design structures to reflect and enhance the local character, and to be in scale with surrounding development.
  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 buildings 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. Landscaping 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:
  1. Changing the level, color, scale, texture or direction of the path; and
  2. 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
  2. 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.

(LAST TEXT REVISION 3/24/05)



## SECTION 1000 - DEVELOPMENT STANDARDS

### 1006 UTILITY LINES AND FACILITIES (02-10-94)

#### 1006.01 PURPOSE

To provide adequate services and facilities appropriate to the scale and type of development.

#### 1006.02 STANDARDS

- A. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of districts for surface water management. (02-10-94)
- B. All development which has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the district serving the development. (10-11-82)
  1. The impact on groundwater supplies shall be addressed in each application for a subdivision or major partition in those rural areas identified by the Water Resources Department, in coordination with the County, as having declining groundwater levels.
  2. Written certification is required from a public water system serving a development identifying they have the authority to provide service and there is adequate potable water available in quantities sufficient for year-round use. (02-10-94)
  3. Outside Metro urban growth boundaries and the Mount Hood urban area: (02-10-94)
    - a. Water service for partitions and subdivisions shall be provided according to the provisions of ORS 92.090. When no water is to be provided by a water district or community water system, there shall be a note on the final plat indicating that no water is being provided, in addition to the filing and disclosure requirements of ORS 92.090. (02-10-94)
    - b. Approved land divisions at densities requiring public water service shall include a note on the final plat indicating public water service is required for development. (02-10-94)
  4. Within the Metro urban growth boundary and Mount Hood urban area: (02-10-94)
    - a. Land divisions or other development requiring water service shall not be approved, except as provided in (d) below, unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Division. (02-10-94)
    - b. New development requiring water service within the boundaries of a water service system, created pursuant to ORS Chapters 264, 450, or 451, shall receive service from this system. (02-10-94)
    - c. New public water systems shall not be created unless formed pursuant to ORS Chapters 264, 450, or 451. (02-10-94)

- d. A legal lot of record not located within the approved boundaries of a public water system may be served by an alternative water source. (02-10-94)
- C. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
  - D. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.
  - E. All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Department of Transportation and Development. Said systems shall be installed pursuant to ORS 454.605-454.745 and Chapters 171, 523 and 828, and the Oregon Administrative Rules 340, Division 7 and the policies of the Clackamas County Soils Division. Sites shall be reviewed by the Clackamas County Soils Division prior to application to the County for development.
  - F. Within the Metro urban growth boundary and the Mount Hood urban area, all land divisions or other development requiring subsurface disposal systems shall be prohibited except for: (02-10-94)
    1. A lot of record legally recorded prior to adoption of this Ordinance.
    2. Parcels of ten (10) acres or larger in future urbanizable areas inside the Metropolitan Service District, and outside the Metropolitan Service District on lots that conform to the minimum lot size of the district.
    3. Parcels which have unique topographic or other natural features which make sewer extension impractical as determined on a case-by-case basis.
    4. Areas under a sewer moratorium with sewer services five years or more away if the area is annexed into a city or district which can assure that future delivery of sewerage services is planned.
  - G. Street lights shall be required for all developments inside the urban growth boundary. (02-10-94)
    1. Installation of street lights shall be pursuant to the requirements of the County Utility Division and the company serving the development. In every instance, a street light shall be installed where a new road intersects the County right of way and, in the case of subdivisions, at every intersection. (02-10-94)
    2. Areas outside Service District No. 5 shall annex to the district through petition to the district and the Portland Metropolitan Area Local Government Boundary Commission.
  - H. Easements shall be provided along property lines as deemed necessary by the Department of Transportation and Development, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivision, and on the final map of all partitions. (02-10-94)

(02-10-94 LAST TEXT REVISION)

## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1007 ROADS, CIRCULATION AND PARKING (3/24/05)

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<a href="#">1007.01</a>	PURPOSE
<a href="#">1007.02</a>	GENERAL PROVISIONS
<a href="#">1007.03</a>	ROADWAYS
<a href="#">1007.04</a>	VEHICLE ACCESS
<a href="#">1007.05</a>	PEDESTRIAN/BICYCLE CIRCULATION
<a href="#">1007.06</a>	TRANSIT AMENITIES
<a href="#">1007.07</a>	OFFSTREET PARKING REGULATIONS
<a href="#">1007.08</a>	OFFSTREET LOADING REGULATIONS

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#### 1007.01 PURPOSE

To provide safe, efficient, convenient, and economical movement of vehicles and pedestrians while minimizing environmental degradation and conserving energy.

#### 1007.02 GENERAL PROVISIONS

The location, alignment, design, grade, width and capacity of all road, circulation and parking systems within the County shall conform to the Comprehensive Plan and shall be established so as to:

- A. Protect public health and safety through functional, efficiently designed improvements.
- 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.
- C. Require the creation of the minimum feasible amounts of land coverage and the minimum feasible disturbance to the soil.
- D. Provide, to the extent feasible, for the separation of motor vehicular, bicycle, pedestrian and equestrian traffic.
- E. Create conditions of proper drainage.
- F. Provide for proper landscaping and preserve trees, vegetation, and topography to the greatest extent possible.

## 1007.03 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 classifications and guidelines listed in Tables V-2 and V-3 of the Clackamas County Comprehensive Plan and the Clackamas County Roadway Standards. These standards may be deviated from when the County finds that alternate designs would better accommodate: (3/17/04)
1. Terrain
  2. Scenic qualities
  3. Existing development
  4. Forest or agricultural uses
  5. Planned Unit Developments
  6. Local streets less than 200 feet in length which are not extendible. (5/24/01)
  7. Interior vehicular circulation for multifamily, commercial and industrial developments.
  8. Half streets or private common access drives within developed urban areas providing access to not more than seven (7) lots.
- B. Where appropriate, roadways shall be designed to accommodate transit services.
- C. Development along the specific urban arterials listed in the Clackamas County Comprehensive Plan shall improve those arterials to the specifications set forth in the plan.
- D. Development adjacent to scenic roads listed in the Comprehensive Plan and adjacent to any future roads which may be designated as scenic roadways by Clackamas County shall conform where appropriate to the following design standards: (3/17/04)
1. New developments shall have strict access controls.
  2. Road shoulders shall be improved to accommodate pedestrian or bicycle traffic.
  3. 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 with particular emphasis on visual characteristics and signing appropriate for the area.
  5. Building, 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. (3/14/02)
- E. Boulevard design guidelines on Table V-4 shall be considered for Regional and Community Boulevards designated on Map V-3 or as specified in Chapter X in the Comprehensive Plan. (5/24/01)
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. (3/17/04)
  2. Vehicle access shall be strictly controlled with strict visibility controls on signing,

planting, curbside parking.

3. Boulevard design and developments fronting boulevards shall be environmentally sensitive including people oriented uses and transit amenities.
4. Noise and pollution control measures shall be incorporated into the design of developments along boulevards.

F. Road Frontage Improvements (10-15-92)

1. 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(A) through (F) and Subsections 1007.03, 1007.04, and 1007.05. (3/17/04)
  - a. A waiver of or modification to, or both, such requirements may be granted or approved by the Planning Director or authorized staff member upon finding that the proposed road frontage improvements are included in or are a part of a partition that develops less than one-half of a block. (3/17/04)
2. Improvements in the urban area shall include surfacing, curbing or concrete gutters, except as provided under Subsection 1007.03(A), and street lights. Sidewalks, bikeways, and transit facilities shall be provided as required under Subsections 1007.05 and 1007.06. Street trees are required as specified in Subsection 1009.09. (3/17/04)

G. Onsite vehicular circulation roadways in the case of multifamily, commercial and industrial developments shall be a maximum of twenty-four (24) feet in width unless the size and intensity of development warrants additional width for turning lanes, or truck circulation.

H. When easements are used to provide vehicular access to lots within short subdivisions or subdivisions, the minimum width shall be eighteen (18) 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. (10-11-82)

I. Roadways in condominium developments must 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. (3/14/02)

J. 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. (10-11-82)

## **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. (3/17/04)
- 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 (ODOT). (3/17/04)
- 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 fences shall be allowed which restricts vision.
  - 3. Curbside parking restrictions may be required along streets determined to have visibility problems.

## **1007.05 PEDESTRIAN/BICYCLE CIRCULATION (9-8-94)**

- A. Pedestrian and bicycle circulation facilities shall be designed to: (9-8-94)
  - 1. Minimize conflicts among automobiles, trucks, pedestrians and bicyclists.
  - 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. (3/17/04)
  - 3. Allow for unobstructed movements and access for transportation of disadvantaged persons. (3/17/04)
  - 4. Be consistent with Maps V-7a, V-7b, and V-8 of the Clackamas County Comprehensive Plan, North Clackamas Parks and Recreation District's Park Recreation Master Plan, and Metro's Regional Trails and Greenways Map. (3/17/04)
- B. Sidewalks and Accessways: (9-8-94)
  - 1. Sidewalks, accessways, and walkways shall be developed according to the specifications of the Department of Transportation and Development within all subdivisions, partitions, developments, and structural additions to existing commercial or industrial buildings exceeding 10 percent of the assessed value of the existing structure, or for additions of 1,000 square feet or more within the Urban Growth Boundary. The Mt. Hood Urban area is excluded from this requirement. Sidewalks shall be built on: (3/17/04)
    - a. Both sides of a new street within a subdivision, or any new or reconstructed street. (9-8-94)
    - b. The street frontage(s) adjacent to a development or subdivision. (5-23-96)
    - c. The street frontage adjacent to a partition when the existing street is identified on Map V-8 in the Comprehensive Plan. (3/14/02)
  - 2. Sidewalk requirements may be reduced by staff to one side of a street when: (3/17/04)
    - a. Topographic or natural areas require a reduction in road standards. (3/17/04)
    - b. New cul-de-sacs which are 350 feet or less in length and cannot be extended. (9-8-94)
  - 3. Sidewalks shall be constructed to the following minimum widths: (9-8-94)

<b>Table 1 (3/14/02)</b>
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<b>Functional Class, Land Use Designation/Minimum Required Sidewalk Width (9-8-94)</b>			
<b>Street Type</b>	<b>Residential Sidewalk</b>	<b>Commercial/Public/ Institutional Sidewalk</b>	<b>Industrial Sidewalk</b>
Local	5'	7'	5'
Connector	5'	7'	5'
Collector	5'	8'	5'
Arterial	6'	8'	6'

The entire required width of sidewalks shall be unobstructed. Sidewalks at transit stops shall be a minimum of eight (8) feet wide. A sidewalk setback from the curb by at least five feet may be one foot narrower (but not less than 5 feet) than the standard listed above. This 5 foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The separation strip may contain fixed objects such as trees, mailboxes, fire hydrants, telephone poles or benches. (9-8-94)

Industrial Uses containing over 5,000 square feet of office space shall comply with the requirements for Commercial/ Public and Institutional Uses. (9-8-94)

4. In Rural Centers and the Mt. Hood Urban Area either a sidewalk or a separated pedestrian path shall be provided along arterial and collector streets. (9-8-94)
5. Accessways for use by pedestrians and bicyclists shall be required where topography allows and where necessary to provide direct routes not otherwise provided by the road system. 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. (3/14/02) 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 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)
  - a. An accessway shall include at least a 15-foot wide right-of-way and an 8-foot wide hard surface. For safety, accessways should be as straight as practicable. Bollards or other large objects may be used to block motor vehicular access. (3/14/02)
  - b. 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)
  - c. Fences are not required but, the maximum height of a fence along an accessway shall not exceed 6 feet. (9-8-94)
  - d. Ownership and maintenance responsibility for accessways shall be resolved during

the development approval process. (9-8-94)

C. Walkways (9-8-94)

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)

D. Bikeways: (9-8-94)

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 in the Clackamas County Bikeway Plan (Maps V-7a and V-7b of the Comprehensive Plan), North Clackamas Parks and Recreation District Park and Recreation Master Plan, and Metro Regional Trails and Greenways Map. (3/17/04)
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 ODOT Oregon Bicycle Plan. (9-8-94)

E. Trails: (9-8-94)

1. Trail dedications or easements shall be provided and developed as shown on Map IX-1 of the Comprehensive Plan, the Facilities Plan (Figure 4.3) in the North Clackamas Parks and Recreation District Park and Recreation Master Plan, and Metro's Regional Trails and Greenways Map. (3/17/04)
2. Off-road sections of trails shall have a minimum 30-foot right-of-way width. (3/14/02)



## 1007.06 TRANSIT AMENITIES

Major new residential, commercial and industrial developments shall be reviewed with the participation of Tri-Met during the site analysis process under subsection 1102.06 to insure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets but shall insure also that pedestrian/bikeway amenities and other transit supportive features, such as shelters, turn bays, park-and-ride spaces, and signing will be provided. (3/14/02)

## 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. In Rural and Natural Resource areas, and Rural Centers, all areas used for parking and maneuvering of cars shall be surfaced with screened gravel or better. In urban areas, 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.
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)**

<b>Land Use</b>	<b>Minimum Parking Spaces</b>	<b>Maximum Parking Spaces (Urban Zone A)</b>	<b>Maximum Parking Spaces (Urban Zone B)</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
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	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: (11-5-98)
  - 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. (3-03-93)

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: (11-5-98)
  - 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)
  - c. 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. Width and length requirements: Parking spaces shall satisfy the following minimum size requirements:

1. 8 x 22 feet for all parallel parking spaces.
2. 9 x 20 feet (18' with 2' overhang) for at least seventy (70) percent of the parking spaces required under this section.
3. 8-1/2 x 16 feet for no more than thirty (30) percent of the parking spaces required under this section, and for spaces in excess of the requirements of the Ordinance provided that all such spaces are marked "Compact Only".
4. Up to fifty (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.

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)**

<b>USE CATEGORIES</b>	<b>MINIMUM REQUIRED SPACES</b>
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)
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 obligations 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. In Rural and Natural Resource areas and Rural Centers, all areas used for loading and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall



provide for suitable drainage. In Urban areas, 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.

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:

50 to 99 units:	One (1) loading berth.
100 to 199 units:	Two (2) loading berths.
200 or more units:	Three (3) loading berths.

b. Motels and hotels (per square feet of gross floor area):

Under 5,000:	Zero (0) (3/14/02)
5,000 to 29,999:	One (1) loading berth.
30,000 to 69,999:	Two (2) loading berths.
70,000 to 129,999:	Three (3) loading berths.
130,000 to 219,999:	Four (4) loading berths.
220,000 to 379,000:	Five (5) loading berths.
380,000 to 699,999:	Six (6) loading berths.
700,000 to 1,499,000:	Seven (7) loading berths.
More than 1,500,000:	Eight (8) loading berths.

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):

Under 5,000:	Zero (0) (3/14/02)
5,000 to 39,999:	One (1) loading berth.
40,000 to 99,999:	Two (2) loading berths.
100,000 to 159,999:	Three (3) loading berths.
160,000 to 239,000:	Four (4) loading berths.
240,000 to 319,000:	Five (5) loading berths.
320,000 to 399,999:	Six (6) loading berths.

3. Commercial (square feet of floor area):

Under 5,000:	None (0).
5,000 to 24,999:	One (1) loading berth.
25,000 to 49,999:	Two (2) loading berths.
50,000 to 100,000:	Three (3) loading berths.
Each additional 50,000:	One (1) loading berth.

4. Industrial, manufacturing, warehousing, storage, processing and terminals (square feet of floor area):

Under 5,000:	None (0).
5,000 to 24,999:	One (1) loading berth.
25,000 to 49,999:	Two (2) loading berths.
50,000 to 100,000:	Three (3) loading berths.
Each additional 50,000:	One (1) loading berth.

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)

( LAST TEXT REVISION 3/24/05 )

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1008 STORM DRAINAGE 3/24/05

<a href="#">1008.01</a>	PURPOSE
<a href="#">1008.02</a>	PLAN FOR STORM DRAINAGE AND EROSION CONTROL
<a href="#">1008.03</a>	GENERAL STANDARDS
<a href="#">1008.04</a>	SPECIFIC STANDARDS
<a href="#">1008.05</a>	TUALATIN RIVER BASIN

#### 1008.01 PURPOSE

To minimize the amount of stormwater runoff resulting from development utilizing nonstructural controls where possible, maintain and improve water quality, prevent and/or reduce soil erosion, prevent structural and environmental damage.

#### 1008.02 PLAN FOR STORM DRAINAGE AND EROSION CONTROL

- A. A storm drainage and erosion control plan will be required for all significant residential, commercial, industrial and recreational development. This requirement includes all proposals in or immediately adjacent to an area of Open Space on the Comprehensive Plan Map, in or adjacent to an identified Major Hazard area and in areas of or adjacent to an area having an historic localized flooding problem resulting from storm drainage. The plan shall contain at a minimum:
1. The methods to be used to minimize the amount of runoff siltation, and pollution created from the development both during and after construction. Site specific considerations may be incorporated. The plan shall be consistent with the specific drainage basin or subbasin plan.
  2. An analysis of source controls as an alternative method to control stormwater runoff, such as detention and storage techniques.
  3. Statement of consistency with County stormwater improvement standards and Comprehensive Plan.
- B. The County may require that the applicant design and construct a drainage system which will insure that offsite impacts caused by that development can be mitigated.
- C. Facilities developed onsite may be used to implement a basinwide or subbasin drainage management plan, if necessary.

## **1008.03 GENERAL STANDARDS**

- A. All development shall be planned, designed, constructed and maintained to:
1. Protect and preserve existing natural drainage channels to the maximum practicable extent (see Section 1002);
  2. Protect development from flood hazards;
  3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  4. Assure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading;
  5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
  6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;
  7. Avoid placement of surface detention or retention facilities in road right-of-way.
- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the water course to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the County or a utility district. This does not imply maintenance by the County. (4-12-82)
- D. Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized. (4-12-82)
- E. Prior to acceptance of a storm sewer system by the County, the storm sewers shall be flushed and inspected by the County. All costs shall be borne by the developer. (10-11-82)

## **1008.04 SPECIFIC STANDARDS**

- A. Siting, sizing and development of drainage control facilities shall be consistent with accepted engineering practices. Basin or subbasin plans previously adopted by the County shall guide the development of drainage control facilities except when such plans are superseded by new basin or subbasin plans, or when such plans are in conflict with the following provisions, or other provisions of Section 1008:
1. Drainage detention ponds constructed in the drainage channel shall be planned for a ten (10) year frequency storm at full basin development. Detention ponds located outside the channel shall be planned for at least a twenty-five (25) year frequency storm at full site development. This requirement may be reduced by staff when site conditions, such as

terrain or geologic hazard, limit development of detention ponds, and when other drainage control methods appropriate to the site are provided.

2. The rate of release or outflow from a detention facility shall not exceed the rate of runoff from the undeveloped site during a five (5) year frequency storm. This may be accomplished with an adjustable flow valve or a system of orifices or other appropriate mechanism accommodating a five (5) year outflow. Each facility constructed in the channel shall provide an overflow which will allow volumes exceeding a ten (10) year frequency storm to spill. Each facility constructed outside the channel shall provide an overflow which will allow volume exceeding a twenty-five (25) year frequency storm to spill.
3. In all residential development, except Special High Density (Residential), slope of the edges of a retention or detention pond shall not exceed 1:3. Maximum depth should not exceed three (3) feet. Adequate security measures must be provided to prevent a safety hazard. Drainage must be designed to prevent water ponding unless a year-around pond is incorporated in the site design.
4. For commercial, industrial and Special High Density (Residential) development, maximum side slope of drainage facilities shall not exceed 1:1. Shallower slopes may be required as appropriate to maintain slope stability. Access for maintenance equipment shall be provided. Depth should not exceed twelve (12) feet. The burden of justification increases with depth of the facility. Detention or retention facilities must be integrated with the site design. Adequate security measures must be provided to prevent a safety hazard. Drainage facilities must be designed to prevent water ponding unless a year-around pond is incorporated in the site design.
5. Detention facilities may be allowed in conjunction with parking lots or commercial or industrial rooftops. Underground detention pipes are discouraged in areas of high groundwater.
6. Rooftop detention is generally not acceptable on residential structures. Rooftop detention must not exceed bearing characteristics of the structure or soils. An emergency overflow shall be provided.
7. Parking lot detention is acceptable if water depth does not exceed twelve (12) inches at the deepest point. Asphalt surfaces to be inundated shall be minimized. A minimum slope of one (1) percent must be provided.
8. All outflow shall be conveyed to the nearest natural drainageway. The developer or property owner (including maintenance association if appropriate) shall be responsible for construction and maintenance of the facility. An adequate surety bond for construction may be required.

#### B. Flow Alteration

1. Natural drainage pattern shall not be substantially altered at the periphery of the site.
2. Greatly accelerated release of stored water is prohibited. Flow shall not be diverted to lands which have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.

**1008.05**

In addition to the above requirements, the following shall apply to land developments within the Tualatin River basin: (9-12-91)

**A. Erosion Control Plan**

For land development, all preliminary plats, site plans, permits, and public works projects shall include an erosion control plan containing methods and/or interim facilities to be constructed or used concurrently with land development and to be operated during construction to control the discharge of sediment in the stormwater runoff. The erosion control plan shall utilize:

1. Protection techniques to control soil erosion and sediment transport to less than one (1) ton per acre per year, as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent methods. The erosion control plan shall include temporary sedimentation basins or other sediment control devices when, because of steep slopes or other site-specific considerations, other onsite sediment control methods will not likely keep the sediment transport to less than one (1) ton per acre per year. Any sediment basins constructed shall be sized using 1.5 feet minimum sediment storage depth plus 2.0 feet storage depth above for a settlement zone. The storage capacity of the basin shall be sized to store all of the sediment that is likely to be transported and collected during construction while the erosion potential exists. When the erosion potential has been removed, the sediment basin, or other sediment control facilities, can be removed and the site restored as per the final site plan. All sediment basins shall be constructed with an emergency overflow to prevent erosion or failure of the containment dike, or
2. A soil erosion control matrix derived from and consistent with the universal soil loss equation approved by Clackamas County.

**B. Water Quality Control Facilities**

All plats, site plans, building permits, or public works projects, (see paragraph 5 of this subsection for exceptions) require permanent stormwater quality control facilities to control phosphorus loadings associated with stormwater runoff from the development site. Permanent stormwater quality control facilities for phosphorus shall meet the following requirements:

1. Stormwater quality control facilities shall be required to be constructed to remove 65 percent of the phosphorus from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.
2. The stormwater quality control facilities shall be designed to meet the removal efficiency specified in paragraph 1 of this subsection for a mean summertime storm event totaling 0.36 inches of precipitation with an average return period of 96 hours.
3. Stormwater quality control facilities required by this subsection shall be approved only if the following are met:
  - a. For developments larger than one acre, the plat or site plan shall include plans and a certification prepared by an Oregon registered professional engineer, or registered professional in erosion control, that the proposed stormwater control facilities have been designed in accordance with criteria expected to achieve

removal efficiencies for total phosphorus required by paragraph 1 of this subsection.

- b. A financial assurance, or equivalent security, shall be provided by the developer that assures that the stormwater control facilities are constructed according to the plans established in the plat or site plan approval.
  - c. Each permanent stormwater quality control facility shall file with the County an operation and maintenance plan for the stormwater quality control facility. The operation and maintenance plan shall allow for public or private ownership, operations, and maintenance of individual permanent stormwater quality control facilities.
4. An exception may be granted to subsection B of this section in exchange for a onetime in-lieu fee. The fee will be an option when, because of the size of the development, topography, or other factors, the County determines that the construction of onsite permanent stormwater treatment systems is impracticable or undesirable.
- a. The in-lieu fee shall be based upon a reasonable estimate of the current prorated cost for the County to provide stormwater quality control facilities for the land development being assessed the fee. Estimated costs shall include costs associated with offsite land and rights-of-way acquisition, design, construction, and construction inspection.
5. The following are not required to comply with paragraphs 1-4 of this subsection:
- a. Single- and two-family dwellings on existing lots of record. (3/24/05)
  - b. Sewer lines, water lines, utilities, or other land development that will not directly increase nonpoint source pollution once construction has been completed and the site is either restored to or not altered from its approximate original condition.

#### C. Definitions

"Land Development" refers to any human-induced change to improved or unimproved real estate, including but not limited to construction, installation, or expansion of a building or other structure, land division, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation, or clearing.

"Erosion Control Plan" shall be a plan containing a list of best management practices to be applied during construction to control and limit soil erosion.

"Public Works Project" means any land development conducted or financed by a local, state, or federal government body.

"Stormwater Quality Control Facility" refers to any structure or drainageway that is designed, constructed, and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement. It may also include, but not be limited to, existing features such as wetlands, water quality swales, and ponds which are maintained as stormwater quality control facilities.

"In-lieu fee" means a fee collected by a jurisdiction in lieu of requiring construction of onsite stormwater quality control facilities.

(LAST TEXT REVISION 3/24/05)



## SECTION 1000 - DEVELOPMENT STANDARDS

### 1009 LANDSCAPING (3/24/05)

<a href="#">1009.01</a>	PURPOSE
<a href="#">1009.02</a>	MINIMUM AREA STANDARDS
<a href="#">1009.03</a>	GENERAL PROVISIONS
<a href="#">1009.04</a>	SURFACE PARKING AND LOADING AREA LANDSCAPING
<a href="#">1009.05</a>	SCREENING AND BUFFERING
<a href="#">1009.06</a>	RECREATION AREAS - MEDIUM AND HIGH DENSITY RESIDENTIAL
<a href="#">1009.07</a>	ENERGY CONSERVATION
<a href="#">1009.08</a>	EROSION CONTROL
<a href="#">1009.09</a>	STREET TREES
<a href="#">1009.10</a>	PLANTING AND MAINTENANCE

#### 1009.01 PURPOSE

- 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. (12/23/98)
- 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. The minimum landscaping requirement may include natural features and areas as specified in Section 1011.
- D. 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: (08-27-93)
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. (08-27-93)

## 1009.03 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.
- D. Landscape materials shall be selected and sited to produce a hardy and drought-resistant landscaped area. Selection shall include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site.
- E. Street-side landscaping within the right-of-way shall be required when there are no immediate plans to develop or otherwise disturb the portion of the right of way between the road and the property line, and one of the following applies:
1. 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.
  4. The road is designated as a scenic road in the Comprehensive Plan.
  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)

#### **1009.04 SURFACE PARKING AND LOADING AREA LANDSCAPING**

- A. A mixture and grouping of deciduous and evergreen plant material shall be provided throughout an automotive use area. (12-13-89)
- B. 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. Ten (10) square feet of landscaping per parking space, excluding perimeter spaces.
  2. Landscaped areas shall be distributed to provide maximum shading and should divide parking into bays.
  3. The number of trees required shall be determined on the basis of the growth habit of the tree species. 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. Perimeter landscaping requirements for vehicular use areas adjacent to abutting properties are as follows:
1. A minimum strip width of five (5) feet adjacent to perimeter.
  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. (12-23-98)
  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, including garbage and waste disposal containers, recycling bins, and loading areas.
  2. Storage areas.
  3. Parking lots 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 may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, proper siting of disruptive elements, building placement or other design techniques.
- C. Screening is required to substantially block any view of material or equipment from any point located on a street adjacent to the site. A sight-obscuring fence at least six (6) feet in height up to a maximum of ten (10) feet is required around the material or equipment. (08-27-93)
- 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 will be given to the buffering and screening between residential uses and commercial or industrial uses, and in visually sensitive areas. (08-27-93)
- E. Methods of achieving adequate buffers include: (08-27-93)
1. Width not less than fifteen (15) feet.
    - a. At least one row of deciduous and evergreen trees staggered and spaced not more than 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.
  - c. Lawn, low-growing evergreen shrubs and evergreen ground cover covering the balance of the area.
2. Width not less than ten (10) feet - berm plus planting.
  - 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 are) may vary.
  - b. A dense evergreen hedge.
3. Width not to be less than five (5) feet - wall/fence plus planting.
  - a. A masonry wall or sight-obscuring fence not less than 5 feet in height.
  - b. An evergreen hedge, vines, trees, or shrubs.
  - c. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the Design Review Committee.

## **1009.06 RECREATION AREAS - MEDIUM AND HIGH DENSITY RESIDENTIAL**

- A. Two hundred (200) square feet of usable outdoor recreation space (passive or active) shall be provided for studio, and one- and two-bedroom units; and three hundred (300) square feet of usable outdoor recreation space (passive or active) shall be provided for three- or more bedroom units.
- B. Outdoor recreation areas in multifamily development shall be designed for adequate surveillance opportunities.
- C. Recreation areas shall be conveniently located and accessible to all 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.

## **1009.08 EROSION CONTROL**

- A. Revegetate graded areas to insure erosion control. Plant disturbed areas with suitable plant material.
- B. Provide netting, 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.

## **1009.10 PLANTING AND MAINTENANCE**

- A. 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 materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground at maturity.
- D. Landscape plant material will be installed to current nursery industry standards.
- E. Landscape plant materials shall be property guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

- F. All landscape materials will be guaranteed in writing by the developer for a period of one year from the date of installation. A copy of the guarantee will be furnished to the county by the developer. The developer shall also submit a signed maintenance contract, or 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. Plant 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 will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one-quarter (1 1/4) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs should be supplied in one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) to fifteen (15) inches.
- K. Most ground cover plantings should be planted on a maximum of thirty (30) inches on center and thirty (30) inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2-1/4) inch container or equivalent if planted eighteen (18) inches on center.
- 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. Appropriate methods of care and maintenance of landscape plant material shall be provided by the owner of the property.
- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable method.

(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1010 SIGNS (3/24/05)

<a href="#">1010.01</a>	PURPOSE
<a href="#">1010.02</a>	GENERAL PROVISIONS
<a href="#">1010.03</a>	EXEMPT SIGNS
<a href="#">1010.04</a>	PROHIBITED SIGNS
<a href="#">1010.05</a>	DESIGN REVIEW
<a href="#">1010.06</a>	RESIDENTIAL SIGNS IN URBAN AND RURAL RESIDENTIAL DISTRICTS AND FUTURE URBANIZABLE DISTRICTS
<a href="#">1010.07</a>	SIGNS IN NATURAL RESOURCE DISTRICTS
<a href="#">1010.08</a>	SIGNS FOR INSTITUTIONAL USES IN LOW DENSITY RESIDENTIAL, RURAL RESIDENTIAL, FUTURE URBANIZABLE AND NATURAL RESOURCE DISTRICTS (Such uses may include, but are not limited to public and semi-public facilities, schools, churches, hospitals and similar uses.)
<a href="#">1010.09</a>	COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS
<a href="#">1010.10</a>	ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS
<a href="#">1010.11</a>	OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS
<a href="#">1010.12</a>	FLAGS
<a href="#">1010.13</a>	TEMPORARY DISPLAYS AND SIGNS
<a href="#">1010.14</a>	GOVERNMENT CAMP SIGN STANDARDS

#### 1010.01 PURPOSE

The provisions of this section are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

#### 1010.02 GENERAL PROVISIONS



- A. Permits Required: If a sign other than one named in 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.
- B. Conflicting Standards: Signs shall be allowed subject to the provisions of this section, except when these provisions conflict with the specific standards for signs in the subject district, zoning ordinance, or a design plan adopted by the Board of County Commissioners affecting the site, in which case the latter provisions shall prevail.
- C. Along State Highways: All off-premises signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Motorists Information Act.
- D. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in this section.
- E. Address Display: The signing program for a multifamily, commercial or industrial development shall include the display of the street number(s) for the development on the sign or building where it can be seen from adjacent roads and meet fire district standards.
- F. Sign Clearances: A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under freestanding and projecting signs.
- G. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.
- H. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.
- I. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.
- J. Illuminated Signs:
  - 1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle. (3/24/05)
  - 2. The light intensity of an illuminated sign shall conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.
  - 3. The Design Review Committee may approve an electronic message center. No other sign or illuminating devices shall have blinking, flashing or fluttering lights.
- K. Signs or displays containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.
- L. Moving Signs: No sign, sign structure, or portion thereof, except flags (as per 1010.12) and temporary displays (as per 1010.13B.) shall be designed to rotate, flutter, or appear to move.
- M. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in a safe condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
- N. Preexisting Signs: Notwithstanding Section 1206 of this Ordinance, signs and sign structures existing prior to the adoption of this amendment on September 12, 1996, which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this Section shall be subject to the following provision:

1. Alterations to a nonconforming sign which reduce or do not increase its noncompliance with the provisions of this ordinance, including changes in display surface, sign areas, height and setback, may be allowed subject to review under provisions of Subsection 1010.05, and
  2. Failure to use the copy area of a nonconforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall constitute a "discontinuation of use" as provided under Subsection 1206.02 and such sign shall be removed or modified to satisfy all applicable requirements of Section 1010 and the underlying district.
- O. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.
- P. Sign structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.
- Q. Site: For purposes of this section, a "site" shall be the entire "site area" of the development as it is defined in subsection 601.09(B), and onsite signs shall be those permanent signs which are oriented towards internal circulation roads, driveways and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways. (3/14/02)
- R. Incidental signs shall not exceed three (3) square feet per side.

### **1010.03 EXEMPT SIGNS:**

- A. The following signs do not require a sign permit, but must meet other provisions of Section 1010:
1. Signs having an area three (3) square feet or less.
  2. Signs listed as temporary under Section 1010.13.
  3. Government owned or posted signs in the public right-of-way.
- B. The following signs are not regulated by this ordinance:
1. Incidental signs.
  2. Product dispensers, such as beverage, newspaper, and recycling machines.
  3. Window signs.

### **1010.04 PROHIBITED SIGNS:**

The following signs and sign characteristics are prohibited:

- A. Temporary signs except as provided for under Subsection 1010.13;
- B. Portable signs, except as provided by subsection 1010.07A.2.d. or 1010.13;
- C. Animated signs except as provided in 1010.09C;
- D. Roof signs except integral roof signs in Commercial and Industrial zones;
- E. Signs that obstruct free and clear vision of a traffic sign or signal from intended users, or otherwise constitute a traffic impediment;
- F. Signs imitating or resembling official traffic signs or signals;

- G. Any sign imitating or resembling an official county street or road sign, unless the sign is approved pursuant to the County Addressing and road Naming Ordinance;
- H. Colored lights which might in any way be confused with or construed to be traffic signals or lights on emergency vehicles;
- I. Strobe lights and signs containing strobe lights;
- J. Any sign that emits sound, odor or visible matter;
- K. Multiple reader signs designed to be read as a continued statement. (11-6-97)

## **1010.05 DESIGN REVIEW**

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

- A. Design: Signs shall be designed to be compatible with other development on the site, other nearby signs, other elements of street and site furniture, and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
- B. Scale: The scale of the sign, letter size, and design shall be appropriate for roadway or walkway visibility.

## **1010.06 RESIDENTIAL SIGNS IN URBAN AND RURAL RESIDENTIAL DISTRICTS AND FUTURE URBANIZABLE DISTRICTS**

- A. Residential Signs in Low Density Urban and Future Urbanizable Districts:
  - 1. Shall not exceed three (3) square feet.
  - 2. Shall be located inside the dwelling or located flat against the dwelling.
  - 3. Only one (1) such sign shall be permitted upon the premises.
  - 4. May be illuminated by internal or external lighting subject to 1010.02J. 1 and 2.
  - 5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used except as per 1010.13, Temporary Displays and Signs.
- B. Signs in Rural Residential Districts:
  - 1. Shall not exceed eight (8) square feet per side or six (6) feet in height.
  - 2. Only one (1) such sign shall be permitted upon the premises.
  - 3. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.
  - 4. May be illuminated by internal or external lighting subject to 1010.02J.1 and 2.
  - 5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used except as per 1010.13, Temporary Displays and Signs.
- C. Freestanding signs for multifamily developments or subdivisions:
  - 1. Maximum total sign area: thirty-two (32) square feet per side.

2. Maximum number: No more than one (1) freestanding sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
  - a. When an additional sign is located at a major public access point located on a different public road, or
  - b. When two (2) single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign, or,
  - c. In mixed use developments a separate monument sign, not to exceed thirty-two (32) square feet, may be allowed for the multifamily portion of the development.
  - d. In the case of a. or b. above, the larger of the signs shall not exceed the maximum sign size allowed.
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. (11-6-97)
2. Freestanding commercial signs:
  - a. Maximum top-of-sign height: Eight (8) feet above finished ground elevation (not including berms or mounds specifically created for the sign).
  - b. Maximum number: The maximum number of signs shall be four. (11-6-97)
  - c. Setback: Behind front property line.
  - d. May include portable signs when anchored in accordance with 1010.13A.5.
  - e. May be illuminated by internal or external lighting subject to subsection 1010.02J.
3. Building commercial signs:
  - a. Maximum number: one (1)
  - b. May be illuminated by internal or external lighting subject to subsection 1010.02J.

### **B. Residential signs as per 1010.06B.**

### **C. Institutional uses as per 1010.08.**

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

- A. Shall not exceed thirty two (32) square feet.
- B. May be illuminated by internal or external lighting subject to subsection 1010.02J.
- C. Maximum number: One (1) freestanding and one (1) building sign shall be permitted upon the premises. Neither freestanding or building sign shall exceed thirty-two (32) square feet per side.

D. Freestanding sign maximum top-of-sign height: five (5) feet.

## **1010.09 COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

A. Commercial freestanding signs.

1. Number: Only one (1) sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless through Design Review the following is determined:
  - a. An additional sign is needed to provide identification of the development at major public access points located on two (2) different public roads, and/or
  - b. When two (2) single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.
  - c. In mixed use developments a separate freestanding sign, not to exceed thirty-two (32) square feet, may be allowed for the multifamily portion of the development.
  - d. In the case of a. or b. above, the larger of the signs shall not exceed the maximum sign size allowed.
  - e. For C-3 and RTL zones, one additional freestanding sign may be allowed on a public, County or State road when the frontage on that road exceeds 450 feet. In no case shall the number of freestanding signs exceed four (4) for any development. The additional signs shall be a maximum of sixty (60) square feet. This provision for an additional freestanding sign shall not allow an additional sign on any site located on a corner which qualifies for an additional sign by reason of that corner location under 1010.09 A.1.a.
2. Maximum top-of-sign height:
  - a. Pole signs: In C-3 and RTL zones, twenty-five (25) feet. In all other commercial zones twenty (20) feet. (11-6-97)
  - b. Monument signs: In all Commercial zones, six (6) feet. In all industrial zones five (5) feet. (11-6-97)
3. Maximum sign area: Sixty (60) square feet. Signs may be two sided. For developments of more than one use included on the same site, a sign area may be increased above this requirement an additional ten (10) square feet per tenant, up to a maximum two hundred (200) square feet, subject to Design Review standards (1010.05). Additionally, multiple tenant signs shall use a common background. (11-6-97)
4. Setbacks: Behind property line.
5. The sign supporting structure shall not be counted for purposes of determining sign area.
6. Illumination: Such signs may be internally or externally illuminated, subject to subsection 1010.02J.

B. Building commercial signs:

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

If there is not a freestanding sign on the same site frontage, then one and one-half (1-1/2)

square feet of sign area per linear footage of the occupant's primary building wall. 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.

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. Each tenant shall be allowed a minimum thirty-two (32) square feet of building sign area. In no case shall a building sign exceed two hundred (200) square feet. (11-6-97)

3. Design: Building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from or change the architectural lines of the building.
4. Illumination: Building signs may be internally or externally illuminated, subject to Subsection 1010.02J.

C. Electronic message center signs, and other changeable copy signs, may be incorporated into a permanent commercial sign in a Commercial or Industrial District. Approval shall not be granted unless the following criteria are satisfied:

1. Only one such sign shall be used in a development.
2. The changeable copy sign, or electronic message center, shall be included in the maximum sign area allowed under subsections 1010.09A.3 or 1010.09B.2, and not exceed 80% of the total sign area.
3. The electronic message center shall be integrated into the design of the sign.
4. All segments of a message shall be completed within 12 seconds.

## **1010.10 ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS**

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

- A. Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet.
- B. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and a maximum of eight (8) feet in top-of-sign height.
- C. An onsite monument sign for an individual building within a development may be allowed as an alternative to a building sign, provided such sign shall:
  1. Be located adjacent to the building being identified.
  2. Not exceed twelve (12) square feet in area.
  3. Not exceed four (4) feet in top-of-sign height.
  4. Use materials and colors which are the same, or substantially the same, as those used on the building identified by the sign.

## **1010.11 OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS**

- A. A temporary permit may be approved, renewable after five years. Criteria for approval:
  - 1. Shall be allowed only in Natural Resource Districts.
  - 2. The sign shall provide the actual registered name of a business and directions to the business (e.g., left or right, an arrow, 1/4 mile, etc.)
  - 4. A maximum of three (3) offsite traffic control identification signs are allowed for each business;
  - 5. Maximum distance of business from offsite traffic control identification sign: Five (5) miles.
  - 6. A maximum of two offsite traffic control signs shall be located at any one site.
- B. Development Standards
  - 1. Maximum size: Shall not exceed four (4) square feet per side.
  - 2. Setback: Behind the front property line.
  - 3. Illumination: Offsite traffic control and identification signs shall not be illuminated.

## **1010.12 FLAGS**

Flags are allowed in all districts, subject to the following:

- A. Number: Three (3) flags per site.
- B. Maximum size: No flag shall exceed forty (40) square feet.
- C. Height: Top of pole supporting flag shall not exceed thirty-five (35) feet above finished ground elevation (not including berms or mounds specifically created for the sign).
- D. All flags shall be located on one pole.

## **1010.13 TEMPORARY DISPLAYS AND SIGNS**

- A. Temporary Signs may be displayed under the following conditions and limitations:
  - 1. Number: Only one (1) temporary sign shall be displayed for a site.
  - 2. Time period and duration: Shall not be displayed for a total time period exceeding sixty (60) days in any calendar year.
  - 3. Size and height limits: Same size and height limitations as a permanent sign for the same site.
  - 4. Setbacks: Behind front property line.
  - 5. Anchoring: All signs approved under this provision shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
  - 6. Exceptions: No temporary sign shall be allowed under this provision for any business or development which has a changeable copy sign incorporated into its permanent sign.

- B. Temporary Displays (pennants, banners, streamers, strings of lights, and beacon lights) may be displayed according to 1010.13 A. 2 and 5 and 1010.02O.

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

- A. Area of Application: The provisions of this subsection shall apply to all permanent identification signs for commercial developments in Rural Tourist Commercial (RTC) and Mountain Recreation Resort (MRR) zoned properties in Government Camp and to Hoodland Residential (HR) properties with frontage on the Government Camp Loop Road. The purpose of these sign standards is to provide a consistent design theme in the commercial areas.
- B. Conformance: Signs shall comply with the General Provisions Section 1010.02 and all applicable subsections except as otherwise provided in this section. Where there are conflicts, subsection 1010.09 shall govern. No sign may be erected unless it conforms with the regulations of this section and a sign permit has been approved. A Sign Plan must be submitted to the Design Review committee which shows:
1. Total signage allowed for the proposed sign frontage, face area of existing signage, and face area of proposed signage.
  2. The design of the sign and sign support including dimensions, materials, colors, sign copy, lighting, and graphics.
  3. A site plan and building elevation showing placement of existing and proposed signs on the site.
- C. Preexisting Signs: Signs and sign structures existing prior to the adoption of this amendment on February 10, 1993 which complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of this Section shall be subject to the provisions of Section 1206 and 1010.02 Preexisting Signs, except:
1. Any permanent sign which is nonconforming in any manner other than individual size shall be brought into conformance with the provisions of this ordinance prior to any expansion or change in use which requires design review or a conditional use permit. Total signage area of existing and new signs may not exceed the maximum established in these standards. No occupancy permit shall be issued until a sign plan is submitted.
  2. Should any permanent nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement costs at the time of damage, it shall be reconstructed or replaced in conformance with these sign standards.
  3. Placement of a new sign where existing signage is greater than the total allowed, or where the new sign will make the total greater, requires removal of an amount of existing signage to keep the total signage area under the limit.
  4. Where a Development Agency incentive program is in effect, all nonconforming signs, except those that are nonconforming in size alone, must be brought into conformance or removed by February 10, 1996.
- D. DESIGN STANDARDS
1. Signs shall comply with the provisions of Section 1010.05 Design Standards and the following conditions.



2. Design: Sign design and support structure shall uphold the rustic, mountain environment of Government Camp through a Cascadian design theme.
3. Materials:
  - a. Signs and support structures are limited to wood or wood exterior, stone, brick, etched or stained glass, wrought iron, or non-shiny metal. Plywood may be used for signs only if it is heavily painted and/or edged to obscure the plywood texture and the surface is sealed to keep it from delaminating.
  - b. Neon signs are permitted inside windows only.
  - c. Plastic may be used only in the letters of sign copy or the portion of a sign with changeable copy.
  - d. Signs in the RTC zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26 or with frontage on U.S. Highway 26 may be constructed of plastic if the design intent is upheld.
4. Colors: No reflective or fluorescent colors shall be used on signs or support structures.
5. Lighting: The source of the lighting shall be external and obscured from the pedestrian. Internally lit signs are permitted only where the letters of the copy are illuminated or in RTC zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26, or in signs on U.S. Highway 26 frontage.
6. Changeable Copy: Electronic sign copy and changeable sign copy is limited to no more than 20% of total signage allowed.
7. Scale: Signs shall be kept in scale with pedestrians and buildings.
8. Placement: Signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from or change the architectural lines of the building.

E. Total Signage Area:

1. Developments less than 3 acres in size:
  - a. Total Signage Area shall be determined by the lineal feet of building frontage per street. This shall be a minimum of thirty (30) square feet of signage plus one (1) square foot for every five (5) feet of building frontage greater than thirty (30) lineal feet.
  - b. Buildings two (2) stories or taller may increase the total signage allowed by 50%.
  - c. Only frontages on streets shall be used to determine total signage per frontage per development.
  - d. Signage shall not be transferred between frontages.
2. Developments over three (3) acres in size in Village Sign Standards area:
  - a. Total signage shall be determined by lineal street frontage. This shall be a minimum of thirty (30) square feet of signage plus a foot of signage per five (5) lineal feet of street frontage greater than thirty (30) feet.
  - b. Internal signs not readily visible from the street shall not be subject to total signage area restrictions of this section.
3. Developments with U.S. 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to ODOT sign regulations. One sign shall be allowed per development per U.S. 26 frontage and will be handled on a case by

case basis. Signage shall conform to the Government Camp design intent to the degree possible.

F. Types of Signs Permitted:

1. Freestanding or Monument signs:
  - a. Shall be situated within setback.
  - b. Shall have a maximum of 1 ground mounted sign per fifty (50) feet of lineal building frontage.
  - c. Shall have a maximum face area of twenty-four (24) square feet.
  - d. Shall have a maximum top-of-sign height of twelve (12) feet.
  - e. Shall be on a base or wooden supports; poles are permitted only if integrated into a base. Any metal poles must be free of peeling paint and rust.
2. Building signs:
  - a. Shall have a maximum face area of twenty-four (24) square feet.
  - b. Shall not extend more than ten (10) inches from the wall.
  - c. Sign or components shall not exceed top of roofline or extend beyond the face area of the building.
3. Projecting signs:
  - a. Shall not extend more than two (2) feet into the public right-of-way, project farther than five (5) feet from the building, or exceed top of roofline immediately above.
  - b. Shall not exceed 1 projecting sign per twenty-five (25) feet of lineal building frontage.
  - c. Shall have a maximum face area of twelve (12) square feet; buildings over 2 stories may have signs of up to twenty-four (24) square feet.
  - d. Supporting structure may not exceed sign's height or width by more than two (2) feet or extend higher than roofline.
4. Window signs readily visible from outside the building:
  - a. Shall have a maximum face area of 30% of total window area per frontage; maximum sign size per individual window sign is twelve (12) square feet.
  - b. Interior neon window signs readily visible from the street shall not exceed 10% of the total window area per street frontage. No more than 20% of an individual window should be covered with neon. Neon signs within these limits shall not be counted toward the Total Signage Area.
5. Awning/Overhead or walkway covering signs:
  - a. Shall be completely positioned on awning, overhead, or covered walkway
  - b. Shall have a maximum face area of twenty-four (24) square feet.

(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1011 OPEN SPACE AND PARKS (3/24/05)

<a href="#">1011.01</a>	PURPOSE
<a href="#">1011.02</a>	OPEN SPACE PRESERVATION AREAS
<a href="#">1011.03</a>	DEVELOPMENT STANDARDS AND LIMITATIONS
<a href="#">1011.04</a>	CONFLICT RESOLUTION/WETLANDS AND SIGNIFICANT NATURAL AREAS
<a href="#">1011.05</a>	PARK AND EASEMENT DEDICATIONS

#### 1011.01 PURPOSE

- A. To preserve a network of open space resources within the urban area.
- B. To protect sensitive or hazardous open space resources from incompatible development.
- C. To provide land which meets the open space and recreation needs of the people.

#### 1011.02 OPEN SPACE PRESERVATION AREAS

##### A. Area of Application

The standards and requirements of this section shall apply to areas generally indicated as Open Space on the North Urban Area Comprehensive Plan Map and Mt. Hood Community Plan Map when one or more of the following open space resources is present:

1. Bodies of water, such as rivers, lakes or lagoons
2. 100 year floodplains
3. Land within one hundred (100) feet of mean low water of all major rivers and fifty (50) feet of other perennial streams
4. Willamette River Greenway
5. Wetlands, except those wetlands planned and zoned Conservation Wetlands as identified in Section 709, including recharge areas (1/4/96)
6. Distinctive urban forests
7. Hillside of more than twenty (20) percent slope
8. Areas of confirmed land movement hazard
9. Areas of severe erosion or unstable soil
10. Areas of high visual sensitivity
11. Significant Natural Areas
12. Other distinctive or unique natural areas, or areas of serious natural hazard

## B. Prioritization

Open space shall be prioritized and developed as determined by the staff site analysis, under the following categories:

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)
  - b. Land over thirty-five (35) percent slope
  - c. Confirmed land movement hazard areas
  - d. Areas judged to have severe erosion potential due to soil type, geologic structure, and vegetation
  - e. Bodies of water such as rivers, lakes or lagoons
  - f. Wetlands
  - g. Significant Natural Areas
2. "Second priority" open space shall be following:
  - a. Land from twenty (20) percent up to thirty-five (35) percent slope
  - b. Distinctive urban forests
  - c. Land within 100 year floodplains, or within twenty-five (25) year flood limits where 100 year floodplains have not been designated.
  - d. Land used as a recharge area for wetlands
  - e. Areas of high visual sensitivity

## 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 thirty-five (35) percent slope shall be subject to provisions of subsection 1002.03B. (4-12-82)
  2. Commercial or industrial developments affecting wetlands or Significant Natural Areas may be allowed, subject to the provisions of subsection 1011.04 and when permitted by the Corps of Engineers and Oregon Division of State Lands. (1-4-96)
- 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
  2. Elevated pole structures
  3. Understructure parking
  4. Reduction of parking requirements as provided under subsection 1007.07B

5. Clustering of buildings
  6. Minimized driveway areas, use of shared driveways and loading areas
  7. Reduction of road widths or use of one-way roads to accommodate terrain or other features
  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 sixty (60) percent of the landscape requirement. Satisfying the open space requirement in residential developments may count for all of the twenty (20) percent open space requirement in PUDs and up to eighty (80) percent of the multifamily landscape requirements, including outdoor recreation space (see subsection 1009.02 for landscape requirements).
- E. All open space requirements of this section shall be met, using one or more of the following options.
1. Dedication to the public.
  2. Place under a legally responsible group, such as a homeowner's association,
  3. Preservation through conservation easements but maintained by individual land owners, or
  4. Some other suitable mechanism acceptable to the County.

## **1011.04 CONFLICT RESOLUTION/WETLANDS AND SIGNIFICANT NATURAL AREAS**

High priority open space wetlands and Significant Natural Areas shall not be disturbed unless approved by the Planning Director, (7-1-83) 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:

- 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.
- 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.
  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.
- 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 1011.03C and the review process and conditions of development pursuant to Section 1103, and the following specific conditions applying to wetlands or Significant Natural Areas are satisfied:

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.
- d. The proposed use or alteration of the wetland is approved by the U.S. Army Corps of Engineers and the Division of State Lands.

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; and
- b. An evaluation of the preservation value of the natural area, or portion thereof, to be disturbed or destroyed by the proposed development, addressing 1) status, 2) need for representation, 3) diversity, 4) naturalness, 5) viability, 6) defensibility and 7) security (see application handout for details of each criteria); and (7-15-81)
- 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 above under subsection 1011.04D2a and b.
- d. Findings to support the following:
  1. The proposed development will not disturb the significant feature(s) of the site identified by the County (4-12-82), or
  2. 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 (7-15-81)
  3. The site is suitable for the type of development proposed from a geologic standpoint. (This may require an engineering geologic study.)

## **1011.05 PARK AND EASEMENT DEDICATIONS**

A. Area of Application

The standards and requirements of this section shall be applied whenever land is to be dedicated for a park, recreation area, or easement.

B. Park Classifications and Specific Dedication Criteria

The park classifications and standards of policies 1.1 through 1.5 in the Parks and Recreation

section of Chapter 9 of the Clackamas County Comprehensive Plan shall be followed in the dedication and development of parks and recreation areas.

(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1012 DENSITY (3/24/05)

<a href="#">1012.01</a>	PURPOSE
<a href="#">1012.02</a>	APPLICATION OF SECTION
<a href="#">1012.03</a>	DEFINITION AND GENERAL PROVISIONS
<a href="#">1012.04</a>	DISTRICT LAND AREA REQUIREMENTS
<a href="#">1012.05</a>	MAXIMUM DENSITY
<a href="#">1012.06</a>	MAXIMUM DENSITY IN THE VA, VTH, VR-4/5, AND VR-5/7 ZONING DISTRICTS
<a href="#">1012.07</a>	MAXIMUM DENSITY IN THE MRR, HR, AND RR ZONING DISTRICTS
<a href="#">1012.08</a>	MINIMUM DENSITY

#### 1012.01 PURPOSE

This section is adopted to: (3/24/05)

- A. Ensure that the density of development is properly related to natural features, public facilities and services, adjacent land uses, and applicable zoning; (3/24/05)
- B. Encourage transferring density and development from any restricted portions of a site to other usable areas of the site; (3/24/05)
- C. Provide density bonuses for affordable housing and public recreation amenities; (3/24/05)
- D. Provide criteria for calculating maximum and minimum density; and (3/24/05)
- E. Ensure that available urban land is used to the maximum extent, consistent with infrastructure availability and limitations. (3/24/05)

#### 1012.02 APPLICATION OF SECTION (3/24/05)

In zoning districts listed in Table 1, this section shall apply to the following administrative actions: subdivisions, partitions, and design review for condominiums, manufactured dwelling parks, two-family dwellings, three-family dwellings, or multifamily dwellings, except for: (3/24/05)

- A. Two- and three-family dwellings approved pursuant to Section 802; and (3/24/05)



B. Subdivisions and partitions approved pursuant to Subsections 902.01(B)(3) through (5). (3/24/05)

### 1012.03 DEFINITION AND GENERAL PROVISIONS (3/24/05)

- A. Density is: (3/24/05)
1. The number of dwelling units in a condominium, two-family, three-family, or multifamily development; (3/24/05)
  2. The number of spaces in a manufactured dwelling park; or (3/24/05)
  3. The number of single-family-dwelling lots in a subdivision or partition. (3/24/05)
- B. If the subject property is currently developed with one or more dwelling units that will be retained, such dwelling units shall be included in demonstrating compliance with the maximum and minimum density standards of this section. (3/24/05)
- C. If a subdivision or partition is proposed on property currently developed with two-family, three-family, or multifamily dwellings (or with a current design review approval for such development), maximum and minimum density shall be calculated separately for each proposed lot or parcel. (3/24/05)
- D. In a zoning district that does not allow new detached single-family dwellings, a lot created for a nonconforming detached single-family dwelling shall not be included in the gross site area used to calculate minimum and maximum density for the remaining lot(s). (3/24/05)

### 1012.04 DISTRICT LAND AREA REQUIREMENTS

District land area is the minimum land area required per primary dwelling unit. The district land area for each zoning district is identified in Tables 1 and 2, except as may be modified by a variance approved pursuant to Section 1205. (3/24/05)

**Table 1 (3/24/05)**

<b>Zoning District</b>	<b>District Land Area (in square feet)</b>
Special High Density Residential (SHD)	726
High Density Residential (HDR)	1,742
Medium High Density Residential (MR-2)	2,420
Medium Density Residential (MR-1)	3,630
R-2.5	2,500
R-5	5,000

R-7	7,000
R-8.5	8,500
R-10	10,000
R-15	15,000
R-20	20,000
R-30	30,000
Village Apartment (VA)	1,500
Village Townhouse (VTH)	2,000
Village Small Lot Residential (VR-4/5)	4,000
Village Standard Lot Residential (VR-5/7)	5,000
Mountain Recreational Resort (MRR) in Government Camp	1,980
Mountain Recreational Resort (MRR) in Wemme/Welches and Rhododendron	See Table 2
Hoodland Residential (HR)	10,890
Recreational Resort (RR)	87,120

**Table 2 (3/24/05)**

<b>Dwelling Unit Size (in square feet)</b>	<b>District Land Area in MRR Zone in Wemme/Welches</b>	<b>District Land Area in MRR Zone in Rhododendron</b>
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

**1012.05 MAXIMUM DENSITY (3/24/05)**

Developments shall be limited to a maximum density. Except in the MRR, HR, and RR zoning districts, maximum density shall be calculated as follows. Exceptions that apply in the VA, VTH, VR-4/5, and VR-5/7 zoning districts are established by Subsection 1012.06. Subsection 1012.07 establishes the process to be used in the MRR, HR, and RR zoning districts. (3/24/05)

- A. Calculate the land area of the subject property. The result is gross site area (GSA). (3/24/05)
- B. Subtract the following from GSA: (3/24/05)
  1. Land dedicated for park sites pursuant to Comprehensive Plan Map X-SV-4 and Section 1602; (3/24/05)
  2. The land area of new county, public, or private roads (NR), except: (3/24/05)
    - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted. (3/24/05)
    - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval. (3/24/05)
    - c. No subtraction shall be made for new access drives. (3/24/05)
    - d. No subtraction shall be made for NR in the following zoning districts: SHD, HDR, MR-2, MR-1, and VA. (3/24/05)
  3. Any land area of the GSA in the following highly restricted areas (HRA), except that no subtraction shall be made for HRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas: (3/24/05)
    - a. Slopes greater than 50 percent; (3/24/05)
    - b. Mass movement hazards regulated by Section 1003; (3/24/05)
    - c. The floodway subclassification of the Floodplain Management District regulated by Section 703; (3/24/05)
    - d. Rivers, streams, and required buffer areas regulated by Section 704, 705, or 1002, or by another public agency; (3/24/05)
    - e. Wetlands and required buffer areas regulated by Section 1002 or by another public agency; and (3/24/05)
    - f. Significant natural areas regulated by Section 1002; and (3/24/05)
  4. Fifty percent of the land area of any portions of the GSA in the following moderately restricted areas (MRA), except that no subtraction shall be made for MRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas. In the event of an overlap between HRA and MRA, the area of overlap shall be classified as HRA: (3/24/05)
    - a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and (3/24/05)
    - b. Areas outside the floodway subclassification but within the Floodplain Management District regulated by Section 703. (3/24/05)
- C. Divide the net result by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are represented

by the following formula: (3/24/05)

$$\{GSA - [NR + HRA + (MRA \times 0.5)]\} / DLA = BD^* \text{ (3/24/05)}$$

\* HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(3) and (4). Table 3 summarizes the percentages of HRA and MRA that are included in calculating BD. (3/24/05)

<b>Restricted Area</b>	<b>Percentage of Area Included in Calculating BD When Area is Developed</b>	<b>Percentage of Area Included in Calculating BD When Density is Transferred</b>
Slopes greater than 50 percent	0	100
Mass movement hazards regulated by Section 1003	0	100
The floodway subclassification of the Floodplain Management District regulated by Section 703	0	100
Rivers, streams, and required buffer areas regulated by Section 704, 705, or 1002, or by another public agency	0	100
Wetlands and required buffer areas regulated by Section 1002 or by another public agency	0	100
Significant natural areas regulated by Section 1002	0	100
Slopes equal to or greater than 20 percent and less than or equal to 50 percent	50	100
Areas outside the floodway subclassification but within the Floodplain Management District regulated by Section 703	50	100

- D. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria: (3/24/05)
1. The proposed development shall be located in an Urban Low Density Residential (ULDR), MR-1, MR-2, or HDR zoning district. (3/24/05)
  2. The proposed development shall include a minimum of 4 dwelling units. (3/24/05)
  3. The bonus density categories and corresponding maximum increases to BD are identified in Table 4. (3/24/05)

**Table 4 (3/24/05)**

<b>Bonus Category</b>	<b>Maximum Increase in the ULDR and HR Zoning Districts</b>	<b>Maximum Increase in the MR-1, MR-2, HDR, and MRR Zoning Districts</b>
Affordable Housing: Living units qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.	One unit per affordable unit up to 5% of the base density	One unit per affordable unit up to 8% of the base density
Park Dedication: Improved site area is dedicated as a park and accepted by the County or other public agency pursuant to Section 1011.	10% of the base density	10% of the base density
<b>MAXIMUM TOTAL INCREASE</b>	<b>15% of the base density</b>	<b>18% of the base density</b>

- E. Any partial figure of one-half or greater shall be rounded up to the next whole number, except in the case of a subdivision or partition of 10 lots or fewer in an Urban Low Density Residential, VR-4/5, or VR-5/7 district, in which case partial figures shall be rounded down. (3/24/05)
- F. The result is maximum density, except that the result shall be reduced as necessary to: (3/24/05)
1. Comply with the minimum lot size requirements of Section 1013 or 1014, as applicable; (3/24/05)
  2. Ensure that, in an R-2.5 zoning district, the density of the developed portion of the site area does not exceed the density allowed in the MR-2 zoning district of one dwelling unit per 2,420 square feet of land area; and (3/24/05)
  3. Ensure that, in all other Urban Low Density Residential zoning districts, the density of the developed portion of the site area does not exceed the density allowed in the MR-1 zoning

district of one dwelling unit per 3,630 square feet of land area. (3/24/05)

### **1012.06 MAXIMUM DENSITY IN THE VA, VTH, VR-4/5, AND VR-5/7 ZONING DISTRICTS (3/24/05)**

In the VA, VTH, VR-4/5, and VR-5/7 zoning districts, maximum density shall be calculated pursuant to Subsection 1012.05, except if any restricted areas, as identified in Subsection 1012.05, are to be developed, in which case: (3/24/05)

- A. A district land area of one acre shall apply to the restricted areas proposed for development. (3/24/05)
- B. Density shall not be transferred from outside restricted areas into restricted areas. (3/24/05)
- C. The calculations required under Subsection 1012.05 shall be completed twice, once for the gross site area of restricted areas to be developed and once for the gross site area of the remainder of the subject property. (3/24/05)
- D. The steps identified in Subsections 1012.05(B)(3) and (4) shall be omitted when completing the calculations for the restricted areas to be developed. (3/24/05)
- E. Partial figures resulting from the calculations for the restricted areas to be developed shall be rounded down. (3/24/05)

### **1012.07 MAXIMUM DENSITY IN THE MRR, HR, AND RR ZONING DISTRICTS (3/24/05)**

In the MRR, HR, and RR zoning districts, developments shall be limited to a maximum density, which shall be calculated as follows: (3/24/05)

- A. Calculate the land area of the subject property. The result is gross site area (GSA). (3/24/05)
- B. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between restricted area categories, the area of overlap shall be classified in the most restrictive category. (3/24/05)
  - 1. The land area of new county, public, or private roads (NR), except: (3/24/05)
    - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted. (3/24/05)
    - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval. (3/24/05)
    - c. No subtraction shall be made for new access drives; (3/24/05)
  - 2. Any land area of the GSA in the following highly restricted area (HRA): (3/24/05)
    - a. The Floodplain Management District regulated by Section 703; (3/24/05)
  - 3. Fifty percent of the land area of the GSA in the following moderately restricted areas (MRA), except in the RR zone, where the subtraction shall be 50 percent of any land area of the MRA that will remain undeveloped and 100 percent of any land area of the MRA

that will be developed: (3/24/05)

- a. Slopes greater than 25 percent; (3/24/05)
- b. Mass movement hazards regulated by Section 1003; and (3/24/05)
- c. Wetlands and required buffer areas regulated by Section 1002 or another public agency; and (3/24/05)

4. In the RR zone, any land area of the GSA that is in a river or stream corridor (SC) and will be developed. (3/24/05)

C. In the RR and HR zones, divide the NSA by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are generally represented by the following formula. However, as provided in Subsections 1012.07(B)(3) and (4), the subtraction for MRA may be increased above the 50-percent level and SC may be inapplicable. (3/24/05)

$$\{ \text{GSA} - [\text{NR} + \text{HRA} + (\text{MRA} \times 0.5) + \text{SC}] \} / \text{DLA} = \text{BD} \quad (3/24/05)$$

D. In the MRR zone, the calculation in Subsection 1012.07(C) shall be done separately for each proposed unit size category identified in Table 2. This requires the applicant to identify the square footage of the NSA that is attributed to each unit size category. The results of each separate calculation shall be added to determine BD. (3/24/05)

E. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria: (3/24/05)

1. The proposed development shall be located in an MRR or HR zoning district. (3/24/05)
2. The proposed development shall include a minimum of 4 dwelling units. (3/24/05)
3. The bonus density category and corresponding maximum increase to BD is identified in Table 4. (3/24/05)
4. In an MRR zone, dwelling units allowed through the bonus density provisions shall be developed with the same unit size mixture as provided in the BD. For example, if a development is proposed with a BD of 50 units of 700 square feet and 50 units of 500 square feet, and a bonus density of 10 units is allowed, the 10 bonus units shall include 5 units of 700 square feet and 5 units of 500 square feet. (3/24/05)

F. In an MRR or HR zone, any partial figure of one-half or greater shall be rounded up to the next whole number. (3/24/05)

G. The result is maximum density. (3/24/05)

## **1012.08 MINIMUM DENSITY (3/24/05)**

In the Urban Low Density Residential, MR-1, MR-2, HDR, SHD, and VA zoning districts, minimum density shall be calculated as follows: (3/24/05)

A. Calculate the land area of the subject property. The result is gross site area (GSA). (3/24/05)

B. Subtract the following from GSA: (3/24/05)

1. The land area of new county, public, or private roads and strips of land dedicated adjacent

to existing road rights-of-way (NR); (3/24/05)

2. Slopes equal to or greater than 20 percent; (3/24/05)
  3. Mass movement hazards regulated by Section 1003; (3/24/05)
  4. Areas in the Floodplain Management District regulated by Section 703; (3/24/05)
  5. Rivers, streams, and required buffer areas regulated by Section 704, 705, or 1002, or by another public agency; (3/24/05)
  6. Wetlands and required buffer areas regulated by Section 709 or 1002, or by another public agency; (3/24/05)
  7. Significant natural areas regulated by Section 1002; and (3/24/05)
  8. Land to be dedicated to the public for park or open space use. (3/24/05)
- C. Divide by the district land area of the applicable zoning district. (3/24/05)
- D. Multiply the result: (3/24/05)
1. By 80 percent in Urban Low Density Residential zoning districts. However, partitions in these districts have no minimum density requirement provided a master plan demonstrates that the property can comply with the minimum density standard through future land division; (3/24/05)
  2. By 80 percent in the MR-1 zoning district, except in the case of a manufactured dwelling park where the result shall be multiplied by 50 percent; (3/24/05)
  3. By 90 percent in the MR-2, HDR, and SHD zoning districts; or (3/24/05)
  4. By 50 percent in the VA zoning district. (3/24/05)
- E. Any partial figure of one-half or greater shall be rounded up to the next whole number. (3/24/05)
- F. The result is minimum density. (3/24/05)

(LAST TEXT REVISION 3/24/05)



## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1013 PLANNED UNIT DEVELOPMENTS (3/24/05)

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<a href="#">1013.01</a>	PURPOSE
<a href="#">1013.02</a>	AREA OF APPLICATION
<a href="#">1013.03</a>	PRIMARY USES
<a href="#">1013.04</a>	ACCESSORY USES
<a href="#">1013.05</a>	CONDITIONAL USES
<a href="#">1013.06</a>	DIMENSIONAL AND DEVELOPMENT STANDARDS
<a href="#">1013.07</a>	REVIEW PROCEDURE

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#### 1013.01 PURPOSE

This section is adopted to: (3/24/05)

- A. Encourage a creative approach in the development of land and an efficient, aesthetic, and desirable use of open area, while maintaining the same population density permitted in the zoning district in which the project is located; (3/24/05)
- B. Allow flexibility in design, placement of buildings, use of open space, circulation facilities, and off-street parking areas; (3/24/05)
- C. Utilize the potential of sites characterized by special features of geography, topography, size, and shape; and (3/24/05)
- D. Allow a mixture of densities between zoning districts when more than one district is included in the development.

#### 1013.02 AREA OF APPLICATION

- A. Planned unit developments may be established in urban and rural residential, commercial, or industrial districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purpose of this section. (3/24/05)
- B. Developments on property in an Urban Low Density Residential, Mountain Recreational Resort, or Hoodland Residential District shall be developed as planned unit developments when at least one of the following criteria applies: (3/24/05)

1. The site is larger than 1 acre and 10 percent or more of the site is designated Open Space on Map IV-6, X-MH-1, X-MH-2, X-MH-3, or X-MH-5 of the Comprehensive Plan; or (3/24/05)
2. The proposed development includes attached single-family dwellings on more than 20 percent of the proposed lots. Developments in the R-2.5 zoning district are exempt. (3/24/05)

### **1013.03 PRIMARY USES**

- A. Uses listed as primary uses in the zoning district in which the development is located. (3/24/05)

### **1013.04 ACCESSORY USES (3/24/05)**

1. Recreational facilities, including, but not limited to, tennis courts, swimming pools, and playgrounds; (3/24/05)
2. Open space uses, including, but not limited to, nature trails, bird sanctuaries, and nature conservatories; (3/24/05)
3. Offices, buildings, and facilities required for the operation, administration, and maintenance of any planned unit development and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas; (3/24/05)
4. Bus shelters, subject to Section 823. (3/24/05)

### **1013.05 CONDITIONAL USES**

- A. The following conditional uses may be allowed in a residential zoning 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. (3/24/05)
1. Churches, subject to Section 804; (3/24/05)
  2. Schools, subject to Section 805; (3/24/05)
  3. Libraries; (3/24/05)
  4. Community halls; (3/24/05)
  5. Convenience establishments of a commercial and service nature, including stores, laundry and dry-cleaning agencies and establishments, beauty shops, barber shops, and convenience grocery stores (but specifically excluding gas stations, repair garages, and drive-through eating and drinking establishments) provided: (3/24/05)
    - a. Such convenience establishments shall be an integral part of the general plan of development for the planned unit development and provide facilities related to the needs of the prospective residents. (3/24/05)
    - b. Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of one-half acre per 100 dwelling

- units. (3/24/05)
- c. Such convenience establishments shall be located, designed, and operated to efficiently serve frequent trade and service needs of persons residing in the planned unit development and not persons residing elsewhere. (3/24/05)
- d. Such convenience establishments shall not, by reason of their location, construction, manner or hour of operation, 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. (3/24/05)
- e. Such convenience establishments are prohibited unless existing as a part of a planned unit development of a minimum of 100 dwelling units. No building permit for any convenience establishment shall be issued until a minimum of 100 dwelling units are constructed within a development. (3/24/05)

### **1013.06 DIMENSIONAL AND DEVELOPMENT STANDARDS (3/24/05)**

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. If there is a conflict between this section and the other provisions of Section 1000, this section shall govern. (3/24/05)
- B. 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.
- C. Lot Arrangement: All lots within the development shall have reasonable access to open space or recreation areas.
- D. Minimum Lot Size: (3/24/05)
  - 1. Designated nonresidential tracts are exempt from the specified minimum lot size. (3/24/05)
  - 2. The maximum density permitted under Section 1012 shall not be exceeded. (3/24/05)
  - 3. Minimum lot sizes for each zoning district apply as follows. There is no minimum lot size where none is specified. (3/24/05)
    - a. VTH: 2,000 square feet (3/24/05)
    - b. VR-4/5: 2,000 square feet (3/24/05)
    - c. VR-5/7: 4,000 square feet (3/24/05)
    - d. RR, RA-2, RRFF-5, and FF-10: 2 acres (3/24/05)
- E. Maximum Number of Lots: In an RA-2, RRFF-5, or FF-10 zoning district, the number of residential lots in a planned unit development shall not exceed 10. (3/24/05)
- F. Open Space: (3/24/05)
  - 1. A minimum of 20 percent of the gross site area shall be open space. (3/24/05)
  - 2. Open space tracts may include bicycle or pedestrian trails; natural or landscaped buffer areas; covered bus stops; significant natural vegetation or landscape features; and community recreation facilities, such as tennis courts, recreation buildings, or swimming pools. (3/24/05)
  - 3. Open space shall not include parking areas, except those areas in conjunction with recreation facilities, or roadways. (3/24/05)

4. Filling or placement of debris within the open space area is prohibited, unless specifically authorized by the Planning Director. (3/24/05)
5. Private vehicle access easements serving neighboring properties are prohibited within the open space area. (3/24/05)
6. Developments shall be designed so that no dwelling unit is located more than 1000 feet from an open space area. (3/24/05)
7. Individual open space areas should be large enough to be usable unless the open space is intended to protect significant natural features from impacts associated with use or development. As a guideline, a minimum of 5,000 square feet is suggested. (3/24/05)
8. Prior to final plat approval, all improvements associated with the open space, such as recreation centers, swimming pools, and tennis courts, shall be constructed or a surety shall be provided to the County pursuant to Section 1104. (3/24/05)

G. Community Services: (3/24/05)

1. The County may request the dedication of proposed open space land which is reasonably suited for use as a County or North Clackamas Parks and Recreation District (NCPRD) park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the County or NCPRD to maintain such parks. (3/24/05)
2. Planned unit developments of 250 lots or dwelling units shall be required to dedicate land for school uses when determined necessary to meet the needs of the school district. This dedicated land may be calculated as part of the required open space. (3/24/05)

H. Minimum Yard Requirements: (3/24/05)

1. Perimeter Yard Setbacks: Yard setbacks from lot lines on the perimeter of the plat shall be the same as are required in the underlying zoning district. (3/24/05)
2. Minimum Side Yard Setbacks: None. (3/24/05)
3. Minimum Front Yard Setback: 20 feet. (3/24/05)
4. Minimum Rear Yard Setback: None. (3/24/05)

I. Maximum Lot Coverage: In the Urban Low Density Residential zones, the maximum lot coverage shall be 65 percent. (3/24/05)

J. Parking: (3/24/05)

1. A minimum of 2 off-street parking spaces per dwelling unit shall be provided. (3/24/05)
2. Off-street parking may be provided on each lot or in parking areas in proximity to the dwelling units they serve. (6/26/03)
3. Guest parking may be required after consideration of street type, width, traffic volume, transit amenities, and pedestrian circulation. (3/24/05)
4. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, recreational vehicle parking shall be located so as to be compatible with the surrounding development. If located on the perimeter of the development, it shall be screened from adjacent properties.

K. Homeowners Association:

1. A nonprofit incorporated homeowners association, or an alternative acceptable to the Office of County Counsel, shall be required if other satisfactory arrangements, such as a

County service district, have not been made for ownership of, improving, operating, and maintaining common facilities, including open space, roads, drives, service and parking areas, and recreation areas, and for snow removal and storage. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the Office of County Counsel: (3/24/05)

- a. A homeowners association shall be incorporated prior to approval and recording of the final plat, or any portion thereof. (3/24/05)
  - b. Membership shall be mandatory for each home buyer and any successive buyer.
  - c. The open space restrictions shall continue in perpetuity. (6/26/03)
  - d. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities. (6/26/03)
  - e. Homeowners shall pay their pro rata share of the cost, or the assessment levied by the association shall become a lien on the property. (3/24/05)
  - f. The homeowners association shall be able to adjust the assessment to meet changes needed. (6/26/03)
  - g. No change in open space use or dissolution of the homeowners association shall occur without a public hearing before the Hearings Officer and approval of the County. (3/24/05)
2. An alternative to a homeowners association may include deed restrictions or conservation easements when the County determines such will protect the purpose of this Ordinance and be in the public's interest. (3/24/05)

### **1013.07 REVIEW PROCEDURE (3/24/05)**

A. Planned unit developments are subject to review pursuant to Section 1105 or 1106. (3/24/05)

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1014 DESIGN STANDARDS FOR LAND DIVISIONS (3/24/05)

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<a href="#">1014.01</a>	PURPOSE
<a href="#">1014.02</a>	APPLICATION OF SECTION
<a href="#">1014.03</a>	STREET DESIGN PROVISIONS
<a href="#">1014.04</a>	LOT OR PARCEL PROVISIONS
<a href="#">1014.05</a>	PHASED SUBDIVISIONS AND REPLATS

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#### 1014.01 PURPOSE

To assure that development occurs in an orderly, efficient, and cost-effective manner, while preserving the livability of the County. (3/24/05)

#### 1014.02 APPLICATION OF SECTION

This section shall apply to all subdivisions and partitions. (3/24/05)

#### 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**

### **A. General Design Standards:**

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)
2. Lots or parcels shall be designed, when appropriate, to allow for the future redivision of the property. (3/24/05)
3. Residential lots which have street frontage along two opposite boundaries shall be prohibited, except for reverse frontage lots which are necessary to separate residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Developments with reverse frontage lots shall have a restriction in favor of the County at least one foot wide along the lot 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)

### **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)**

1. The overall density of the development shall comply with Section 1012. (3/24/05)

2. Flexible-lot-size developments may be permitted in the following zoning districts and with the following minimum lot or parcel sizes: (3/24/05)

- a. 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 a more restrictive zoning district shall be a minimum of 2,500 square feet. (3/24/05)
- b. 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 underlying zoning district for detached single-family dwellings and 2,000 square feet for attached single-family dwellings. (3/24/05)
- c. VR-5/7 District: The smallest lot or parcel size permitted is 4,000 square feet; (3/24/05)
- d. VR-4/5 District: The smallest lot or parcel size permitted is 2,000 square feet; (3/24/05)
- e. 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. RRFF-5 District: The smallest lot or parcel size permitted is 2 acres; (3/24/05)
- g. These lot or parcel size standards may be subject to modification for planned unit developments pursuant to Section 1013. (3/24/05)

C. Zero-Lot-Line Developments: Within the Urban Low Density Residential Districts, subdivisions and partitions may be designed to allow the construction of single-family dwellings, manufactured homes, and accessory buildings with zero setback from the side or rear lot line provided that: (3/24/05)

1. 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. Minimum yard setbacks from lot lines on the perimeter of the development shall be the same as are required in the underlying zoning district. (3/24/05)

## **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. (3/24/05)

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. Replatting: 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. (3/24/05)
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. (3/24/05)

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1016 MULTI-USE DEVELOPMENT (3/14/02)

<a href="#">1016.01</a>	PURPOSE
<a href="#">1016.02</a>	AREA OF APPLICATION
<a href="#">1016.03</a>	PROCEDURE FOR REVIEW OF A MULTI-USE DEVELOPMENT
<a href="#">1016.04</a>	DETERMINATION OF USES
<a href="#">1016.05</a>	USE CATEGORIES
<a href="#">1016.06</a>	ACCESSORY USES
<a href="#">1016.07</a>	PROHIBITED USES
<a href="#">1016.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">1016.09</a>	DEVELOPMENT STANDARDS

#### 1016.01 PURPOSE

- 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**

The provisions of this section for Multi-Use Developments may be applied to sites within the Urban Growth Boundary when the sites satisfy the following conditions, and the specific development plan satisfies the criteria under 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 1016.08B:
- 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, 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 Section 1102.06.
  4. A preliminary site plan including the requirements under Section 1102.07, and addressing the purposes under 1016.01, the site planning and design objectives under 1016.09A, and dimensional requirements under 1016.08.
  5. Proposed phasing of the development, if applicable to satisfy the requirements of Section 1016.04G.
  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. Final plans, as required under Section 1102.08, are submitted, reviewed and approved by the Design Review Committee and staff, and
  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 1016.03C, above, are not satisfied. Time extensions of up to three (3) years each may be granted by the Planning Director, pursuant to Section 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:
      1. the addition of a new category of use not included in the original application,
      2. the deletion of a category of use approved in the original application,

3. 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.
  4. 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 Section 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 1016.03E1, 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 "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 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 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 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 districts the total land area may be used to calculate the base density, as provided under 1012, for the underlying district. At least 80% of the base density in MR-1 and HDR, and 50% of the base density in SHD 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 Plan category.
- G. Commercial/Industrial Phased Developments: In commercial or industrial 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 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 district pursuant to the Determination of Use Chart (DUC), subject to the requirements under 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 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 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) 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 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 1016.07.
3. All retail and service commercial uses except those included under 1016.05C,4, below; eating and drinking establishments except those qualifying as "hospitality" uses under 1016.05B, 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) 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 primary uses, as specified in the underlying district (i.e., R-7 through R-30 and Hoodland Residential, HR).
  2. Medium Density Residential (MR-1) primary uses, subject to Section 302.
  3. High Density Residential (HDR) primary uses, subject to Section 303.
  4. Special High Density residential (SHD) primary uses, subject to Section 304.
  5. Mountain Recreational Resort (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 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 and transit amenities.
- C. Parking areas and structures.
- D. Utility carrier cabinets.
- E. Solar collection apparatus and co-generation facilities.
- F. Radio and television earth stations and dishes.
- G. Day care centers associated with a principal use.
- H. Cafeterias, delicatessens, and other such facilities provided for employees of a principal use.
- I. 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. Private recreational facilities as part of a multifamily residential complex.
- K. Helistops.
- L. 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 1016.03E, 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. 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. Outdoor storage of materials or products.
- E. Drive-thru window service, except those associated with a bank, credit union, or other financial institution, subject to the provisions of Section 827.
- F. Industrial uses listed as Conditional Uses in the General Industrial (I-3) district under 603.06(A), except as specifically allowed under 1016.05. (3/14/02)

## **1016.08 DIMENSIONAL REQUIREMENTS**

- A. The 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 Section 304.10(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. Light Industrial (I-2): 10 acres
    - l. General Industrial (I-3): 20 acres
    - m. Open Space Management (OSM): 20 acres
    - n. 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 C-3 and C-3/AC district the minimum 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 area standards under 1009.02. shall be modified as follows:
    - a. In General Commercial (C-3) (C3/AC), Town Center Campus Industrial (TCI), Light Industrial (I-2), and General Industrial (I-3), 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 percent requirement will be satisfied.
    - b. In all residential (LDR, MR-1, HDR, SHD, and MRR), Open Space Management (ASM), Campus Industrial (CI) and Office Commercial (OC) 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 demonstrated how the minimum 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 1016.01 and 1016.08A. 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 structure and/or understructure parking areas, as provided under 1016.09D; the siting of uses to maximize the "shared parking" provisions under subsection 1007.07A5; reducing the number of spaces needed as provided under subsection 1007.07B2, or a combination of 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 1016.08B,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 1007, 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 1016.09A; 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 Section 1010.05A3.
  - b. **On-Building Signs:** Individual onbuilding tenant identification signs shall be allowed under the provisions of Section 1010.05B.
  - c. **Ground-Mounted Signs:** Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:

1. no onbuilding sign with the same message is facing in the same direction;
2. the sign area does not exceed 30 square feet;
3. the sign does not exceed five (5) feet in height;
4. 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**

**DISTRICTS**

**LDR**

**MR-1**

**HDR**

**SHD**

**MRR**

Minimum Site Area\*\*\*

30 ac

10 ac

5 ac

5 ac

10 ac

Minimum % R la or fa required	80%la	70%fa	50%fa	50% fa	70%fa
Minimum % bd required	80%bd	80% bd	50% bd		
Maximum % (L) la or fa allowed	20%la	15%fa	20%fa	25% fa	20%fa
<b>CATEGORY A</b>					
1. Offices	(L)	P	P	P	P
2. High Tech	X	X	X	X	X
3. Other I-2/I-3	X	X	X	X	X
<b>CATEGORY B</b>					
1. Hospitality	X	P	P	P	P
2. Health/Recreation	(L)	P	P	P	P
3. Public Use/Cultural	X	P	P	P	P
<b>CATEGORY C</b>					
1. Neighborhood Commercial	(L)	(L)	(L)	(L)	(L)
2. Commercial Amusement	X	X	(L)	(L)	(L)
3. Retail/Service	X	X	X	(L)	X
4. Strip/Auto	X	X	X	X	X
<b>CATEGORY D</b>					
Residential (District density)	R	R	R	R	R
<b>CATEGORY E</b>					
Education	(L)	P	P	P	P

**Symbol Key:**

P = Permitted Use

(L) = Limited use (See Maximum % allowed)

R = Required Use (See Minimum % required)

X = Prohibited Use

la =  
land  
areafa =  
floor  
areabd =  
base  
density\*New "Office Commercial"  
district, not adopted\*\*Town Center Campus  
Industrial\*\*\*See 1016.08B1n and  
1016.08C for exceptions**DETERMINATION OF USE CHART (DUC)****COMMERCIAL****DISTRICTS****C-3****C-3/  
AC****OC\*****TCI\*\***

Minimum Site Area\*\*\*

1 ac

1 ac

10 ac

20 ac

Minimum % R la or fa required

NA

NA

NA

NA

Minimum % bd required

Maximum % (L) la or fa allowed

NA

NA

35% fa

50% fa

**CATEGORY A**

1. Offices

P

P

P

P

2. High Tech

P

P

P

P

3. Other I-2/I-3

X

X

X

X

**CATEGORY B**

1. Hospitality

P

P

P

P

2. Health/Recreation

P

P

P

P

3. Public Use/Cultural

P

P

P

P

**CATEGORY C**

1. Neighborhood Commercial

P

P

(L)

(L)

2. Commercial Amusement

P

P

(L)

(L)

3. Retail/Service	P	P	(L)	(L)
4. Strip/Auto	P	X	X	X
<b>CATEGORY D</b>				
Residential (District density)	(MR-1, HDR)	(MR-1 TO SHD)	(HDR)	(HDR)
<b>CATEGORY E</b>				
Education	P	P	P	P
<b>Symbol Key:</b> P = Permitted Use (L) = Limited use (See Maximum % allowed) R = Required Use (See Minimum % required) X = Prohibited Use	la = land area  fa = floor area  bd = base density	*New "Office Commercial" district, not adopted  **Town Center Campus Industrial  ***See 1016.08B1n and 1016.08C for exceptions		

**DETERMINATION OF USE CHART (DUC)**

**INDUSTRIAL**

**DISTRICTS**

	<b>CI</b>	<b>I-2</b>	<b>I-3</b>	<b>OSM</b>
Minimum Site Area***	20 ac	10 ac	20 ac	20 ac
Minimum % R la or fa required	60% fa	70% la	70% la	70% la
Minimum % bd required				
Maximum % (L) la or fa allowed	35% fa	10% la	10% la	30% la

**CATEGORY A**

1. Offices	R	P	(L)	(L)
2. High Tech	R	R	R	X
3. Other I-2/I-3	X	R	R	X



<b>CATEGORY B</b>				
1. Hospitality	P	(L)	(L)	(L)
2. Health/Recreation	P	(L)	(L)	R
3. Public Use/Cultural	P	P	P	(L)
<b>CATEGORY C</b>				
1. Neighborhood Commercial	(L)	(L)	(L)	(L)
2. Commercial Amusement	(L)	X	X	(L)
3. Retail/Service	(L)	X	X	X
4. Strip/Auto	X	X	(L)	X
<b>CATEGORY D</b>				
Residential (District density)	(HDR)	X	X	X
<b>CATEGORY E</b>				
Education	P	P	P	(L)
<b>Symbol Key:</b> P = Permitted Use (L) = Limited use (See Maximum % allowed) R = Required Use (See Minimum % required) X = Prohibited Use	la = land area  fa = floor area  bd = base density	*New "Office Commercial" district, not adopted  **Town Center Campus Industrial  ***See 1016.08B1n and 1016.08C for exceptions		

(LAST TEXT REVISION 3/14/02)

## SECTION 1000 - DEVELOPMENT STANDARDS

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# 1017 SOLAR ACCESS ORDINANCE FOR NEW DEVELOPMENT (3/24/05)

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<a href="#">1017.01</a>	PURPOSE
<a href="#">1017.02</a>	APPLICATION OF SECTION
<a href="#">1017.03</a>	DEFINITIONS
<a href="#">1017.04</a>	DESIGN STANDARD
<a href="#">1017.05</a>	EXEMPTIONS FROM DESIGN STANDARD
<a href="#">1017.06</a>	ADJUSTMENT TO DESIGN STANDARD
<a href="#">1017.07</a>	PROTECTION FROM FUTURE SHADE
<a href="#">1017.08</a>	APPLICATION
<a href="#">1017.09</a>	REVIEW PROCESS

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### 1017.01 PURPOSE

The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

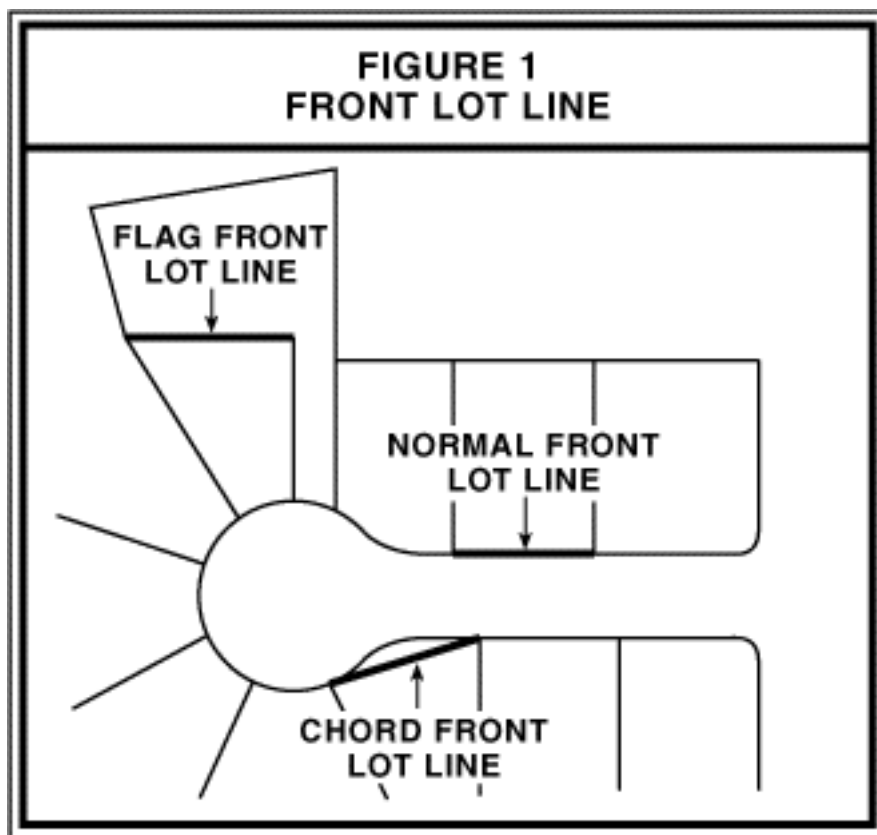
### 1017.02 APPLICATION OF SECTION (3/24/05)

The solar design standard in Subsection 1017.04 shall apply to applications for a development to create lots in VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 zones and for dwellings in any zone, except to the extent the Planning Director finds the applicant has shown that one or more of the conditions listed in Subsections 1017.05 and 1017.06 exist, and exemptions or adjustments provided for therein are warranted. (3/24/05)

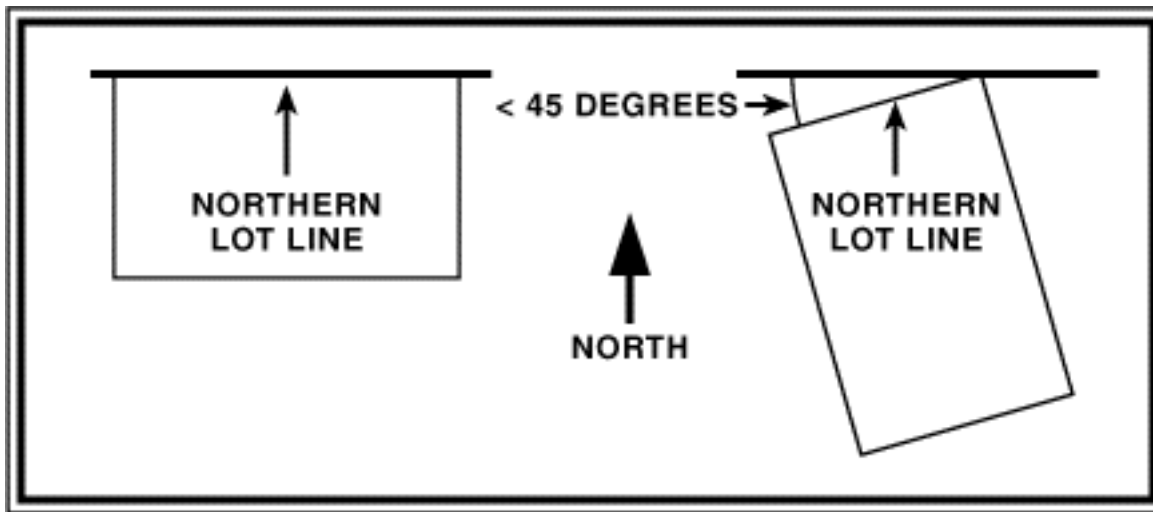
### 1017.03 DEFINITIONS

Words and terms used in Sections 1017, 1018, and 1019 are defined as follows:

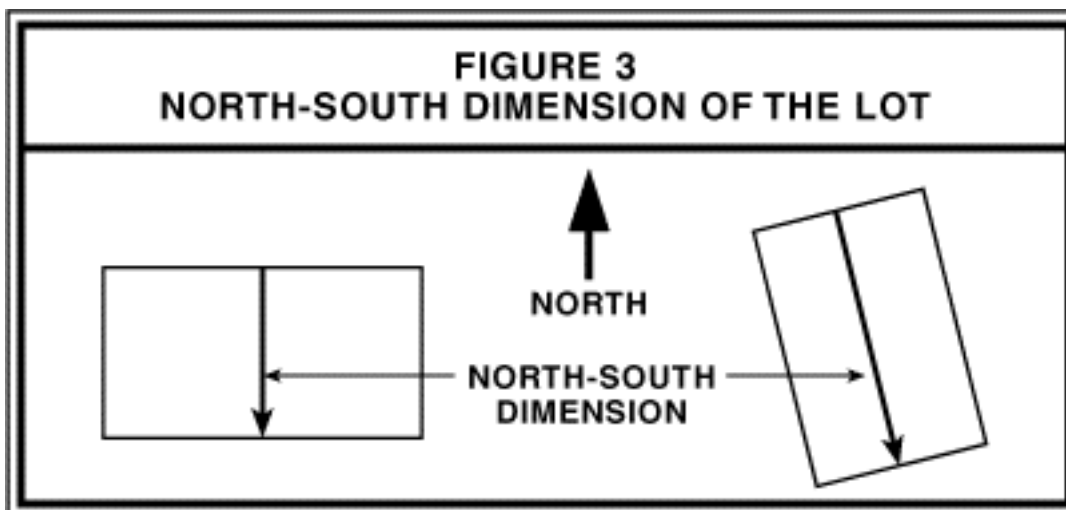
- A. **CROWN COVER:** The area within the drip line or perimeter of the foliage of a tree.
- B. **DEVELOPMENT:** Any short plat, partition, subdivision, or planned unit development created under the County's land division or zoning regulations.
- C. **EXEMPT TREE OR VEGETATION:** The full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; and any vegetation listed as exempt on a plat map, a document recorded with the plat, or a solar access permit.
- D. **FRONT LOT LINE:** For the purposes of the solar access regulations, a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).



- E. **NONEXEMPT TREE OR VEGETATION:** Vegetation that is not exempt.
- F. **NORTHERN LOT LINE:** The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line.

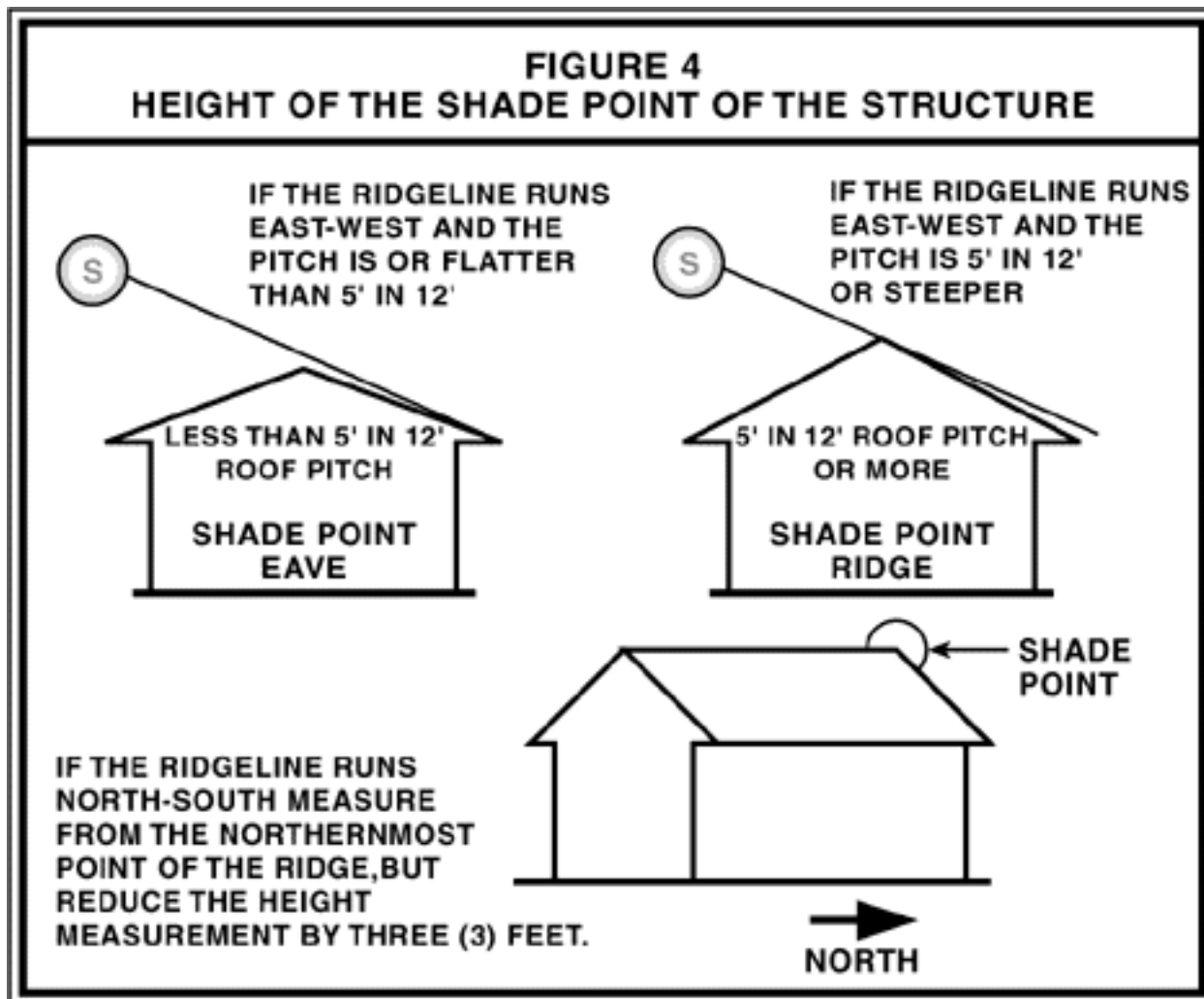


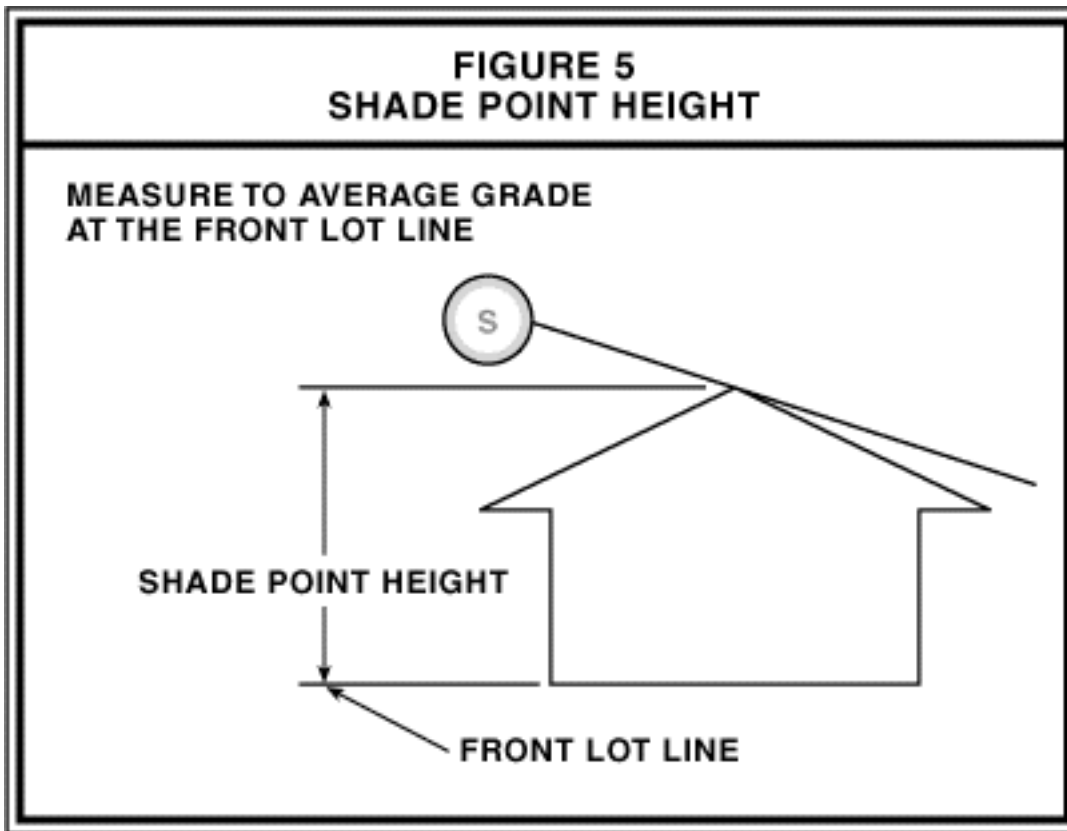
- G. **NORTH-SOUTH DIMENSION:** The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).



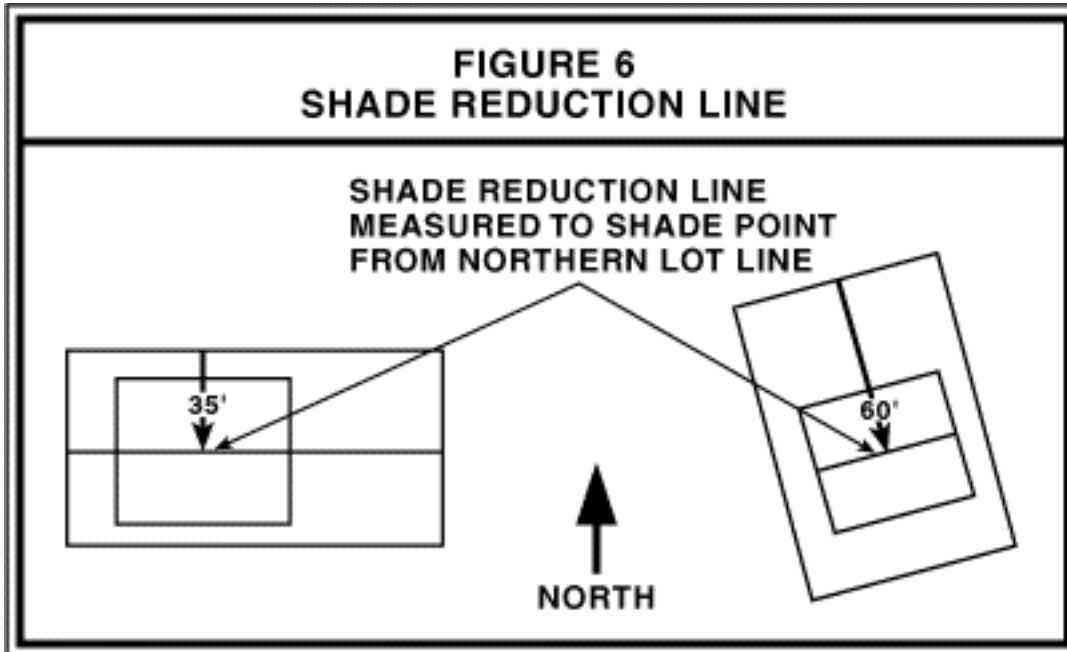
- H. **PROTECTED SOLAR BUILDING LINE:** A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or nonexempt trees (see Figure 10).
- I. **SHADE:** A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
- J. **SHADE POINT:** The part of a structure or nonexempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south, except a shadow cause by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the

eaves of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).





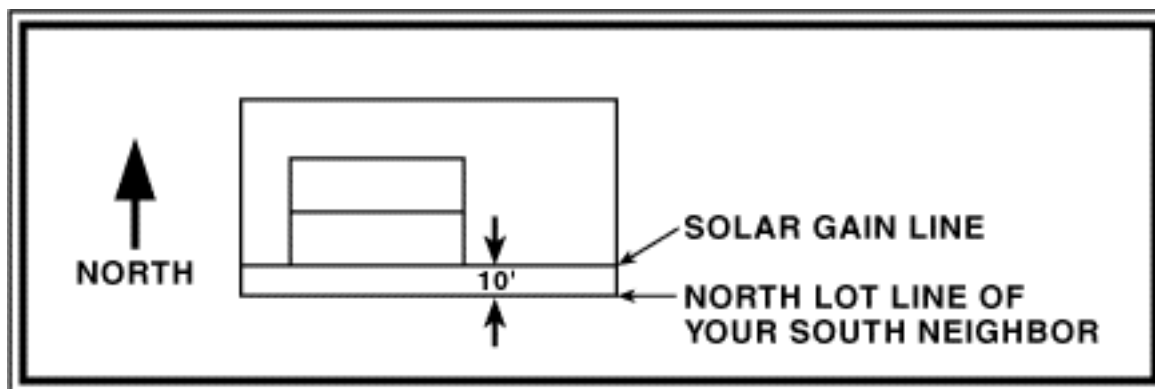
K. **SHADE REDUCTION LINE:** A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).



L. **SHADOW PATTERN:** A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).

M. **SOLAR ACCESS HEIGHT LIMIT:** A series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a Solar Access Permit (see Figure 11).

- N. **SOLAR ACCESS PERMIT:** A document issued by the County that describes the maximum height that nonexempt vegetation is allowed to grow on lots to which a solar access permit applies.
- O. **SOLAR FEATURE:** A device or combination of devices or elements that use or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. Examples of a solar feature include a solar greenhouse, a solar hot water heater, or a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.
- P. **SOLAR GAIN LINE:** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.



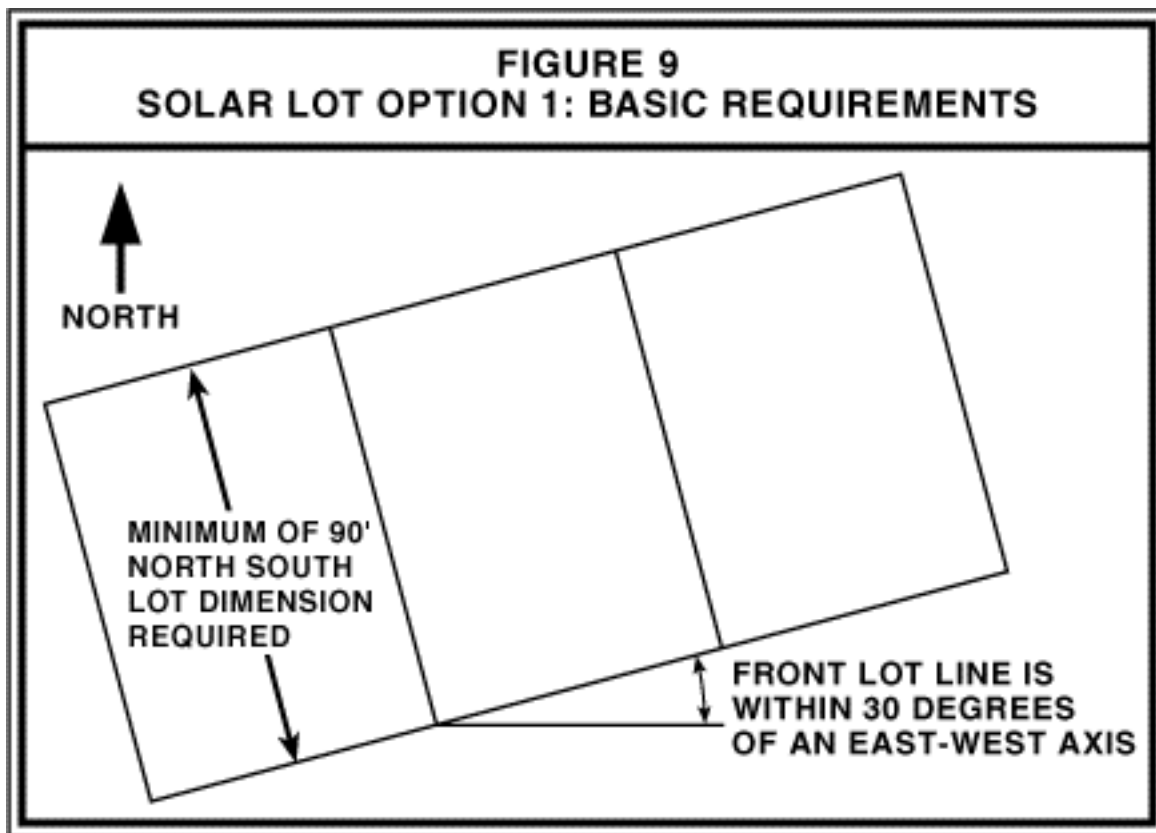
- Q. **SOUTH OR SOUTH-FACING:** True south, or 20 degrees east of magnetic south.
- R. **SUNCHART:** One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director (?). The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.
- S. **UNDEVELOPABLE AREA:** An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

## 1017.04 DESIGN STANDARD

At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more

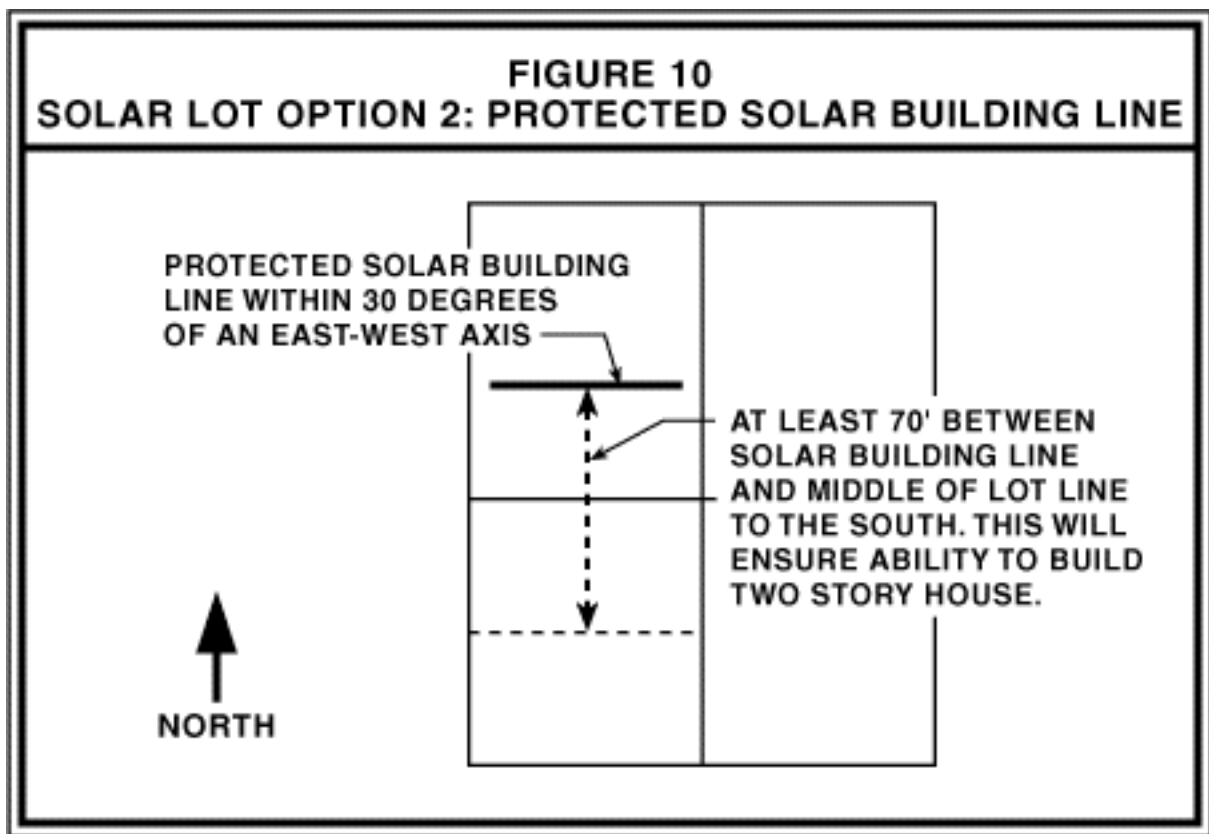
of the options in this subsection.

- A. Basic Requirement: (See Figure 9). A lot complies with Subsection 1017.04 if it:
1. Has a north-south dimension of 90 feet or more; and
  2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.



- B. Protected Solar Building Line Option: (See Figure 10). In the alternative, a lot complies with Subsection 1017.04 if a solar building line is used to protect solar access as follows:
1. A protected solar building line for the lot to the north is designated on the plat or documents recorded with the plat; and
  2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and
  3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
  4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or nonexempt vegetation.





C. Performance Option: In the alternative, a lot complies with Subsection 1017.04 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from the shade of structures and nonexempt trees; or
2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of south and protected from the shade of structures and nonexempt trees.

### 1017.05 EXEMPTIONS FROM DESIGN STANDARD

A development is exempt from Subsection 1017.04 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 1017.04 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site.

If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 1017.04.

- A. Slopes: The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- B. Off-site Shade: The site, or a portion of the site for which the exemption is sought, is within the shadow of off-site features such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is

originating.

1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-site Shade: The site, or a portion of the site for which the exemption is requested:

1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or
2. Contains nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.
3. Compliance with Subsection 1017.04 would prevent the development from meeting the minimum density provisions in Section 1012. (11-5-98)

## **1017.06 ADJUSTMENT TO DESIGN STANDARD**

The Planning Director shall reduce the percentage of lots that must comply with Subsection 1017.04 to the minimum extent necessary if he/she finds the applicant has shown that one or more of the following site characteristics apply:

- A. Density and Cost: If the design standard in Subsection 1017.04 is applied, either the resulting density is less than that proposed, the minimum density is less than that required in Section 1012, or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of

a development in such a way that compliance with Subsection 1017.04 would reduce density or increase per-lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development. (11-5-98)

1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor.
2. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

B. Development Amenities: If the design standard in Subsection 1017.04 is applied to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 1017.04 is relevant to whether a significant development amenity is lost or impaired.

C. Existing Shade: Nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, have a crown cover over at least 80 percent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of nonexempt trees on the site or using an aerial photograph.

1. Shade from nonexempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and the trees do not need to be removed for a driveway or other development.
2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, the shade is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

## **1017.07 PROTECTION FROM FUTURE SHADE**

Structures and nonexempt vegetation must comply with the Solar Balance Point Ordinance for existing lots (Section 1018) if located on a lot that is subject to the solar design standard in Subsection 1017.04 or if located on a lot south of and adjoining a lot that complies with Subsection 1017.04. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 1017.07. The County shall be made a party of any covenant or restriction created to enforce

any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.

## **1017.08 APPLICATION**

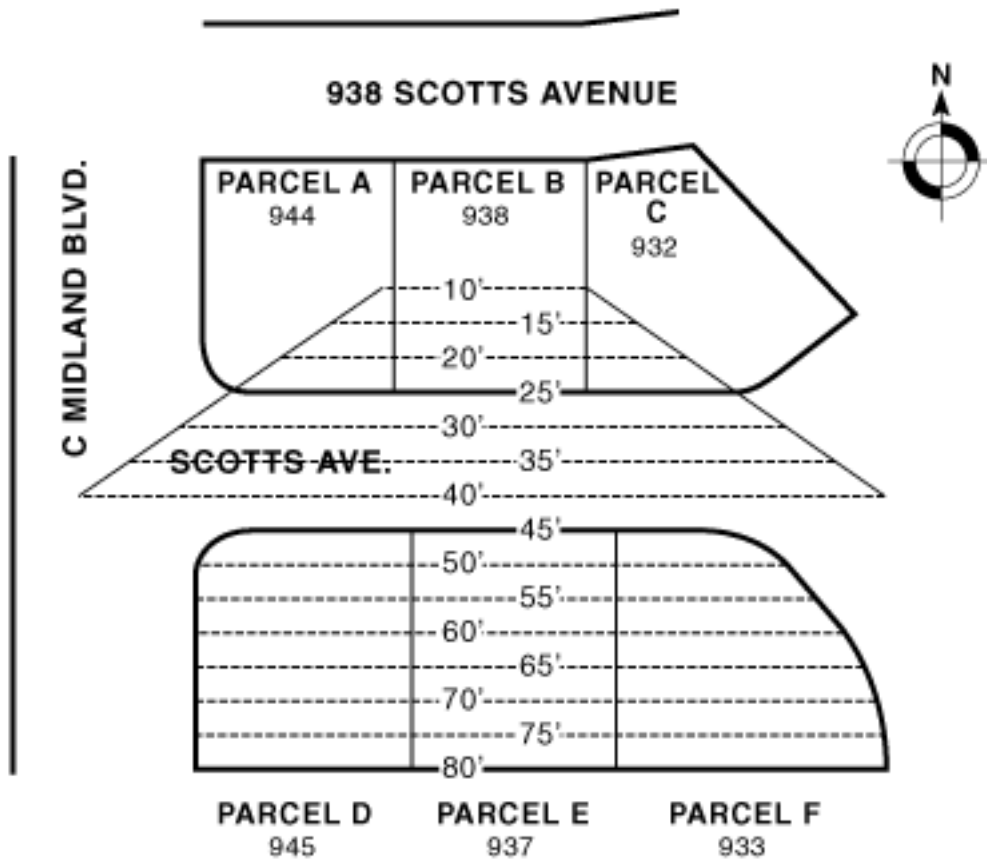
An application for approval of a development subject to this ordinance shall include:

- A. Maps and text sufficient to show the development complies with the solar design standard of Subsection 1017.04, except for lots for which an exemption or adjustment from Subsection 1017.04 is requested, including at least:
  - 1. The north-south lot dimension and front lot line orientation of each proposed lot.
  - 2. Protected solar building lines and relevant building site restrictions, if applicable.
  - 3. For the purpose of identifying trees exempt from Subsection 1017.07, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter, and species, and stating that they are to be retained and are exempt.
  - 4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Subsection 1017.04 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsection 1017.05 and 1017.06, respectively.

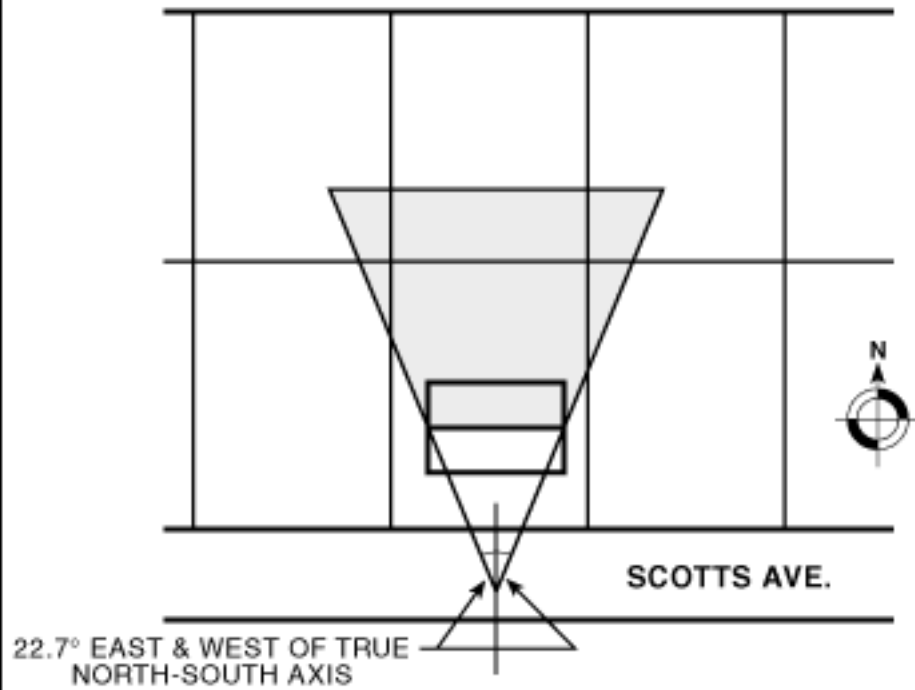
## **1017.09 REVIEW PROCESS**

Review of new developments for compliance with these standards shall be a part of the review process stipulated in Section 1105 and Section 1106. (6/6/02)

# FIGURE 11 SOLAR ACCESS HEIGHT LIMIT



**FIGURE 12  
SHADOW PATTERN**



(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

### 1018 SOLAR BALANCE POINT/INFILL ORDINANCE (3/24/05)

<a href="#">1018.01</a>	PURPOSE
<a href="#">1018.02</a>	APPLICATION OF SECTION
<a href="#">1018.03</a>	DEFINITIONS
<a href="#">1018.04</a>	SOLAR SITE PLAN REQUIRED
<a href="#">1018.05</a>	MAXIMUM SHADE POINT HEIGHT STANDARD
<a href="#">1018.06</a>	EXEMPTIONS FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD
<a href="#">1018.07</a>	ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD
<a href="#">1018.08</a>	ANALYSIS OF ALLOWED SHADE ON SOLAR FEATURE
<a href="#">1018.09</a>	SOLAR BALANCE POINT
<a href="#">1018.10</a>	YARD SETBACK ADJUSTMENT
<a href="#">1018.11</a>	REVIEW PROCESS

#### 1018.01 PURPOSE

The purposes of this ordinance are to promote the use of solar energy, to minimize the shading of structures by structures and accessory structures, and, where applicable, to minimize the shading of structures by trees. Decisions related to this ordinance are intended to be ministerial.

#### 1018.02 APPLICATION OF SECTION (3/24/05)

This section shall apply to an application for a building permit for all structures in VR-4/5, VR-5/7, R-7, R-8.5, R-10, R-15, R-20, and R-30 zones and all detached single-family dwellings in any zone, except to the extent the Planning Director finds the applicant has shown that one or more of the conditions listed in Subsections 1018.06 and 1018.07 exists, and exemptions or adjustments provided for therein are warranted. In addition, nonexempt vegetation planted on lots subject to Subsection 1017.07 shall comply with the shade point height standards as provided in Subsections 1018.05 and 1018.06. (3/24/05)

#### 1018.03 DEFINITIONS

Words and terms used in this section shall be as defined under Subsection 1017.03.

**1018.04 SOLAR SITE PLAN REQUIRED**

An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under Subsection 1018.05 and the allowed shade on the proposed structure's solar features as provided in Subsection 1018.08. If applicable, the site plan also shall show the solar balance point for the structure as provided in Subsection 1018.09.

**1018.05 MAXIMUM SHADE POINT HEIGHT STANDARD**

The height of the shade point shall comply with either A or B below.

- A. Basic Requirement: The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. If necessary, interpolate between the 5-foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension of more than 90 feet shall use a value of 90 feet for this section.

Adjustment to shade point height on sloped lots: The maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the north property line exceeds the average grade at the south property line.

<b>TABLE A</b>	
<b>MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)</b>	
	<b>North-South Lot Dimension (in Feet)</b>



LENGTH OF SHADE REDUCTION LINE	90+	85	80	75	70	65	60	55	50	45	40
70	40	41	42	43	44						
65	38	39	40	41	42	43					
60	36	37	38	39	40	41	42				
55	34	35	36	37	38	39	40	41			
50	32	33	34	35	36	37	38	39	40		
45	30	31	32	33	34	35	36	37	38	39	
40	28	29	30	31	32	33	34	35	36	37	38
35	26	27	28	29	30	31	32	33	34	35	36
30	24	25	26	27	28	29	30	31	32	33	34
25	22	23	24	25	26	27	28	29	30	31	32
20	20	21	22	23	24	25	26	27	28	29	30
15	18	19	20	21	22	23	24	25	26	27	28
10	16	17	18	19	20	21	22	23	24	25	26
5	14	15	16	17	18	19	20	21	22	23	24

- B. Performance Option: The proposed structure or applicable nonexempt vegetation will shade not more than 20 percent of the south-facing glazing of an existing habitable structure(s), or, where applicable, the proposed structure or nonexempt vegetation will comply with Subsections 1017.04B or 1017.04C of the Solar Access Ordinance for New Development. If Subsection 1017.04B, Protected Solar Building Line, is used, nonexempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of nonexempt vegetation over 2 feet.

## 1018.06 EXEMPTIONS FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD

The Planning Director shall exempt a proposed structure or nonexempt vegetation from Subsections 1018.04 and 1018.05 of this ordinance if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Exempt Lot: When created, the lot was subject to the Solar Access Ordinance for New Development and was not subject to the provisions of Subsection 1017.07 of that ordinance.
- B. Preexisting Shade: The structure or affected nonexempt vegetation will shade an area that is shaded by one or more of the following:
1. An existing or approved building or structure;
  2. A topographic feature;

3. A nonexempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
- C. Slope: The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- D. Insignificant Benefit: The proposed structure or nonexempt vegetation shades one or more of the following:
  1. An undevelopable area; or
  2. The wall of an unheated space, such as a typical garage; or
  3. Less than 20 square feet of south-facing glazing.
- E. Public Improvement: The proposed structure is a publicly owned improvement.

## **1018.07 ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD**

The Planning Director shall increase the maximum permitted height of the shade point determined using Subsection 1018.05 to the extent he/she finds the applicant has shown one or more of the following conditions exists, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Physical Conditions: Physical conditions preclude development of the site in a manner that complies with Subsection 1018.05, due to such things as a lot size less than 3000 square feet, unstable or wet soils, a drainageway, public or private easement, or a right-of-way.
- B. Conflict Between Maximum Shade Point Height and Allowed Shade on Solar Feature Standards: A proposed structure may be sited to meet the solar balance point standard described in Subsection 1018.09 or be sited as near to the solar balance point as allowed by Subsection 1018.09 if:
  1. When the proposed structure is sited to meet the maximum shade point height standard determined using Subsection 1018.05, its solar feature will potentially be shaded as determined using Subsection 1018.08; and
  2. The application includes a form provided by the County that:
    - a. Releases the applicant from complying with Subsection 1018.05 and agrees that the proposed structure may shade an area otherwise protected by Subsection 1018.05;
    - b. Releases the County from liability for damages resulting from the adjustment; and
    - c. Is signed by the owner(s) of the property(ies) that would be shaded by the proposed structure more than allowed by the provisions of Subsection 1018.05.

Before the County issues a permit for a proposed structure for which an adjustment has

been granted pursuant to Subsection 1018.07B, the applicant shall file the form provided for in Subsection 1018.07B2, above, in the office of the County Recorder with the deeds to the affected properties.

**1018.08 ANALYSIS OF ALLOWED SHADE ON SOLAR FEATURE**

- A. The applicant is exempt from Subsection 1018.08 if the lot(s) south of and adjoining the applicant's property is exempt from Subsection 1018.05 of this ordinance.
- B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or nonexempt trees on the lot (s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from the adjacent lot(s) to the south to use in calculating the maximum shade height at the north property line:
  - 1. Existing structure(s) or nonexempt trees; or
  - 2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table C. If the lot(s) to the south can be further divided, the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.
- C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection 1018.08B by using the following formula or Table B.

$$SFSH = SH(SGL/2.5)$$

Where: SFSH = The allowed shadow height on the solar feature (see Figure 8)

SH = The height of the shade at the northern lot line of the lot(s) to the south as determined in Subsection 1018.08B

SGL = The solar gain line (the distance from the solar feature to the northern lot line of the adjacent lot(s) to the south)

<b>TABLE B</b>											
<b>MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (In Feet)</b>											
Distance from Solar Gain Line to Lot Line (in Feet)	<b>Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)</b>										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							

40	6	5	4	3	2	1						
35	8	7	6	5	4	3	2	1				
30	10	9	8	7	6	5	4	3	2	1		
25	12	11	10	9	8	7	6	5	4	3	2	
20	14	13	12	11	10	9	8	7	6	5	4	
15	16	15	14	13	12	11	10	9	8	7	6	
10	18	17	16	15	14	13	12	11	10	9	8	
5	20	19	18	17	16	15	14	13	12	11	10	

Table C may be used to determine (SH) in the above formula.

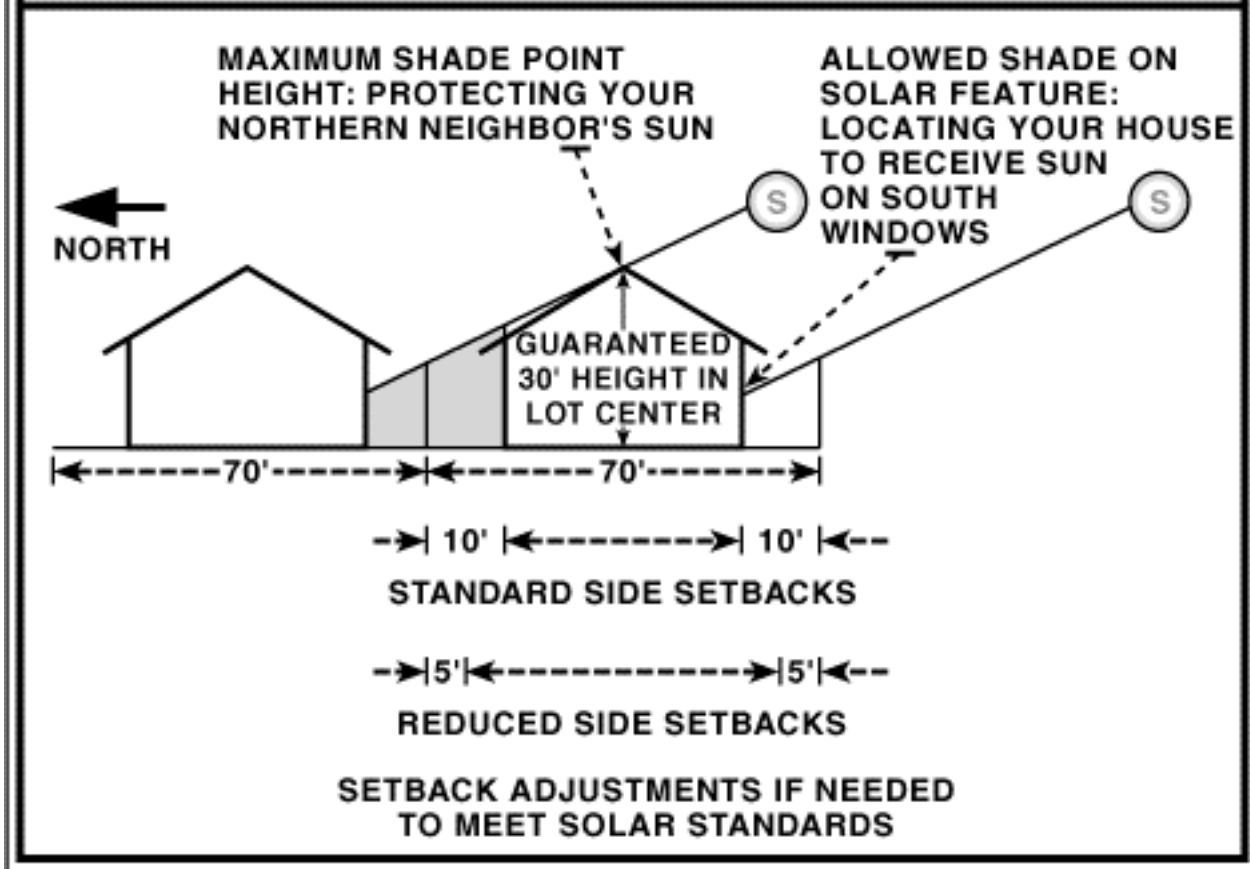
<b>TABLE C</b>													
<b>North-South Lot Dimension of Adjacent Lot(s) to the South</b>	<b>100</b>	<b>95</b>	<b>90</b>	<b>85</b>	<b>80</b>	<b>75</b>	<b>70</b>	<b>65</b>	<b>60</b>	<b>55</b>	<b>50</b>	<b>45</b>	<b>40</b>
Allowed Shade Height at the North Property Line of Adjacent Lot(s) to the South	12	12	12	13	14	15	16	17	18	19	20	21	22

- E. If the allowed shade height on the solar feature calculated in Subsection 1018.08D is higher than the lowest height of the solar feature calculated in Subsection 1018.08C, the applicant shall be encouraged to consider any changes to the structure design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

**1018.09 SOLAR BALANCE POINT**

If a structure does not comply with the maximum shade point height standard in Subsection 1018.05 and the allowed shade on a solar feature standard in Subsection 1018.08, the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where the location of a structure would be the same for complying with both of these standards.

**FIGURE 8  
SOLAR BALANCE POINT STANDARD**



### 1018.10 YARD SETBACK ADJUSTMENT

The County shall grant an adjustment to the side, front and/or rear yard setback requirement(s) by up to 50 percent if necessary to build a proposed structure so it complies with either the shade point height standard in Subsection 1018.05, the allowed shade on a solar feature standard in Subsection 1018.08, or the solar balance point standard in Subsection 1018.09 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance. The following are permitted yard setback adjustments:

**A. In R-7 and R-8.5 zones:**

1. A front yard setback may be reduced to not less than 10 feet.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 3 feet.

**B. In R-10, R-15, and R-20 zones:**

1. A front yard setback may be reduced to not less than 15 feet.
2. A rear yard setback may be reduced to not less than 15 feet.
3. A side yard setback may be reduced to not less than 5 feet.

## **1018.11 REVIEW PROCESS**

The provisions of this Section shall be administered by the Planning staff at the time of building permit application. Appeals of staff actions under this section shall be to the Hearings Officer as stated in Section 1305.01K.

(LAST TEXT REVISION 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1019 SOLAR ACCESS PERMIT ORDINANCE (3/24/05)

<a href="#">1019.01</a>	PURPOSE
<a href="#">1019.02</a>	APPLICATION OF SECTION
<a href="#">1019.03</a>	DEFINITIONS
<a href="#">1019.04</a>	APPROVAL STANDARDS FOR A SOLAR ACCESS PERMIT
<a href="#">1019.05</a>	DUTIES CREATED BY SOLAR ACCESS PERMIT
<a href="#">1019.06</a>	APPLICATION CONTENTS
<a href="#">1019.07</a>	APPLICATION REVIEW PROCESS
<a href="#">1019.08</a>	PERMIT ENFORCEMENT PROCESS
<a href="#">1019.09</a>	EXPIRATION AND EXTENSION OF A SOLAR ACCESS PERMIT

#### 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 shall be defined as provided under Subsection 1017.03.

#### 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**

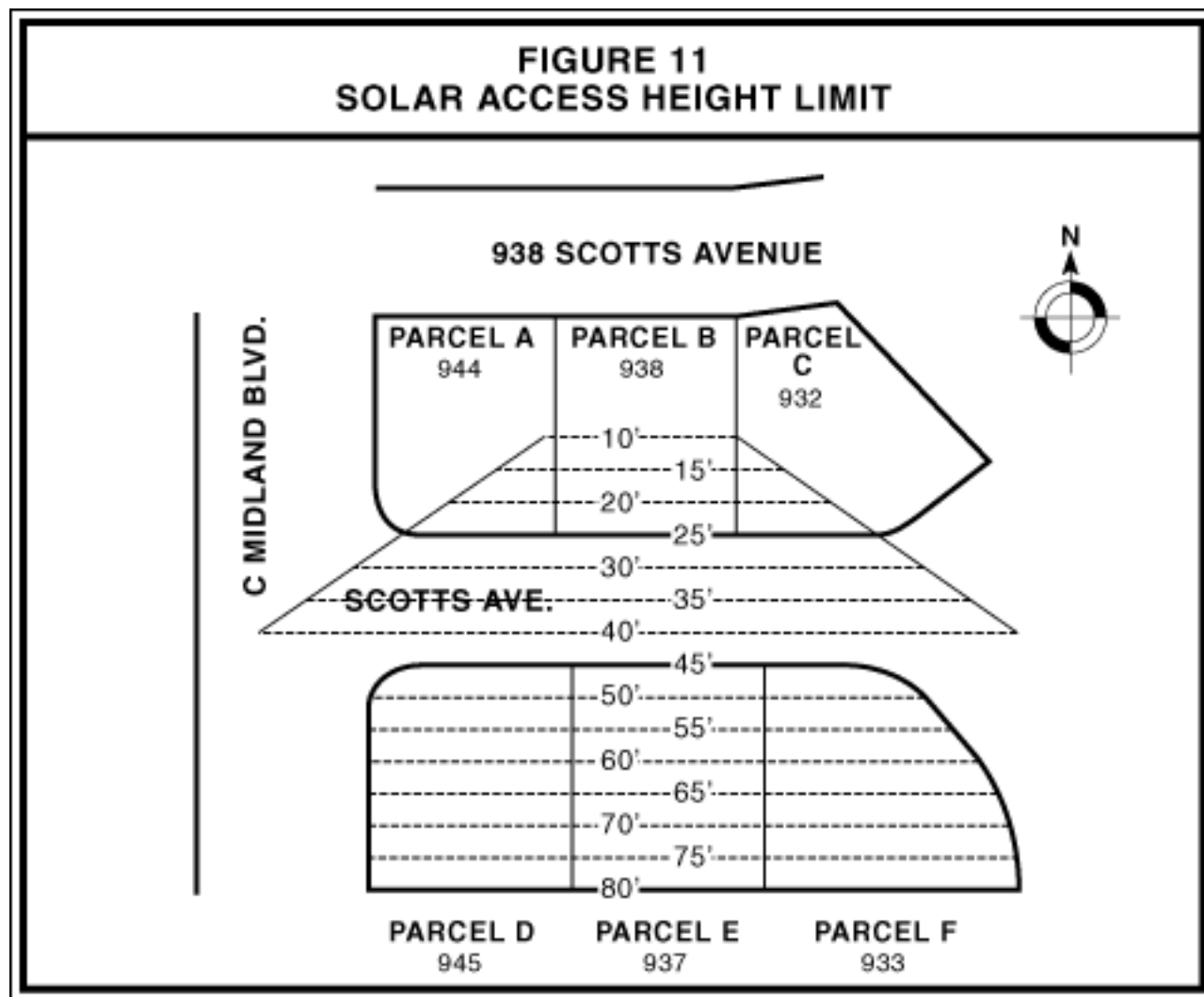
An application for a solar access permit shall contain the following:

- 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.

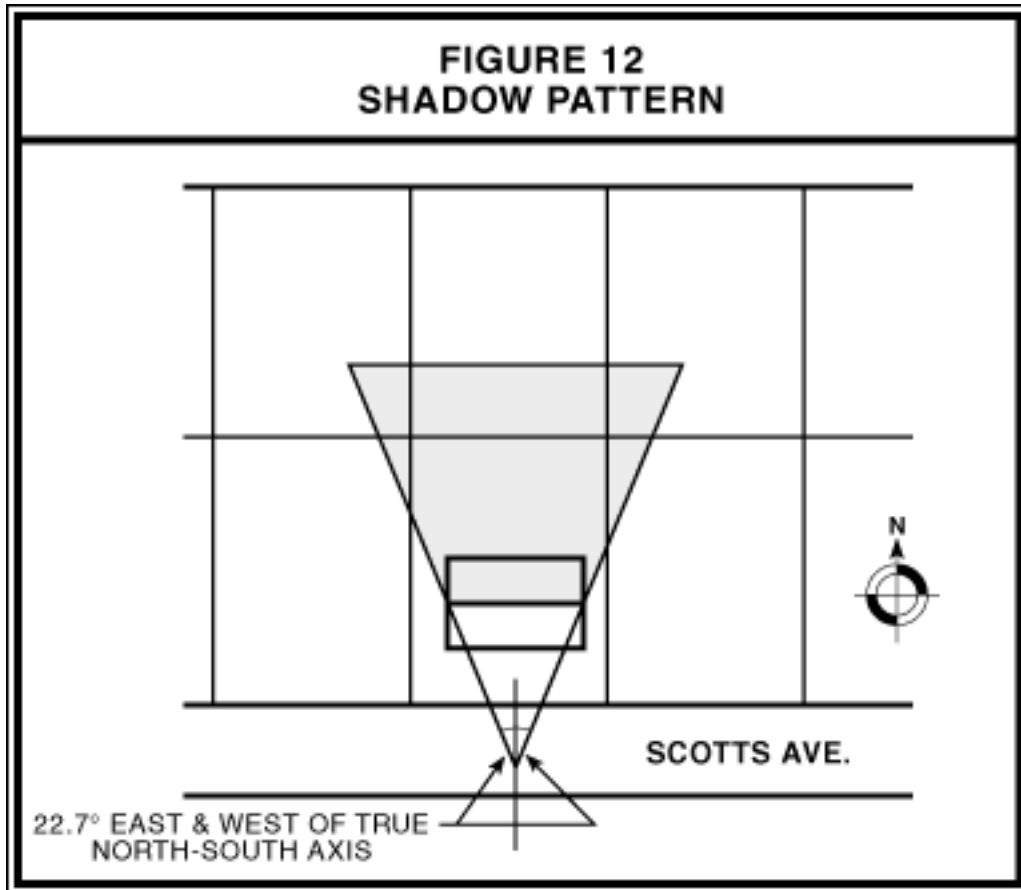
## 1019.07 APPLICATION REVIEW PROCESS

- 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.

( LAST TEXT REVISION 3/24/05 )

## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1020 PROPERTY LINE ADJUSTMENTS (3/24/05)

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<a href="#">1020.01</a>	PURPOSE
<a href="#">1020.02</a>	AREA OF APPLICATION
<a href="#">1020.03</a>	DEFINITIONS
<a href="#">1020.04</a>	GENERAL PROVISIONS
<a href="#">1020.05</a>	AGRICULTURAL LANDS ZONING DISTRICTS
<a href="#">1020.06</a>	FOREST LANDS ZONING DISTRICTS
<a href="#">1020.07</a>	SUBMITTAL REQUIREMENTS
<a href="#">1020.08</a>	PROCESS FOR PROPERTY LINE ADJUSTMENT APPROVAL

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#### 1020.01 PURPOSE

The purpose of these provisions is to provide standards consistent with the Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) Chapters 92 and 215 for considering property line adjustments. Additionally, these provisions shall implement the provisions of the Zoning and Development Ordinance and policies of the Comprehensive Plan.

#### 1020.02 AREA OF APPLICATION

The provisions of Subsection 1020 apply to property line adjustments between two (2) established legal lots of record as defined in Section 202 of the Ordinance. (5/28/98)

#### 1020.03 DEFINITIONS

The purpose of the following definitions is to provide clarity to terms that are used in the provisions of this subsection:

**Property Line Adjustment:** A relocation of a common property line between two (2) abutting legal lots of record, as defined in Section 202 of the Ordinance, where an additional lot of record is not created, and any existing lot of record reduced in size by the adjustment complies with the provisions of this

Ordinance. (5/28/98)

Lot of Record: See definition in Section 202 of this Ordinance. As used in this Section, the words "lot" and "parcel" are synonymous with the term "lot of record". (5/28/98)

Lot: A single unit of land created by the subdivision of land including the recording of an approved subdivision plat under the provisions of ORS Chap. 92 and Section 1105 of this Ordinance. (5/28/98)

Parcel: A single unit of land created by the partitioning of land including the recording of an approved partition plat under the provisions of ORS Chap. 92 and Section 1106 of this Ordinance. (5/28/98)

Plat: A final recorded subdivision plat, replat or partition plat consistent with ORS Chap. 92 and this Ordinance. (5/28/98)

Property Line: For the purposes of this Section, property line shall mean the division line(s) between two (2) abutting lots of record. (5/28/98)

Replat: The act of platting the lots, parcels, tracts and/or easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision or partition. (5/28/98)

Undersized Lot or Parcel: A lot of record that does not satisfy the district land area requirement established in Subsection 1012.04 or the minimum lot size established in the underlying zoning district. A lot or parcel of land that is less than the district land area requirement or the minimum lot size and approved pursuant to the flexible-lot-size development provisions of Subsection 1014.04(B) shall not be considered an undersized lot or parcel. (3/24/05)

## **1020.04 GENERAL PROVISIONS**

Property line adjustments shall be consistent with all of the following provisions:

- A. Property line adjustments involving lots or parcels of land shall satisfy the setback and lot size provisions of the underlying zoning district except, when located within an urban or rural zoning district, an adjustment between undersized lots or parcels may be granted when the adjustment is consistent with all remaining provisions of this subsection. A lot or parcel exceeding the minimum lot or parcel size of the underlying zoning district shall not be reduced to less than the minimum lot or parcel size of the underlying zoning district. An existing lot or parcel containing at least 3,000 square feet of area shall not be reduced in size such that the resulting size of the lot or parcel is less than 3,000 square feet. (5/28/98)
- B. Property line adjustments involving lots parcels of land with nonconforming setbacks shall be granted provided the adjustment does not further reduce the setback and the adjustment satisfies

the remaining provisions of this section. Setbacks shall be verified by a registered professional land surveyor prior to final approval of the Property Line Adjustment Survey of Record.

(5/28/98)

- C. A property line adjustment shall be prohibited between lots or parcels of land separated by Urban, Rural, Forest or Agriculture Plan boundaries, as identified in the Comprehensive Plan, except an adjustment may be granted when it results in an increase in the size of a lot or parcel of land within a natural resource zoning district. Approval of such an adjustment shall not result in the property qualifying for a rural/natural resource division pursuant to Subsection 902.01.  
(5/28/98)
- D. A property line adjustment shall not be permitted between lots or parcels of land separated by the Metro urban growth boundary or a Mount Hood urban area village boundary. (5/28/98)
- E. A property line adjustment shall not be used to exceed the base density in the underlying zoning district(s).
- F. A property line adjustment application shall not be used to replat duly recorded subdivision or partition plats. For purposes of this Section, any proposal to reconfigure property lines within a plat that effectively vacates lots, parcels, tracts, easements or roads; or increases or decreases the number of lots or parcels; or results in a significant reconfiguration of the plat, as determined by the Planning Director, shall be considered a replat and reviewed pursuant to the subdivision or partition provisions of the Ordinance. (5/28/98)
- G. Property line adjustments shall satisfy the requirements of Chapter 92 of the Oregon Revised Statutes. The survey requirements for a property line adjustment are waived when:
  - 1. Each of the resulting lots, parcels or tracts of land are greater than ten (10) acres in size; or
  - 2. The affected lots or parcels are located within a platted subdivision or partition and the adjusted property line is a distance of even width along the common boundary. (5/28/98)
- H. An approved property line adjustment is valid for one (1) year following the date of approval. If at the end of that time it has not been submitted to the County Surveyor's Office, pursuant to subsection 1020.08, the approval shall become null and void. (5/28/98)

## **1020.05 AGRICULTURAL LANDS ZONING DISTRICTS**

- A. A property line adjustment shall not be used to reconfigure a lot, parcel or tract of land, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling.
- B. A property line adjustment for a lot, parcel or tract of land in areas designated Agriculture on the Comprehensive Plan map without an approved homestead or nonfarm use may be permitted pursuant to the following provisions:
  - 1. A property line adjustment for a lot, parcel or tract of land exceeding eighty (80) acres may be approved when the adjustment does not reduce any lot, parcel or tract of land to less than (80) acres.
  - 2. A property line adjustment for a lot, parcel or tract of land less than (80) acres may be approved pursuant to the following provisions:
    - a. The property line adjustment will: (5/28/98)
      - 1. not reduce an undersized lot, parcel or tract of land more than five percent

- (5%); and
- 2. only one (1) reduction is approved pursuant to this provision; or
- b. The resulting configuration (size) is determined to be at least as appropriate for the continuation of the existing commercial agricultural enterprise for the properties as compared to the original configuration provided:
  - 1. it is consistent with existing applicable zoning ordinance provisions and state regulations; and
  - 2. previous land use decisions, if any, are modified consistent with applicable existing zoning ordinance provisions; and
  - 3. the adjustment is reviewed with notice pursuant to Subsection 1305.02 of the Ordinance; or
- 3. The undersized lot, parcel or tract of land satisfies OAR 660-33-100(11) and the underlying zoning district provisions for siting a dwelling not in conjunction with a farm use and is reviewed pursuant to Subsection 1305.02 of the Ordinance.
- C. A property line adjustment for a lot, parcel or tract of land in areas designated Agriculture on the Comprehensive Plan map with an approved homestead or nonfarm use may be approved pursuant to the following:
  - 1. Both properties have approved homestead or nonfarm uses; or
  - 2. The adjustment affects only one (1) property line and does not result in an increase in the size of the homestead or nonfarm use property; or
  - 3. The adjustment satisfies the provisions for siting a dwelling not in conjunction with a farm use as required by OAR 660-33-100(11) and the underlying zoning district, and is reviewed pursuant to the provisions of Subsection 1305.02 of the Ordinance.

## **1020.06 FOREST LANDS ZONING DISTRICTS**

- A. A property line adjustment shall not be used to reconfigure a lot, parcel or tract of land, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling.
- B. Property line adjustments for a lot, parcel or tract of land without an approved homestead, nonforest or farm/forest management plan in areas designated Forest on the Comprehensive Plan map may be permitted when the adjustment is consistent with these provisions:
  - 1. Property line adjustments for lots, parcels or tracts of land exceeding eighty (80) acres may be approved when the adjustment does not reduce any lot, parcel or tract of land to less than (80) acres.
  - 2. Property line adjustments for lots, parcels or tracts of land less than (80) acres may be approved pursuant to the following provisions:
    - a. The property line adjustment will: (5/28/98)
      - 1. not reduce an undersized lot, parcel or tract of land more than five percent (5%); and
      - 2. only one (1) reduction is approved pursuant to this provision.
- C. A property line adjustment for a lot, parcel or tract of land with an approved homestead or nonforest use in areas designated Forest on the Comprehensive Plan map may be approved



pursuant to the following:

1. Both properties have approved homestead or nonforest uses; or
2. The adjustment affects only one (1) property line and does not result in an increase in the size of the property.

## **1020.07 SUBMITTAL REQUIREMENTS**

- A. Applications for property line adjustments shall be submitted to the Planning Division on forms provided by the Department of Transportation and Development.
- B. Each application shall be accompanied by a tentative plan drawn to scale of not less than one inch equals 20 feet nor more than one inch equals 200 feet, and containing at a minimum, the following:
  1. Complete names, addresses and phone numbers of the owners of the tracts to be adjusted.
  2. Property description of the proposed property line adjustment by Tax Lot numbers, Quarter Section, Section, Township and Range and if available, addresses.
  3. Dimensions and size in square feet or acres of all proposed tracts to be adjusted.
  4. Identification arrows showing the property proposed to be transferred.
  5. Adjacent tracts under the same ownership including property descriptions by Tax Lot numbers, Quarter Section, Section, Township and Range and, if available, addresses.
  6. North Arrow.
  7. All adjacent roads (noting whether public or private), including name and road width.
  8. Location of wells or name of water district.
  9. Type of sewage disposal, or name of sewer district, if applicable.
  10. Zoning.
  11. All existing structures on the tracts and their setbacks to property lines. Note whether property lines referred to are existing or proposed.
  12. Location of any septic tanks and drainfields.
  13. Natural drainage ways, streams, wetlands or other significant natural features of the tracts.
  14. Other pending applications, including building permits, on the subject tracts.
  15. All easements, including widths and types, labeled as existing or proposed., specifically noting the use and for whom they serve. NOTE: A property line adjustment can not move an existing easement.

## **1020.08 PROCESS FOR PROPERTY LINE ADJUSTMENT APPROVAL**

- A. A property line adjustment for a lot, parcel or tract of land shall be processed pursuant to Subsection 104.01A(1) through (4). Additionally, when specifically required in these provisions, a property line adjustment shall be reviewed pursuant to Subsection 1305.02 of the Ordinance.
- B. Property Line Adjustment Survey Submitted: Within one (1) year of the final decision approving the tentative property line adjustment plan, two copies of the final Property Line Adjustment Record of Survey map of the approved property line adjustment shall be submitted to the

Department of Transportation and Development, Planning Division for review.

- C. Final Planning Approval: If the Property Line Adjustment Record of Survey map is consistent with the approved tentative plan, and if all conditions of planning approval have been satisfied, the Planning Director, or designate, shall signify Planning Division approval of the final Property Line Adjustment Record of Survey map by signature on map.
- D. Filing and Recording of Approved Property Line Adjustment Required: The Property Line Adjustment Record of Survey map shall be filed with the County Surveyor's Office pursuant to their standards and procedures and the relevant provisions of ORS Chaps. 92 and 209. Additionally, the legal descriptions of the properties affected by the adjustment shall be prepared by a registered professional land surveyor, refer to the survey that is filed at the Surveyor's Office and be recorded with the County Clerk. (5/28/98)
- E. A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement. (5/28/98)
- F. No building permits shall be issued for a tract that is dependent upon a property line adjustment until the final Property Line Adjustment Record of Survey map and the recorded tract descriptions have been submitted to the County Surveyor and recorded with the County Clerk.

(Last Text Revision 3/24/05)

## SECTION 1000 - DEVELOPMENT STANDARDS

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# 1021 REFUSE AND RECYCLING STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY DEVELOPMENTS (09-21-94)

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<a href="#">1021.01</a>	PURPOSE
<a href="#">1021.02</a>	AREA OF APPLICATION
<a href="#">1021.03</a>	DEFINITIONS
<a href="#">1021.04</a>	GENERAL PROVISIONS
<a href="#">1021.05</a>	ENCLOSURES AND GATES
<a href="#">1021.06</a>	RECEPTACLE DESIGN STANDARDS
<a href="#">1021.07</a>	VEHICLE ACCESS
<a href="#">1021.08</a>	SIGNS
<a href="#">1021.09</a>	EXISTING DEVELOPMENTS
<a href="#">1021.10</a>	EXCEPTIONS

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### 1021.01 PURPOSE

It is the intent and purpose of these provisions to implement the recycling and waste management policies of the Comprehensive Plan. Additionally, the purpose is to:

- A. Provide efficient, safe and convenient siting and location of refuse and recycling areas.
- B. Provide efficient, safe and convenient on-site maneuvering of collection vehicles, equipment and personnel for servicing solid waste and recycling areas.
- C. 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 AREA OF APPLICATION

These provisions shall apply to all development and expansions of the following uses pursuant to the

application and procedural Design Review requirements of Subsection 1102 of the Ordinance:

- A. Multifamily developments of five (5) units or more.
- B. Commercial and industrial developments.
- C. Uses subject to the Special Use Requirements of Section 800 of the 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 these provisions.

**Compactor:** Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or waste or recyclable materials.

**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.

**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.

**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.

**Recycling Enclosure:** A structure built consistent with the State of Oregon Structural Specialty Code designed to provide shelter for compactors, containers, drop boxes, receptacles, or any other solid waste and recycling containment facilities.

**Recycling Shelter:** A pre-manufactured structure designed for containment and storage of recyclable materials.

**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 ORS 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 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 1021.05C (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 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 1021.07A 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 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 manufacturers 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 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 may be permitted when the changes are consistent with the purpose of 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.



## SECTION 1000 - DEVELOPMENT STANDARDS

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### 1022 CONCURRENCY (4/28/05)

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<a href="#">1022.01</a>	PURPOSE
<a href="#">1022.02</a>	APPLICATION OF SECTION
<a href="#">1022.03</a>	SANITARY SEWER SERVICE
<a href="#">1022.04</a>	SURFACE WATER MANAGEMENT
<a href="#">1022.05</a>	WATER SERVICE
<a href="#">1022.06</a>	EXCEPTION
<a href="#">1022.07</a>	TRANSPORTATION FACILITIES

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#### 1022.01 PURPOSE

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

#### 1022.02 APPLICATION OF SECTION

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

#### 1022.03 SANITARY SEWER SERVICE

Approval of a development that requires public sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider. The statement shall verify that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land

use application is filed and need not reserve sanitary sewer system capacity for the development.

## **1022.04 SURFACE WATER MANAGEMENT**

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

## **1022.05 WATER SERVICE**

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

## **1022.06 EXCEPTION**

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

- B. In the absence of evidence in the record to the contrary, it shall be presumed that the failure of a service provider or surface water management authority to respond to a request for a preliminary statement of feasibility constitutes a finding of adequacy of service. This presumption shall be for the purposes of land use application approval only and does not guarantee that service can be provided.

## **1022.07 TRANSPORTATION FACILITIES**

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

peak two-hour period. (1/20/05)

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

C. For the purpose of calculating capacity as required by Subsections 1022.07(A) and (B), the following standards shall apply: (1/20/05)

1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the Clackamas County Roadway Standards. The method of calculating capacity on state facilities is established by the Oregon Highway Plan. (1/20/05)
2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards. (1/20/05)
3. Capacity shall be evaluated for motor vehicle traffic only. (1/20/05)
4. Except as established by Subsections 1022.07(B)(1) through (3), capacity shall be evaluated for the peak 15-minute period of both the AM weekday and PM weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the AM or the PM peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s). (1/20/05)

D. As used in Subsection 1022.07(A), "timely" means: (1/20/05)

1. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued; (1/20/05)
2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within three years of the date land use approval is issued; (1/20/05)
3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
4. Alternatively, "timely" means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this

alternative: (1/20/05)

- a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
  1. Complete the necessary improvements; or (1/20/05)
  2. For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee. (1/20/05)
5. For a phased development, the first phase shall satisfy Subsections 1022.07(D)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following: (1/20/05)
  - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified. (1/20/05)
  - b. Necessary improvements for a particular phase shall either: (1/20/05)
    1. Comply with Subsections 1022.07(D)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or (1/20/05)
    2. Comply with Subsection 1022.07(D)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase. (1/20/05)
- E. As used in Subsection 1022.07(D), "necessary improvements" are: (1/20/05)
  1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1022.07(B). (1/20/05)
    - a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
  2. If a transportation impact study is not required, county traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.
- F. As an alternative to compliance with Subsection 1022.07(A), the applicant may make a voluntary substantial contribution to the transportation system. (1/20/05)
  1. As used in this subsection, "substantial contribution" means construction of a roadway or intersection improvement that is all of the following:
    - a. A complete project or a segment of a roadway identified in the Clackamas County 20-Year Capital Improvement Plan (CIP), the Statewide Transportation Improvement Plan (STIP), or the capital improvement plan (CIP) of a city or

another county. (1/20/05)

1. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project-as identified in the Clackamas County 20-Year CIP the STIP or the CIP of a city or another county-will be completed within five years; (1/20/05)
- b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards; (1/20/05)
- c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1st of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in Clackamas County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows: (1/20/05)

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

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

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

G. Where there is a conflict between Chapter 10 of the Comprehensive Plan and Subsection 1022.07, the provisions of Chapter 10 shall take precedence.

( LAST TEXT REVISION 4/28/05 )

## **SECTION 1100 - APPLICATION AND REVIEW PROCEDURES**

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### **1101 GENERAL PROVISIONS**

#### **1101.01 PURPOSES**

- A. To guide future growth and development in accordance with the Comprehensive Plan and other related County Ordinances.
- B. To provide for an efficient process to review development.
- C. To provide a framework by which development proposals are reviewed to insure safe, functional, energy-efficient developments, which are compatible with the natural and man-made environment.
- D. To provide a review mechanism to resolve potential conflicts between development standards, and between development and open space resources.

#### **1101.02 DEVELOPMENT PERMIT APPROVAL**

- A. Building, grading, parking, land use, sign and other required development permits shall not be issued, nor final plats approved, for a use subject to review under this section until a plan is approved.

## SECTION 1100 - APPLICATION AND REVIEW PROCEDURES

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### 1102 DESIGN REVIEW (3/24/05)

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<a href="#">1102.01</a>	APPLICATION OF SECTION
<a href="#">1102.02</a>	GENERAL PROVISIONS
<a href="#">1102.03</a>	DESIGN REVIEW COMMITTEE
<a href="#">1102.04</a>	DESIGN REVIEW PROCESS
<a href="#">1102.05</a>	PREAPPLICATION CONFERENCE
<a href="#">1102.06</a>	SITE ANALYSIS SUBMITTAL
<a href="#">1102.07</a>	PRELIMINARY PLAN SUBMITTAL
<a href="#">1102.08</a>	FINAL PLAN SUBMITTAL
<a href="#">1102.09</a>	MAINTENANCE
<a href="#">1102.10</a>	COMPLIANCE

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#### 1102.01 APPLICATION OF SECTION (3/24/05)

This section 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 MR-1 and MR-2 zoning districts shall be considered <sup>3</sup>multifamily zoning districts,<sup>2</sup> even though attached single-family dwellings are a primary use. (3/24/05)

#### 1102.02 GENERAL PROVISIONS

- A. The staff may waive some submittal requirements appropriate to the scale of the project for preliminary and final plan review when they are not necessary for a thorough review.
- B. All development applications for design review are subject to the development standards of Chapter 1000.

#### 1102.03 DESIGN REVIEW COMMITTEE



A. Appointment and Make-Up.

1. The Planning Commission shall appoint a Design Review Committee to serve as expert professional advisors to aid in the review of certain development applications. These members may be removed by the Planning Commission.
2. Members of the Design Review Committee shall be appointed for a term of four (4) years, with a maximum of two terms. (10/21/99)
3. The Design Review Committee shall consist of at least seven (7) members from the following groups and disciplines:
  - a. One landscape architect.
  - b. One architect.
  - c. One registered engineer.
  - d. One graphic design representative.
  - e. One representative from the field of finance or the construction and development industry.
  - f. Two members from the general public. At-large members may be from any discipline or group, including any of the above.

B. Role of Design Review Committee:

1. The Design Review Committee or individual members thereof may be called upon to review a development application. The staff, applicant or Hearings Officer can request the Committee to review a development application. (10/21/99)
2. The Committee shall adopt rules to govern its deliberations and decisions as a group, and keep a record of its proceedings.

## **1102.04 DESIGN REVIEW PROCESS**

A. The Planning Director shall review all design review applications to ensure all preliminary plan submittal requirements are met. The staff may review and render a decision on the application, or forward the application to the Design Review Committee for a decision. In deciding whether to forward an application to the Design Review Committee, the staff shall consider: a) the size of the project including mass of buildings, site area, landscaping and parking requirements; b) presence of natural features, such as wetlands, steep slopes, treed area and riparian corridors; c) visual significance; and d) impact on neighboring properties, particularly where a project is adjacent to a residential area. The review and notice procedure for all applications shall be as outlined below. (10/21/99)

1. Preapplication Conference: A preapplication conference as outlined in Section 1102.05 is required for any application subject to the Design Review process. A site analysis shall be discussed at this time and an application for review given to the applicant. (10/21/99)
2. Notice of the application shall be provided pursuant to Subsections 1305.02(B) through (D). (6/6/02)
3. Site analysis, preliminary plan and application submittal: Within thirty (30) business days of receipt of site analysis, preliminary plan and application submittal, the staff shall inform the applicant in writing concerning compliance with applicable ordinance and

development standards. Conditions may be attached outlining modifications or changes necessary for final plan approval.

If the staff or the applicant request review by the Design Review Committee, a meeting shall be held within this thirty day time period.

4. Within ten (10) business days of receipt of the final development plans, the staff shall inform the applicant in writing of action concerning approval, approval with conditions or denial. If development plans are denied, the letter of final action shall clearly indicate factual findings concerning noncompliance with applicable ordinances.
5. Notice of the decision by the Planning Staff or Design Review Committee shall be provided pursuant to Subsection 1305.02(F). (6/6/02)
6. The Planning staff's or Design Review Committee's decision may be appealed to the Hearings Officer. The appeal must be filed within 12 days of the date of mailing of the letter of final action. If appealed, the application shall be reviewed by the Hearings Officer pursuant to Section 1300. An appeal to the Hearings Officer stays proceedings in the matter appealed until the determination of the appeal. (6/6/02)

## **1102.05 PREAPPLICATION CONFERENCE**

- A. All applicants are required to participate in a preapplication conference prior to submission of preliminary plans.

The purpose of the preapplication conference is to provide the applicant with the opportunity to explain the proposed development concepts, and for the staff to explain all the policies, ordinances, standards, opportunities and constraints which may be applicable to the site and type of proposed development, before the applicant has invested substantial design time or become committed to particular design solutions.

- B. The following subjects shall be reviewed at the preapplication conference.

1. Description of existing site conditions:
  - a. Parcel location and size.
  - b. Adjacent land uses, potential cooperation or conflict in land use (e.g., shared parking or need for buffers).
  - c. Access to the site; transit, roads, pedestrian and bikeways.
  - d. Special areas such as Open Space (including resource protection and potential hazard areas) historic features or districts, aggregate resources, Activity Centers, etc.
  - e. Natural features on the site (e.g., land forms, drainage, wooded areas, large trees).
  - f. Existing and potential noise sources.
2. Proposed development concepts and requirements:
  - a. Uses, structures, circulation, landscaped areas, setbacks.
  - b. County ordinances, Comprehensive Plan and other applicable agency regulations. Any conflicts between regulations shall be identified and resolved.
  - c. Conditions placed on previous approvals.

**1102.06 SITE ANALYSIS SUBMITTAL**

A. The site analysis will provide the basis for the proper design relationship of the proposed development to the site and to adjacent properties. The degree of detail in the analysis shall be appropriate to the scale of the proposal, or to special site features requiring careful design (see illustration). A site analysis plan shall include:

1. Vicinity map showing location of property in relation to adjacent properties, roads, pedestrian and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.
2. A site description map at a suitable scale (e.g., 1" = 100'; 1" = 50', or 1" = 20') showing parcel boundaries and gross area including the following elements, when applicable:
  - a. Contour lines at the following minimum intervals:
    1. Two (2) foot intervals for slopes 0-20%
    2. Five (5) or ten (10) foot intervals for slopes exceeding 20%
    3. Identification of areas exceeding 35% slope
  - b. Slope analysis showing portions of site according to slope ranges below:

0-10%

10-20%

20-35%

35-50%

50% +

Approximate area calculations shall be made for areas more than 20%, using the above categories.

In special areas such as Open Space, a more detailed slope analysis may be required.

Sources for slope analysis include maps located at Department of Transportation and Development.

- c. Drainage, including adjacent lands.
- d. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, drainageways and weak foundation soils. An engineering geologic study may be required, pursuant to Section 1003.02.
- e. Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas and surface features such as earth mounds, large rock outcroppings.
- f. Streams and stream corridors.
- g. 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, not to exceed 1":400', may be submitted and only those trees that will be affected by the proposed development need be sited accurately.
- h. Noise sources.

- i. Sun and wind exposure.
- j. Significant views.
- k. Existing structures, improvements, utilities and easements or other development.

## **1102.07 PRELIMINARY PLAN SUBMITTAL**

- A. A complete application for design review shall be submitted to staff. A project summary shall accompany the application when necessary to describe special circumstances such as a request for minor exception to a development standard, or modification to the allowed base density.
- B. Preliminary submittal shall include the following plans, which may be combined, as appropriate onto one or more drawings:
  1. Site Plan: The site plan shall be drawn at a suitable scale (e.g., 1" = 50', or 1" = 10') and shall include the following:
    - a. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
    - b. Boundary lines and dimensions for the property and all proposed lot lines. Future buildings in phased developments shall be indicated.
    - c. Identification information, including names and addresses of project designers.
    - d. Natural features which will be utilized in the site plan.
    - e. Location, dimensions and names of all existing or platted streets or other public ways, easements, railroad rights-of-way, on or adjacent to the property; county limits, section lines and corners, monuments.
    - f. The location of at least one temporary benchmark and spot elevations when needed.
    - g. Location and dimensions of all existing structures, improvements or utilities to remain, and structures to be removed; all drawn to scale.
    - h. Historic structures (County inventory).
    - i. Approximate location and size of storm water retention or detention facilities and storm drains.
    - j. Location and exterior dimensions of all proposed structures, and impervious surfaces.
    - k. Relation to transit, location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
      - l. Orientation of structures showing windows and doors, entrances and exits.
    - m. Lighting; specify type.
    - n. Service areas for waste disposal, recycling, loading and delivery.
    - o. Location of mail boxes.
  2. Grading Plan: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals and natural resources protection proposals consistent with Sections 1002 and 1003.

3. Architectural drawing:
    - a. Building elevations and sections.
    - b. Building materials: color and type.
    - c. Floor plans.
  4. Landscape Plan: The landscape plan shall be at the same scale as the site plan. All identification information required on the site plan shall be shown on the landscaping and open space plan. It shall show:
    - a. Property and lot boundaries and rights of way.
    - b. Structures and impervious surfaces including parking lots.
    - c. General landscape development plan, including the location of existing plants and groups of plants proposed.
    - d. Description of soil conditions and plans for soil treatment such as stockpiling of topsoil, addition of soil amendments, and plant selection requirements relating to soil conditions.
    - e. Erosion controls, including plant materials and soil stabilization, if any.
    - f. Irrigation system (underground sprinklers or hose bibs).
    - g. Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.
    - h. Boundaries of open space, recreation or reserved areas to remain, access to open space and any alterations proposed.
    - i. Location of pedestrian or bikeway circulation within landscaped areas.
  5. Signs:
    - a. Freestanding sign:
      1. Location of sign on site plan.
      2. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, means of illumination).
    - b. Onbuilding sign:
      1. Building elevation with location of sign (indicate size, color, materials and means of illumination).
      2. Plot plan showing location of signs on building in relation to adjoining property.
- C. An application shall be accompanied by preliminary statements of feasibility required pursuant to Subsections 1022.03, 1022.04 and 1022.05. (6/6/02)

## **1102.08 FINAL PLAN SUBMITTAL**

- A. The final development plans shall include the same information required for preliminary plans with any revisions refinements, or changes as indicated below or required for compliance as outlined by staff in the staff recommendations to the applicant.
- B. The required final plan submitted shall include the following information and plans:
  1. Proposed schedule of development
  2. Site Analysis and site description map

3. Site Plan
4. Final grading plan as required under Chapter 70 of the Oregon Building Code
5. Architectural drawings
6. Final landscape plans including plant specifications keyed to plan map and including botanical names, common names, sizes, numbers, and methods of planting and maintenance as speci-fied under Section 1009.

## **1102.09 MAINTENANCE**

All approved onsite improvements shall be the ongoing responsibility of the property owner or occupant.

## **1102.10 COMPLIANCE**

- A. The development site shall be checked by staff to insure compliance with final approved plans prior to issuance of an occupancy permit.
- B. The development must be completed as per the approved final plans including landscaping and recreation areas before the occupancy permit is issued, except as provided under subsection 1104.02. A field check by staff will insure compliance.
- C. It shall be the duty of the County to enforce these regulations, and to assure that conditions of final development review approval are carried out.

(LAST TEXT REVISION 3/24/05)

## SECTION 1100 - APPLICATION AND REVIEW PROCEDURES

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### 1103 OPEN SPACE REVIEW 3/24/05

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<a href="#">1103.01</a>	AREA OF APPLICATION
<a href="#">1103.02</a>	STAFF REVIEW
<a href="#">1103.03</a>	SUBMITTAL REQUIREMENTS

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#### 1103.01 AREA OF APPLICATION

Any development which affects an open space resource described in Section 1011 of this Ordinance, and shown generally on the Northwest Urban Area Land Use Plan Map as Resource Protection, Major Hazards, or Public and Community Use Open Space.

#### 1103.02 STAFF REVIEW

- A. In all open space resource areas the staff shall review the required site analysis and development plans to assure that all plan policies, ordinance, and development standards relevant to the open space resource designation are being satisfied.
- B. A staff review team shall be formed from the appropriate divisions within D.T.D to evaluate the material required in subsection 1103.03 below. It shall also:
  1. Evaluate the probable impact of the proposed development on relevant natural systems or features, in particular on resources of areawide significance.
  2. Evaluate the potential for conservation easements, public acquisition, dedication or any other available means of securing parts of the site as a part, trail, or other open space resource.
  3. Identify alternative development proposals which better protect the open space resources through the appropriate use of such techniques as density transfers, commonwall structures, multistory buildings, parking structures or under-structure parking, reduced parking requirements near transit lines, etc. The intent of this is to assist the developer in using the various provisions of the Comprehensive Plan, ordinances and standards to achieve the best possible balance of development and open space protection.

#### 1103.03 SUBMITTAL REQUIREMENTS

- A. Building permit submittal requirements for single-family dwellings on lots of record created prior to January 31, 1980 shall include any materials reasonably necessary for adequate review of the project's impact on the open space resource. Examples are: (3/24/05)
  - 1. A site plan showing existing natural features of the site and existing development, as well as proposed development, tree cutting activity, or other modification of open space resources.
  - 2. Cross-section of any area within the open space resource where terrain modifications will occur.
- B. Submittal requirements for minor partitions shall be the same as those normally required under Section 1106.
- C. Submittal requirements for Planned Unit Developments shall include a Site Analysis as outlined in subsection 1102.06 in addition to the other requirements set forth in this Ordinance. (4-12-82)
- D. Submittal requirements for commercial, industrial and multifamily developments shall be those outlined in the Design Review Section of this Ordinance (see Section 1102). (4-12-82)

(LAST TEXT REVISION 3/24/05)



## SECTION 1100 - APPLICATION AND REVIEW PROCEDURES

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### 1104 DEVELOPMENT SCHEDULE, COMPLETION OF IMPROVEMENTS AND BONDING

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<a href="#">1104.01</a>	LIMITS ON APPROVAL
<a href="#">1104.02</a>	OCCUPANCY PERMIT
<a href="#">1104.03</a>	TERMS OF THE BOND OR SURETY
<a href="#">1104.04</a>	NONCOMPLIANCE
<a href="#">1104.05</a>	INSUFFICIENT SURETY
<a href="#">1104.06</a>	DAMAGE AND MAINTENANCE
<a href="#">1104.07</a>	COUNTY ASSISTANCE

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#### 1104.01 LIMITS ON APPROVAL:

Development or construction must be initiated, or plats recorded, as per the approved final development plans within two (2) years of the letter of final development review approval. When the Hearings Officer or Board of County Commissioners specify a time period for commencement of a development, that time period shall supersede

#### 1104.02 OCCUPANCY PERMIT:

Before the occupancy permit is approved, the developer shall construct or install the required improvements or shall provide the County with a deposit, letter of credit, performance bond or other surety satisfactory to the staff, in which assurance is given to the County that all improvements will be carried out in accordance with the standards of this Ordinance, the terms of the final development review and other required County permits.

#### 1104.03 TERMS OF THE BOND OR SURETY:

The surety shall set the time for completion of improvements and shall be sufficient to cover the cost of work for the year that completion is anticipated. The surety shall be forfeited to the County if the permittee does not complete the improvements by the time scheduled. The surety shall remain in the

custody of the County until the obligation is completed or the surety is forfeited, or shall be placed in an escrow account available to the County.

#### **1104.04 NONCOMPLIANCE**

- A. If the staff finds that a permittee has not completed improvements as required, staff shall notify, in writing, the permittee and the surety holder of the specific noncompliance. Within thirty (30) days of receipt of the written notice, the permittee or the surety holder shall proceed diligently to complete the obligation.
- B. If the permittee or the surety holder does not commence compliance within thirty (30) days, or has so commenced but fails to proceed diligently to complete the compliance, or the compliance is not completed in accordance with the requirements of the development permit, the County may take any or all of the following actions:
  - 1. Enter upon the site of the development and carry out the improvements necessary to complete the requirements of the development permit.
  - 2. Notify the permittee and the surety holder of the permittee's failure to complete the improvements.
  - 3. Demand payment from the permittee for the costs of completion of the improvements.
  - 4. Notify the surety holder that the reimbursement for the costs of completion is due and payable to the County, or appropriate as much of a cash deposit, letter of credit or other assets as is necessary to recover the costs of completion.

#### **1104.05 INSUFFICIENT SURETY:**

If the amount of the surety is not sufficient to compensate the County fully for the costs of improvements, the amount due the County is a lien in favor of the County upon the entire real property of the owner of the development subject to the development permit. The lien attaches upon the filing with the County Recorder of notice of the claim for the amount due for the completion of the improvements. The notice shall demand the amount due, allege the insufficiency of the surety to compensate the County fully for the costs of completion of the improvements, and allege the permittee's failure to complete the improvements as required by the development permit and this Ordinance.

#### **1104.06 DAMAGE AND MAINTENANCE:**

The developer of any subdivision, partition, or development shall construct, maintain, repair, replace and shall be responsible for any damage to curbs, sidewalks, pavement and driveway approaches, shall keep the pavement area free of debris, soil or foreign matter at all times, shall be responsible for the efficient operation of all sumps or catchbasins in all streets included in the development, for a period of time not exceeding two (2) years from the date set in the surety for completion of improvements, or until ninety (90) percent of the units have been constructed, whichever occurs first.

## **1104.07 COUNTY ASSISTANCE:**

Inspections or other assistance shall be provided by the County at reasonable cost to the developer, and may include reimbursement for related materials and services furnished by the County to assist in proper completion of improvements.

## SECTION 1100 - APPLICATION AND REVIEW PROCEDURES

### 1105 SUBDIVISIONS (3/24/05)

<a href="#">1105.01</a>	APPLICABILITY
<a href="#">1105.02</a>	GENERAL PROVISIONS
<a href="#">1105.03</a>	UBMITTAL REQUIREMENTS
<a href="#">1105.04</a>	PRELIMINARY PLAT REVIEW
<a href="#">1105.05</a>	FORM OF FINAL PLAT
<a href="#">1105.06</a>	APPROVAL PERIOD
<a href="#">1105.07</a>	FINAL PLAT REVIEW
<a href="#">1105.08</a>	VACATION OF RECORDED PLATS OR PORTIONS THEREOF

#### 1105.01 APPLICABILITY (6/6/02)

- 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 ORS 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)

**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 1 inch equals 50 feet nor more than 1 inch equals 200 feet. If the preliminary plat drawings are larger than 11" by 17", a minimum of 5 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 1 inch equals 2,000 feet or some other scale that better depicts the area, and at least 4 inches by 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 2-foot intervals if 10 percent slope or less, 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 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 Subsection 1102.06 and Section 1103. The analysis required under these provisions may be incorporated in the subdivision application review process. (6/6/02)
- D. Except for applications submitted pursuant to Subsection 1105.08, 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 Subsections 1022.03, 1022.04 and 1022.05. (6/6/02)

#### **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)

## 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 ORS 92 and 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 1 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 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-year period, the final plat shall be recorded with the County Clerk. If a final plat is not recorded within 2 years of the final written decision approving a preliminary plat, a maximum of 3, 1-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 1-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 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)

### **1105.08 VACATION OF RECORDED PLATS OR PORTIONS THEREOF (6/6/02)**

- A. The county may initiate proceedings to vacate public property pursuant to 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)
- B. 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)

- C. 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)
- D. Except as provided in Subsection 1105.08(C), plat vacations shall be reviewed by the Hearings Officer at a hearing conducted pursuant to Section 1300. (6/6/02)
- E. After considering vacation proceedings pursuant to Subsection 1105.08(C) or 1105.08(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 1105.08 (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)
- F. 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)
- G. 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 County Surveyor and the County Assessor. The order shall become effective upon recording. (6/6/02)

(LAST TEXT REVISION 3/24/05)

## SECTION 1100 - APPLICATION AND REVIEW PROCEDURES

### 1106 PARTITIONS (3/24/05)

<a href="#">1106.01</a>	APPLICABILITY
<a href="#">1106.02</a>	GENERAL PROVISIONS
<a href="#">1106.03</a>	SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLAT REVIEW
<a href="#">1106.04</a>	PROCESS FOR PRELIMINARY PLAT REVIEW
<a href="#">1106.05</a>	APPROVAL PERIOD
<a href="#">1106.06</a>	FINAL PLAT REVIEW
<a href="#">1106.07</a>	VACATION

#### 1106.01 APPLICABILITY (6/6/02)

- A. Partitions are all divisions of property creating 3 or fewer parcels in a calendar year. (6/6/02)
- B. Land divisions in the EFU, TBR and 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 this section. However, final plats are required pursuant to Subsection 1106.06 and ORS Chapter 92, except as noted therein or in Subsection 1106.01(D). (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. Partitions containing parcels larger than 10 acres (based on the best available records) 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 ORS Chapter 92. (6/6/02)
- B. Partition approval is valid in perpetuity, upon recording of the final partition plat.
- C. 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. Development on a recorded partition parcel 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. No parcel 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. (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 1 inch equals 20 feet nor more than 1 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 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 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 2 foot intervals if 10 percent slope or less, 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)

- C. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsection 1102.06 and Section 1103. The analysis required under these provisions may be incorporated in the partition application review process. (6/6/02)
- D. An application shall be accompanied by preliminary statements of feasibility required pursuant to Subsections 1022.03, 1022.04 and 1022.05. (6/6/02)

#### **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 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-year period, the final plat shall be recorded with the County Clerk. If a final plat is not recorded within 2 years of the final decision approving a preliminary plat, a single 1-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 1-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 VACATION**

All, or a portion of, a recorded partition plat may be vacated pursuant to Subsection 1105.08. (6/6/02)

(LAST TEXT REVISION 3/24/05)

## **SECTION 1200 - CRITERIA FOR DISCRETIONARY PERMITS**

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### **1201 GENERAL PROVISIONS**

#### **1201.01**

All applications for zone changes, conditional uses, temporary permits, variances, and restoration, replacement or alteration of a nonconforming use shall be evaluated under the specific criteria listed within this Ordinance. Unless otherwise specified in the district, all such applications shall be subject to the procedures under Section 1300.

#### **1201.02**

Findings justifying a decision regarding a discretionary permit shall be made in writing, and shall be provided to the applicant.

#### **1201.03**

The granting of a discretionary permit may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially deleterious effects resultant from approval of the permit, or to fulfill the public need for public service demands created by approval of the request.

## SECTION 1200 - CRITERIA FOR DISCRETIONARY PERMITS

### 1202 ZONE CHANGE (1/20/05)

#### 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 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 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



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)

(LAST TEXT REVISION 1/20/05)

## SECTION 1200 - CRITERIA FOR DISCRETIONARY PERMITS

### 1203 CONDITIONAL USE (5/22/03)

<a href="#">1203.01</a>	CRITERIA AND PROCEDURE
<a href="#">1203.02</a>	APPROVAL PERIOD
<a href="#">1203.03</a>	TIME EXTENSIONS
<a href="#">1203.04</a>	SUBMITTAL REQUIREMENTS

#### 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 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 pre-cludes 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 (6/6/02)

- 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 (6/6/02)**

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)

- 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 Subsections 1022.03, 1022.04 and

1022.05. (6/6/02)

- 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)

(LAST TEXT REVISION 5/22/03)

## SECTION 1200 - CRITERIA FOR DISCRETIONARY PERMITS

### 1204 TEMPORARY PERMITS (3/24/05)

<a href="#">1204.01</a>	TEMPORARY USE OTHERWISE PROHIBITED
<a href="#">1204.02</a>	TEMPORARY DWELLING WHILE BUILDING
<a href="#">1204.03</a>	TEMPORARY DWELLING FOR CARE
<a href="#">1204.04</a>	TEMPORARY STRUCTURE FOR EMERGENCY SHELTER

#### 1204.01 TEMPORARY USE OTHERWISE PROHIBITED

- A. The Planning Director, or authorized designee, may approve a temporary permit, 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 EFU, TBR or AG/F zoning district except as provided in Subsections 406.07A and B and 407.07A and B.
- C. A permit approved pursuant to this Subsection 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, subject to the provisions of Subsection 104.01A, 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 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.
  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 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 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 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 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.

### **1204.03 TEMPORARY DWELLING FOR CARE**

- A. The Planning Director, or authorized designee, may approve a temporary permit, 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, 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; 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; 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 1204.03B; 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, "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, "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 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. 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. 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 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 Deed Records recognizing that a dwelling approved pursuant to this Subsection 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 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 zone. A recreational vehicle approved pursuant to this Subsection 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 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 1204.03D. 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 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 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 2 years from the date of initial approval. For the purpose of this provision, <sup>3</sup>lawfully commenced<sup>2</sup> 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 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.
  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 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 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 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 expired.

(LAST TEXT REVISION 3/24/05)

## SECTION 1200 - CRITERIA FOR DISCRETIONARY PERMITS

### 1205 VARIANCE (3/24/05)

<a href="#">1205.01</a>	APPLICABILITY
<a href="#">1205.02</a>	CRITERIA AND PROCEDURE

#### 1205.01 APPLICABILITY:

Under this provision, a property owner or designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- A. The proposed variance would allow a use which is not permitted in the district (see Section 1202, 1204.01, or provisions for Interpretations of this Ordinance by the Hearings Officer), or
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard, or
- C. Modification of the requirement or standard is prohibited within the district, or
- D. An exception from the requirement or standard is allowed in the district, or
- E. The proposed variance is to the minimum lot size standard or, in the case of a flexible-lot-size or planned unit development, the minimum average lot size standard and would result in reducing the minimum by more than 10 percent. The subsection is not applicable to partitions of lots which are divided by a public road and located in a residential zoning district. (3/24/05)
- F. The request is for a variance to the minimum lot size standard in the RR, RA-2, FU-10, EFU, TBR, or AG/F zoning district. (3/24/05)

#### 1205.02 CRITERIA AND PROCEDURE:

The Planning Director may allow a variance from a requirement or standard of this Ordinance, as provided under 1205.01, above, subject to the provisions of subsection 1305.02, provided that the applicant provides evidence substantiating the following: (4-12-82)

- A. Compliance with the applicable requirement or standard of the ordinance would create a hardship due to one or more of the following conditions:
  - 1. The physical characteristics of the land, improvements, or uses are not typical of the area. When the requested variance is needed to correct an existing violation, that violation shall not be considered as a condition "not typical of the area".
  - 2. The property cannot be developed to an extent comparable with other similar properties in

the area if the requirement or standard is satisfied.

3. Compliance with the requirement or standard would eliminate a significant natural feature of the property.
  4. Compliance with the requirement or standard would reduce or impair the use of solar potential on the subject property or adjacent properties.
- B. Strict adherence to the requirement or standard is unnecessary because the proposed modification or variance from the standard or requirement will reasonably satisfy all the following objectives:
1. Will not adversely affect the function or appearance of the development and use on the subject property, and
  2. Will not impose limitations on other properties and uses in the area, including uses that would be allowed on vacant or underdeveloped properties, and
  3. Will accomplish the purpose(s) for the standard as set forth in this Ordinance.
- C. Approval of the application will allow the property to be used only for purposes authorized by the Zoning and Development Ordinance; and
- D. Approval of the application complies with the Comprehensive Plan.

(LAST TEXT REVISION 3/24/05)

## SECTION 1200 - CRITERIA FOR DISCRETIONARY PERMITS

### 1206 NONCONFORMING USE (11/24/99)

<a href="#">1206.01</a>	STATUS
<a href="#">1206.02</a>	DISCONTINUATION OF USE
<a href="#">1206.03</a>	RESTORATION OR REPLACEMENT
<a href="#">1206.04</a>	MAINTENANCE
<a href="#">1206.05</a>	ALTERATIONS AND CHANGES
<a href="#">1206.06</a>	VERIFICATION OF A NONCONFORMING USE

#### 1206.01 STATUS:

A nonconforming use may be continued although not in conformity with the regulations for the zone in which the use is located. Nonconforming use status applies to the lot(s) or parcel(s) upon which the nonconforming use is located and may not be expanded onto another lot or parcel except as provided under subsection 1206.05. A change in ownership of, or a change of operator of, a nonconforming use shall be permitted. (2/26/98)

#### 1206.02 DISCONTINUATION OF USE:

If a nonconforming use is discontinued for a period of more than twelve (12) consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of the Ordinance and other regulations applicable at the time of the proposed resumption. (Adopted December 5, 1979)

#### 1206.03 RESTORATION OR REPLACEMENT:

If a nonconforming use is damaged or destroyed by fire, other casualty or natural disaster, such use may be restored, replaced and/or re-established consistent with the nature and extent of the use or structure lawfully established at the time of loss subject to the following conditions:

- A. Alterations or changes to the nature and extent of the nonconforming use as lawfully established prior to the fire, other casualty, or natural disaster shall not be permitted under this subsection, but may be permitted subject to the administrative action procedure under subsection 1206.05.

(2/26/98)

- B. Physical restoration, replacement, or re-establishment of the nonconforming use shall be lawfully commenced within one (1) year of the occurrence of the damage or destruction. For the purposes of this provision, "lawfully commenced" shall mean the lawful resumption of the nonconforming use and/or the filing of an application for a land use, building, septic, grading, manufactured dwelling or residential trailer placement, plumbing, electrical, or other development permit required by the County or other appropriate permitting agency that is necessary to begin restoration or replacement of the nonconforming use and/or structures. (11/24/99)
- C. The nonconforming use status of the use to be restored, replaced or re-established and the nature and extent of the nonconforming use, shall be verified subject to an application pursuant to the procedures under subsection 1206.06. (2/26/98)

#### **1206.04 MAINTENANCE:**

Normal maintenance of a nonconforming use necessary to maintain a nonconforming use in good repair is permitted provided there are not significant use or structural alterations as determined by the Planning Director, or designate. Normal maintenance may include painting, roofing, siding, interior remodeling, re-paving of access roads and parking/loading areas, replacement of landscaping elements, etc. (2/26/98)

#### **1206.05 ALTERATIONS AND CHANGES:**

- A. Alterations Required by Law: The Planning Director, or designate, shall permit the alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure, subject to building , plumbing, sanitation, and other specialty code permit requirements in effect at the time the alteration is commenced. The Planning Director, or designate, shall not impose additional conditions upon the continuation of a nonconforming use when an alteration is required to comply with local or state health or safety requirements, except as provided in ORS 215.215 pertaining to the re-establishment of nonfarm uses in an Exclusive Farm Use zoning district. (2/26/98)
- B. Alterations Not Required by Law: The Planning Director, or designate, shall approve an alteration of a nonconforming structure and/or other physical improvements, or a change in the use, as an administrative action under subsection 1305.02, if:
  - 1. The alteration in the structure and/or other physical improvements, or change in the use, will, after the imposition of conditions as authorized below, have no greater adverse impact on the neighborhood than the existing use, structure(s) and/or physical improvements; and (2/26/98)
  - 2. The nonconforming use status of the existing use, structure(s) and/or physical improvements is verified pursuant to subsection 1206.06. The verification and alteration/change requests may be combined as a single application under this subsection. (2/26/98)
  - 3. The Planning Director, or designate, may impose conditions of approval on any alteration of a nonconforming use, structure(s) or other physical improvements permitted under this

section when deemed necessary to ensure the mitigation of any adverse impacts. (2/26/98)

## **1206.06 VERIFICATION OF A NONCONFORMING USE (2/26/98)**

- A. The Planning Director, or designate, shall review all requests for verification of nonconforming use status, subject to the administrative action provisions of subsection 1305.02.
- B. The Planning Director, or designate, may approve a request for nonconforming use status if: the applicant proves that the nonconforming use lawfully existed at the time of the adoption of zoning regulations, or a change in zoning regulations, which prohibited or restricted the use; and, the nonconforming use has not been subsequently abandoned or discontinued.
- C. In the alternative, the applicant may submit evidence proving the existence, continuity, nature and extent of the nonconforming use for the ten (10) year period immediately preceding the date of the application. Such evidence shall create a rebuttable presumption that the nonconforming use, as proven, lawfully existed at the time of, and has continued uninterrupted since, the adoption of restrictive zoning regulations, or a change in the zoning or zoning regulations, that have the effect of prohibiting the nonconforming use under the current Ordinance provisions.

(LAST TEXT REVISION 11/24/99)

## SECTION 1300 - ADMINISTRATIVE PROCESS

### 1301 GENERAL PROVISIONS (6/6/02)

The review of all administrative actions under this ordinance shall be subject to Section 1300. (6/6/02)

<a href="#">1301.01</a>	DEFINITION AND REVIEW PROCEDURE
<a href="#">1301.02</a>	APPOINTMENT OF HEARINGS OFFICER
<a href="#">1301.03</a>	INITIATION OF ADMINISTRATIVE ACTION
<a href="#">1301.04</a>	PREAPPLICATION CONFERENCE

#### 1301.01 DEFINITION AND REVIEW PROCEDURE (6/6/02)

- A. An administrative action is a proceeding: (6/6/02)
1. In which the legal rights, duties, or privileges of specific parties under general rules or policies provided under ORS 215.010 to 215.233 and 215.402 to 215.422 or any ordinance, rule, or regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard; or
  2. Identified as a Planning Director decision by this ordinance. (6/6/02)
- B. Hearings Officer, Planning Commission and Board of County Commissioners responsibilities shall be as follows: (6/6/02)
1. The Hearings Officer shall hear all administrative actions identified under Subsection 1301.01(A)(1) and appeals of decisions issued pursuant to Subsection 1301.01(A)(2), except as noted below: (6/6/02)
  2. The Planning Commission shall hear applications for Comprehensive Plan amendments; applications filed concurrently with an application for a Comprehensive Plan amendment on the same property; and appeals of Planning Director Interpretations of the Comprehensive Plan. (6/6/02)
    - a. On Comprehensive Plan amendments and concurrent applications on the same property, the Planning Commission shall not render a decision but may forward a recommendation to the Board of County Commissioners. (6/6/02)
    - b. On appeals of Planning Director Interpretations of the Comprehensive Plan, the Planning Commission shall make a decision, which shall be final unless appealed to the Board of County Commissioners. An appeal must be received by the Planning Director within 12 days of the date of mailing of the final written decision of the Planning Commission. (6/6/02)
  3. The Board of County Commissioners shall hear applications for Comprehensive Plan amendments; applications filed concurrently with an application for a Comprehensive



Plan amendment on the same property; and appeals of Planning Commission decisions on interpretations of the Comprehensive Plan. In addition, the Board of County Commissioners may decide to hear an appeal of a Hearings Officer decision on an interpretation of this ordinance pursuant to Subsection 1304.01. Board of County Commissioners consideration of Comprehensive Plan amendments and concurrent applications on the same property shall follow Planning Commission consideration of these applications. (6/6/02)

C. Public Hearing Review Procedures: (4/27/88)

1. Planning Commission: An administrative action requiring review by the Planning Commission shall be conducted in accordance with the bylaws adopted by the Planning Commission and the provisions of Section 1300 and Subsection 1402.01(A) and (B). (6/6/02)
2. Hearings Officer/Board of County Commissioners: An administrative action requiring review by the Hearings Officer or Board of County Commissioners shall be conducted in accordance with the rules of procedure adopted by the Hearings Officer or Board of County Commissioners and the provisions of Section 1300. This subsection authorizes the Hearings Officer and Board of County Commissioners to adopt rules of procedure for the conduct of hearings. (6/6/02)
3. At least 7 days prior to the hearing a copy of the staff report for the hearing shall be available for inspection at the Planning Division and copies shall be provided at reasonable cost. (6/6/02)
4. Ex Parte Contact; Hearings Officer: The Hearings Officer shall not: (10/21/99)
  - a. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; (10/21/99)
  - b. Take notice of any communications, reports, staff memoranda or other materials prepared in connection with a particular case unless the parties are afforded an opportunity to contest the material so noted; nor (6/6/02)
  - c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. The Hearings Officer may inspect the site alone but must put the circumstances of the inspection on record. (6/6/02)
5. Ex Parte Contact; Planning Commission and Board of County Commissioners: While every effort must be made to avoid ex parte contact, no decision of the Planning Commission or Board of County Commissioners shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1301.01(C)(4), if the member of the Planning Commission or Board of County Commissioners receiving the contact: (6/6/02)
  - a. Places on the record the substance of any written or oral ex parte communication concerning the decision or action; and
  - b. Has a public announcement made of the content of the communication, and of the parties' right to rebut the substance of the communication, at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

6. A communication between county staff and the Hearings Officer, Planning Commission or Board of County Commissioners shall not be considered an ex parte contact for purposes of Subsections 1301.01(C)(4) and (5). (6/6/02)

### **1301.02 APPOINTMENT OF HEARINGS OFFICER**

The Hearings Officer shall be appointed by the Board of County Commissioners to serve at the pleasure of and at a salary fixed by the Board of County Commissioners. When the Board of County Commissioners serves as the Hearings Officer, it may be referred to as the "Board of County Commissioners" rather than the "Hearings Officer". (6/6/02)

### **1301.03 INITIATION OF ADMINISTRATIVE ACTION**

- A. An administrative action, unless otherwise specifically provided for by this ordinance, may only be initiated by order of the Board of County Commissioners, or a majority of the whole Planning Commission or by the petition of the owner, contract purchaser, option holder, or agent of the owner, of the property in question. (6/6/02)
- B. A property owner, contract purchaser, option holder, or agent of the owner shall initiate an administrative action by filing a complete application with the Planning Director on forms provided by the Planning Division, and accompanied with the appropriate application fee. (6/6/02)

### **1301.04 PREAPPLICATION CONFERENCE (6/6/02)**

When an administrative action is to be initiated by a property owner, contract purchaser, option holder, or agent of the owner, the applicant or his authorized representative may meet and confer with the Planning Director in a preapplication conference at which time views may be exchanged as to the requisites for formal application and the feasibility of approval may be discussed. (6/6/02)

(LAST TEXT REVISION 6/6/02)

## SECTION 1300 - ADMINISTRATIVE PROCESS

### 1302 NOTICE REQUIREMENTS AND PROCEDURES (6/6/02)

<a href="#">1302.01</a>	PUBLIC NOTICE REQUIREMENTS
<a href="#">1302.02</a>	CONTENTS OF WRITTEN NOTICE
<a href="#">1302.03</a>	PERSONAL NOTICE

#### 1302.01 PUBLIC NOTICE REQUIREMENTS (6/6/02)

The following notification requirements shall apply to all administrative actions to be considered at a public hearing: (10/21/99)

- A. At least 35 days before the first evidentiary hearing, a copy of the submitted 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)
- B. Written notice of the public hearing shall be sent by mail at least 20 days prior to the first evidentiary hearing to the following: (6/6/02)
  1. The applicant;
  2. All property owners of record, pursuant to Subsection 1302.03, within: (6/6/02)
    - a. 300 feet of the subject property and contiguous properties under the same ownership if the property is located within an urban growth boundary; or (10/21/99)
    - b. 500 feet of the subject property and contiguous properties under the same ownership if the property is located outside an urban growth boundary and outside an EFU, TBR or AG/F zoning district; or (6/6/02)
    - c. 750 feet of the subject property and contiguous properties under the same ownership if the property is located within an EFU, TBR or AG/F zoning district. (6/6/02)
  3. The recognized and active community planning organization(s), if the property which is the subject of the application lies wholly or partially within the boundaries of such organization(s); (6/6/02)
  4. Tenants within a manufactured dwelling park when such manufactured dwelling park is the subject of a zone change request; and (6/6/02)
  5. The airport sponsor and the Oregon Department of Aviation when required by Subsection 712.08 or 713.07. (6/6/02)
- C. Written notice of the public hearing shall be sent by mail to cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement. (6/6/02)
- D. Notice shall be given by publication in a newspaper of general circulation in the affected area at

least 10 days prior to the date of a hearing. (6/6/02)

### **1302.02 CONTENTS OF WRITTEN NOTICE (6/6/02)**

Notices of hearings shall contain the following information:

- A. The date, time and place of the hearing; the application file number; staff representative and telephone number where additional information may be obtained; (6/6/02)
- B. Identification of the property owner and applicant; a description of the subject property by tax map designation of the County Assessor, the address of the property if available and approximate location on county roads; (6/6/02)
- C. An explanation of the nature of the proposed action and the proposed use or uses which could be authorized by the decision; a list of the criteria from this ordinance and the Comprehensive Plan that apply to the application and decision; (6/6/02)
- D. A statement that interested parties may appear and be heard and that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, or failure to provide sufficient specificity to afford the Hearings Officer an opportunity to respond to an issue precludes appeal to the Land Use Board of Appeals based on that issue;
- E. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; (6/6/02)
- F. A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Planning Division at no cost and copies will be provided at a cost established by the Board of County Commissioners; and (6/6/02)
- G. A statement that at least 7 days prior to the hearing a copy of the staff report for the hearing will be available for inspection at the Planning Division and copies will be provided at a cost established by the Board of County Commissioners. (6/6/02)

### **1302.03 PERSONAL NOTICE (6/6/02)**

For the purpose of personal notification, the records of the Clackamas County Assessor shall be used and persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. If a property within the notification area is located outside Clackamas County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice shall not invalidate the decision if a good faith attempt was made to comply with Subsection 1302.01(B). (6/6/02)

(LAST TEXT REVISION 6/6/02)

## SECTION 1300 - ADMINISTRATIVE PROCESS

### 1303 PUBLIC HEARING REQUIREMENTS AND PROCEDURES (6/6/02)

<a href="#">1303.01</a>	NATURE OF DECISION
<a href="#">1303.02</a>	RIGHTS OF AFFECTED PARTIES
<a href="#">1303.03</a>	EVIDENCE
<a href="#">1303.04</a>	EXHIBITS
<a href="#">1303.05</a>	RECORD OF HEARING
<a href="#">1303.06</a>	LIMITS ON ORAL TESTIMONY
<a href="#">1303.07</a>	CHALLENGE TO HEARINGS OFFICER
<a href="#">1303.08</a>	POSTPONEMENTS, CONTINUANCES AND OPEN RECORD PERIODS
<a href="#">1303.09</a>	CONDITIONS OF APPROVAL
<a href="#">1303.10</a>	REFILING APPLICATION

#### 1303.01 NATURE OF DECISION (6/6/02)

The decision on an administrative action may be to approve the application as submitted, to deny the application or to approve the application with such conditions as may be necessary to carry out the Comprehensive Plan and as provided for in Subsection 1303.09. Approval or denial of a permit shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. (10/21/99)

#### 1303.02 RIGHTS OF AFFECTED PARTIES (10/21/99)

- A. Right to Participate: Parties entitled to participate in a public hearing on an administrative action include: (10/21/99)
1. Those persons entitled to personal notice pursuant to Subsection 1302.01(B); (6/6/02)
  2. A recognized and active community planning organization; and (10/21/99)
  3. Any interested person or agency. (6/6/02)
- B. Right to Notice of Decision: Notice of the final decision shall be mailed to all interested parties.

For purposes of this subsection, an interested party is: (6/6/02)

1. The applicant;
2. The appellant; (6/6/02)
3. Anyone providing oral testimony at the Hearings Officer or Board of County Commissioners hearing; (6/6/02)
4. Anyone who makes a written request for such notice; (6/6/02)
5. The airport sponsor and the Oregon Department of Aviation when required by Subsection 712.08 or 713.07; and (6/6/02)
6. The recognized and active community planning organization(s), if the property which is the subject of the application lies wholly or partially within the boundaries of such organization(s). (6/6/02)

### **1303.03 EVIDENCE**

- A. Any documents or evidence relied upon by the applicant in addition to the initial complete application shall be submitted to the Planning Division and made available to the public at least 20 days prior to the first evidentiary hearing. (6/6/02)
- B. All evidence may be received unless excluded by the Hearings Officer on his own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Evidence may be received subject to a later ruling regarding its admissibility. (10/21/99)
- C. The Hearings Officer may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Hearings Officer shall not preclude action by the Hearings Officer or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form. (4/27/95)
- D. All evidence shall be offered and made a part of the record in the case; and, except for matters stipulated to and except as provided in Subsection 1303.03(E), no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference. (6/6/02)
- E. The Hearings Officer may take notice of judicially cognizable facts, and may take notice of general, technical or scientific facts within specialized knowledge. Interested parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Hearings Officer may utilize experience, technical competence and specialized knowledge in evaluation of the evidence presented. (10/21/99)
- F. Every party is entitled to an opportunity to be heard and present and rebut evidence.

### **1303.04 EXHIBITS (6/6/02)**

All exhibits received shall be marked so as to provide identification upon review. Such exhibits may be

returned when the period for review has expired, but shall otherwise be preserved by the Planning Director. (6/6/02)

### **1303.05 RECORD OF HEARING (6/6/02)**

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review on the record. (6/6/02)

### **1303.06 LIMITS ON ORAL TESTIMONY (6/6/02)**

The Hearings Officer may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. (4/27/95)

### **1303.07 CHALLENGE TO HEARINGS OFFICER (6/6/02)**

A party may challenge the Hearings Officer on the grounds of Subsection 1301.01(C)(4), or that such Hearings Officer has a legal conflict of interest. A written challenge must be delivered by personal service to the Planning Director and the Hearings Officer not less than 3 days preceding the time set for public hearing. A challenge and the decision thereon by the Hearings Officer shall be entered in the record of the action. (6/6/02)

### **1303.08 POSTPONEMENTS, CONTINUANCES AND OPEN RECORD PERIODS (6/6/02)**

- A. A postponement is a request by the applicant to have county processing of an administrative action suspended, either indefinitely or to a date certain. Where a date certain for an additional hearing is established during a hearing, the request shall be considered a continuance rather than a postponement. (6/6/02)
- B. The applicant may request a postponement of an administrative action at or prior to the hearing. Any request for a postponement shall be submitted in writing. A postponement may be granted by the Planning Director if such request is received prior to the hearing, or by the Hearings Officer if requested during the hearing. The applicant may request a continuance of an administrative action during the hearing. A postponement or continuance shall not be granted exceeding 273 days from the date of the first scheduled public hearing or, if a hearing has not been scheduled, from the date a complete application was submitted. (6/6/02)
- C. A hearing on an application may be continued and no additional notice need be given by the Hearings Officer if the hearing is adjourned to a date certain, unless so ordered. Unless there is a continuance, the record shall be kept open for not less than 7 days following the hearing if so requested at the hearing. Any party may request during the hearing that the record be left open for longer than 7 days. However, the record shall not be left open for more than 273 days from the

date of the first scheduled hearing. (6/6/02)

D. Only one postponement shall be granted. (6/6/02)

E. A request by an applicant to resume county processing of a postponed application shall be made in writing. If such a request is not received within the time period established by Subsection 1303.08(B), the application shall be considered withdrawn. (6/6/02)

### **1303.09 CONDITIONS OF APPROVAL (6/6/02)**

Approval of any administrative action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

A. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no time is set forth, within a reasonable time.

B. Such conditions shall be reasonably calculated to fulfill public needs emanating from the proposed land uses as set forth in the application, in the following respects: (6/6/02)

1. Protection of the public from the potentially deleterious effects of the proposed use; or
2. Fulfillment of the need for public service demands created by the proposed use.

C. Except as provided for in Subsection 1305.01(L), changes or alterations of conditions shall be processed as a new administrative action. A change or alteration will be considered only if the applicant demonstrates: (10/21/99)

1. A change in circumstances substantially material to the application, or
2. A change in the zoning of the property, or adjacent property, that substantially affects the merits of the application. (4/27/95)

D. Such conditions may be set forth in a contract executed between the Board of County Commissioners, acting by and through its Chairman, and the property owner and any contract purchasers. If a contract is required, no building permits for the use applied for shall be issued, nor shall the use applied for be deemed approved, until the properly executed contract is filed with the County Clerk. Such contract shall be properly signed and executed within 30 days after approval with conditions, provided, however, that the Board of County Commissioners may grant reasonable extensions in cases of practical difficulty. Such contract shall not restrict the power of subsequent administrative actions with or without conditions. In return for the granting of the application, the property owner, contract purchasers and their heirs, successors and assigns shall perform those conditions set forth therein. Said contract shall be enforceable against the signing parties, their heirs, successors and assigns by Clackamas County by appropriate action of law or suit in equity. (6/6/02)

E. Failure to fulfill any condition within the time limitations provided shall be grounds for initiation of an administrative action by the Planning Director to rescind the permit or approval pursuant to Subsection 1305.01(M). (6/6/02)

F. A bond, in a form acceptable to the Planning Director, or a cash deposit from the property owners or contract purchasers in such an amount as will assure compliance with the conditions may be required. Such bond shall be posted at the same time the contract containing the condition(s) is filed with the County Clerk. (6/6/02)



## **1303.10 REFILING APPLICATION (6/6/02)**

If an application for an administrative action is denied, an applicant may refile pursuant to Subsection 1305.02(H). (6/6/02)

(LAST TEXT REVISION 6/6/02)

**SECTION 1300 - ADMINISTRATIVE PROCESS**

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**1304 FINAL DECISION AND APPEAL PROCEDURES (6/6/02)**

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<a href="#">1304.01</a>	FINAL DECISION
<a href="#">1304.02</a>	APPEAL PERIOD

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**1304.01 FINAL DECISION (6/6/02)**

The decision of the Hearings Officer shall be the final decision of the county, except, in the case of an application for an Interpretation, the Board of County Commissioners (BCC) may review the decision of the Hearings Officer on appeal. The appeal must be received by the Planning Director within 12 days of the date of mailing of the final written order of the Hearings Officer. No fee shall be charged for such an appeal by a recognized and active community planning organization. If the BCC determines that it will hear an appeal of an Interpretation, notice of the hearing shall be given pursuant to Subsection 1302.01. (6/6/02)

**1304.02 APPEAL PERIOD (6/6/02)**

The county's final decision on an administrative action may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date of mailing of the final written order. If a request for a review of an interpretation by the Hearings Officer is filed with the Board of County Commissioners (BCC), the 21-day LUBA appeal period shall commence on mailing of the final written order of the BCC, if the BCC accepts review, or mailing of a denial of the request for review. (6/6/02)

(LAST TEXT REVISION 6/6/02)

## SECTION 1300 - ADMINISTRATIVE PROCESS

### 1305 ADMINISTRATIVE RESPONSIBILITY OF THE PLANNING DIRECTOR (5/22/03)

<a href="#">1305.01</a>	DUTIES
<a href="#">1305.02</a>	PLANNING DIRECTOR REVIEW
<a href="#">1305.03</a>	INTERPRETATIONS

#### 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. All other modifications shall be subject to the same procedures as the original application. A modification shall be considered minor if it: (5/22/03)
  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 offstreet parking and loading spaces, except as provided under 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 within 12 days of the date of mailing of the notice of decision. (6/6/02)
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, an applicant may refile for consideration of the same or substantially similar application only if: (6/6/02)

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 2 years after final denial of an application by the county. (6/6/02)

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 12-day appeal period. Notice of the reissued decision shall be given in the same manner as notice of the original decision. (6/6/02)

## **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 within 12 days of the date of mailing of the notice of decision. Anyone may appeal the decision. If appealed, the application shall be reviewed by the Hearings Officer pursuant to Section 1300. An appeal to the Hearings Officer stays proceedings in the matter appealed until the determination of the appeal. (6/6/02)
- 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)

(LAST TEXT REVISION 5/22/03)

## SECTION 1400 - LEGISLATIVE CHANGES

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### 1401 INITIATION

#### 1401.01

Legislative amendments may be initiated by:

- A. Order of the Board of County Commissioners;
- B. Resolution by a majority of the whole Planning Commission; or
- C. The request of the Planning Director.

## SECTION 1400 - LEGISLATIVE CHANGES

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# 1402 PROCEDURE FOR LEGISLATIVE AMENDMENTS OF TEXT

### 1402.01

A public hearing shall be held by a majority of the whole Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments to the zoning maps.

- A. The Planning Commission may continue any hearing in order to make a reasonable decision.
- B. Amendments shall be considered and acted upon by the Planning Commission within a reasonable time. If no recommendation is made by the Planning Commission and no extension granted by the Board of County Commissioners, the Board of County Commissioners may act upon the same.

### 1402.02

Notice of the time, place and purpose of the Planning Commission's hearing shall be given in the following manner:

- A. By publication of a notice in a newspaper of general circulation in Clackamas County not less than ten (10) days prior to the date of hearing;
- B. Written notice and a copy of the text showing amendments and new sections added shall be sent to all recognized neighborhood organizations thirty-five (35) days prior to the date of the hearing; and
- C. For legislative amendments of the zoning maps, written notice of the proposed changes, including a copy of the proposed map changes, shall be sent thirty-five (35) days prior to the date of the hearing to all recognized neighborhood groups whose jurisdiction includes an area proposed for change.



## SECTION 1500 - FEES

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### 1501 PURPOSE

Fees are for the purpose of defraying administrative costs.

## SECTION 1500 - FEES

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### 1502 GENERAL PROVISIONS

#### 1502.01

Fees payable at the time of application shall be established by the Board of County Commissioners, unless initiated by the Planning Director, the Planning Commission, or Board of County Commissioners, for which action there shall be no fee. Recognized citizen planning organizations may file appeals without fee, provided the decision to file an appeal is made at a public meeting held in compliance with ORS 192.610 to 192.690. A good faith effort shall be made to notify the applicant of any such meeting. (02/10/94)

#### 1502.02

The fee for a permit for surface mining shall be set by separate order of the Board of County Commissioners and shall not be more than the fee prescribed by state statute or administrative regulation. (Adopted 9/6/79)

#### 1502.03

The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.

#### 1502.04

Fees are refundable if the application is withdrawn prior to the notification of the hearing. (02-10-94)

#### 1502.05

Appeal fees shall be refunded if the appellant prevails. (02-10-94)

#### 1502.06

The Planning Director may reduce or waive fees for temporary permit applications upon showing of just cause to do so. (12/22/88)

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1600 VILLAGE GENERAL PROVISIONS (5/3/01)

<a href="#">1600.00</a>	PURPOSE/AREA OF APPLICATION
<a href="#">1600.01</a>	ACCESSWAYS
<a href="#">1600.02</a>	ONSITE WALKWAYS FOR COMMERCIAL, MULTIFAMILY (4 OR MORE UNITS), INSTITUTIONAL AND OFFICE DEVELOPMENT
<a href="#">1600.03</a>	STREETS/SIDEWALKS
<a href="#">1600.04</a>	STREET TREES
<a href="#">1600.05</a>	BICYCLE PARKING
<a href="#">1600.06</a>	INTERSECTION SIGHT DISTANCE REQUIREMENTS
<a href="#">1600.07</a>	TRAILS AND PEDESTRIAN CONNECTIONS
<a href="#">1600.08</a>	SIGNS
<a href="#">1600.09</a>	STREET LIGHTS
<a href="#">1600.10</a>	REVIEW PERIOD
<a href="#">1600.11</a>	EXEMPTIONS

#### 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 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' right-of-way and a 10' 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 4'.
- 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 ft. wide concrete surface within a 10 ft. wide right-of-way, easement, or other legal form satisfactory to the county. 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. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 ft. 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 improvements are provided which prevent parked vehicles from obstructing the walkway.

## 1600.03 STREETS/SIDEWALKS

- A. The following streets are unique to the Sunnyside 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-ft. wide travel lanes, two 6 in. wide standard curbs, two 7-ft. wide parking strips, two 4 to 5-ft. wide planting strips, two 4- ft. wide bike lanes and two 5- ft. wide sidewalks. The minimum right-of-way width shall be 61 to 63 ft. depending on the planting strip width. If commercial/retail are adjacent to the site, then 9 ft. wide sidewalks are required (Comprehensive Plan Figure X-SV-1). (5/3/01)
  2. Connector streets without bike lanes shall include two 10-ft. wide travel lanes, two 6 in. wide standard curbs, two 7-ft. wide parking strips, two 4 to 5-ft. wide planting strips and two 5- ft. wide sidewalks. The minimum right-of-way width shall be 53 to 55 ft. If commercial/retail is adjacent to the site, then 9-ft. wide sidewalks are required (Comprehensive Plan Figure X-SV-2). (5/3/01)
  3. Local streets shall include two 8-ft. wide travel lanes, two 6-in. wide standard curbs, one 8-ft. wide parking strip, two 5-ft. wide sidewalks and two 4-ft. wide tree planting strips. The minimum right-of-way width shall be 43 ft. (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'.
  4. All streets adjacent to Resource Protection Areas shall have at least one 5 ft. wide sidewalk along one side of the street. If there are no significant trees (at least 8 in. in diameter) along the Resource Protection area adjacent to the street, then a minimum 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 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 Street connections along arterial streets are shown on Map X-SV-3 of the Sunnyside Village Community Plan. New 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 occur.  
At existing or future major street intersection (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 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 Figure X-SV-9 is used. (5/3/01)
7. Alleys shall be private streets with rights-of-way of 16 feet. (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 9' 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 Engineer. (11/06/97)

B. Planting strips which include street trees are part of the street cross sections, see Section 1600.04 for details.

C. Sidewalks within the Village shall have a minimum unobstructed width of 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 Leaves block drainage. Roots buckle sidewalks	Big-leaf Maple
Acer negundo Insect prone, weak wood	Box Elder
Acer saccharinum Shallow rooted, weak wooded	Silver Maple
Aesculus hippocastanum Messy fruits	Common Horsechestnut
Betulus species Insect prone, weak wood	Birches
Carya species Fruits cause litter. and safety problems	Hickories
Catalpa species Seed pods cause litter problems	Catalpas
Corylus species Fruits cause litter and safety problems	Filberts

Crataegus species Thorns, fruits cause litter and safety problems	Hawthorns
Fraxinus species Seed pods cause litter problem	Ashes
Gleditsia triacanthos Seed pods cause(does not include litter problem horticultural variants)	Honey Locust (species)
Juglans species Fruits cause litter problem	Walnuts
Morus species Fruits cause litter and safety problems	Mulberries
Populus species Weak wood, shallow roots	Poplars
Robinia species Weak wood, suckers	Locusts
Salix species Weak wood, shallow roots	Willows
Ulmus fulva Insect prone, weak wood, shallow roots	Slippery Elm
Ulmus pumila Weak wood, shallow roots	Siberian Elm

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.



## **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.

## **1600.07 TRAILS AND PEDESTRIAN CONNECTIONS**

An interconnecting system of trails and accessways throughout the Sunnyside 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)

## **1600.08 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 ZD0-112, 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.

## **1600.11 EXEMPTIONS**

- A. The requirements of 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 either 1603.09A 6.a. and 1603.09B 2.e., or 1603.09A 6.b. and 1603.09B 2.f.

(Last Text Revision 5/3/01)

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1602 VILLAGE PARK PROVISIONS (5/3/01)

<a href="#">1602.01</a>	PURPOSE
<a href="#">1602.02</a>	GENERAL PROVISIONS
<a href="#">1602.03</a>	PARK DEDICATION OR FEES IN LIEU OF DEDICATION
<a href="#">1602.04</a>	REFUND OF FEES PAID
<a href="#">1602.05</a>	EXEMPTIONS
<a href="#">1602.06</a>	RECORDS
<a href="#">1602.07</a>	FEE ACCOUNTS

#### 1602.01 PURPOSE

- A. This section shall apply to the development of property located within the boundaries of the Sunnyside Village Plan area in Clackamas County.
- B. The purpose of this section is to provide a minimum level of public parks to adequately serve the demands of this new community. It will ensure that future growth contributes its fair share to the cost of new parks. This cost is for park acquisition and park road frontage construction only and does not include park development, operations, or maintenance costs.
- C. The park dedication or fee in lieu of dedication is incurred upon the application for a building permit or land use action.
- D. The existence of public parks has substantial benefits to proximate development. These benefits include aesthetic, recreational, and environmental benefits to the neighborhood. Actual use of these parks will be by residents and employees of businesses.
- E. The park dedication or fee in lieu of dedication is not intended to be a tax on property as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section.

#### 1602.02 GENERAL PROVISIONS

- A. The public interest, convenience, health, welfare, and safety require that a minimum of two and one half (2 1/2) acres for each one thousand (1,000) persons residing or employed within the village be devoted to local parks as identified in Table IX-1 of the Clackamas County Comprehensive Plan.

- B. An applicant requesting a land use action shall dedicate land for park purposes if the site has been identified as a park site on Comprehensive Plan Map X-SV-4. Park sizes represented on Map X-SV-4 are minimum park sizes. (5/3/01)
- C. Modifying park location shall occur only when it can be shown that access, topographic conditions, or extreme engineering costs make the depicted location impractical to develop as a park.
- D. Land dedications shall be conveyed by plat and deed to the North Clackamas Parks and Recreation District. All dedications shall be platted with the final plat adjacent to the designated park site or by alternate arrangement specified in a recordable agreement as determined by the Planning Director or designate.
- E. The development and maintenance of these parks will be the responsibility of the North Clackamas Parks and Recreation District. The Parks District will also be responsible for maintaining the center landscaped portion of the Village Traffic Circle north of the Village Green.
- F. Prior to issuance of a residential building permit the applicant shall pay a fee in lieu of dedication for park acquisition. Fees shall be determined in accordance with Section 1602.03,B,1.
- G. Prior to issuance of a residential building permit the applicant shall pay a fee for park road frontage construction. This fee shall be used for the construction of the connector roads and local streets adjacent to parks 3,4, and 5 as depicted on Comprehensive Plan Map X-SV-4. Fee for park road frontage construction shall be determined in accordance with Section 1602.03,C. (5/3/01)
- H. Prior to issuance of a nonresidential building permit the applicant shall pay a fee in lieu of dedication for park acquisition. Fees shall be in accordance with Section 1602.03,B,2.
- I. All fee payments shall be made prior to the issuance of a building permit. No building permit shall be issued by the County until the applicant has satisfied the provisions of this ordinance.

**1602.03 PARK DEDICATION OR FEES IN LIEU OF DEDICATION**

A. Park Land Dedication per Dwelling Unit.

- 1. The actual amount of park land to be dedicated shall be determined by the following formula:

Amount of Req'd Park Land (Net Acres)	(=)	Total Number of Proposed Dwelling Units	(X)	No. of Persons Per Dwelling Unit	(X)	.0025 Net Acres Per Person
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- a. The total number of dwelling units shall be the actual number of units reflected on the final plat.
- b. Determination of population density, that is, the number of persons per dwelling unit (PPU) shall be based on the latest US Census data.

<b>Persons Per Dwelling Unit By Type</b>

PPU Single-Family Detached	PPU Single-Family Attached	PPU Multi-Family Unit	PPU Accessory Dwelling
3.04	2.27	2.03	1
Source: Metro, computed from the 1980 census.			

- c. Ownership of identified park land which is located on property under review for a development permit shall be transferred to the North Clackamas Parks and Recreation District. Compensation will be provided at the time of transfer based upon an appraisal representing fair market value.

**B. Fee in Lieu of Dedication**

**1. Residential Development**

- a. Park land fee in lieu of dedication shall be based upon the average appraised value of all designated park sites. The park land fee in lieu of dedication shall be determined in accordance with the following formula:

Park Land Monetary Fees/ Dwelling Unit	(=)	Park Land Value/AC	(X)	.0025 Acres per Person	(X)	Net People Per Dwelling Unit
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- b. People per dwelling unit shall be in accordance with Section 1602.03,A,1,b.

**2. Nonresidential Development**

- a. All nonresidential development shall be required to pay a fee in lieu of dedication. The formula for determining the fee shall be determined by the following formula:

Park Land Fee/per Employee	(=)	Park Land Value/AC	(X)	.0025 Acres per Employee	(X)	# of Employees
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- b. The number of employees per nonresidential use shall be determined by the "study of employment density" completed by Metro in 1990 or any updated version of this study. If from the information provided in this study an employee figure cannot be obtained, then the Planning Director or designate shall determine the number of employees based upon similar uses in the County to the extent possible.

**C. Park/School road frontage and utilities construction fee**

- 1. The park road frontage construction fee shall be determined in accordance with the following formula:  $X = ([A / B] / C) \times D$

X=Park Road Frontage construction fee per Unit.

A=Cost of all connector and local roads adjacent to all parks, utilities in these park roads, and the Connector road adjacent to the south property line of the School.

B=2 (half street).

C=Estimated population at build-out.

D=Net people per dwelling unit (from most recent census).

2. People per dwelling unit shall be in accordance with Section 1602.03,A,1,b.
3. Reimbursement to Developers for Half Street Improvements adjacent to Parks.  
When a developer completes construction of utilities and roads adjacent to a park or the connector road adjacent to the south property line of the School as per County requirements, the developer shall be reimbursed according to the fee schedule for local and connector streets. This rate may be changed at a rate commensurate with a change in construction costs.

D. All fees shall be rounded to the nearest dollar.

## **1602.04 REFUND OF FEES PAID**

- A. If a residential building permit encompassing fee-paying development expires or is revoked, the fee payer shall be entitled to a refund of the fee.

## **1602.05 EXEMPTIONS**

- A. The following shall be exempted from park dedication and fee in lieu of dedication:
  1. Alterations, expansion or replacement of existing dwelling unit(s) where no additional dwelling units are created.
  2. Construction of accessory buildings and structures not creating additional dwelling units.
  3. The issuance of a temporary permit for a manufactured dwelling. (11/24/99)
  4. Any land use action which does not result in the creation of a new lot(s), excluding Design Review actions.

## **1602.06 RECORDS**

- A. Fees collected. Clackamas County shall maintain accurate records of each park fee imposed including the following:
  1. Name, address and, telephone number of the applicant or fee payer;
  2. Social security number or taxpayer identification number of applicant or fee payer;
  3. Amount and method of payment;
  4. Date of payment; and
  5. Building permit number.
- B. Fee Account Funds Expended. Clackamas County shall maintain accurate records of all fee funds expended, including the following:
  1. Name and location of park;
  2. Legal description, area, and sketch of parent tract, the number and type of dwelling units;
  3. Amount and date of each fee for sub-parcels of the parent tract together with the legal

description, area and sketch of said sub-parcel;

4. Building and Zoning hearing number for which contributions have been approved; and
5. Amount and date of refunds paid by Clackamas County.

## **1602.07 FEE ACCOUNTS**

- A. To insure that fees collected will benefit feepaying developments, all park acquisition fees described in Section 1602.02,F shall be deposited in the Park Acquisition Fund of "Sunnyside Village." This fund shall be maintained by the Finance Department of Clackamas County and with fees accountable by the Finance Department, North Clackamas Parks District, and the Planning Department.
- B. To insure that fees collected will benefit feepaying developments, all park road frontage construction fees described in Section 1602.02,G shall be deposited in the Park Road Frontage Construction fund of "Sunnyside Village." This fund shall be maintained by the Finance Department of Clackamas County and with fees accountable by the Finance Department and the Planning Department.
- C. All fees collected by the Director shall be promptly deposited into the accounts listed in Sections 1602.07 A. and B. above. .
- D. Fees, including any accrued interest, not encumbered in any fiscal period, shall be retained in the funds into the next fiscal period except as provided by the refund provisions of this section.
- E. Fees may be used only for park land acquisition and park road frontage construction within the Sunnyside Village Planning area as depicted on the Comprehensive Plan Map X-SV-4 and described in Section 1602.01,B. (5/3/01)
- F. The provisions of this section will sunset at the time all designated park land has been acquired and all park acquisition and road frontage fees for all building permits within the Sunnyside Village have been collected. Any residual money will be transferred to the North Clackamas Parks District's Park Development account. This residual may be utilized only for park development within the Sunnyside Village Plan area.

(Last Text Revision 5/3/01)

## SECTION 1600 - SUNNYSIDE VILLAGE

# 1603 VILLAGE STANDARD LOT RESIDENTIAL DISTRICT (VR-5/7) AND VILLAGE SMALL LOT RESIDENTIAL DISTRICT (VR-4/5) (3/24/05)

<a href="#">1603.01</a>	PRIMARY USES
<a href="#">1603.02</a>	ACCESSORY USES
<a href="#">1603.03</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1603.04</a>	CONDITIONAL USES
<a href="#">1603.05</a>	PROHIBITED USES
<a href="#">1603.06</a>	DIMENSIONAL AND DEVELOPMENT STANDARDS

### 1603.01 PRIMARY USES

- 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; (3/24/05)
- F. Public parks, playgrounds, recreational and community buildings and grounds, 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

- 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. Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- D. Signs, subject to Section 1010; (3/24/05)
- E. 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. Bus shelters subject to Section 823, bicycle facilities, street furniture, drinking fountains, kiosks, art works, and other pedestrian and transit amenities; (3/24/05)
- G. Solar collection apparatus; (3/24/05)
- H. Family daycare providers. (3/24/05)

### **1603.03 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **1603.04 CONDITIONAL USES**

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

- A. Uses of structures and land not specifically permitted; (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. 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 1 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)

1. 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)

2. The front yard setback of a primary dwelling with an attached garage extending beyond the front facade shall be 20 feet (plus or minus 6 inches) from the sidewalk to the foremost point of the side of the garage with the garage door. (3/24/05)

3. A porch may extend up to 4 feet into the front yard setback. (3/24/05)

4. 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: 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)

1. 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)

2. Compliance with Subsections 1002.03, 1002.04, and 1002.05 shall be demonstrated. (3/24/05)

3. 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)

4. 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 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 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 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 8 feet. (3/24/05)
    - c. For structures that exceed 100 square feet in area or 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 5 feet is required. (3/24/05)
      1. For structures greater than 8 feet and up to 20 feet in height, the minimum

side yard setbacks shall be zero on one side and 3 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be 6 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be 3 feet. (3/24/05)

2. For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and 5 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be 6 feet, except that a second-level accessory dwelling unit may cantilever up to 4 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be 5 feet. (3/24/05)

H. Off-Street Parking:

A minimum of 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 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 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 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 6 feet along the side and rear yards behind the front building line and 4 feet forward of the front building line. (3/24/05)

L. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (3/24/05)

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

N. Variances: The requirements of this Subsection may be modified pursuant to Section 1205. (3/24/05)

(Last Text Revision 3/24/05)

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1604 VILLAGE TOWNHOUSE DISTRICT (VTH) (3/24/05)

<a href="#">1604.01</a>	PRIMARY USES
<a href="#">1604.02</a>	ACCESSORY USES
<a href="#">1604.03</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1604.04</a>	CONDITIONAL USES
<a href="#">1604.05</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1604.06</a>	DIMENSIONAL AND DEVELOPMENT STANDARDS

#### 1604.01 PRIMARY USES

- 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; (3/24/05)
- K. Public parks, playgrounds, recreational and community buildings and grounds, 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

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

### **1604.03 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **1604.04 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Daycare facilities, subject to Section 807; (5/22/03)
  - 2. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (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: (3/24/05)
  - 1. Uses of structures and land not specifically permitted; (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. 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 8 feet when abutting a local or connector street. Awnings, porches, bays, and overhangs may extend up to 4 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 5 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 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 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 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 8 feet. (3/24/05)
  7. For structures that exceed 100 square feet in area or 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 street, pedestrian path, sidewalk, or accessway, in which case a minimum setback of 5 feet is required. (3/24/05)
    - a. For structures greater than 8 feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and 3 feet on the other side. The minimum

rear yard setback where the rear property line abuts an alley shall be 6 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be 3 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 5 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be 6 feet, except that a second-level accessory dwelling unit may cantilever up to 4 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be 5 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)
2. A detached garage may be placed at the rear of a lot.
3. A front-access garage attached to the dwelling structure shall be recessed a minimum of 2 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)
4. A minimum 2-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 8 feet in width. (3/24/05)
5. If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.
6. 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 6 feet along the side and rear yards behind the front building line and 4 feet forward of the front building line. (3/24/05)

I. Landscaping: A minimum of 25 percent of the lot area shall be landscaped. (3/24/05)

J. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (3/24/05)

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

L. Variances: The requirements of this Subsection may be modified pursuant to Section 1205. (3/24/05)

(Last Text Revision 3/24/05)

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1605 VILLAGE APARTMENT DISTRICT (VA) (3/24/05)

<a href="#">1605.01</a>	PRIMARY USES
<a href="#">1605.02</a>	ACCESSORY USES
<a href="#">1605.03</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1605.04</a>	CONDITIONAL USES
<a href="#">1605.05</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1605.06</a>	DIMENSIONAL AND DEVELOPMENT STANDARDS

#### 1605.01 PRIMARY USES

- 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; (3/24/05)
- J. Public parks, playgrounds, recreational and community buildings and grounds, 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

- A. 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. Rental information offices; (3/24/05)

- C. Repair and maintenance services; (3/24/05)
- D. 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. Solar collection apparatus; (3/24/05)
- F. Self-service laundry facilities; (3/24/05)
- G. Home occupations, subject to Section 822; (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. Bus shelters subject to Section 823, bicycle facilities, street furniture, drinking fountains, kiosks, art works, and other pedestrian and transit amenities; (3/24/05)
- J. Family daycare providers. (3/24/05)

### **1605.03 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 Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

### **1605.04 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Daycare facilities, subject to Section 807; (5/22/03)
  - 2. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835. (3/14/02)

### **1605.05 PROHIBITED AND PREEXISTING USES (3/24/05)**

- A. Prohibited Uses: The following use shall be prohibited: (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. 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)
  - a. Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets. (3/24/05)
  - b. 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 6 feet into this setback. (3/24/05)
  - c. 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. Access: No direct access is permitted off of Sunnyside Road. (3/24/05)

I. 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)

J. 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. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas. (3/24/05)

L. Materials: Exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged. (3/24/05)

M. Landscaping: A minimum of 25 percent of the site area shall be landscaped. (3/24/05)

N. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (3/24/05)

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

P. Variances: The requirements of this subsection may be modified pursuant to Section 1205. (3/24/05)

(Last Text Revision 3/24/05)

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1606 VILLAGE COMMUNITY SERVICE DISTRICT (VCS) (5/22/03)

<a href="#">1606.01</a>	GENERAL PROVISIONS
<a href="#">1606.02</a>	AREA OF APPLICATION
<a href="#">1606.03</a>	PERMITTED USES
<a href="#">1606.04</a>	ACCESSORY USES
<a href="#">1606.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1606.06</a>	CONDITIONAL USES
<a href="#">1606.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1606.08</a>	DEVELOPMENT STANDARDS

#### 1606.01 GENERAL PROVISIONS

- 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 area shown as Village Community Service on the East Sunnyside Village Plan Map.

#### 1606.03 PERMITTED USES

Auditoriums, Schools, Public Recreation Facilities  
 Daycare Centers, Community/Senior Centers  
 Fire Station, Police Station, Government Offices  
 Libraries, Museums

Postal Services, Utility Offices

Telecommuting Uses (copy centers with fax and computer facilities)

Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.

(3/14/02)

## **1606.04 ACCESSORY USES**

- A. Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.
- 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 and transit amenities.
- E. Solar collection apparatus.
- F. 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 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 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)

## **1606.06 CONDITIONAL USES**

- A. Conditional uses 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 (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:
  - 1. Art galleries; (5/22/03)



2. Athletic clubs; (5/22/03)
3. Developer sales offices; (5/22/03)
4. Professional offices; (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**

All other uses not allowed under the provisions of this section shall be prohibited. Preexisting 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 DEVELOPMENT STANDARDS**

### **A. MAXIMUM LOT COVERAGE: 50%**

### **B. HEIGHT**

Buildings within the Village Community Service district shall not exceed 35 feet in height, except for tower elements which may be up to 60' in height but shall not have a footprint exceeding 400 square feet.

### **C. 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 0'. All buildings shall be set back at least 5 feet from property lines abutting residential areas.

### **D. ACCESS AND ONSITE CIRCULATION**

#### **1. Pedestrians**

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. Motor vehicles**

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' 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. 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 6 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. 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. LANDSCAPING AND STREET FURNITURE

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. 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. 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. 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.

L. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 5/22/03)

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1607 VILLAGE OFFICE DISTRICT (3/24/05)

<a href="#">1607.01</a>	GENERAL PROVISIONS
<a href="#">1607.02</a>	AREA OF APPLICATION
<a href="#">1607.03</a>	PERMITTED USES
<a href="#">1607.04</a>	ACCESSORY USES
<a href="#">1607.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1607.06</a>	CONDITIONAL USES
<a href="#">1607.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1607.08</a>	DEVELOPMENT STANDARDS

#### 1607.01 GENERAL PROVISIONS

- 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 area shown as Village Office on the East Sunnyside Village Plan Map.

#### 1607.03 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.
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 shall be processed as an Interpretation pursuant to Subsection 1305.03. (6/6/02)

B. Service Commercial: 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.
3. Any use that the Planning Director finds to be similar to one or more of those specified in Subsections 1607.03(B)(1) and (2). A request for a determination under 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 accessory uses in the Village Office District:

- A. Bus shelters, subject to Section 823; bike racks, street furniture, drinking fountains, and other

- pedestrian and transit amenities.
- B. Temporary buildings for uses incidental to construction work, 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 collection apparatus.
- J. 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 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 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. 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 address an existing neighborhood need, considering proximity of similar uses; (5/22/03)
  - 2. 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. Shall not diminish the amenities of the neighborhood; and (5/22/03)
  - 4. Shall be compatible in size, scale, general appearance, and building materials with surrounding buildings. (5/22/03)
- B. Uses allowed subject to the above conditions are: (5/22/03)
  - 1. Day Care facilities, subject to Section 807, and providing that 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; (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. (5/22/03)

## **1607.07 PROHIBITED AND PREEXISTING USES**

All other uses not allowed under the provisions of this section shall be prohibited. Except for dwellings, preexisting uses not otherwise allowed shall be considered nonconforming uses and shall be subject to the provisions of Section 1206.

- A. 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: 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 DEVELOPMENT STANDARDS**

A. MAXIMUM LOT COVERAGE: 50%

B. HEIGHT

Buildings within the Village Office District shall not exceed 45 feet in height, except for tower elements which may be up to 60' in height but shall not have a footprint exceeding 400 square feet.

C. 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 shall be a minimum of 40' and a maximum of 50' FROM THE CENTER LINE. Building setback from Sunnyside shall be a minimum of 65' and a maximum of 75' FROM THE CENTER LINE.

3. Setbacks to other streets and pedestrian accessway shall be between 5' and 10'.
4. Awnings or other overhangs may extend up to 4 feet into this setback. Awnings shall have clearance of a minimum eight (8) feet for pedestrian access.
5. Additional setbacks may be provided for small plazas and outdoor seating.

#### D. ACCESS AND ONSITE CIRCULATION

##### 1. Pedestrians

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. Motor vehicles

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, driveway 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 6 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. LANDSCAPING AND STREET FURNITURE

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. 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.
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. Trees shall be selected from adopted list of acceptable parking lot trees.
5. 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.
3. Parking and service areas shall be screened from street by a 3 foot high hedge or wall.
4. Loading areas and dumpsters shall be screened from public streets and walkways by

walls, trellises, fences, or landscaping.

5. 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.  
Hanging signs, 8 sq. ft. maximum, with 8' pedestrian clearance.  
Monument and onbuilding signs 24 sq. ft. maximum.

3. Except for neon signs, all illumination shall be external.

L. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

( LAST TEXT REVISION 3/24/05 )

## SECTION 1600 - SUNNYSIDE VILLAGE

### 1608 VILLAGE COMMERCIAL DISTRICT (5/22/03)

<a href="#">1608.01</a>	GENERAL PROVISIONS
<a href="#">1608.02</a>	AREA OF APPLICATION
<a href="#">1608.03</a>	PERMITTED USES
<a href="#">1608.04</a>	ACCESSORY USES
<a href="#">1608.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1608.06</a>	CONDITIONAL USES
<a href="#">1608.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1608.08</a>	DEVELOPMENT STANDARDS

#### 1608.01 GENERAL PROVISIONS

- 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 area shown as Village Commercial on the Sunnyside Community Plan Map.

## 1608.03 PERMITTED USES

- A. The following uses will be allowed as primary uses in the Village Commercial district:
1. Answering Service
  2. Antique and Secondhand Store
  3. Art supply stores
  4. Bakery
  5. Bank Teller, but not drive-in or drive-through service.
  6. Barber shop, beauty salon
  7. Bicycle sales, supplies, repair service
  8. Book store
  9. Camera Store
  10. Cafes and delicatessens which serve at least breakfast and/or lunch; catering services. No drive-through window service shall be allowed.
  11. Clothing store
  12. Coffee shop
  13. Confectionery stores
  14. Drugstore
  15. Dry cleaner, laundry, tailoring and alterations shop,
  16. Electrical/electronic equipment sales, service, repair
  17. Fabric and dry goods stores
  18. Florist
  19. Gallery (art and craft)
  20. General Merchandise Store
  21. Gift store
  22. Grocery and produce stores
  23. Hardware and garden supplies store
  24. Health club, gym
  25. Home furnishings; interior decorating sales, service
  26. Jewelry store
  27. Laundromat
  28. Locksmith
  29. Meat and Fish markets
  30. Novelty store
  31. Optometry and optical goods, sales, service
  32. Office supplies
  33. Personal services
  34. Pet store
  35. Photo finishing, photography studios
  36. Plumbing shops, retail sales, repairs, service
  37. Post office
  38. Printing and copying services, telecommuting center
  39. Preexisting dwelling, subject to Subsection 1608.03(B) (6/6/02)

40. Professional office: doctors, dentists, chiropractors, service personnel, small clinics or community health care programs
  41. Radio, TV, music stores, sales, service
  42. Residential, subject to Subsection 1608.03(C) (6/6/02)
  43. Restaurant [III Minor Posting OLCC]
  44. Schools-commercial, instruction studio
  45. Shoe and shoe repair stores
  46. Small appliance sales, service, repair
  47. Soda Fountain
  48. Specialty food
  49. Sporting goods
  50. Supermarket
  51. Stationery store
  52. Tailor
  53. Travel Agent
  54. Toy store
  55. Upholstery shop
  56. Utility carrier cabinets, subject to Section 830.
  57. Variety store
  58. Vehicle supply store
  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. (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 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 2 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 accessory uses in the Village Commercial 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 and transit amenities.
- E. Solar collection apparatus.
- F. 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 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 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)

### **1608.06 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 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 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 6 tables, and game rooms which provide no more than 20 mechanical or electric games or 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; 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 theaters (seating capacity up to 500), provided that they are located north of the pedestrian accessway. (5/22/03)

## **1608.07 PROHIBITED AND PREEXISTING USES**

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 DEVELOPMENT STANDARDS**

- A. **MAXIMUM LOT COVERAGE:** 50%
- B. **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 for tower elements which may be 60' in height but not exceed a footprint of 400 sq. ft.
- C. **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.

Building setback from 147th Avenue is 0' minimum and from Sunnyside is a minimum of 65' from the center line. All buildings shall be set back at least 5 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 Ave., or the east-west street facing the Village Green.

Parking lots shall not occupy more than 50% of the street frontage across from the Village green. 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 setback up to a maximum of 5 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 5 feet from property lines abutting residential areas.

Awnings may extend up to 6 feet into street rights-of-way. Awnings shall have clearance

of a minimum eight (8) feet for pedestrian access.

#### D. ACCESS AND ONSITE CIRCULATION

##### 1. Pedestrians

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.

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. Motor vehicles

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. The maximum width for a driveway shall be twenty-six (26) feet. Driveways for service vehicle routes may be 30 ft. in width if a Service Vehicle Circulation Plan is approved through the Design Review application process. 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.

#### F. 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 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.

#### G. 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% of blank non-window wall space on average for all such facades added together. No front facade shall have less than 70% window space. No side facade shall have less than 50% window space. For the anchor store (building greater than 40,000 sq. 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.

#### 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. LANDSCAPING AND STREET FURNITURE

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 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.
2. 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.
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. Trees shall be selected from adopted list of acceptable parking lot trees.
5. 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 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.

#### K. SIGNS

South of the designated accessway, only hanging, onbuilding, or monument signs shall be used. Hanging signs shall be 8 sq. ft. maximum, with 8' pedestrian clearance.

- L. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(Last Text Revision 5/22/03)

## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

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# 1700 CLACKAMAS REGIONAL CENTER AREA GENERAL PROVISIONS (5/3/01)

### A. PURPOSE

This section implements the policies of the Clackamas Regional Center Area Plan set forth in the Clackamas County Comprehensive Plan. The purpose of these provisions is to:

1. Provide for a transition to more intense land uses
2. Create Districts and Neighborhoods
3. Provide for more efficient parking
4. Improve circulation and connections for all modes of transportation within the Regional Center and Transportation Corridors
5. Integrate land use, transportation and urban design to encourage transit, bicycle and pedestrian use
6. Provide more community attractions
7. Create civic spaces
8. Protect key natural features and open space
9. Provide attractive streetscapes
10. Ensure the most efficient use of land
11. Add parks and enhance open spaces
12. Provide a safe and pleasant environment

### B. AREA OF APPLICATION

The provisions of this Section apply to all development within the Clackamas Regional Center Area . This area is shown on Comprehensive Plan Map X-CRC-1. (5/3/01)

## 1700.01 DESIGN AND DEVELOPMENT STANDARDS

- A. General Development Standards: All development in the Clackamas Regional Center Area is subject to Design Review pursuant to Section 1102, the provisions of Section 1000, and the specific standards in this section. When there is a conflict between the provisions in Section 1000 and these provisions, the standards in Section 1700 shall apply.
- B. Clackamas Regional Center Area Design Plan: All development is subject to the Clackamas Regional Center Area Design Plan in the Comprehensive Plan.
- C. Urban Design Elements  
New development is subject to the Urban Design Elements shown on Comprehensive Plan Map X-CRC-3. The urban design elements are described in the Clackamas Regional Center Design Plan. (5/3/01)
  1. Urban Design elements provided in a development may be used to reduce net site area for calculating minimum density requirements in Section 1012 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.

#### D. Building Siting and Design

1. Design For Urban Character: Within the Clackamas Regional Center shown on Comprehensive Plan Map X-CRC-1, the following guidelines shall be used in reviewing building design and siting: (5/3/01)

- a. Provide architectural relief and interest 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 (a) and (b) above.
- b. Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining public/civic spaces such as gateways, plazas and transit stations.
- c. Complement and incorporate the natural features and terrain of the site area 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. Freestanding Parking Structures: freestanding parking structures located within twenty (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 facade 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 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 a sitting area, plazas, outdoor eating areas and drinking fountains.

2. Building Orientation:

- a. New Buildings: Within the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, all 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 standards must include the elements identified in subsection 1700.02G1. (5/3/01)
  - b. Parking Structures: Entrances for ground level retail uses in parking structures located within twenty feet of a street shall be oriented to a street as described under subsection 1700.02G1.
  - c. 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 as defined in the Zoning and Development Ordinance;
    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 and Figure X-CRC-7 shall be designed to accommodate future Gateway improvements. (5/3/01)
3. Drive-Through Window Facilities: Drive-through window facilities are allowed except for Mainstreets designated on Comprehensive Plan Map X-CRC-3, or otherwise limited in the underlying zoning district, subject to the following standards: (5/3/01)
- a. Within the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, internal driveways are prohibited between the building and street to which building entrances are oriented. (5/3/01)
  - b. Outside the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, drive-through facilities are allowed subject to the following standards: (5/3/01)
    1. When drive through facilities are oriented toward front-yards or street corners, pedestrian areas shall be buffered from the noise and exhaust of drive-through vehicles;
    2. When building entrances are separated from sidewalks by drive-through facilities, the County may require special design features to ensure safe, direct and convenient crossings and to screen pedestrian areas from drive-through facilities. These may include different paving types, raised elevation, warning signs, landscaping, walls, bollards or other similar methods.

#### 4. BUILDING SETBACKS

- a. Buildings shall be set back from lot lines as specified in the underlying zoning district;
- b. Setbacks from private streets as defined in Section 1700.02G1 shall be measured from the back edge of the sidewalk; and
- c. Within the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1, pedestrian amenities as defined in 202 and Section 1009 are required between the building and the front lot line. (5/3/01)

## E. LANDSCAPING

All new development in the Clackamas Regional Center Area is subject to the provisions of Section 1009 and the following specific standards:

### 1. General Provisions

- a. **Landscape Area Requirement:** For purpose of satisfying the minimum requirements of this section and Section 1009, a 'landscaped area' may include pedestrian amenities. Up to one-third (1/3) of the landscape area requirement may be met by pedestrian amenities as described below.
- b. **Pedestrian Amenities:** The following guidelines apply to pedestrian amenities used to meet minimum landscaping area requirements and the requirement for pedestrian amenities within front lot line setback areas:
  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 planter and at least two of the following amenities for every one-hundred (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 sitting areas; and drinking fountains.
- c. **Structure and Understructure Parking:** Subject to Design Review approval, parking area landscaping requirements (internal and perimeter) may be waived for non-surface parking areas when appropriate features are provided to create a transition between the parking structure or understructure entrance and the adjoining sidewalk (s). Examples of appropriate features include, but are not limited to, landscape planters and trellises, awnings, canopies, building ornamentation and art.
- d. **Street Trees:** Street trees are required along all streets, except for drive isles 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:
  1. On both sides when the access point is a signalized intersection;
  2. On both sides when the street section has four or more lanes at the access point;
  3. On both sides when the private street is developed to comply with building orientation standards;
  4. 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
  5. 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.
- e. **Plant Materials:** Use of drought-tolerant plants and plants with low water demand

are encouraged.

## F. PARKING

Parking in all zoning districts shall be in compliance with the parking requirements in Section 1007, including Table 2, except as noted below:

1. The maximum permitted parking ratio for General Office (gsf) in Zone A is 4.0;
2. The minimum parking requirement ratio for Retail/commercial including shopping centers (gla) is 3.0;
3. The minimum parking requirement ratio for a Movie Theater (spaces per number of seats) is 0.2.

## G. ROADS AND CIRCULATION

1. Private Streets: Private streets used to meet the building orientation and or setback standards shall include the following elements:
  - a. Sidewalks or raised walking surfaces on both sides;
  - b. Curbs
  - c. Street trees, pursuant to the standards in Section 1700.01 E2d.
  - d. Pedestrian-scale lighting as defined in Section 202 of the Zoning and Development Ordinance.
  - 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. Within the Regional Center boundary, internal streets and driveways are prohibited between buildings and the street to which building entrances are oriented
  - d. Access Management: Location of new street and private access driveways shall be subject to current County and Oregon Department of Transportation(ODOT) standards
  - e. All development shall provide, when applicable, direct street and pedestrian connections between developments and schools, parks, open space, shopping areas, employment areas and transit stops.
  - f. 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 and are shown on Comprehensive Plan Map X-CRC-3 and are subject to the design standards in Figures X-CRC-1 to X-CRC-4 in the Comprehensive Plan. (5/3/01)
  - a. Harmony,
  - b. Sunnyside,
  - c. Sunnybrook and
  - d. SE 82nd, between Causey and Sunnybrook
4. MAINSTREETS:  
SE Monterey and a portion of Causey shown on Comprehensive Plan Map X-CRC-3 are

designated as mainstreets. Development on mainstreets is subject to the general provisions of the section and the underlying zoning district. (5/3/01)

#### 5. PEDESTRIAN AND BICYCLE FACILITIES

Pedestrian and bicycle circulation facilities shall be subject to the standards in Section 1007. Connections shall be provided as shown on Comprehensive Plan Maps X-CRC-3 and X-CRC-7. (5/3/01)

H. Master plan: A master plan for sites capable of future development shall be submitted for design review with the application for the first phase of 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, number of 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, site access,
5. Open space and natural features to be protected;
6. Design Elements shown on Comprehensive Plan Map X-CRC-3 that are required on the property; (5/3/01)
7. A demonstration that proposed street layout(s) will accommodate future growth; and
8. General location of public facilities and private utilities.

(Last Text Revision 5/3/01)



## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

### 1701 REGIONAL CENTER OFFICE (RCO) (9/1/05)

<a href="#">1701.01</a>	PURPOSE
<a href="#">1701.02</a>	AREA OF APPLICATION
<a href="#">1701.03</a>	PRIMARY USES
<a href="#">1701.04</a>	ACCESSORY USES
<a href="#">1701.05</a>	LIMITED USES
<a href="#">1701.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1701.07</a>	CONDITIONAL USES
<a href="#">1701.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1701.09</a>	DIMENSIONAL STANDARDS
<a href="#">1701.10</a>	DEVELOPMENT STANDARDS

#### 1701.01 PURPOSE

This section 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 RCO when the site has a Comprehensive Plan designation of Regional Center Office, the criteria in Section 1202 are satisfied, and 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 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 RCO 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 and transit amenities; (9/1/05)
- D. Solar collection apparatus and cogeneration facilities; (9/1/05)
- E. Meeting facilities;
- F. Daycare facilities, subject to Section 807; (9/1/05)
- G. Cafeterias and recreation/exercise facilities provided for employees within the same structure as a primary use; (9/1/05)
- H. Utility carrier cabinets, subject to Section 830; (9/1/05)
- I. Building and landscape maintenance offices and enclosed storage areas for maintenance equipment.

## 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; (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. 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)
5. Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director. (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 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: 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 acres or less in size is 0.5. The minimum FAR for primary office uses on lots greater than 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: 5 feet, except from Main Streets identified on Comprehensive Plan Map X-CRC-3, where there shall be 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. 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 Street, except that plazas designated on Comprehensive Plan Map X-CRC-3 are exempt. (9/1/05)
- G. Minimum Rear Yard Setback: None, except when the rear yard abuts a residential or open space management 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 yard abuts a residential or open space management zoning district, in which case the minimum shall be 15 feet. (9/1/05)
- I. Minimum Landscaping: 10 percent of the site 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. (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)

(LAST TEXT REVISION 9/1/05)

## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

### 1702 REGIONAL CENTER COMMERCIAL (RCC) (3/24/05)

<a href="#">1702.01</a>	PURPOSE
<a href="#">1702.02</a>	AREA OF APPLICATION
<a href="#">1702.03</a>	PRIMARY USES
<a href="#">1702.04</a>	ACCESSORY USES
<a href="#">1702.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1702.06</a>	CONDITIONAL USES
<a href="#">1702.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1702.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">1702.09</a>	DEVELOPMENT STANDARDS

#### 1702.01 PURPOSE

This section is adopted to implement the goals and policies of the comprehensive plan and the Clackamas regional center plan for commercial areas within regional centers. The intent of these provisions is to:

- A. Provide for regional and local shopping
- B. Provide higher densities to support public transportation
- C. Allow a mix of land uses within a development
- D. Create a district accessible by all modes of transportation
- E. Create walkable districts within the regional center by providing improvements and urban design features that encourage and support pedestrian use
- F. Encourage land uses that generate pedestrian activity and transit ridership
- G. Implement the Clackamas Regional Center Plan.

#### 1702.02 AREA OF APPLICATION

This district may be applied to properties when at least one of the following locational criteria are satisfied:



- A. Areas within a high capacity transit service corridor identified in the Comprehensive Plan.
- B. Areas within the Regional Center boundary shown on Comprehensive Plan Map X-CRC-1 with a historical commitment to commercial uses. (5/3/01)

### **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 Section 827 and the Regional Center design standards in Section 1700.
- B. Multifamily 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
  - 2. 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. 04 ACCESSORY USES**

The following uses are allowed as accessory uses in the Regional Center Commercial district:

- A. Temporary buildings for uses incidental to construction work, which 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. Bike racks, street furniture, plazas, drinking fountains, and other pedestrian and transit amenities.
- D. Solar collection apparatus and cogeneration facilities.
- E. 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. Private recreational facilities for employees or residents of a primary use.

H. Private Day care facilities for employees subject to the provisions of Section 807.

## **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 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 Mainstreets on Comprehensive Plan Map, Map X-CRC-3. (5/3/01)

C. The use of a manufactured dwelling, 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 1 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 Division, Adjustments and Setbacks: No minimum lot size shall be required for partitions or property line adjustments created for lawfully established preexisting dwellings. However, the setback and/or fire wall requirements of the Uniform Building Code shall be satisfied. Property line adjustments may be granted pursuant to Section 1020. (3/24/05)

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

F. New single-family dwellings. (3/24/05)

## **1702.08 DIMENSIONAL REQUIREMENTS**

A. Purpose: These requirements and limitations are intended to:

1. Encourage coordinated development and the most efficient 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. (5/3/01)
5. Meet the goals and policies of the Regional Center Area Design Plan.

B. The following dimensional requirements shall apply to development in the Regional Center Commercial District:

1. Minimum Lot Size: One (1) acre.
2. Minimum Front Lot Line Setback:
  - a. Five (5) feet on all streets except designated MAIN STREETS on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3. (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 Lot Line Setback:
  - a. Twenty (20) feet on all streets as defined in Section 1700, except designated MAIN STREETS. Pedestrian amenities as defined in 1700 are required in the front yard setback area.

1. The 20 foot maximum setback may be exceeded for plazas designated on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3. (5/3/01)
2. The setback does not apply to freestanding parking structures. (3/24/05)
- b. Ten (10) feet on a designated MAINSTREET, except the 10 foot maximum setback may be exceeded to accommodate plazas designated on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3. (5/3/01)
4. Minimum Rear Lot Line Setback: None, required except when the rear lot line abuts a residential or open space management district. When a rear yard abuts these districts, the minimum setback shall be thirty-five (35) feet.
5. Minimum Side Lot Line Setback: None, except when a side lot line abuts a residential or open space management district. When a side yard abuts these districts, the minimum setback shall be fifteen (15) feet for side lot lines abutting these districts.
6. Minimum Landscaping: Ten(10) percent of the 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. Clackamas Regional Center Plan: All development shall comply with the Clackamas Regional Center Design Plan.
- B. 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. (3/24/05)
- C. 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. 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 Space and Parks;
  - 11. Design elements shown on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3. (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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

( LAST TEXT REVISION 3 / 24 / 05 )

## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

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### 1703 PLANNED MIXED USE (PMU) (3/24/05)

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<a href="#">1703.01</a>	PURPOSE
<a href="#">1703.02</a>	AREA OF APPLICATION
<a href="#">1703.03</a>	SPECIFIC REQUIREMENTS FOR PMU SITES
<a href="#">1703.04</a>	PRIMARY USES
<a href="#">1703.05</a>	ACCESSORY USES
<a href="#">1703.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1703.07</a>	PROHIBITED USES
<a href="#">1703.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">1703.09</a>	DEVELOPMENT STANDARDS
<a href="#">1703.10</a>	PROCEDURE FOR REVIEW
<a href="#">TABLE 1</a>	Specific Requirements for Planned Mixed Use Areas

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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 site. The specific purposes to be achieved in the Master Plan for each site is listed in [Table 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 of parcels and ownership, good regional access, and proximity to complimentary land uses. Property may be designated Planned Mixed Use when the site has been designated Planned Mixed Use on the Comprehensive Plan.

## 1703.03 SPECIFIC REQUIREMENTS FOR PMU SITES

Each Planned Mixed Use 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 1](#).

## 1703. 04 PRIMARY USES

A. Allowed and Required Primary Land Uses for each Planned Mixed Use 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 section 702.03;
  - b. Public and private plazas;
  - c. Greenways as shown on the Urban Design Elements Map, Comprehensive Plan Map X-CRC-3; 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 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, which buildings shall be removed upon completion or abandonment of the construction work.
- E. Utility carrier cabinets, subject to the Section 830.
- F. Solar collection apparatus and co-generation facilities.
- G. Radio and television earth stations and dishes.
- H. Day care centers for employees or residents of a primary use.
- I. Cafeterias, delicatessens, and other such facilities provided for employees of a primary use.
- 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.
- K. Accessory uses listed in Section 1706 for a multifamily residential use in this district.
- L. Helistops.
- M. Private recreational facilities for employees or residents of a primary use.
- N. 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 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 Mainstreet on Comprehensive Plan Map X-CRC-3. (5/3/01)

E. Industrial uses.

## 1703.08 DIMENSIONAL REQUIREMENTS

The following dimensional standards shall apply to development in the Planned Mixed Use district:

- A. The purposes of these requirements and standards are 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.
  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 1](#).
- C. Dimensional requirements which apply to all PMU sites are:
1. Minimum Front Yard Setback: None
  2. Maximum Front Yard Setback:
    - a. Twenty (20) feet on all streets, including private streets as defined in subsection 1700.02G, except designated Main Streets. Pedestrian amenities as defined in 1700.02E1b. are required in the front yard setback, with the following exceptions:
      1. The 20 foot maximum setback may be exceeded for plazas designated on the Urban Design Plan.
      2. The 20 foot maximum setback does not apply to freestanding parking structures
    - b. Ten (10) feet on designated Main Streets, except the ten(10) foot maximum setback may be exceeded to accommodate plazas designated on the Design Elements Map.
    - c. There shall be no on-site vehicular parking or circulation within the front yard setback
  3. Minimum Side and Rear Yard Setbacks: None required, except when abutting a residential district or open space management district. The minimum setback shall be fifteen (15) feet for side and rear yards abutting these districts.
  4. In lieu of addressing subsections 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 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 1](#). If approved, the alternative setbacks will be used to evaluate the application.
- D. Landscaping: 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.
2. Landscaping shall be designed to maintain and enhance security of the parking areas, secondary entrances, and other areas of concern in the complex.
3. 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. 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. Density Requirements. density requirements which apply to PMU sites are listed in [Table 1](#).

C. Access and Circulation

Circulation on site must meet the minimum requirements shown on the 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 section 1700.01G. 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. 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 facade 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 facade 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.
- E. **Public Facilities:** The County may require the provision of, or participation in, the development of public facility improvements to implement the Clackamas Regional 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. 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. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

## 1703.10 PROCEDURE FOR REVIEW

All developments in Planned mixed Use 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 pursuant to Section 1300.
  2. Detailed Site Plan: Review of a detailed site plan is subject to staff review with notice pursuant to Section 1304. A detailed site plan may be reviewed with a Master Plan subject to 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 section 1301.04.
- C. Submittal Requirements: The application for a Planned Mix Use Permit shall include:
1. Land Use and Transportation Master Plan: Required for the entire property for which the PMU is requested. The master plan shall address the standards and requirements of Section 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 Traffic Impact Study;
    - f. Proposed Transportation improvements consistent with the Clackamas Regional Center Area Plan, including:
      1. Internal circulation, including auto, transit, pedestrian, and freight service
      2. 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 Traffic Impact Study.
      3. Private streets as defined in Section 1700 to be used to meet building

orientation requirements

4. 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; (5/3/01)
  - k. Public facilities and private utilities, including storm detention facilities and water treatment facilities, and general locations.
  - l. A Development Narrative that demonstrates compliance with the requirements of this zoning district and with the Traffic Impact Study.
2. Detailed Site Plan: A detailed site plan is required for each phase of development. The detailed site plan shall meet the requirements under Section 1102.06 and 1102.07. In addition to the requirements in these sections, the site plan shall include:
- 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 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 Traffic Impact Study.
  - g. Public facilities and private utilities needs and location.
  - h. A Development Narrative that demonstrates compliance with the requirements of this zoning district and with the Traffic Impact Study.

D. Modification of Approved Plans:

1. Minor Modification. The Planning Director shall determine the status of a proposed modification, pursuant to Section 1305.01L. 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:
    1. The deletion of a category of a required use approved in the original application,
    2. 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.

3. An increase in the amount of residential units, square footage or floor area exceeding ten percent (10%) of the land uses approved in the master plan, provided the applicant demonstrates compliance with this subsection;
  4. 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.
  5. Eliminating a design element identified on the Design Elements Map, Comprehensive Plan Map X-CRC-3. (5/3/01)
  6. Disturbing an open space feature identified for protection in the Master Plan approval;
  7. 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 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 under section 1301. (3/14/02)

**Table 1: Specific Requirements for Planned Mixed Use Areas**

Planned Mix Use Area	Purpose	Master Plan Requirements	Uses Allowed but not Required	Other Requirements

Clackamas  
Town  
Center  
(PMU site  
1)

- Achieve the highest employment densities in the Clackamas Regional Center area
- Provide for development of structured parking
- Create a mix of uses, while expanding the site's role as a major retail center.
- Complement the planned LRT facilities.
- Create a district accessible by all modes of transportation
- Assure that the district is pedestrian accessible and a quality pedestrian environment is created.
- Protect key natural features.
- Provide necessary infrastructure for development
- Provide for housing opportunities

- Conceptual master plan for the entire site, detailed site plan for any area to be developed
- Master plan for a minimum of 525,000 sf of office
- Master plan for at least 200 housing units, demonstrate the ability to build a minimum of 600 units
- Master Plan for a minimum of 500,000 sq ft of retail, theater, entertainment, hotel or the equivalent.
- Public plaza of .5 to 1.0 acres may be adjacent to transit facilities
- Transit facilities
- Entertainment/ Recreational facility
- Preserve Phillips Creek and enhance Phillips Creek Greenway
- Accommodate and provide proportionate share of streetscape improvements on Monterey,

- Expand the mall with retail or other uses
- Office: freestanding or mixed use
- Housing: freestanding or mixed use
- Retail if built in a mixed use facility, or accessory to structure parking.
- Hotels
- Parking structures and surface parking lots
- Freestanding retail if integrated either structurally or through the use of a quality pedestrian environment with the Mall.



		<p>82nd, Sunnyside, and the internal circulation network</p> <ul style="list-style-type: none"> <li>● Coordinate internal circulation network with the street and transit system.</li> <li>● Comply with Urban Design Elements map</li> </ul>		
<p>Clackamas Corner (PMU site 2)</p>	<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: 2 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 RCHDR.</li> </ul>

<p>Toys R Us/ ODOT (PMU site 3)</p>	<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: 3 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 RCHDR.</li> </ul>
<p>Southwest Side of 82nd Avenue (PMU site 4)</p>	<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</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 0.5 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 RCHDR.</li> </ul>

	<p>site.</p> <ul style="list-style-type: none"> <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>			
<p>Southgate (PMU site 5)</p>	<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</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 RCHDR.</li> </ul>

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(LAST TEXT REVISION 3/24/05)

## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

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

<a href="#">1704.01</a>	PURPOSE
<a href="#">1704.02</a>	AREA OF APPLICATION
<a href="#">1704.03</a>	PRIMARY USES
<a href="#">1704.04</a>	ACCESSORY USES
<a href="#">1704.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1704.06</a>	CONDITIONAL USES
<a href="#">1704.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1704.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">1704.09</a>	DEVELOPMENT STANDARDS

#### 1704. 01 PURPOSE

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

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

#### 1704. 02 AREA OF APPLICATION

This district is to be applied to those areas which are particularly suited for intensive commercial development. Property may be designated Corridor Commercial when either the first or all of the other following criteria are satisfied:

- A. The site has been designated Corridor Commercial on the Comprehensive Plan.
- B. The site has direct access on a street with at least a major arterial classification as identified in the Comprehensive Plan
- C. The site is within a transportation corridor as identified in the Comprehensive Plan
- D. The site is in an area with a historical commitment to commercial uses
- E. The site is an area where there will not be a significant traffic increase on local streets
- F. Areas where adverse effects, including but not limited traffic and noise, will have a minimal effect on adjacent neighborhoods or can be mitigated through on-site improvements
- G. The designation will not substantially increase an existing commercial strip or create new strips.

### **1704. 03 PRIMARY USES**

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

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

### **1704. 04 ACCESSORY USES**

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

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- B. Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- C. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to on site reuse or removal by the generator or licensed or franchised collector to a user or broker.
- D. Recyclable drop off sites subject to Section 819.

- E. Bus shelters, subject to Section 823, park-and-rides, bike racks, street furniture, plazas, drinking fountains, and other pedestrian and transit amenities.
- F. Solar collection apparatus.
- G. Parking Structures. Ground level commercial uses are allowed on the first floor of freestanding parking structures.

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

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

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

#### **1704. 06 CONDITIONAL USES**

- A. The following conditional uses may be allowed subject to Hearings Officer review pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Telephone exchanges, utility substations, railroad right-of-way, and public utility structures, including shops and garages; (5/22/03)
  - 2. Radio and television transmission and receiving towers and earth stations provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower; (5/22/03)
  - 3. Heliports. (5/22/03)

#### **1704.07 PROHIBITED AND PREEXISTING USES**

- A. Uses of structures and land not specifically permitted under this section are prohibited in all Corridor Commercial districts.
- B. The use of a residential trailer or manufactured dwelling, except as an office in a commercial trailer or manufactured dwelling sales lot, unless specifically authorized under the provisions of Section 1204 for Temporary Permits. (11/24/99)
- C. New single-family and two-family dwellings. (3/24/05)
- D. Preexisting legally established dwellings may be allowed to remodel or expand without public hearing review. In addition, the following provisions shall apply:
  - 1. Change of Use: A legally established dwelling may be converted to any use permitted in the district, 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.
- E. All other preexisting legally established structures and uses not specifically permitted in Section 1704 shall be nonconforming uses subject to provisions of Section 1206.
- F. In areas designated as Industrial on the Urban Growth Concept Map, Comprehensive Plan Map IV-8, retail uses larger than sixty-thousand (60,000) square feet of gross leasable area per building or business are prohibited. (5/3/01)

## **1704. 08 DIMENSIONAL REQUIREMENTS**

- A. Purpose: The purposes of these requirements and limitations are to:
  1. Provide for protection of adjacent properties.
  2. Provide for efficient utilization of Corridor Commercial areas.
  3. Ensure that the minimum operational requirements of the development are provided onsite.
  4. Site buildings to encourage and support pedestrian and transit access
- B. General Requirements: The following dimensional requirements shall apply to development of sites zoned Corridor Commercial:
  1. Minimum Site Area: None
  2. Minimum Front Yard Setback: Fifteen (15) feet. Structures on corner lots shall observe the minimum setback on both streets.
  3. Maximum Front Lot Line Setback: None, except: Buildings at or near a transit stop along a major transit street shall have a maximum twenty (20) feet setback from a state, county or private street.
    - a. 'At or near' means within 250 feet of an intersection along a major transit street where a transit stop is within 250 feet of the intersection.
    - b. 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.
    - c. 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 diagram in Section 1005.03E3).
    - d. Buildings with nonconforming front yard setbacks may have additional height added as an expansion without being brought into conformance with this maximum setback.
    - e. This maximum setback requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
    - 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.
  4. Minimum Rear Lot Line Setback: None required except where the rear yard abuts a more



restrictive district. Where the rear yard abuts a more restrictive district, setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the rear yard setback for each ten (10) foot increment in building height over thirty-five (35) feet.

5. Minimum Side Lot Line Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be fifteen (15) feet. Ten (10) feet shall be added to the side yard setback for each ten (10) feet increment in building height over thirty-five (35) feet.
6. Minimum Street Frontage: none
7. Minimum Lot Size: No limitation.
8. Maximum Lot Coverage: No limitation.
9. Building Height: No limitation.
10. Landscaping:
  - a. The minimum landscaping requirement is ten (10) percent of the site area.
  - b. Landscaping is subject to the standards in Section 1009 and 1700
11. 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.

## **1704. 09 DEVELOPMENT STANDARDS**

- A. Design Review: All development within this district is subject to the procedures and application requirements in Section 1100.
- B. Clackamas Regional Center Design Plan: All development in this district within the boundary of the Clackamas Regional Center Study area identified on Comprehensive Plan Map X-CRC-1 shall be subject to the Clackamas Regional Center Design Plan and Section 1000 and 1700 of the Zoning and Development Ordinance. (5/3/01)
- C. Specific Design Plans or Standards: Development in this district shall be subject to any adopted design plan or standards affecting the subject property. When the provisions of this section conflict with those of a design plan or standards, the provisions of the design plan or standards shall prevail.
- D. Building Siting and Design: Building siting and design is subject to the provisions of Section 1005 and 1700
- E. Mobile Home Parks: Existing mobile home parks shall not be redeveloped with other uses unless a plan for relocation of the existing tenants is submitted and approved prior to redevelopment.
- F. Parking: Parking is subject to the standards in Section 1007 and 1700.
- G. Street and Access Connectivity: Street connections and pedestrian and bicycle access are subject to the standards in Section 1007, and the following standards:
  1. Connections to adjacent properties may be required to increase connectivity and create grid patterns that allow for future development.

2. Road and Access Easement vacations: Road vacations are prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.
- H. Master plans: A master plan is required for phased development. A master plan shall be submitted for design review with the application for the first phase of development. The master plan shall demonstrate compliance with this section and Section 1100 and 1700.
- I. 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, landscaping; and
  10. Open space and parks.
  11. The Urban Design Elements shown on Comprehensive Plan Map X-CRC-3. (5/3/01)
- J. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

( LAST TEXT REVISION 3/24/05 )

## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

### 1705 LOW TRAFFIC IMPACT COMMERCIAL (LTIC) (3/24/05)

<a href="#">1705.01</a>	PURPOSE
<a href="#">1705.02</a>	AREA OF APPLICATION
<a href="#">1705.03</a>	PRIMARY USES
<a href="#">1705.04</a>	ACCESSORY USES
<a href="#">1705.05</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1705.06</a>	CONDITIONAL USES
<a href="#">1705.07</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1705.08</a>	DIMENSIONAL REQUIREMENTS
<a href="#">1705.09</a>	DEVELOPMENT STANDARDS

#### 1705. 01 PURPOSE

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

- A. Provide for uses with low peak hour trip generation to minimize traffic impacts on adjacent streets and intersections
- B. Provide for mixed commercial and industrial uses

#### 1705. 02 AREA OF APPLICATION

- A. The site is designated Low Traffic Impact Commercial on the Comprehensive Plan
- B. Areas suitable for commercial uses where existing traffic conditions preclude allowing uses which generate high peak hour traffic
- C. Areas with visibility and access from a highway or freeway

#### 1705.03 PRIMARY USES

A. Low Traffic Impact Commercial Uses:

1. Furniture stores
2. Auto, boat, manufactured dwelling, and recreational vehicle sales and service (11/24/99)
3. Mini storage
4. Other similar uses to the above Low Traffic Impact Commercial uses with equal or less peak hour trip generation

B. Business Park Uses

1. Corporate headquarters, regional headquarters, and administrative offices
2. Manufacturing Uses: any manufacturing or assembly use, except primary processing of raw materials
3. Flex space Uses: office, light industrial uses, including administration, direct and telephone sales, back office operations, product assembly, component and inventory warehousing, shipping
4. Research offices and development facilities, including testing facilities provided such testing complies with the operational impact standards in subsection 509.07C.

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

## 1705. 04 ACCESSORY USES

The following shall be allowed as accessory uses in the Low Impact Traffic Commercial District:

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, which buildings shall be removed upon completion or abandonment of the construction work;
2. Street furniture and bus shelters, subject to Section 823;
3. Solar collection apparatus, meeting all the dimensional and development standards of this district;
4. Satellite dishes, provided such use is buffered from periphery and internal circulation roads;
5. Utility carrier cabinets, subject to Section 830;
6. Cafeterias, employee lounges and indoor recreation areas and facilities;
7. Outdoor recreational facilities for employees, such as tennis courts, jogging and exercise courses, playfields and similar uses;
8. Signs identifying the developer, contractor, or real estate agency responsible for leasing or selling land or buildings within the project, which signs shall be removed upon sale or lease of the premises advertised.
9. Parking and loading structures and areas provided in conjunction with a primary use, subject to the provisions of Section 1007 and 1009.
10. 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 ten (10) percent of the floor area of the primary use, or no more than 3000 square feet, whichever is less.

11. 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.

### **1705.05 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)

### **1705. 06 CONDITIONAL USES**

- A. Conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. 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 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 zoning district; and (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. (5/22/03)
- B. Uses allowed subject to the above conditions are: (5/22/03)
  1. Churches, subject to Section 804; (5/22/03)
  2. Hotels and associated convention facilities, gift shops, and restaurants within the hotel. (5/22/03)

### **1705. 07 PROHIBITED AND PREEXISTING USES**

- A. Uses of structures and land not specifically permitted under this section are prohibited in all Low Traffic Impact Commercial districts.
- B. The use of a residential trailer or manufactured dwelling, except as an office in a commercial trailer or manufactured dwelling sales lot, unless specifically authorized under the provisions of Section 1204 for Temporary Permits. (11/24/99)
- C. New single- and two-family dwellings, except when incidental to a primary use. (3/24/05)

- D. Preexisting legally established dwellings may be allowed to remodel or expand without public hearing review. In addition, the following provisions shall apply:
1. Change of Use: A preexisting dwelling may be converted to house any use permitted in the district, 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.
- E. All other legally established preexisting structures and uses not specifically permitted in Section 1705 shall be nonconforming uses subject to provisions of Section 1206.
- F. New metal-sided structures, except as specifically approved by the Design Review Committee for high-image metal materials

## **1705. 08 DIMENSIONAL REQUIREMENTS**

- A. Purpose: The purpose of these requirements and limitations are to:
1. Ensure that developments have a positive image and attractive appearance from within the site, and from public roads and adjacent properties.
  2. Encourage the retention of large sites and their development in a coordinated and efficient manner.
  3. Ensure that the minimum operational requirements of the development are provided onsite.
  4. Establish the maximum limits of development.
- B. General Requirements: the following dimensional standards shall apply to development of sites zoned Low Traffic Impact Commercial:
1. Site Area Requirements: The minimum site area is three(3) acres. 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:
    - a. A single tax lot, or two or more contiguous tax lots, under the same ownership; or
    - b. Two or more contiguous tax lots under separate ownership, provided that:
      1. All individual property owners are members of a group formed for the purposes of developing the properties as a single planned development, and
      2. 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. Developments may be established on a site of less than three (3) acres if the site is physically separated from all other undeveloped or underdeveloped properties in this district.
  2. Minimum Front Lot Line Setback: Fifteen (15) feet. Structures on corner lots shall meet the setback on both streets.
  3. Maximum Front Lot Line Setback: None, except: Buildings at or near a transit stop along

a major transit street shall have a maximum front lot line setback of twenty (20) feet. (see diagram in Section 1005.03E3 for area of application). The setback may be from a state, county, or private street. Private streets used to meet the setback must have curbs, sidewalks or raised walking surfaces on both sides, street trees, and pedestrian-scale street lighting.

4. Side and Rear Lot Line Setback: None, except when abutting a more restrictive zoning district. When abutting a more restrictive zoning district, the perimeter setback is twenty (20) feet.
5. Minimum Lot Coverage: None
6. Minimum Landscaping: Fifteen (15) percent of the site area. Landscaping is subject to the provisions of Section 1009.
7. Maximum building height: No limitation.

## **1705.09 DEVELOPMENT STANDARDS**

- A. Design Review: All development in this zoning district is subject to the application requirements and review procedures prescribed in Section 1100 and to requirements prescribed under Section 1000.
- B. Minimum Density: None.
- C. Clackamas Regional Center Design Plan: Development is subject to the standards in Section 1700 of the Zoning and Development Ordinance.
- D. Operational Impacts:
  1. The operation of the use shall not produce noise, odor, fumes, gases, or vibration which exceed the standards of the Department of Environmental Quality(DEQ).
  2. No hazardous materials in quantities classified under Group H, Division 1 or Division 2 occupancies under the Uniform Building Code shall be stored or used on the premises, except as specifically approved as a conditional use under 509.05.
- E. Building Siting and Design: Subject to the provisions of Section 1005 and 1700, and the following standards:
  1. Building design should complement and incorporate the natural features and terrain of the site area to the maximum extent possible;
  2. Building design shall provide screening of mechanical equipment and loading areas;
  3. Loading Areas: Loading areas shall be located to the side or rear of buildings unless topography, natural features, or other requirements of this section dictate front yard loading bays. Loading dock areas shall be screened, recessed or otherwise designed to buffer this use from adjacent roads and properties.
- F. Master plans: A master plan is required for phased development. A Master plan shall be submitted for design review with the application for the first phase of development.
- G. Street and Access Connectivity: Street connections and pedestrian and bicycle access are subject to the standards in Section 1007, and the following standards:
  1. Street connections to adjacent properties may be required to increase connectivity and grid patterns that allow for future development.

2. Road and Access Easement vacations: Road vacations are prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have provided if constructed.
- H. Parking:: Parking shall be in compliance with the parking requirements listed in Section 1007.
- I. 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, landscaping; and
  10. Open space and parks.
  11. The Design Elements shown on Comprehensive Plan Map X-CRC-3. (5/3/01)
- J. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)



## SECTION 1700 - CLACKAMAS REGIONAL CENTER AREA

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### 1706 REGIONAL CENTER HIGH DENSITY RESIDENTIAL (RCHDR) (3/24/05)

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<a href="#">1706.01</a>	PURPOSE
<a href="#">1706.02</a>	AREA OF APPLICATION
<a href="#">1706.03</a>	PRIMARY USES
<a href="#">1706.04</a>	ACCESSORY USES
<a href="#">1706.05</a>	LIMITED USES
<a href="#">1706.06</a>	USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR
<a href="#">1706.07</a>	CONDITIONAL USES
<a href="#">1706.08</a>	PROHIBITED AND PREEXISTING USES
<a href="#">1706.09</a>	DIMENSIONAL REQUIREMENTS
<a href="#">1706.10</a>	DEVELOPMENT STANDARDS

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#### 1706.01 PURPOSE

- 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
- E. Implement the policies of the Clackamas Regional Center 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 designated Regional Center Special High Density 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 Regional Center 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. (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 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 collection apparatus.
- I. Family day-care provider home facilities, as defined in Section 202.
- J. Transit Park-and-ride facilities.
- K. Parking Structures

### **1706.05 LIMITED USES**

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

- A. Office, retail, and service commercial uses, listed under B below, 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 Section 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 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 1706.08(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 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 3 acres in size. (3/24/05)
- E. Lawfully established preexisting dwellings shall comply with the setback standards of Section 301. (3/24/05)
- F. A property line adjustment may be granted pursuant to Section 1020. Any lot less than 3 acres in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 1706.10(B). (3/24/05)
- 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 REQUIREMENTS**

A. The purpose of these requirements and limitations are 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 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.
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.
6. Provide connectivity between uses both within the site and to public transit, shopping areas, employment areas, schools and parks.

B. General Requirements: 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:
    1. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
    2. All individual tax lot ownership's are converted into development shares prior to any building permit being issued for the project, or
    3. 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 Lot Line Setback: Five(5) feet, except buildings with residential uses only shall be setback a minimum of fifteen(15) feet
  - b. Maximum Front Lot Line Setback: Twenty (20) feet, except there is no maximum for buildings used exclusively for residential purposes.
    1. 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
    2. The maximum setback may be exceeded for plazas designated on the Urban

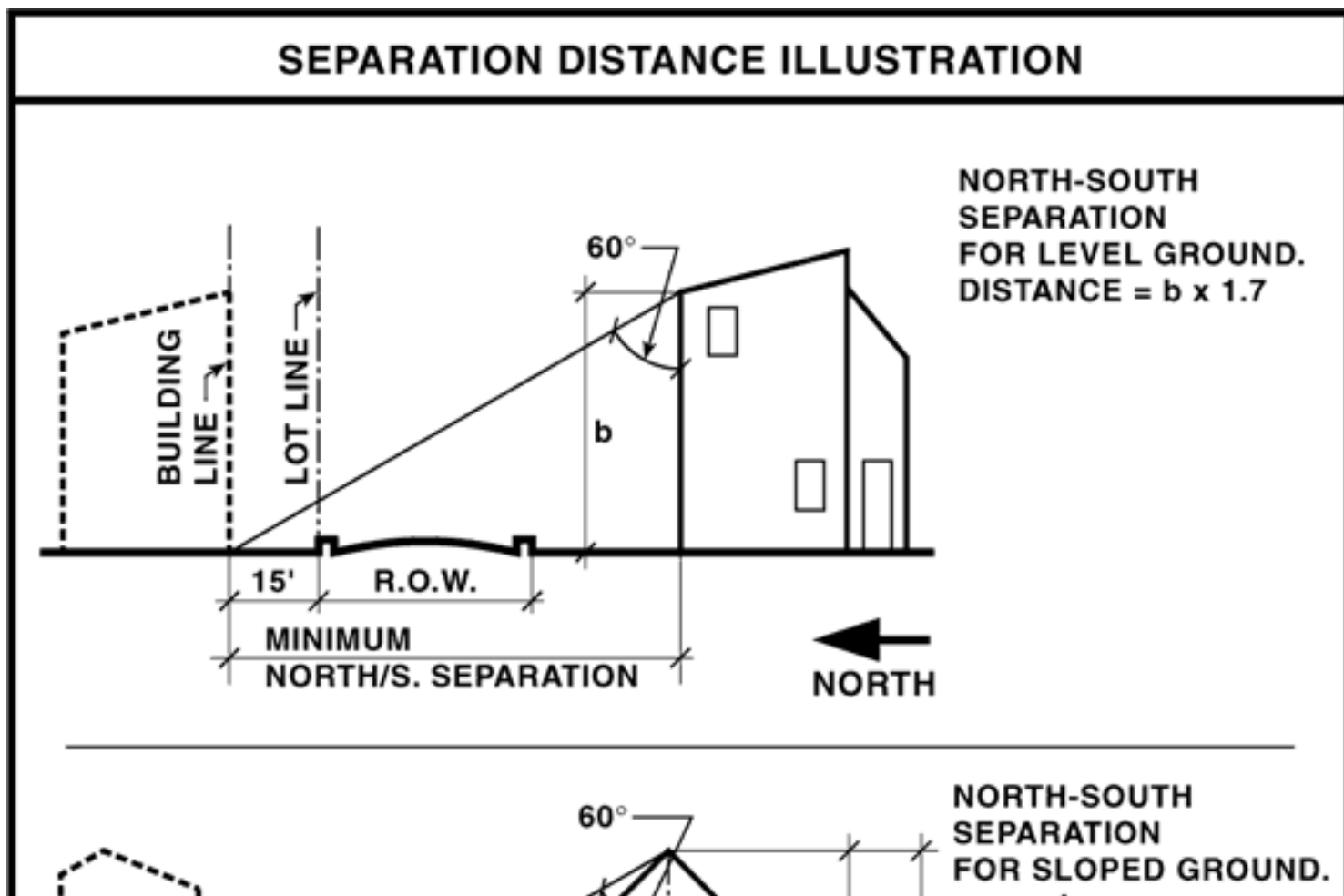
## Design Elements Map, Comprehensive Plan Map X-CRC-3. (5/3/01)

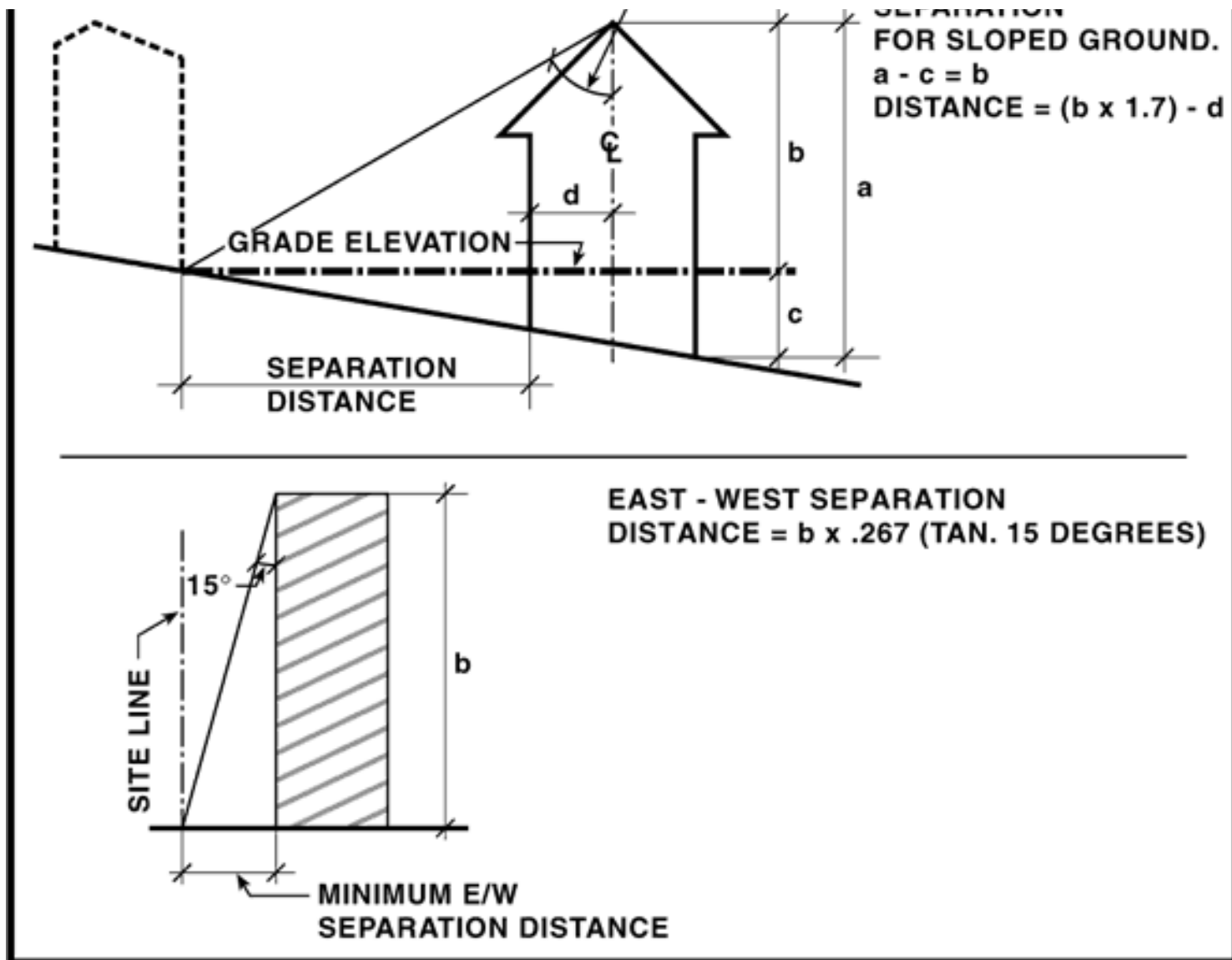
- c. Side Lot Line setback: Zero (0) except when abutting an open space management zone or more restrictive residential zone. The minimum setback is fifteen (15) feet when a development abuts one of these districts.
  - d. Rear Lot Line setback: There is no minimum except when abutting an open space management zone or more restrictive residential zone. The minimum setback is twenty (20) feet when a development abuts one of these 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. 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). 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 1706.10(F)(5), below, that area may be included in the required separation distance. (3/14/02)
  6. 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. 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 =  $b \times .267$  (tan 15 degrees)

8. 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:
  - 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.
9. Landscaping and Buffers: Outdoor surface areas equal to twenty (20) percent of the net site area 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.
  - c. 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 incorporate landscaping or other decorative features.





- C. Exceptions to Setback and Separations Requirements: The requirements of this section are not subject to the modifications under Sections 903 and 904. However, these 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.

- B. 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.
- E. Recreational Facilities: Every Special High Density residential development shall provide a least one (1) of the following recreational facilities for the first 60 units, or portion thereof, and at least one (1) additional facility for every additional 120 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 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: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the Planning Director or his designate. (11/24/99)

(LAST TEXT REVISION 3/24/05)