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Clackamas County
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CLACKAMAS COUNTY

PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
2051 Kaen Road, Oregon City
BCC Hearing Room - 4th Floor

LAND USE HEARING
November 10, 2026
11:00 AM

The item will not begin before time noted. Interested parties may appear and be heard during the testimony phase of any hearing at the above address. If a hearing is set for decision only, the evidence phase has been completed, so interested parties may no longer be heard. Applications or comments may be inspected, and calls or correspondence directed to: Planning & Zoning Division, 150 Beavercreek Road, Oregon City, OR 97045, (503) 742-4500.

HEARING

File No.: **ZDO-294: Minor and Time Sensitive Comprehensive Plan and Zoning & Development Ordinance Amendments FY 2027**

Applicants: Clackamas County

Proposal: The 2025-2027 Long-Range Planning Work Program includes a project titled “Minor and Time-Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments.” Since 2020, a package of amendments has been developed annually or biennially to focus on relatively minor changes to the County’s Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO) to comply with any new Metro, state or federal mandates, clarify existing language, correct errors, or adopt optional provisions that require only minimal analysis. The last such package was adopted in August and September of 2026. Ordinance ZDO-294 includes the “minor and time sensitive” amendments for fiscal year 2027.

Staff Contact: Martha Fritzie, Principal Planner, MFritzie@clackamas.us; Jennifer Hughes, Planning Director, JenniferH@clackamas.us

Clackamas County Planning and Zoning Division
Department of Transportation and Development

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

Land Use Hearing Item
Staff Report to the Board of County Commissioners

File Number: ZDO-294, *Minor and Time Sensitive Comprehensive Plan and Zoning & Development Ordinance Amendments* FY 2027

Staff Contact: Martha Fritzie, Principal Planner (mfritzie@clackamas.us)
Jennifer Hughes, Planning Director (jenniferh@clackamas.us)

Board of County Commissioners' Hearing Date: November 10, 2026

PROPOSAL:

The 2025-2027 Long-Range Planning Work Program includes a project titled "*Minor and Time-Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments*." Since 2020, a package of amendments has been developed annually or biennially to focus on relatively minor changes to the County's Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO) to comply with any new Metro, state or federal mandates, clarify existing language, correct errors, or adopt optional provisions that require only minimal analysis. The last such package was adopted in August and September of 2026. Ordinance ZDO-294 includes the "minor and time sensitive" amendments for fiscal year 2027.

Proposed Amendments:

ZDO-294 proposes text amendments to one chapter of the county's Comprehensive Plan and 27 sections of the county's Zoning & Development Ordinance (ZDO) and proposes the addition of one new ZDO section. A list of all amended sections, summaries of the proposed changes, and the full text of the proposed amendments in each section or chapter are included in ***Item 5*** in this Board packet.

These proposed amendments would accomplish the following **four actions**.

1. **Implement state mandates, which were adopted through legislation or administrative rulemaking, and that are currently in effect or will become effective by January 1, 2027.**

   These mandates are related to:

   A. Changing rules for middle housing in the unincorporated urban area.

      i. These rule changes allow for duplex, triplex, and quadplexes to be developed as either attached or detached units. Developments can also

qualify for bonus units when “affordable” or “accessible” units are proposed.

ii. Because the county has no minimum lot size for the development of a detached single-family dwelling on a legal lot of record, the county may no longer have a minimum lot size to develop a triplex, quadplex, or cottage cluster. Minimum lot sizes applicable to land divisions will still apply.

iii. ZDO-294 includes additional amendments to clarify middle housing rules within the ZDO; these additional amendments do not increase densities above what is mandated by the state.

B. Expanding allowances for single room occupancies (SROs) in the unincorporated urban area.

i. SROs may now be developed as either attached or detached structures.

ii. Where multifamily housing is allowed (medium- and high- density residential zoning districts and some commercial zoning districts), SROs are allowed at three times the density of standard dwelling units.

C. Allowing farm stores and associated agritourism activities in the Exclusive Farm Use (EFU) and Ag/Forest (AG/F) zones. See Action 2 for additional, optional standards that may be adopted.

i. Farm stores are allowed on properties that meet certain farm use or farm income thresholds and allow one or more permanently enclosed structures, up to 10,000 square feet in total, to be used for the farm store.

a. The sale of non-farm products is allowed, provided that the display of such products is limited to a maximum of 25 percent of the floor area of the permanently enclosed structures. A farm store also may include the sale of prepared foods for immediate consumption, but not a café or drive-through restaurant.

b. Additional outdoor areas and temporary structures are allowed for farm-store-related activities.

ii. Agritourism activities associated with a farm store can include farm tours, educational exhibits or classes, play structures, farm-to-table meals, crop mazes, animal petting and feeding exhibits, hay or tractor rides and other seasonal or holiday events. Mobile vending units are also allowed in conjunction with these activities.

a. The county cannot limit the number of events or impose an attendance cap.

D. Adopting new processes related to culturally significant areas.

i. The county is now required to provide notice to tribes of:

a. Land use proposals that include ground disturbance, and

b. Other land use proposals outside urban growth boundaries.

ii. A local, state, or tribal government based in Oregon can now apply to designate a site as a “*Significant Cultural Landscape Area*”.

a. The application would follow the same process as the designation of other Statewide Planning Goal 5 natural resources; scenic and historic areas, and open spaces for protection. Depending on the scope of the request, these may be either legislative or quasi-judicial applications.

b. ZDO-294 sets up the structure and process for these applications but does not create an overlay zone or adopt any protection regulations. These will be evaluated on a case-by-case basis when applications for these areas are received by the county.

E. Allowing for the restoration or replacement of dwellings damaged or destroyed by a natural or involuntary event in all zoning districts when:

i. An application is made within three years of the event, the dwelling was lawfully established or assessed as a dwelling for previous 10 years, and the replacement dwelling is located wholly or partially within the footprint of former dwelling and does not exceed the previous floor area by more than 25%.

2. Adopt optional regulations for farm stores, which is a use mandated by new state law in the Exclusive Farm Use (EFU) and Ag/Forest (AG/F) zones.

The county is required to allow farm stores and associated agritourism activities in the EFU and AG/F zones.

Under that law, counties may opt to adopt regulations for certain aspects of these operations, provided those regulations are not applied in a way that prevents the use from being established. If these optional regulations are not adopted by the Board, farm stores and associated agritourism activities would be allowed subject only to the state land use standards discussed above.

Consistent with previous direction from the Board during related policy sessions, ZDO-294 proposes regulations for each category:

A. Access, Egress, and Parking
   i. Minimum number of parking spaces, based on farm store and agritourism activity area square footages.
   ii. Design standards for parking areas.
   iii. Compliance with certain *Clackamas County Roadway Standards* for sight distance and driveway spacing.

B. Traffic Management
   i. Thresholds for when a Traffic Management Plan is required.
   ii. Rules prohibiting ‘queuing’ of cars on roads around the site.
   iii. Requirements for traffic control plans when certain performance standards are not met.

C. Noise Management
   i. Establishing a maximum decibel level at the property line for amplified sound, pneumatic devices, fireworks, or similar loud elements and requiring a professional noise study to demonstrate compliance.

ii. Limiting the hours of these loud elements and requiring these loud elements to be set back from lot lines.
iii. Specifically excludes certain elements from being defined as “loud.”

D. Hours of Event Operation
i. Establishing hours of operations for both the farm store, and for loud activities such as amplified sound or pneumatic devices, as follows:

	Farm Store, including Agritourism Activities	**Loud Activities**
Sunday - Thursday	8am – 8pm	8am – 6pm
Friday and Saturday	8am – 10pm	8am – 8pm

E. Sanitation and Solid Waste
i. Setback or screening standards for portable toilets, if allowed by Building Codes and Septic program regulations.
ii. Standards for waste receptacle siting/setbacks.
iii. Waste management plan requirement.

3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district.

In response to a request from a member of the public, the Board of Commissioners directed staff to draft amended setback requirements for accessory structures in the FU-10 zone.

ZDO-294 proposes to allow smaller accessory structures (less than 600 square feet in area and 17 feet in height) to be located closer to neighboring lot lines than presently allowed. These allowances would only apply in areas that have a City of Oregon City Comprehensive Plan designation of (LR), and the regulations would match those in the City of Oregon City’s zoning code for structures of the same size.

5. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

These amendments are intended to address basic errors (e.g., incorrect citations), revise text that consistently causes confusion for staff and customers and amend standards or processes that create development barriers without adding significant value. To accomplish this, Ordinance ZDO-294 would:

A. Revise an outdated provision related to schools and required by the Metro Code.

B. Remove streetlighting standards that are duplicative with standards of Clackamas County Service District (CCSD) #5.

C. Clarify existing allowances for wireless telecommunication facilities in the Exclusive Farm Use (EFU) and Ag/Forest (AG/F) Districts.

D. Edit Section 406, Timber District (TBR), as needed to conform to state statutes and administrative rules. These rules may also apply in the AG/F District in certain circumstances.

E. Reorganize Section 401*, Exclusive Farm Use* (*EFU*), to improve the usability of the code section for staff and the public. These rules may also apply in the AG/F District in certain circumstances.

F. Amend several standards in ZDO Section 845, *Middle Housing,* to improve clarity, consistency, and ensure the county remains compliant with the requirements of OAR 660, Division 46 and the Middle Housing Model Code.

G. Eliminate the requirement for a design review application for on-building signs. Such signs would remain subject to the existing limits on elements such as size and number and would be reviewed through the already-required building permit.

H. Increase the maximum size allowed for a flag from 40 square feet to 47.5 square feet.

    i. In unincorporated Clackamas County, flags are regulated through the county's sign code found in ZDO Section 1010, *Signs*. Current regulations limit the size of a flag to no more than 40 square feet. The county received a request to allow for a military casket flag that is 47.5 square feet in size to be flown.

    ii. Staff research indicates that the typical size of a military casket flag is indeed 47.5 square feet. To avoid running afoul of Constitutional free-speech protections, the sign code must remain content neutral and therefore the proposed increase in ZDO-294 would apply to any flag, not just a military casket flag.

I. Amend the process by which a manufactured dwelling park may be approved in urban residential zoning districts that currently require a conditional use permit.

    i. A conditional use uses discretionary standards like "suitability of the site" and "will not alter the character of the surrounding area".

    ii. Because manufactured dwelling parks are clearly a type of housing, they are subject to a state requirement to only be reviewed under standards that are clear and objective. As a result, the conditional use process is no longer appropriate. ZDO-294 would allow manufactured dwelling parks outright in zones where they are currently conditional uses. Manufactured dwelling parks would still need to meet the same clear and objective development standards as they do currently, and those standards would be applied through a design review application.

RELATED PRIOR BCC ACTION:

At a policy session on August 4, 2026, the Board discussed items staff proposed to include in this amendment package, as well as two specific requests from members of the public. At that policy session, the Board directed staff to move forward with all the items proposed by staff and two public requests – reconsidering the way setbacks are applied to accessory structures in the FU-10 zoning district and increasing the allowable size of a flag flown on private property.

At a policy session on September 15, 2026, staff presented the Board with further details on two of the items in the proposal – accessory structure setbacks in FU-10 and

optional regulations related to farm stores and associated agritourism activities. The Board directed staff to proceed with drafting amendments to address these two items, including all the categories of local regulations allowed by state law for the new farm store use.

PLANNING COMMISSION ACTION:

The Planning Commission (PC) held a public hearing on ZDO-294 on October 26, 2026, before voting on a recommendation to the Board. No parties provided testimony at the PC hearing. After discussion, the PC voted unanimously (with one member absent) to recommend approval of ZDO-294, with four changes specific to the optional farm store regulations:

1. Adding standards for screening and/or lot line setbacks for portable restrooms, if portable restrooms are allowed by the county's Building Codes and Septic program regulations.
2. Stipulating that any required traffic management plan must be prepared by an Oregon-registered civil engineer with proficiency in traffic management plans.
3. Increasing one of the triggers for requiring a professional traffic management plan from providing 75 parking spaces to providing 150 parking spaces. **Staff made an additional clarifying edit to specify that the parking space trigger is tied to "required" parking spaces.**
4. Including decibel standards for agritourism events that involve loud activities like amplified sound, fireworks, or pneumatic devices.

The third and fourth changes requested by the PC are discussed below under 'Significant Issues'.

CPO AND HAMLET RECOMMENDATIONS:

All the County's CPOs and Hamlets were sent notice of this proposal on September 21, 2026. To date, no CPO or Hamlet has provided comments.

To date, seven written comments have been received from five different members of the public (see ***Exhibits 4 through 10***). Two commenters expressed concerns that the county was adopting density increases not required by state law. Two commenters expressed support for the proposed changes to accessory structure setbacks in the FU-10 zone. One commenter recommended changes to the proposed parking and noise standards for farm stores.

The Oregon Department of Transportation (ODOT) provided a comment noting that they had no concerns with the farm store rules as drafted.

SIGNIFICANT ISSUES:

1. **Farm Store Rules**

   The Planning Commission (PC) engaged in extensive discussion regarding the proposed optional regulations applicable to farm stores and associated agritourism activity. The significant issues arising from this discussion were:

   - The number of parking spaces that trigger a requirement to develop a traffic management plan. The PC recommended that the threshold be moved from 75 spaces to 150 spaces.
     - Staff discussed this recommendation with the county's traffic engineer, who felt that this increase is reasonable.
     - Staff investigated the size of farm store and agritourism sites that would be *required* to provide 150 parking spaces and found that it would be a site with three to four acres of agritourism activity area (corn mazes, petting zoos, carnival rides, etc.).
   - How noise regulations should work (as limited hours, as a noise level at the lot line, via the county noise ordinance, with a required professional noise study in all cases or only when relatively loud activities are proposed, or some combination of these).
     - The PC was concerned about noise generated from loud activities like amplified sound and fireworks and wanted to ensure that noises associated with farm uses (like tractors, etc.) were not regulated under the standards adopted.
     - The PC expressed a desire for standards that regulated both the hours when loud activities should be allowed, and that imposed a decibel limit on loud activities.
     - The PC desired standards that were clear on when a noise study would be required as a part of the land use application process.

2. **Density Allowances in Urban Unincorporated Area**

   - Four written comments were received (**Exhibits 4, 5, 8, and 9**) expressing concern that the county was proposing to increase density beyond the minimum requirement for middle housing and single room occupancies. As drafted, the proposed amendments do not increase density beyond the minimum requirement under state law. The proposed amendments do aim to clarify the allowances for middle housing through using a simplified number-based approach in place of the text- and definition-based approach used currently.

3. **Changes to Setbacks in FU-10 Zone.**

   - One planning commissioner expressed concern about the practice of creating narrow carveouts within the ZDO for uses or development standards that would be allowed if a property annexes to a city. This commissioner ultimately voted in favor of the proposed amendments. Two members of the public provided testimony in support of the proposed amendment (**Exhibits 6 and 7**).

STAFF RECOMMENDATION:

The proposed amendments found in ***Item 5*** of the Board packet include:

- The changes drafted by staff to respond to the Planning Commission recommendation

- Additional edits made since the Planning Commission hearing for clarity or to correct errors

Based on additional staff review of the parking and traffic management standards since the Planning Commission hearing, staff also recommends the following changes:

- Reduce the parking standard for agritourism activity areas as follows:
    - Require 0.6 space per 1,000 square feet rather than 0.8 space. In evaluating existing agritourism sites, staff has become concerned that the higher parking standard would result in a requirement for excessive parking.
    - Allow further reductions to that parking requirement where consistent with a proposed plan for timed ticketing. Timed ticketing will allow the farm store operator to control parking space demand.
    - Allow the required parking spaces for permanently enclosed farm store structure(s) to also count toward the agritourism activity area minimums. This is because of the likelihood that patrons will visit both the farm store and the agritourism area.
- Require only those parking spaces required for permanently enclosed farm store structures to meet full rural parking lot design standards (gravel or paved surface, timbers or wheel stops to demarcate the front of spaces) and allow lesser standards for agritourism activities (soft surface parking, temporary parking space demarcation with flagging/wood stakes/or similar). This will allow farmers to use seasonal agritourism parking areas for farm use or more easily rotate the location of overflow parking areas to meet the needs of their farms.

Staff recommends approval of ZDO-294, as drafted and found in ***Item 5*** of the Board packet, with the changes noted above.

ZDO–294:

MINOR AND TIME-SENSITIVE COMPREHENSIVE PLAN & ZDO AMENDMENTS

CLACKAMAS COUNTY

Board of County Commissioners Public Hearing
November 10, 2026

ZDO-294

Legislative amendments to the Comprehensive Plan and Zoning & Development Ordinance (ZDO) to:

1. Comply with mandates, state law
2. Clarify existing language and correct errors
3. Adopt optional provisions requiring only minimal analysis

PROPOSAL SUMMARY (4 ACTIONS)

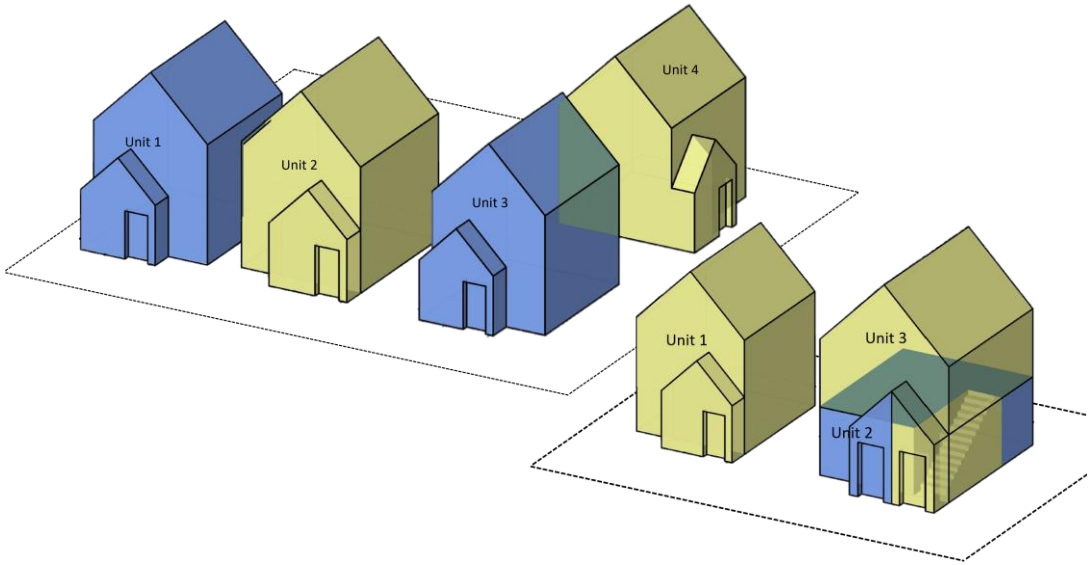
1. Implement state mandates
2. Adopt optional regulations for farm stores
3. Amend property line setbacks for some accessory structures in the FU-10 District
4. Correct errors, enhance clarity, streamline regulations & processes

(1) IMPLEMENTING STATE MANDATES

A. Middle housing
B. Single room occupancies (SROs)
C. Notice to tribes
D. Significant cultural landscape features, Statewide Planning (SWP) Goal 5
E. Restoration or replacement of certain dwellings
F. Farm stores and associated agritourism

(1A) MIDDLE HOUSING AND (1B) SROS

- Middle housing is required to include:
  - Detached or attached units
  - Bonus units when "affordable" or "accessible"



- SROs are required to include:
  - Detached or attached units
  - Up to 3x density of multifamily units, where allowed

(1A) IMPLEMENTING NEW MIDDLE HOUSING RULES

- New requirements for "-plex" housing types in attached or detached configurations are confusing
- Staff propose regulating housing in Urban Residential Zoning Districts by the **number of units allowed per lot rather than with a series of text definitions**
  - improves clarity and usability
- ZDO-294 also includes clarifications and consolidation of certain middle housing siting and design standards in ZDO Section 845

The proposed changes **do not increase allowed density or allow uses beyond what is required** under state-mandated Middle Housing regulations.

(1C, 1D) CULTURAL AREAS

- County required to provide notice to tribes of:
  - Land use proposals that include ground disturbance, and
  - Other land use proposals outside urban growth boundaries
- A local, state, or tribal government based in Oregon can apply to designate a site as a "*Significant Cultural Landscape Area*"
  - Property owner consent is not required
  - Would follow the same Goal 5 process as other natural resources, scenic and historic areas, and open spaces
  - ZDO-294 sets up the structure and process for these applications but does not create an overlay or adopt any protection regulations

(1E) REPLACEMENT DWELLINGS

- Must allow restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event in all zoning districts if:
  - A property owner applies within 3 years of event
  - The dwelling was lawfully established or assessed as a dwelling for previous 10 years
  - The replacement dwelling is located wholly or partially within footprint of former dwelling and may not exceed floor area by >25%
- Rules are contained within a new ZDO Section 850

(1F.I) FARM STORES AND AGRITOURISM

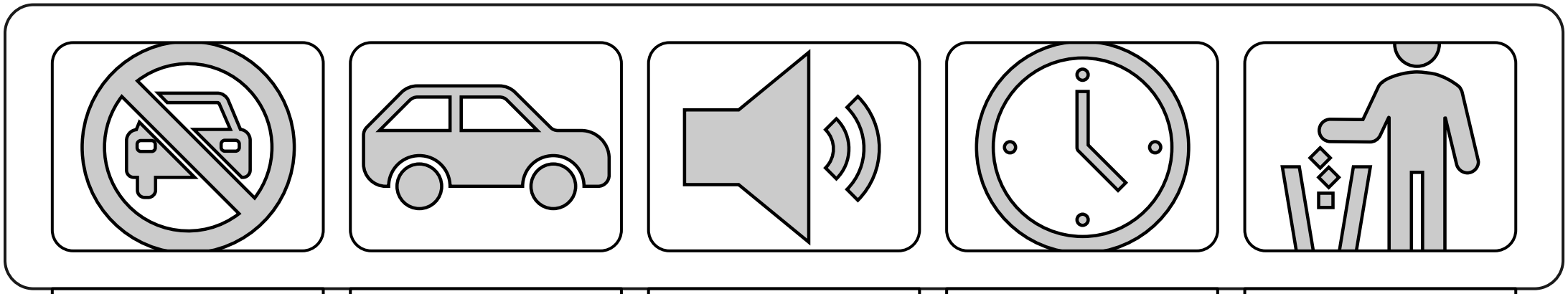
- Farm stores:
  - Have a farm use or farm income requirement
  - Allow permanent structures, maximum 10,000 square feet total
  - May include sale/display of non-farm products on up to 25% of floor area of permanent structure(s)
  - Allow outdoor areas or temporary structures for farm-store-related activities
  - May include sale of prepared foods for immediate consumption, but not a café or drive-through restaurant

(1F.II) FARM STORES AND AGRITOURISM

- Agritourism activities associated with a Farm Store:
  - Can include: farm tours, educational exhibits or classes, play structures, farm-to-table meals, crop mazes, animal petting and feeding exhibits, hay or tractor rides, other seasonal or holiday events
  - The county cannot impose a limit on number of events or attendance cap
  - Mobile vending units are allowed at agritourism events

(2) OPTIONAL REGULATIONS FOR FARM STORES

The county may adopt certain regulations for Farm Stores and the associated Agritourism related to:



Access, Egress, and Parking

- Minimum number of parking spaces
- Design
- Sight distance, access spacing

Traffic Management

- Traffic Management Plan
- Queuing
- Traffic control plan
- Timed ticketing

Noise Management

- Limit hours for loud activities (amplified music, pneumatic devices), minimum setback
- Maximum decibel level at property line for loud activities, tied to noise study requirement

Hours of Event Operation

- 8am to 8pm (Sun-Thurs)
- 8am to 10pm (Fri & Sat)

- Loud Activities 8am to 6pm (Sun-Thurs)
- Loud activities 8am-8pm (Fri & Sat)

Sanitation and Solid Waste

- Portable toilet setbacks or screening
- Waste receptacle siting and design
- Waste management

(3) ACCESSORY STRUCTURE SETBACKS, FU-10 DISTRICT

- Applicable only in Future Urban, 10-Acre (FU-10) Zoning District
- Request to resolve setback encroachment issue
  - County setbacks: 10 ft rear and sides for accessory structures in FU-10
  - Proposed amendment would:
    - Apply to properties with an Oregon City Plan of Low Density Residential (LR)
    - Apply Oregon City's setbacks for accessory structures that are < 600 sq. ft. in size and < 17 ft. in height

(4) OTHER MINOR CHANGES

- Clarify definitions and other standards causing confusion to staff and public
- Correct citations, typos, etc.
- Other minor amendments:
  - Edit ZDO Section *406, Timber*, to conform with state law
  - Restructure ZDO Section *401, Exclusive Farm Use*
  - Remove design review requirement for on-building signs
  - Increase maximum allowed flag size from 40 square feet to 47.5 square feet
  - Amend manufactured dwelling park approval process

ANALYSIS & FINDINGS

Proposed amendments (Item 5) meet applicable approval criteria contained in:

- Statewide Planning Goals
  - Goal 10, Housing
- Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs)
- Metro Urban Growth Management Functional Plan (UGMFP)
- Clackamas County Comprehensive Plan
  - Amendments to Chapter 11 necessary
- Zoning and Development Ordinance (ZDO)

PLANNING COMMISSION

Public hearing: **October 26, 2026**

- No public testimony
- Unanimous vote (8-0) to recommend approval of ZDO-294, with changes
- Significant issues
  - Farm store/agritourism regulations
  - FU-10 setbacks

SIGNIFICANT ISSUES

- One Planning Commissioner noted concern about creating narrow exceptions to setback rules, in the context of the proposed change in the FU-10 zone
- Density and Middle Housing
  - Several comments express concern that the proposed amendments increase allowable density beyond what is required under state Middle Housing rules
  - The proposed amendments do not include any additional density or uses
- Farm Store regulations for:
  - Parking space minimums and design
  - Traffic Management Plan requirements
  - Noise regulations

PC RECOMMENDATION TO BOARD

Adoption of the ZDO-294 text amendments**, with the following changes** to the staff draft presented to the PC**:**

1. Increase the number of parking spaces that trigger a Traffic Management Plan for a Farm Store from 75 to 150
2. Screening and/or setback requirements for portable toilets, if they are authorized on the site
3. Clarify that a required Traffic Management Plan be prepared by a civil engineer proficient in traffic management plans
4. Decibel limits for loud activities associated with agritourism at farm stores

STAFF RECOMMENDATION TO BOARD

Adoption of the ZDO-294 text amendments included in **Item 5 (which include the PC-recommended changes), with the following changes:**

1. Reduce the minimum parking space standard for agritourism activity areas
2. Revise the parking lot design standards, regulating parking for the permanent farm store structure differently than for agritourism activities

CLACKAMAS
COUNTY

Clackamas County Planning and Zoning Division
Department of Transportation and Development

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

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STAFF REPORT TO THE PLANNING COMMISSION

TO: Clackamas County Planning Commission

FROM: Martha Fritzie, Principal Planner (mfritzie@clackamas.us)
Jennifer Hughes, Planning Director (jenniferh@clackamas.us)

DATE: October 19, 2026

HEARING DATE: October 26, 2026

RE: Planning File ZDO-294, ***Minor and Time Sensitive Comprehensive Plan and Zoning and Development Ordinance (ZDO) Amendments (Fiscal Year 2027)***

BACKGROUND

Minor and Time-Sensitive Comprehensive Plan and ZDO Amendments is a Planning project that is intended to be completed annually and focuses on relatively minor changes to the County's Comprehensive Plan and Zoning and Development Ordinance (ZDO) that are necessary to comply with any new state and federal mandates, clarify existing language, correct errors, or adopt optional provisions that require only minimal analysis.

Ordinance ZDO-294 includes the minor and time sensitive amendments for fiscal year 2027 (FY2027) and proposes changes in order to accomplish the following four actions:

1. Implement state mandates, which were adopted through legislation or administrative rulemaking, that are currently in effect or will become effective by January 1, 2027;
2. Adopt optional regulations for farm stores, which is a use mandated by new state law in the Exclusive Farm Use and Ag/Forest zones;
3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district; and
4. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

Before a decision will be made on the proposed amendments in ZDO-294, there will be at least two public hearings on this proposal: one before the Planning Commission (PC) on Monday, October 26, 2026, and another before the Board on Tuesday, November 10, 2026. The PC provides a recommendation to the Board, who would ultimately decide whether the proposal is adopted.

PROPOSAL

ZDO-294 proposes text amendments to one chapter of the county's Comprehensive Plan and 27 sections of the county's Zoning & Development Ordinance (ZDO); and proposes the addition

of one new ZDO section[1]. The full text of the proposed amendments and a summary of the proposed changes in each section or chapter are included in ***Attachment A.***

Following is a list of the four actions the proposal in Ordinance ZDO-294 would accomplish, as well as brief explanations of the context behind each action and how the action would be accomplished with the proposed amendments.

1. **Implement state mandates, which were adopted through legislation or administrative rulemaking, that are currently in effect or will become effective by July 1, 2027**. (see ***Attachment B, Exhibit 2***)

   Generally, these amendments fall into one of three categories: (1) expanding allowances for middle housing, single room occupancies, and replacement dwellings, (2) implementing new rules related to coordination with tribes and establishing significant cultural landscape areas, and (3) implementing new rules for farm stores and associated agritourism activities in agriculture zones. ZDO-294 includes amendments to include these mandatory items in the county's ZDO, including:

   - Expanding middle housing allowances in the Urban Low Density Residential (LDR) Districts and VR 5/7 and VR4/5 Districts to include more options for detached middle housing units on a lot. To implement the required legislative changes, ZDO-294 proposes to amend the way housing is regulated in the county's urban residential zones. The proposal would simplify the regulations for housing in these zones by transitioning the ZDO from regulating housing of a particular name (e.g., "triplex") to simply regulating by how many dwelling units are allowed on a single lot. These amendments are discussed in more detail in the *Analysis and Findings* section of this report;
   - Allowing single room occupancies (SROs) to be developed at three times the density of dwelling units in zones that allow multifamily dwellings;
   - Amending the Middle Housing Land Division (MHLD) process to allow an existing detached single family dwelling with an accessory dwelling unit or an existing duplex to remain on one of the lots created through the MHLD;
   - Adopting procedures for notifying tribes with ancestral connections to lands in Clackamas County of Type II and III land use applications that propose ground disturbance;
   - Implementing a new process for designating and protecting significant cultural landscape features under Statewide Planning Goal 5, *Natural Resources, Scenic and Historic Areas, and Open Spaces*;
   - Expanding allowances for farm stores and associated agritourism activities in agriculture zones; and
   - Adding a new Section 850, *Restoration or Replacement of a Dwelling*, to implement Senate Bill 1561 [2026], which is mandatory for local governments, applies in all zoning districts, and establishes standards for the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event.

[1]Each ZDO section and Comprehensive Plan chapter proposed for amendment is listed in the "List of Attachments" section, found on pages 17 & 18 of this report.

2. Adopt regulations for farm stores in Exclusive Farm Use and Ag/Forest zones

Per the legislation relating to farm stores in agriculture zones (HB 4153 [2026]), allowing farm stores, and associated agritourism activities, in agricultural zones is mandatory. However, the county is permitted to adopt operational standards for farm stores specifically related to (A) Access, egress and parking; (B) Traffic management; (C) Noise management; (D) Hours of event operation; and (E) Sanitation and solid waste.

Because the allowances in state law for farm stores and associated activities are so broad, the Board of County Commissioners directed staff to propose regulations related to all the operational standards the county is permitted to regulate. Ordinance ZDO-294 includes proposed amendments to ZDO Section 401, *Exclusive Farm Use*, to include regulations related to (A) through (E) above with the exception of sanitation, which will continue to be regulated by standards administered by the Septic and Building Codes programs. These proposed standards are summarized as follows:

- Access, egress, parking and traffic management: These standards were developed in conjunction with Transportation Engineering staff and focus on safety and accommodating customer parking on-site. Key elements include:
  - Maximizing sight distance at site driveways
  - Minimizing conflicts with nearby access points
  - Minimizing traffic back-ups on the adjacent roadway
  - Preventing gravel or mud from being tracked onto the adjacent roadway

  For larger farm store/agritourism sites (more than 75 parking spaces), these elements would be evaluated through a traffic management plan (TMP) prepared by a professional engineer. Depending on anticipated traffic, strategies could include right-in/right-out only access, establishing separate ingress and egress points, parking lot attendants, flaggers, or timed ticket entry. A TMP would also be required for smaller venues if sight distance standards cannot be met after implementation of specified strategies or if Transportation Engineering documents non-compliant vehicle queuing in the roadway.

- Noise management: Enforcement of the county's noise ordinance is through the Sheriff's Office. This has the advantage of allowing enforcement during all days/hours; however, Sheriff's Office priorities understandably may not allow a response in all cases. In addition, staff believes agritourism events would be exempt from the noise ordinance under the exception for "*Outdoor gatherings, public dances, shows, sporting events and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority or is being sponsored or hosted by the County*".

  Therefore, ZDO-294 proposes to limit the hours for amplified music or pneumatic devices (e.g., pumpkin cannons) and to establish decibel-based noise standards similar to the way the ZDO currently regulates noise for home occupations to host events. In addition, a noise study may be required. Staff has concerns, however, with the discretionary nature of the noise study requirement as drafted and recommends that the Planning Commission consider whether a noise study should be automatically required and if so, under what circumstances. Alternatives to a noise study could include removing the decibel-based standard and increasing the list of "noisy" activities that are prohibited later in the evening. We could also explore the possibility of not exempting agritourism activities from the county noise ordinance.

- Hours of event operation: Although many agritourism events occur during daylight hours, haunted corn/hay mazes, farm-to-table dinners, etc. may occur later in the evening. ZDO-294 proposes the following limits on event hour operations:
  - For activities with amplified sound or pneumatic devices such as pumpkin cannons: 8:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 8:00 p.m. on Friday and Saturday
  - For activities not involving amplified sound or pneumatic devices: 8:00 a.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 10:00 p.m. on Friday and Saturday

  The farm store regulations are not exhaustive regarding the types of activities that may occur and so it's possible that they could include things like fireworks or outdoor concerts. One option for limiting impacts on neighbors could be to cap the number of days per year that activities could last until 10:00 p.m.

- Solid waste: To ensure agritourism activities will not result in a proliferation of loose garbage, ZDO-294 proposes standards requiring a minimum number of lidded, waste receptacles based on expected peak demand for an activity; locations of the receptacles, and removal of the waste generated by the farm store and associated activities. Section 1021 of the ZDO would also apply, which regulates the design of solid waste enclosures if provided. The Planning Commission may wish to consider whether it's appropriate to add a screening requirement for solid waste containers or portable toilets (if authorized by Septic rules).

Finally, the farm store legislation allows the use of temporary structures but does not define temporary. Staff has included a definition specifying that temporary means 90 days in a calendar year. The Planning Commission may wish to discuss whether this is the appropriate time limit.

3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district.

ZDO-294 includes a proposed amendment that would allow an exception to the setback standards applicable to residential accessory structures when properties are both located in the FU-10 (Future Urban, 10-acre) zoning district and have had a low-density residential comprehensive plan designation applied by the City of Oregon City. The proposal would allow for property owners in that circumstance to develop under the city's setback rules applicable to accessory structures in low density residential zones, rather than the larger setback requirements in the FU-10 zone. This amendment is proposed in response to a request by a member of the public in order to remedy a specific setback issue.

FU-10 is a zoning district that applies to certain properties within the Portland Metropolitan urban growth boundary (UGB) that have adopted urban Comprehensive Plan designations but do not yet have an urban zoning designation, either because the property owner has not requested a zone change or because the property would need to annex to a city for urban services and urban zoning. Because parcels in the FU-10 District tend to be larger and are intended to accommodate future urban development and infrastructure, the setbacks for structures in FU-10 currently align with those in most rural zones and for accessory structures, the minimum setbacks are: 30 feet (front) and 10 feet (sides and rear).

The proposal in ZDO-294 would allow accessory structures to be sited behind primary structures according to the city's setback rules found in Oregon City Municipal Code (OCMC) 17.54.010. Specifically:

- Accessory structures less than 200 square feet in area and less than 17 feet in height would have a minimum setback of 3 feet from side and rear property lines instead of the current 10 feet.
- One accessory structure between 200 and 600 square feet in area and less than 17 feet in height would have a minimum setback of 3 feet from side and rear property lines instead of the current 10 feet.

4. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

- Revise an outdated provision related to schools and required by the Metro Code.
- Remove streetlighting standards that are duplicative with standards of Clackamas County Service District (CCSD) #5.
- Clarify existing allowances for wireless telecommunication facilities in the Exclusive Farm Use (EFU) and Ag/Forest (AG/F) zones.
- Edit Section 406, *Timber District (TBR)*, as needed to conform to state statutes and administrative rules. These rules may also apply in the AG/F District.
- Substantially restructure Section 401, which regulated the EFU District and may also apply in the AG/F District. This code section is lengthy and difficult to navigate in its current form; the hope is that reorganizing it will make it more user-friendly for staff and customers.
- Amend several standards in ZDO Section 845, *Middle Housing,* to add clarity and to move toward standards for townhouses and middle housing with three or four attached or detached dwelling units that are more consistent with each other, while ensuring the county remains compliant with the requirements of OAR 660, Division 46 and the Middle Housing Model Code.
- Increase the maximum size allowed for a flag from 40 square feet to 47.5 square feet. In unincorporated Clackamas County, flags are regulated through the county's sign code found in ZDO Section 1010, *Signs*, and current regulations limit the size of a flag to no more than 40 square feet. Earlier this year, the county received a request to allow for a military casket flag that is 47.5 square feet in size to be flown.

  Staff research indicates that while 40 square feet is large enough to accommodate most standard American flags, the typical size of a military casket flag is indeed 47.5 square feet. To avoid running afoul of Constitutional free-speech protections, however, the sign code must remain content neutral, and therefore the proposed increase in ZDO-294 would apply to any flag, not just a military casket flag.
- Amend the process by which a manufactured dwelling park may be approved in urban residential zoning districts that currently require a conditional use permit. A conditional use is a Type III process that requires a public hearing and uses discretionary standards like "suitability of the site" and "will not alter the character of the surrounding area". Because manufactured dwelling parks are clearly providing housing, they are subject to the same clear and objective review requirements as other types of housing and the conditional use process is no longer appropriate. ZDO-294 would allow manufactured dwelling parks outright; the parks would remain subject to the development standards as

are currently applicable, but those standards would be reviewed through design review, a Type II process that does not require a hearing.

- Clarify provisions that routinely cause confusion for staff and customers, which includes clarifying the definition of institutional uses; changing formatting in several sections to provide more clarity to staff and applicants, adding a procedural fix to allow for nonconforming front setbacks to be maintained without an additional land use review process in certain circumstances; and other minor clarifying amendments.
- Correct citations and typographical errors.

PUBLIC NOTICE & COMMENTS

Notice of the proposed amendments in ZDO-294 was sent to:

- All cities within the County;
- All County Community Planning Organizations (CPOs) and Hamlets;
- Oregon Department of Land Conservation & Development (DLCD), Metro, Oregon Department of Transportation (ODOT), and other interested agencies; and
- An interested parties list, specific to legislative land use proposals in the county.

Notice was also published in the newspaper and online. To date, Planning and Zoning has received one written comment. This comment, from the Oregon Department of Transportation (ODOT) noted that they have no concerns about the proposed amendments related to farm stores (***Attachment B, Exhibit 3***)

ANALYSIS & FINDINGS

The proposed Comprehensive Plan and ZDO text amendments are legislative in nature and are subject to the relevant Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs), the Metro Urban Growth Management Functional Plan (UGMFP), County Comprehensive Plan policies, and procedural standards identified in the county's Zoning & Development Ordinance (ZDO). Compliance with the relevant portions of each is discussed in subsections 1 through 4, below.

The analysis and findings are focused on the optional changes proposed in **Actions 2 through 4**. Proposed actions to conform to state laws, including recent legislation and rulemaking, or to codify existing rules or definitions, generally do not warrant findings for consistency.

1. Statewide Planning Goals:

Goal 1 – *Citizen Involvement*:
Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process" and requires the County to have a citizen involvement program with certain features.

ZDO-294 does not propose any change to the *Citizen Involvement* chapter (Chapter 2) of the County's Comprehensive Plan.

ZDO Section 1307 implements policies of Comprehensive Plan Chapter 2 and contains adopted and acknowledged procedures for citizen involvement and public notification of land use applications. Notice of ZDO-294 has been provided consistent with the

requirements of Section 1307, including to DLCD, all cities in the County, and all active and recognized CPOs and Hamlets 35 days before the first public hearing. Notice of the proposal and its scheduled hearings was published in *The Oregonian* at least 10 days in advance of the first hearing and has also been posted on County websites. Before a final decision on ZDO-294 can be made, there will have been at least two public hearings: one before the Planning Commission and another before the Board of County Commissioners.

These processes ensure any interested parties have ample opportunity to participate in this planning process.

This proposal is consistent with Goal 1.

Goal 2 – *Land Use Planning*:
Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive Plan provisions and regulations must be consistent with Statewide Planning Goals. Goal 2 also provides a process by which exceptions can be made to certain Goals.

ZDO-294 does not require an exception to any Statewide Planning Goal. The only Comprehensive Plan amendments that would be made by ZDO-294 would be to Chapter 11, *The Planning Process*. Currently, Chapter 11 and ZDO Section 1307 allow only the Board of County Commissioners, the Planning Commission, or the Planning Director to initiate a legislative amendment to the county's Comprehensive Plan. The proposed amendments would allow certain other parties to apply for a legislative amendment, but only in limited circumstances, including:

- Allowing for a local, state, or tribal government in Oregon to initiate a legislative Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5. This amendment is required to implement the new implement the new state rules in OAR 660-023-0210.
- Allowing for a city to initiate a legislative Plan amendment to adopt an amendment to that city's urban growth boundary if the amendment has already been approved by that city. While the county currently allows for a city to request such an amendment, technically that request then must be "initiated" by the Planning Director. This amendment will simply streamline the requirement and remove any possibility that the Planning Director, Planning Commission, or Board would decline to "initiate" a city's request.

As such, with the proposed amendments, the County's adopted and acknowledged Comprehensive Plan will continue to be consistent with all Statewide Planning Goals, and the implementing regulations in state law.

This proposal is consistent with Goal 2.

Goal 3 – *Agricultural Lands*:
ZDO-294 would not amend Comprehensive Plan policies related to agricultural lands, nor would it change any property's land use plan designation or expand any UGB into agricultural lands (i.e., those zoned Exclusive Farm Use).

Although ZDO-294 would permit new land uses on agricultural lands, the uses are included to implement recent legislation related to farm stores and associated

agritourism activities and to the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event. Per Section 2 of HB 4153[2026],

> *(7)(a) A local government with land use jurisdiction over the site of a farm store may adopt siting standards for farm stores related to:*
>
> *(A) Access, egress and parking;*
> *(B) Traffic management;*
> *(C) Noise management;*
> *(D) Hours of event operation; or*
> *(E) Sanitation and solid waste.*
>
> *(b) A county may not apply siting standards in a manner that prohibits the siting and operation of a farm store under this section.*

The proposed amendments in ZDO Section 401, *Exclusive Farm Use,* do include standards to regulate farm stores and associated agritourism activities. These regulations address only the items listed in (A) through (E) above and allow for mitigation if a proposal cannot meet the required access, egress, parking or traffic management standards. While it is possible that some standards may limit the size and scope of farm store activities, by including the mitigation allowance noted above, the county is ensuring that none of the proposed standards would prohibit the siting and operation of a farm store.

This proposal is consistent with Goal 3.

Goal 4 – *Forest Lands*:
ZDO-294 would not amend Comprehensive Plan policies related to forest lands (i.e., those zoned AG/F or TBR), nor would it change any property's land use plan designation or expand any UGB into forest lands.

Although ZDO-294 would permit new land uses on forest lands, the uses are included only for consistency with allowances under state law or to implement recent legislation for replacement of a dwelling damaged or destroyed by a natural or involuntary event. Care has been taken to ensure none of the proposed amendments exceed the county's authority in the AG/F and TBR Districts under state law.

This proposal is consistent with Goal 4.

Goal 5 – *Natural Resources, Scenic and Historic Areas, and Open Spaces*:
Goal 5 requires the County to have programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

ZDO-294 would not make any change to the County's Comprehensive Plan goals, policies, or inventories, or to ZDO provisions, related to the protection of scenic, historic, or open space resources. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to meet the standards and processes that currently exist to ensure the county's Goal 5 resources are adequately protected.

ZDO-294 would adopt procedures for noticing tribes for certain land use applications, and would add the ability of a local, state, or tribal government in Oregon to a

initiate a Comprehensive Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5, subject to the new rules in OAR 660-023-0210.

OAR 660-023-0210 (10) states that: *(a) Local governments are not required to amend acknowledged plans or land use regulations to provide new or amended inventories, resource lists, or programs regarding cultural areas except as a result of applying OAR 660-023-0030 through 660-023-0050 to significant cultural landscape features identified in an application for an amendment to a comprehensive plan as provided in subsection (4)(c) or in response to a UGB amendment as provided under section (7).*

The amendments proposed in ZDO-294 would adopt the procedure to allow for such an application but would not create the overlay and standards for an overlay that would be applied to a significant cultural landscape feature. Because this is a new process and a new Goal 5 designation, much remains unknown about how many applications may be received; what types and sizes of area may be designated; and what types of protections may be appropriate for these areas. If and when the county receives an application for a significant cultural landscape area, county staff will work to ensure an overlay with appropriate regulations is developed.

As such, ZDO-294 is consistent with OAR 660-023-0210.

This proposal is consistent with Goal 5.

Goal 6 – *Air, Water and Land Resources Quality*:
Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan.

ZDO-294 would not change any Comprehensive Plan goal or policy, or implementing regulation, affecting a Goal 6 resource, nor would it modify the mapping of any protected resource. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to meet the standards and processes that currently exist related to Goal 6 resources.

This proposal is consistent with Goal 6.

Goal 7 – *Areas Subject to Natural Hazards*:
Goal 7 requires the County's Comprehensive Plan to address Oregon's natural hazards.

ZDO-294 would not change the County's acknowledged Comprehensive Plan policies regarding natural disasters and hazards, nor would it modify the mapping of any hazard. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to meet the standards and processes that currently exist to ensure the county's Goal 7 resources are adequately protected.

This proposal is consistent with Goal 7.

Goal 8 – *Recreational Needs*:
Goal 8 requires relevant jurisdictions to plan for the recreational needs of their residents and visitors. ZDO-294 would not change any existing, state-acknowledged County Comprehensive Plan policy or implementing regulation regarding recreational needs, nor would it reduce or otherwise modify a mapped recreational resource.

This proposal is consistent with Goal 8.

Goal 9 – *Economic Development*:
Goal 9 requires the County to provide an adequate supply of land for commercial and industrial development. As noted earlier, ZDO-294 would not change the Comprehensive Plan or zoning designation of any property. It also would not add any new restrictions to land uses in areas of the County reserved for commercial and industrial development.

ZDO-293 would not allow new uses on employment lands, except for those mandated by recent legislation: increased density for single room occupancies (SROs) and allowing for the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event.

This proposal is consistent with Goal 9.

Goal 10 – *Housing*:
The purpose of Goal 10 is to meet housing needs. Goal 10 requires Oregon's county plans to "*encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*"

The ZDO-294 amendments would increase housing opportunities and support and the intent of Goal 10 by:

- Allowing single room occupancy (SRO) units to be developed at higher densities than are currently allowed in zoning districts where multifamily dwellings and congregate housing are permitted uses.
- Expanding middle housing allowances in the Urban Low Density Residential (LDR) Districts and VR 5/7 and VR4/5 Districts to include options for more types of detached middle housing units.
- Working toward more streamlined zoning regulations in the county's Zoning & Development Ordinance (ZDO). Regulations that are more straightforward and simpler to implement can save the county and developers time and money and provide more certainty of a successful outcome. This supports state and county goals to facilitate more housing development and particularly middle housing development. Specifically, ZDO-294 would:
    - Amend standards in ZDO Section 845, *Middle Housing,* to provide clarity and to move toward more consistent standards for townhouses and middle housing with three or four attached or detached dwelling units. Care was taken to ensure the proposed changes remained in compliance with the requirements of OAR 660, Division 46 and the Middle Housing Model Code.
    - Amend the way housing is regulated in the urban residential districts. These changes would simplify the regulations for housing in these zones by transitioning the ZDO from regulating housing of a particular name (i.e."triplex") to regulating the number of dwelling units allowed on a single lot.

      In most residential districts, the change is not substantive; it would not permit housing types or densities that are not currently permitted, but would just restructure the way in which the housing types are referenced.

The amendments proposed in the urban low density zoning districts, including R5, R7, R8.5, R10, R15, R20, R30, V/R 4/5, and V/R 5/7 are substantive, however. They would allow more middle housing options and are proposed to comply with HB 2138 [2025]. How the proposal complies with those mandated changes is discussed below.

Compliance with middle housing provisions in HB 2138[2025]:

One of the most significant changes made by HB 2138[2025] was to the state's definition of duplex, triplex, and quadplex ("plexes"). Whereas the prior definition stated that a "plex" included attached dwellings, but allowed an option for a local jurisdiction to also include detached units in their definition, the state's new definition requires that both attached and detached units be allowed as a "plex".

The proposal in ZDO-294 implements this change but uses different language than the state. Notably, the proposal would retain the county's current definition of duplex, triplex, and quadplex, which requires the dwelling units to be attached, but amends the definition of "middle housing" to include detached units, as follows:

MIDDLE HOUSING: Includes the following:

1. *Duplexes, triplexes, quadplexes, townhouses, or cottage clusters.*
2. *Two to four dwelling units on a lot of record in any combination of attached and detached units if developed in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District.*
3. *Dwelling units on a lot created through a middle housing land division.*
4. *Any bonus dwelling units developed in conjunction with one of the above middle housing types, as permitted by Section 1012, Lot Size and Density, for affordable or accessible units.*

Retaining the current definition of plexes, which requires the dwelling units be attached, was necessary because the county allows for plexes in other urban and rural locations besides the urban low density residential diesticts. Having different definitions for plexes in different locations would cause significant confusion.

Another important change made by HB2138 [2025] was to broaden the requirements for middle housing. Per that legislation, all middle housing types must be allowed on all urban low density residential lots:

ORS 197A.402(2): Except as provided in subsection (4) of this section, each county….shall allow the development of all middle housing types on each lot or parcel zoned for residential use.

This provision changed two important things about middle housing:

1. It removed a previous allowance for jurisdictions to have minimum lot sizes for certain middle housing types or to only allow certain middle housing types only is specific "areas". ZDO294 addresses this change by removing the minimum lot sizes for triplexes, quadplexes, and cottage clusters, that was found in ZDO Section 845.

2. This provision, in conjunction with the definition change allowing for plexes to include detached units ("attached or detached in any configuration") means that the long list of housing "types" that must be allowed becomes confusing and the lines

have become blurred between the various housing "types". ZDO-294 proposes to simplify these allowances, as illustrated in the table below.

State (ORS 197A.420)	**ZDO-294 proposal**
ONE of these options may be permitted on a lot: ▪ Detached single-unit dwelling ▪ Manufactured dwelling ▪ Prefabricated structure ▪ "Duplex", consisting of either: o two attached dwelling units o two detached single-unit dwellings ▪ "Triplex", consisting of any of: o three attached dwelling units o one detached single- unit dwelling and two attached dwelling units/duplex o three detached single-unit dwellings ▪ "Quadplex", consisting of any of: o four attached units o one detached single unit dwelling and three attached dwelling units/triplex o two detached single-unit dwellings and two attached dwelling units/duplex o four dwelling units in two groups of two attached units/ two duplexes o four detached single-unit dwellings ▪ Townhouse, one unit per lot but must be attached to at least one other unit on an adjacent lot ▪ Cottage clusters	ONE of these options may be permitted on a lot: ▪ Up to four dwelling units, in any detached or attached configuration ▪ Cottage clusters

These amendments and others necessary to ensure all the all the housing currently permitted by the ZDO are found in the new Table 315-2 (ZDO Section 315). These amendments will help to streamline permitting for housing in the urban areas of the county.

This proposal is consistent with Goal 10.

Goal 11 – *Public Facilities and Services*:
The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to act as a framework for urban and rural development.

ZDO-294 does not propose any change in adopted plans for the provision of water, sewer, or other public services. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to be developed compliant with public facilities and services requirements applicable at the time of construction.

This proposal is consistent with Goal 11.

Goal 12 – *Transportation*:
Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. This proposal does not include amendments to the County's TSP or transportation-related land use regulations.

OAR 660-012-0060 also requires any comprehensive plan and land use regulation amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system.

ZDO-294 does not propose any explicit change in the County's buildable land supply and the only new uses or increases in intensity of uses allowed through ZDO-294 are mandatory under state law and not subject to analysis under Goal 12.

Notice of ZDO-294 was provided to the Oregon Department of Transportation (ODOT) and to county Engineering. ODOT expressed interest in the proposed amendments related to farm stores, and after review of the draft amendments indicated that the agency had no concerns with the proposal (***Attachment B, Exhibit 3***). As such, no additional analysis of the transportation system is needed.

This proposal is consistent with Goal 12.

Goal 13 – *Energy Conservation*:

Goal 13 encourages land use plans to consider lot size, building height, density, and other measures in order to help conserve energy. The proposed amendments would not change any policy or implementing regulation regarding energy conservation.

This proposal is consistent with Goal 13.

Goal 14 – *Urbanization*:
The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The Goal primarily concerns the location of UGBs, the establishment of "urbanizable areas" and unincorporated communities, exception lands, and rural industrial uses.

ZDO-294 would not modify any UGB or the status or boundaries of any unincorporated community. The ordinance would not modify any urban or rural reserve boundary, allow any new land use in such reserve areas in a manner inconsistent with state law, change the land use plan designation or zoning of any property, or allow any new uses in exception lands in a manner inconsistent with state law.

This proposal is consistent with Goal 14.

Goal 15 – *Willamette River Greenway*:
The purpose of Goal 15 is to "protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

ZDO-294 does not propose to change the WRG Design Plan or the boundaries of the Greenway. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to be developed compliant with WRG requirements applicable at the time of construction.

This proposal is consistent with Goal 15.

Goals 16-19:
These four Statewide Planning Goals address estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively, and are **not applicable to Clackamas County**.

2. Metro Urban Growth Management Functional Plan (UGMFP)

The purpose of the Urban Growth Management Functional Plan (UGMFP) is to implement certain regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives, including the Metro 2040 Growth Concept and the Regional Framework Plan.

ZDO-294 does not propose to change the boundaries of the UGB or of an urban or rural reserve, allow any new retail use in any zoning district, change the dimensional standards of any use in an urban area, or change any provision governing open spaces. ZDO-294 also does not propose any explicit change to the County's residential, commercial, or industrial land supply. As such, only two of the 11 sections of the UGMFP contain provisions relevant to this proposal:

- **Title 1** of the UGMFP is intended to promote efficient land use within the Metro UGB by increasing the capacity to accommodate housing. Much of this title is dedicated to the circumstances under which housing density can be reduced, which is not proposed under ZDO-294.

  Although it is likely to only have a minimal effect on housing in the urban area, providing additional housing opportunities by allowing for middle housing to be both attached or detached dwelling units, allowing bonus dwelling units for affordable or accessible middle housing, simplifying the way by which housing is regulated in urban residential zoning districts, and increasing density allowances for single-room occupancies, is expected to encourage more housing development and more housing density and could marginally increase the housing capacity with the Metro UGB, thereby supporting the goals of this section.

- **Title 8** establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the county's comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the county provided notice to Metro as required by section 3.07.820(a). Notice of this proposal was provided to Metro on September 21, 2026 - 35 days prior to the first evidentiary hearing. To date, Metro has not submitted any comments related to ZDO-294.

The proposal is consistent with Metro's Urban Growth Management Functional Plan.

3. Clackamas County's Comprehensive Plan (Plan)

Staff finds that the following two chapters of the County's Comprehensive Plan contain policies that are applicable to this proposal.

Chapter 2 – *Citizen Involvement*: Chapter 2 aims to promote public participation in the County's land use planning. Its policies largely focus on the County's Community Planning Organization (CPO) program and methods for informing and involving the public. Chapter 2 includes these specific policies:

> *2.A.1 – Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representations, not only of property owners and Countywide special interests, but also of those persons within the neighborhood or areas in question.*
>
> *2.A.6 – Seek citizens' input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*
>
> *2.A.13 – Insure that the County responds to citizen recommendations through appropriate mechanisms and procedures.*

Consideration of ZDO-294 has proceeded according to the noticing and public hearing requirements of ZDO Section 1307, which implements Chapter 2 of the Plan. In addition, two of the proposed amendments are in direct response to requests from the public. Allowing members of the public to propose amendments for county consideration is another way of providing opportunity for the county to respond to public needs and promote public participation in land use issues.

This proposal is consistent with Chapter 2.

Chapter 11 – *The Planning Process*:
Chapter 11 of the Comprehensive Plan includes policies requiring inter-governmental and inter-agency coordination, public involvement, and noticing. As explained previously in this report, all required entities have been notified in accordance with law and have been invited to participate in duly-advertised public hearings.

Chapter 11 of the Comprehensive Plan also contains the specific requirement that the Comprehensive Plan and ZDO be consistent with Statewide Planning Goals and with Metro's Urban Growth Management Functional Plan; Chapter 11 is what requires the ZDO itself to be consistent with the Comprehensive Plan.

Two substantive amendments are proposed for Chapter 11. Per Chapter 11 currently, the only parties that may initiate a legislative amendment to the county's Comprehensive Plan are the Board of County Commissioners, the Planning Commission, or the Planning Director. The proposed amendments would allow certain other parties to apply for a legislative amendment, but only in limited circumstances, including:

- Allowing for a local, state, or tribal government in Oregon to initiate a legislative Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5. This amendment is required to implement the new implement the new state rules in OAR 660-023-0210.

- Allowing for a city to initiate a legislative Plan amendment to adopt an amendment to that city's urban growth boundary if the amendment has already been approved by that city. This amendment is proposed to streamline the process for a city to apply for a UGB amendment.

These amendments are necessary to enable the proposed amendments in ZDO Section 1307, *Procedures*.

This proposal is consistent with Chapter 11.

4. Zoning and Development Ordinance (ZDO):

The proposed text amendments are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in the proposal and review of ZDO-294. Notice of this proposal was provided at least 35 days before the first scheduled public hearing to DLCD, all cities in the County, and active CPOs and Hamlets, as well as other interested agencies, to allow them an opportunity to review and comment on the proposed amendments. Advertised public hearings are being held before the Planning Commission and the Board of County Commissioners to consider the proposed amendments. The ZDO contains no further specific review criteria that must be applied when considering an amendment to the text of the Comprehensive Plan or ZDO.

RECOMMENDATION

Staff recommends approval of ZDO-294, as proposed in *Attachment A*. Staff finds the proposed ZDO text amendments are consistent with all applicable criteria.

LIST OF ATTACHMENTS

A. Proposed Comprehensive Plan and ZDO amendments

(1) **ZDO Section 202**, *Definitions*

(2) **ZDO Section 315**, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts*

(3) **ZDO Section 316**, *Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts*

(4) **ZDO Section 317,** *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts*

(5) **ZDO Section 401**, *Exclusive Farm Use District (EFU)*

(6) **ZDO Section 406**, *Timber District (TBR)*

(7) **ZDO Section 510**, *Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts*

(8) **ZDO Section 511**, *Village Community Service (VCS)*

(9) **ZDO Section 512**, *Village Office (VO)*

(10) **ZDO Section 513,** *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts*

(11) **ZDO Section 602**, *Business Park, Light Industrial, and General Industrial Districts (BP, LI and GI)*

(12) **ZDO Section 604**, *Rural Industrial (RI)*

(13) **ZDO Section 822**, *Home Occupations*

(14) **ZDO Section 845**, *Middle Housing (*previously *Triplexes, Quadplexes, Townhouses, and Cottage Clusters)*

(15) **(New) ZDO Section 850**, *Restoration or Replacement of a Dwelling*

(16) **ZDO Section 903**, *Setback Exceptions*

(17) **ZDO Section 1001**, *General Provisions*

(18) **ZDO Section 1005**, *Site and Building Design*

(19) **ZDO Section 1006**, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*

(20) **ZDO Section 1007***, Roads and Connectivity*

(21) **ZDO Section 1010**, *Signs*

(22) **ZDO Section 1012**, *Lot Size and Density*

(23) **ZDO Section 1015**, *Parking and Loading*

(24) **ZDO Section 1102**, *Design Review*

(25) **ZDO Section 1105**, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*

(26) **ZDO Section 1107**, *Property Line Adjustments*
(27) **ZDO Section 1202**, *Zone Changes*
(28) **ZDO Section 1307**, *Procedures*
(29) **Comprehensive Plan Chapter 11,** *The Planning Process*

B. Exhibit List and Exhibits

PLANNING COMMISSION
MINUTES

October 26, 2026
6:30 pm
On the Zoom platform
Recording available at https://www.clackamas.us/planning/planning-commission

Commissioners present: Gerald Murphy, Michael Wilson, Brian Lee, Ryan Founds, Jennifer Satter, Scott Cantonwine, Thomas Peterson, Tammy Stevens. Commissioners absent: Tyler King.

Staff present: Martha Fritzie, Principal Planner; Jennifer Hughes, Planning Director; Nick Hart, Planner II, Darcy Renhard, Administrative Specialist II.

Commission Chair Stevens called the meeting to order at 6:34 p.m.

Roll Call: Ms. Renhard called the roll.

Public Comment: None

Chair Stevens opened the public hearing for file number ZDO-294, a package of proposed amendments to the Clackamas County Zoning & Development Ordinance (ZDO) and Comprehensive Plan (Comp Plan).

Ms. Fritzie introduced the staff report for the proposal. The proposal is for a set of legislative amendments to the ZDO and Comp Plan under the title ZDO-294: 2027 Minor & Time Sensitive Amendments. The minor and time-sensitive packages are typically put together to make sure that our codes comply with State mandates, particularly new ones that have been issued. Other small amendments may also be included in order to clarify existing language, correct errors, and adopt any optional provisions that only require minimal analysis with an eye toward simplifying, streamlining, and making our code more understandable for both staff and the public.

This set of amendments will modify one chapter of the Comprehensive Plan, 27 sections of the ZDO, and add one new section to the ZDO. This is to implement either State mandates or rule changes that have recently gone through the rulemaking process and have an implementation date of January 1, 2027.

Additionally, the proposal will adopt optional regulations for farm stores and associated agritourism events, amend property line setbacks for some accessory structures in the FU-10 District, and correct errors, increase clarity, and streamline some regulations and processes.

Generally, the legislative changes fell into 6 categories: middle housing, single room occupancies (SROs), notification of land use proposals to tribes, designation of significant cultural landscape features, restoration and replacement of certain dwellings that were destroyed or damaged due to involuntary events, and farm stores and associated agritourism.

Mr. Hart discussed the changes to the middle housing and single-room occupancy rules that we are required to make. Beginning on January 1, 2027, we are required to allow the middle housing types that we have now (duplexes, triplexes, quadplexes) in our urban low-density residential zones as either attached or detached units. This means that a quadplex can now be 4 completely separate units. Suddenly some of the standards

that we had and that made sense when all the units had to be attached make less sense now that they can be completely separate. We also clarified some middle housing development standards to hopefully make implementation of the new mandate smoother when the time comes.

With the SROs, a similar change has been made. They are now required to be allowed as either attached or detached units, and we are required to allow SROs at 3 times the density of multifamily units where multifamily units are allowed.

These amendments do not propose to allow any more density than the county is required to allow by the new State mandates. The bonus units that are being added to middle housing and the SRO density bonuses are mandates that we are required to adopt.

What these amendments change is how we refer to middle housing throughout the ZDO. Now that middle housing can be attached or detached dwelling units, we have opted to simply state that in urban low-density zones, we would allow up to four dwelling units in any detached or attached configuration, or cottage clusters on a single lot of record. The biggest reason for doing this is because we want to retain the current definitions of "-plexes" in other zoning districts where the middle housing mandate rules don't apply and where duplexes, triplexes, and quadplexes are allowed . By defining the allowances in distinct ways we are hoping to make the ZDO and these mandates easier to implement. In the ZDO it will show that you can get one, two, three, or four units and one or two bonus density units under the middle housing allowances in an urban low-density zone. If you are in a different zone that does not have the middle housing allowances, you may still be able to have a duplex, triplex, or quadplex. These changes aim to keep the ZDO clear and consistent while still complying with middle housing requirements.

The new rules regarding cultural areas have two components. The first is that the county is required to provide notice to tribes of land use proposals that include ground disturbance and other land use proposals that are outside of urban growth boundaries. The second part is a new allowance that provides for a local, state, or tribal government to apply for landscape features to be designated and protected as a significant cultural landscape area. The nomination and designation does not require property owner consent, so one of these local governments could apply to designate someone else's property as a significant cultural landscape area. The County would be required to process that application through the Statewide Planning Goal 5 process, which is the same processes we use to protect other significant natural or cultural areas. We have set up the structure to allow for these applications, but we are not creating a new overlay zone like we have for our stream corridors with this package. We haven't created specific regulations that will apply to properties that are deemed to be significant cultural landscape areas yet because there are still too many unknowns. As these applications come in, we anticipate coming back with another package of code amendments that would include a new overlay zoning district and would include the development standards that would apply to these properties.

The county is now required to allow for the restoration or replacement of a dwelling that has been damaged or destroyed by a natural or involuntary event, anywhere in the County, in any zoning district. The application to replace or rebuild the damaged or destroyed dwelling must be submitted within 3 years of the event, and the dwelling will either need to have been lawfully established, or it needs to have been assessed as a dwelling for the previous 10 years. There are limits on how much larger these replacement dwellings can be, but it is a short list of standards.

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The current ZDO only allows the Planning Director the Planning Commission, or the Board of County Commissioners, to initiate a legislative plan amendment. Staff is proposing to amend the code to allow a city to initiate a legislative plan amendment when a city's urban growth boundary is approved by the city.

Ms. Hughes discussed farm stores and associated agritourism. State law now requires us to allow farm stores in the Exclusive Farm Use zone. We already allow farm stands, but the farm stores are a new use. The mandatory standards require that the farm store be sited on a tract that has a certain amount of acreage in farm use, and it is a sliding scale based on the size of the farm. On relatively small tracts there is an alternative where they can demonstrate a certain amount of farm income in lieu of having a particular amount of acreage in farm use. There is an allowance for a permanent structure or structures for the farm store with a maximum of 10,000 square feet total. Within the permanent structure you can do all of the uses that are allowed for farm stores, including the sale of non-farm products from anywhere in the State of Oregon. It can sell both fresh and processed farm products. In addition, in the permanent structure, a farm store can include the sale of non-farm products up to 25% of the floor area. If a farm store had a 10,000 square foot permanent structure, 2,500 square feet could be used to sell non-farm products. In addition to the permanent structure(s), farm store operations may be conducted outdoors or in temporary structures for any of the farm store related activities, except for the non-farm retail products. A farm store is also allowed to include the sale of prepared foods for immediate consumption. It cannot act as a cafe or a drive-through restaurant, but the language is not clear as to what that actually means. The definition of agritourism activities is fairly broad, but it includes farm tours, educational exhibits and classes, play structures, farm-to-table meals, crop mazes, animal petting and feeding exhibits, hay or tractor rides, and other seasonal or holiday events. One thing the legislation does require is that the activities promote the sale of products from the farm store and farm operations. There is no limit on the number of events and no cap on attendance at the agritourism events. Mobile vending units are also explicitly allowed in conjunction with the agritourism activities. These are what we are mandatorily required to allow under State Law.

The optional allowances for farm stores include standards for parking, access, and egress. Staff is recommending that we apply the standards taken directly from the parking chapter of the ZDO. We have standards for parking lot design, some standards for sight distance at access points, and spacing. For traffic management, there is potentially a requirement to do a traffic management plan from a professional engineer. There are several different triggers that would cause that requirement to be implemented. If they are proposing more than 75 parking spaces, we would require a traffic management plan. Another trigger would be if there is a documented queuing problem. If the County's Engineering Department is able to document that vehicles are queuing on the roadway to get into the site in a way that violates their standards, we could require them to do a traffic management plan. The third trigger is if they can't meet the sight distance standards. If their access point is unable to comply with sight distance standards, even after implementing some mitigation measures, then the traffic management plan requirement would apply because of the safety concern.

Noise management is also a concern. Right now, the proposal is to apply a maximum decibel level at the property line, which is the same standard that we have for our home occupations to host events. In addition, staff is proposing to limit the hours of operation. We are suggesting that the hours of operation be more limited for loud activities, specifically amplified music and pneumatic devices like pumpkin cannons. We are also proposing a minimum setback for those kinds of noise-making devices. Staff is concerned that the way the code is drafted, it is hard to discern at what point a noise study would be required. There is a significant cost associated with having a noise study done, so the question is when should a noise study be required? Would it be only for certain types of events? Should those events be limited to a certain number of days?

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Staff is proposing to define temporary structures used in farm store activities as structures that are on the site for no longer than 90 days in a calendar year.

Another optional standard related to the farm stores involves hours of event operation. Staff is proposing to allow hours of operation from 8 am to 6 pm Sunday through Thursday and 8 am to 8 pm on Friday and Saturday. Should summer hours be extended, and should hours be different if there are loud events taking place?

The last optional standard is sanitation and solid waste. Staff has drafted language for controlling windblown litter and unsanitary conditions. There are some proposed standards for submitting a plan for waste receptacles and the requirement to manage the waste that these activities would generate. On the sanitation side of things, the proposal is no different than what is already in practice, which is that the Septic Department and Building Codes Program regulate sanitation. The permanent structure itself will be required to have an ADA-accessible bathroom as part of the building code, but there may be additional portable toilets for some agritourism activities. The question is whether those should have a setback or screening requirement from neighbors for portable toilets, if they are provided.

Mr. Hart discussed the remaining items in the proposal. Staff is proposing some changes that are not actually mandated, but that we have elected to address. The first is a change to the way certain setbacks are addressed in our FU-10 zone. The FU-10 district is a sort of transitional zoning district that applies to properties that are located within an urban growth boundary and that have a Comp Plan designation for eventually developing at an urban density, but because services are not yet available either because of annexation or the extension of sewer lines, they are not yet able to develop at the urban density levels. When this code section was adopted, it was given the same setback rules that apply in all of our other rural residential zones. This has come up because of a Code Enforcement situation that was referred to the BCC, so the Board's office asked us to take a look at the rules and consider amendments that would potentially address the issue. The property in question is located just outside of Oregon City. The intention is for the property to eventually annex to the City of Oregon City and to develop under their zoning rules. It has an Oregon City Comprehensive Plan designation for low-density residential development. For properties that are located in the FU-10 zone that are still in Clackamas County, and that the City of Oregon City has planned to apply a low-density zoning designation to, these amendments allow an accessory structure that is less than 600 square feet in size and less than 17 feet in height to have reduced setbacks to match what the structure would have in the City of Oregon City. The amendment would apply to a relatively small number of properties throughout the County, and all of them are clustered around the City of Oregon City.

The remaining amendments are a bundle of typos, missed citations, formatting issues, and things that raise repeated questions. The biggest one is to increase the maximum allowed flag size from 40 square feet to 47.5 square feet to allow for a military casket flag to be flown where it previously could not. We are also testing a new format for the extensive table of uses in ZDO Section 401 to hopefully make it more usable.

Staff has identified what we think are all of the applicable and relevant goals and policies that need to be met with all these amendments, including Statewide Planning Goals, various Oregon Revised Statutes and Administrative Rules, the Metro Urban Growth Management Functional Plan where it is applicable, the Clackamas County Comprehensive Plan, and ZDO. Staff's recommendation is that the Planning Commission recommend approval of the ZDO-294 text amendments included in Attachment A to the Board of County Commissioners.

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Commissioner Cantonwine asked how prevalent the noise concerns are for agritourism events. Ms. Hughes answered that we typically hear the complaints from the home occupations to host events. Commissioner Cantonwine is concerned about having 75 parking spots trigger a traffic management plan. Ms. Hughes explained that the larger events, such as holiday bazaars, fairs, and similar activities tend to generate much higher traffic than what you would normally see at one of these sites. People may go to the event for a couple of hours and then leave, but when it is happening all day long it generates an unusually high volume of traffic. The County's traffic engineer provided the 75 spaces as the factor that they would look at.

Commissioner Murphy asked if there is a minimum lot size for 4 units within an urban growth boundary. He has concerns about how all of these dwelling units are going to fit onto the small lots. He asked for clarification on several definitions, and how many temporary emergency dwellings would be allowed on a lot in the TBR zone. He asked if there is a limit on how long a vehicle can park in the parking lot of a farm store and if they are seasonal, or are they 365 days a year? He agrees that there needs to be a sound limitation on the farm events. Ms. Fritzie explained that currently in our low density residential zones, if you were to divide your property there is a minimum lot size based on your density calculation. In an R-10 zone, you must have 10,000 square feet per new lot or per lot that you create. This is not changing. What's changing is minimum lot sizes for some middle housing types. Currently if you want to build a triplex, you must have at least 5,000 square feet, or 7,000 square feet for a quadplex or cottage cluster but recent legislative changes remove that and no longer allow for any different minimum lot size for any types of middle housing in the low-density residential zones. We now must allow up to a quadplex on a lot that is any size in those zones. It is then up to a developer to figure out how to do that and meet all the standards since we still have setbacks from the property lines, we still have a maximum lot coverage of 50%, and we still have a height limit of 35 feet. At some level we have to rely on the developers to propose something that fits all of our standards, and they will want things to still be marketable. Ms. Hughes said that the uses in Section 401 are not changing, we are just changing the layout of the table of uses to make it easier to navigate. Only one temporary hardship dwelling is allowed on the TBR land. Farm stores do not have to be seasonal, they can operate 365 days a year if they choose. They would not be allowed to operate 24 hours a day if we adopt limits to the hours of operation. An RV could quite possibly be parked in the parking lot all day long during the farm store hours of operation.

Commissioner Lee asked how many parking spaces are required for a particular farm store site. Ms. Hughes said that it depends on exactly what they propose. For the store, we are proposing the same parking standards as we apply to retail, which is 4.1 spaces per 1,000 square feet. For the outdoor area, we would apply the standard we use for the outdoor activities like amusement parks or camps. Commissioner Lee suggested that the code specify what type of engineer can provide the required traffic reports.

There was no public testimony.

Chair Stevens closed the public hearing and the Planning Commission moved to deliberations.

Commissioner Cantonwine would like to have a requirement for some sort of screening or a requirement if the portable restrooms are within a certain distance of either a property line or the frontage of the property. He proposed moving the traffic study requirement trigger to 150 parking spaces and agrees with Commissioner Lee's recommendation to specify that a professional engineer proficient in traffic management plans provide the traffic study. Commissioner Lee suggested a registered civil engineer proficient in traffic engineering.

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Commissioner Murphy expressed his concerns over water protection when farm stores are added to farmland. The activity is being changed from exclusive farm use to retail, so this is not something that neighbors and all those who are trying to restore habitats should have to put up with.

Commissioner Cantonwine suggested that the BCC develop some type of grant program to help defray some of the costs to all of the professional studies that may be required for these permits.

Commissioner Stevens feels that 90 days is a reasonable standard for temporary buildings.

Commissioner Lee expressed his concerns about the noise being generated by some of the farm store activities. Restricting the sound level is a good idea in terms of sound reports and studies, although he does have concern as to the costs involved with them.

Ms. Hughes said that it might be possible to have discretionary standards in these applications. We could ask them if they were proposing to have amplified music, use pneumatic devices, fireworks, or other similar loud things. If they are planning on having them, then we could require a noise study.

Commissioner Peterson thinks that the hours of operation are going to be critical in reducing the impact to surrounding property owners. There should be a stronger way to enforce the noise levels so the neighbors have some recourse in dealing with these if they become problematic.

Commissioner Murphy said that we are talking about resource land that is separated from urban areas for this very specific reason. The activities of harvesting, farming, and forestry are noisy and pollutant. How do we separate what the actual farm is doing as far as farming operations versus what these events are? There was a reason to separate these lands, and rural lands were the buffer zone.

Commissioner Cantonwine moved to recommend that the Board of County Commissioners approve ZDO-294 as presented by staff with the following clarifications: that the parking space trigger be 150 spaces for a traffic study performed by a registered civil engineer proficient in traffic management plans, that there be screening or setback requirements as applicable for the temporary use of portable restrooms, and that there be decibel standards for events where there will be loud activities. Commissioner Murphy seconded the motion. (*Ayes=8; Nays=0. Motion passes)*

Ms. Hughes provided a schedule update.

The hearing for file ZDO-294 was closed at 8:36 pm.

DRAFT

Summary of Proposed Amendments to Section 202, *Definitions*

1. Amend definition of *Dwelling Unit* to clarify that rooms that make up a dwelling unit must be internally connected.
2. Amend definition of *Middle Housing* to include detached dwelling units and bonus dwelling units for affordable and accessible housing, as required by HB 2138[2025].
3. Amend definition of *Single Room Occupancy* to include detached units, as required by HB 2138[2025].
4. Clarify list of example uses under definition of *Institutional Use* and remove references to uses that are not listed anywhere in the ZDO.
5. Clarify that an accessory kitchen must be within the primary dwelling unit.

202 DEFINITIONS

ACCESSORY BUILDING OR USE: A subordinate building or use, the function 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.

ACCESS DRIVE: A private way created by deed or easement to provide vehicular ingress to, or egress from two lots or parcels.

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

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

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.

AIRPORT, PUBLIC-USE: An airport that is open to use by the flying public, with or without a request to use the airport.

ALLEY: A travel way that is used 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.

AQUIFER: A layer of rock or alluvial deposit which holds water.

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

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

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

BABYSITTER: A 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 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 HOMESTAY: A use that is conducted in an owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. A maximum of two guest rooms and a maximum of five guests at one time are permitted.

BED AND BREAKFAST INN: A use that is conducted in an operator- or owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. A bed and breakfast inn may include a restaurant offering meals to the general public as well as to overnight guests.

BED AND BREAKFAST RESIDENCE: A use that is conducted in an operator- or owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. In addition to the required breakfast, other occasional family-style meals may be provided for overnight guests.

BICYCLE RACK: An apparatus designed to support the central frame of a bicycle and allow locking of both wheels, without the removal of wheels.

BIKEWAY: A paved facility provided for use by cyclists. There are five types of bikeways.

1. 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.

2. Shoulder Bikeway: A bikeway which accommodates cyclists on paved roadway shoulder.

3. Bike Lane: A section of roadway designated for exclusive bicycle use, at the same grade as the adjacent roadway.

4. Bike Path: A bike lane constructed entirely separate from the roadway.

5. Cycle Track: An exclusive "grade-separated" bike facility elevated above the street level using a low-profile curb and a distinctive pavement material.

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.

BOUNDARY LINE: A separation that delineates the confines of a property for development purposes, such as from another property, or from an easement granted for right-of-way or private motor vehicle access.

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 plane of the primary building façade (exclusive of architectural features, arcades, bay or bow windows, porches, patios, stairs, or ramps) that is most close to parallel to the front lot line. A lot with more than one front lot line will have multiple building lines. If a property has more than one primary building, the building line is established based on the façade plane of the primary building nearest 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 Fa0mily Dwelling Specialty Code, as applicable.

CANNABINOID: Any of the chemical compounds that are the active constituents of marijuana.

CANNABINOID CONCENTRATE: A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor and Cannabis Commission, in consultation with the Oregon Health Authority, by rule.

CANNABINOID EDIBLE: Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

CANNABINOID EXTRACT: A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor and Cannabis Commission, in consultation with the Oregon Health Authority, by rule.

CANNABINOID PRODUCT: A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product includes usable marijuana, cannabinoid extracts, or cannabinoid concentrates that have been combined with an added substance; or any combination of usable marijuana, cannabinoid extracts, or cannabinoid concentrates. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in ORS 571.269.

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.

CHILD CARE CENTER: As defined in ORS 329A.244(1)(a). Includes child care facility, excluding family child care home; preschool or school-age recorded program; and parent cooperative, as defined in ORS 329A.250.

CHILD CARE FACILITY: As defined in ORS 329A.250.

CLACKAMAS REGIONAL CENTER: The regional center identified on Comprehensive Plan Map 10-CRC-1, *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

CLACKAMAS REGIONAL CENTER AREA: The Clackamas Regional Center Area identified on Comprehensive Plan Map 10-CRC-1, *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

COGENERATION FACILITY: A facility that produces, through the sequential use of energy, electric energy and useful thermal energy including but not limited to heat or steam, used for industrial, commercial, heating, or cooling purposes; and is more than 50 percent owned by a person who is not an electric utility, an electric holding company, an affiliated interest, or any combination thereof.

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

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

COMMUNITY GARDEN: A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.

COMPOSTING: The managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purposes of soil remediation.

COMPOSTING FACILITY: A site or facility, excluding home composting 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.

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 other types of dwellings. Regular on-premise supervision by a registered physician, registered nurse, or other health care provider may be included.

COTTAGE CLUSTER: A group of four or more detached dwelling units with a common courtyard, all of which are located on the same lot of record or on middle housing lots.

COTTAGE CLUSTER DEVELOPMENT: A development site with one or more cottage clusters.

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

CULTURAL RESOURCE INVENTORY: The official list of designated cultural features, sites, districts subject to the provisions of Section 707, *Historic Landmark (HL), Historic District (HD), and Historic Corridor (HC)*.

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

DEDICATION: The designation of land by its owner for any general or public use.

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.

DIMENSIONAL STANDARD: A numerical measurement for a distance or area standard of this Ordinance, such as building height, lot size, or setback; or a percentage of a distance or area measurement of this Ordinance, such as lot coverage or landscaped area.

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 percent longer than the straight line between two points.

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

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

DRIVE AISLE: A drive aisle is the portion of a motor vehicle parking area provided for the purpose of ingress and egress to individual parking spaces within the parking area. A drive aisle is different from an internal or private street in that an internal or private street does not provide direct access to parking spaces, except for parallel spaces.

DRIVEWAY: The area of a property that is located between a road and a motor vehicle parking area. A driveway includes the location of any apron or motor vehicle entrance onto the lot but does not include any parking spaces, internal streets, or private streets provided as a part of the motor vehicle parking area. A driveway may also contain or be crossed by walkways provided for pedestrians.

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

DUPLEX: A building that contains exactly two dwelling units, both of which are located on the same lot of record or on middle housing lots. If one of the two dwelling units is an accessory dwelling unit, the building is not a duplex.

DWELLING: A building that contains one or more dwelling units. A dwelling may be a residential trailer or a manufactured dwelling but not a recreational vehicle, except when the recreational vehicle is approved as a temporary dwelling pursuant to Section 1204, *Temporary Permits*, or as a second dwelling pursuant to Section 847, *Recreational Vehicles as Second Dwellings*.

DWELLING, ACCESSORY HISTORIC: A detached single-family dwelling legally constructed between 1850 and 1945 that was converted from a primary dwelling to an accessory dwelling, pursuant to Section 843, *Accessory Historic Dwellings*.

DWELLING, DETACHED SINGLE-FAMILY: A building 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, residential trailer, or dwelling unit in a cottage cluster is not a detached single-family dwelling.

DWELLING, MULTIFAMILY: A building that contains five or more dwelling units.

DWELLING UNIT: A building, or portion thereof, with one or more rooms designed for residential occupancy by one family. All rooms in a dwelling unit must be internally connected via conditioned space.

EASEMENT: A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

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

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

EQUINE FACILITY: Premises that are used for the stabling or training of equines, including, but not limited to, providing riding lessons, training clinics, and schooling shows.

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.

FAMILY CHILD CARE HOME: A child care facility that provides child care to 16 or fewer children, including children of the provider, regardless of full-time or part-time status, in the home of the provider. Child and child care are as defined in ORS 329A.250.

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

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

FLOOR AREA: The area inside the perimeter walls of a building or portion thereof. For a building, or portion thereof, not provided with perimeter walls, the floor area shall be the area under the horizontal projection of the roof or floor above. Floor area shall not include exterior stairs, exterior covered entries, or portions of buildings used for parking of vehicles. In a multi-story building, floor area is the sum of the floor area of each floor. For the purposes of calculating floor area, mezzanines and lofts are considered to be floors within perimeter walls.

FLOOR AREA RATIO (FAR): A measurement of density expressed as the ratio of floor area (in square feet) to net site area (in square feet). The greater the ratio, the greater the density. For example, a building occupying one-fourth of the net site area has a FAR of 0.25:1, or 0.25; adding a second floor of equal area to the same building increases the FAR to 0.5:1, or 0.5.

GOVERNMENT CAMP: The unincorporated community of Government Camp, as identified on Comprehensive Plan Map 10-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*.

GRADE: The line of the street or ground surface deviation from the horizontal.

GREEN FEEDSTOCKS: Yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste, and livestock manure. Non-treated wood waste excludes wood waste treated with paint, varnish, or other chemicals or preservatives.

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

GROUNDWATER: Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves.

GUEST HOUSE: An accessory building, or portion thereof, that includes at least one bedroom and is—with the exception of bathrooms, closets, and halls—constructed as habitable space under the Oregon Residential Specialty Code.

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

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

1. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R 355, App. A and B);

2. Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R 302, Table 302.4);

3. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R Section 372.65);

4. 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

5. DOT Hazardous Materials Table (49 C.F.R Part 172.101).

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 and used to dispose of vegetative waste, garden wastes, weeds, lawn cuttings, leaves, and prunings generated from that property.

HOME OCCUPATION: An occupation or business activity that results in a product or service and is conducted, in whole or in part, in a dwelling unit, an accessory building normally associated with primary uses allowed in the subject zoning district, or both. 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 parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

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.

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 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 the kitchen, living and dining rooms, and other general living areas of the dwelling unit are shared in common, 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. Such a living arrangement also may include the provision of 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 who are members of the resident family.

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, 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.

IMPROVEMENT: Any building structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

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

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

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

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

KENNEL: Any lot or premises on which four or more dogs, more than six 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.

KITCHEN, ACCESSORY: A kitchen that complies with all of the following standards:

1. It shall be incidental tolocated in thea primary dwelling unit.

2. It shall be located in a room that is approved for residential occupancy and used for a purpose in addition to that of a kitchen (e.g., a recreation room, a bedroom).

3. It shall not be located in a detached accessory building.

4. Any of the following features shall be located within a contiguous area that is no more than 30 inches deep and 10 feet long: cooking appliances, sinks, refrigerators, dishwashers, counters, and cabinets.

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

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

LIVESTOCK: One or more domesticated animals raised to produce commodities, such as food, fiber, and labor. Livestock includes, but is not limited to, miniature livestock, fowl, and farmed fish.

LOT: A single unit of land that is created by a subdivision of land. For the purposes of this Ordinance, lot includes parcel and lot of record unless otherwise specified in the context of the specific provisions.

LOT AREA OR LOT SIZE: The total surface area (measured horizontally) within the lot lines of a lot. For property with a Comprehensive Plan designation of Rural, Agriculture, or Forest, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road rights-of-way. This allowance does not apply to land area within a state or federal highway right-of-way.

LOT, CORNER: A lot with more than one front lot line, where at least two front lot lines intersect. A lot within the radius curve or curves of a single street is not a corner lot and the collective boundary line or lines that separate the lot from the adjacent street shall be viewed as one lot line. A lot may be both a corner lot and a through lot.

LOT COVERAGE: The area of a lot covered by a building or buildings, exclusive of architectural features and swimming pools, expressed as a percentage of the total lot area.

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

LOT, FLAG: A lot that has access to a road by means of a strip of lot or easement no greater than 25 feet in width.

LOT LINE, FRONT: Any boundary line separating a lot from a County, public, state, or private road, or from an access drive or a private street. Exceptions are:

1. Except as otherwise provided in Subsection 903.08, the front lot line of a flag lot shall be within the boundaries of the lot by a distance equal to the width of the narrow strip of lot 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 Figure 202-1.)

2. A corner lot may have more than one front lot line. Each lot line established by a County or public road is a front lot line. Each lot line established by a private road or access drive from which motor vehicle access is taken is a front lot line. Unless the lot is a through lot, all other lot lines that would be front lot lines are side lot lines if those lines separate the lot from a private road or access drive

3. A through lot has at least two front lot lines except where one of the lot lines that would otherwise be a front lot line abuts a collector, arterial, expressway, interstate, or other feature that precludes motor vehicle access. In that case, the lot line where access is precluded is the rear lot line.

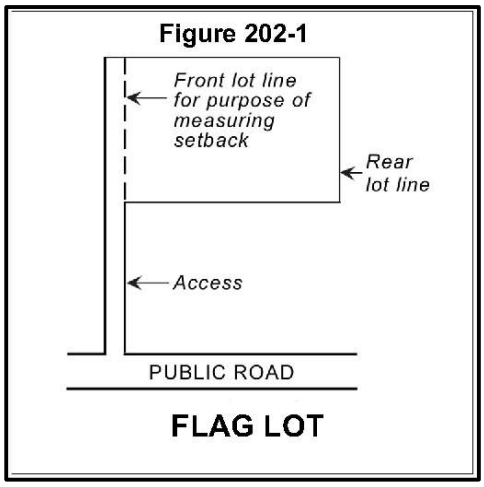
4. Any portion of a boundary line that separates a lot from an area of a private road or access drive may be a side lot line if:

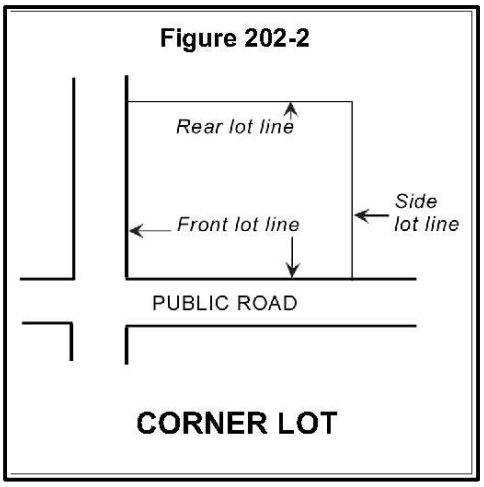
    a. The boundary line delineates an area outside of the primary travel or parking areas of the private road or access drive;

b. This area is provided for the maneuvering of emergency vehicles as required by the Roadway Standards, Comprehensive Plan, or this Ordinance;

c. No motor vehicle access serving the lot makes use of the emergency vehicle maneuvering area; and

d. Any garage or carport motor vehicle entry oriented towards the boundary line complies with the minimum front setback applicable to such entries.





LOT LINE, REAR: The whole length of any boundary line opposite and most distant from the front lot line and not intersecting a front lot line. Exceptions are:

1. For a corner lot, the rear lot line is any one of the boundary lines opposite the front lot lines. Any other opposite boundary line is a side lot line. (See Figure 202-2.)

2. A triangular-shaped lot has no rear lot line. A triangular-shaped lot is one whose lot lines only intersect at three points.

3. A through lot has no rear lot line except where one of the lot lines that would otherwise be a front lot line abuts a collector, arterial, expressway, interstate, or other feature that precludes motor vehicle access. In that case, the lot line where access is precluded is a rear lot line.

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

LOT OF RECORD:

1. A lot or parcel created by a subdivision or partition plat, as defined in ORS chapter 92, filed with the Clackamas County Surveyor and recorded with the Clackamas County Clerk;

2. A unit of land created by a recorded deed or recorded land sales contract and in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations, if any, in effect on the date the deed or land sales contract was signed by the parties to the deed or contract; or

3. A unit of land created solely to establish a separate tax account or for mortgage purposes; that did not conform to all planning, zoning, or subdivision or partition ordinances or regulations in effect on the date it was created; and that was sold prior to September 5, 2023, under the foreclosure provisions of ORS chapter 88.

LOT, THROUGH: A lot that has street frontage on two or more non-intersecting streets. A lot may be both a corner lot and a through lot.

LOT WIDTH: The mean horizontal distance between the side lot lines of a lot.

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

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

MAJOR TRANSIT STOP: A transit center, major bus stop, or light rail stop, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*.

MAJOR TRANSIT STREET: A street with a Frequent Service Bus Line, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*; existing or planned High Capacity Transit, as identified on Comprehensive Plan Map 5-8c, *High Capacity Transit (HCT) System Plan*; or both.

MANUFACTURED DWELLING: A mobile home or manufactured home but not a residential trailer or recreational vehicle.

MANUFACTURED DWELLING PARK: Any place where four or more manufactured dwellings or prefabricated structures that are relocatable and more than eight and one-half feet wide, 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 or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot.

MANUFACTURED HOME: A structure constructed on or after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used 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.

MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS 571.269 or prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United States Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.

MARIJUANA ITEMS: Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

MARIJUANA PROCESSING: The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor and Cannabis Commission (OLCC), a holder of a research certificate issued by the OLCC, or registered with the Oregon Health Authority.

MARIJUANA PRODUCTION: The manufacture, planting, propagation, cultivation, growing, or harvesting of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor and Cannabis Commission (OLCC), a holder of a research certificate issued by the OLCC, or registered with the Oregon Health Authority and a "person designated to produce marijuana by a registry identification cardholder." Marijuana production does not include the drying of marijuana by a marijuana processor if the marijuana processor is not otherwise producing marijuana; or the cultivation and growing of an immature marijuana plant by a marijuana wholesaler or marijuana retailer if the marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

MARIJUANA RETAILING: The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor and Cannabis Commission or registered with the Oregon Health Authority.

MARIJUANA WHOLESALING: The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor and Cannabis Commission.

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.

MIDDLE HOUSING: Includes the following:

1. ~~A~~ ~~D~~duplexes, triplexes, quadplexes, townhouses, or cottage clusters.
2. Two to four dwelling units on a lot of record in any combination of attached and detached units, if developed in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District.
3. Dwelling units on a lot created through a middle housing land division.
4. Any bonus dwelling units developed in conjunction with one of the above middle housing types, as permitted by Section 1012, *Lot Size and Density*, for affordable or accessible units.

MIDDLE HOUSING LAND DIVISION: A partition or subdivision of a lot of record that is developed, or proposed to be developed, with more than one middle housing dwelling unit. The type of middle housing developed on the original lot of record is not altered by a middle housing land division. Notwithstanding the definition of partition or subdivision, within the same calendar year as an original partition that was not a middle housing land division, the County may allow one or more of the resulting vacant parcels to be further partitioned into not more than three parcels through a middle housing land division.

MIDDLE HOUSING LOT: A lot or parcel created through a middle housing land division. A middle housing lot is a separate lot of record; however, development on a middle housing lot is limited by conditions imposed at the time of the middle housing land division. Middle housing lots are not divisible.

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

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

MOBILE HOME: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

MOBILE VENDING UNIT: A vehicle that is used in selling and dispensing goods or services to the customer. Notwithstanding this definition, a mobile vending unit shall not be used in selling and dispensing marijuana items. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no

more than one trailer.

MOTEL: A building or series of buildings in which lodging only is offered for compensation and which may have more than five 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.

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

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

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.

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.

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 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.

OAR: Oregon Administrative Rules

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.

ORS: Oregon Revised Statutes

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

OVERHEAD SPRINKLER IRRIGATION: The application of irrigation water from spray heads, rotors, or other above-ground emitters that send water through the air.

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

PARCEL: A single unit of land that is 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.

PARKING AREA, MOTOR VEHICLE: A defined portion of a property provided for the parking and maneuvering of motor vehicles. A parking area may be located within an easement and shared between multiple lots without being considered a private road or access drive for the purpose of assigning lot lines.

A motor vehicle parking area may contain drive aisles but does not have additional driveways providing access to further lots or parking areas – see "road, private," "access drive," "street, internal," and "street, private" where this is the case.

PARKING STRUCTURE: A building having at least two levels that are designed and used for parking vehicles, or a building having one level of covered parking area under an open space or recreational use. A one-level surface parking area, garage, or carport is not a parking structure.

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. "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.

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

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

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 14- to 25-foot mounting height and which meets the Illumination Society guidelines for Commercial Collector roadways.

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.

PERSON DESIGNATED TO PRODUCE MARIJUANA BY A REGISTRY IDENTIFICATION CARDHOLDER: A person designated to produce marijuana by a registry identification cardholder under ORS 475C.792 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

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

PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision and recorded as required by ORS Chapter 92.

PLAT, PRELIMINARY: 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 a partition or subdivision. As used in this Ordinance, preliminary plat shall be synonymous with tentative plan as used in ORS Chapter 92.

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

PREFABRICATED STRUCTURE: A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site; is relocatable; is more than eight and one-half feet wide; and is designed for use as a single-family dwelling. A prefabricated structure is not a manufactured dwelling or “small home”, as defined in ORS Chapter 455.

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.

PRODUCE STAND: A table, bench, cart, or structure, any of which may be covered, that is located or erected for the purpose of direct sales by growers of agricultural goods, including vegetables, fruits, flowers, bulbs, herbs, plants, honey, and similar products, but not including marijuana or processed foods such as jams or jellies, that are produced on the same tract on which the produce stand is located.

PROFESSIONAL SERVICES: Activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate agent, and insurance agent.

PROPERTY LINE ADJUSTMENT: A relocation or elimination of all or a portion of the common property line between two abutting lots of record that does not create an additional lot of record. As used in this definition, a property line is the entirety of the boundary line between two abutting lots of record.

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

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.

QUADPLEX: A building that contains exactly four dwelling units, all of which are located on the same lot of record or on middle housing lots.

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

RECREATIONAL VEHICLE: A vehicle licensed by the State of Oregon, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, 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.

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.

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.

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 junkyard. Principal recyclable materials are those items defined as such by the Oregon Department of Environmental Quality.

RELATIVE: A parent, child, brother, sister, grandparent, or grandchild of a person or person's spouse.

REPLAT: The act, other than a property line adjustment or a middle housing land division, of platting the lots, parcels, tracts, or easements in a final plat to achieve a reconfiguration of the existing final plat or to increase or decrease the number of lots or parcels.

RESERVE STRIP: A strip of land, usually one 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.

RESIDENTIAL TRAILER: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed before January 1, 1962.

RESIDENTIAL TREATMENT FACILITY: A facility that provides, for six or more individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties. For the purposes of a residential treatment facility or residential treatment home, “treatment” means the systematic, planned maintenance, development or enhancement of self-care skills, social skills or independent living skills, or the planned sequence of systematic interactions, activities or structured learning situations designed to meet each resident’s specified needs in the areas of physical, social, emotional and intellectual growth.

RESIDENTIAL TREATMENT HOME: A facility that provides for five or fewer individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties.

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 junkyard.

RHODODENDRON: The unincorporated community of Rhododendron, as identified on Comprehensive Plan Map 4-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

RIGHT-OF-WAY: The legal right, established by usage or grant, to pass through property owned by another, or the strip of land subject to a nonowner's right to pass through.

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," except "street, internal" and "street, private" shall have the meanings provided elsewhere in this Ordinance.

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.

ROAD, PRIVATE: A private way created by deed or easement to provide vehicular ingress to, or egress from, three or more lots or parcels. When a private way is located integrally within a motor vehicle parking area, refer to "street, internal" and "street, private."

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.

ROADWAY: That portion of a road or alley that has been improved for vehicular and pedestrian traffic.

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

SALVAGE, JUNKYARD: A location at 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 or supported by taxation.

SENSITIVE GROUNDWATER AREA: Any area classified by the State of Oregon as a groundwater limited area, critical groundwater area, or other area where new groundwater appropriations are restricted by the State of Oregon.

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

SETBACK: The shortest horizontal distance between a structure and the lot line.

SETBACK, FRONT: The shortest horizontal distance between a structure and the front lot line.

SETBACK, REAR: The shortest horizontal distance between a structure and the rear lot line.

SETBACK, SIDE: The shortest horizontal distance between a structure and the side lot line.

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

SHORT-TERM RENTAL: The rental of a dwelling unit, portion of a dwelling unit, or guest house for overnight residential purposes, for a period of up to 30 consecutive nights. Overnight occupancy of the dwelling unit plus any guest house shall not exceed 15 persons. A short-term rental may include use of accessory structures, such as decks or swimming pools, that are located on the same lot as the dwelling unit or guest house being rented.

SIDEWALK: A concrete pedestrian facility adjacent to a curb along a road or set back from the curb behind a planting strip.

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 border 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, DIRECTORY: An onsite sign that identifies and directs traffic to a number of tenants, uses, or buildings within a development.

SIGN, DRIVE-THRU: A freestanding or building sign for a commercial drive-thru window service that is oriented toward a drive-thru lane on the same property and that is for viewing by drivers and their passengers while they are in the drive-thru lane, but does not extend higher than eight feet above grade.

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.

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.

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

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.

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.

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.

SINGLE ROOM OCCUPANCY: A residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

SNOW SLIDE AREA: The area around a building that may be subject to snow buildup as a result of snow sliding from the sloped roof of the building.

SOIL MOISTURE SENSOR: A device that measures the amount of water in the soil. The device also suspends and initiates irrigation events.

SOLAR ENERGY SYSTEM: Any solar collector, or other solar energy device, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity.

1. The power generating capacity of a roof-mounted solar energy system that is located on a primary use, conditional use, or limited use structure is limited only by the size of the system that can fit within the confines of the roof surface to which it is mounted.

2. The power generating capacity of a ground-mounted solar energy system, or of a roof-mounted solar energy system that is located on an accessory structure, is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

SOLID WASTE: As defined in Chapter 10.03, *Solid Waste and Wastes Management*, of the Clackamas County Code.

STORMWATER MANAGEMENT FACILITY: Any facility that is designed, constructed, and maintained to collect, treat, filter, retain, or detain surface water runoff during and after a storm event for the purpose of controlling flows or reducing pollutants in stormwater runoff. Stormwater management facilities include, but are not limited to, constructed wetlands, rain gardens, water quality swales, stormwater planters, infiltration facilities, and ponds.

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 1002.04(B). 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.

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.

STREET: See "ROAD", except that "street, internal" and "street, private" shall have the definitions provided elsewhere in this Ordinance.

STREET, INTERNAL: A way located outside of a road that is provided for motor vehicle circulation within a commercial, industrial, institutional, or mixed-use development or between multiple such developments. An internal street may also be located within a residential development that consists of housing other than detached single family dwelling(s), temporary dwelling(s), accessory dwelling units, or middle housing.

STREET, PRIVATE: An internal street that has been improved with curbs, sidewalks or pedestrian paths, street trees, and pedestrian-scale lighting.

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 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.

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

SUBDIVISION, MAJOR: A subdivision creating 11 or more lots in the same calendar year.

SUBDIVISION, MINOR: A subdivision creating four to 10 lots in the same calendar year.

SUNNYSIDE VILLAGE: The Sunnyside Village community plan area, as identified on Comprehensive Plan Map 10-SV-1, *Sunnyside Village Plan, Land Use Plan Map*.

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. Surface mining does not mean operations within a road right-of-way or other easement for the purpose of construction, reconstruction, or maintenance; 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, except that 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.

SURFACE MINING, MINERALS: Soil, clay, stone, sand, gravel, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

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.

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.

SURFACE WATER MANAGEMENT REGULATORY AUTHORITY: The surface water management district in which the subject property is located, or, if there is no such district, the County.

TOWNHOUSE: A dwelling unit that shares at least one wall, or portion thereof, with another townhouse and is located on a separate lot of record from any other dwelling that is not an accessory dwelling unit.

TRACT: One or more contiguous lots of record under the same ownership. Notwithstanding the preceding definition, as used in Sections 706, *Habitat Conservation Area District*, 709, *Water Quality Resource Area District*, 1012, *Lot Size and Density*, 1013, *Planned Unit Developments*, and 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, a tract is a unit of land (other than a lot or parcel) created by a subdivision, partition, or replat.

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.

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. Solid waste collection vehicles are not transfer stations.

TRANSIT STOP: Any posted bus or light rail stop.

TRIPLEX: A building that contains exactly three dwelling units, all of which are located on the same lot of record or on middle housing lots.

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

UNDERGROUND STRUCTURE: A structure in which more than 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.

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

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 CABINET: A small enclosure used to house utility equipment intended for off-site service, such as electrical transformer boxes, telephone cable boxes, cable television boxes, fire alarm boxes, police call boxes, traffic signal control boxes, and other similar apparatus.

UTILITY FACILITY: A building, structure, or any constructed portion of a system that provides for the production, transmission, conveyance, delivery, or furnishing of heat, light, power, gas, water, sanitary sewer, stormwater, telephone, cable television, internet, or other similar service. Utility facility does not include wireless telecommunication facility.

UTILITY LINE: A utility facility consisting of a cable, conduit, pipe, wire, drainageway, or other linear conveyance system. A utility line may include support poles, support towers, and equipment for the monitoring or operation of the utility line, provided that such equipment is mounted on the poles or towers; underground; or both aboveground and not exceeding five feet in length, width, and height.

UTILITY SERVICE LINE: A utility line that ends at the point where the utility service is received by the customer. A service line is distinguished from larger utility lines including, but not limited to, distribution lines, mainlines, transmission lines, and trunk lines.

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.

WELL, EXEMPT-USE: A well from which groundwater is used as defined in ORS 537.545(1) as amended.

WELL, PERMITTED: A well from which the intended use of water requires a registration, certificate of registration, application for a permit, permit, certificate of completion, or groundwater right certificate under ORS 537.505 to 537.795 and 537.992.

WEMME/WELCHES: The unincorporated community of Wemme/Welches, as identified on Comprehensive Plan Map 4-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

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.

WILDWOOD/TIMBERLINE: The unincorporated community of Wildwood/Timberline, as identified on Comprehensive Plan Map 4-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

ZIGZAG VILLAGE: The unincorporated community of Zigzag Village, as identified on Comprehensive Plan Map 4-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

ZONING DISTRICT, COMMERCIAL: A zoning district regulated by Section 500, *Commercial Districts*.

ZONING DISTRICT, INDUSTRIAL: A zoning district regulated by Section 600, *Industrial Districts*.

ZONING DISTRICT, NATURAL RESOURCE: A zoning district regulated by Section 400, *Natural Resource Districts*.

ZONING DISTRICT, RESIDENTIAL: A zoning district regulated by Section 300, *Urban and Rural Residential Districts*.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-231, 01/31/2012; Amended by Ord. ZDO-232, 03/12/2012; Amended by Ord. ZDO-234, 06/07/2012; Amended by Ord. ZDO-243, 09/09/2013; Amended by Ord. ZDO-246, 03/01/2014; Amended by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016 and 03/01/2016; Amended by Ord. ZDO-258, 01/18/2017; Amended by Ord. ZDO-263, 05/23/2017; Amended by Ord. ZDO-267, 08/28/2017; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-269, 09/06/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by automatic repeal of Ord. ZDO-267, 08/28/2019; Amended by Ord. ZDO-273, 01/17/2021; Amended by Ord. ZDO-280, 10/23/2021; Amended by Land Use Board of Appeals Remand of Ord. ZDO-273, 01/24/2022; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-273, on remand, 05/30/2023; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 315, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts*

1. Remove dwellings from Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, and create new table (Table 315-2, *Permitted Dwellings and Other Residential Uses in the Urban Residential Zoning Districts*) that regulates dwelling units primarily by the number allowed per lot. The intent of these amendments is twofold:
    - To ensure the county's ZDO implements new middle housing regulations found in ORS 197A (and HB 2138[2025]), specifically the state's requirements to allow for detached "plexes." Although the proposed amendments use different terms than the state in some instances, the proposed amendments comply with the middle housing requirements in HB 2138[2025] while maintaining existing requirements for duplexes, triplexes, and quadplexes allowed in other zoning districts that are not subject to HB 2138[2025].
    - To simplify the requirements, by regulating the number of dwelling units and whether they may be attached or detached or some combination of both, rather than include a long list of dwelling types that, under state law definitions, are no longer clearly distinct from one another and are often not consistent with the terminology used in the building code.

2. Allow increased lot coverage for bonus middle housing units, pursuant to HB 2138[2025].

3. Permit manufactured dwelling parks as Primary Uses, rather than Condition Uses (a Type III application) in the Urban Low Density, R 2.5, and PMD Districts, subject to Design Review (a Type II application). This change is proposed to provide a more efficient pathway for manufactured dwelling parks, while ensuring the parks meet all applicable development standards in Section 1000, *Development Standards*.

4. Move a footnote related to minimum lot size for townhouses in the MR-1 and MR-2 Districts from Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts* to Table 315-3, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts*.

5. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

6. Include conforming amendments and other minor clarifying edits.

315 URBAN LOW DENSITY RESIDENTIAL (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, AND R-30), VILLAGE STANDARD LOT RESIDENTIAL (VR-5/7), VILLAGE SMALL LOT RESIDENTIAL (VR-4/5), VILLAGE TOWNHOUSE (VTH), PLANNED MEDIUM DENSITY RESIDENTIAL (PMD), MEDIUM DENSITY RESIDENTIAL (MR-1), MEDIUM HIGH DENSITY RESIDENTIAL (MR-2), HIGH DENSITY RESIDENTIAL (HDR), VILLAGE APARTMENT (VA), SPECIAL HIGH DENSITY RESIDENTIAL (SHD), AND REGIONAL CENTER HIGH DENSITY RESIDENTIAL (RCHDR) DISTRICTS

315.01 PURPOSE

Section 315 is adopted to implement the policies of the Comprehensive Plan for Low Density Residential, Village Standard Lot Residential, Village Small Lot Residential, Village Townhouse, Medium Density Residential, Medium High Density Residential, High Density Residential, Special High Density Residential, Village Apartment, and Regional Center High Density Residential areas.

315.02 APPLICABILITY

Section 315 applies to land in the Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts, hereinafter collectively referred to as the urban residential zoning districts.

315.03 USES PERMITTED

A. Uses permitted in each urban residential zoning district are listed in Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*. Uses not listed are prohibited, except:

   1. In the PMD District, uses similar to one or more of the listed uses for the PMD District may be authorized pursuant to Section 106, *Authorizations of Similar Uses*; and

   2. In the HDR, SHD, and RCHDR Districts, uses similar to one or more of the listed limited uses for the applicable zoning district may be authorized pursuant to Section 106.

B. As used in Table 315-1:

   1. "P" means the use is a primary use.

   2. "A" means the use is an accessory use.

3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "CPUD" means the use is allowed as a conditional use in a planned unit development.
6. "X" means the use is prohibited.
7. Numbers in superscript correspond to the notes that follow Table 315-1.

C. Permitted uses are subject to the applicable provisions of Subsection 315.04, *Dimensional and Building Design Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process.*

315.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

A. General: Dimensional and building design standards applicable in the urban residential zoning districts are listed in Tables 315-~~2~~3, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts*; 315-~~3~~4, *Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-~~4~~5, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*. As used in Tables 315-~~2~~3 through 315-~~4~~5, numbers in superscript correspond to the notes that follow each table.

B. Modifications: Modifications to the standards in Tables 315-~~2~~3 through 315-~~4~~5 are established by Sections 800, *Special Use Requirements*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. Except in the HDR, SHD, and RCHDR Districts, modifications to the standards in these tables also are established by Section 903, *Setback Exceptions.*

Table 315-1: Permitted Uses in the Urban Residential Zoning Districts

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Accessory Buildings and Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, stormwater management facilities, television antennas and receivers, transit	A	A	A	A	A	A	A	A	A	A	A

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
amenities, trellises, utility service equipment, and utility service lines											
Bed and Breakfast Inns, subject to Section 832	C	X	C	X	X	P	P	P	X	L[1],C[2]	L[3]
Bed and Breakfast Residences, subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
Bus Shelters	A	A	A	A	P	A	A	A	A	A	A
Cemeteries, subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
Child Care Centers	P[4],C	P[4],C	P	P	P[4],C	P[4],C	P	P	P	P	P
Civic and Cultural Facilities, including art galleries, museums, and visitor centers	X	X	X	X	X	X	X	L[5],C[6]	X	L[1],C[2]	L[3]
Community Halls	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD
Composting Facilities	X	X	X	X	X	X	X	X	X	X	X
Daycare Services, Adult	C	C	C	C	C	C	C	L[5],C	C	L[1],C[2]	L[3]
Dwellings~~[7], including~~**: see Table 315-2,** *Permitted Dwellings and Other Residential Uses in the Urban Residential Zoning Districts*											
~~Accessory Dwelling Units, subject to Section 839~~	~~A~~	~~A~~	~~A~~	~~A~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Congregate Housing Facilities~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Cottage Clusters~~	~~P[8,9]~~	~~P[8,9]~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Detached Single-Family Dwellings~~	~~P[8]~~	~~P[8]~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
~~Duplexes~~	~~P[8]~~	~~P[8]~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~
~~Manufactured Dwelling Parks, subject to Section 825~~	~~P[10],C~~	~~P[11]~~	~~C~~	~~X~~	~~C~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Manufactured Homes~~	~~P[8]~~	~~P[8]~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Multifamily Dwellings~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Prefabricated Structures~~	~~P[8]~~	~~P[8]~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Quadplexes~~	~~P[8,9]~~	~~P[8,9]~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Recreational Vehicles as Second Dwellings, subject to Section 847~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single Room Occupancies~~	~~P[8, 12]~~	~~P[8, 12]~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Townhouses~~	~~P[8,9]~~	~~P[8,9]~~	~~P~~	~~P~~	~~X~~	~~P[13]~~	~~P[13]~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Triplexes~~	~~P[8,9]~~	~~P[8,9]~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~
Emergency Shelter, subject to Section 848	P	P	P	P	P	P	P	P	P	P	P
Entertainment Facilities, including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C[2]	X
Farmers' Markets, subject to Section 840	A	A	A	A	A	A	A	A	A	A	A
Fences and Retaining Walls	P	P	P	P	P	P	P	P	P	P	P

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L[5],C[6]	X	L[1],C[2]	L[3]
Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L[5],C	X	L[1,7~~14~~],C	L[3],C
Fraternal Organization Lodges	C[8~~15~~]	X	C[8~~15~~]	X	C[8~~15~~]	C[8~~15~~]	C[8~~15~~]	C[8~~15~~]	X	C[8~~15~~]	C[8~~15~~]
Government Uses, unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C[8~~15~~]	X	C[8~~15~~]	X	C[8~~15~~]	C[8~~15~~]	C[8~~15~~]	C[8~~15~~]	X	C[8~~15~~]	C[8~~15~~]
Guest Houses, subject to Section 833	A	X	A	X	X	X	X	X	X	X	X
Home Occupations, including bed and breakfast homestays, subject to Section 822[9~~16~~]	A	A	A	A	A	A	A	A	A	A	A
Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use	C	X	X	X	X	X	X	X	X	X	X
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	X	C	X	X	C	C	C	X	C	X
Hotels and Associated Convention Facilities	X	X	X	X	X	X	X	X	X	C[10~~7~~]	L[3],C

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Kitchens, Accessory	A[1]~~8~~	A[1]~~8~~	A[1]~~8~~	A[1]~~8~~	X	A[1]~~8~~	A[1]~~8~~	X	X	X	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	L[5],C[6], CPUD	CPUD	L[1],C[2], CPUD	L[3], CPUD
Livestock, subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
Marijuana Processing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments, subject to Section 844	C	X	X	X	X	C	X	C	X	C	X
Nursing Homes	C	C	C	P	P	P	P	P	P	P	P
Offices, including accounting services, administrative, business, corporate, and professional offices, but not including offices for governmental uses. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	X	X	X	X	X	X	X	L[5],C[6]	X	L[1],C[2]	L[3]

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Offices and Outpatient Clinics—both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy	X	X	X	X	X	X	X	L[5],C[6]	X	L[1],C[2]	L[3]
Parking Structures	X	X	X	X	X	A	A	A	X	A	A
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Places of Worship, subject to Section 804	P	P	P	P	P	P	P	P	P	P	P
Produce Stands, subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
Radio and Television Studios, excluding transmission towers	X	X	X	X	X	X	X	X	X	L[1],C[2]	X
Radio and Television Transmission and Receiving Towers and Earth Stations[1~~2~~8]	C[8~~15~~]	X	C[8~~15~~]	X	X	C[8~~15~~]	C[8~~15~~]	C[8~~15~~]	X	C[8~~15~~]	C[8~~15~~]
Recreational Vehicle Camping Facilities, subject to Section 813	X	X	X	X	X	C[8~~15~~]	C[8~~15~~]	C[8~~15~~]	X	X	X

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Recreational Uses, Government-Owned, including parks, amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; tables and seating; and similar recreational uses[1 3 9]	P[1 4 21]	P[1 4 21]	P[1 4 21]	P[1 4 22]	P[1 4 22]	P[1 4 22]	P[1 4 22]	P[1 4 22]	P[1 4 22]	P[1 4 22]	P[1 4 22]
Recreational Uses, Government-Owned Golf Courses[1 3 9]	P[1 4 21]	X	P[1 4 21]	X	C[8 15]	P[1 4 22 25]	P[1 5 22]	C[8 15]	X	C[8 15]	C[8 15]
Recreational Uses, including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools[1 3 19]	C[8 15]	X	C[8 15]	X	C[8 15]	C[8 15]	C[8 15]	C[8 15]	X	C[8 15]	C[8 15]

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Recyclable Drop-Off Sites, subject to Section 819	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]	A[16~~23~~]
Residential Treatment Facilities and Residential Treatment Homes, subject to Section 849[8~~,1724~~]	P[18]	P[18]	P[18]	P[18]	P	P	P	P	P	P	P
Retailing—whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	CPUD[19~~25~~]	CPUD[19~~25~~]	CPUD[19~~25~~]	CPUD[19~~25~~]	CPUD[19~~25~~]	CPUD[19~~25~~]	CPUD[19~~25~~]	L[5],C[6], CPUD[19~~25~~]	CPUD[19~~25~~]	L[1],C[2], CPUD[19~~25~~]	L[3], CPUD[19~~25~~]

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Roads	P	P	P	P	P	P	P	P	P	P	P
Schools, subject to Section 805	C	C	C	CPUD	CPUD	C	C	L[5,26],C[6,206],CPUD	CPUD	L[1,206],C[2,206], CPUD	L[3,206], CPUD
Services, Business, including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	X	X	X	X	X	X	X	L[5],C[6]	X	L[2],C[3]	L[1]
Services, Commercial—Construction and Maintenance, including contractors engaged in construction and maintenance of electrical and plumbing systems	X	X	X	X	X	X	X	X	X	C[2]	X
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	CPUD[1925]	CPUD[1925]	CPUD[1925]	CPUD[1925]	CPUD[1925]	CPUD[1925]	CPUD[1925]	L[5],C[6], CPUD[1925]	CPUD[1925]	L[1],C[2], CPUD[1925]	L[3], CPUD[1925]
Services, Commercial—Maintenance and Repair of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	X	X	X	X	X	X	X	L[5],C[6]	X	L[1],C[2]	L[3]

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	X	X	X	X	X	X	X	X	X	C[2]	X
Services, Commercial—Miscellaneous, including food lockers, interior decorating, locksmith, upholstering, and veterinary	X	X	X	X	X	X	X	L[5],C[6]	X	L[1],C[2]	L[3]
Services, Commercial—Personal and Convenience, including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	L[5],C[6], CPUD[19 25]	CPUD[19 25]	L[1],C[2], CPUD[19 25]	L[3], CPUD[19 25]
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	CPU[19 ~~D~~ 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	CPUD[19 25]	L[5],C[6], CPUD[19 25]	CPUD[19 25]	L[1],C[2], CPUD[19 25]	L[3], CPUD[19 25]
Short-Term Rental in a dwelling unit or guest house permitted by this table	P[2 17]	P[2 17]	P	P	P	P	P	P	P	P	P
Signs, subject to Section 1010	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]	A[2 28]

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A
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	A	A	A	A	A	A	A	A	A	A	A
Transit Park-and-Rides	X	X	X	X	X	X	X	X	X	X	A
Utility Facilities, including:											
Stormwater Management Facilities	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]	P,C[239]
Utility Cabinets	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]	P,C[2430]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities Not Otherwise Listed in Table 315-1	C[714,2531]	C[7,14,2531]	C[714,2531]	X	C[714,2531]	C[714,2531]	C[714,2531]	C[14,2531]	X	C[714,2531]	C[714,2531]
Utility Lines	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]	P,C[2632]

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

[1] The limited use is permitted subject to the following criteria:

a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.

b. The building floor area occupied by all limited uses shall not exceed 15 percent of the building floor area occupied by primary uses.

c. No outdoor storage of materials associated with the use shall be allowed.

d. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.

[2] The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.

[3] The limited use is permitted subject to the following criteria:

a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.

b. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.

[4] Child care centers are a primary use only if located on the same lot of record as a legally established institutional use, including a civic center, public recreational center, public park, place of worship, school, college, or library; and is subject to the same land use review standards as the institutional use with which it is located.

[5] The limited use is permitted subject to the following criteria:

a. The use shall be part of a development within a Design Plan area.

b. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.

c. The building floor area occupied by all limited uses shall not exceed 10 percent of the building floor area occupied by primary uses. No single limited commercial use shall occupy more than 1,500 square feet of building floor area.

d. Allowing the use 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.

e. No outdoor storage of materials associated with the use shall be allowed.

f. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.

6 The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6, shall not exceed 10 percent of the building floor area occupied by primary uses.

~~7 Dwellings not otherwise permitted in the applicable zoning district may nonetheless be permitted if they are developed as affordable housing, as defined in ORS 197A.445(1), and subject to Subsection 846.01.~~

~~8 Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: cottage cluster development, detached single-family dwelling, duplex, manufactured home, prefabricated structure, quadplex, residential treatment facility, residential treatment home, single room occupancy, townhouse, or triplex.~~

~~9 The development of a triplex, quadplex, townhouse, or cottage cluster is subject to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*.~~

~~10 A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are conditional uses.~~

~~11 A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are prohibited.~~

~~12~~ ~~A single room occupancy shall contain a maximum of six units~~.

~~13~~ ~~For a townhouse, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for townhouses. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.~~

~~14~~7 Only indoor facilities are permitted.

~~15~~8 Uses similar to this use may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

~~16~~9 A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 315-1.

~~17~~10 Hotels in the SHD District are limited to a maximum of 80 units per gross acre.

~~18~~11 An accessory kitchen is permitted only in a townhouse, a detached single-family dwelling, a manufactured home, or a prefabricated structure, to the extent that these dwelling types are permitted in the applicable zoning district. Only one accessory kitchen is permitted in each townhouse, detached single-family dwelling, manufactured home, or prefabricated structure.

~~19~~12 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

~~20~~13 This use may include concessions, restrooms, maintenance facilities, and similar support uses.

~~21~~14 Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

~~22~~15 Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

~~23~~16 Recyclable drop-off sites are permitted only if accessory to an institutional use.

~~24~~17 Section 849 applies to all residential treatment facilities and residential treatment homes, except those with 15 or fewer residents, all of whom reside in a single dwelling unit that is permitted by Table 315-~~1~~2. Residential treatment facilities and residential treatment homes that meet this exception are an allowed use within a dwelling unit and are subject only to the review required to permit the dwelling unit.

[18] A lot of record may be developed with only one residential treatment facility or residential treatment home and may not contain any other dwelling units or other residential uses allowed by Table 315-2.

[~~25~~19] The use is subject to the following standards and criteria:

a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.

b. The area occupied by all uses subject to Note ~~22~~19 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.

c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.

d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.

e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

[~~26~~20] Only commercial schools are permitted, and such schools are not subject to Section 805, *Schools*.

[~~27~~21] This use is prohibited in a recreational vehicle established pursuant to Section 847, *Recreational Vehicles as Second Dwellings*, and in the primary dwelling on the same lot of record as the recreational vehicle.

[~~28~~22] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[~~29~~23] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

~~30~~24 Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

~~31~~25 Except for hydroelectric facilities and telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.

~~32~~26 Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

Table 315-2: Permitted Dwellings[1] and Other Residential Uses in the Urban Residential Zoning Districts

	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Number of Dwelling Units Permitted as a Primary Use Per Lot of Record[2]	Up to 4[3,4,5]		One[3]	Up to 4	Minimum and maximum number of units calculated pursuant to Section 1012						Minimum number of units calculated pursuant to Section 1012
Attached/Detached	May be in any combination of attached and detached dwelling units		Dwelling units must be townhouses	Dwelling units must be attached to at least one other dwelling unit						Dwelling units must be attached to at least three other dwelling units	
Additional Dwelling Units that May be Permitted											
Accessory Dwelling Units, subject to Section 839	Permitted				Prohibited						
Recreational Vehicles as Second Dwellings, subject to Section 847	Permitted		Prohibited								
Temporary Dwellings, subject to Section 1204	Permitted										
Other Residential Uses Permitted as a Primary Use											
Cottage Clusters	Permitted[3,6]		Prohibited		Permitted[7]		Prohibited				
Manufactured Dwelling Parks, subject to Section 825	Permitted[6,8]	Permitted[6,9]	Permitted[6]	Prohibited	Permitted[7]		Prohibited				
Single Room Occupancies	Permitted[6,10]		Prohibited		Permitted[7]						
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	Permitted										

[1] Dwellings not otherwise permitted in the applicable zoning district may nonetheless be permitted if they are developed as affordable housing, as defined in ORS 197A.445(1), and subject to Subsection 846.01.

[2] Except as allowed under the "Other residential uses permitted as a Primary Use" category and exclusive of additional dwellings that may be permitted by Section 847, *Recreational Vehicles as Second Dwellings*, Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits* or bonus dwelling units allowed by ZDO Section 1012, *Lot Size and Density*.

[3] If one unit is developed on a lot of record, it must be a detached single family dwelling, manufactured dwelling, prefabricated structure, or townhouse.

[4] All townhouses, cottage clusters, and other middle housing with three or more dwelling units are subject to Section 845, *Middle Housing*.

[5] The maximum number of units on a lot of record established pursuant to a middle housing land division (MHLD) is one, except as allowed by Subsection 1105.07(C).

[6] A lot of record may be developed with only one cottage cluster development, manufactured dwelling park (if permitted), or single room occupancy and may not contain any other dwelling units.

[7] A lot of record may be developed with uses allowed under the "Other residential uses permitted as a Primary Use" category in conjunction with dwelling units permitted as a primary use, subject to minimum and maximum density standards calculated pursuant to Section 1012, *Lot Size and Density*.

[8] A manufactured dwelling park that also qualifies as a cottage cluster development may be developed pursuant to Section 845, *Middle Housing*. All other manufactured dwelling parks are subject to Section 825, *Manufactured Dwelling Parks*.

[9] A manufactured dwelling park that also qualifies as a cottage cluster development may be developed pursuant to Section 845, *Middle Housing*. All other manufactured dwelling parks are prohibited.

[10] A single room occupancy shall contain a maximum of six units.

Table 315-~~2~~3: Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
District Land Area (DLA) for Calculating Density Pursuant to Section 1012/Minimum Lot Size[1,2]	2,500/2,000 square feet	5,000/4,000square feet[3]	7,000/5,600 square feet[4]	8,500/6,800 square feet[4]	10,000/8,000 square feet[4]	15,000/12,000 square feet[4]	20,000/16,000 square feet[4]	30,000/24,000 square feet[4]
Maximum Lot Coverage	50 percent[5,6]							
Maximum Building Height	Accessory buildings larger than 500 square feet and accessory to a primary dwelling, except accessory dwelling units: 20 feet or the height of the primary dwelling, whichever is greater All other buildings, including accessory dwelling units: 35 feet							
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries[7]							
Minimum Rear Setback	20 feet[7,8,9,10,11]							
Minimum Side Setback	5 feet[7,8,9,10,11]							

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling	Equal to the ground floor area of the primary dwelling and the ground floor area of any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage). This provision does not apply to accessory dwelling units.							
Building Design Standards for Detached Single-Family Dwellings, Duplexes, Manufactured Homes, Prefabricated Structures, and Single Room Occupancies[12]	A minimum of three of the following features are required: a covered porch at least two feet deep; an entry area recessed at least two feet from the exterior wall to the door; a bay or bow window (not flush with the siding); an offset on the building face of at least 16 inches from one exterior wall surface to the other; a dormer; a gable; roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; a roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other; an attached garage; orientation of the long axis and front door to a street; a cupola; a tile, shake, or composition roof; and horizontal lap siding. The required features must be on the same facade as a front door unless the feature is unrelated to a facade (e.g., roofing material).							
Building Design Standards for Buildings Accessory to a Dwelling	Freight shipping containers shall be located behind the building line of the dwelling, and the exterior shall be painted similar in color to that of the dwelling. Metal buildings greater than 500 square feet in area shall include roof overhangs, gutters, and downspouts, and the exterior shall be painted similar in color to that of the dwelling.							

[1] The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.

[2] In a planned unit development, there is no minimum lot size. However, the DLA standard applies pursuant to Section 1012, *Lot Size and Density*.

[3] For townhouses developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*, there is no minimum lot size and the DLA shall be one-third of the DLA.

[4] For townhouses developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*, there is no minimum lot size and the DLA shall be one-quarter of the DLA in the applicable zoning district.

[5] Maximum lot coverage is 65 percent in a planned unit development or a middle housing development with bonus units permitted pursuant to Table 1012-1, *Bonus Density*, for affordable or accessible units~~is 65 percent~~.

[6] For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.

[7] For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet, and the minimum side and rear setbacks are three feet.

[8] In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. In a zero-lot-line development, approved pursuant to Subsection 1105.03(B), there are no minimum rear and side setbacks for detached single-family dwellings, manufactured homes, prefabricated structures, single room occupancies, and structures accessory to such dwellings, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-~~2~~3.

[9] Except for townhouses, setbacks for structures on a middle housing lot shall continue to be measured from the lot lines of the parent lot that was divided through the middle housing land division..

[10] The following exceptions apply to a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record:

a. The minimum rear setback for a detached single-family dwelling, duplex, manufactured home, prefabricated structure, or single room occupancy is 10 feet.

b. The minimum side setback for a detached single-family dwelling, duplex, manufactured home, prefabricated structure, or single room occupancy is a total of five feet (e.g., five feet from one side lot line and zero from the other, three feet from one side lot line and two feet from the other) except that if the subject lot of record has more than two side lot lines, the minimum side setback from each of the additional side lot lines is five feet.

[11] If an accessory building is located behind the building line of the main building, the applicable minimum rear and side setback standards for that accessory building are based on the accessory building area and accessory building height, as follows:

	Building Height			
Building Area	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet and ≤ 15 feet	> 15 feet
≤ 100 square feet	None	3 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 100 square feet and ≤ 200 square feet	3 feet side and rear	3 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 200 square feet and ≤ to 500 square feet	5 feet side and rear	5 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 500 square feet	5 feet side; 10 feet rear	5 feet side; 10 feet rear	5 feet side, 10 feet rear	5 feet side, 10 feet rear

[12] These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*; to manufactured homes or prefabricated structures in manufactured dwelling parks; or to an application for the development of 20 or more detached single-family dwellings, duplex dwelling units, manufactured homes, or prefabricated structures.

Table 315-~~3~~4: Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts

General Standards			
Standard	**VR-5/7**	**VR-4/5**	**VTH**
District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size[1]	5,000/4,000 square feet[2]	4,000/2,000 square feet[2]	2,000/2,000 square feet[3]
Maximum Lot Size[1]	7,000 square feet[4,5]	5,000 square feet[4,6]	3,000 square feet[3,7]
Maximum Lot Coverage	50 percent[8]		65 percent
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building or 4 feet forward of the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building.		
Maximum Driveway Width	16 feet at the front lot line, unless the subject property is developed with a garage that has at least three side-by-side (as opposed to tandem) garage bays, in which case the maximum driveway width shall be 24 feet at the front lot line[9]		See Subsection 1005.11(B)(4).
Minimum Percentage of Lots in a Subdivision that Shall have Alley Motor Vehicle Access Only	50 percent of lots with frontage on an alley		Not Applicable
Garage/Carport Design for Primary Dwellings	A minimum of 50 percent of the primary dwellings in a development shall have a recessed garage/carport or no garage/carport. The remaining 50 percent may have a non-recessed garage/carport.[9,10,11]	All garages and carports shall be recessed.[10]	See Subsection 1005.11(B).

Standards for Primary Dwellings			
Standard	**VR-5/7**	**VR-4/5**	**VTH**
Maximum Building Height	35 feet[9]		
Minimum Front Setback	10 feet for a dwelling with a recessed garage/carport or no garage/carport; 19½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport[9,10,11,12,13,14]	10 feet [12,13,14]	10 feet[15,16,17]
Maximum Front Setback	18 feet for a dwelling with a recessed garage/carport or no garage/carport; 20½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport[9,10,11,12,13,18,19,20]	18 feet[12,13,18,19,20]	18 feet[15]
Minimum Rear Setback	15 feet[9,12,13,21]		15 feet[21]
Minimum Side Setback	0 on one side; 5 feet on all other sides[9,12,21]		5 feet[21,22]

Building Design Standards[9,23,24]	• Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall. • Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. • Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited. • If the lot on which the dwelling is located has street frontage on a local or connector street, or a private street that meets local or connector street design standards, then the primary entry to the dwelling shall be accessed directly from and be visible from one of those streets. • A minimum of 50 percent of the dwellings in a subdivision shall have a porch or patio. The porch or patio shall be covered, placed immediately adjacent to the primary entry to the dwelling, have a minimum unobstructed depth of six feet, and have a minimum unobstructed width of 10 feet.	See Subsections 1005.03(F) and 1005.11(A).

Standards for Buildings Accessory to a Dwelling

Standard	VR-5/7	VR-4/5	VTH
Maximum Number of Accessory Buildings per Lot of Record	Two		
Minimum Separation Distance Between an Accessory Building and any other Building on the Same Lot of Record	3 feet		
Maximum Building Height	25 feet or the building height of the primary dwelling, whichever is less[25]		

Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.		Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.
Minimum Front Setback	Greater than or equal to the front setback of the facade of the primary dwelling (not including porches, patios, bays, garages, and architectural features)[9,26]		
Exterior Building Materials	Buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling.[9]		
Minimum Rear and Side Setback Standards for Buildings Accessory to a Primary Dwelling in the VR-5/7, VR-4/5, and VTH Districts[10,20]			
Building Area	**Building Height**		
	≤ 8 feet	> 8 feet and ≤ 20 feet	> 20 feet
≤ 100 square feet	None	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley[27]	No minimum on one side, 5 feet on all other sides; 5 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley[27]
> 100 square feet	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley[27]		No minimum on one side, 5 feet on all other sides; 5 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley[27,28]

[1] The minimum and maximum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.

[2] For townhouses developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*, there is no minimum lot size and the DLA shall be one-third of the DLA.

[3] The minimum and maximum lot size standards apply only to lots or parcels for townhouses.

[4] The maximum lot size standard applies only to lots or parcels for detached single-family dwellings, manufactured homes, prefabricated structures, single room occupancies, or middle housing, except the maximum lot size standard does not apply to a middle housing land division.

[5] Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 6,500 square feet.

[6] Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 5,000 square feet.

[7] Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 2,500 square feet.

[8] For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.

[9] Except for middle housing developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*, development on lots in the plat of Sieben Creek Estates (plat no. 3039) is not required to comply with this standard.

[10] A recessed garage or carport is a garage or carport with a front setback to the garage door or carport motor vehicle entry that is a minimum of five feet greater (i.e., farther from the front lot line) than the front setback to the facade of the primary dwelling living area (not including porches, patios, bays, and architectural features).

[11] A non-recessed garage or carport shall have a front setback to the garage door or carport motor vehicle entry that is a maximum of five feet less (i.e., closer to the front lot line) than the front setback to the facade of the primary dwelling living area (not including porches, patios, bays, and architectural features).

[12] The minimum and maximum setback standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map 10~~X~~-SV-1, *Sunnyside Village Plan Land Use Plan Map*. The maximum setback standards do not apply to cottage clusters developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*.

[13] On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.

[14] A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.

[15] Frontage on an accessway shall be considered a front lot line.

[16] On a corner lot, the minimum setback from one front lot line is eight feet, provided that the lot line abuts a road with a functional classification of local or connector.

[17] Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback.

[18] If a public utility easement precludes compliance with the maximum front setback standard, the maximum shall be as close to the front lot line as possible.

[19] Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback standard.

[20] If a lot has more than one front lot line, compliance with the maximum front setback standard is required from only two intersecting front lot lines.

[21] In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-~~3~~4.

[22] Frontage on a pedestrian connection shall be considered a side lot line.

[23] For triplexes, quadplexes, and townhouses developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*, design standards in Section 845 shall apply in addition to standards in Table 315-~~3~~4.

[24] These building design standards do not apply to an application for the development of 20 or more detached single-family dwellings, duplex dwelling units, manufactured homes, or prefabricated structures.

[25] The maximum building height standard applies only to accessory buildings larger than 100 square feet.

[26] A garage may be required to be recessed, as defined by Note 11, in order to comply with the standard for garage/carport design for primary dwellings.

[27] Frontage on a pedestrian connection shall be considered a side lot line, and the minimum setback is five feet.

[28] If the rear lot line abuts an alley, a second-story accessory dwelling unit may cantilever a maximum of four feet into the minimum rear setback.

Table 315-45: Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
District Land Area for Calculating Density Pursuant to Section 1012	3,630 square feet[1]	3,630 square feet[1]	2,420 square feet[1]	1,742 square feet[1]	1,500 square feet[1]	726 square feet[1]	Not Applicable
Minimum Density	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012
Minimum Lot Size	None	None[12]	None[23]	None	None	None	None
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries	15 feet, except 20 feet to garage and carport motor vehicle entries[3,4,5]	15 feet, except 20 feet to garage and carport motor vehicle entries[54]	15 feet[65]	10 feet[6,7,8]	15 feet	5 feet[98]
Maximum Front Setback	See Subsections 1005.02(E) and (H).	See Subsections 1005.02(E) and (H).	See Subsections 1005.02(E) and (H).	See Subsections 1005.02(E) and (H).	18 feet[76]	See Subsections 1005.02(E) and (H).	20 feet[8,9,10]
Minimum Rear Setback	30 feet[110]	20 feet[65,10,11,12,13]	20 feet[65,110]	See Subsection 1005.02(L)[5]	None[6,7,8]	See Subsection 1005.02(L)	See Subsection 1005.02(L)[143]

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Minimum Side Setback	30 feet[1~~10~~]	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required.[~~6~~5,~~10~~,11,12,13,~~14~~,15,16]	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required.[~~6~~5,11~~0~~,~~14~~,15,16]	See Subsection 1005.02(L)[~~6~~5]	None	See Subsection 1005.02(L)	See Subsection 1005.02(L)[17~~6~~]
Maximum Building Height	None	None	None	None	45 feet	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1005.02(L)	20 feet between multifamily dwellings	See Subsection 1005.02(L)	See Subsection 1005.02(L)

[1] For single room occupancies, the DLA shall be one-third of the DLA listed in this table.

[~~1~~2] The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 3,630 square feet. For a townhouse, the minimum lot size is 3,630 square feet unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for townhouses. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.

[~~2~~3] The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 2,420 square feet. For a townhouse, the minimum lot size is 2,420 square feet unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for townhouses. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.

~~3~~4 For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet.

~~4~~5 On a corner lot developed with a townhouse, the minimum front setback from one front lot line is 10 feet, except that the minimum shall be 20 feet to garage and carport motor vehicle entries.

~~5~~6 The minimum setback standards of Table 315-~~2~~3, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.

~~6~~7 If the front or rear lot line abuts Sunnyside Road, the minimum setback shall be 65 feet from the centerline of Sunnyside Road, and the maximum setback shall be 75 feet from the centerline of Sunnyside Road.

~~7~~8 Awnings, porches, and bays may extend a maximum of six feet into the minimum setback.

~~8~~9 For dwellings and structures accessory to dwellings, the minimum front setback shall be 15 feet, and there shall be no maximum setback. However, Note 8 does not apply to mixed-use buildings that include dwellings or to structures accessory to such mixed-use buildings.

~~9~~10 The maximum setback may be exceeded to accommodate plazas identified on Comprehensive Plan Map 10~~X~~-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements.*

~~10~~11 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-~~4~~5.

~~11~~12 For a swimming pool that is accessory to a dwelling, the minimum side and rear setbacks are five feet, unless the side or rear lot 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 lot line.

~~12~~13 The minimum rear and side setback standards for an accessory building are based on the building area and height, as follows:

	Building Height		
Building Area	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet
≤ 100 square feet	None, if the accessory building is located behind the building line of the main building; otherwise, 3 feet side and rear	3 feet side and rear	Same as primary building minimum setbacks
> 100 square feet and ≤ 200 square feet	3 feet side and rear	3 feet side and rear	Same as primary building minimum setbacks
> 200 square feet	Same as primary building minimum setbacks	Same as primary building minimum setbacks	Same as primary building minimum setbacks

~~13~~14 If the rear lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum rear setback is 20 feet.

~~14~~15 If the side lot line abuts an Urban Low Density Residential, VR-5/7, or VR-4/5 District, the minimum side setback for a two-story building is 10 feet.

~~15~~16 The minimum side setback for a townhouse is five feet from any side lot line where two townhouses do not share a common wall.

~~16~~17 If the side lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum side setback is 15 feet.

[Added by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/2/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-273, on remand,

05/30/2023; Amended by Ord. ZDO-287, 08/03/2023; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 316, *Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts*

1. Adds an exception to the setback standards applicable to residential accessory structures when properties are both located in the FU-10 zoning district and have had a low-density residential comprehensive plan designation applied by the City of Oregon City to allow for property owners to develop under the setback rules applicable to accessory structures within the City of Oregon City's low density residential zones.

2. Adds setback exceptions for lots within a Planned Unit Development to lots in the FU-10 zoning district.

3. Clarifies that sewer system components that are subject to OAR 660-011-0060(4) and subject to a Type II review are those that are located outside an urban growth boundary but serve land inside an urban growth boundary.

4. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

316 RURAL AREA RESIDENTIAL 1-ACRE (RA-1), RURAL AREA RESIDENTIAL 2-ACRE (RA-2), RECREATIONAL RESIDENTIAL (RR), RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5), FARM FOREST 10-ACRE (FF-10), AND FUTURE URBAN 10-ACRE (FU-10) DISTRICTS

316.01 PURPOSE

Section 316 is adopted to implement the policies of the Comprehensive Plan for Unincorporated Community Residential, Rural, and Future Urban areas.

316.02 APPLICABILITY

Section 316 applies to land in the Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts, hereinafter collectively referred to as the rural residential and future urban residential zoning districts.

316.03 USES PERMITTED

A. Uses permitted in each rural residential and future urban residential zoning district are listed in Table 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*. Uses not listed are prohibited.

B. As used in Table 316-1:

1. "A" means the use is an accessory use.
2. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
3. "CPUD" means the use is allowed as a conditional use in a planned unit development.
4. "NA" means not applicable.
5. "P" means the use is a primary use.
6. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
7. "X" means the use is prohibited.
8. Numbers in superscript correspond to the notes that follow Table 316-1.

C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process.*

316.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*. As used in Table 316-2, numbers in superscript correspond to the notes that follow the table.

B. Modifications: Modifications to the standards in Table 316-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

Table 316-1: Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Accessory Buildings and Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, stormwater management facilities, television antennas and receivers, transit amenities, trellises, utility service equipment, and utility service lines	A	A	A	A	A	A
Aircraft Land Uses	X	X	X	C	C	C
Aircraft Landing Areas	X	C	C[1]	X	X	X
Bed and Breakfast Inns, subject to Section 832	C	C	C	C	C	X
Bed and Breakfast Residences, subject to Section 832	C	C	C	C	C	C
Bus Shelters	P	P	P	P	P	P
Campgrounds	C	C	C	C	C	C

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Cemeteries, subject to Section 808	C	C	X	C	C	C
Child Care Centers	P[2],C	P[2],C	C	P[2],C	P[2],C	P[2],C[3]
Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses[4]	X	X	X	C	C	X
Community Halls	CPUD	CPUD	CPUD	CPUD	CPUD	X[5]
Composting Facilities, subject to Section 834	X	X	X	C	C	X
Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources	P	P	P	P	P	P
Crematories, subject to Section 808	C	C	X	X	X	X
Daycare Services, Adult	C	C	C	C	C	C[6]
Dwellings, including:						
Accessory Dwelling Units, subject to Section 839	A[7]	A[7]	A[7]	A[7]	A[7]	A[7]
Accessory Historic Dwellings, subject to Section 843	A[8]	A[8]	A[8]	A[8]	A[8]	X
Detached Single-Family Dwellings	P[9]	P[9]	P[9]	P[9]	P[9]	P[9]
Duplexes	C[9]	X	X	X	X	X
Manufactured Dwellings	P[9]	P[9]	P[9]	P[9]	P[9]	P[9]
Prefabricated Structures	P[9]	P[9]	P[9]	P[9]	P[9]	P[9]
Recreational Vehicles as Second Dwellings, subject to Section 847	A[7]	A[7]	A[7]	A[7]	A[7]	A[7]
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P	P	P	P	P	P
Single Room Occupancies	P[9,10]	P[9,10]	P[9,10]	P[9,10]	P[9,10]	P[9,10]
Energy Source Development	X	X	C	X	X	X
Farm Uses, including[3]**:**						
Raising, harvesting, and selling crops	P	P	P[11]	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X[12]	P	X[12]	P	P	P
Dairying and the sale of dairy products	X[12]	P	X[12]	P	P	P

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X[12]	P	X[12]	P	P	P
Preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use	P	P	P[11]	P	P	P
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X[12]	P	X[12]	P	P	P
Growing cultured Christmas trees	P	P	P[11]	P	P	P
Farmers' Markets, subject to Section 840	A	A	A	A	A	A
Fish or Wildlife Management Programs	X	X	X	P	P	P
Forest Practices, including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P[13]	P[13]	P	P[13]	P[13]	P[13]
Fraternal Organization Lodges	C[14]	C[14]	C[14]	C[14]	C[14]	C[14]
Government Uses, unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C[14]	C[14]	C[14]	C[14]	C[14]	C[14]
Guest Houses, subject to Section 833	A	A	A	A	A	A
Guest Ranches and Lodges	X	X	C	X	X	X
Home Occupations, including bed and breakfast homestays, subject to Section 822[15]	A	A	A	A	A	A

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Home Occupations to Host Events, subject to Section 806	C	C	C	C	C	C
Kennels	C[16]	C[16]	X	C[16]	C[16]	X
Kitchens, Accessory	A[17]	A[17]	A[17]	A[17]	A[17]	A[17]
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	X[5]
Livestock, subject to Section 821	P	NA[12]	A	NA[12]	NA[12]	NA[12]
Marijuana Processing	X	X	X	X	X	X
Marijuana Production, subject to Section 841	X	X	X	A	A	X
Marijuana Retailing	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X
Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources	X	X	X	C	C	X
Places of Worship, subject to Section 804	P	P	P	P	P	P
Produce Stands	A[18]	A[18]	A[18]	A[18]	A[18]	A[18,19]
Radio and Television Transmission and Receiving Towers and Earth Stations	C[14,20]	C[14,20]	C[14,20]	C[14,20]	C[14,20]	C[14,20]
Recreational Uses, including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails[21]	C[14]	C[14,22]	C[14]	C[14,22]	C[14,22]	C[14,22]

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Recreational Uses, Government-Owned, including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses[21]	P[23]	P[23]	P[23]	P	P	P
Recreational Uses, Government-Owned Golf Courses[21]	P[23]	P[23]	P[23]	P	P	P
Recreational Vehicle Camping Facilities, subject to Section 813	C[14]	C[14]	C	C[14]	C[14]	X
Recyclable Drop-Off Sites, subject to Section 819	A[24]	A[24]	A[24]	A[24]	A[24]	A[24]

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Retailing—whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	CPUD[25]	X	X	X	X	X
Roads	P	P	P	P	P	P
Sanitary Landfills and Debris Fills	X	X	X	C	C	X
Schools, subject to Section 805	C[26]	C[26]	C	C[26]	C[26]	C[27]
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	CPUD[25]	X	X	X	X	X
Services, Commercial—Personal and Convenience, including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD[25]	X	X	X	X	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	CPUD[25]	X	X	X	X	X

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Short-Term Rental in a dwelling unit or guest house permitted by this table[28]	P	P[29]	P	P[29]	P[29]	P[29]
Signs, subject to Section 1010	A[30]	A[30]	A[30]	A[30]	A[30]	A[30]
Surface Mining, subject to Section 818	X	X	X	C	C	X
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
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	A	A	A	A	A	A
Transfer Stations, subject to Section 819	X	X	C	X	X	C
Utility Facilities, including:						
Sewer System Components that are Located Outside an Urban Growth Boundary and Serve Lands Inside an Urban Growth Boundary, subject to OAR 660-011-0060(3)	Type II[31]	Type II[31]	Type II[31]	Type II[31]	Type II[31]	Type II[31]
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)	Type II[32]	Type II[32]	Type II[32]	Type II[32]	Type II[32]	Type II[32]
Stormwater Management Facilities	P,C[33]	P,C[33]	P,C[33]	P,C[33]	P,C[33]	P,C[33]
Utility Cabinets	P,C[34]	P,C[34]	P,C[34]	P,C[34]	P,C[34]	P,C[34]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P	P	P	P	P	P
Utility Facilities Not Otherwise Listed in Table 316-1	C[14,35]	C[14,35]	C[14,35]	C[14,35]	C[14,35]	C[14,35]
Utility Lines	P,C[36]	P,C[36]	P,C[36]	P,C[36]	P,C[36]	P,C[36]

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

[1] Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.

[2] Within the Portland Metropolitan Urban Growth Boundary, child care centers are a primary use if located on the same lot of record as a legally established institutional use, including a civic center, public recreational center, public park, place of worship, school, college, or library; and is subject to the same land use review standards as the institutional use with which it is located.

[3] This use is limited to alteration or expansion of a lawfully established child care center, unless established as a primary use, pursuant to Note 2.

[4] As used in Table 316-1, farm uses do not include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing. See separate listings in Table 316-1 for these uses.

[5] Even though it is prohibited in this category, this use is included in the "government use" category.

[6] This use is limited to alteration or expansion of a lawfully established adult daycare service.

[7] This use is not permitted in an urban reserve established pursuant to OAR 660, Division 21 or OAR 660, Division 27. Recreational Vehicles as Second Dwellings are also not permitted within the urban growth boundaries of Barlow, Canby, Estacada, Molalla, and Sandy.

[8] This use is permitted only outside of both an urban growth boundary and an urban reserve established pursuant to OAR 660, Division 21 or OAR 660, Division 27.

[9] Except as allowed by Section 839, *Accessory Dwelling Units*, Section 843, *Accessory Historic Dwellings*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, duplex (only if approved as a conditional use in the RA-1 District), manufactured dwelling, prefabricated structure, or single room occupancy.

[10] This use is permitted only inside an urban growth boundary and shall contain a maximum of six units.

[11] This use is permitted only on lots larger than five acres.

[12] In the RA-2, RRFF-5, FF-10, and FU-10 Districts, livestock is not subject to Section 821, *Livestock*, and is instead permitted as described under the use category of farm uses.

[13] For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.

[14] Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

[15] A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.

[16] The portion of the premises used shall be located a minimum of 200 feet from all property lines.

[17] An accessory kitchen is permitted only in a detached single-family dwelling, a manufactured dwelling, or a prefabricated structure. Only one accessory kitchen is permitted in each single-family dwelling, manufactured dwelling, or prefabricated structure.

[18] A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.

[19] In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.

[20] The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

[21] This use may include concessions, restrooms, maintenance facilities, and similar support uses.

[22] Equine facilities are a primary use, subject to the following standards and criteria:

a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.

b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.

[23] Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

[24] Recyclable drop-off sites are permitted only if accessory to an institutional use.

[25] The use is subject to the following standards and criteria:

a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.

b. The area occupied by all uses subject to Note 23 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.

c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.

d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.

e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

f. The maximum building floor space per commercial use is 4,000 square feet except that no maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

[26] Schools are prohibited within the areas identified as ~~Employment, Industrial, and~~ Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.

[27] This use is limited to alteration or expansion of a lawfully established school.

[28] This use is prohibited in an accessory dwelling unit established pursuant to Subsection 839.04. This use is prohibited in a recreational vehicle established pursuant to Section 847, *Recreational Vehicles as Second Dwellings*, and in the primary dwelling on the same lot of record as the recreational vehicle.

[29] This use is not permitted in an urban or rural reserve established pursuant to OAR 660, Division 27.

[30] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[31] Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.

[32] The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

[33] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[34] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

[35] Except for hydroelectric facilities and telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.

[36] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

Table 316-2: Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts

Standard	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Minimum Lot Size[1]	1 acre[2,3]	2 acres[3]	2 acres	2 acres, provided that the minimum average lot size of all lots or parcels in a subdivision, partition, or replat is 5 acres[3,4,5,6]	10 acres[3,4,7]	10 acres[4]
Minimum Front Setback	30 feet[8]	30 feet[8]	15 feet, except 20 feet to garage and carport motor vehicle entries[9]	30 feet[8]	30 feet[8]	30 feet
Minimum Rear Setback	30 feet[10,11]	30 feet[10,12]	15 feet[10]	30 feet[10,12]	30 feet[10,12.]	30 feet[10, 12,14]
Minimum Side Setback	10 feet[10,13]	10 feet[10]	5 feet[10]	10 feet[10]	10 feet[10]	10 feet[10,14]
Maximum Lot Coverage	None	None	40 percent	None	None	None
Minimum Building Separation above 3,500 Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

[1] The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.

[2] In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a duplex, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.

[3] The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.

[4] For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.

[5] The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.

[6] The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.

[7] In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10 acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.

[8] In a planned unit development, the minimum front setback is 20 feet.

[9] For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.

[10] In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 316-2.

[11] The minimum rear setback for an accessory building shall be five feet except as established by Note 10.

[12] The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10 or Note 14.

[13] The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[14] When a property has had a comprehensive plan designation for low density residential (LR) applied by the City of Oregon City, side and rear setbacks for accessory structures located behind the front building line of the primary structure shall be as follows, except as established by Note 10:

	Less than 200 square feet in area	**Between 200 and 600 square feet in area**	**600 square feet or more**
Building Height less than 17 feet	3 feet side and rear. No further exception pursuant to Section 903, *Setback Exceptions*, is allowed.	3 feet side and rear for one accessory structure. No further exception Section 903, *Setback Exceptions* is allowed. For any additional accessory structures, 10 feet side and rear.	10 feet side and rear.
Building Height 17 feet or greater	10 feet side and rear.	10 feet side and rear.	10 feet side and rear.

[Added by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-263, 05/23/2017; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-269, 09/06/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-273, on remand, 05/30/2023; Amended by Ord. ZDO-287, 08/03/2023; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 317, *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

317 MOUNTAIN RECREATIONAL RESORT (MRR) AND HOODLAND RESIDENTIAL (HR) DISTRICTS

317.01 PURPOSE

Section 317 is adopted to implement the policies of the Comprehensive Plan for Mountain Recreation areas and Low Density Residential areas regulated by the Mount Hood Community Plan.

317.02 APPLICABILITY

Section 317 applies to land in the Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts.

317.03 USES PERMITTED

A. Uses permitted in the MRR and HR Districts are listed in Table 317-1, *Permitted Uses in the MRR and HR Districts*. Uses not listed are prohibited, except that in the MRR District, uses similar to one or more of the listed limited uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

B. As used in Table 317-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "CPUD" means the use is allowed as a conditional use in a planned unit development.
6. "X" means the use is prohibited.
7. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
8. Numbers in superscript correspond to the notes that follow Table 317-1.

C. Permitted uses are subject to the applicable provisions of Subsection 317.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process.*

317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

A. General: Dimensional and building design standards applicable in the MRR and HR Districts are listed in Table 317-2, *Dimensional and Building Design Standards in the MRR and HR Districts*. As used in Table 317-2, numbers in superscript correspond to the notes that follow the table.

B. Modifications: Modifications to the standards in Table 317-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions;* 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

Table 317-1: Permitted Uses in the MRR and HR Districts

Use	MRR	HR
Accessory Buildings and Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, stormwater management facilities, television antennas and receivers, transit amenities, trellises, utility service equipment, and utility service lines	A	A
Airports, Personal-Use	C	C
Bed and Breakfast Inns, subject to Section 832	P	C
Bed and Breakfast Residences, subject to Section 832	P	C
Bus Shelters	P	P
Campgrounds	C	C
Child Care Facilities	C	C
Civic and Cultural Facilities, including art galleries, museums, and visitor centers	L[1]	X
Community Halls	CPUD	CPUD
Composting Facilities	X	X
Daycare Services, Adult	C	C
Dwellings, including:		
Accessory Dwelling Units, subject to Section 839	A	A
Congregate Housing Facilities	P	X
Detached Single-Family Dwellings	P[2]	P[2]
Duplexes	P	X
Manufactured Dwelling Parks, subject to Section 825	C	X
Manufactured Homes	P[2]	P[2]
Multifamily Dwellings	P	X
Quadplexes	P	X
Prefabricated Structures	P[2]	P[2]
Recreational Vehicles as Second Dwellings, subject to Section 847	A	A
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P	P
Townhouses	P[2]	P[2,3]
Triplexes	P	X
Energy Source Development	C	C

Use	MRR	HR
Farmers' Markets, subject to Section 840	A	A
Fraternal Organization Lodges	C[4]	C[4]
Government Uses, unless such a use is listed elsewhere in this table as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C[4]	C[4]
Guest Houses, subject to Section 833	X	A
Guest Ranches and Lodges	X	C
Helistops, Personal-Use	C	C
Home Occupations, including bed and breakfast homestays, subject to Section 822[5]	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels[6]	P[7]	X
Kitchens, Accessory	A[8]	A[8]
Libraries	L[1], CPUD	CPUD
Livestock, subject to Section 821	A	A
Marijuana Processing	X	X
Marijuana Production	X	X
Marijuana Retailing	X	X
Marijuana Wholesaling	X	X
Mobile Vending Units, subject to Section 837	L[1,9]	X
Motels[6]	P[7]	X
Multi-Use Developments, subject to Section 844	C	C
Nursing Homes	P	C
Parking Structures	A	X
Places of Worship, subject to Section 804	P	P
Produce Stands, subject to Section 815	A	A
Radio and Television Transmission and Receiving Towers and Earth Stations	C[4,10]	C[4,10]
Recreational Uses, including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails[11]	C[4]	C[4]

Use	MRR	HR
Recreational Uses, Government-Owned, including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses[11]	P[12]	P[13]
Recreational Uses, Government-Owned Golf Courses[11]	P[12]	P[13]
Recreational Vehicle Camping Facilities, subject to Section 813	C[4]	C[4]
Recyclable Drop-Off Sites, subject to Section 819	A[14]	A[14]
Retailing—whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	L[1], CPUD[15]	CPUD[15]
Roads	P	P
Schools, subject to Section 805	C	C
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	L[1], CPUD[15]	CPUD[15]
Services, Commercial—Maintenance and Repair, of any of the following: bicycles and sporting goods	L[1], CPUD[15]	CPUD[15]
Services, Commercial—Personal and Convenience, including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L[1], CPUD[15]	CPUD[15]
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	L[1], CPUD[15]	CPUD[15]
Short-Term Rental in a dwelling unit or guest house permitted by this table	P[16]	P[16]
Signs, subject to Section 1010	A[17]	A[17]
Surface Mining, subject to Section 818	X	X
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	A	A

Use	MRR	HR
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
Transit Park-and-Rides	P	P
Transfer Stations, subject to Section 819	C	C
Utility Facilities, including:		
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)	Type II[18]	Type II[18]
Stormwater Management Facilities	P,C[19]	P,C[19]
Utility Cabinets	P,C[20]	P,C[20]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P	P
Utility Facilities Not Otherwise Listed in Table 317-1	C[5]	C[5,21]
Utility Lines	P,C[21]	P,C[22]
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1	See Table 835-1

[1] The limited use is permitted subject to the following criteria:

a. The use shall be incidental to a primary use.

b. The use shall be provided for as an integral part of the general plan of the development.

c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.

[2] Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, prefabricated structure, or townhouse.

[3] Townhouses are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.

[4] Uses similar to this may be authorized pursuant to Section 106.

[5] A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 317-1.

[6] Also permitted are associated convention facilities.

[7] A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.

[8] An accessory kitchen is permitted only in a detached single-family dwelling, manufactured dwelling, or prefabricated structure. Only one accessory kitchen is permitted in each single-family dwelling, manufactured dwelling, or prefabricated structure.

[9] Only level three and four mobile vending units are permitted.

[10] The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

[11] This use may include concessions, restrooms, maintenance facilities, and similar support uses.

[12] Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

[13] Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

[14] Recyclable drop-off sites are permitted only if accessory to an institutional use.

[15] The use is subject to the following standards and criteria:

a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.

b. The area occupied by all uses subject to Note 15 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.

c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.

d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.

e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

[16] This use is prohibited in a recreational vehicle established pursuant to Section 847, *Recreational Vehicles as Second Dwellings*, and in the primary dwelling on the same lot of record as the recreational vehicle.

[17] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[18] The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described

under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

[19] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[20] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

[21] Except for hydroelectric facilities and telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.

[22] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

Table 317-2: Dimensional and Building Design Standards in the MRR and HR Districts

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012	See Table 317-3	10,890 square feet
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries[1]	15 feet, except 20 feet to garage and carport motor vehicle entries[2]
Minimum Rear Setback	10 feet[3,4,5,6]	15 feet[3,4]
Minimum Side Setback	10 feet[3,4,5,6]	5 feet[3,4]
Maximum Lot Coverage	None	40 percent[7]
Maximum Building Height	40 feet[8,9]	40 feet[8]
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	4,000 square feet, except 8,000 square feet in Government Camp[10]	4,000 square feet, except 8,000 square feet in Government Camp[10]
Building Design Standards for Single-Family Dwellings, Manufactured Homes, and Prefabricated Structures[11]	A minimum of three of the following features are required: a covered porch at least two feet deep; an entry area recessed at least two feet from the exterior wall to the door; a bay or bow window (not flush with the siding); an offset on the building face of at least 16 inches from one exterior wall surface to the other; a dormer; a gable; roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; a roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other; an attached garage; orientation of the long axis and front door to a street; a cupola; a tile, shake, or composition roof; and horizontal lap siding. The required features must be on the same façade as the front door unless the feature is unrelated to a façade (e.g., roofing material).	

[1] In Government Camp, the minimum front setback is 10 feet, except 20 feet to garage and carport motor vehicle entries.

[2] For a corner lot in Government Camp, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.

[3] If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.

[4] In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat.

[5] Except as established by Note 3, 4, or 6, if a rear lot line or a side lot line abuts an HR District or abuts a lot in the MRR District developed with a single-family dwelling, manufactured home, or prefabricated structure, the applicable minimum setback standard for a building is based on the height of that building, as follows:

Building Height	Minimum Setback
≤ 20 feet	10 feet
> 20 feet and ≤ 30 feet	15 feet
> 30 feet and ≤ 40 feet	20 feet
> 40 feet and ≤ 50 feet	25 feet
> 50 feet	30 feet

[6] The minimum rear and side setback standards applicable in the HR District apply to detached single-family dwellings, manufactured homes, and prefabricated structures, as well as to structures that are accessory to such detached single-family dwellings, manufactured homes, and prefabricated structures. The minimum side setback standard applicable in the HR District applies to townhouses, as well as to structures that are accessory to such townhouses.

[7] Maximum lot coverage is 50 percent for a lot of record that is developed with a townhouse.

[8] The maximum building height may be increased to 50 feet to accommodate understructure parking.

[9] For a hotel in Government Camp, the maximum building height shall be 70 feet and may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.

[10] No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

[11] These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.

Table 317-3: District Land Area Standards in the MRR District

Location/Dwelling Unit Size	District Land Area
Government Camp	
Dwelling unit of any size	1,980
Rhododendron	
Dwelling unit of 1200 square feet or greater	10,890
Dwelling unit of 1000 to 1199 square feet	8,712
Dwelling unit of 800 to 999 square feet	7,260
Dwelling unit of 600 to 799 square feet	5,445
Dwelling unit of 400 to 599 square feet	3,630
Dwelling unit of less than 400 square feet	1,980
Wemme/Welches	
Dwelling unit of 1200 square feet or greater	7,260
Dwelling unit of 1000 to 1199 square feet	6,223
Dwelling unit of 800 to 999 square feet	5,445
Dwelling unit of 600 to 799 square feet	4,356
Dwelling unit of 400 to 599 square feet	3,111
Dwelling unit of less than 400 square feet	1,361

[Added by Ord. ZDO-252, 6/1/2015; Amended by Ord. ZDO-253, 6/1/2015; Amended by Ord. ZDO-254, 1/4/2016; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-269, 9/6/2018; Amended by Ord. ZDO-268, 10/2/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 7/1/2022; Amended by Ord. ZDO-273, on remand, 5/30/2023; Amended by Ord. ZDO-287, 8/3/2023; Amended by Ord. ZDO-283, 9/5/2023; Amended by Ord. ZDO-285, 9/3/2024; Amended by Ord. ZDO-288, 9/9/2024]

Summary of Proposed Amendments to Section 401, *Exclusive Farm Use District (EFU)*

1. Implement House Bill 4153 (2026), which is mandatory for local governments, by allowing farm stores

2. Establish standards for farm stores in the five regulatory categories allowed by HB 4153: access/egress/parking; traffic management; noise management; hours of event operation; sanitation and solid waste

3. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850

4. Clarify existing allowances for wireless telecommunication facilities

5. Substantially restructure the section for ease of administration

6. Amend for consistency with state law, including relatively minor amendments to Oregon Administrative Rules (OAR) chapter 660, division 33 that became effective on October 1. These OAR amendments were adopted to implement changes to state statute adopted in 2025 and to make corrections and clarifications to the existing rules.

7. Amendments also apply to the AG/F District

401 EXCLUSIVE FARM USE DISTRICT (EFU)

401.01 PURPOSE

Section 401 is adopted to implement the policies of the Comprehensive Plan for Agriculture areas.

401.02 APPLICABILITY

Section 401 applies to land in the Exclusive Farm Use (EFU) District.

401.03 DEFINITIONS

Unless specifically defined in Subsection 401.03 or in Section 202, *Definitions*, words or phrases used in Section 401 shall be interpreted to give them the same meaning as they have in common usage and to give Section 401 its most reasonable application.

A. Agricultural Land:

1. "Agricultural Land" as defined in Statewide Planning Goal 3 includes:

   a. Lands classified by the U.S. Natural Resources Conservation Service as predominantly Class I-IV soils;

   b. 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; and

   c. Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

2. Land in capability classes other than I-IV that is adjacent to or intermingled with lands in capability classes I-IV within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed.

3. "Agricultural Land" does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Statewide Planning Goal 3 or 4.

B. Commercial Agricultural Enterprise:

1. “Commercial Agricultural Enterprise” consists of farm operations that will:

   a. Contribute in a substantial way to the area's existing agricultural economy; and

b. Help maintain agricultural processors and established farm markets.

2. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Statewide Planning Goal 3 to maintain the agricultural economy of the state.

C. Commercial Farm: A farm unit with all of the following characteristics:

1. The land is used for the primary purpose of obtaining a profit in money from farm use;

2. The net income derived from farm products is significant; and

3. Products from the farm unit contribute substantially to the agricultural economy, to agricultural processors, and to farm markets.

D. Contiguous: Connected in such a manner as to form a single block of land.

E. Date of Creation and Existence: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record 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 of record or tract.

F. Dwelling: Except as allowed for an accessory farm dwelling pursuant to Subsection 401.08~~5~~(I~~C~~)~~(9)~~, a dwelling is a detached single-family dwelling, a manufactured dwelling, or a prefabricated structure.

G. Exception Area: An area no longer subject to the requirements of Statewide Planning Goal 3 or 4 because the area is the subject of a site specific exception acknowledged pursuant to ORS 197.732 and OAR chapter 660, division 4.

H. Farm or Ranch Operator: A person who operates a farm or ranch, doing the work, and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing.

I. Farm or Ranch Operation: All lots of record in the same ownership that are used by the farm or ranch operator for farm use.

J. Farm Use: As defined in ORS 215.203. As used in the definition of "farm use" in ORS 215.203:

1. "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

2. "Products or by-products raised on such land" includes:

a. Products or by-products raised on the farm operation where the preparation occurs;

b. Products or by-products raised on other farmland provided:

i. The preparation is occurring only on a tract currently employed for a farm use or farm uses other than preparation; and

ii. Such products or by-products are prepared in the same facilities as and in conjunction with products or by-products raised on the farm operation where the preparation occurs.

K. High-Value Farmland: As defined in ORS 215.710 and OAR 660-033-0020(8).

L. Irrigated: 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. 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.

M. NRCS Web Soil Survey: The official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service as of January 1, 2016, for agricultural soils that are not high-value, and as of December 6, 2007, for high-value agricultural soils.

N. Tract: One or more contiguous lots of record under the same ownership.

401.04 USES PERMITTED

Uses permitted in the EFU District are listed in Tables 401-1~~, *Permitted Uses in the EFU District*~~through 401-9.

A. As used in Tables 401-1 through 401-9:

1. "A" means the use is an accessory use.

2. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

3. "HV" means high-value farmland.

4. "NA" means not applicable.

5. "NHV" means not high-value farmland.

6. "P" means the use is a primary use.

7. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.

8. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.

9. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.

10. "X" means the use is prohibited.

11. "X*" means the use is prohibited except that existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to Section 1206, *Nonconforming Uses and Vested Rights*. An existing golf course may be expanded consistent with the requirements of Subsections 401.05(A) and (E) and OAR 660-033-0130(20) but shall not be expanded to contain more than 36 total holes~~as set forth in Subsection 401.05(I)(1)~~.

12. Numbers in superscript correspond to the notes that follow Tables 401-1 through 401-9.

B. Uses of structures and land not specifically permitted are prohibited.

C~~B~~. Permitted uses are subject to the applicable provisions of Subsection 401.~~07~~15; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*. However, uses listed in ORS 215.283(1) are not subject to Section 1000.

Table 401-1: Permitted Uses in the EFU District

HV	NHV	Farm/Forest Resource Uses	Subject To
P	P	Farm use.	Marijuana production is subject to Section 841.
P	P	Other buildings customarily provided in conjunction with farm use	
P	P	Propagation or harvesting of a forest product	
C	C	A facility for the primary processing of forest products	401.05(B)(1)
P, Type II	P, Type II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 or an establishment for the slaughter or processing of poultry pursuant to ORS 603.038	401.05(B)(2) (3) & (4) Marijuana processing is also subject to Section 841.[1]
HV	**NHV**	**Natural Resource Uses**	**Subject To**
P	P	Creation of, restoration of, or enhancement of wetlands	
P,Type II	P,Type II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission or insect species	401.05(A)(1) & (B)(5)
HV	**NHV**	**Residential Uses**	**Subject To**
A	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists	
P,Type II[2]	P,Type II[2]	Alteration, restoration, or replacement of a lawfully established dwelling	401.05(A)(3) & (C)(1)
Type II	Type II	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property as defined in ORS 358.480. In order to meet the requirements specified in the statute, a historic dwelling shall be listed on the National Register of Historic Places.[3]	401.05(A)(3)
P, Type II[4]	P, Type II	Lot of record dwelling	401.05(A)(2), (3), (4) & (C)(2)
P,Type II	NA	Farm dwelling on high-value farmland[3]	401.05(A)(3) & (C)(3), (5), or (10)
NA	P, Type II	Farm dwelling not on high-value farmland[3]	401.05(A)(3) & (C)(4), (5), (6), or (10)
P, Type II	P, Type II	Nonfarm dwelling	401.05(A)(3), (4) & (C)(7)
A, Type II	A, Type II	Relative farm help dwelling[3]	401.05(A)(3) & (C)(8)
A, Type II	A, Type II	Accessory farm dwelling[3]	401.05(A)(3) & (C)(9)

HV	NHV	Farm/Forest Resource Uses	Subject To
A, Type II	A, Type II	Temporary dwelling for care	401.05(A)(1), (3) & (C)(11) & Subsection 1204.04
P, Type II	P, Type II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings	401.05(A)(1) & (3)
P, Type II	P, Type II	Residential home as defined in ORS 197.660, in existing dwellings	401.05(A)(1) & (3)

HV	LV	Commercial Uses	Subject To
A	A	Family child care home	
P, Type II	P, Type II	Child care facilities, preschool recorded programs, or school-age recorded programs that are authorized under ORS 329A.250 to 329A.450	401.05 (A)(1) & (D)(9)
P	P	Dog training classes	401.05(D)(5)
P	P	Dog testing trials	401.05(D)(6)
P, Type I	P, Type I	A license for an approved cider business, farm brewery, or winery to carry out the first six days of the 18-day limit for agri-tourism and other commercial events, subject to: ORS 215.451(6)(a) for a cider business; ORS 215.449(6)(a) for a farm brewery; and ORS 215.237 and 215.452(6)(a) for a winery	
P, Type II	P, Type II	Farm stands	401.05(D)(7)
A, Type II	A, Type II	Home occupations	401.05(A)(1) & (D)(1) & Section 822
P, Type II	P, Type II	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use	401.05(A)(1)
P, Type I	P, Type I	Expedited license for a single agri-tourism or other commercial event or activity that is related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(b), (6)(a), and (6)(c)	401.05(D)(2)
P, Type II	P, Type II	Single agri-tourism or other commercial event or activity that is related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(a), (6)(a), and (6)(c)	401.05(A)(1) & (D)(2)
P, Type II	P, Type II	Up to six agri-tourism or other commercial events or activities that are related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(c) and (6)	401.05(A)(1) & (D)(2)

HV	NHV	Farm/Forest Resource Uses	Subject To
C	C	Up to 18 agri-tourism and other commercial events or activities that are related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(d), (5), (6)(a), and (6)(c)	401.05(A)(1) & (D)(2)
P, Type II	P, Type II	A cider business as provided in ORS 215.451	
P, Type II	P, Type II	A farm brewery as provided in ORS 215.449	
P, Type II	P, Type II	A winery as described in ORS 215.452 or 215.453, and 215.237	
P, Type II	P, Type II	A restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year	401.05(A)(1)
P, Type II	P, Type II	A bed and breakfast facility as a home occupation in association with a cider business, farm brewery, or winery, subject to: ORS 215.448 and ORS 215.451(10) for a cider business; ORS 215.448 and ORS 215.449(10) for a farm brewery; and ORS 215.448 and either ORS 215.452 or 215.453, whichever is applicable, for a winery	401.05(A)(1) & (D)(3)
P, Type II	P, Type II	Cider business, farm brewery, or winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to: ORS 215.451(6)(c) for a cider business; ORS 215.449(6)(c) for a farm brewery; and ORS 215.237 and 215.452(6)(c) for a winery	
P, Type II	P, Type II	Equine and equine-affiliated therapeutic and counseling activities[5]	401.05(A)(1) & (D)(8)
P, Type II	P, Type II	Parking of no more than seven log trucks as provided in ORS 215.311	401.05(A)(1)
C	C	Home occupation to host events	401.05(A)(1) & (D)(1) & Section 806
C	C	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(K) or Subsection 401.05(B)(2) through (4)[6]	401.05(A)(1)
C	C	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	401.05(A)(1) & (D)(4)
C	C	Commercial dog boarding kennels	401.05(A)(1)

HV	NHV	Farm/Forest Resource Uses	Subject To
C	C	Dog training classes or testing trials that cannot be established under Subsection 401.05(D)(5) or (6)	401.05(A)(1)
HV	**LV**	**Mineral, Aggregate, Oil, and Gas Uses**	**Subject To**
P	P	Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 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 the 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).	
P	P	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).	
C	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298	401.05(A)(1) & (E)(1)
C	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (2)
C	C	Processing of other mineral resources and other subsurface resources	401.05(A)(1) & (E)(1)
C	C	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 Section 401	401.05(A)(1) & (E)(1)
HV	**LV**	**Transportation Uses**	**Subject To**
P	P	Climbing and passing lanes within the right-of-way existing as of July 1, 1987	
P	P	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 resulting in the creation of new land parcels	
P	P	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	

HV	NHV	Farm/Forest Resource Uses	Subject To
P	P	Minor betterment of existing public road 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	
P, Type II	P, Type II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels	401.05(A)(1)
P, Type II	P, Type II	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	401.05(A)(1)
P, Type II	P, Type II	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	401.05(A)(1)
C	C	Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401	401.05(F)(1)
C	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities	401.05(A)(1) &(F)(2)
C	C	Transportation improvements on rural lands as allowed by OAR 660-012-0065	401.05(A)(1)
HV	**LV**	**Utility/Solid Waste Disposal Facilities**	**Subject To**
P	P	Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505	
A	A	Solar energy systems	
A	A	Rainwater collection systems	
A	A	Electric vehicle charging stations for residents and their non-paying guests	
See Table 835-1	See Table 835-1	The following types of wireless telecommunication facilities, subject to Section 835: level one collocations, level one placements on utility poles, and, provided that the wireless telecommunication facility includes a transmission tower over 200 feet in height, level two collocations	

HV	NHV	Farm/Forest Resource Uses	Subject To
A	A	Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.	
P, Type II	P, Type II	Essential public communication services, as defined in Section 835, if they include a new transmission tower over 200 feet in height	401.05(A)(1)
P, Type II	P, Type II	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste 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. This category includes wireless telecommunication facilities not otherwise listed in Table 401-1, *Permitted Uses in the EFU District*.	401.05(G)(2)
P, Type II	P, Type II	Composting operations and facilities that are accepted farm practices in conjunction with and auxiliary to farm use on the subject tract	401.05(G)(3)
X*	C	Composting operations and facilities (other than those that are accepted farm practices in conjunction with and auxiliary to farm use on the subject tract)	401.05(A)(1) & Section 834
C	C	Transmission towers over 200 feet in height. Essential public communication services, as defined in Section 835, are excluded from this category, and towers supporting other types of wireless telecommunication facilities are subject to Section 835	401.05(A)(1)
C	C	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities or renewable energy facilities as defined in ORS 215.446	401.05(A)(1) & (G)(4)
C	C	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(37)	401.05(A)(1)
C	C	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(38)	401.05(A)(1)
C	C	Renewable energy facilities as defined in and subject to ORS 215.446	401.05(A)(1)

HV	NHV	Farm/Forest Resource Uses	Subject To
X*	C	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	401.05(A)(1)
HV	**LV**	**Parks/Public/Quasi-Public Uses**	**Subject To**
P	P	Land application of reclaimed water, agricultural process or industrial process water, or biosolids for agricultural, horticultural, or forest production, or for irrigation in connection with a use allowed in the EFU zoning district, subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468B.095	
P	P	Onsite filming and activities accessory to onsite filming for 45 days or less	
P, Type II	P, Type II	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary	401.05(H)(1)
P, Type II	P, Type II	Public parks and playgrounds	401.05(A)(1), (5) & (H)(2)
P, Type II	P, Type II	Fire service facilities providing rural fire protection services	
P, Type II	P, Type II	Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community	401.05(A)(1), (5) & (H)(3)
P, Type II	P, Type II	Living history museum	401.05(A)(1), (5) & (H)(4)
P, Type II	P, Type II	Firearms training facility as provided in ORS 197.770	401.05(A)(5)
P, Type II	P, Type II	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210	401.05(A)(1)
P, Type II	P, Type II	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135	401.05(A)(1)

HV	NHV	Farm/Forest Resource Uses	Subject To
X*	P, Type II	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education	401.05(A)(5)
C	C	Operations for the extraction and bottling of water	401.05(A)(1)
C	C	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	401.05(A)(1)
X*	C	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located	401.05(A)(1) & (5)
P, Type II	P, Type II	Expansion of a public or private school established on or before January 1, 2009, or expansion of buildings essential to the operation of a public or private school established on or before January 1, 2009	401.05(I)(2) & (3)
X*	C	Private parks, playgrounds, hunting and fishing preserves, and campgrounds	401.05(A)(1), (5) & (H)(5) & (6)
X*	C	Golf courses	401.05(A)(1), (5) & (H)(7)
P	P	An outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.735 to 433.770. However, an outdoor mass gathering permit under ORS 433.750 is not required for agri-tourism and other commercial events or activities permitted under ORS 215.283(4), 215.449, 215.451, and 215.452.	
P, Type III	P, Type III	An outdoor mass gathering of more than 3,000 persons any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.763	

401.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Tables 401-1 through 401-9, ~~*Permitted Uses in the EFU District*~~. The applicability of a specific criterion to a listed use is established by Tables 401-1 through 401-9.

~~A. General Criteria~~

A~~1~~. Uses may be approved only where such uses:

1~~a~~. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

2~~b~~. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

3~~c~~. For purposes of Subsections 401.05(A)(1)~~(a)~~ and (2~~b~~), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

a~~i~~. Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

b~~ii~~. An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

c~~iii~~. An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

d~~iv~~ For purposes of Subsection 401.05(A)(3~~1~~)~~(c)~~, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

e~~v~~. For purposes of Subsections 401.05(A)(1)~~(a)~~ and (2~~b~~), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under Subsections 401.05(A)(1)~~(a)~~ and (2~~b~~).

f~~vi~~. In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the County may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in Subsections 401.05(A)(1)~~(a)~~ and (2~~b~~).

B~~2~~. The NRCS Web Soil Survey shall be used to determine the soil classification and soil rating for a specific lot of record for a dwelling, with the following exceptions:

1a. For the purposes of approving a lot of record dwelling application on high-value farmland, the County may change the soil class, soil rating, or other soil designation of a specific lot of record if the property owner:

ai. Submits a statement of agreement from the NRCS that the soil class, soil rating or other soil designation should be adjusted based on new information; or

bii. Submits a report from a soils scientist whose credentials are acceptable to the Oregon Department of Agriculture that the soil class, soil rating, or other soil designation should be changed; and submits a statement from the Oregon 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.

2b. For a nonfarm dwelling application, more detailed data on soil capability than is contained in the USDA Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data shall be related to the NRCS land capability classification system.

ai. If a person concludes that more detailed soils information than that contained in the NRCS Web Soil Survey ~~operated by the NRCS~~, would assist the County to make a better determination of whether land qualifies as agricultural land, the person must request that the Oregon Department of Land Conservation and Development arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.

C3. The landowner for the dwelling shall sign and record in the County deed records 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.

D4. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.

E5. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

1~~a~~. Any enclosed structures or group of enclosed structures described in Subsection 401.05(A)(5) within a tract must be separated by at least one-half mile. For purposes of Subsection 401.05(E~~A~~)~~(5)~~, "tract" means a tract as defined by Subsection 401.03(N) that was in existence as of June 17, 2010.

2~~b~~. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of Subsection 401.05(E~~A~~)~~(5)~~.

401.06 PERMITTED FARM/FOREST RESOURCE USES

~~B. Farm/Forest Resource Uses and Natural Resource Uses~~

Table 401-1: Permitted Farm/Forest Resource Uses in the EFU District

HV	NHV	Farm/Forest Resource Uses	Subject To
P	P	Farm use	Marijuana production is subject to Section 841.
P	P	Other buildings customarily provided in conjunction with farm use	
P	P	Propagation or harvesting of a forest product	
C	C	A facility for the primary processing of forest products	401.06(A)
P, Type II	P, Type II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 or an establishment for the slaughter or processing of poultry or rabbits pursuant to ORS 603.038	401.06(B) Marijuana processing is also subject to Section 841.[1]

[1] The processing, compounding, or conversion of marijuana into cannabinoid extracts is prohibited.

A~~1~~. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in Subsection 401.06~~5~~(A~~B~~)~~(1)~~ 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 Subsection 401.~~05~~06(A~~B~~)~~(1)~~ means timber grown upon a tract where the primary processing facility is located.

B~~2~~. A facility for the processing of farm products is subject to the following~~shall~~:

1~~a~~. The facility must:

a. Use less than 10,000 square feet for its processing area and comply with all applicable siting standards, but the siting standards may not be applied in a manner that prohibits the siting of a facility for the processing of farm products; or

b. Notwithstanding any applicable siting standard, use less than 2,500 square feet for its processing area. However, applicable standards and criteria pertaining to floodplains, geologic hazards, airport safety, and fire siting standards shall apply.

2~~3~~. Any division of a lot of record that separates a facility for the processing of farm products from the farm operation on which it is located is prohibited.

3~~4~~. As used in Subsection~~s~~ 401.0~~65~~(B)~~(2) and (3)~~ and (C), the following definitions apply:

a~~1~~. "Facility for the processing of farm products" means a facility for:

i~~a~~. Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or

ii~~b~~. Slaughtering, processing, or selling poultry or poultry products, rabbits or rabbit products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

b~~2~~. "Processing area" means the floor area of a building dedicated to farm product processing. "Processing area" does not include the floor area designated for preparation, storage, or other farm use.

401.07 PERMITTED NATURAL RESOURCE USES

Table 401-2: Permitted Natural Resource Uses in the EFU District

HV	NHV	Natural Resource Uses	Subject To
P	P	Creation of, restoration of, or enhancement of wetlands	
P,Type II	P,Type II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission or insect species	401.05(A) & 401.07(A)

A~~5~~. Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture.

401.08 PERMITTED RESIDENTIAL USES

~~C. Residential Uses~~

Table 401-3: Permitted Residential Uses in the EFU District

HV	NHV	Residential Uses	Subject To
A	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists	
P,Type II[1]	P,Type II[1]	Alteration, restoration, or replacement of a lawfully established dwelling	401.05(C) & 401.08(A)
P, Type II	P, Type II	Restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event	Section 850
Type II	Type II	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property as defined in ORS 358.480. In order to meet the requirements specified in the statute, a historic dwelling shall be classified as historic property as described in ORS 358.487(4).[2]	401.05(C)
P, Type II[3]	P, Type II	Lot of record dwelling	401.05(B), (C),& (D) & 401.08(B)
P,Type II	NA	Farm dwelling on high-value farmland[2]	401.05(C) & 401.08(C), (E), or (J)
NA	P, Type II	Farm dwelling not on high-value farmland[2]	401.05(C) & 401.08(D), (E), (F), or (J)
P, Type II	P, Type II	Nonfarm dwelling	401.05(C) & (D) & 401.08(G)
A, Type II	A, Type II	Relative farm help dwelling[2]	401.05(C) & 401.08(H)
A, Type II	A, Type II	Accessory farm dwelling[2]	401.05(C) & 401.08(I)
A, Type II	A, Type II	Temporary dwelling for care	401.05(A) & (C) & 401.08(K) & Subsection 1204.04
P, Type II	P, Type II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings	401.05(A) & (C)
P, Type II	P, Type II	Residential home as defined in ORS 197.660, in existing dwellings	401.05(A) & (C)

[1] Type II review is required except as established by Subsection 401.08(A)(8).

[2] Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475C.489.)

[3] A lot of record dwelling on high-value farmland consisting predominantly of Prime, Unique, Class I, or Class II Soils requires review of a Type III application pursuant to Section 1307, *Procedures*.

A~~1~~. A lawfully established dwelling may be altered, restored, or replaced if:

1~~a~~. The dwelling to be altered, restored or replaced has, or formerly had, the following features. "Formerly had" means that the dwelling possessed all the listed features within three years prior to the date an application is submitted for a replacement dwelling.

a~~i~~. Intact exterior walls and roof structure;

b~~ii~~. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

c~~iii~~. Interior wiring for interior lights; and

d~~iv~~. A heating system; and

2~~b~~. The dwelling to be altered, restored, or replaced meets one of the following conditions:

a~~i~~. Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:

i.~~A)~~ Five years before the date of the application; or

ii.~~B)~~ The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

b~~ii~~. If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:

i.~~A)~~ Five years before the date of the destruction or demolition; or

ii.~~B)~~ The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

3~~c~~. For replacement of a lawfully established dwelling, the dwelling to be replaced must be removed, demolished, or converted to an allowable

nonresidential use within three months from the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055 or, in the case of a manufactured dwelling, within three months after the date of final inspection by County Building Codes;

4d. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot of record that is not zoned EFU, the applicant shall execute and cause to be recorded in the County deed records a deed restriction prohibiting the siting of another dwelling on that portion of the lot of record. The restriction imposed is irrevocable unless the Planning Director places a statement of release in the County deed records to the effect that the provisions of ORS 215.283 and 215.291 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

5e. A replacement dwelling must:

ai. Be sited on the same lot of record as the dwelling it is replacing; and

bii. Comply with all applicable siting standards; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

6f. Construction of the replacement dwelling must commence no later than four years after the approval of the replacement dwelling application becomes final.

7g. If an applicant is granted a deferred replacement permit:

ai. The deferred replacement permit does not expire but, notwithstanding Subsection 401.085(AC)(31)(c), the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and the deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

bii. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.

8h. The alteration, restoration, or replacement of a lawfully established dwelling requires review as a Type II application pursuant to Section 1307, *Procedures*, unless the dwelling to be altered, restored, or replaced:

ai. Is the only dwelling on the lot of record other than a temporary dwelling approved pursuant to Section 1204, *Temporary Permits*, or a relative farm help or accessory farm dwelling approved pursuant to Subsection 401.085(HC) or (I)(8) or (9), respectively;

bii. Currently has the features listed in Subsection 401.085(AC)(1)(a); and

ciii. Was lawfully established as demonstrated by:

i.A) An issued County building or manufactured dwelling placement permit approved by the Planning Director; or

ii.B) Assessment records of the County Department of Assessment and Taxation that demonstrate that the dwelling was constructed before the application to the subject property of the first farm, forest, or mixed farm and forest zoning district that restricted the development of dwellings.

B2. Lot of record dwelling: A lot of record dwelling is allowed subject to the following criteria:

1a. The unit of land on which the dwelling will be sited is a lot of record.

2b. The lot of record has been under the continuous ownership of the present owner who either:

ai. Acquired the lot of record prior to January 1, 1985, or

bii. Acquired the lot of record by devise or intestate succession from a person who had continuously owned the property since prior to January 1, 1985.

ciii. As used in Subsection 401.085(BC)(2)(b), "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, 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.

3c. The tract on which the dwelling will be sited does not include a dwelling.

4d. If the lot of record on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot of record that was part of that tract.

5e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, this Ordinance, and other provisions of law.

6f. When the lot of record on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot of record when the dwelling is allowed.

7g. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or can be adequately mitigated. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife (ODFW) suggests to the County that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet.

8h. The County Assessor shall be notified that the County intends to allow the dwelling.

9i. If the subject property is high-value farmland predominantly composed of Class III and IV Soils, provided they are not Prime or Unique Soils:

ai. The tract is 21 acres or less in size; and

bii. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

ciii. The tract is not a flaglot and is bordered on at least 25 percent 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; or

div. The tract is a flaglot and is bordered on at least 25 percent 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 and on the same side of the public road that provides access to the subject tract. The center of the subject tract is the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. 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.

cv. As used in Subsection 401.05(C)(2)(i)(iii) and (iv), "flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

fvi. As used in Subsection 401.05(C)(2)(i)(iv), "geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

10j. If the subject lot of record is high-value farmland consisting predominantly of Prime, Unique, Class I, or Class II Soils:

ai. The lot of record 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. This criterion asks whether the subject lot of record can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a lot of record's limited economic potential demonstrates that a lot of record cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroads or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot of record from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot of record that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use.

bii. The dwelling will comply with Subsection 401.05(A)(1).

ciii. The dwelling will not materially alter the stability of the overall land use pattern in the area as determined by applying the standards set forth in Subsection 401.085(GC)(47)(d).

C3. Farm dwelling on high-value farmland: If the subject property is high-value farmland, a farm dwelling is allowed subject to the following criteria:

1a. The subject tract is currently employed for the farm use on which the farm operator earned at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years;

2b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-0057 owned by the farm or ranch operator or on the farm or ranch operation.

3c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 401.085(C)(13)(a);

4d. In determining the gross income required by Subsection 401.085(C)(13)(a):

ai. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

bii. Only gross income from land owned, not leased or rented, shall be counted; and

ciii. Gross farm income earned from a lot of record that has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may not be used.

5e. The applicant shall submit an IRS tax return transcript and any other information necessary to demonstrate compliance with the gross farm income requirement.

6f. Only a lot of record zoned for farm use in Clackamas County or contiguous counties may be used to meet the gross income requirements. However, when a farm or ranch operation has lots of record in both Western and Eastern Oregon, as defined by OAR 660-033-0020, lots of record in Eastern Oregon may not be used to qualify a dwelling.

7g. Prior to final approval for a dwelling, a covenants, conditions, and restrictions form shall be recorded in the deed records of Clackamas County and any other county where the property subject to the covenants, conditions, and restrictions is located. The covenants, conditions, and restrictions shall be recorded for each lot of record subject to the application for the primary farm dwelling and shall preclude:

ai. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary dwellings for care, or replacement dwellings allowed by ORS chapter 215; and

bii. The use of any gross farm income earned on the lots of record to qualify another lot of record for a primary farm dwelling.

8h. The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

9i. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions, and restrictions is located.

10j. The failure to follow the requirements of Subsection 401.085(C)(73)(g) shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions, and restrictions required by Subsection 401.085(C)(73)(g).

D4. Farm dwelling not on high-value farmland: If the subject property is not high-value farmland, a farm dwelling is allowed subject to the following criteria:

1a. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:

ai. At least $40,000 in gross annual income from the sale of farm products; or

bii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon.

2b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS chapter 215 or for mixed farm/forest use pursuant to OAR 60-006-0057 owned by the farm or ranch operator or on the farm or ranch operation.

3c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 401.085(DC)(14)(a).

4d. In determining the gross income required by Subsection 401.085(DC)(14)(a):

ai. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.

bii. Only gross income from land owned, not leased or rented, shall be counted.

ciii. Gross farm income earned from a lot of record that has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may not be used.

5e. The applicant shall submit an IRS tax return transcript and any other information necessary to demonstrate compliance with the gross farm income requirement.

6f. Only lots of record zoned for farm use in Clackamas County or contiguous counties may be used to meet the gross income requirements. However, when a farm or ranch operation has lots of record in both Western and Eastern Oregon, as defined by OAR 660-033-0020, lots of record in Eastern Oregon may not be used to qualify a dwelling.

7g. Prior to final approval for a dwelling, a covenants, conditions, and restrictions form shall be recorded in the deed records of Clackamas County and any other county where the property subject to the covenants, conditions, and restrictions is located. The covenants, conditions, and restrictions shall be recorded for each lot of record subject to the application for the primary farm dwelling and shall preclude:

ai. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary dwellings for care, or replacement dwellings allowed by ORS chapter 215; and

bii. The use of any gross farm income earned on the lots of record to qualify another lot of record for a primary farm dwelling.

8h. The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

9i. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions, and restrictions is located.

10j. The failure to follow the requirements of Subsection 401.085(DC)(74)(g) shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions, and restrictions required by Subsection 401.085(DC)(74)(g).

E~~5~~. Farm dwelling: A farm dwelling is allowed subject to the following criteria:

1~~a~~. The subject tract will be employed as a commercial dairy.

2~~b~~. The dwelling is sited on the same lot of record as the buildings required by the commercial dairy.

3~~c~~. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

4~~d~~. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking, or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm.

5~~e~~. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

6~~f~~. The Oregon Department of Agriculture has approved the following:

a~~i~~. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

b~~ii~~. A Producer License for the sale of dairy products under ORS 621.072.

7~~g~~. As used in Subsection 401.08~~5~~(E~~C~~)~~(5)~~, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsection 401.08~~5~~(C)(1~~3~~)~~(a)~~ or (D4)(1~~a~~), whichever is applicable, from the sale of fluid milk.

F~~6~~. Farm dwelling not on high-value farmland: If the subject property is not high-value farmland, a farm dwelling is allowed subject to the following criteria:

1~~a~~. The lot of record on which the dwelling will be located is at least 160 acres.

2~~b~~. The subject tract is currently employed for farm use.

3~~c~~. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale.

4~~d~~. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

G~~7~~. Nonfarm dwelling: A nonfarm dwelling is allowed subject to the following criteria:

1~~a~~. 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;

2~~b~~. The dwelling will be sited on a lot of record that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

3~~c~~. The dwelling will be sited on a lot of record created before January 1, 1993.

4~~d~~. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots of record in the area similarly situated. To address this standard, the following shall be done:

a~~i~~. 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 or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within 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;

b~~ii~~. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture, or grazing lands), the number, location, and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections 401.0~~85~~(B~~C~~)~~(2)~~ and (G~~7~~), including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the

possible nonfarm dwellings under Subsection 401.085(GC)(47)(bd)(ii); and

ciii. 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.

5e. The dwelling shall comply with such other conditions as the County considers necessary.

6f. If the subject lot of record is, or has been, receiving special assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855, the applicant shall notify the County Assessor that the lot of record is no longer being used as farmland or for other specially assessed uses under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855; request that the County Assessor disqualify the lot of record from special assessment under ORS 308A.050 to 308A.128, 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855; and pay any additional tax imposed upon disqualification from special assessment. Prior to Planning Director approval of a building or manufactured dwelling placement permit, the applicant shall provide evidence that the subject lot of record has been disqualified for special assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of disqualification has been paid.

H8. Relative farm help dwelling: A relative farm help dwelling is allowed subject to the following criteria:

1a. The dwelling must be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator must continue to play the predominant role in the management and farm use of the farm.

ai. "Relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the farm operator or the farm operator's spouse.

bii. "Assistance in the management and farm use" means performing functions such as planting, harvesting, marketing, or caring for livestock.

ciii. "Required" means the size, type, and intensity of the farm operation must be used to evaluate the need for the dwelling.

2b. The dwelling must be located on the same lot of record as the dwelling of the farm operator and must be on real property used for farm use.

3c. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel requirements under ORS 215.780, if the owner of a relative farm help dwelling obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite," as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.

ai. "Foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(9)(a).

I9. Accessory farm dwelling: An accessory farm dwelling is allowed subject to the following criteria:

1a. The accessory farm dwelling must 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.

2b. The accessory farm dwelling must be located:

ai. On the same lot of record as the primary farm dwelling;

bii. On the same tract as the primary farm dwelling when the lot of record on which the accessory farm dwelling will be sited is consolidated into a single lot of record with all other contiguous lots of record in the tract;

ciii. On a lot of record on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling with a deed restriction. The deed restriction shall be signed and recorded in the County deed records and require the manufactured dwelling to be removed when the lot of record is conveyed to another

party. The manufactured dwelling may remain if it is reapproved pursuant to Section 401;

div. On any lot of record, 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 farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under Subsection 401.05(C)(9)(b)(iv) shall be removed, demolished, or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163.

ev. On a lot of record on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot of record of at least 80 acres and the lot of record complies with the gross farm income requirements of Subsection 401.085(IC)(49)(ae)(i) or 401.085(IC)(49)(be)(ii), whichever is applicable.

3e. There is no other dwelling on the 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.

4d. The primary farm dwelling to which the proposed dwelling would be accessory must meet one of the following:

ai. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following: at least $40,000 in gross annual income from the sale of farm products, or gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with the gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

bii. On high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which the farm operator earned at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years; or

c~~iii~~. It is located on a commercial dairy farm as defined by OAR 660-033-0135(8); and the building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and the Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and a Producer License for the sale of dairy products under ORS 621.072.

5~~e~~. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

6~~f~~. An accessory farm dwelling approved pursuant to Subsection 401.08~~5~~(I~~C~~)~~(9)~~ cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 401.08~~5~~(G~~C~~)~~(7)~~.

7~~g~~. For the purposes of Subsection 401.08~~5~~(I~~C~~)~~(9)~~, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

8~~h~~. Accessory farm dwellings destroyed by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 may be replaced. The temporary use of modular structures, manufactured housing, fabric structures, tents, and similar accommodations is allowed until replacement under Subsection 401.08~~5~~(I~~C~~)(8~~9~~)~~(h)~~ occurs.

9~~i~~. The applicant shall submit an IRS tax return transcript and any other information necessary to demonstrate compliance with the gross farm income requirements in Subsection 401.08~~5~~(I~~C~~)(4~~9~~)(a~~d~~)~~(i)~~ or (b~~ii~~), whichever is applicable.

J~~10~~. Farm dwelling: A farm dwelling is allowed subject to the following criteria:

1~~a~~. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection 401.08~~5~~(C)(1~~3~~)~~(a)~~ or (D4)(1~~a~~), whichever is applicable.

2~~b~~. The subject lot of record on which the dwelling will be located is:

a~~i~~. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the

last five years the gross farm income required by Subsection 401.0~~8~~5(C)(1~~3~~)~~(a)~~ or (D~~4~~)(1~~a~~), whichever is applicable; and

b~~ii~~. At least 80 acres.

3~~e~~. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

4~~d~~. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 401.0~~8~~5(J~~C~~)(1~~0~~)~~(a)~~.

5~~e~~. In determining the gross income required by Subsections 401.0~~8~~5(J~~C~~)(1~~0~~)~~(a)~~ and (2~~b~~)(a~~i~~):

a~~i~~. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

b~~ii~~. Only gross income from land owned, not leased or rented, shall be counted.

6~~f~~. The applicant shall submit an IRS tax return transcript and any other information necessary to demonstrate compliance with the gross farm income requirement.

K~~11~~. 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 of the resident. "Relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. Department of Environmental Quality review and removal requirements also apply. A temporary dwelling~~residence~~ approved under Subsection 401.0~~8~~5(K~~C~~)~~(11)~~ is not eligible for replacement under Subsection 401.0~~8~~5(A~~C~~)~~(1)~~.

401.09 PERMITTED COMMERCIAL USES

~~D. Commercial Uses~~

Table 401-4: Permitted Commercial Uses in the EFU District

HV	LV	Commercial Uses	Subject To
A	A	Family child care homes	

C	C	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(K) or Subsection 401.06(B), but excluding activities in conjunction with a marijuana crop	401.05(A)
P	P	Dog training classes	401.09(A)
P	P	Dog testing trials	401.09(B)
C	C	Dog training classes or testing trials that cannot be established under Subsection 401.09(A) or (B)	401.05(A)
C	C	Commercial dog boarding kennels	401.05(A)
P, Type II	P, Type II	Equine and equine-affiliated therapeutic and counseling activities[1]	401.05(A) & 401.09(C)
P, Type II	P, Type II	Farm stands	401.09(D)
P, Type II	P, Type II	Farm stores	401.09(E)
C	C	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	401.05(A) & 401.09(F)
A, Type II	A, Type II	Home occupations	401.05(A) & 401.09(G) & Section 822
C	C	Home occupations to host events	401.05(A) & 401.09(G) & Section 806
P, Type II	P, Type II	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use	401.05(A)
P, Type II	P, Type II	Parking of no more than seven log trucks as provided in ORS 215.311	401.05(A)
P, Type I	P, Type I	Expedited license for a single agri-tourism or other commercial event or activity that is related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(b), (6)(a), and (6)(c)	401.09(H)
P, Type II	P, Type II	Single agri-tourism or other commercial event or activity that is related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(a), (6)(a), and (6)(c)	401.05(A) & 401.09(H)
P, Type II	P, Type II	Up to six agri-tourism or other commercial events or activities that are related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(c) and (6)	401.05(A) & 401.09(H)

C	C	Up to 18 agri-tourism and other commercial events or activities that are related to and supportive of agriculture, subject to ORS 215.237 and 215.283(4)(d), (5), (6)(a), and (6)(c)	401.05(A) & 401.09(H)
P, Type II	P, Type II	A cider business as provided in ORS 215.451	
P, Type II	P, Type II	A farm brewery as provided in ORS 215.449	
P, Type II	P, Type II	A winery as described in ORS 215.452 or 215.453, and 215.237	
P, Type I	P, Type I	A license for an approved cider business, farm brewery, or winery to carry out the first six days of the 18-day limit for agri-tourism and other commercial events, subject to: ORS 215.451(6)(a) for a cider business; ORS 215.449(6)(a) for a farm brewery; and ORS 215.237 and 215.452(6)(a) for a winery	
P, Type II	P, Type II	Cider business, farm brewery, or winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to: ORS 215.451(6)(c) for a cider business; ORS 215.449(6)(c) for a farm brewery; and ORS 215.237 and 215.452(6)(c) for a winery	
P, Type II	P, Type II	A bed and breakfast facility as a home occupation in association with a cider business, farm brewery, or winery, subject to: ORS 215.448 and ORS 215.451(10) for a cider business; ORS 215.448 and ORS 215.449(10) for a farm brewery; and ORS 215.448 and either ORS 215.452 or 215.453, whichever is applicable, for a winery	401.05(A) & 401.09(I)
P, Type II	P, Type II	A restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year	401.05(A)

[1] The use is prohibited in an urban or rural reserve established pursuant to OAR chapter 660, division 27.

A. Dog training classes conducted outdoors or in farm buildings that existed on January 1, 2019, when:

1. The number of dogs participating in training does not exceed 10 per training class; and

2. The number of training classes to be held on-site does not exceed six per day.

B Dog testing trials conducted outdoors or in farm buildings that existed on January 1, 2019, when:

a. The number of dogs participating in a testing trial does not exceed 60; and

b. The number of testing trials to be conducted on-site does not exceed four per calendar year.

C. Equine and equine-affiliated therapeutic and counseling activities, provided:

1. The activities must be conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental, and subordinate to the farm use on the tract; and

2. All individuals conducting therapeutic or counseling activities must act within the proper scope of any licenses required by the state.

D. A farm stand is allowed if:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in Oregon, 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 sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

2. 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.

3. As used in Subsection 401.09(D), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in Oregon. As used in Subsection 401.05(D)(3), "processed farm crops and livestock" includes jams, syrups, apple cider, animal products, and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

4. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

5. At the request of the County, the farm stand operator shall submit to the County evidence of compliance with the annual sales requirement of Subsection 401.09(D)(1). Such evidence shall consist of an IRS tax return

transcript and any other information the County may require to document ongoing compliance with Subsection 401.09(D) or any other condition of approval required by the County.

E. Farm stores are subject to the following:

1. As used in Subsection 401.09(E):

a. "Agri-tourism activity" does not include using a farm store for lodging or as a dwelling. "Agri-tourism activity" means an activity that is conducted by a farm operation to promote the farm operation, visitors to a farm store and the sale of farm store products to the public and that may also generate commercial, entertainment, or educational value. Such activities may include:

i. Farm tours;

ii. Educational exhibits or classes;

iii. Crop mazes;

iv. Play structures;

v. Farm-to-table meals;

vi. Animal petting and feeding exhibits;

vii. Hay or tractor rides; or

viii. Other seasonal or holiday events.

b. "Farm-to-table meal" means a meal offered as part of a fee-based dining experience, where food grown by a farm operation or farmers in a local agricultural area is prepared and served in a manner that educates the public about agricultural production or on-site sourcing.

c. "Farm unit" means a farm operation comprising all lots of record being farmed by a single operation, whether the operation owns or leases the lots of record.

d. "Farm use" means, notwithstanding ORS 215.010, only those activities listed under ORS 215.203 (2)(a) undertaken for the primary purpose of obtaining a profit.

e. "Local agricultural area" means Oregon.

f. "Processed farm product" means a farm product that has been transformed into a manufactured product through methods such as cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, butchering or freezing and has been packaged or canned for human or animal use.

g. "Temporary structure" means a structure erected for no more than 90 cumulative days in any calendar year.

2. A farm store may be established if the farm store is used for the sale of farm products produced by the farm operation that operates the farm store;

3. A farm store may be established if no more than 10,000 square feet of one or more permanently enclosed structures are used for the farm store uses listed in Subsection 401.09(E)(5).

4. A farm store may be established if the farm store is situated on a tract of:

    a. At least 80 acres with at least 45 acres employed for farm use;

    b. Less than 80 acres but at least 40 acres and with at least 25 acres employed for farm use;

    c. Less than 40 acres but at least 20 acres and with at least 15 acres employed for farm use; or

    d. Less than 20 acres if:

        i. At least 10 acres are employed for farm use; or

        ii. The farm store operates as part of a farm unit that has earned at least $10,000 in gross farm income cumulatively over the preceding two years.

5. A farm store may be used for:

    a. The sale of the farm products or processed farm products produced in the local agricultural area;

    b. The sale of other retail items, if displayed in an area not to exceed 25 percent of the floor area of the permanent enclosed farm store structures;

    c. The sale of beverages and prepared food items that are cooked or otherwise made ready for immediate consumption; or

    d. Agri-tourism activities.

6. The sale of retail items under Subsection 401.09(E)(5)(b) must take place within a permanent enclosed structure. All other allowable farm store uses may take place outside or in temporary or unenclosed structures.

7. In conjunction with an agri-tourism activity, a farm store may use temporary structures or mobile vending units.

8. A farm store may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121. Food and beverages prepared under Subsection 401.09(E)(5)(c) may not be served in a manner that causes the kitchen facilities to function as a cafe or drive-through dining establishment.

9. A farm store may not be used in conjunction with a psilocybin-producing fungi crop or a marijuana crop.

10. Access, Egress, Parking, and Traffic Management:

a. Development, entrance, right-of-way, or other transportation permits shall be obtained when required by Clackamas County Roadway Standards (CCRS) Section 130.

b. All farm store parking shall occur on the subject property. On-street parking is prohibited. Farm store parking shall not occur on the land required to comply with the minimum farm use acreage standard of Subsection 401.09(E)(4).

c. All parking areas shall comply with the dimensional, circulation, maneuvering, and signage requirements of *Clackamas County Roadway Standards* (CCRS) Section 320.

d. A minimum of 4.1 automobile parking spaces per 1,000 square feet of floor area shall be provided for permanently enclosed farm store structures. A minimum of 0.8 automobile parking space per 1,000 square feet of agri-tourism activity area shall be provided. Agri-tourism activity area includes temporary structures, mobile vending units, and outdoor areas; however, farm fields and pastures are excluded unless they are used for agri-tourism activities other than farm tours or hay or tractor rides.

e. Parking spaces shall be a minimum of 8.5 feet wide and 16 feet long, except that parallel spaces shall be a minimum of 8.5 feet wide and 22 feet long. Where individual parking spaces are not delineated, total square footage of designated parking areas shall be calculated in order to determine whether the minimum number of required parking spaces is provided.

f. Parking areas in excess of 10 parking spaces shall be clearly delineated with wheel stops or timbers at the front of each space. Delineating the sides of spaces is optional.

g. Parking areas in excess of 75 parking spaces shall be surfaced with screened gravel or better with a structural section per CCRS Drawing R100.

h. Parking areas of 75 spaces or fewer may be surfaced with hardy grasses, wood chips, or other similar organic materials sufficient to adequately stabilize the ground surface for parking. In order to minimize tracking of soil onto the roadway, a driveway surfaced with screened gravel or better must extend a minimum of 100 feet in length from the interior edge of the roadway that provides access to the subject property. A traffic management plan must direct all vehicular traffic along the required driveway prior to such traffic entering the roadway.

i. The applicant shall provide written approval from the fire marshal for emergency access and circulation.

j. Accesses to County roadways shall comply with the applicable driveway design requirements of CCRS Section 230.

k. Accesses shall comply with the access-spacing requirements of CCRS Sections 220.3 and 220.4. Where the applicable minimum spacing cannot be achieved because of existing lot or frontage configuration, access spacing shall be maximized, with first priority given to achieving sight distance in accordance with CCRS Section 240.

l. Accesses shall comply with the applicable sight-distance requirements of CCRS Section 240. Where an existing access does not achieve the applicable standard, as determined by County Engineering:

   i. Sight obstructions located on the subject property or within public right-of-way that may lawfully be removed shall be removed or trimmed;

   ii. If more than one lawful access is available, farm store/agri-tourism traffic shall use the access providing the greatest measured available sight distance; and

   iii. If the applicable sight-distance standard remains unmet, a Traffic Management Plan meeting Subsection 401.09(E)(10)(q) shall be required.

m. Vehicles waiting to enter or park at the farm store or agri-tourism activity shall be accommodated outside the public travel lane, bicycle lane, shoulder, or sidewalk, except as specifically allowed under a temporary traffic-control plan approved by County Transportation Engineering.

n. County Transportation Engineering may require a traffic-control plan in accordance with CCRS Section 290 when temporary traffic control is necessary to safely accommodate traffic associated with the farm store or agri-tourism activity. The plan may include temporary signing, flagging, or other traffic-control measures.

o. Traffic-control signs or devices, flagging, or other active traffic control within County right-of-way shall require County approval and shall comply with CCRS Section 290, applicable County requirements, and the Manual on Uniform Traffic Control Devices (MUTCD).

p. A Traffic Management Plan (TMP) prepared by an Oregon-registered civil engineer proficient in traffic management plans shall be required when:

   i. More than 150 parking spaces, including permanent, temporary, and overflow spaces, are required;

   ii. An access does not meet the applicable intersection sight distance or stopping sight distance requirement after implementation of Subsections 401.09(E)(10)(l)(i) and (ii); or

   iii. County Transportation Engineering documents vehicle queuing associated with the farm store or agri-tourism activity in violation of Subsection 401.09(E)(10)(m).

q. A TMP shall include, as applicable:

i. Days and hours of operation;

ii. Access and egress locations;

iii. Parking capacity and internal vehicle circulation;

iv. Available onsite vehicle stacking or queuing area;

v. Measures addressing any sight-distance deficiency identified under Subsection 401.09(E)(10)(l); and

vi. Measures necessary to comply with the vehicle-queuing requirements of Subsection 401.09(E)(10)(m).

r. The TMP shall demonstrate compliance with Subsection 401.09(E)(10)(m) and shall address any sight-distance deficiency identified under Subsection 401.09(E)(10)(l). If the TMP does not demonstrate compliance, it shall be revised to include additional or alternative traffic-management measures, which may include, but are not limited to, a system of timed ticketed entry.

11. Noise Management:

a. If sound-amplification equipment, pneumatic devices, fireworks, or similar loud elements are proposed, the average peak sound pressure level, when measured off the subject property, of noise created by those elements shall not exceed the greater of 60 dB(A) or the ambient noise level. At a minimum, "similar loud elements" do not include:

i. Noise generated by vehicles entering or exiting the subject property;

ii. Noise generated by farm vehicles providing hay or tractor rides;

iii. Noise generated by farm animals; and

iv. Noise generated by unamplified voices.

b. Noise detectable on public rights-of-way and railroad rights-of-way is exempt from Subsection 401.09(E)(11)(a).

c. A noise study is required to demonstrate compliance with Subsection 401.09(E)(11)(a). Measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

d. If sound-amplification equipment, pneumatic devices, or similar loud elements are proposed, they shall be located inside a permanently enclosed structure or a minimum of 100 feet from the perimeter lot lines of the subject tract.

12. Hours of event operation:

    1. Agri-tourism activities involving amplified sound or pneumatic devices such as pumpkin cannons may only operate between 8:00 a.m. and 6:00 p.m. on Sunday through Thursday and 8:00 a.m. and 8:00 p.m. on Friday and Saturday.

    2. Agri-tourism activities not involving amplified sound or pneumatic devices such as pumpkin cannons may operate only between 8:00 a.m. and 8:00 p.m. on Sunday through Thursday and 8:00 a.m. and 10:00 p.m. on Friday and Saturday.

    3. Attendee arrival and departure must be included in the hours of agri-tourism activity operation.

13. Sanitation: Regulations implemented by the County Building Codes or Septic programs may require permanent restroom facilities. However, if portable toilets are permitted by these programs, they shall be located a minimum shall be located a minimum of 100 feet from the perimeter lot lines of the subject tract or they shall be screened pursuant to Subsection 1009.04

14. Solid Waste:

    a. Solid waste receptacles shall be sufficient for the reasonably anticipated peak simultaneous demand. As part of the farm store permit application, the applicant shall provide an analysis of demand based on anticipated attendance and solid waste generation (food waste, food packaging, disposable cups and utensils, etc.).

    b. Solid waste receptacles shall be located inside a permanently enclosed structure or a minimum of 100 feet from the perimeter lot lines of the subject tract.

    c. Solid waste receptacles shall have lids and shall be designed, located, and serviced so that they do not obstruct required access or circulation or result in overflow, leakage, vectors, animal access, or windblown litter.

    d. Farm-store-generated waste shall be contained during operation and removed or secured after the operating period in which it was generated. If relied-upon solid waste capacity becomes unavailable, farm store activities may operate only at the level supported by the remaining compliant facilities.

    e. Section 1021, *Solid Waste and Recyclable Material Collection*, shall apply.

15. Subsections 401.09(E)(10) through (14) may not be applied in a manner that prohibits the siting and operation of a farm store.

F. Aerial fireworks display business: As part of the conditional use approval process for an aerial fireworks display business, for the purpose of verifying the existence, continuity, and nature of the business, representatives of the business may apply to the County and submit evidence including, but not limited to, sworn affidavits

or other documentary evidence that the business qualifies. An aerial fireworks display business may be altered, restored, or replaced pursuant to Section 1206, *Nonconforming Uses and Vested Rights*.

G1. Home occupations:

1a. The home occupation shall not unreasonably interfere with other uses permitted in the EFU District and shall not be used as justification for a zone change.

2b. A use provided in OAR 660-033-0120 may only be approved as a home occupation if:

ai. The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120; and

bii. The use is accessory, incidental, and subordinate to the primary residential use of a dwelling on the property.

H2. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture:

1a. A determination under ORS 215.283(4) that an event or activity is 'incidental and subordinate' requires consideration of any relevant circumstances, including the nature, intensity, and economic value of the respective farm and event uses, that bear on whether the existing farm use remains the predominant use of the tract.

2b. A determination under ORS 215.283(4)(d)(A) that an event or activity is 'necessary to support' either the commercial farm uses or commercial agricultural enterprises in the area means that the events are essential in order to maintain the existence of either the commercial farm or the commercial agricultural enterprises in the area.

I3. A cider business, farm brewery, or winery bed and breakfast facility as a home occupation subject to ORS 215.448, on the same tract as the approved cider business, farm brewery, or winery and in association with that cider business, farm brewery, or winery, and the following:

1a. May prepare and serve two meals per day to registered guests of the bed and breakfast facility; and

2b. Meals may be served at the bed and breakfast facility or at the cider business, farm brewery, or winery.

4. Aerial fireworks display business: As part of the conditional use approval process for an aerial fireworks display business, for the purpose of verifying the existence, continuity, and nature of the business, representatives of the business may apply to the County and submit evidence including, but not limited to, sworn affidavits or other documentary evidence that the business qualifies. An aerial fireworks display business may be altered, restored, or replaced pursuant to Section 1206, *Nonconforming Uses and Vested Rights*.

5. Dog training classes conducted outdoors or in farm buildings that existed on January 1, 2019, when:

   a. The number of dogs participating in training does not exceed 10 per training class; and

   b. The number of training classes to be held on-site does not exceed six per day.

6. Dog testing trials conducted outdoors or in farm buildings that existed on January 1, 2019, when:

   a. The number of dogs participating in a testing trial does not exceed 60; and

   b. The number of testing trials to be conducted on-site does not exceed four per calendar year.

7. A farm stand is allowed if:

   a. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in Oregon, 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 sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

   b. 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.

   c. As used in Subsection 401.05(D)(7), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in Oregon. As used in Subsection 401.05(D)(7)(c), "processed farm crops and livestock" includes jams, syrups, apple cider, animal products, and

~~other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~

~~d. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.~~

~~e. At the request of the County, the farm stand operator shall submit to the County evidence of compliance with the annual sales requirement of Subsection 401.05(D)(7)(a). Such evidence shall consist of an IRS tax return transcript and any other information the County may require to document ongoing compliance with Subsection 401.05(D)(7) or any other condition of approval required by the County.~~

~~8. Equine and equine-affiliated therapeutic and counseling activities, provided:~~

~~a. The activities must be conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental, and subordinate to the farm use on the tract; and~~

~~b. All individuals conducting therapeutic or counseling activities must act within the proper scope of any licenses required by the state.~~

~~9. Child care facilities, preschool recorded programs, or school-age recorded programs, provided:~~

~~a. They are primarily for the children of residents and workers of the rural area in which the facility or program is located; and~~

~~b. The use is colocated with a community center or a public or private school allowed under Section 401. "Colocated" means located on the same lot of record.~~

401.10 PERMITTED MINERAL, AGGREGATE, OIL, AND GAS USES

~~E. Mineral, aggregate, oil, and gas uses~~

Table 401-5: Permitted Mineral, Aggregate, Oil, and Gas Uses in the EFU District

HV	LV	Mineral, Aggregate, Oil, and Gas Uses	Subject To

P	P	Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 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 the 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).	
P	P	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).	
C	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298	401.05(A) & 401.10(A)
C	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A) & 401.10(A) & (B)
C	C	Processing of other mineral resources and other subsurface resources	401.05(A) & 401.10(A)
C	C	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 Section 401	401.05(A) & 401.10(A)

A~~1~~. 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.

B~~2~~. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

401.11 PERMITTED TRANSPORTATION USES

Table 401-6: Permitted Transportation Uses in the EFU District

HV	LV	Transportation Uses	Subject To
P	P	Climbing and passing lanes within the right-of-way existing as of July 1, 1987	

P	P	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 resulting in the creation of new land parcels	
P	P	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	
P	P	Minor betterment of existing public road 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	
P, Type II	P, Type II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels	401.05(A)
P, Type II	P, Type II	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	401.05(A)
P, Type II	P, Type II	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	401.05(A)
C	C	Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401	401.11(A)
C	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities	401.05(A) & 401.11(B)
C	C	Transportation improvements on rural lands as allowed by OAR 660-012-0065	401.05(A)

A~~1~~. Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401 may be established, subject to the adoption of an exception to Statewide Land Use Planning 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 OAR 660-012-0035 and 660-012-0065.

B~~2~~. A personal-use airport 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 allowed 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 allowed subject to any applicable rules of the Oregon Department of Aviation.

401.12 PERMITTED UTILITY/SOLID WASTE DISPOSAL FACILITIES

~~G. Utility/Solid Waste Disposal Facility Uses~~

Table 401-7: Utility/Solid Waste Disposal Facilities in the EFU District

HV	LV	Utility/Solid Waste Disposal Facilities	Subject To
P	P	Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505	
A	A	Solar energy systems	
A	A	Rainwater collection systems	
A	A	Electric vehicle charging stations for residents and their non-paying guests	
See Table 835-1	See Table 835-1	The following types of wireless telecommunication facilities, as defined in Section 835: small wireless facilities, level one collocations, level one placements on utility poles, and, provided that the wireless telecommunication facility includes a transmission tower over 200 feet in height, level two collocations	Section 835
A	A	Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.	
P, Type II	P, Type II	Utility facilities necessary for public service. This category includes level two wireless telecommunication facilities (including level two collocations), as defined in Section 835 and provided that any transmission tower is 200 feet or less in height. These wireless telecommunication facilities are not subject to Section 835.	401.12(B)

P, Type II	P, Type II	Composting operations and facilities that are accepted farm practices in conjunction with and auxiliary to farm use on the subject tract	401.12(C)
X*	C	Composting operations and facilities (other than those that are accepted farm practices in conjunction with and auxiliary to farm use on the subject tract)	401.05(A) & Section 834
C	C	Transmission towers over 200 feet in height. Towers supporting wireless telecommunication facilities are subject to Section 835[1]	401.05(A)
C	C	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities or renewable energy facilities as defined in ORS 215.446	401.05(A) & 401.12(D)
C	C	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(37)	401.05(A)
C	C	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(38)	401.05(A)
C	C	Renewable energy facilities as defined in and subject to ORS 215.446	401.05(A)
X*	C	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	401.05(A)

[1] Essential public communication services, as defined in Section 835, are not subject to Section 835, *Wireless Telecommunication Facilities*, and require review as a Type II application, pursuant to Section 1307, *Procedures*.

A~~1~~. Wind energy power production systems as an accessory use, provided:

1~~a~~. The system is not a commercial power generating facility;

2~~b~~. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;

3~~c~~. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;

4d. The system is prohibited if tower lighting for aviation safety is required;

5e. The system will be located outside an urban growth boundary on a minimum of one acre;

6f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;

7g. The system is set back a distance not less than the tower height plus one blade from all property lines; and

8h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.

B2. Utility facilities necessary for public service are allowed as follows:

1. Utility facilities necessary for public service do not include commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.

2. Utility facilities necessary for public service do include:

a. Utility facilities as provided in ORS 215.275;

b. Utility facilities that are associated transmission lines, as defined in ORS 215.274 and 469.300;

c. Wetland waste treatment systems; or

d. Facilities and service lines needed to provide water or wastewater services allowed under ORS 215.256.

3. A utility facility necessary for public service may be established as provided in OAR 660-033-0130(16)(ca) and ORS 215.275 and 215.276, or, if the utility facility is an associated transmission line, as provided in OAR 660-033-0130(16)(db) and ORS 215.274 and 215.276.

C3. Composting operations and facilities

1a. Must:

ai. Compost only on-farm produced compostable materials; or

bii. Compost only off-site materials and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract; or

ciii. Compost any off-site materials with on-farm produced compostables and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract;

2b. Must be an accepted farm practice in conjunction with and auxiliary to farm use on the subject tract, meaning that if off-site materials are added to on-farm produced compostables, the total amount of compost generated by the operation or facility does not exceed the amount of compost reasonably anticipated to be used on the subject tract;

3c. Must limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility;

4d. Must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060; and

5e. May sell or transport excess compost only if:

ai. The operation or facility does not use off-site materials;

bii. It is sold or transported to neighboring farm operations within two and one-half miles of the subject tract; and

ciii. It is sold or transported in bulk loads of not less than one unit (7.5 cubic yards) in size that are transported in one vehicle.

D4. On high-value farmland, permanent features of a power generation facility shall not use, occupy, or cover more than 12 acres unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. If the subject property is not high-value farmland, permanent features of a power generation facility shall not use, occupy, or cover more than 20 acres unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under Subsection 401.1305(IH)(6) or other statute or rule when the project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to Subsection 401.05(A)(1) and shall have no effect on the original approval.

401.13 PERMITTED PARKS, PUBLIC, AND QUASI-PUBLIC USES

~~H. Parks, Public, and Quasi-public Uses~~

Table 401-8: Permitted Parks, Public, and Quasi-Public Uses in the EFU District

HV	LV	Parks/Public/Quasi-Public Uses	Subject To
A	A	Family child care home	
P, Type II	P, Type II	Child care facilities, preschool recorded programs, or school-age recorded programs that are authorized under ORS 329A.250 to 329A.450	401.05 (A) & 401.13(A)
P	P	Land application of reclaimed water, agricultural or industrial process water, or biosolids, or the onsite treatment of septage prior to the land application of biosolids	401.13(B)
P	P	Onsite filming and activities accessory to onsite filming for 45 days or less	
P, Type II	P, Type II	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary	401.13(C)
P, Type II	P, Type II	Public parks and playgrounds	401.05(A) & E & 401.13(D)
P, Type II	P, Type II	Fire service facilities providing rural fire protection services	
P, Type II	P, Type II	Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community	401.05(A) & (E) & 401.13(E)
P, Type II	P, Type II	Living history museum	401.05(A) & (E) & 401.13(F)
P, Type II	P, Type II	Firearms training facility as provided in ORS 197.770	401.05(E)
P, Type II	P, Type II	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210	401.05(A)
P, Type II	P, Type II	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135	401.05(A)
X*	P, Type II	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education	401.05(E)
C	C	Operations for the extraction and bottling of water	401.05(A)

C	C	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	401.05(A)
X*	C	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located	401.05(A) & (E)
P, Type II	P, Type II	Expansion of a public or private school established on or before January 1, 2009, or expansion of buildings essential to the operation of a public or private school established on or before January 1, 2009	401.13(G)
X*	C	Private parks, playgrounds, hunting and fishing preserves, and campgrounds	401.05(A) & (E) & 401.13(H) & (I)
X*	C	Golf courses	401.05(A) & (E) & 401.13(J)

A. Child care facilities, preschool recorded programs, or school-age recorded programs, provided:

1. They are primarily for the children of residents and workers of the rural area in which the facility or program is located; and

2. The use is colocated with a community center or a public or private school allowed under Section 401. "Colocated" means located on the same lot of record.

B. Subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249, and 215.251, the land application of reclaimed water, agricultural process or industrial process water, or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural, or silvicultural production, or for irrigation in connection with a use allowed in the EFU District under Section 401 is allowed. For the purposes of Subsection 401.05(H)(1), onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary, and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit, or other approval.

C~~1~~. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under Subsection 401.13~~05~~(C~~H~~)~~(1)~~. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under

Subsection 401.1305(CH)(1). An owner of property used for the purpose authorized in Subsection 401.1305(CH)(1) may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in Subsection 401.1305(CH)(1), "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.

D2. Public parks including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable. A public park may be established consistent with the provisions of ORS 195.120. If the subject property has a local park master plan adopted as part of the Comprehensive Plan, the park is also subject to Section 714, *Special Use Overlay District*.

E3. A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

F4. "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in Subsection 401.1305(FH)(4), a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.

G. Notwithstanding ORS 215.283, Section 1206, *Nonconforming Uses and Vested Rights*, or any other provision of this Ordinance, a public or private school, including all building essential to the operation of the school, formerly allowed pursuant to ORS 215.283(1)(a), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded, provided:

1. The expansion complies with Subsection 401.05(A);

2. The school was established on or before January 1, 2009;

3. The expansion occurs on a tax lot:

a. On which the school was established; or

b. Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and

4. The school is a public or private school for kindergarten through grade 12.

5. A nonconforming public or private school described in Subsection 401.13(G) may be expanded without regard to:

a. A maximum capacity of people in the structure or group of structures;

b. A maximum distance between structures; or

c. A maximum density of structures per acre.

H~~5~~. A "private park" is an area devoted to low-intensity, outdoor, recreational uses for which enjoyment of the outdoors in an open space, or on land in its natural state, is a necessary component and the primary focus.

I~~6~~. A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.

1~~a~~. Except on a lot of record contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

2~~b~~. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

3~~c~~. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle.

4~~d~~. Separate sewer, water, or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by Subsection 401.05(H)(6)(g).

5f. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

6g. 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. As used in Subsection 401.05(H)(6), "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.

J7. Golf courses, on land that is not high value farmland, as defined in ORS 195.300, subject to OAR 660-033-0130(20).

401.14 PERMITTED OUTDOOR GATHERINGS

Table 401-9: Permitted Outdoor Gatherings in the EFU District

HV	LV	Outdoor Gatherings
P	P	An outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.735 to 433.770. However, an outdoor mass gathering permit under ORS 433.750 is not required for agri-tourism and other commercial events or activities permitted under ORS 215.283(4), 215.449, 215.451, and 215.452.
P, Type III	P, Type III	An outdoor mass gathering of more than 3,000 persons any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.763

~~I. Nonconforming Uses~~

~~1. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 401.05(A)(1) and OAR 660-033-0130(20), but shall not be expanded to contain more than 36 total holes.~~

~~2. Notwithstanding ORS 215.283, Section 1206, or any other provision of this Ordinance, a public or private school, including all building essential to the operation of the school, formerly allowed pursuant to ORS 215.283(1)(a), as~~

~~in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded, provided:~~

~~a. The expansion complies with Subsection 401.05(A)(1);~~

~~b. The school was established on or before January 1, 2009;~~

~~c. The expansion occurs on a tax lot:~~

~~i. On which the school was established; or~~

~~ii. Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and~~

~~d. The school is a public or private school for kindergarten through grade 12.~~

~~3. A nonconforming public or private school described in Subsection 401.05(I)(2) may be expanded without regard to:~~

~~a. A maximum capacity of people in the structure or group of structures;~~

~~b. A maximum distance between structures; or~~

~~c. A maximum density of structures per acre.~~

~~401.06 PROHIBITED USES~~

~~Uses of structures and land not specifically permitted are prohibited.~~

401.15~~07~~ DIMENSIONAL STANDARDS

A. Minimum Lot Size: New lots of record shall be a minimum of 80 acres in size, except as provided in Subsection 401.16~~08~~. ~~For the purpose of complying with the minimum lot size standard, lots of record with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.~~

B. Minimum Front Setback: 30 feet.

C. Minimum Side Setback: 10 feet.

D. Minimum Rear Setback: 30 feet; however, accessory buildings shall have a minimum rear setback of 10 feet.

E. Modifications: Modifications to the dimensional standards are established by Sections 800, *Special Uses*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

401.1608 LAND DIVISIONS

A. A land division shall not separate a temporary dwelling for care, relative farm help dwelling, home occupation, or processing facility from the lot of record on which the primary residential or other primary use exists.

B. A land division shall not separate a relative farm help dwelling approved pursuant to Subsection 401.085(HC)(8) from the lot of record on which the dwelling of the farm operator exists, except as provided in ORS 215.283(1)(d).

C. A land division shall not separate an accessory farm dwelling ~~in conjunction with farm use~~ approved pursuant to Subsection 401.085(IC)(9) from the lot of record on which the primary farm dwelling exists, except as provided in OAR 660-033-0130~~0010~~(24)(c).

D. A land division of a lot of record created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to ORS 215.284(1) is prohibited.

E. Land divisions are permitted, if consistent with Subsections 1105.01(A) and 1105.12. A land division pursuant to Subsection 401.1608(G) shall require review of a Type I application pursuant to Section 1307, *Procedures*. A land division pursuant to Subsection 401.1608 (H), (I), (J), (K), (L), (M) or (N) shall require review of a Type II application pursuant to Section 1307.

F. A land division for nonfarm use under Subsection 401.1608(H), (I), (J), (K), (L), or (M) shall not be approved unless any additional tax imposed for the change in use has been paid.

G. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved, if each new lot of record is a minimum of 80 acres in size, as established by Subsection 401.1507(A).

H. Nonfarm Use Land Divisions: A land division creating lots of record less than 80 acres in size may be approved for the following nonfarm uses, if the lot of record for the nonfarm use is the minimum size needed to accommodate the use in a manner consistent with other provisions of law:

1. A fire service facility providing rural fire protection services;

2. Nonfarm uses, except dwellings, set out in ORS 215.283(2); or

3. If the parcel to be divided is outside an urban or rural reserve established pursuant to OAR chapter 660, division 27, utility facilities necessary for public service set out in ORS 215.283(1)(c). Land that is divided under Subsection 401.1608(H)(3) may not later be rezoned for retail, commercial, industrial, or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732.

I. Nonfarm Dwelling Land Divisions: New lots of record may be created for dwellings not in conjunction with farm use, subject to the following criteria:

1. The originating lot of record:

   a. Is 80 acres or larger;

   b. Is not stocked to the requirements under ORS 527.610 to 527.770;

   c. Is composed of at least 95 percent Class VI through VIII soils; and

   d. Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber.

2. The new lot of record will not be smaller than 20 acres; and

3. No new lot of record may be created for this purpose unless the dwelling to be sited on the new lot of record has been approved under the requirements for dwellings not in conjunction with farm use in ORS 215.284(4), 215.236, and OAR 660-033-0130(4).

J. Parks/Open Space/Land Conservation Land Divisions: A land division may be approved subject to the following criteria:

1. The land division shall be for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting lots of record;

2. A lot of record created by the land division that contains a dwelling shall be large enough to support continued residential use of the lot of record.

3. A lot of record created pursuant to Subsection 401.16~~08~~(J~~I~~) that does not contain a dwelling:

   a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

   b. May not be considered in approving or denying an application for siting any other dwelling;

   c. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

   d. May not be smaller than 25 acres unless the purpose of the land division is:

i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

ii. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

4. The land division shall comply with Subsection 401.05(A)~~(1)~~.

5. The owner of any lot of record not containing a dwelling shall sign and record in the County deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

K. Historic Property Land Divisions: A land division may be approved to create a parcel with an existing dwelling to be used for historic property that meets the requirements of ORS 215.283(1)(L).

L. Residential Home Land Divisions: A land division may be approved to create a parcel with an existing dwelling to be used as a residential home as described in ORS 197.660(2) only if the dwelling has been approved under ORS 215.284(1) or (4).

M. Church Land Divisions: A land division may be approved, subject to the following criteria:

1. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

2. The church has been approved under ORS 215.283(1);

3. The newly created lot of record is not larger than five acres; and

4. The remaining lot of record, not including the church, meets the minimum lot or parcel size described in ORS 215.780 (1) and (2) either by itself or after it is consolidated with another lot of record.

N. Land Divisions Along an Urban Growth Boundary: A division of a lot of record may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned EFU and is smaller than 80 acres, subject to the following criteria:

a. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.

b. If the parcel does not contain a dwelling, it:

i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

ii. May not be considered in approving or denying an application for any other dwelling; and

iii. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

c. The owner of any lot of record not containing a dwelling shall sign and record in the County deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

401.17~~09~~ APPROVAL PERIODS AND TIME EXTENSIONS

A. Land Divisions: Approval of an application for a land division is valid for six 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 six-year period, the approval shall be implemented. "Implemented" means the final plat shall be recorded with the County Clerk. If a final plat is not required under ORS chapter 92, deeds with the legal descriptions of the new lots of record shall be recorded with the County Clerk.

B. Replacement Dwellings: Approval of a replacement dwelling pursuant to Subsection 401.0~~8~~5(A~~C~~)~~(1)~~ is valid for four 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 four-year period, the approval shall be implemented. "Implemented" means a building or manufactured dwelling placement permit for the replacement dwelling shall be obtained and maintained and construction of the replacement dwelling shall have commenced.

C. Lot of Record and Nonfarm Dwellings:

1. Approval of a dwelling pursuant to Subsection 401.0~~8~~5(B~~C~~)~~(2)~~ or (G~~7~~) is valid for four 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 four-year period, the approval shall be implemented. "Implemented" means a building or manufactured dwelling placement permit for the dwelling shall be obtained and maintained.

2. An extension of a permit described in Subsection 401.17~~09~~(C)(1) is valid for two years provided that the applicant submits a written request for the extension prior to the expiration of the initial approval period.

3. A maximum of five additional one-year extensions of a permit shall be approved if:

   a. The applicant makes a written request for the additional extension prior to the expiration of the extension;

   b. The applicable residential development statute has not been amended following the approval of the permit; and

   c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the County, which may require that the applicant comply with the amended rule or land use regulation.

D. Approval of any other application is valid for two years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented.

   1. For a dwelling, "implemented" means a building or manufactured dwelling placement permit for the dwelling shall be obtained and maintained.

   2. For anything other than a dwelling, "implemented" means all major development permits shall be obtained and maintained for the approved land use, or if no major development permits are required to complete the development contemplated by the approved land use application, "implemented" means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

      a. A building permit for a new primary structure that was part of the land use approval; or

      b. A permit issued by the County for parking lot or road improvements required by the land use approval.

   3. One extension period of up to 12 months shall be approved if:

      a. An applicant makes a written request for an extension of the development approval period;

      b. The request is submitted to the County prior to the expiration of the approval period;

c. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

d. 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.

4. Additional one-year extensions shall be authorized subject to compliance with Subsections 401.17~~09~~(D)(3)(a) through (d) and where applicable criteria for the decision have not changed.

E. An extension pursuant to Subsection 401.17~~09~~(C)(3), (D)(3), or (D)(4) requires review as a Type II application pursuant to Section 1307, *Procedures*. The decision 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.

F. Subsection 401.17~~09~~(D) overrides any other potentially applicable approval period standard in other sections of this Ordinance except that home occupations and temporary dwellings for care shall be subject to the applicable approval period provisions of Sections 822, *Home Occupations*, and 1204, *Temporary Permits*, respectively.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-230, 09/26/2011; Amended by Ord. ZDO-234, 06/07/2012; Amended by Ord. ZDO-241, 01/01/2013; Amended by Ord. ZDO-247, 03/01/2014; Amended by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-262, 05/23/2017; Amended by Ord. ZDO-263, 05/23/2017; Amended by Ord. ZDO-264, 08/22/2017; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-276, 10/01/2020; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-286, 11/20/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 406, *Timber District (TBR)*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

2. Add new uses allowed by state law related to wildfires and other natural disasters, including temporary dwellings, emergency campgrounds and temporary nonhazardous debris storage.

3. Numerous amendments for clarity and to ensure consistency between state law and county regulations.

4. Amendments also apply to the AG/F District.

406 TIMBER DISTRICT (TBR)

406.01 PURPOSE

Section 406 is adopted to implement the policies of the Comprehensive Plan for Forest and Agriculture areas.

406.02 APPLICABILITY

Section 406 applies to land in the Timber (TBR) District.

406.03 DEFINITIONS

Unless specifically defined in Subsection 406.03 or in Section 202, *Definitions*, words or phrases used in Section 406 shall be interpreted to give them the same meaning as they have in common usage and to give Section 406 its most reasonable application.

A. Auxiliary: A use or alteration of a structure or land thatwhich 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. Commercial Tree Species: Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.

CB. Cubic Foot Per Acre: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.As defined in Oregon Administrative Rules (OAR) 660-006-0005(3).

DC. Cubic Foot Per Tract Per Year: The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA NRCS soil survey.As defined in OAR 660-006-0005(4).

ED. Date of Creation and Existence: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record 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 of record or tract.

FE. Dwelling: Unless otherwise provided in Section 406, a dwelling is a detached single-family dwelling, a manufactured dwelling, or a prefabricated structure.

F. Firearms Training Facility: An indoor facility only, that provides training courses and issues certifications required for law enforcement personnel, by the Oregon

~~Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting, and safety.~~

G. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS~~Oregon Revised Statutes~~ 527.620(6).

~~H. Navigation: References an instrument within a waterway or flightway that assists in traveling to a destination for water vessels and aircraft.~~

H~~I~~. Primary Processing of Forest Products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

~~J. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, hiking, or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.~~

~~K. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed one year.~~

406.04 USES PERMITTED

Uses permitted in the TBR District are listed in Table 406-1, *Permitted Uses in the TBR District*.

A. As used in Table 406-1:

1. "A" means the use is an accessory use.

2. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

3. "P" means the use is a primary use.

4. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.

5. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.

6. Numbers in superscript correspond to the notes that follow Table 406-1.

B. Permitted uses are subject to the applicable provisions of Subsection 406.07; Subsection 406.08; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 406-1: Permitted Uses in the TBR District

	Type	Use	Subject To
FARM AND FOREST USES	P	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash ~~where such uses pertain to forest uses and operations~~. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.	
	P	Temporary on-site structures that ~~which~~ are auxiliary to and used during the term of a particular forest operation. "Temporary" means a period not to exceed one year. "On-site structures that are auxiliary to and used during the term of a particular forest operation" means structures used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc.	
	P	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.	
	P	Farm use as defined in ORS 215.203.	Marijuana production is subject to Section 841.
	P	An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if a primary farm or forest use exists.	
	P, Type II	~~For a period not to exceed one year,~~ T~~t~~emporary portable facility for the primary processing of forest products grown on-site. Temporary means a period not to exceed one year.	
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1)~~,~~ & (3~~6~~) & (B)(1)
	C	Permanent logging equipment repair and storage.	406.05(A)(1) & (3~~6~~)
	C	Log scaling and weigh stations.	406.05(A)(1) & (3~~6~~)

	Type	Use	Subject To
NATURAL RESOURCE USES	A	Uninhabitable structures accessory to fish and wildlife enhancement	
	C	Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations	406.05(A)(1)
	Type	**Use**	**Subject To**
RESIDENTIAL USES	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	P, Type II[1]	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05~~(A)(3) &~~ (C)(1)
	P, Type II	Restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event	Section 850
	P, Type II	Forest lot of record dwelling.	406.05~~(A)(3), (4), (5) &~~ (C)(2)
	P, Type II	Forest template test dwelling.	406.05~~(A)(3), (4), (5) &~~ (C)(3)
	P, Type II	160 acre forest dwelling.	406.05~~(A)(3), (4), (5) &~~ (C)(4)
	P, Type II	200 acre noncontiguous tract forest dwelling	406.05~~(A)(3), (4), (5) &~~ (C)(5)
	P, Type II	Caretaker residences for public parks and public fish hatcheries.	~~406.05(A)(2) & (5)~~
	P, Type II	Temporary forest labor camps. Temporary means ~~for~~ a period not to exceed one year.	
	P, Type II	Temporary dwelling for care~~, subject to Subsection 1204.04.~~	406.05(A)(1)~~,~~ & (2) & (C)(6) and Subsection 1204.04
	P, Type II	Accessory dwelling supporting family forestry.	406.05(C)(7)
	P, Type II	Temporary hardship residence	406.05(A)(1) & (2) & (C)(8)

	Type	Use	Subject To
COMMERCIAL USES	A	Family child care home	
	A, Type II	Home occupation	406.05(A)(1) &~~,~~ (2)~~,~~ ~~(5)~~ & (D)(1) & Section 822
	C	Home occupation to host events	406.05(A)(1)~~,~~ & (2)~~,~~ ~~(5)~~ & (D)(1) & Section 806
	C	Home occupation for canine skills training	406.05(A)(1)~~,~~ & (2) ~~(5)~~ & (D)(1) & Section 836
	C	Private accommodations for fishing occupied on a temporary basis	406.05(A)(1)~~,~~ & (2)~~,~~ ~~(5)~~ & (D)(2)
	C	Private seasonal accommodations for fee ~~based~~ hunting operations	406.05(A)(1)~~, (5)~~ & (D)(3)
	Type	**Use**	**Subject To**
MINERAL, AGGREGATE, OIL, AND GAS USES	P	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	
	C	Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under the use listing in this table that immediately follows this one (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	406.05(A)(1) & (36~~)~~
	C	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 well head	406.05(A)~~(1) &~~ (36~~)~~

	Type	Use	Subject To
TRANSPORTATION USES	P	Widening of roads within existing rights-of-way in conformance with Chapter 5, *Transportation System Plan*, of the Comprehensive Plan.	
	P	Climbing and passing lanes within the right-~~-~~of-~~-~~way existing as of July 1, 1987.	
	P	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.	
	P	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	P	Minor betterment of existing public road 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.	
	P, Type II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	P, Type II	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.	406.05(A)(1)
	P, Type II	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.	406.05(A)(1)
	P, Type II	Parking ~~of~~ up to seven dump trucks and up to seven trailers~~, subject to ORS 215.311~~.	406.05(E~~A~~)(1)
	C	Aids to navigation and aviation. "Navigation" references an instrument within a waterway or flightway that assists in traveling to a destination for water vessels and aircraft.	406.05(A)(1) & (3~~6~~)
	C	Expansion of existing airports.	406.05(A)(1)
	C	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
	C	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	406.05(A)(1) & (E)(2~~1~~)

	Type	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	See Table 835-1	Wireless telecommunication facilities	Section 835
	A	Local distribution lines (e.g.~~i.e.~~, electric, telephone, natural gas) and accessory equipment (e.g.~~i.e.~~, electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that~~which~~ provides service hookups, including water service hookups.	
	P	Water intake facilities, canals and distribution lines for farm irrigation and ponds.	
	P	Temporary storage site for nonhazardous debris resulting from recovery efforts associated with damage caused by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, subject to Department of Environmental Quality requirements and all other applicable provisions of law.	
	A	Solar energy systems.	
	A	Rainwater collection systems.	
	A	Electric vehicle charging stations for residents and their nonpaying guests.	
	~~P~~	~~Meteorological towers.~~	
	P, Type II	Wind energy power production systems as an accessory use.	406.05(F)(1)
	C	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (3~~6~~)
	C	Reservoirs and water impoundments.	406.05(A)(1)~~, (2), (5) through~~~~&~~ (3~~6~~)
	C	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. A composting facility is subject to Section 834, *Composting Facilities*.	406.05(A)(1) & (3~~6~~)
	C	Commercial 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 chapter 660, division 4.	406.05(A)(1) & (3~~6~~)
	C	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.	406.05(A)(1)
	C	Television, microwave and radio communication facilities and transmission towers	406.05(A)(1)~~,~~ & (3~~6~~) & (F)(2)

	Type	Use	Subject To
PARKS AND PUBLIC/QUASI-PUBLIC USES	P	Private hunting and fishing operations without any lodging accommodations	
	P	Towers and fire stations for forest fire protection	
	C	Fire stations for rural fire protection	406.05(A)(1) & (~~3~~6)
	C	Youth camps on 40 acres or more, subject to OAR 660-006-0031	~~406.05(A)(1) & (3)~~
	C	Cemeteries	406.05(A)(1) & (~~3~~6)
	C	Firearms training facility as provided in ORS 197.770(2). "Firearms training facility" means an indoor facility only, that provides training courses and issues certifications required for law enforcement personnel, by the Oregon Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting, and safety.	406.05(A)(1) & (~~3~~6)
	Type II, C[2]	Private parks and campgrounds	406.05(A)(1)~~, (2),~~ through (~~3~~6) & (G)(1)
	C	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable	406.05(A)(1)~~,~~ & (~~3~~6) & (G)(2)
	Type	**Use**	**Subject To**
OUTDOOR GATHERINGS	P	An outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.735 to 433.770	
	P, Type III	An outdoor mass gathering of more than 3,000 persons, any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.763	406.05(A)(1)

[1] Type II review is required except as established by Subsections 406.05(C)(1)(h) or (i).

[2] A conditional use permit is required except that an extension of an emergency campground permit pursuant to Subsection 406.05(G)(1)(d)(iii) requires Type II review.

406.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 406-1, *Permitted Uses in the TBR District*. The applicability of a specific criterion to a listed use is established by Table 406-1.

A. General Criteria

1. The use may be allowed provided that:

   a. 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; and

b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

2. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land-owner that recognizes the rights of ~~the~~ adjacent and nearby land-owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.

~~3. The landowner for the dwelling shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937.~~

~~4. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.~~

~~5. 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 United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.~~

3~~6~~. A land division for the use may be approved pursuant to Subsection 406.09(D).

B. Farm and Forest Uses

1. A p~~P~~ermanent facility for the primary processing of forest products ~~that is~~must be:

a. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and

b. Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses.

C. Residential Uses

1. A lawfully established dwelling may be altered, restored, or replaced if:

a. The dwelling to be altered, restored, or replaced has, or formerly had, the following features. "Formerly had" means that the dwelling possessed all the listed features within three years prior to the date an application is submitted for a replacement dwelling.

   i. Intact exterior walls and roof structure;

   ii. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

   iii. Interior wiring for interior lights; and

   iv. A heating system; and

b. The dwelling to be altered, restored, or replaced meets one of the following conditions:

   i. Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:

      A) Five years before the date of the application; or

      B) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

   ii. If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:

      A) Five years before the date of the destruction or demolition; or

      B) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment

c. For replacement of a lawfully established dwelling, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months from the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055 or, in the case of a manufactured dwelling, within three months after the date of final inspection by County Building Codes.

d. As a condition of approval, the applicant shall execute and cause to be recorded in the deed records a deed restriction prohibiting the siting of another dwelling on the lot of record. The restriction imposed is irrevocable unless the Planning Director places a statement of release in the deed records of the County to the effect that the provisions of ORS

215.283 and 215.291 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

e. A replacement dwelling must:

i. Be sited on the same lot of record as the dwelling it is replacing;

ii. Comply with all applicable siting standards except as established by Subsection 406.05(C)(1)(h)(iv); however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling; and

iii. Comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.

f. Construction of the replacement dwelling must commence no later than four years after the approval of the replacement dwelling application becomes final.

g. If an applicant is granted a deferred replacement permit, the deferred replacement permit does not expire but, notwithstanding Subsection 406.05(C)(1)(c), the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and the deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

h. The alteration, restoration, or replacement of a lawfully established dwelling pursuant to Subsections 406.05(C)(1)(a) through (g) requires review as a Type II application pursuant to Section 1307, *Procedures*, unless the dwelling to be altered, restored, or replaced:

i. Is the only dwelling on the lot of record other than a temporary dwelling approved pursuant to Section 1204, *Temporary Permits*, or an accessory dwelling supporting family forestry approved pursuant to Subsection 406.05(C)(7);

ii. Currently has the features listed in Subsection 406.05(C)(1)(a);

iii. Was lawfully established as demonstrated by:

A) An issued County building or manufactured dwelling placement permit approved by the Planning Director; or

B) Assessment records of the County Department of Assessment and Taxation that demonstrate that the dwelling was constructed before the application to the subject property of the first farm, forest, or

mixed farm and forest zoning district that restricted the development of dwellings; and

iv. Will be sited no more than 100 feet from the dwelling to be replaced and is, therefore, exempt from Subsection 406.08(C). This distance shall be measured from the closest portion of each structure.

i. Notwithstanding Subsections 406.05(C)(1)(a) through (h), a lawfully established dwelling that is destroyed by wildfire may be replaced within 60 months when substantial evidence demonstrates that the dwelling to be replaced contained the features listed in Subsection 406.05(C)(1)(a). Substantial evidence includes, but is not limited to, County Department of Assessment and Taxation data.

i. The replacement dwelling must be certified for occupancy pursuant to ORS 455.055 or, in the case of a manufactured dwelling, have final inspection completed by County Building Codes, within 60 months of the date of destruction of the dwelling to be replaced.

ii. The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months from the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055 or, in the case of a manufactured dwelling, within three months after the date of final inspection by County Building Codes.

iii. The property owner of record at the time of the wildfire may reside on the subject property in an existing building, tent, travel trailer, yurt, recreational vehicle, or similar accommodation until replacement has been completed or the time for replacement has expired.

2. Lot of record dwelling, subject to the following criteria:

a. The unit of land on which the dwelling will be sited is a ~~The~~ lot of record ~~on which the dwelling will be sited~~ that was ~~lawfully~~ created prior to January 1, 1985.

b. The lot of record on which the dwelling will be sited was acquired and owned continuously by the present owner:

i. Since p~~P~~rior to January 1, 1985; or

ii. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

iii. As used in Subsection 406.05(C)(2)(b), "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, 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.

c. The tract on which the dwelling will be sited does not include a dwelling.

d. If t~~T~~he lot of record on which the dwelling will be sited was ~~not~~ part of a tract ~~that contained a dwelling~~ on November 4, 1993, no dwelling exists on another lot of record that was part of that tract.

e. The tract~~property~~ is composed of soil that is not capable of producing 5,000 cubic feet per year of commercial tree species.

f. The tract ~~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:

i. A~~a~~ United States Bureau of Land Management road~~,~~; or

ii. A~~a~~ United States Forest Service (USFS) road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and ~~the~~ landowners adjacent to the road, a local government, or a state agency.

g. The proposed dwelling is not prohibited by, and will comply with, the requirements of~~this Ordinance or~~ the Comprehensive Plan, this Ordinance, and~~or any~~ other provisions of law.

h. When the lot of record~~or parcel~~ on which the dwelling will be sited is part of a tract, the remaining portions of the tract~~adjacent common ownership land~~ shall be consolidated~~remain in common ownership as long as the dwelling remains as approved~~ into a single lot of record when the dwelling is allowed.

i. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(C)(2).

j. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.

3. Forest template dwelling, subject to the following criteria:

a. No dwellings are allowed on other lots of record that make up the tract.

b. A deed restriction shall be recorded with the County Clerk stating no other lots of record that make up the tract may have a dwelling.

c. The tract on which the dwelling will be sited does not include a dwelling.

d. The unit of land on which the dwelling will be sited is a~~The~~ lot of record ~~upon which the dwelling is to be located was lawfully established~~.

e. Any property line adjustment to the lot of record complied with the applicable provisions in Section 1107, *Property Line Adjustments*.

f. Any property line adjustment to the lot of record after January 1, 2019, did not have the effect of qualifying the lot of record for a dwelling under Subsection 406.05(C)(3).

g. If the lot of record on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot of record that was part of the tract.

h. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(C)(3).

i. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.

~~i.~~j. The lot of record upon which the dwelling will be sited shall pass a template test, conducted as follows:

i. A 160 acre square template shall be centered upon the mathematical centroid of the subject tract. The template may be rotated around the centroid 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 mathematical centroid of the subject tract, and, to the maximum extent possible, have its length aligned with the road or perennial stream.

ii. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the Natural Resources Conservation Service (NRCS) Internet Soils Survey of:

A) Less than 50 cubic feet per acre per year of wood fiber production, all or part of at least three other lots of record that existed on January 1, 1993, shall be within the template, and at least three lawfully established dwellings shall have existed on January 1,

1993, and continue to exist on the other lots of record within the template area; or

B) 50 to 85 cubic feet per acre per year of wood fiber production, all or part of at least seven other lots of record that existed on January 1, 1993, shall be within the template, and at least three lawfully established dwellings shall have existed on January 1, 1993, and continue to exist on the other lots of record within the template area; or

C) More than 85 cubic feet per acre per year of wood fiber production, all or part of at least 11 lots of record that existed on January 1, 1993, shall be within the template, and at least three lawfully established dwellings shall have existed on January 1, 1993, and continue to exist on the other lots of record within the template area.

iii. The following types of lots of record and dwellings shall not be counted toward satisfying the minimum number of lots of record or dwellings required pursuant to Subsection 406.05(C)(3)(h)(ii) to pass a template test:

A) Lots of record or dwellings located within an urban growth boundary;

B) Temporary dwellings; and

C) The subject lot of record.

iv. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of one of the dwellings required by Subsection 406.05(C)(3)(h)(ii) 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 one of the dwellings required by Subsection 406.05(C)(3)(h)(ii) shall be located on the same side of the road as the proposed dwelling.

4. 160 acre minimum forest dwelling, subject to the following criteria:

a. The tract on which the dwelling is to be sited is at least 160 acres. The tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.

b. The tract on which the dwelling will be sited does not include a dwelling.

c. The unit of land on which the dwelling will be sited is a lot of record ~~upon which the dwelling is to be located was lawfully created~~.

d. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(C)(4).

e. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.

5. 200 acre noncontiguous dwelling, subject to the following criteria:

a. The tract on which the dwelling will be sited does not include a dwelling.~~;~~

b. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of two or more tracts that total a minimum of 200 acres ~~or more~~.~~;~~

c. 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.~~;~~

d. None of the lots of record or tracts used to total a minimum of 200 acres may already contain a dwelling.

e. All lots of record or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest.~~;~~

f. The unit of land on which the dwelling will be sited is a lot of record ~~upon which the dwelling is to be located was lawfully created;~~.

g. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(C)(5).

h. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.

6. One 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 experienced by the existing resident or a relative of the resident. "Relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. Department of Environmental Quality review and removal requirements also

apply. A temporary dwelling~~residence~~ approved under Subsection 406.05(C)(6) is not eligible for replacement under Subsection 406.05(C)(1).

7. Accessory dwelling supporting family forestry, subject to the following criteria:

   a. The new single-family dwelling unit will not be located in an urban or rural reserve established pursuant to OAR chapter 660, division 27;

   b. The new single-family dwelling unit will be a manufactured home on a lot of record no smaller than 80 acres;

   c. The new single-family dwelling unit will be on a lot of record that contains exactly one existing single-family dwelling unit that was lawfully:

      i. In existence before November 4, 1993; or

      ii. Approved under Oregon Administrative Rules (OAR) 660-006-027, ORS 215.130(6), ORS 215.705, or OAR 660-006-0025(3)(o);

   d. The shortest distance between any portion of the new single-family dwelling unit and any portion of the existing single-family dwelling unit is no greater than 200 feet;

   e. The new single-family dwelling unit shall use the same driveway entrance as the existing single-family dwelling unit, although the driveway may be extended;

   f. The lot of record is within a rural fire protection district organized under ORS chapter 478;

   g. The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;

   h. As a condition of approval of the new single-family dwelling unit, in addition to the requirements of OAR 660-006-0029(5)(e), the property owner agrees to acknowledge and record in the deed records for the county, one or more instruments containing irrevocable deed restrictions that:

      i. Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot of record containing the existing single-family dwelling unit; and

      ii. Require that the owner and the owner's successors manage the lot of record as a working forest under a written forest management plan, as defined in ORS 526.455 that is attached to the instrument;

i. The existing single-family dwelling is occupied by the owner or a relative;

j. The new single-family dwelling unit will be occupied by the owner or a relative;

k. The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition, or supervision of forest lots of record of the owner; and

l. If a new single-family dwelling unit is constructed under Subsection 406.05(C)(7), the new or existing dwelling unit may not be used for vacation occupancy as defined in ORS 90.100.

m. As used in Subsection 406.05(C)(7)(j), "owner or relative" means the owner of the lot of record, or a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of either.

8. Temporary hardship residence, subject to the following criteria:

a. The temporary hardship residence shall be in conjunction with an existing dwelling.

b. "Hardship" means a situation where a natural hazard event has destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.

c. A temporary residence approved under Subsection 401.05(C)(8) is not eligible for replacement under Subsection 401.05(C)(1).

d. The temporary residence may be a recreational vehicle or the temporary residential use of an existing building. Within three months of the temporary residence no longer being necessary, the recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. Department of Environmental Quality review and removal requirements also apply.

e. Subsection 406.05(A)(1) is satisfied when the temporary dwelling is established within an existing building or, if a recreational vehicle, is located within 100 feet of the primary dwelling; or the temporary dwelling is located further than 250 feet from adjacent lands:

i. Zoned AG/F, EFU, or TBR; or

ii. In an adjacent county and in a zoning district that implements Statewide Planning Goal 3, 4, or both.

f. A permit for a temporary hardship residence may be approved for a period not to exceed two years. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, *Procedures*, for a period not to exceed two years. There is no limit on the number of two-year renewals that may be approved. Renewals are subject to the same criteria as an initial permit.

D. Commercial Uses

1. The home occupation shall not unreasonably interfere with other uses permitted in the TBR~~zoning~~ D~~d~~istrict ~~in which the subject property is located~~ and shall not be used as justification for a zone change.

2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-006-0029 and 660-006-0035 and the following requirements:

   a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; ~~and~~

   b. Only minor incidental and accessory retail sales are permitted; ~~and~~

   c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

   d. Accommodations must be located within one-quarter mile of fish- ~~-~~bearing Class I waters.

3. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-006-0029 and 660-006-0035 and the following requirements:

   a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; ~~and~~

   b. Only minor incidental and accessory retail sales are permitted; and

   c. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or~~and~~ big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

E. Transportation Uses

1. Notwithstanding any other provision of law except for health and safety provisions, parking up to seven dump trucks and up to seven trailers is allowed unless dump truck parking will:

   a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

   b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

2~~1~~. Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance, with:

   a. The adoption of an exception to the goal related to forest lands and to any other applicable goal with which the facility or improvement does not comply; or

   b. Compliance with ORS 215.296 for those uses identified by rule of the Oregon Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993~~, chapter 529, section 3~~.

F. Utility and Solid Waste Disposal Facility Uses

1. Wind energy power production systems as an accessory use, provided:

   a. The system is not a commercial power generating facility;

   b. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;

   c. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;

   d. The system is prohibited if tower lighting for aviation safety is required;

   e. The system will be located outside an urban growth boundary on a minimum of one acre;

   f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;

   g. The system is set back a distance not less than the tower height plus one blade from all property lines; and

h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.

2. Television, microwave, and radio communication facilities and transmission towers, provided the base of a transmission tower shall not be closer to the lot line than a distance equal to the height of the tower.

G. Parks, Public, and Quasi-Public Uses

1. Private parks and campgrounds: ~~Campgrounds in private parks shall only be those allowed by Subsection 406.05(G)(1).~~

a. A private park is land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, hiking, or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.

b. A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations. ~~and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground, subject to the following:~~

c~~a~~. Campgrounds devoted to vacation or recreational purposes shall be subject to the following standards:

i. Except on a lot of record contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

ii. The campground must be established on a site with, or contiguous to lands with, a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

iii~~b~~. The~~A~~ campground must~~shall~~ be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

ive. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle.

vd. Separate sewer, water, or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by Subsection 406.05(G)(1)(eg).

~~e. Campgrounds authorized by Subsection 406.05(G)(1) shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.~~

vif. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

d. Emergency purposes: Emergency campgrounds shall be subject to the following standards:

i. An emergency campground may be authorized when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the County or an adjacent county.

ii. Commercial activities shall be limited to mobile commissary services scaled to meet the needs of campground occupants.

iii. Emergency campgrounds must be removed or converted to an allowed use within 36 months from the date of the Governor's Executive Order. The County may grant two additional 12-month extensions upon demonstration by the applicant that the campground continues to be necessary to support the natural hazard event recovery efforts because permanent housing units replacing those lost to the natural hazard event are not available in sufficient quantities.

iv. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer hook-ups shall not be provided to individual campsites.

v. To the extent possible, the campground shall be located outside of flood, geological, or wildfire hazard areas identified in the Comprehensive Plan or this Ordinance.

vi. A plan for removing or converting the temporary campground to an allowed use at the end of the time-frame specified in Subsection 406.05(G)(1)(b)(iii) shall be included in the application materials and, upon meeting the County's satisfaction, be attached to the decision as a condition of approval. The County may require that the removal plan

include a specific financial agreement in the form of a performance bond, letter of credit, or other assurance acceptable to the County that is furnished by the applicant in an amount necessary to ensure that there are adequate funds available for removal or conversion activities to be completed.

vii. The County may find Subsection 406.05(A)(1) to be satisfied when:

A) The Governor has issued an Executive Order declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.

B) The number of proposed campsites does not exceed 12; or

C) The number of proposed campsites does not exceed 36; and

D) Campsites and other campground facilities are located at least 660 feet from adjacent lands planned and zoned for resource use under Goals 3, 4, or both.

~~e~~g. 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. As used in Subsection 406.05(G)(1), "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.

2. A public park may be established consistent with the provisions of ORS 195.120. If the subject property has a local park master plan adopted as part of the Comprehensive Plan, the park is also subject to Section 714, *Special Use Overlay District*.

406.06 PROHIBITED USES

Uses of structures and land not specifically permitted are prohibited.

406.07 DIMENSIONAL STANDARDS

A. Minimum Lot Size: New lots of record shall be a minimum of 80 acres in size, except as provided in Subsection 406.09. ~~For the purpose of complying with the minimum lot size standard, lots of record with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.~~

B. Minimum Front Setback: 30 feet.

C. Minimum Side Setback: 10 feet.

D. Minimum Rear Setback: 30 feet; however, accessory buildings shall have a minimum rear yard setback of 10 feet.

E. Modifications: Modifications to dimensional standards are established by Sections 800, *Special Uses*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

406.08 DEVELOPMENT STANDARDS

A. Fire-Siting Standards for New Structures: Fuel-free break standards shall be provided surrounding any new structure, as follows:

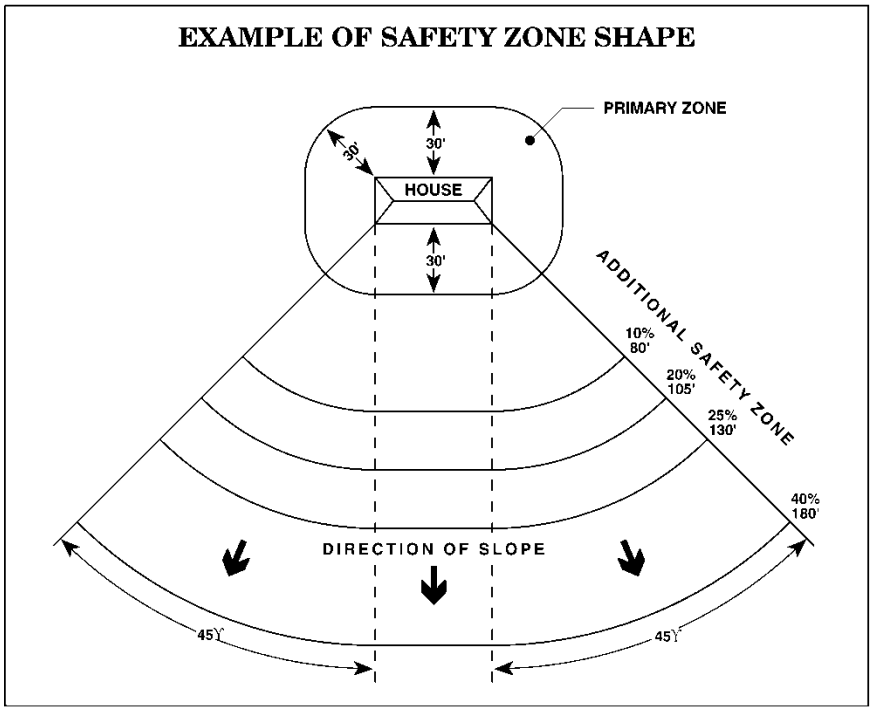
1. A primary fuel-free break area shall be maintained surrounding any new structure, including any new dwelling.

a. The primary safety zone is a fire fuel break extending a minimum distance around structures. The minimum distance is established by Table 406-2, *Minimum Primary Safety Zone* and Figure 406-1, *Example of Primary Safety Zone*. 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 eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the structure. As slope increases, the primary safety zone shall increase away from the structure and down the slope at a 45-degree angle from the structure, in accordance with Table 406-2 and Figure 406-1:

Table 406-2: Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Figure 406-1: Example of Primary Safety Zone



2. For any new dwelling, a secondary fuel-free break area shall be cleared and maintained on land surrounding the dwelling that is owned or controlled by the owner.

    a. The secondary fuel-free break extends around the primary safety zone required pursuant to Subsection 406.08(A)(1). The goal of the secondary fuel-free 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-free 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. The minimum width of the secondary fuel-free break shall be the lesser of:

        i. 100 feet; or

        ii. The distance from the dwelling to the edge of land surrounding the dwelling that is owned or controlled by the owner.

3. Structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704, *River and Stream Conservation Area (RSCA)* and 705, *Willamette River Greenway (WRG)*, respectively. Structures shall be sited so that a primary safety zone can be completed around the structure 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-free break area requirements.

4. The fuel-free break standards shall be completed and approved prior to issuance of any septic, building, or manufactured dwelling permits. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner.

B. Additional Fire-Siting Standards for New Dwellings: The following fire-siting standards shall apply to any new dwelling:

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, an alternative means for protecting the dwelling from fire hazards shall be provided. The means selected may include a fire sprinkling system, onsite equipment and water storage, or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

2. The dwelling shall have a fire retardant roof.

3. The dwelling shall not be sited on a slope of greater than 40 percent.

4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

C. Compatibility Siting Standards: The following compatibility siting standards shall apply to any new structure, including any new dwelling:

1. Structures shall be sited on the subject property so that:

a. They have the least impact on nearby or adjoining forest or agricultural lands;

b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

c. The amount of forest lands used to site access roads, service corridors, and structures is minimized; and

d. The risks associated with wildfire are minimized.

2. Siting criteria satisfying Subsection 406.08(C)(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the subject property least suited for growing trees.

D. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's (OWRD) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR chapter 629). Evidence of a domestic water supply means:

a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

b. A water use permit issued by the OWRD for the use described in the application; or

c. Verification from the OWRD that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under Oregon Revised Statutes 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

E. As a condition of approval, 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 U.S. 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.

F~~E~~. Approval of a dwelling shall be subject to the following requirements:

1. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.

2. The Planning Director shall notify the County Assessor of the above condition at the time the dwelling is approved.

3. If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry administrative rules.

4. Upon notification by the County Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the County Assessor that the land is not being managed as forest land. The County Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

G. As a condition of approval of a dwelling, the landowner for the dwelling shall sign and record in the County deed records 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.

406.09 LAND DIVISIONS

Land divisions are permitted, if consistent with one of the following options and Subsections 1105.01(A) and 1105.12. A land division pursuant to Subsection 406.09(A) shall require review of a Type I application pursuant to Section 1307, *Procedures*. A land division pursuant to Subsection 406.09(B), (C), (D), (E), (F) or (G) shall require review of a Type II application pursuant to Section 1307.

A. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved if each new lot of record is a minimum of 80 acres in size, as established by Subsection 406.07(A).

B. Multiple Dwelling Land Divisions: A lot of record may be divided subject to Subsection 406.05(A)(2) and the following provisions:

1. At least two lawfully established dwellings existed on the lot of record prior to November 4, 1993;

2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.05(C)(1);

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;

4. At least one of the existing dwellings is located on each lot or parcel created under this provision;

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;

6. A lot of record may not be divided under this provision if an existing dwelling on the lot of record was approved through:

   a. A statute, an administrative rule, or a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot of record; or

   b. A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Goal 4 (*Forest Lands*);

7. Existing structures shall comply with the minimum setback standards of Subsections 406.07(B) through (D) from new property lines; and

8. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

C. Homestead Dwelling Land Division: A land division may be approved for the establishment of a parcel for an existing dwelling, subject to the following criteria:

1. The parcel established for the existing dwelling 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;

2. The dwelling existed prior to June 1, 1995;

3. The remaining parcel, not containing the existing dwelling, is:

   a. At least 80 acres; or

   b. The remaining parcel, not containing the existing dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres;

4. The remaining parcel, not containing the existing dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal;

5. The landowner shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the existing 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 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; and

6. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

D. Conditional Use Divisions: A land division creating parcels less than 80 acres in size may be approved for a conditional use to which Subsection 406.05(A)(6) is applicable, subject to the following criteria:

1. The parcel created for the conditional use shall be the minimum size necessary for the use;

2. Either the conditional use was approved pursuant to Subsections 406.05(A)(1) and (2), or—for those uses not subject to Subsections 406.05(A)(1) and (2)—compliance with Subsections 406.05(A)(1) and (2) shall be demonstrated; and

3. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

E. Parks/Open Space/Land Conservation Divisions: A land division for a provider of public parks or open space, or a not-for-profit land conservation organization, may be approved subject to Oregon Revised Statutes (ORS) 215.783. In addition, the landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

F. Forest Practice Divisions: A land division creating parcels less than 80 acres in size may be approved, subject to the following criteria:

1. The division will facilitate a forest practice as defined in ORS 527.620;

2. There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

3. Parcels created pursuant to Subsection 406.09(F):

a. Are not eligible for siting of a new dwelling;

b. May not serve as the justification for the siting of a future dwelling on other lots of record;

c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

d. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

i. Facilitate an exchange of lands involving a governmental agency; or

ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

e. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

G. Land Divisions Along an Urban Growth Boundary: A division of a lot of record may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned AG/F or TBR and is smaller than 80 acres, subject to the following criteria:

1. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.

2. If the parcel does not contain a dwelling, the parcel:

a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

b. May not be considered in approving or denying an application for any other dwelling;

c. May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and

d. The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

406.10 APPROVAL PERIODS AND TIME EXTENSIONS

A. Land Divisions: Approval of an application for a land division is valid for six 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 six-year period, the approval shall be

implemented. "Implemented" means the final plat shall be recorded with the County Clerk. If a final plat is not required under ORS chapter 92, deeds with the legal descriptions of the new lots of record shall be recorded with the County Clerk.

B. Replacement Dwellings: Approval of a replacement dwelling pursuant to Subsection 406.01(D)(1) is valid for four 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 four-year period, the approval shall be implemented. "Implemented" means a building or manufactured dwelling placement permit for the replacement dwelling shall be obtained and maintained and construction of the replacement dwelling shall have commenced.

C. Other Dwellings:

1. Approval of a dwelling pursuant to Subsection 406.05(C), (3), (4), or (5), or for a caretaker residence for a public park or public fish hatchery, is valid for four 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 four-year period, the approval shall be implemented. "Implemented" means a building or manufactured dwelling placement permit for the dwelling shall be obtained and maintained.

2. An extension of a permit described in Subsection 406.10(C)(1) is valid for two years provided that the applicant submits a written request for the extension prior to the expiration of the initial approval period.

3. A maximum of five additional one-year extensions of a permit shall be approved if:

a. The applicant makes a written request for the additional extension prior to the expiration of the extension;

b. The applicable residential development statute has not been amended following the approval of the permit; and

c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the County, which may require that the applicant comply with the amended rule or land use regulation.

D. Approval of any other application is valid for two years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented.

1. "Implemented" means all major development permits shall be obtained and maintained for the approved land use, or if no major development permits are required to complete the development contemplated by the approved land use application, "implemented" means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

   a. A building permit for a new primary structure that was part of the land use approval; or

   b. A permit issued by the County for parking lot or road improvements required by the land use approval.

2. One extension period of up to 12 months shall be approved if:

   a. An applicant makes a written request for an extension of the development approval period;

   b. The request is submitted to the County prior to the expiration of the approval period;

   c. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

   d. 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.

3. Additional one-year extensions shall be authorized subject to compliance with Subsections 406.10(D)(2)(a) through (d) and where applicable criteria for the decision have not changed.

E. An extension pursuant to Subsection 406.10(C)(3), (D)(2), or (D)(3) requires review as a Type II application pursuant to Section 1307, *Procedures*. The decision 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.

F. Subsection 406.10(D) overrides any other potentially applicable approval period standard in other sections of this Ordinance except that home occupations and temporary dwellings for care shall be subject to the applicable approval period provisions of Sections 822, *Home Occupations*, or 1204, *Temporary Permits*, respectively.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-230, 09/26/2011; Amended by Ord. ZDO-234, 06/07/2012; Amended by Ord. ZDO-245, 07/01/2013; Amended by Ord. ZDO-247, 03/01/2014; Amended by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-262, 05/23/2017; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-276, 10/01/2020; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-286, 11/20/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 510, *Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (c-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts*

1. Where the use is allowed, allow the maximum density for single room occupancy units to equal three times the maximum density for dwelling units in the underlying zone, per HB 2138[2025].

2. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

3. Conforming amendments; update references.

510 NEIGHBORHOOD COMMERCIAL (NC), COMMUNITY COMMERCIAL (C-2), REGIONAL CENTER COMMERCIAL (RCC), RETAIL COMMERCIAL (RTL), CORRIDOR COMMERCIAL (CC), GENERAL COMMERCIAL (C-3), PLANNED MIXED USE (PMU), STATION COMMUNITY MIXED USE (SCMU), OFFICE APARTMENT (OA), OFFICE COMMERCIAL (OC), AND REGIONAL CENTER OFFICE (RCO) DISTRICTS

510.01 PURPOSE

Section 510 is adopted to implement the policies of the Comprehensive Plan for the Neighborhood Commercial zoning district and Community Commercial, Regional Center Commercial, Retail Commercial, Corridor Commercial, General Commercial, Planned Mixed Use, Station Community Mixed Use, Office Apartment, Office Commercial, and Regional Center Office areas.

510.02 APPLICABILITY

Section 510 applies to land in the Neighborhood Commercial (NC) Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OA), and Regional Center Office (RCO) Districts, hereinafter collectively referred to as the urban commercial and mixed-use zoning districts.

510.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 510-1*, Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 510-1:

1. "P" means the use is a primary use.

2. "A" means the use is an accessory use.

3. "L" means the use is a limited use and shall be developed concurrently with, or after, a primary use.

4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

5. "S" means the use may be authorized only pursuant to Section 106; however, identifying a use as "S" does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.

6. "X" means the use is prohibited.

7. Numbers in superscript correspond to the notes that follow Table 510-1.

B. If a use is identified in Table 510-1 as prohibited, it is prohibited even if it also falls within a broader use description that is permitted in the applicable zoning district. For example, a car wash may be prohibited even if commercial services in general are permitted.

C. If a use is included in more than one use description in Table 510-1, the more specific listing applies. For example, if a car wash is a conditional use, but commercial services in general are a primary use, the car wash shall be reviewed as a conditional use. Notwithstanding this provision, a use may be included in two of the following categories because it is allowed with fewer restrictions in one category than another: primary, accessory, limited, and conditional. In that case, the use may be approved in either category, to the extent that it complies with the respective approval criteria. For example, hotels may be permitted as a limited use with a maximum building floor area and as a conditional use without a maximum building floor area.

D. Permitted uses are subject to the applicable provisions of Subsection 510.04, *Dimensional Standards*, Subsection 510.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

510.04 DIMENSIONAL STANDARDS

Dimensional standards applicable in the urban commercial and mixed-use zoning districts are listed in Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*. Modifications to the standards of Table 510-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. As used in Table 510-2, numbers in superscript correspond to the notes that follow Table 510-2.

510.05 DEVELOPMENT STANDARDS

The following development standards apply:

A. Outdoor Operations in the NC District: In the NC District, primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

B. Operational Impacts in the C-2 and C-3 Districts: In the C-2 and C-3 Districts, processes and equipment employed and goods processed or sold shall be limited to those that are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried wastes.

C. Storage in the C-2 District: In the C-2 District, storage of materials and merchandise shall be confined and contained within completely enclosed buildings.

D. Outdoor Operations in the RCC District: In the RCC District:

1. Primary commercial uses are permitted provided that outdoor display and storage shall be limited to no more than five percent of the building coverage.

2. Outdoor sales and services are prohibited.

E. Outdoor Operations in the RTL District: In the RTL District, primary commercial uses and conditional uses are permitted provided that:

1. Outdoor display and storage shall be limited to no more than five percent of the building coverage.

2. Notwithstanding Subsection 510.05(E)(1), auto body, recreational vehicle, and boat repair businesses shall store within a completely enclosed structure those vehicles and equipment that are damaged or being repaired.

3. Primary commercial uses shall conduct most activities within a completely enclosed structure.

F. Outdoor Sales and Storage in the PMU District: In the PMU District, outdoor sales, except temporary sidewalk sales and sidewalk cafes and food vendors, are prohibited. Also prohibited is permanent outdoor storage of materials or products.

G. Site-Specific Standards in the PMU District: Six sites have a Comprehensive Plan designation of PMU. These sites are designated PMU1 through PMU6 and are identified on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*. When one of these sites is zoned Planned Mixed Use District, a site number corresponding to the number designated by the Comprehensive Plan is assigned. A PMU site shall comply with the specific standards for that site identified in Table 510-3, *Site-Specific Requirements for the PMU District*, except that there are no site-specific standards for PMU6. As used in Table 510-3, numbers in superscript correspond to the notes that follow Table 510-3.

H. Outdoor Operations in the SCMU District: In the SCMU District, outdoor displays, processes, or storage, except for the storage of solid waste and recyclables either as required by Section 1021, *Solid Waste and Recyclable Material Collection*, or as an accessory use to a townhouse, are prohibited.

I. Outdoor Operations in the OA District: In the OA District, all primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure. For the purposes of this provision, "office uses" include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Office and Outpatient Clinics, and Research Facilities and Laboratories.

J. Outdoor Storage and Display in the OC District: In the OC District, outdoor storage or display of materials or products is prohibited.

K. Outdoor Sales, Storage, and Display in the RCO District: In the RCO District, outdoor sales, storage, or display of materials or products is prohibited.

Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care home, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, stormwater management facilities, television antennas and receivers, transit amenities, trellises, utility service equipment, and utility service lines	A	A	A	A	A	A	A	A	A	A	A
Assembly Facilities, including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	C	P	P,C[4]	P	P	P	P	P	S	P,C[4]	P,C[4]
Bed and Breakfast Residences and Inns, subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
Bus Shelters	A	A	P	P	P	P	P	P	A	P	P

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Child Care Centers	P	P	P	P	P	P	P	P	P	P	P
Civic and Cultural Facilities, including art galleries, museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
Composting Facilities	X	X	X	X	X	X	X	X	X	X	X
Crisis Stabilization Centers, as defined in ORS 430.626, subject to Section 849	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]	P[5]
Daycare Services, Adult	P	P	P	P	P	P	P	P	P	L[6],C	L[7],C
Dog Services, including boarding, daycare, and grooming	S	P	P	P	P	P	P	P[8]	S	C[9]	L[7]
Drive-Thru Window Services, subject to Section 827	C	A	A[10]	A	A	A	A[11]	X	X	A[11]	A[11]
Dwellings[12], including:											
Congregate Housing Facilities	X	X	P[13,14]	P[15]	P[15]	P[15]	P	P	L	P[15]	P[13,14]
Detached Single-Family Dwellings	A	A	X	A	X	A	X	X	X	X	X
Duplexes	X	A	X	P	P	P	P	P	L[16]	P	X
Multifamily Dwellings	X	X	P[13]	P[15]	P[15]	P[15]	P	P	L[16]	P[15]	P[13]
Quadplexes	X	X	P[13]	P[15]	P[15]	P[15]	P	P	L[16]	P[15]	P[13]
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P	P	P	P	P	P	P	P	P	P	P
Single Room Occupancies	X	X	P[13]	P[15]	P[15]	P[15]	P	P	L[16]	P[15]	P[13]
Townhouses	X	A	X	A	X	A	P	P	L[17]	X	X
Triplexes	X	X	X	P	P	P	P	P	L[16]	P	X
Electric Vehicle Charging Stations	A,C	P	A	A,C	P	P	A	A	A	A	A

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Emergency Shelters, subject to Section 848	P	P	P	P	P	P	P	P	P	P	P
Employee Amenities, such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A[18]	A[18]	A[18]
Entertainment Facilities, including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C[19]	P[19]	P[19]	P	P	P	P[19]	P[8,19]	S	C[9,19]	L[7,19]
Farmers' Markets, subject to Section 840	P	P	P	P	P	P	P	P	P	P	P
Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs	P[19]	P[19]	P[19]	P	P	P	P[19]	P[8,19]	L[19,20]	C[19]	L[19,21]
Government Uses, including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
Heliports	X	X	C[22]	C	C	C	X	X	X	C[22]	C[22]
Helistops	X	X	C[22]	C	C	C	C	C	X	C[22]	C[22]
Home Occupations, including bed and breakfast homestays, subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
Hospitals, General	X	X	X	X	X	X	X	X	X	C	C
Hospitals, Mental or Psychiatric, subject to Section 849	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23],C	P[23],C
Hotels	P	P	P	P	P	P	P	P[8]	S	L[6,24],C[24]	P[24]
Libraries	P	P	P	P	P	P	P	P	P	P	P

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Manufacturing, including the mechanical, physical, or chemical transformation of materials, substances, or components into new products and the assembly of component parts, but excluding the primary processing of raw materials	S[25]	S[26]	S	S	P	P	S	P[27,28]	S	P[29]	S
Manufacturing of Edible or Drinkable Products Retailed on the Same Site, including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site.	S	P	S	S	P	P	S	P[27,28]	S	P[29]	S
Marijuana Processing	X	X	X	X	P[30]	P[30]	X	P[27,30]	X	P[29,30]	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing, subject to Section 841	P	P	P	P	P	P	P	P[8]	X	P[9]	L[7]
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Mobile Vending Units, subject to Section 837	P	P	P	P	P	P	P	P	A[31]	A[31]	A[31]
Motels	P	P	P	P	P	P	P	P[7]	S	L[6,32],C[32]	L[7]
Multi-Use Developments, subject to Section 844	X	X	X	X	X	C	X	X	X	C	X
Nursing Homes	X	X	X	X	X	X	P	P	L	X	X

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Offices, including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P	P	P	P	P	P	P	P	P	P
Offices and Outpatient Clinics—both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P	P	P	P	P	P	P	P	P	P
Parking Lots	A	A	A	A	P	P	A	A	A	P[33]	A
Parking Structures	X	A[34]	P[33]	P[33]	P	P	A	A	A[34]	P[33]	P[33]

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Parks, Government-Owned, including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; nature preserves and wildlife sanctuaries; picnic areas and structures; play equipment and playgrounds; tables and seating; and similar recreational uses. Accessory uses to a park may include concessions, maintenance facilities, restrooms, and similar support uses.	P	P	P	P	P	P	P	P	P	P	P
Pedestrian Amenities	P	P	P	P	P	P	P	P	P	P	P
Places of Worship, subject to Section 804	P	P	P	P	P	P	P	P	P	P	P
Race Tracks, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Radio and Television Studios, excluding transmission towers	C	P	P	P	P	P	P	P	S	P	P
Radio and Television Transmission and Receiving Towers and Earth Stations[33]	S	C	S	S	C	C	S	S	S	S	S
Radio and Television Transmission and Receiving Earth Stations	S	C	C	C	C	C	A	S	S	S	S

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	P[19]	P[19]	P[19]	P	P	P	P[19]	P[8,19]	S	C[19]	L[19,21]
Recyclable Drop-Off Sites, subject to Section 819	A	A	A[36]	A[36]	A	A	A[36]	A[36]	A[36]	A[36]	A[36]
Research Facilities and Laboratories, including medical laboratories, medical research, product design and testing, and product research and development	S	S	S	S	P	P	P[29]	P	P[37]	P[37]	P[29]
Residential Treatment Facilities and Residential Treatment Homes, subject to Section 849[38]	P	P	P	P	P	P	P	P	P	P	P
Retailing—whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P[8]	S	C[9]	L[7]

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Retailing—whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P	P	P	P	P	P	P[7]	L[20,39],S	L[6,39],C[9]	L[7]
Retailing—whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C[9]	L[7]
Retailing—whether by sale, lease, or rent—of any of the following new or used products: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Roads	P	P	P	P	P	P	P	P	P	P	P
Schools	P[40]	P[40]	P	P	P	P	P	P	L[41]	P	P
Service Stations	C	P	X	C	P	P	X	X	X	X	X
Services, Business, including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P	P	P	P	P	P	P	P	P	P	P
Services, Commercial	S	S	P	P	P	P	P	P[8]	S	C[9]	L[7]
Services, Commercial—Car Washes	S	S	X	C	P	P	P	X	X	X	X
Services, Commercial—Construction and Maintenance, including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C[9]	L[7]
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	P	P	P	P	P	P	P	P[8]	L[19]	L[6],C[42]	L[7,43]
Services, Commercial—Maintenance and Repair of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	P	P	P	P	P	P	P	P[8]	S	C[9]	L[7]
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C[9]	L[7]

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Services, Commercial—Maintenance and Repair of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X
Services, Commercial—Miscellaneous, including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P	P	P	P	P	P	P[8]	S	C[9]	L[7]
Services, Commercial—Personal and Convenience, including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P	P	P	P	P	P	P[8]	L[20]	L[6]	L[7]
Services, Commercial—Mini-Storage/Self-Storage Facilities	S	S	X	C	P	P	X	X	S	X	X
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	X	C	P	P	X	X	X	X	X

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
Services, Commercial—Storage of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	C	P	P	X	X	X	X	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	P	P	P	P	P	P	P	P[7]	S	P	P
Services, Commercial—Truck Stops	X	X	X	X	P	P	X	X	X	X	X
Services, Information, including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	S	S	S	S	P	P	P	P[27]	P	P	P
Short-Term Rental in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use	X	X	P	P	P	P	P	P	P	P	P
Signs, subject to Section 1010	A[44]	A[44]	A[44]	A[44]	A[44]	A[44]	A[44]	A[44]	A[44]	A[44]	A[44]
Stadiums, Outdoor	X	X	X	X	X	C	X	X	X	X	X
Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A	A	A	A	A	A	A	A	A

Use	NC	C-2	RCC	RTL	CC	C-3	PMU[1]	SCMU	OA[2,3]	OC	RCO
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	A	A	A	A	A	A	A	A	A	A	A
Transit Facilities, including transit centers, transit park-and-rides, transit stations, and transit stops	S	S	P	P	P	P	P	P	S	P	P
Utility Facilities, including:											
Stormwater Management Facilities	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]	P,C[45]
Utility Cabinets	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]	P,C[46]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities Not Otherwise Listed in Table 510-1	S	C	C	C	C	C	S	S	S	S	S
Utility Lines	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]	P,C[47]
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1	P	P	P	P	P	P	See Table 835-1	P	P	P

[1] Required primary uses for each Planned Mixed Use site are listed in Table 510-3, *Site-Specific Requirements for the PMU District.*

[2] A minimum of 60 percent of the total building floor area on a site shall be primary use(s).

[3] A maximum of 40 percent of the total building floor area on a site may be limited use(s).

[4] An assembly facility with a maximum capacity of more than 500 people is a conditional use.

[5] A crisis stabilization center must locate on property owned by a public body, as defined in ORS 174.109, and adjacent to where a mental or psychiatric hospital licensed under ORS 441.025 is or will be located as established by a pending development application.

[6] The maximum combined building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.

[7] The use is permitted only:

a. In a multistory building with a primary use, up to a maximum building floor area equal to the building floor area of the first floor; or

b. On the ground-level floor of a freestanding parking structure.

[8] A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 8 shall not exceed 40,000 square feet in a single building.

[9] The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 9, shall be 20 percent of the building floor area of primary uses in the same development.

[10] Drive-thru window service is prohibited on streets designated as Main Streets on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*.

[11] Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.

[12] Dwellings not otherwise permitted in the applicable zoning district may nonetheless be permitted if they are developed as affordable housing, as defined in ORS 197A.445(1), and subject to Section 846, *Affordable Housing*.

[13] Freestanding congregate housing facilities, freestanding multifamily dwellings, freestanding single room occupancies, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, single room occupancies, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the RCHDR District.

[14] A congregate housing facility shall have a minimum of four dwelling units.

[15] Freestanding congregate housing facilities, freestanding multifamily dwellings, freestanding single room occupancies, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, single room occupancies, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the HDR District, except that the minimum and maximum residential density standards of Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, apply.

[16] Duplexes, triplexes, quadplexes, multifamily dwellings, and single room occupancies, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.

[17] Townhouses, subject to the density standards of the VTH District, may be developed in the same building as a primary use.

[18] Employee amenities shall be located in the same structure as the use to which they are accessory.

[19] Only indoor facilities are permitted.

[20] An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 20, shall be 10 percent of the total building floor area in the same development.

[21] The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:

a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:

   i. The minimum FAR for the office use shall be 0.75; and

   ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.

b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.

c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use.

[22] This use is permitted only in conjunction with a primary or another conditional use.

[23] A mental or psychiatric hospital established as a primary use must be located adjacent to where a crisis stabilization center, as defined in ORS 430.626 and licensed under ORS 430.627, is or will be located as established by a pending development application.

[24] Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the hotel.

[25] In the NC District, sign production is a conditional use.

[26] In the C-2 District, sign production is a permitted use.

[27] These uses are permitted with a maximum of 10,000 square feet of building floor area per building, if part of a mixed-use development and if the combined building floor area of the use, and any other uses subject to Note 27, does not exceed 25 percent of the building floor area of the mixed-use development.

[28] Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.

[29] This use is permitted only if it has physical and operational requirements that are similar to those of other primary uses allowed in the same zoning district.

[30] Marijuana processing shall be located entirely within one or more completely enclosed buildings. The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.

[31] Only level one mobile vending units are permitted.

[32] Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the motel.

[33] The parking is permitted to serve only developments located in the same zoning district as the subject property.

[34]This use is limited to understructure parking.

[35] The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

[36] Recyclable drop-off sites are permitted only if accessory to an institutional use.

[37] No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.

[38] Section 849 applies to all residential treatment facilities and residential treatment homes, except those with 15 or fewer residents, all of whom reside in a single dwelling unit that is permitted by Table 510-1. Residential treatment facilities and residential treatment homes that meet this exception are an allowed use within the dwelling unit and are subject only to the land use review required to permit the dwelling unit.

[39] Only retailing of videos is permitted as a limited use. All other retailing in this use category requires review pursuant to Section 106 in the OA District and is a conditional use, subject to Note 9, in the OC District.

[40] Only commercial schools are permitted.

[41] Schools shall be limited to no more than 30 percent of the total building floor area on a site.

[42] An eating and drinking establishment may be permitted as a conditional use, provided that it complies with a minimum of five of the following criteria:

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 Oregon Liquor Control Commission license to serve beer and wine; or

g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

[43] Notwithstanding Note 7, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:

a. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.

b. If the primary use in the same development is an office use, as defined in Note 23 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.

c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.

d. The eating and drinking establishment shall be developed concurrently with, or after, a primary use.

[44] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[45] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[46] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

[47] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

Table 510-2: Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Lot Size	7,260 square feet[1,2]	None	1 acre[2,3]	½ acre[2,3]	None	None	PMU1: None PMU2: 2 acres PMU3: 3 acres PMU4: ½ acre PMU5: 10 acres PMU6: 5 acres	½ acre[2,4]	None	1 acre[2,3]	2½ acres[2,3]
Minimum Street Frontage	None	None	None	None	None	None	None	100 feet[5]	None	None	None
Maximum Front Setback	20 feet[6]	20 feet[6]	20 feet[7]	20 feet[6]	20 feet[6]	20 feet[6]	20 feet[7,8]	See Subsection 1005.09	20 feet[6]	20 feet[6]	20 feet[7]
Minimum Front Setback	0	15 feet	5 feet[9]	15 feet	15 feet	15 feet	0	See Subsection 1005.09	10 feet	15 feet	5 feet[9]

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Rear Setback	0	0[10]	0[11]	0[12]	0[12]	0[12]	0[8,10]	See Subsection 1005.09	10 feet[13]	10 feet[11]	0[14]
Minimum Side Setback	0	0[15]	0[15]	0[16]	0[16]	0[16]	0[8,15]	See Subsection 1005.09	6 feet[17]	10 feet[18]	0[15]
Maximum Building Height	35 feet	None[19]	None	None	None	None	None	None	45 feet	None[20]	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development[21]	None	None	None	See Table 510-3.	None	None	None	0.5 for primary office uses on lots of 2½ acres or less; 1.0 for primary office uses on lots greater than 2½ acres[21, 22, 23]
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None	None	None	None	None

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Residential Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use[24]	20 dwelling units per net acre for residential development; none for mixed-use develop-ment[24]	20 dwelling units per net acre for residential development; none for mixed-use develop-ment[24]	20 dwelling units per net acre for residential development; none for mixed-use develop-ment[24]	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use develop-ment[24]	None	20 dwelling units per net acre for residential development; none for mixed-use develop-ment[24]	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use or with a limited use other than a fitness facility or a freestanding restaurant[24]

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Maximum Residential Density	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None	60 dwelling units per acre, or 180 single room occupancy units per acre[25]	60 dwelling units per acre or 180 single room occupancy units per acre [25]	60 dwelling units per acre or 180 single room occupancy units per acre [25]	None	None	Standards in MR-2 District apply. See Table 315-54.	60 dwelling units per acre or 180 single room occupancy units per acre [25]	None

Notes to Table 510-2:

1 The minimum lot size for land with a Comprehensive Plan land use plan designation of Low Density Residential shall be the same as that allowed by the zoning district that applied to the subject property immediately prior to the application of the NC zoning district.

2 The minimum lot size standard applies only to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, an undersized lot of record may be developed, subject to other applicable standards of this Ordinance.

3 No minimum lot size standard applies to a lot created by partition or subdivision or adjusted through a property line adjustment, provided that the newly created or adjusted lot is developed only with a dwelling classified as a nonconforming use and uses accessory to that dwelling.

4 The minimum is 2,000 square feet for a lot developed only with a townhouse and uses accessory to that townhouse.

5 The minimum street frontage standard applies only to subdivisions, partitions, and property line adjustments. The minimum for a lot of record on the outer radius of a curved street or the circular end of a cul-de-sac is 35 feet measured on the arc. The minimum for a lot of record developed only with a townhouse, and uses accessory to that townhouse, shall be 20 feet. A lot of record with frontage on more than one street shall meet the minimum on each street.

[6] The maximum front setback standard applies only if required by Subsection 1005.02(H). However, see Subsection 1005.02(E) for a related standard.

[7] The maximum front setback standard shall be met for all buildings except freestanding parking structures. However, the maximum front setback may be exceeded to the minimum extent necessary to accommodate pedestrian amenities. If a lot has more than one front lot line, the standard must be met for only one. A private road used to satisfy the maximum front setback standard must comply with Subsection 1005.07(G). The maximum front setback from Main Streets identified on Comprehensive Plan Map X-CRC-3 is 10 feet.

[8] In lieu of complying with the standard, an applicant for design review on a site of 25 acres or larger may propose alternate setback standards. The alternate standards, or any part thereof, shall be approved if they are found to be equally effective as the regular standards in establishing a visual image, sense of place, and quality pedestrian environment for the area.

[9] There is no minimum setback from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.

[10] If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet.

[11] If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet.

[12] If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.

[13] If the rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: 10 feet for the portion of a building that is 25 feet or less in height; 20 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.

[14] If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 39 feet.

[15] If the side lot line abuts a residential zoning district, the minimum shall be 15 feet.

[16] If the side lot line abuts a residential zoning district, the minimum side yard setback shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.

[17] If the side lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: six feet for the portion of a building that is 25 feet or less in height; 16 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.

[18] If the side lot line abuts a residential zoning district, the minimum shall be 35 feet.

[19] If the subject property abuts a residential zoning district, the maximum building height shall be 35 feet.

[20] If the building is located less than 100 feet from an Urban Low Density Residential, VR-4/5, or VR-5/7 District, the maximum building height shall be equal to the building's distance from the Urban Low Density Residential, VR-4/5, or VR-5/7 District.

[21] Floor area ratio shall be calculated pursuant to Subsection 1005.02(K).

[22] With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.

[23] For the purposes of this provision, "office uses" include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Offices and Outpatient Clinics, and Research Facilities and Laboratories.

[24] Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

[25] Maximum residential density may be increased pursuant to Table 1012-1, *Bonus Density*. Any partial figure of one-half or greater shall be rounded up to the next whole number. Maximum density for a development with both dwelling units and single room occupancy units shall be calculated pursuant to Subsection 1012.04(E).

Table 510-3: Site-Specific Requirements for the PMU District

Land Uses & Areas Required	PMU1
Office uses[1], minimum square feet	525,000 square feet
Retail, entertainment, hotel, service commercial, theater, or equivalent, minimum square feet	500,000 square feet
Dwelling units, minimum number	200 dwelling units; demonstrate ability to accommodate 600 dwelling units
Public plaza	one-half- to one-acre plaza
Entertainment/recreational facility	
Transit facilities	
Preserve Phillips Creek and enhance Phillips Creek Greenway	
Land Uses & Areas Required	**PMU 2, 3, 4, and 5**
Office uses[1] or residential uses[2], minimum site area	50 percent
Office uses[1], minimum floor area ratio (FAR)	0.5 for office uses on lots of two and one-half acres or less; 1.0 for office uses on lots greater than two and one-half acres, calculated pursuant to Subsection 1005.02(K). With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases, provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
Retail uses and service commercial uses, minimum FAR	0.3, calculated pursuant to Subsection 1005.02(K)
Residential density[2]	The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

Notes to Table 510-3:

[1] For the purposes of this provision, "office uses" include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Assembly Facilities, Business Services, Civic and Cultural Facilities, Financial Institutions, Information Services, Libraries, Offices, Offices and Outpatient Clinics, Radio and Television Studios, Research Facilities and Laboratories, and Schools.

[2] For the purposes of this provision, "residential uses" include the following uses from Table 510-1: Congregate Housing Facilities, Multifamily Dwellings, and Nursing Homes. However, nursing homes are excluded from the minimum residential density standard.

[Added by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-276, 10/01/2020; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-277, 01/01/2022; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-273, on remand, 05/30/2023; Amended by Ord. ZDO-287, 08/03/2023; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 511, *Village Community Service (VCS) District*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

511 VILLAGE COMMUNITY SERVICE DISTRICT (VCS)

511.01 PURPOSE

Section 511 is adopted to implement the policies of the Comprehensive Plan for Village Community Service areas.

511.02 APPLICABILITY

Section 511 applies to land in the Village Community Service (VCS) District.

511.03 USES PERMITTED

Uses permitted in the VCS District are listed in Table 511-1, *Permitted Uses in the VCS District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 511-1:

1. "P" means the use is a primary use.

2. "A" means the use is an accessory use.

3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

4. "X" means the use is prohibited.

5. Numbers in superscript correspond to the notes that follow Table 511-1.

B. Permitted uses are subject to the applicable provisions of Subsection 511.04, *Dimensional Standards*, Subsection 511.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

511.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VCS District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

A. Setback: The setback from lot lines abutting Oregon Trail Drive and Hines Drive shall be zero. The minimum setback from all other lot lines shall be five feet.

B. Maximum Building Height: Maximum building height shall be 35 feet.

511.05 DEVELOPMENT STANDARD

All primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

Table 511-1: Permitted Uses in the VCS District

Use	VCS
Accessory Uses, Customarily Permitted, such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, stormwater management facilities, transit amenities, utility service equipment, and utility service lines	A
Assembly Facilities, including auditoriums, community centers, and senior centers	P
Athletic Clubs	C
Bus Shelters	A
Child Care Centers	P
Civic and Cultural Facilities, including art galleries and museums	P[1],C[2]
Community Gardens	P
Composting Facilities	X
Crisis Stabilization Centers, as defined in ORS 430.626, subject to Section 849	P[3]
Daycare Services, Adult	P
Dwellings, including:	
Dwellings, if developed as affordable housing, as defined in ORS 197A.445(1), subject to Section 846	P
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P
Electric Vehicle Charging Stations	A
Emergency Shelter, subject to Section 848	P
Employee Amenities, including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities	A[4]
Farmers' Markets, subject to Section 840	P
Government Uses, including fire stations, police stations, and post offices	P
Hospitals, Mental or Psychiatric, subject to Section 849	P[5]
Libraries	P
Marijuana Processing	X
Marijuana Production	X

Use	VCS
Marijuana Retailing	X
Marijuana Wholesaling	X
Offices, including developer sales offices and professional offices	C
Offices, including government offices and utility offices	P
Pedestrian Amenities	P
Places of Worship, subject to Section 804	P
Public Recreation Facilities	P
Recyclable Drop-off Sites, subject to Section 819	A
Residential Treatment Facilities and Residential Treatment Homes, subject to Section 849	P
Roads	P
Schools	P
Signs, subject to Section 1010	A[6]
Telecommuting Support Services, including photocopying centers with fax and computer facilities	P
Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work	A
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	A
Utility Carrier Cabinets, subject to Section 830	P,C[7]
Utility Facilities, including:	
Stormwater Management Facilities	P,C[7]
Utility Cabinets	P,C[8]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P
Utility Lines	P,C[9]
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1

Notes to Table 511-1:

[1] Museums are a primary use.

[2] Art galleries are a conditional use.

[3] A crisis stabilization center must locate on property owned by a public body, as defined in ORS 174.109, and adjacent to where a mental or psychiatric hospital licensed under ORS 441.025 is or will be located as established by a pending development application.

[4] Employee amenities shall be located in the same structure as the use to which they are accessory.

[5] A mental or psychiatric hospital established as a primary use must be located adjacent to where a crisis stabilization center, as defined in ORS 430.626 and licensed under ORS 430.627, is or will be located as established by a pending development application.

[6] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[7] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[8] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

[9] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

[Added by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-287, 08/03/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 512, *Village Office (VO) District*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

512 VILLAGE OFFICE DISTRICT (VO)

512.01 PURPOSE

Section 512 is adopted to implement the policies of the Comprehensive Plan for Village Office areas.

512.02 APPLICABILITY

Section 512 applies to land in the Village Office (VO) District.

512.03 USES PERMITTED

Uses permitted in the VO District are listed in Table 512-1, *Permitted Uses in the VO District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 512-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "X" means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 512-1.

B. Permitted uses are subject to the applicable provisions of Subsection 512.04, *Dimensional Standards*, Subsection 512.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

512.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VO District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

A. Maximum Front Setback: The maximum front setback shall be 50 feet from the centerline of 142nd Avenue, 75 feet from the centerline of Sunnyside Road, and 10 feet from lot lines abutting any other road. The maximum front setback may be exceeded to the minimum extent necessary to accommodate proposed pedestrian amenities.

B. Minimum Front Setback: The minimum front setback shall be 40 feet from the centerline of 142nd Avenue, 65 feet from the centerline of Sunnyside Road, and five feet from lot lines abutting any other road. Awnings or other overhangs may extend a maximum of four feet into the minimum front yard depth.

C. Rear Setback: The maximum and minimum front setback standards for lot lines abutting 142nd Avenue and Sunnyside Road shall apply even if a lot line abutting 142nd Avenue or Sunnyside Road is designated as a rear lot line pursuant to the definition of rear lot line in Section 202, *Definitions*.

D. Maximum Building Height: Maximum building height shall be 45 feet.

512.05 DEVELOPMENT STANDARD

Primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

Table 512-1: Permitted Uses in the VO District

Use	VO
Accessory Uses, Customarily Permitted, such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, stormwater management facilities, storage of building maintenance and landscape maintenance equipment, transit amenities, utility service equipment, and utility service lines	A
Assembly Facilities, including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, places of worship, senior centers, and theaters for the performing arts	C[1,2]
Bus Shelters	A
Child Care Centers	P
Civic and Cultural Facilities, including art galleries and museums	C[1]
Composting Facilities	X
Crisis Stabilization Centers, as defined in ORS 430.626, subject to Section 849	P[3]
Daycare Services, Adult	L[4,5],C[6]
Dwellings, including:	
Dwellings, if developed as affordable housing, as defined in ORS 197A.445(1), subject to Section 846	P
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P
Educational Institutes	C[7]

Use	VO
Electric Vehicle Charging Stations	A
Emergency Shelter, subject to Section 848	P
Employee Amenities, including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities	A[8]
Farmers' Markets, subject to Section 840	P
Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations	P
Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs	C
Hospitals, Mental or Psychiatric, subject to Section 849	P[9]
Libraries	C[1]
Manufacturing, including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	P[10]
Marijuana Processing	P[10,11]
Marijuana Production	X
Marijuana Retailing	X
Marijuana Wholesaling	X
Mobile Vending Units, Level One, subject to Section 837	A
Offices, including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P
Offices and Outpatient Clinics—both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P
Pedestrian Amenities	P
Radio and Television Studios, excluding transmission towers	C[7]

Use	VO
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	C
Recyclable Drop-off Sites, subject to Section 819	A
Research Facilities and Laboratories, including medical laboratories, medical research, product design and testing, and product research and development	P[12]
Residential Treatment Facilities and Residential Treatment Homes, subject to Section 849	P
Roads	P
Services, Business, including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	L[4]
Services, Information, including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	P
Signs, subject to Section 1010	A[13]
Studios of the following types: art, dance, and music	C[7]
Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work	A
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	A
Trade Schools. Trade schools provide training in occupational skills. These facilities also may be referred to as technical schools, vocational schools, and career schools.	C[7]
Utility Facilities, including:	
Stormwater Management Facilities	P,C[14]
Utility Cabinets	P,C[15]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P
Utility Lines	P,C[16]

Use	VO
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1

Notes to Table 512-1:

[1] This use is permitted only if there is no opportunity to locate it either in the VCS District or on land zoned VCS prior to annexation to the City of Happy Valley.

[2] An assembly facility shall have a maximum capacity of 500 people.

[3] A crisis stabilization center must locate on property owned by a public body, as defined in ORS 174.109, and adjacent to where a mental or psychiatric hospital licensed under ORS 441.025 is or will be located as established by a pending development application.

[4] The maximum building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.

[5] The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 adults.

[6] The use shall be located in the southern half of the VO District and shall be oriented toward the adjacent residential neighborhood.

[7] This use is permitted only if there is no opportunity to locate it on land zoned Village Commercial District prior to annexation to the City of Happy Valley.

[8] Employee amenities shall be located in the same structure as the use to which they are accessory.

[9] A mental or psychiatric hospital established as a primary use must be located adjacent to where a crisis stabilization center, as defined in ORS 430.626 and licensed under ORS 430.627, is or will be located as established by a pending development application.

[10] This use is allowed only if it has physical and operational requirements that are similar to those of other primary uses allowed in the VO District.

[11] The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.

[12] No operation shall be conducted, or equipment used, that would create any of the following: hazards, noxious conditions, or offensive conditions.

[13] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[14] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[15] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

[16] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

[Added by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 513, *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

513 RURAL TOURIST COMMERCIAL (RTC) AND RURAL COMMERCIAL (RC) DISTRICTS

513.01 PURPOSE

Section 513 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas regulated by the Mount Hood Community Plan and for Rural Commercial areas.

513.02 APPLICABILITY

Section 513 applies to land in the Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts.

513.03 USES PERMITTED

A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

B. As used in Table 513-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "S" means the use may be authorized only pursuant to Section 106; however, identifying a use as "S" does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
5. "X" means the use is prohibited.
6. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
7. Numbers in superscript correspond to the notes that follow Table 513-1.

C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process.*

513.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the RTC and RC Districts are listed in Tables 513-2, *Dimensional Standards in the RTC and RC Districts, Except in Government Camp*, and 513-3, *Dimensional Standards in Government Camp*. As used in Tables 513-2 and 513-3, numbers in superscript correspond to the notes that follow the tables.

B. Modifications: Modifications to the standards in Tables 513-2 and 513-3 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions;* 1107, *Property Line Adjustments*; and 1205, *Variances*.

Table 513-1: Permitted Uses in the RTC and RC Districts

Use	RTC	RC
Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, stormwater management facilities, television antennas and receivers, transit amenities, trellises, utility service equipment, and utility service lines	A	A
Assembly Facilities, including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	P	P,C[1]
Bed and Breakfast Inns, subject to Section 832	P	P
Bed and Breakfast Residences, subject to Section 832	P	P
Bus Shelters	P	P
Child Care Facilities	P	P
Civic and Cultural Facilities, including art galleries, libraries, museums, and visitor centers	P	P
Composting Facilities	X	X
Contractors, Logging	P	P
Daycare Services, Adult	P	P
Drive-Thru Window Services, subject to Section 827	X	A
Dwellings, including:		
Dwellings, Detached Single-Family	P[2],A	A
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P	P
Electric Vehicle Charging Stations	P	P
Employee Amenities, including cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A
Entertainment Facilities, including arcades, billiard halls, and movie theaters	P	P
Farmers' Markets, subject to Section 840	P	P

Use	RTC	RC
Financial Institutions, including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P
Fitness Facilities, including athletic clubs, exercise studios, gymnasiums, and health clubs	P	P
Government Uses, including fire stations, police stations, and post offices	P	P
Government Uses, unless such a use is listed elsewhere in this table as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C
Home Occupations, including bed and breakfast homestays, subject to Section 822	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels	P[3]	S[4]
Manufacturing of Edible or Drinkable Products Retailed on the Same Site, including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site, but excluding the processing, production, and wholesaling of marijuana products.	P	S
Marijuana Processing	X	X
Marijuana Production	X	X
Marijuana Retailing, subject to Section 841	P[5]	P[5]
Marijuana Wholesaling	P[6]	P[6]
Mobile Vending Units, subject to Section 837	P	P
Motels	P[3]	S[4]
Offices, including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P
Offices and Outpatient Clinics—both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P
Parking Structures, Community	P[7]	X
Pedestrian Amenities	P	P
Places of Worship, subject to Section 804	P	P
Public Restrooms	A,C	A,C
Radio and Television Transmission and Receiving Towers and Earth Stations	S[8]	C[8]

Use	RTC	RC
Recreational Uses, including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails[9]	C	C
Recreational Uses, Government-Owned, including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses[9]	P	P
Recreational Uses, Government-Owned Golf Courses[9]	P	P
Recreational Vehicle Camping Facilities, subject to Section 813	P	X
Recycling Centers, subject to Section 819	C	C
Recyclable Drop-Off Sites, subject to Section 819	A	A
Resort Accommodations	P[10]	S
Retailing—whether by sale, lease, or rent—of any of the following new or used products: Class I, III, and IV all-terrain vehicles, as defined by Oregon Revised Statutes Chapter 801; motorcycles; and snowmobiles	S	P
Retailing—whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P
Retailing—whether by sale, lease, or rent—of any of the following new or used products: animal feed, building materials, farm equipment, forestry equipment, and livestock supplies	P	P
Roads	P	P
Schools	P	P,C[2,11]
Service Stations	P	P
Services, Commercial—Construction and Maintenance, including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	P

Use	RTC	RC
Services, Commercial—Food and Beverage, including catering and eating and drinking establishments	P[12]	P[12]
Services, Commercial—Maintenance and Repair of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	P	P
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	P	P
Services, Commercial— Maintenance and Repair of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	P
Services, Commercial—Miscellaneous, including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P
Services, Commercial—Mini-Storage/Self-Storage Facilities	C[13]	C
Services, Commercial—Personal and Convenience, including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	C
Services, Commercial—Storage of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	C
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	P	P
Short-Term Rental in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use	P	X
Signs, subject to Section 1010	A[14]	A[14]
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	A	A
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
Theme Parks and Amusement Parks	C	S
Transfer Stations, subject to Section 819	C	C
Transit Park-and-Rides	P	P

Use	RTC	RC
Utility Facilities, including:		
Sewer System Components that Serve Lands Inside an Urban Growth Boundary, subject to OAR 660-011-0060(3)	Type II[15]	Type II[15]
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)	Type II[16]	Type II[16]
Stormwater Management Facilities	P,C[17]	P,C[17]
Utility Cabinets	P,C[18]	P,C[18]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P	P
Utility Facilities Not Otherwise Listed in Table 513-1	C,S[19]	C
Utility Lines	P,C[20]	P,C[20]
Wholesaling—whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings	P	P
Wireless Telecommunication Facilities, subject to Section 835	See Table 835-1	See Table 835-1

[1] A fraternal organization lodge or school is a conditional use if the building floor space exceeds 4,000 square feet.

[2] On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.

[3] A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.

[4] If a hotel or motel is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).

[5] Marijuana retailing is permitted only inside an unincorporated community.

[6] Marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 4,000 square feet of building floor space may be used for all activities associated with marijuana wholesaling on a lot of record.

[7] Parking structures are permitted only in Government Camp and only if they are consistent with a community parking plan adopted by the Board of County Commissioners.

[8] The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

[9] This use may include concessions, restrooms, maintenance facilities, and similar support uses.

[10] A resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre. A resort accommodations development in Rhododendron or Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 317-3, *District Land Area Standards in the MRR District*, but is not subject to Section 1012, *Lot Size and Density*.

[11] Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.

[12] Drive-in eating and drinking establishments are prohibited.

[13] No outside storage shall be permitted.

[14] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[15] Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.

[16] The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

[17] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[18] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. Otherwise they are a conditional use.

[19] Hydroelectric facilities are a conditional use. All other utility facilities not otherwise listed in Table 513-1 may be authorized only pursuant to Section 106, *Authorizations of Similar Uses*.

[20] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

Table 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp

Standard	RTC	RC
Minimum Lot Size	None	None[1]
Minimum Front Setback	25 feet[2]	30 feet[2]
Minimum Rear Setback	10 feet[3,4,5]	10 feet[4,6]
Minimum Side Setback	10 feet[3,4,5]	10 feet[4,6]
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet[7]	
Maximum Building Floor Space per Commercial Use outside an Unincorporated Community	Not Applicable	3,000 square feet[8]
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet[9]	

1 The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.

2 In a planned unit development, the minimum front setback is 20 feet.

3 If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.

4 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat.

5 If the lot line abuts an RR or HR District, the minimum is 20 feet except as established by Note 3 or 4.

6 If the lot line abuts a residential zoning district, the minimum is 20 feet except as established by Note 3 or 4.

7 No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

[8] A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

[9] No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

Table 513-3: Dimensional Standards in Government Camp

Standard	RTC
Minimum Front Setback unless the Front Lot Line abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front Setback if the Front Lot Line abuts Government Camp Loop	4 feet[1]
Maximum Front Setback if the Front Lot Line abuts Government Camp Loop	10 feet[2]
Minimum Rear Setback	10 feet[3,4,5]
Minimum Side Setback	None
Maximum Building Height	70 feet[6]
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	8,000 square feet[7]
Maximum Building Floor Space per Industrial Use	60,000 square feet[8]

[1] There is no minimum front setback for building cantilevers with a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway. Structures less than 10 feet from the front lot line shall be designed to include measures to protect the public and vehicles from snow slide incidents.

[2] The maximum front setback may be exceeded to the minimum extent necessary to accommodate public plaza space. Detached single-family dwellings are exempt from complying with the maximum front setback.

[3] If the rear lot line abuts a national forest, there is no minimum rear setback. If Note 3 and Note 4 conflict, Note 3 prevails.

[4] In a planned unit development, there is no minimum rear setback except from rear lot lines on the perimeter of the final plat.

[5] If the rear lot line abuts an HR District, the minimum rear setback is 20 feet except as established by Note 3 or 4.

[6] The maximum building height may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.

[7] No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

[8] No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

[Added by Ord. ZDO-252, 6/1/2015; Amended by Ord. ZDO-253, 6/1/2015; Amended by Ord. ZDO-254, 1/4/2016; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-268, 10/2/2018; Amended by Ord. ZDO-276, 10/1/2020; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-273, on remand, 5/30/2023; Amended by Ord. ZDO-287, 8/3/2023; Amended by Ord. ZDO-283, 9/5/2023; Amended by Ord. ZDO-288, 9/9/2024]

Summary of Proposed Amendments to Section 602, *Business Park, Light Industrial, and General Industrial Districts (BP, LI and GI)*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

2. Conforming amendments; update references.

602 BUSINESS PARK (BP), LIGHT INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI) DISTRICTS

602.01 PURPOSE

Section 602 is adopted to implement the policies of the Comprehensive Plan for Business Park, Light Industrial, and General Industrial areas.

602.02 APPLICABILITY

Section 602 applies to land in the Business Park (BP), Light Industrial (LI), and General Industrial (GI) Districts.

602.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 602-1*, Permitted Uses in the BP, LI, and GI Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 602-1:

1. "P" means the use is a primary use.

2. "A" means the use is an accessory use.

3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

4. "X" means the use is prohibited.

5. Numbers in superscript correspond to the notes that follow Table 602-1.

B. Permitted uses are subject to the applicable provisions of Subsection 602.04, *Dimensional Standards*, Subsection 602.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

602.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the BP, LI, and GI Districts are listed in Table 602-2, *Dimensional Standards in the BP, LI, and GI Districts*. As used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.

B. Modifications: Modifications to the standards of Table 602-2 are established by Sections 800, *Special Use Requirements*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

602.05 DEVELOPMENT STANDARDS

The following development standards apply in the BP, LI, and GI Districts.

A. Outdoor Operations in the BP District: In the operation of a primary use in the BP District:

1. All display areas shall be located within a building. No outdoor display areas shall be allowed.

2. No outdoor storage of materials or products shall be allowed.

3. No outdoor processes shall be employed in the operation of the business.

4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

B. Outdoor Operations in the LI District: In the operation of a primary use in the LI District:

1. All display of products shall be located within an enclosed building. No outdoor display areas shall be allowed. Notwithstanding these limitations, outdoor display of finished products may be permitted as a conditional use, as established by Table 602-1 and provided that, at a minimum, outdoor display areas and items on display shall:

   a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;

   b. Be located a minimum of 15 feet from the front lot line(s);

   c. Be maintained to project an organized and neat appearance at all times; and

   d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.

2. Limited outdoor storage areas shall be allowed, subject to the following criteria:

   a. Except as permitted as a conditional use, as established by Table 602-1, outdoor storage may occupy an area no greater than the area of the ground floor of the building(s) on the same premises.

   b. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front lot lines.

c. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.03(B) and 1009.06.

d. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except for large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence.

e. Outdoor storage areas shall not be used to store waste or recyclable materials.

3. No outdoor processes shall be employed in the operation of the business.

4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

C. Outdoor Operations in the GI District: In the operation of a primary use in the GI District:

1. Outdoor display of finished products is permitted, provided that outdoor display areas and items on display shall:

a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;

b. Be located a minimum of 10 feet from the front lot line(s);

c. Be maintained to project an organized and neat appearance at all times; and

d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.

2. Outdoor storage and processing are permitted, subject to the following standards:

a. Outdoor storage and processing areas shall be located a minimum of 20 feet from the front lot line(s), a minimum of 15 feet from side or rear lot lines that abut a commercial zoning district, and a minimum of 35 feet from side or rear lot lines that abut a residential or natural resource zoning district.

b. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height and a maximum of 10 feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.03(B) and 1009.06. Outdoor processing areas shall be buffered pursuant to Subsections 1009.04(D) through (F).

c. Equipment, stockpiles of materials, and other items located within outdoor storage and processing areas shall be maintained in an orderly fashion.

d. Waste materials (by-products that are not further processed or recycled on-premise) shall not accumulate in outdoor storage and processing areas for more than two 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.

e. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters.

Table 602-1: Permitted Uses in the BP, LI, and GI Districts

Use	BP	LI	GI
Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, stormwater management facilities, television antennas and receivers, transit amenities, trellises, utility service equipment, and utility service lines	A	A	A
Accessory Uses permitted in the R-5 through R-30 Districts, except accessory dwelling units, listed in Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A	A	A
Arenas, Exhibition Halls, and Stadiums	C[1]	C[1]	C[1]
Bus Shelters	A	A	A
Child Care Centers[2]	P	P	X
Composting Facilities, subject to Section 834	X	C	C
Construction and Maintenance Contractors, including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P	P	P
Crisis Stabilization Centers, as defined in ORS 430.626, subject to Section 849	P[3]	P[3]	P[3]
Dwellings, including:			
Dwellings, if developed as affordable housing, as defined in ORS 197A.445(1), and subject to Section 846	P	P	X
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P	P	P
Emergency Shelters, subject to Section 848	P	P	P
Employee Amenities, such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A	A
Farmers' Markets, subject to Section 840	P	P	P

Use	BP	LI	GI
Government Uses, unless such a use is listed elsewhere in this table as a primary or accessory use	C[4]	C[4]	C[4]
Heavy Truck and Heavy Equipment Uses, including sales, rental, storage, repair, and servicing of heavy trucks such as dump trucks, moving trucks, and truck tractors; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; and large cargo trailers such as semitrailers. Sales, rental, storage, repair, and servicing of passenger vehicles, recreational vehicles, and boats are excluded.	X	P	P
Heliports	C	C	C
Hospitals, Mental or Psychiatric, subject to Section 849	P[5]	P[5]	P[5]
Industrial Trade Schools, including training facilities whose primary purpose is to provide training to meet industrial needs. These facilities also may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.	P	P	P
Information Services, including establishments engaged in producing and distributing information; providing the means to transmit or distribute these products, as well as data or communications; and processing data. Examples include publishing industries such as book, periodical, and software publishing; computer systems design; internet web search services; internet service providers; radio, television, motion picture, and recording studios; computer data storage services; optical scanning and imaging services; and financial transaction processing such as credit card transaction and payroll processing services. These businesses primarily serve other industries or deliver their products to the end user through means other than on-site pickup by the customer. Few general public customer visits per day are generated.	P	P	P
Large-Scale Laundry, Dry-Cleaning, and Carpet-Cleaning Plants These businesses primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
Level One Mobile Vending Units, subject to Section 837	A	A	A

Use	BP	LI	GI
Manufacturing, including establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	P	P	P
Marijuana Processing	P[6]	P[6]	P[6]
Marijuana Production	P[6]	P[6]	P[6]
Marijuana Retailing	X	X	X
Marijuana Wholesaling	P[6]	P[6]	P[6]
Miscellaneous Industrial Uses, including wrecking and salvage of building materials, equipment, and vehicles; tire retreading and recapping; and petroleum, coal, or other fuel storage, refining, reclaiming, distribution, and wholesale trade. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	X	X	P
Offices, including administrative and corporate offices and call centers. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
Outdoor Display of Products, subject to Subsection 602.05(B)(1) or (C)(1), provided that such display is associated with a permitted use	X	C	A
Outdoor Entertainment Facilities, including amusement parks, circuses, carnivals, drive-in theatres, and racetracks for automobiles, dogs, horses, and motorcycles	X	X	C
Outdoor Storage Areas Larger than Allowed by Subsection 602.05(B)(2)(a), provided that such storage is associated with a permitted use	X	C	A
Parking, Storage, Repair, and Servicing of Fleet Vehicles	A	A	A
Parking Structures	A	A	A
Pedestrian Amenities	P	P	P

Use	BP	LI	GI
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	C	C	C
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category but are included in the "retail and professional services that cater to daily customers/retail commercial uses" category.	P[1]	P[1]	P[1]
Recyclable Drop-Off Sites, subject to Section 819	A[7]	A[7]	A[7]
Recycling Centers and Transfer Stations, subject to Section 819	X	C	P
Repair and Servicing Uses, including large-scale repair and servicing of equipment, machinery, and other products. Examples include authorized service centers, welding shops and machine shops. Products are received from and returned to customers primarily by shipping or pickup/delivery by employees of the business. Few general public customer visits per day are generated.	P	P	P
Research Facilities and Laboratories, including product research and development, product design and testing, medical research, and medical laboratories. Medical laboratories in this category primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
Residential Treatment Facilities and Residential Treatment Homes, subject to Section 849	P	P	X

Use	BP	LI	GI
Retail and Professional Services that Cater to Daily Customers/Retail Commercial Uses, including the sale of goods and services to the general public. Examples of retail and professional services that cater to daily customers include rental and storage of passenger vehicles, recreational vehicles, and boats; health and fitness clubs; daycare facilities; and financial, insurance, real estate, legal, medical, and dental offices. Auto repairing, overhauling, painting, washing, body and fender work, and reconditioning are excluded. Examples of retail commercial uses include sales of passenger vehicles, recreational vehicles, and boats; stores; and restaurants. Sales of motor vehicle fuels are excluded.	P[8,9,10]	P[8,9,10]	A[11]
Retail Services, including auto repairing, overhauling, painting, washing, body and fender work, and reconditioning	X	X	C
Roads	P	P	P
Signs, subject to Section 1010	A[12]	A[12]	A[12]
Surface Mining, subject to Section 818	X	C	C[13]
Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used Onsite Prior to Onsite Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A
Towing Establishments and Storage of Towed Vehicles	X	P	P
Transportation Uses, including the transportation of cargo using motor vehicles or rail spurs, loading docks, and parking of cargo transport vehicles. Examples include freight terminals, parcel delivery services, moving companies, and parking facilities for long-haul trucks. These uses often are associated with warehousing facilities. Also included are parking, storage, repair, and servicing of fleet vehicles used for the transport of people. Examples include ambulance services and mass transit and school bus fleet facilities. Also included are commercial motor vehicle fueling services, such as cardlock fueling stations; however, motor vehicle fueling stations that cater to the general public are excluded.	X	P	P
Utility Facilities, including:			

Use	BP	LI	GI
Stormwater Management Facilities	P,C[14]	P,C[14]	P,C[14]
Utility Cabinets	P,C[15]	P,C[15]	P,C[15]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P	P	P
Utility Facilities Not Otherwise Listed in Table 602-1	C	C	C
Utility Lines	P,C[16]	P,C[16]	P,C[16]
Warehouse Event Retail Sales	A[17]	A[17]	A[17]
Warehousing and Distribution, including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage/self-storage facilities are excluded.	A	P	P
Wholesale Trade, including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.	P	P	P
Wireless Telecommunication Facilities, subject to Section 835	P	P	P

Notes to Table 602-1:

1 In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, places of assembly shall not exceed 20,000 square feet.

2 A child care center may not be located on property designated on the Department of Environmental Quality's statewide list of contaminated properties as having known or suspected releases of hazardous substances.

3 A crisis stabilization center must locate on property owned by a public body, as defined in ORS 174.109, and adjacent to where a mental or psychiatric hospital licensed under ORS 441.025 is or will be located as established by a pending development application.

4 In Regionally Significant Industrial Areas (RSIAs) identified on Comprehensive Plan Map IV-8, parks—intended to serve people other than those working or residing in the RSIA—and schools are prohibited.

[5] A mental or psychiatric hospital established as a primary use must be located adjacent to where a crisis stabilization center, as defined in ORS 430.626 and licensed under ORS 430.627, is or will be located as established by a pending development application.

[6] Notwithstanding Subsection 602.05, marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.

[7] Recyclable drop-off sites are permitted only if accessory to an institutional use.

[8] Notwithstanding other provisions of Section 602 that may permit outdoor display, storage, or processing, these uses shall be conducted entirely within a building, except the following are permitted: outdoor seating areas associated with a restaurant, outdoor play areas associated with a daycare facility, and similar outdoor amenities. Drive-thru window service facilities are prohibited.

[9] In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet, and the total building floor area of all such uses in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-use limit is 5,000 square feet of building floor area. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

[10] Lots of record created on or after September 9, 2013, shall be subject to Note 7 to Table 602-1 in lieu of Note 6 to Table 602-1. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 5,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. In all cases, the total building floor area of all such uses on the same lot of record shall not exceed 20,000 square feet or 25 percent of the building floor area on the lot of record, whichever is less. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

[11] This use is limited to indoor areas for retail display and retail sales of products manufactured by the same business occupying the premises, as well as related products. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area for such retail display and retail sales shall not exceed 3,000 square feet per business, and the total building floor area of all such retail display and retail sales areas in the same development

project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-business limit is 5,000 square feet of building floor area.

[12] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[13] Aggregate batch plant operations are a primary use in the GI District.

[14] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[15] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way.

[16] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

[17] Warehouse event retail sales are permitted if the products being sold at the event sale are manufactured, warehoused, or distributed as a primary use on the subject property; no more than one event sale occurs each calendar month; a single event sale lasts a maximum of three consecutive days, which shall be Friday, Saturday, Sunday, or Monday; and the event sales occur indoors.

Table 602-2: Dimensional Standards in the BP, LI, and GI Districts

Standard	BP	LI	GI
Minimum Lot Size[1]	3 acres	1 acre[2]	1 acre[2]
Maximum Front Setback	See Subsections 1005.02(E) and (H).		
Minimum Front Setback	20 feet[3]	20 feet[3]	20 feet[3]
Minimum Rear Setback	0[3,4,5]	0[3,4,5]	0[3,4,6]
Minimum Side Setback	0[3,7]	0[3,7]	0[3,4,7]

Notes to Table 602-2:

[1] The minimum lot size standards apply as established by Sections 1012, *Density*, and 1107, *Property Line Adjustments*, except that no minimum lot size standard applies to a lot that is developed with a dwelling that is a nonconforming use. Notwithstanding the minimum lot size standard, a lot of record may be developed, except minimum lot size standards of Section 800 apply.

[2] The minimum lot size may be reduced to 20,000 square feet, subject to design review approval pursuant to Section 1102, *Design Review*, of the overall development plan for the entire lot of record, including access, circulation, parking, landscaping, and proposed building locations.

[3] The minimum setback requirements of Table 315-~~2~~3, *Dimensional Standards in the Urban Low Density Residential Districts*, apply to dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.

[4] Except as established by Notes 3 and 6, if the rear lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the rear lot line abuts a natural resource or residential zoning district, the minimum setback is 35 feet.

[5] The minimum setback for a silo, tower, or other specialized storage or processing structure (unless such structure is enclosed in a building) is 35 feet.

[6] The minimum setback for a silo, tower, or other specialized storage or processing structure (unless such structure is enclosed in a building) is 35 feet for structures 35 feet or less in height. An additional five feet of setback is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height. These greater setback standards do not apply if the lot line abuts an LI or GI District.

[7] Except as established by Notes 3 and 6, if the side lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the side lot line abuts a natural resource or residential zoning district, the minimum setback is 35 feet.

[Amended by Ord. ZDO-224, 5/31/2011; Amended by Ord. ZDO-231, 1/31/2012; Amended by Ord. ZDO-235, 5/14/2012; Amended by Ord. ZDO-243, 9/9/2013; Amended by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-253, 6/1/2015; Amended by Ord. ZDO-254, 1/4/2016; Amended by Ord. ZDO-267, 8/28/2017; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-268, 10/2/2018; Amended by automatic repeal of Ord. ZDO-267, 8/28/2019; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-283, 9/5/2023; Amended by Ord. ZDO-285, 9/3/2024; Amended by Ord. ZDO-288, 9/9/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 604, *Rural Industrial (RI) District*

1. Implement Senate Bill 1561 (2026), which is mandatory for local governments, by allowing restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event, subject to proposed new Section 850.

604 RURAL INDUSTRIAL DISTRICT (RI)

604.01 PURPOSE

Section 604 is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas.

604.02 APPLICABILITY

Section 604 applies to land in the Rural Industrial (RI) District.

604.03 USES PERMITTED

Uses permitted in the RI District are listed in Table 604-1, *Permitted Uses in the RI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 604-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
6. Numbers in superscript correspond to the notes that follow Table 604-1.

B. Permitted uses are subject to the applicable provisions of Subsection 604.04, *Dimensional Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

604.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the RI District are listed in Table 604-2, *Dimensional Standards in the RI District*. As used in Table 604-2, numbers in superscript correspond to the notes that follow Table 604-2.

B. Modifications: Modifications to the standards in Table 604-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

Table 604-1: Permitted Uses in the RI District

Use	RI
Accessory Uses, Customarily Permitted, such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, stormwater management facilities, television antennas and receivers, transit amenities, trellises, utility service equipment, and utility service lines	A
Accessory Uses permitted in the RA-2 District listed in Table 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*, provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A
Animal Slaughtering and Rendering, Distillation of Bones, and Leather Tanning	C
Auto Wrecking Yards and Junkyards, subject to Section 817	C
Bus Shelters	A
Composting Facilities, subject to Section 834	C
Construction and Maintenance Contractors, including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P
Dwellings, including:	
Dwellings	A
Restoration or Replacement of a Dwelling Destroyed by a Natural or Involuntary Event, subject to Section 850	P
Employee Amenities, such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A
Farmers' Markets, subject to Section 840	P
Fraternal Organization Lodges	C
Government Uses, unless such a use is listed elsewhere in this table as a primary or accessory use	C
Heliports	C

Use	RI
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C
Incineration and Reduction of Offal, Dead Animals, and Solid Waste	C
Level One Mobile Vending Units, subject to Section 837	A
Light Metal and Fiberglass Fabrication	P
Manufacturing, including establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing are alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	P[1]
Manufacturing, Transportation, Distribution, Warehousing, and Wholesale Trade of the Following: Explosive Materials and Devices, Fertilizer, Natural Gas, Pesticides, Petroleum, and Petroleum Products	C
Marijuana Processing	P[2]
Marijuana Production	P[2]
Marijuana Retailing	X
Marijuana Wholesaling	P[2]
Offices	A
Parking, Storage, Repair, and Servicing of Fleet Vehicles	A
Pedestrian Amenities	P
Plant Nurseries	P
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	C
Recreational Sports Facilities for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category.	P
Recreational Uses, including boat moorages, community gardens, country clubs, equine facilities, golf courses, gymnastics facilities, horse trails, lodges, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails[3]	C
Recyclable Drop-Off Sites, subject to Section 819	A

Use	RI
Recycling Centers and Transfer Stations, subject to Section 819	C
Repair and Refinishing of Furniture and Household Goods	P
Repair of Motor Vehicles	P
Retail Sales of Lumber and Building Materials	P
Roads	P
Retail Sales of Products that are Manufactured on the Subject Property, Distributed from the Subject Property, Warehoused on the Subject Property, or Sold on a Wholesale Basis from the Subject Property	A
Sales, Rental, Storage, Repair, and Servicing of Equipment and Materials Associated with Farm and Forest Uses, Road Maintenance, Mineral Extraction, and Construction	P
Sheet Metal and Machine Shops	P
Signs, subject to Section 1010	A[4]
Surface Mining, subject to Section 818	C
Temporary Buildings for Uses Incidental to Construction Work, provided that such buildings shall be removed upon completion or abandonment of the construction work	A
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	A
Upholstery Shops	P
Utility Facilities, including:	
Sewer System Components that Serve Lands Inside an Urban Growth Boundary, subject to OAR 660-011-0060(3)	Type II[5]
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community, subject to OAR 660-011-0060(4)	Type II[6]
Small Power Production Facilities. A small power production facility is a facility that that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof; is more than 50 percent owned by a person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof; and has a power production capacity that, together with any other small power production facility located at the same site and owned by the same person, is not greater than 80 megawatts.	P

Use	RI
Stormwater Management Facilities	P,C[7]
Utility Cabinets	P,C[8]
Utility Facilities, except Utility Lines, in Road Rights-of-Way	P
Utility Facilities Not Otherwise Listed in Table 604-1	C[9]
Utility Lines	P,C[10]
Veterinary Hospitals	P
Warehousing and Distribution, including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Included are the transportation and distribution of cargo using motor vehicles or rail spurs, loading docks, and parking of cargo transport vehicles. Mini-storage facilities are not included.	P[1]
Wholesale Trade, including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.	P[1]
Wireless Telecommunication Facilities, subject to Section 835	P

Notes to Table 604-1:

[1] Manufacturing, transportation, distribution, warehousing, and wholesale trade of certain products are conditional uses, when specifically listed as such in Table 604-1.

[2] Marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.

[3] This use may include concessions, restrooms, maintenance facilities, and similar support uses.

[4] Temporary signs regulated under Subsection 1010.13(A) are a primary use.

[5] Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.

[6] The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR

660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

[7] Stormwater management facilities are a primary use if:

a. They are underground, except for an outlet structure if applicable;

b. They are vegetated, except for an outlet structure if applicable; or

c. They are approved in conjunction with a development approved through another land use permit (e.g., a subdivision or design review).

[8] Utility cabinets are a primary use if they comply with Section 830, *Utility Cabinets*, or if they are inside a road right-of-way. Otherwise they are a conditional use.

[9] Except for telephone exchanges, utility facilities shall not include shops, garages, or general administrative offices.

[10] Utility lines are a conditional use only if they are gas transmission lines or electric transmission lines.

Table 604-2: Dimensional Standards in the RI District

Standard	RI
Minimum Lot Size	None[1]
Minimum Front Setback	30 feet
Minimum Rear Setback	0[2,3]
Minimum Side Setback	0[2,3]
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet[4]
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet[5]
Maximum Building Floor Space per Industrial Use outside an Unincorporated Community	39,500 square feet[6]

1 The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.

2 If the lot line abuts a residential zoning district, the minimum is 30 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 40 feet. If the lot line abuts a commercial zoning district, the minimum shall be 10 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 20 feet.

3 Notwithstanding Note 2, the minimum rear and side setback standards applicable in the RA-2 District apply to dwellings that are nonconforming uses, as well as to uses that are accessory to such dwellings.

4 No maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

[5] No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

[6] No maximum applies to the primary processing of raw material produced in rural areas, or uses sited on abandoned or diminished mill sites. Also, any lawfully established industrial use that existed on December 20, 2001, may expand to occupy a maximum of 40,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

[Amended by Ord. ZDO-224, 5/31/2011; Amended by Ord. ZDO-231, 1/31/2012; Amended by Ord. ZDO-235, 5/14/2012; Amended by Ord. ZDO-243, 9/9/2013; Amended by Ord. ZDO-252, 6/1/2015; Amended by Ord. ZDO-253, 6/1/2015; Amended by Ord. ZDO-254, 1/4/2016; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-268, 10/2/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-288, 9/9/2024]

Summary of Proposed Amendments to Section 822, *Home Occupations*

1. Change the formatting of the standards pertaining to the external evidence of home occupations to make them more clear for staff and applicants.

822 HOME OCCUPATIONS

822.01 EXEMPTION

Except as set forth in Section 822, home occupations are exempt from Sections 1000, *Development Standards*, and 1102, *Design Review*.

822.02 DEFINITIONS

The following definitions apply to Section 822:

A. Accessory Building Floor Space: Any building floor space, other than a dwelling unit, that is used for the home occupation, including, but not limited to, an attached garage, detached garage, or pole building.

B. Employee: Any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.

C. Gross Vehicle Weight Rating: As defined in Oregon Revised Statutes 801.298.

D. Incidental Use: The use of no more than 25 percent of the floor area of a building or 500 square feet, whichever is less.

E. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, and is responsible for strategic decisions and day-to-day operations of the home occupation.

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, bus, recreational vehicle, detached trailer, or a truck tractor with no more than one trailer. Any attached trailer beyond one is a separate vehicle. A detached trailer is categorized as equipment, rather than a vehicle, if it is stored in enclosed accessory building floor space

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 vehicle.

822.03 LEVEL ONE MINOR HOME OCCUPATIONS

A level 1 minor home occupation does not require a land use permit and shall be subject to the following standards and criteria:

A. Employees: No persons other than residents of the dwelling unit in which the home occupation is located shall be employees of the home occupation.

B. Building Floor Space: The home occupation shall be conducted in a dwelling unit and shall be limited to incidental use thereof. In addition, incidental use of accessory building floor space shall be allowed for storage purposes only.

C. Noise, Vibration, Glare, Fumes, and Odors: The home occupation shall not create noise, vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

D. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.

E. Storage and Display: ~~No outside storage, display of goods or merchandise visible from outside the enclosed building in which such goods or merchandise are stored, or other external evidence of the home occupation shall occur, e~~Except as specifically allowed by Subsection 822.03, none of the following shall occur:~~.~~ ~~Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.~~

1. Outside storage;

2. Display of goods or merchandise visible from outside the enclosed building in which such goods or merchandise are stored; and

3. Other external evidence of the home occupation, except that business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.

F. Signs: Signs shall be permitted pursuant to Section 1010, *Signs*.

G. Traffic: The home occupation shall not generate more than 10 vehicle trips per day.

H. Parking: Parking associated with the home occupation shall be regulated as follows:

1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.

2. The maximum number of customer vehicles that are associated with the home occupation and located on the subject property shall not exceed two at any time.

3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. Such deliveries shall be limited to no more than one per day.

4. If customers of the home occupation come to the subject property, two parking spaces shall be provided for them in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. The minimum parking space requirement for the home occupation shall be in addition to the parking spaces required for other permitted uses on the subject property.

I. Prohibited Uses: The following uses shall be prohibited as a minor home occupation:

1. Bed and breakfast homestays;

2. Marijuana production;

3. Marijuana processing;

4. Marijuana wholesaling; and

5. Marijuana retailing.

822.04 LEVEL TWO AND THREE MAJOR HOME OCCUPATIONS

A major home occupation requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

A. Operator: The operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located.

B. Employees: The home occupation shall have no more than five employees.

C. Noise: Noise shall be regulated as follows:

1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.

a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(C)(1).

b. Subsection 822.04(C)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.

2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at

least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

D. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

E. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.

F. Storage and Display: ~~No outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur,~~ E~~e~~xcept as specifically allowed by Subsection 822.04, none of the following shall occur:~~.~~ ~~Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.~~

1. Outside storage;

2. Display of goods or merchandise visible from outside the enclosed building in which such goods or merchandise are stored; and

3. Other external evidence of the home occupation, except that business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.

G. Signs: Signs shall be permitted pursuant to Section 1010, *Signs*.

H. Parking: Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way. Parking spaces needed for employees or customers of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking.

I. Access: If the subject property takes access via a private road or access drive that also serves other properties, evidence shall be provided, in the form of a petition, that all other property owners who have access rights to the private road or access drive agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.

J. Type of Buildings: Notwithstanding the definition of home occupation in Section 202, *Definitions*, in the AG/F, EFU, and TBR Districts, the home occupation shall

be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district.

K. Hazardous Materials: Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.

L. Level Two and Three Major Home Occupations: Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation. A lot of record is considered to be abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector. The following standards differ depending on whether the proposed home occupation is a level two or three:

1. Building Floor Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. For a level two major home occupation, a maximum of 500 square feet of accessory building floor space may be used for the home occupation, and for a level three major home occupation, a maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.

2. Traffic: A level two major home occupation shall not generate more than 20 vehicle trips per day, and a level three major home occupation shall not generate more than 30 vehicle trips per day.

3. Vehicles: Vehicles shall be regulated as follows:

   a. Level Two: The maximum number of vehicles that are associated with a level two major home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles. A level two major home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, and such deliveries shall be limited to no more than one per day.

   b. Level Three: The maximum number of vehicles that are associated with a level three major home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer 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. 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 rating of 11,000 pounds.

4. Prohibited Uses: The following uses shall be prohibited as a major home occupation:

   a. Marijuana production;

   b. Marijuana processing;

   c. Marijuana wholesaling;

   d. Marijuana retailing;

   e. As a level two major home occupation:

      i. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;

      ii. Towing and vehicle storage business; and

      iii. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame; and

   f. As a level three major home occupation, any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair.

822.05 EXCEPTIONS

An exception to any of the standards identified in Subsection 822.04 requires review as a Type III application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

A. The use shall remain compatible with the area. The following factors shall be considered when determining if a use is compatible with the area:

   1. The number of standards identified in Subsection 822.04 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 off-site similar and outside storage uses, proximity of off-site dwellings, level of surrounding traffic, size of off-site accessory buildings, and background noise levels;

   3. The ability to mitigate impacts by driveway and road improvements, screening, landscaping, building location, building design, and other improvements;

   4. Potential environmental impacts, including effects on air and water quality; and

5. Provision of adequate and safe access to public, County, or state roads.

B. Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.03(B), 1006.04(B), and 1006.06(C) (except as set forth in Subsection 1006.07), and 1007.07 is required.

C. Notwithstanding the remainder of Subsection 822.05:

1. An exception shall not be granted to Subsection 822.04(A), (I), (J), or (L)(4)(a) through (d).

2. Accessory building floor space for the home occupation shall not exceed 3,000 square feet.

3. If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.

822.06 PREEXISTING HOME OCCUPATIONS

Home occupations legally established prior to April 22, 2010, which complied with all provisions of this Ordinance then in effect, including appropriate permits if required, are exempt from the requirements of Section 822. Those preexisting home occupations that were subject to annual permit review shall be reviewed for compliance with the standards in effect at the time of their establishment, on the same schedule as home occupations established under the current provisions of Section 822. Home occupations established prior to the requirement for permit application and review are not subject to automatic review, but must continue to comply with the standards in effect at the time of their establishment. Preexisting home occupations may not be transferred to another operator or be enlarged without satisfying all the requirements of Section 822.

822.07 APPROVAL PERIOD AND RENEWALS

A. A major home occupation permit is valid for three 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.

B. A major home occupation permit may be renewed an unlimited number of times. Renewals also shall be valid for three 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.

C. A renewal of a major home occupation permit, including one for a home occupation with one or more previously approved exceptions under Subsection 822.05, requires review as a Type II application pursuant to Section 1307, *Procedures*. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal requires review as a Type III application pursuant to Section 1307.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20]

Summary of Proposed Amendments to Section 845, *Middle Housing*

1. Rename section from *Triplexes, Quadplexes, Townhouses, and Cottage Clusters* to "*Middle Housing*" to reflect the fact that new dwelling configurations of middle housing are allowed, per HB 2138[2025].

2. Clarify applicability of Section 845 and include exemptions for certain existing development, as required under HB 2138[2025].

3. Amend window and entry orientation standards for townhouses and middle housing with three or four attached or detached dwelling units, to be more consistent while remaining compliant with the requirements of the OARs and the Middle Housing Model Code.

4. Clarify that the entry orientation standards for lots with more than one frontage (corner or through lots) only need to be met on one frontage.

5. Clarify that where the term "public street" was used, it means "public, county, or state road", as defined in Section 202, *Definitions*.

6. Clarify that driveway widths are measured from edge to edge of the provided hard surface.

7. Clarify that the distance between dwellings in a cottage cluster is measured from the closest points on each building, which may be an eave or other architectural feature.

8. Add language that specifies walkways may cross driveways or parking areas, but must use methods to make the walkway clearly identifiable.

9. Allows a 20% reduction to rear and side setbacks and allow up to 11 dwelling units in a single cluster for cottage clusters developed with bonus units, pursuant to Table 1012-01, *Bonus Density.*

10. Other minor clarifying amendments.

845 MIDDLE HOUSING~~TRIPLEXES, QUADPLEXES, TOWNHOUSES, AND COTTAGE CLUSTERS~~

845.01 APPLICABILITY~~GENERAL STANDARDS~~

~~A. Minimum Lot Size: The subject lot shall be a minimum of:~~

~~1. 5,000 square feet for a triplex, except in the VR-4/5 and VR-5/7 Districts, where there is no minimum; and~~

~~2. 7,000 square feet for a quadplex or a cottage cluster.~~

A. Applicability: Section 845 applies to any townhouse development and to all other middle housing that contains three or more dwelling units.

1. Subsection 845.02 through 845.04 are applicable to the original lot of record on which the middle housing is developed, not individual lots created through a middle housing land division.

B. Exemptions:

1. Subsections 845.02 through 845.04 do not apply to middle housing created through a conversion of the following, provided the conversion does not add any building square footage to the existing structure:

a~~1~~. An existing detached single-family dwelling;

b~~2~~. An existing detached single-family dwelling with an attached accessory dwelling unit; or

c~~3~~. An existing duplex.

2. If a lot contains existing development as identified in Subsections 845.01(B)(1)(a) through(c), only the new dwelling units, and not the existing dwelling unit(s), are subject to Subsections 845.02 through 845.04. For the purposes of Subsection 845.01(B)(2), "existing" means the dwelling unit(s) were lawfully established on January 1, 2027.

C. Prohibition: Development of ~~triplexes, quadplexes,~~any number of townhouses~~, and cottage clusters~~or of other types of middle housing with three or more dwelling units, either through new construction or through a conversion of a detached, single-family dwelling, is prohibited in the Floodplain Management District.

845.02 MIDDLE HOUSING CONSISTING OF THREE OR FOUR DWELLING UNITS ON A LOT~~TRIPLEXES AND QUADPLEXES~~

Middle housing consisting of three or four dwelling units on a lot, and any bonus units developed pursuant to Table 1012-01, *Bonus Density*,~~Triplexes and quadplexes~~ shall comply with the following standards:

A. Windows: A minimum of 15 percent of the area of all street-facing facades of each dwelling unit shall include windows or entrance doors. Fifty percent of the window area in the door of an attached garage may count toward meeting this standard. Facades separated from a street by a dwelling are exempt from compliance with this standard (see Figure 845-1, *Window Coverage*).

B. Entry Orientation: At least one external door that enters into a common room of ~~the triplex or quadplex~~each structure containing a dwelling unit or units shall comply with ~~the standards of~~ Subsections 845.02(B)(1) and (2). Any structure containing a dwelling unit or units~~triplex or quadplex~~ for which more than 50 percent of its street-facing facade is separated from the street by a dwelling is exempt from meeting these standards.

For corner or through lots, the entry orientation requirement shall apply to the street located nearest to the structure, unless one of the street-facing lot lines is considered a rear lot line pursuant to the definition of "lot line, front" in Section 202. Where two streets are located equidistant to the structure, the applicant may choose which street to orient the entry towards.

1. The entrance shall be within eight feet of the longest street-facing wall of the structure~~dwelling unit~~; and

2. The entrance shall either:

   a. Face the street (see Figure 845-2, *Entrance Facing the Street*);

   b. Be at an angle of up to 45 degrees from the street (see Figure 845-3, *Entrance at 45-Degree Angle from the Street*);

   c. Face a common outdoor area that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 845-4, *Entrance Facing Common Outdoor Area*); or

   d. Open onto a porch (see Figure 845-5, *Entrance Opening onto a Porch*) that:

      i. Is a minimum of 25 square feet in area; and

      ii. Either has at least one entrance facing the street or has a roof.

C. Driveway Entries: Driveway entries to a public, county, or state road shall comply with the following:

1. The total width of all driveway entries shall not exceed 32 feet.(see Figure 845-6, *Driveway Entry Width and Separation on Local Street*).

2. Driveway entries may be separated when located on a ~~local~~ street with a functional classification of "local" (see Figure 845-6). If entries are separated, they shall comply with the driveway spacing standards of the *Clackamas County Roadway Standards*.

3. Unless an exception is available under the *Clackamas County Roadway Standards*, lots of record with more than one street frontage shall access only the street with the lowest functional classification from which the lot has legal access. For lots abutting an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6, access shall be taken only from the alley.

D. Garages and Off-Street Parking Areas: Garages and off-street parking areas shall not be located between a building and a public, county, or state road~~street~~ (other than an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6), except in compliance with Subsections 845.02(1) and (2).

1. The garage or off-street parking area is separated from the street by a dwelling; or

2. The combined width of all garages and off-street parking areas located between a building and a public street does not exceed a total of 50 percent of the street frontage (see Figure 845-7, *Width of Garages and Parking Areas*)

845.03 TOWNHOUSES

Townhouses shall comply with the following standards:

A. Setbacks: No minimum side setbacks shall be required from any side lot line where two townhouses share a common wall. No minimum rear setbacks shall be required from any rear lot line where two townhouses share a common wall.

B. Entry Orientation: At least one external door that enters into a common room of each townhouse shall comply with Subsections 845.03(B)(1) and (2).~~:~~

For corner or through lots, the entry orientation requirement shall apply to the street located nearest to the structure, unless one of the street-facing lot lines is considered a rear lot line pursuant to the definition of "lot line, front" in Section 202. Where two streets are located equidistant to the structure, the applicant may choose which street to orient the entry towards.

1. The entrance shall b~~B~~e within eight feet of the longest street-facing wall of the dwelling unit, if the lot has ~~public~~ street frontage on a public, county, or state road; and

2. The entrance shall e~~E~~ither:

   a. Face the street (see Figure 845-2, *Entrance Facing the Street*);

   b. Be at an angle of up to 45 degrees from the street (see Figure 845-3, *Entrance at 45-Degree Angle from the Street);*

   c. Face a common open space or access drive or driveway that is abutted by dwellings on at least two sides (see Figure 845-4, *Entrance Facing Common Outdoor Area*); or

   d. Open onto a porch (see Figure 845-5, *Entrance Opening onto a Porch*) that:

      i. Is a minimum of 25 square feet in area; and

      ii. Either has at least one entrance facing the street or has a roof.

C. Unit Definition: Each townhouse shall include at least one of the following on at least one street-facing facade (see Figure 845-8, *Townhouse Unit Definition*). A townhouse development with 20 or more dwelling units is exempt from these design standards.

   1. A roof dormer a minimum of four feet in width;

   2. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room;

   3. A bay window that extends from the facade a minimum of two feet;

   4. An offset of the facade of a minimum of two feet in depth, either from the neighboring townhouse or within the facade of a single townhouse;

   5. An entryway that is recessed a minimum of three feet;

   6. A covered entryway with a minimum depth of four feet; or

   7. A porch meeting the standards of Subsection 845.03(B)(2)(d).

D. Windows: A minimum of 15 percent of the area of all street-facing facades on each townhouse shall include windows or entrance doors. Fifty percent of the window area in the door of an attached garage may count toward meeting this standard. Facades separated from a street by a dwelling are exempt from compliance with this standard. (see Figure 845-1, *Window Coverage*)

E. Driveway Access and Parking: Townhouse lots with frontage on a public, county, or state road~~street~~ shall comply with the following standards:

1. Attached garages, off-street parking areas, and driveways are allowed to be located between a townhouse and a public, county, or state road~~street~~ if they meet the following standards:

   a. Each townhouse lot for which the parking is being provided between a townhouse and a public street shall have a minimum of 15 feet of street frontage on a local street.

   b. A maximum of one driveway entry shall be allowed for each townhouse.

   c. Driveways and off-street parking areas shall not exceed 12 feet wide, measured from edge to edge of provided hard surface.

   d. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.

2. The following standards apply to driveways and parking areas for townhouse developments that do not comply with all of the standards in Subsection 845.03(E)(1).

   a. Off-street parking areas shall not be located between a townhouse and a public, county, or state road~~street~~.

   b. Townhouse developments shall consolidate access for all lots into a single driveway. The driveway and entry are not allowed in the area directly between a townhouse and the front lot line (see Figures 845-9, *Townhouses on Corner Lot with Consolidated Access*, and 845-10, *Townhouses with Consolidated Access*).

   c. A townhouse development that includes consolidated access shall grant access easements for shared and emergency vehicle access.

3. Townhouse developments in which all townhouses take exclusive access from an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6 are exempt from Subsection 845.03(E)(2).

845.04 COTTAGE CLUSTERS

Cottage clusters shall comply with the following standards:

A. Cluster Size: Dwelling units shall be developed in clusters of four to nine per cluster sharing a common courtyard. When a cluster includes a unit or units that are accessible or affordable, pursuant to Table 1012-1, *Bonus Density*, a cluster may contain up to 11 units.

B. Development Size: A lot of record may contain more than one cottage cluster.

C. Maximum Ground Floor Area: The maximum ground floor area of each dwelling shall be 900 square feet.

D. Garages: Each dwelling may have a maximum of 200 square feet for an attached garage that is not included in the maximum ground floor area permitted pursuant to Subsection 845.04(C). Any additional garage square footage shall be deducted from the maximum ground floor area. Dwellings may have detached garages.

E. Maximum Average Floor Area: The average floor area of all dwellings in a cottage cluster development shall not exceed 1,400 square feet. For the purpose of this provision, floor area of a dwelling includes the area of any attached garage.If the cottage cluster development includes community buildings, the community buildings shall be included in the average floor area calculation.

F. Maximum Detached Accessory Building Floor Area: 400 square feet per building, except as provided under Subsections 845.04(E) and 845.04(L) for a community building.

G. Minimum Setbacks: The minimum front and rear setbacks are 10 feet. The minimum side setback is five feet. The minimum rear setback is eight feet and the minimum side setback is four feet for a cottage cluster that includes a unit or units that are accessible or affordable, pursuant to Table 1012-1 *Bonus Density*.

H. Minimum Separation Distance: The minimum distance between dwellings is six feet, as measured from the closest point of each building, which may be an eave or other architectural feature.

I. Maximum Lot Coverage: There is no maximum lot coverage for a cottage cluster development.

J. Dwelling Orientation: Dwellings in a cottage cluster shall comply with the following standards (see Figure 845-11, *Cottage Cluster Orientation and Courtyard Standards*):

1. Each dwelling shall either abut the common courtyard or else it shall have a door that enters into a common room of the dwelling connected to a walkway leading to the common courtyard.

2. A minimum of 50 percent of dwellings within a cluster shall:

   a. Have a door that enters into a common room of the dwelling and faces the common courtyard;

   b. Be within 10 feet of the common courtyard, as measured from a façade of the dwelling to the nearest edge of the common courtyard; and

   c. Be connected to the common courtyard by a walkway.

K. Common Courtyard Design Standards: Each common courtyard shall comply with the following standards (see Figure 845-11):

   1. The common courtyard shall be a single, contiguous piece. The courtyard shall be a minimum of 15 feet wide at its narrowest dimension. A "single, contiguous piece" may include a courtyard that is divided by gardens or a pathway.

   2. Dwellings shall abut more than one side of the courtyard, unless the courtyard is rounded. If the courtyard is rounded, dwellings shall abut a minimum of 50 percent of the perimeter of the courtyard.

   3. The common courtyard shall contain a minimum of 150 square feet per dwelling within the associated cluster, as described in Subsection 845.04(A).

   4. The common courtyard shall be developed with a hard-surfaced walkway, landscaping, and a minimum of one of the following: recreational amenities, a patio, seating, or a gazebo. Impervious elements and recreational amenities of the common courtyard shall not exceed 75 percent of the total common courtyard area.

   5. The courtyard shall include a walkway. Walkways on the perimeter of or crossing the courtyard shall count toward the courtyard's minimum dimensions and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

L. Community Buildings: Cottage clusters may include a community building for the shared accessory uses of the cottage cluster's residents and their guests. Community buildings shall comply with the following standards:

   1. Each cottage cluster is permitted one community building.

   2. The community building shall not be used as a dwelling.

M. Pedestrian Access:

1. A hard-surfaced walkway a minimum of five feet wide shall connect a door that enters into a common room of each dwelling in a cottage cluster to the following:

   a~~1~~. The common courtyard;

   b~~2~~. Any shared parking areas;

   c~~3~~. The community building, if the cottage cluster contains a community building; and

   d~~4~~. Sidewalks abutting the site, or roadways abutting the site if there are no sidewalks.

2. Walkways crossing driveways, drive aisles, or motor vehicle maneuvering areas shall be constructed to be clearly identifiable to motorists through the use of different paving material or raised elevation, except that for a crossing of 24 feet or less, paint may be used to identify the walkway.

   a. The walkway shall not cross over any parking space.

   b. Where a walkway terminates at a parking area, a minimum of five feet of unobstructed space shall be provided for pedestrians or other users to navigate the parking area without being required to cross any parking space.

N. Parking Design:

1. Off-street motor vehicle parking shall be subject to the following standards:

   a. Developments with 15 or fewer dwellings shall not have more than five contiguous spaces.

   b. Developments with 16 or more cottages shall not have more than eight contiguous spaces.

   c. Each group of contiguous parking spaces shall be separated from any other group of parking spaces serving a cottage cluster development by landscaping that is a minimum of four feet wide.

2. Off-street motor vehicle parking spaces and motor vehicle maneuvering areas, except driveways, shall not be located:

   a. Within 10 feet of a front lot line, except from a front lot line that separates the lot from an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6; or

b. Between a front lot line and the front facade of the dwelling(s) located closest to the front lot line, except from a front lot line that separates the lot from an alley.

3. Off-street motor vehicle parking spaces shall not be located within 10 feet of rear or side lot lines, except a lot line that separates the lot from an improved alley that complies with Comprehensive Plan Figure 5-1e or 10-SV-6. Motor vehicle maneuvering areas are permitted within 10 feet of rear or side lot lines.

4. Garages ~~and carports~~:

~~a. Detached garages or carports shall be separated from other detached garages or carports by a minimum of six feet.~~

~~b.~~ The maximum width of each garage door is 20 feet.

5. Screening: Landscaping, fencing, or walls, any of which shall be a minimum of three feet high, shall separate the off-street parking areas, garages, and carports from all common courtyards in the cottage cluster development, except that the screening may contain one or more openings, each a minimum of five feet and maximum of eight feet wide to accommodate a walkway, provided that the total linear footage of such openings does not exceed 15 percdent of the total linear footage of the screening.

O. Existing Structures: On a lot of record to be developed with a cottage cluster, an existing lawfully established detached single-family dwelling may remain within the cottage cluster under the following conditions:

1. An existing dwelling that exceeds the maximum footprint or unit size of Subsections 845.04(C) through (E) may not be expanded.

2. The floor area of the existing dwelling shall not count towards the maximum average floor area of dwellings in a cottage cluster development calculated pursuant to Subsection 845.04(E).

3. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard in Subsection 845.04(J).

[Added by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-293, 09/08/2026]

Figure 845-1: Window Coverage



Figure 845-2: Entrance Facing the Street

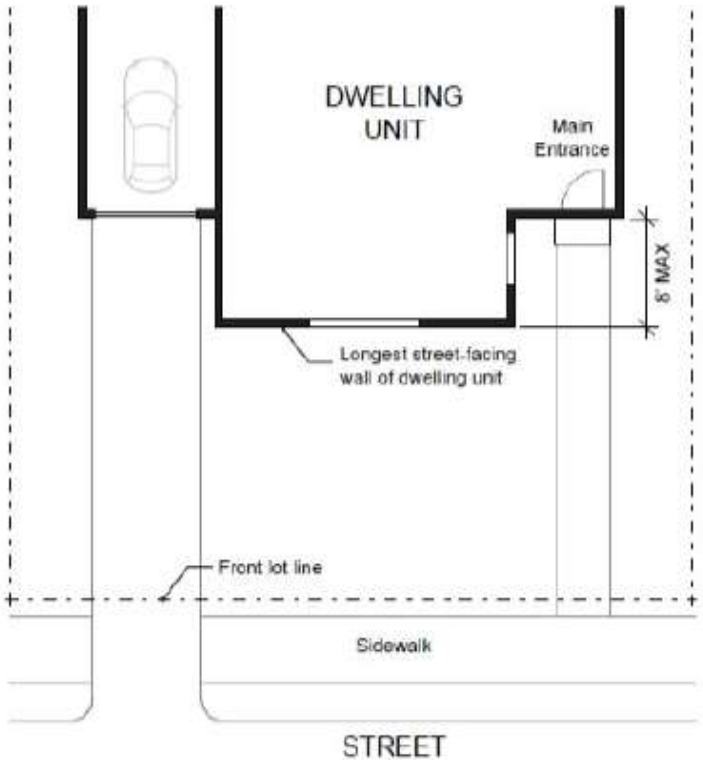


Figure 845-3: Entrance at 45-Degree Angle from the Street

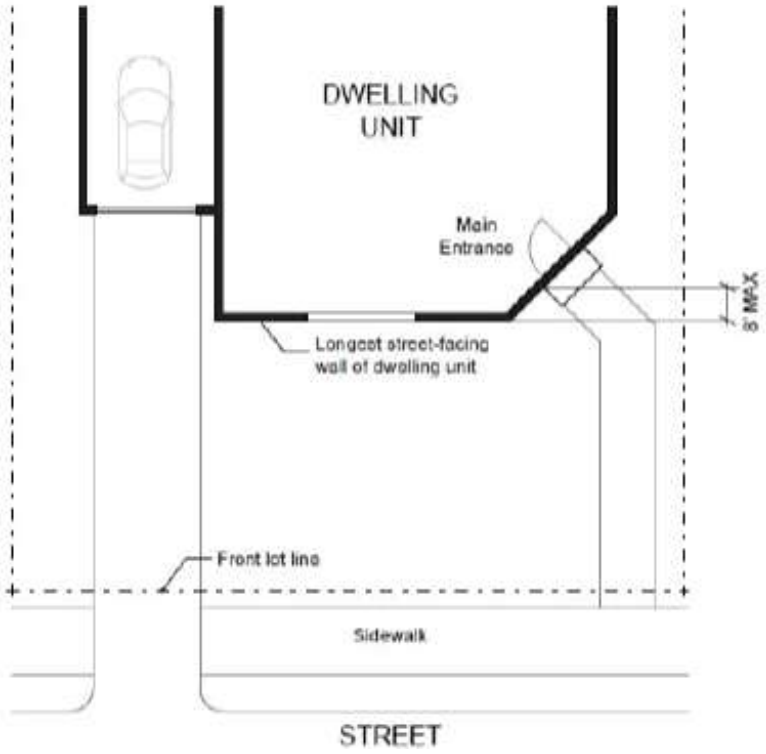


Figure 845-4: Entrance Facing Common Outdoor Area

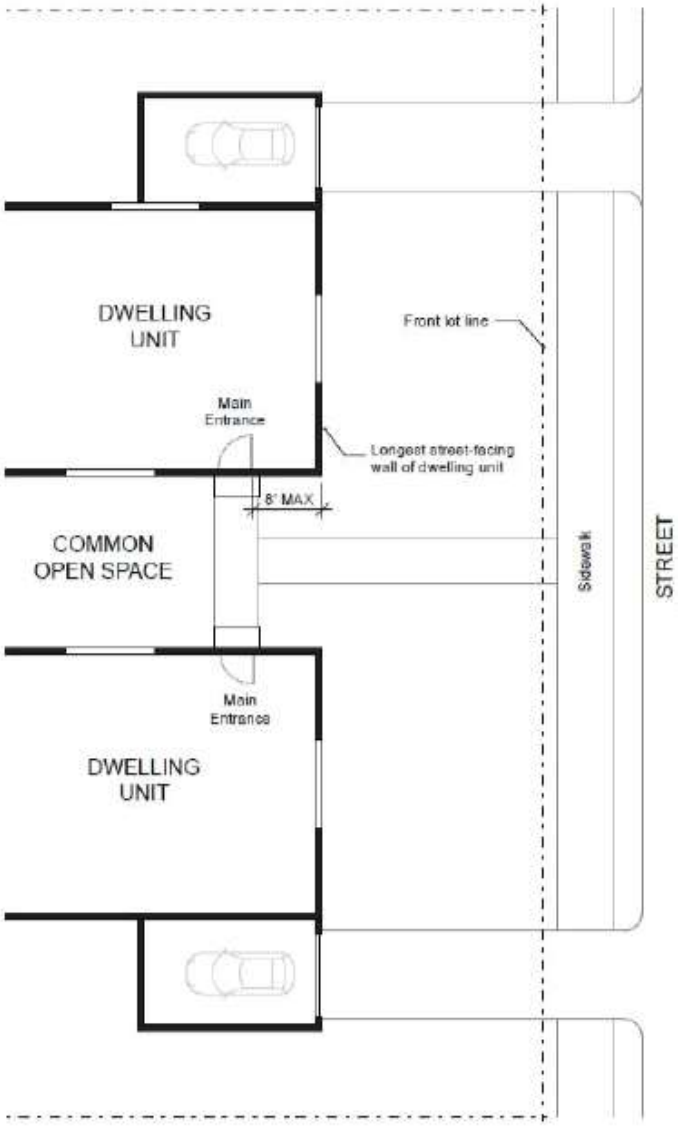


Figure 845-5: Entrance Opening onto a Porch

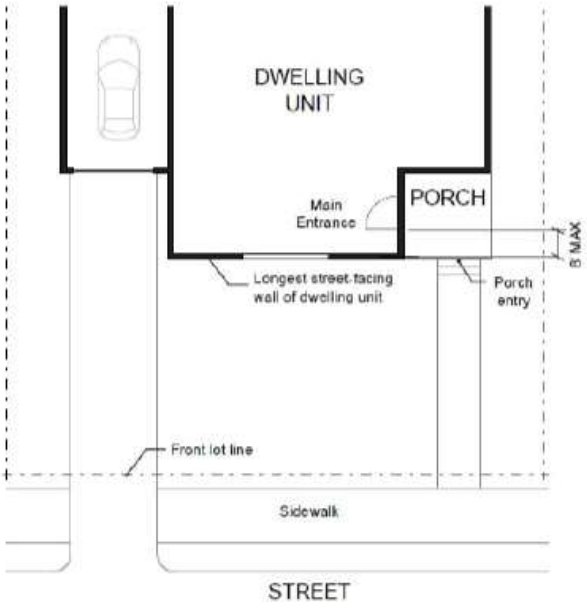
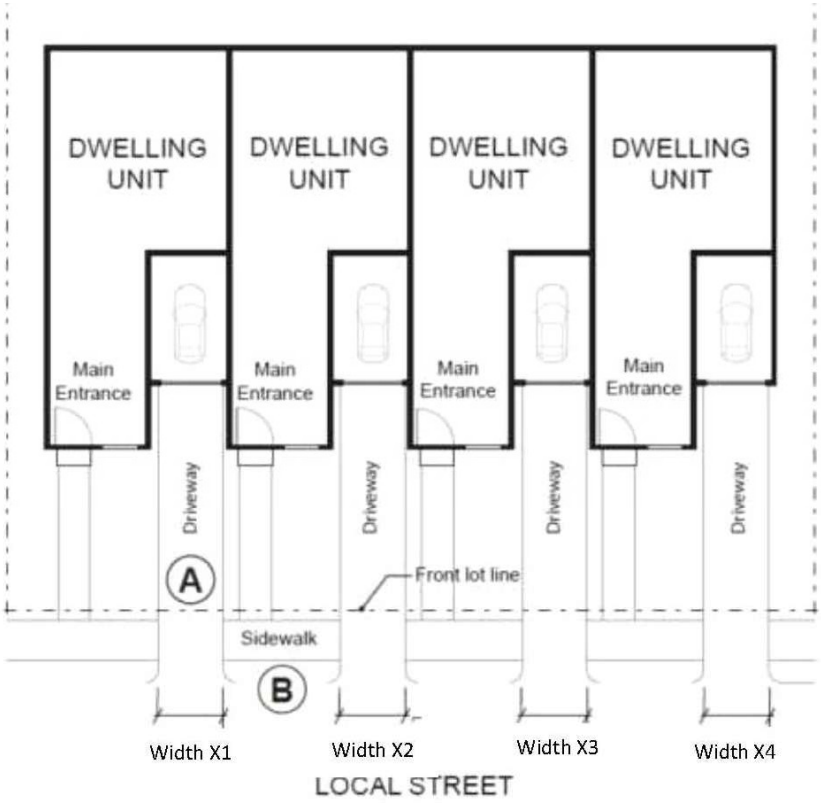


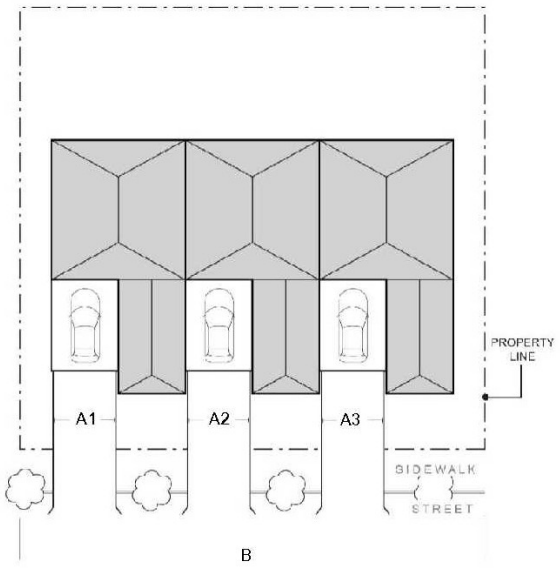
Figure 845-6: Driveway Entry Width and Separation on Local Street



(A) X1 + X2 + X3 + X4 must not exceed 32 feet per frontage

(B) Driveway approaches may be separated when located on a local street

Figure 845-7: Width of Garages and Parking Areas

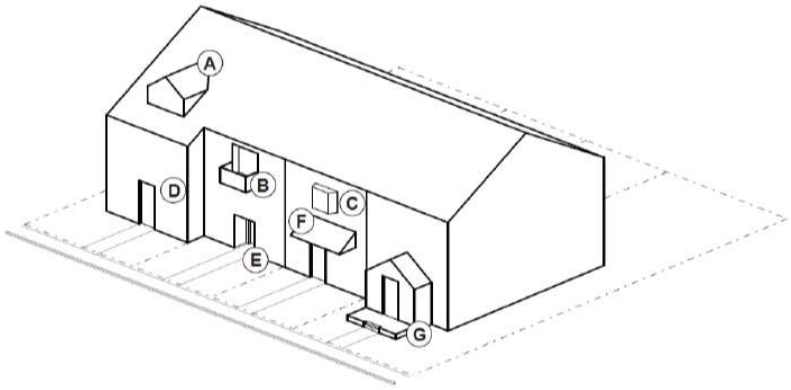


(A) Garage and on-site parking and maneuvering areas

(B) Total street frontage

$$\frac{A1+A2+A3}{B} \leq 50\%$$

Figure 845-8: Townhouse Unit Definition



(A) Roof dormer, minumum of 4 feet wide

(B) Balcony, minimum 2 deet deep and 4 feet wide. Accessible from interior room.

(C) Bay window extending minimum of 2 feet from facade

(D) Facade offset, minimum of 2 feet deep

(E) Recessed entryway, minimum 3 feet deep

(F) Covered entryway, minimum of 4 feet deep

(G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

Figure 845-9: Townhouses on Corner Lot with Consolidated Access

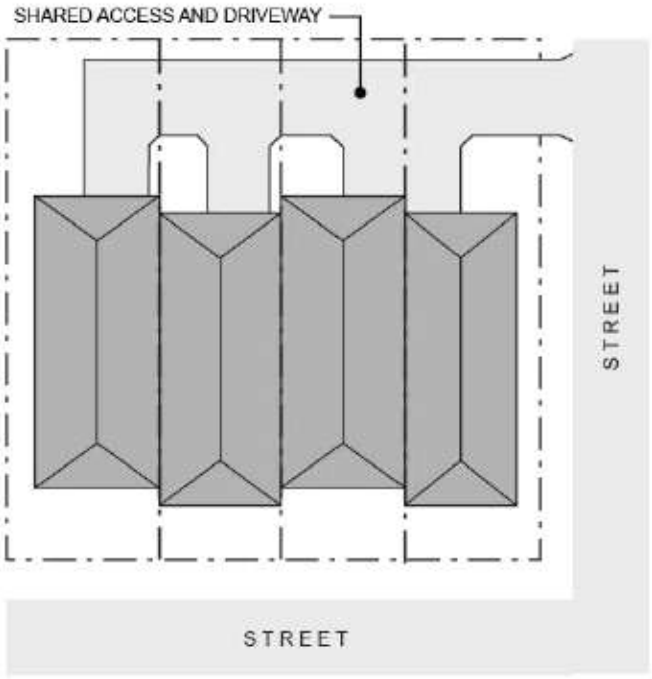


Figure 845-10: Townhouses with Consolidated Access

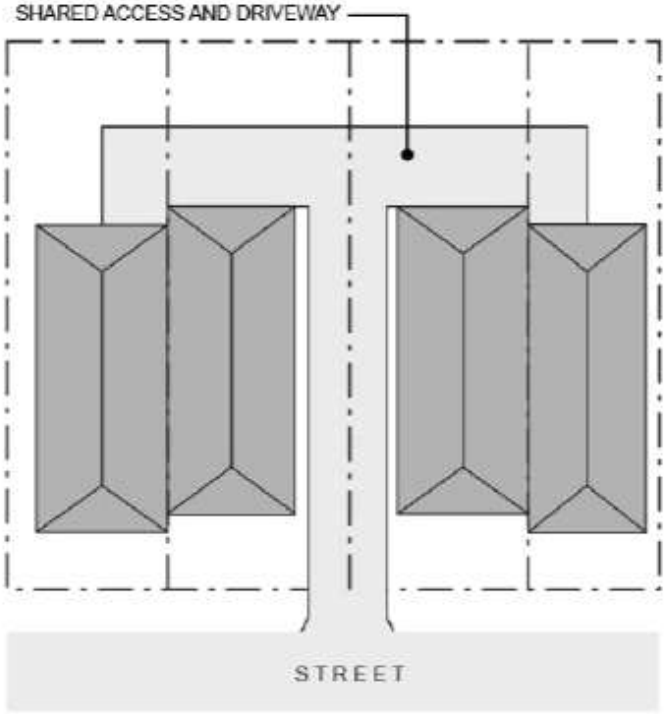
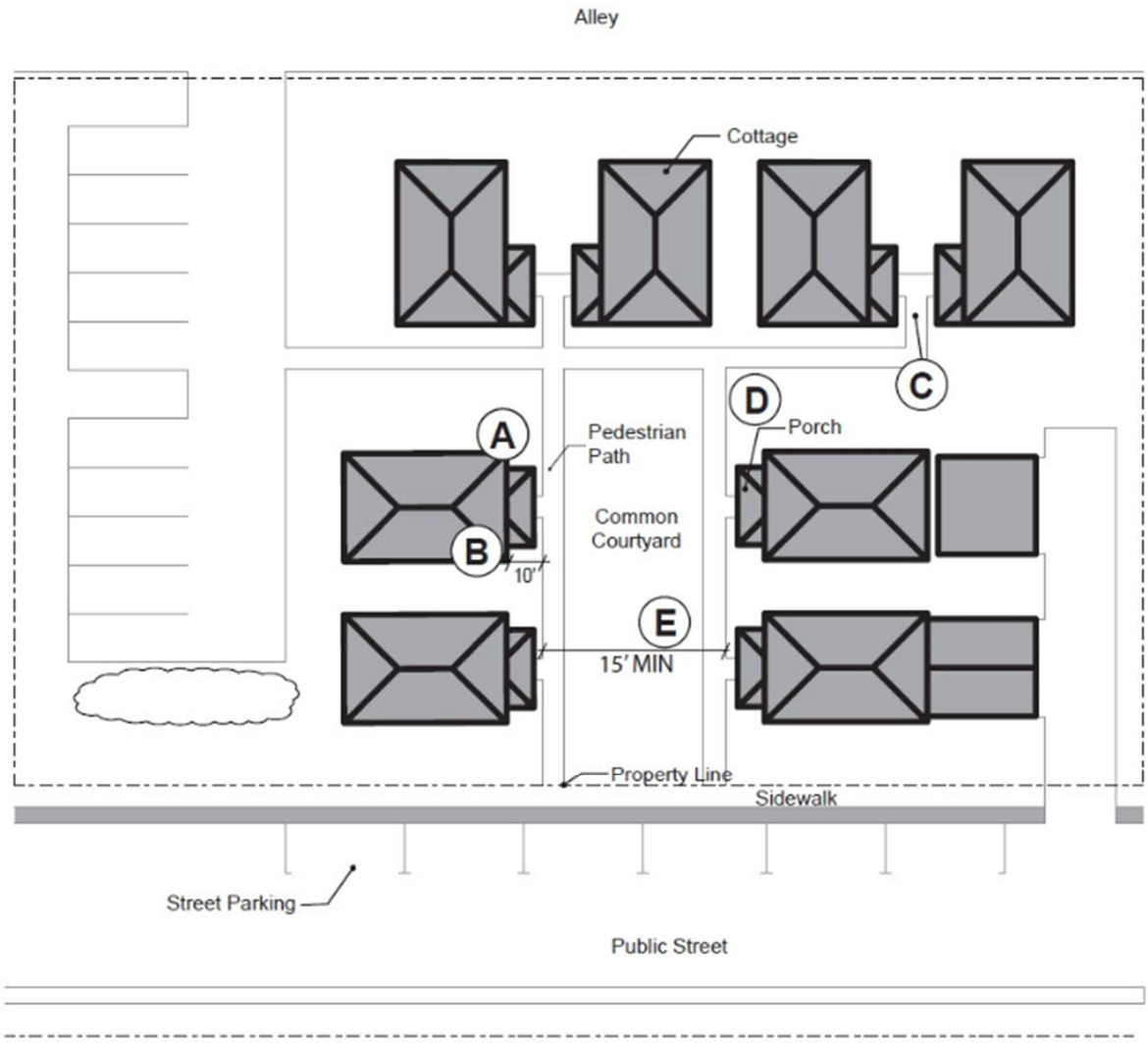


Figure 845-11: Cottage Cluster Orientation and Courtyard Standards



A A minimum of 50% of cottages must be oriented to the common courtyard.

B Cottages oriented to the common courtyard must be within 10 feet of the courtyard.

C Cottages must be connected to the common courtyard by a pedestrian path.

D Cottages must abut the courtyard on at least two sides of the courtyard.

E The common courtyard must be at least 15 feet wide at it narrowest width.

Summary of Proposed Addition of Section 850, *Restoration or Replacement of a Dwelling*

1. Adds a new section to the ZDO to implement Senate Bill 1561[2026], which is mandatory for local governments.

2. Establishes standards for the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event.

3. Applies in all zoning districts.

850 RESTORATION OR REPLACEMENT OF A DWELLING DAMAGED OR DESTROYED BY A NATURAL OR INVOLUNTARY EVENT

850.01 APPLICABILITY

Section 850 applies in all zoning districts.

850.02 APPROVAL CRITERIA

Restoration or replacement of a dwelling pursuant to Section 850 requires review as a Type II application pursuant to Section 1307, *Procedures*. A dwelling may be restored or replaced if:

A. The dwelling was damaged or destroyed by a natural or involuntary event.

B. An application under Section 850 was filed within three years following the date of the natural or involuntary event.

C. The former dwelling had:

1. Intact exterior walls and roof structure;

2. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

3. Interior wiring for interior lights; and

4. A heating system.

D. The former dwelling was:

1. Authorized by building permits or other regulatory approval process by the appropriate authority; or

2. Assessed as a residential dwelling for purposes of ad valorem taxation for the tax year beginning on July 1, 10 years before the date of the application, and is not subject to unresolved enforcement proceedings challenging the lawfulness of the dwelling.

E. The proposed dwelling will:

1. Not exceed the floor area of the former dwelling by more than 25 percent;

2. Be adequately served by water, sanitation, and roads;

3. Be located wholly or partially within the footprint of the former dwelling unless necessary to comply with Section 703, *Floodplain Management*

District, or to avoid a natural hazard area, in which case the applicant may choose a suitable location on the same lot of record; and

4. Comply with applicable building codes that were in effect on the date the dwelling was damaged or destroyed.

F. A damaged dwelling to be replaced under this section must be removed, demolished, incorporated into the replacement dwelling, or converted to a nonresidential use within three months after the replacement dwelling is certified for occupancy.

850.03 EXCEPTIONS

Restoration or replacement of a dwelling under Section 850 is not subject to any other provisions of this Ordinance except Section 703, *Floodplain Management District*.

850.04 APPROVAL PERIOD

Approval to restore or replace a dwelling is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. Implemented means that construction of the restored or replacement dwelling has commenced.

Summary of Proposed Amendments to Section 903, *Setback Exceptions*

1. Implement a procedural fix to allow for nonconforming front setbacks to be maintained without an additional land use review process when a front setback is made nonconforming by a ROW dedication.

903 SETBACK EXCEPTIONS

903.01 APPLICABILITY

Section 903 applies in all zoning districts except that only the minimum setback exemptions for bus shelters apply in the BP, GI, HDR, LI, RCHDR, and SHD Districts.

903.02 MINIMUM FRONT SETBACK MODIFICATIONS

A. The minimum front setback standard is reduced if one or both lots adjoining the subject lot, and with frontage on the same road as the subject lot, are developed with structures, other than accessory structures, whose front setback from that fronting road is lawfully nonconforming.

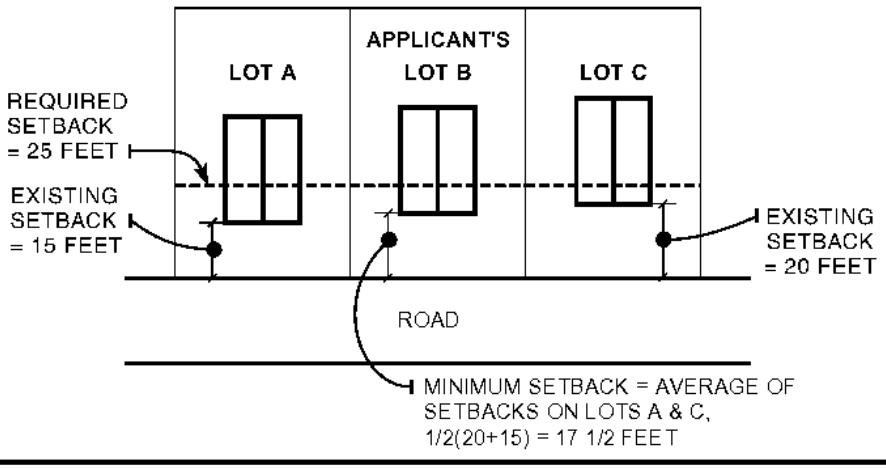
1. For the purpose of Subsection 903.02(A):

a. Lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.

b. If the adjoining lot is a flag lot, that lot is excluded, and the next lot is included.

2. If both adjoining lots qualify under Subsection 903.02(A), then the minimum front setback for the subject lot is the average of the setbacks on the two adjoining lots. (See Figure 903-1.)

Figure 903-1
Front Setback Modification - Two Adjoining Lots



3. If only one adjoining lot qualifies under Subsection 903.02(A), then the minimum front setback for the subject lot is the average of the setback that would be required without an exception and the setback on the adjoining lot with the nonconforming setback.

B. Bus shelters are exempt from minimum front setback standards.

903.03 PUBLIC DEDICATIONS

A. Minimum setback standards do not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures that do not comply with the minimum front setback shall be allowed provided that~~pursuant to Subsection 903.02(B)~~:.

1. The structure presently exists and has not been damaged or destroyed. If the structure has been damaged or destroyed, restoration or replacement of the structure shall be subject to Section 1206, *Nonconforming Uses and Vested Rights*.

2. The minimum front setback for the addition shall be equal to the front setback of the existing structure.

3. Any new or widened garage or carport motor vehicle entries shall comply with the minimum front setback of the applicable zoning district.

903.04 REAR AND SIDE SETBACK EXEMPTIONS

The following structures are exempt from minimum rear and side setback standards:

A. Underground structures, except there is no exemption where the perimeter wall of the structure is above finished grade or for openings into the structure, including doors, windows, skylights, plumbing, intake vents, and exhaust vents;

B. Ground-mounted solar energy systems extending less than six feet above finished grade;

C. Rainwater collection facilities extending less than six feet above finished grade; and

D. Bus shelters.

903.05 PROJECTIONS INTO REQUIRED SETBACKS

Architectural features and certain structures may project into minimum setbacks, as follows:

A. Architectural features may project a maximum of one-third the distance of the minimum setback, and a maximum of 40 inches into a minimum front setback.

B. Open, unenclosed fire escapes may project a maximum of four feet.

903.06 DECKS AND SIMILAR STRUCTURES

Unless the subject zoning district provides for a lesser setback, the minimum setbacks for a deck, patio, porch, terrace, or underground structure are 10 feet from front and rear lot lines and three feet from side lot lines, provided:

A. The structure shall not be covered; and

B. The structure shall not extend more than 30 inches above finished grade.

903.07 FENCES AND WALLS

Minimum setback standards do not apply to fences or walls unless the standard explicitly refers to fences or walls.

903.08 FLAG LOTS

A. The location of front, side, and rear lot lines of a flag lot may be modified, for the purpose of determining the minimum setbacks, if:

1. The subject property does not have more than one front lot line; and

2. One of the following applies:

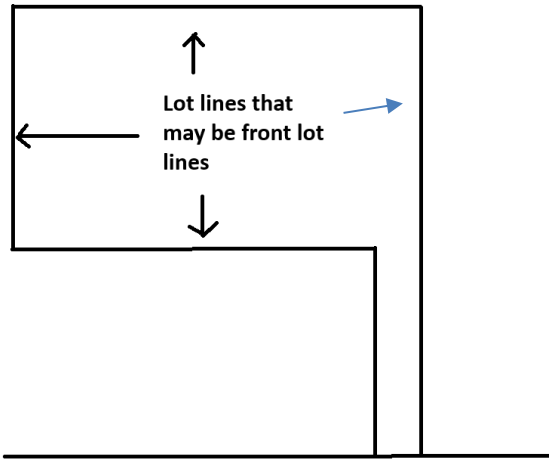
a. The flagpole through which the property takes motor vehicle access does not enter the property parallel to any lot line that intersects the lot line at which the flagpole terminates;

b. Properties located adjacent to the subject property and further from the road from which the subject property takes motor vehicle access are developed at the maximum density feasible under the current zoning designation as calculated pursuant to Section 1012, *Lot Size and Density*, and have lawful motor vehicle access from other than the same access as the flag lot;

c. A natural feature (being a slope regulated pursuant to Section 1002, *Protection of Natural Features*; a mass movement hazard area regulated pursuant to Section 1003, *Hazards to Safety*; a river, stream, wetland, or other water body as mapped by the Department of State Lands; a Special Flood Hazard Area pursuant to Section 703, *Floodplain Management District*; a Habitat Conservation Area pursuant to Section 706, *Habitat Conservation Area District*; or mapped Open Space, as identified on any Comprehensive Plan Map) exists on the subject property and would preclude access being extended across the subject property to serve an adjacent lot or lots.

B. For a flag lot eligible for setback modification pursuant to Subsection 903.08(A), the property owner can choose which lot line is to be the front lot line, so long as it is one of the lot lines that makes up the flag portion of the lot. The rear lot line is the lot line most distant from, and opposite from, the chosen front lot line. See Figure 903-2.

Figure 903-2



[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1001, *General Provisions*

1. Re-sort housing types into two categories: those within the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, and VR-5/7 Districts and those in all other zoning districts.

2. Amend terms for middle housing in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, and VR-5/7 Districts to be consistent with new requirements under HB 2138[2025] for detached middle housing dwelling units.

1001 GENERAL PROVISIONS

1001.01 PURPOSE

Section 1000, *Development Standards*, is adopted to implement policies in the Comprehensive Plan that are applicable to new development and thereby ensure that land is:

A. Used efficiently to support broad-based economic development and the adequacy of housing and public services;

B. Developed in an environmentally sustainable and aesthetically appealing manner;

C. Supplied with public facilities sufficient to meet demand; and

D. Served by a safe, convenient, multimodal, and interconnected transportation system.

1001.02 GENERAL STANDARDS

A. Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.02.

B. A building consisting of only a basement shall not be used as a dwelling.

C. A manufactured dwelling shall not be attached to another dwelling.

D. A manufactured dwelling shall not be allowed as an accessory structure, except where such accessory structure is a dwelling unit permitted by this Ordinance.

1001.03 APPLICABILITY

Section 1000 applies to all development, as identified in Table 1001-1, *Applicability of Section 1000*. If a section is identified as applicable with a "✓" in Table 1001-1, it does not necessarily mean that every subsection within that section will apply; rather, each applicable section must be reviewed to determine which, if any, provisions in that section are applicable to the proposed development.

[Amended by Ord. ZDO-224, 5/31/2011; Amended by Ord. ZDO-231, 1/31/2012; Amended by Ord. ZDO-245, 7/1/2013; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-268, 10/2/2018; Amended by Ord. ZDO-282, 7/1/2022; Amended by Ord. ZDO-285, 9/3/2024; Amended by Ord. ZDO-288, 9/9/2024]

Table 1001-1: Applicability of Section 1000[1]

Type of Development	**1002** *Protection of Natural Features*	**1003** *Hazards to Safety*	**1004** *Historic Protection*	**1005** *Site and Building Design*	**1006** *Utilities,* etc	**1007** *Roads & Connectivity*	**1009** *Land-scaping*	**1010** *Signs*	**1011** *Open Space and Parks*	**1012** *Lot Size and Density*	**1013** *Planned Unit Develop-ments*	**1015** *Parking and Loading*	**1017** *Solar Access*	**1021** *Solid Waste & Recyclable Material Collection*
Partitions Subdivisions Replats	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	
Institutional[2] Commercial[3] Industrial	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		✓
~~Manufactured dwelling parks~~	~~✓~~	~~✓~~	~~✓~~		~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~		~~✓~~		
~~Multifamily dwellings~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~		~~✓~~		~~✓~~
~~Single room occupancies in the PMD, MR-1, MR-2, HDR, VA, SHD, RCHDR Districts~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~		~~✓~~		~~✓~~
~~Detached single-family dwellings, manufactured dwellings, and prefabricated structures~~	~~1002.01 1002.04 1002.05 1002.06 1002.07 1002.09[4]~~	~~✓~~	~~✓~~		~~✓~~	~~1007.04 1007.08~~		~~✓~~				~~1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2~~		
~~Single room occupancies in all other Districts~~	~~1002.01 1002.04 1002.05 1002.06 1002.07 1002.09[4]~~	~~✓~~	~~✓~~		~~✓~~	~~1007.04 1007.08~~		~~✓~~				~~1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2~~		

Type of Development	**1002** *Protection of Natural Features*	**1003** *Hazards to Safety*	**1004** *Historic Protection*	**1005** *Site and Building Design*	**1006** *Utilities,* etc	**1007** *Roads & Connectivity*	**1009** *Land-scaping*	**1010** *Signs*	**1011** *Open Space and Parks*	**1012** *Lot Size and Density*	**1013** *Planned Unit Develop-ments*	**1015** *Parking and Loading*	**1017** *Solar Access*	**1021** *Solid Waste & Recyclable Material Collection*
~~Middle housing~~Housing in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, and VR-5/7 Districts														
Detached single-family dwellings, manufactured dwellings, and prefabricated structures	1002.01 1002.04 1002.05 1002.06 1002.07 1002.09[4]	✓	✓		✓	1007.04 1007.08		✓				1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2		
~~Duplexes, Triplexes, and Townhouses~~ Middle housing	1002.01 1002.09[4]	✓	✓		✓	1007.04 1007.08[5]		✓				1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2		
~~Quadplexes and Cottage Clusters~~	~~1002.01~~ ~~1002.09~~[4]	~~✓~~	~~✓~~		~~✓~~	~~1007.04~~		~~✓~~						
Single room occupancies	1002.01 1002.04 1002.05 1002.06 1002.07 1002.09[4]	✓	✓		✓	1007.04 1007.08		✓				1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2		
Manufactured dwelling parks	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓		
Middle housing land divisions	✓	✓	✓		✓	✓		✓		✓				
~~Middle housing~~Housing in all other zoning districts														
~~Townhouses with two dwelling units~~	~~1002.01~~ ~~1002.04~~ ~~1002.05~~ ~~1002.06~~ ~~1002.07~~ ~~1002.09~~[4]	~~✓~~	~~✓~~		~~✓~~	~~1007.04~~ ~~1007.08~~		~~✓~~		~~✓~~		~~✓~~		~~✓~~

Detached single-family dwellings, manufactured dwellings, and prefabricated structures	1002.01 1002.04 1002.05 1002.06 1002.07 1002.09[4]	✓	✓		✓	1007.04 1007.08		✓				1015.01(A) 1015.02(A)(2) & (4) 1015.02(B-D) Table 1015-2		
~~Duplexes, Triplexes, Quadplexes, and Townhouses~~Middle housing with three or more dwelling units	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Multifamily dwellings	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Townhouses with two dwelling units	1002.01 1002.04 1002.05 1002.06 1002.07 1002.09[4]	✓	✓		✓	1007.04 1007.08		✓		✓		✓		✓
Single room occupancies	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Manufactured dwelling parks	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓		

[1] Where specific subsections are not identified in this table, an applicable section must be reviewed to determine which provisions in that section apply to the proposed development.

[2] Stormwater management facilities permitted as an accessory or primary use; utility cabinets that comply with Section 830, *Utility Cabinets*; utility facilities in road rights-of-way; and utility lines are not subject to Section 1000.

[3] Level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837, *Mobile Vending Units.*

[4] Subsection 1002.09 also applies to accessory structures.

[5] Subsection 1007.08 does not apply to cottage clusters or to middle housing with four or more dwelling units on a lot of record.

Summary of Proposed Amendments to Section 1005, *Site and Building Design*

1. Clarify that partial numbers resulting from the calculation of required techniques in Subsection 1005.05 are rounded to the nearest whole number.

2. Conforming amendments; update references.

1005 SITE AND BUILDING DESIGN

1005.01 PURPOSE

Section 1005 is adopted to ensure sites are developed and buildings designed to:

A. Efficiently utilize the land used in development, particularly urban land in centers, corridors, station communities and employment areas;

B. Create lively, safe, attractive and walkable centers, corridors, station communities, employment areas and neighborhoods;

C. Support the use of non-auto modes of transportation, especially pedestrian trips to and between developments;

D. Support community interaction by creating lively, safe and attractive public use spaces within developments and on the street;

E. Reduce impacts of development on natural features and vegetation;

F. Utilize opportunities arising from a site's configuration or natural features;

G. Encourage use of green building technologies and green site development practices, energy conservation and use of renewable energy resources;

H. Design illumination so that dark skies are maintained to the extent possible, balanced with the lighting needs of safe and functional developments; and

I. Accommodate the needs of the users to be located in developments.

1005.02 GENERAL SITE DESIGN STANDARDS

The following site design standards apply:

A. Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.

B. Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.

C. Minimum setbacks may be reduced by up to 50 percent as needed to allow improved solar access when solar panels or other active or passive solar use is incorporated into the building plan.

D. A continuous, interconnected on-site walkway system meeting the following standards shall be provided.

1. Walkways shall directly connect each building public entrance accessible to the public to:

   a. The nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented; and

   b. Accessible parking spaces.

2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children's play areas, and plazas.

3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.

4. Walkways shall be constructed with a well-drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.

5. Standards for walkways through vehicular areas:

   a. Walkways crossing driveways, parking areas, and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs, or other similar methods.

   b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping, or other physical barrier.

   c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.

   d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.

   e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.

6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.

a. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.

b. Notwithstanding the remainder of Subsection 1005.02(D)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.

E. Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front setback line.

1. If the minimum front setback standard is less than 20 feet, the front setback may be increased to a maximum of 20 feet provided pedestrian amenities are developed within the front setback area.

2. Primary building entrances for buildings used to comply with Subsection 1005.02(E), shall:

a. Face the street;

b. Be located at an angle facing both the street and a parking lot; or

c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.

3. If a development has frontage on more than one street, Subsection 1005.02(E) must be met on only one frontage, as follows:

a. If one of the streets is a major transit street, the standard shall be met on that street.

b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.

c. If neither 1005.02(E)(3)(a) or (b) applies, then the standard shall be met on the longest frontage.

F. Inside the UGB, parking lots larger than three acres in size shall be built with internal streets that include raised walkways with curbs, a minimum four-foot-wide landscape strip, and shade trees planted a maximum of 30 feet on center.

G. New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.

1. A private street used to meet the standards in Subsection 1005.02(G) must have raised walking surfaces on both sides, street trees, curbs, and pedestrian-scale street lighting, and must connect at both ends to an existing or proposed street.

2. If a development has frontage on more than one major transit street, this orientation requirement needs to be met on only one side.

3. The public entrance orientation requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

H. New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.

1. For the purpose of Subsection 1005.02(H), a building is located at a major transit stop, if:

a. The building is located on a lot that has frontage on the major transit street or an intersecting street; and

b. Any portion of the building is within a 200-foot radius of the major transit stop.

2. Lawfully established buildings that do not comply with the maximum setback standard may have additional height added as an expansion without being brought into conformance with the standard.

3. The maximum setback standard does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.

I. In the PMU District, there shall be no vehicular parking or circulation within the front setback area.

J. In the OC District, the design and siting of structures shall control public access points into office buildings, utilizing a central lobby design, entrance courtyard, internal pedestrian walkway or mall, or similar designs that protect business/professional uses from the disturbances of direct public access.

K. Where a minimum floor area ratio (FAR) is required by the standards of the applicable zoning district, it shall be calculated as follows:

1. Calculate the building floor area by determining the square footage of all buildings in the proposed development, including:

a. Gross floor area of all commercial structures (except parking structures), including storage and mechanical equipment;

b. Square footage of commercial uses in a parking structure; and

c. Square footage of the footprint of a multifamily residential structure.

2. Calculate the net site area by subtracting from the gross site area the following:

a. Right-of-way dedications;

b. Off-road (except sidewalks) trails, bikeways, or multi-purpose trails;

c. Stormwater detention facilities;

d. Design elements (plazas, greenways, transit stations, etc.);

e. Parks;

f. Civic spaces;

g. Stream buffers;

h. Wetlands; and

i. 100-year floodplain (undeveloped portion)

3. Divide the building floor area by the net site area. The result is the FAR. 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.

L. The following standards apply in the HDR, RCHDR, and SHD Districts:

1. The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 1005-0.) This provision shall be modified as follows:

a. Intervening streets and 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 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 1005.02(L)(2), that area may be included in the required separation distance.

2. 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;

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

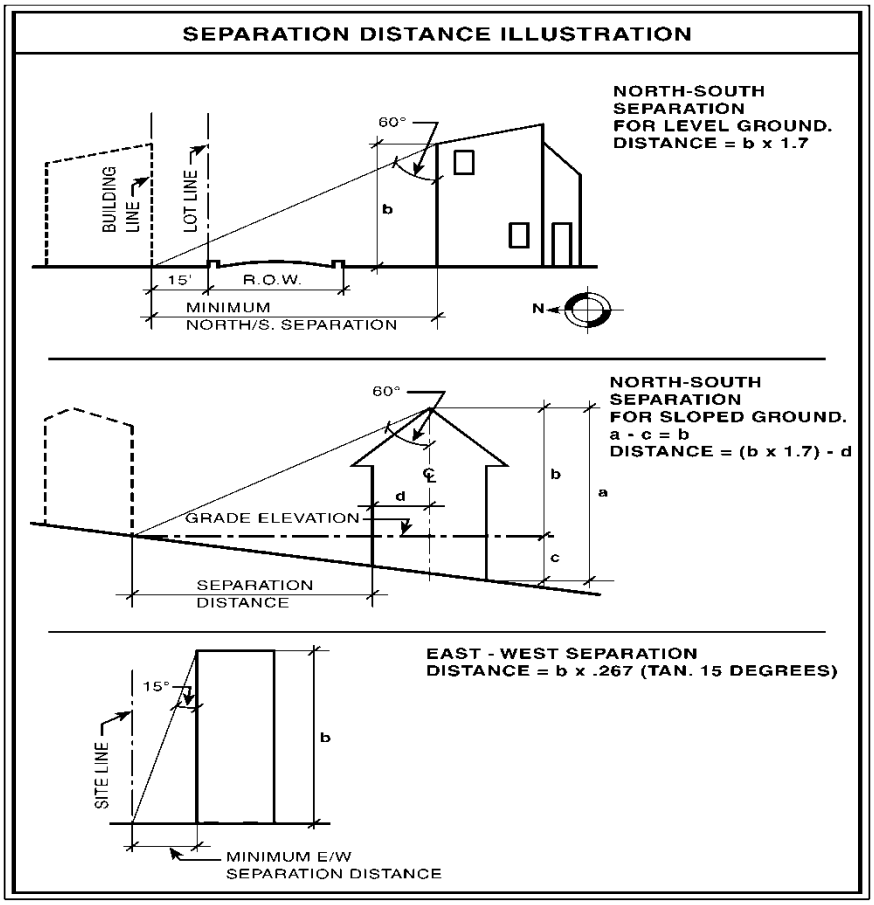
   c. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.

3. 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 Figure 1005-0.)

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

4. The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.

Figure 1005-0: Separation Distance Illustration



5. The standards of Subsection 1005.02(L) are not subject to modification pursuant to Section 904, *Height Exceptions*. However, these standards may be modified if the modification requested is necessary to allow development of primary uses at densities allowed for the site area.

1005.03 BUILDING DESIGN

A. The following standards apply to building facades visible from a public or private street or accessway and to all building facades where the primary entrance is located.

1. Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.

2. Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.

3. Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters, or modulating building masses.

4. Utilize human scale, and proportion and rhythm in the design and placement of architectural features.

5. Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.

6. When uses between ground-level spaces and upper stories differ, provide differentiation through use of bays or balconies for upper stories, and awnings, canopies, trim, and other similar treatments for lower levels.

B. Requirements for building entries:

1. Public entries shall be clearly defined, highly visible, and sheltered with an overhang or other architectural feature, with a depth of at least four feet.

2. Commercial, mixed-use and institutional buildings sited to comply with 1005.02(E) shall have public entries that face streets and are open to the public during all business hours.

C. The street-facing facade of commercial, mixed-use and institutional buildings sited to comply with 1005.02(E) shall meet the following requirements:

1. Facades of buildings shall have transparent windows, display windows, entry areas, or arcades occupying a minimum of 60 percent of the first floor linear frontage.

2. Transparent windows shall occupy a minimum of 40 percent of the first floor linear frontage. Such windows shall be designed and placed for viewing access by pedestrians.

3. For large-format retail buildings greater than 50,000 square feet, features to enhance the pedestrian environment, other than transparent window, may be approved through design review. Such items may include, but are not limited to display cases, art, architectural features, wall articulation, landscaping, or seating, provided they are attractive to pedestrians, are built to human scale, and provide safety through informal surveillance.

D. Requirements for roof design:

1. For buildings with pitched roofs:

a. Eaves shall overhang at least 24 inches.

b. Roof vents shall be placed on the roof plane opposite the primary street.

2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

E. Requirements for exterior building materials:

1. Use architectural style, concepts, colors, materials, and other features that are compatible with the neighborhood's intended visual identity.

2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.

3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, metal, or a combination of these materials.

4. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

F. Additional building design requirements for multifamily dwellings and middle housing, except middle housing developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*:

1. Facades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.

2. Windows shall be frequent and coordinate with bays and balconies.

3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.

4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel, or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities.

5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas shall be completely enclosed and easily accessible to respective dwelling units.

G. Requirements to increase safety and surveillance:

1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, and parking, recreation, and laundry areas.

2. Provide adequate lighting for entryways, walkways, and parking, recreation, and laundry areas.

3. Locate parking and automobile circulation areas to permit easy police patrol.

4. Design landscaping to allow for surveillance opportunities.

5. Locate mail boxes where they are easily visible and accessible.

6. Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of 30 inches in height.

7. Locate play areas for clear parental monitoring.

H. Solar access requirements:

1. Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.

2. Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.

3. Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.

I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.03(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*; X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community;* X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area.* The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

1. Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.

2. Use colors, materials, and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas, and transit stations.

3. Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses, and the intent of the design type.

4. Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings. Loading areas shall be located to the side or rear of buildings unless topography, natural features, rail service, or other requirements of this Ordinance dictate loading bays to the front of buildings.

5. In industrial zoning districts, site areas used for vehicular operations, outdoor storage, and outdoor processing to minimize the impacts on adjacent dissimilar uses.

6. Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.

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

8. In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.

9. In open space or scenic areas, use natural color tones, lines, and materials which blend with the natural features of the site or site background.

J. Requirements for screening mechanical equipment:

1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.

2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that blocks at least 80 percent of the view.

3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a facade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in Subsection 1005.03(J)(1) or (2).

K. Requirements for specialized structures in industrial zoning districts:

1. In the BP, LI, and GI Districts, silos, towers, and other specialized storage or processing structures are permitted if:

a. They are enclosed in a building that complies with the other applicable standards of Subsection 1005.03;

b. They are approved as part of a conditional use; or

c. They are:

i. Less than 12 feet in height;

ii. Located behind the building, to the rear of the site, and not adjacent to front lot lines; and

iii. Screened from adjacent properties with a sight-obscuring fence a minimum of six feet in height.

2. In the GI District, silos, towers, and other specialized storage or processing structures that do not comply with Subsection 1005.03(K)(1) are permitted as part of a primary use if such structures have the following characteristics:

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; and

c. Do not use bright colors, white, or multiple colors, except as specifically approved pursuant to Section 1102, *Design Review*, for trim, accents, or to provide visual interest to equipment or structures that are unique to the particular use.

L. Facades in the OA District: In the OA District, facades are subject to the following standards:

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.

1005.04 OUTDOOR LIGHTING

A. Outdoor lighting devices:

1. Shall be architecturally integrated with the character of the associated structures, site design, and landscape.

2. Shall not direct light skyward.

3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements, or other similar features, so that light is directed within the boundaries of the subject property;

4. Shall be suitable for the use they serve (e.g. bollard lights along walkways, pole mounted lights for parking lots);

5. Shall be compatible with the scale and intensity of uses they are serving. The height of pole-mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and

6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.

B. The following are exempt from Subsection 1005.04(A):

1. Temporary lights used for holiday decorations;

2. Street lights regulated in Section 1006*, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*; and

3. Lighting associated with outdoor recreation uses such as ball fields or tennis courts.

1005.05 ADDITIONAL REQUIREMENTS

Development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a

maximum of five techniques are required. Partial ~~site area~~technique numbers resulting from this calculation shall be rounded to the nearest whole number.

A. Install a solar energy system in the development.

B. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:

1. Modulate building masses to maximize solar access.

2. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites.

3. Locate buildings to maximize windbreaks.

4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.

5. Utilize deciduous trees to provide summer shade and allow winter sun.

6. Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.

7. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.

8. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.

C. Use highly reflective (high albedo) materials on roof surfaces.

D. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.

E. Construct a minimum of 75 percent of walkway area of porous pavement.

F. Construct a minimum of 75 percent of all parking spaces with porous pavement.

G. Provide additional landscaping area at least 10 percent above the requirement for the site pursuant to Table 1009-1, *Minimum Landscaped Area*. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.

H. Include additional swales in development landscaping, pursuant to Section 1009, *Landscaping*. Credit shall be given for additional swale(s) that exceed the requirements of Subsection 1009.03(A)(2) by at least 10 percent of area. For

example, if 1009.04(A)(2) requires 200 square feet of swale area, then an additional 20 square feet of swale area would be required.

I. Collect rainwater from roofs and/or other impervious surfaces and use it for irrigation.

J. Apply other techniques for onsite storm water treatment identified by the surface water management regulatory authority.

K. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, mini-parks, and accessways that are open to the general public.

L. Enhance sidewalks and/or walkways by providing additional width, using higher quality materials; shielding from vehicular traffic with enhanced planting strips, street trees and on-street parking, and/or providing pedestrian amenities that are compatible with the design of the development as well as the neighborhood as a whole.

M. Coordinate development between adjacent uses to provide for a more attractive and lively streetscape, enhance connections, minimize conflicts, and provide common-use areas.

N. Enhance the pedestrian connection between the development and neighborhood shopping areas, nearby transit, trails, bikeways, or parks. Examples include additional width or pedestrian amenities.

O. Provide functional and accessible rooftop gardens.

P. For multifamily dwelling units that face the street, raise first floor units a minimum of two feet above street level.

Q. Provide structured or under-structure parking to meet all or part of the parking need.

R. Provide no more than the minimum number of surface parking spaces set out in Table 1015-1, *Automobile Parking Space Requirements*, or 1015-2, *Minimum Automobile Parking Space Requirements for Dwellings*, all of which shall be no greater than the minimum dimensions allowed in Subsection 1015.02(A)(2).

S. Lay out sites or orient structures, to maximize significant vistas.

T. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.

U. Utilize rail service opportunities abutting the site.

V. Inside the Portland Metropolitan Urban Growth Boundary (UGB), a minimum of 75 percent of the street frontage of the development site shall have buildings located at the minimum front setback line. If the minimum front setback standard is less than 20 feet, the front setback may be increased to a maximum of 20 feet provided pedestrian amenities are developed within the front setback area.

W. Outside the UGB, or for industrial developments, a minimum of 25 percent of the street frontage of the development site shall have buildings located at the minimum front setback line. Up to 20 feet of additional front setback area may be provided where pedestrian amenities are located.

X. Locate buildings at the minimum side setback line or within 10 feet of the side lot line, whichever is greater.

1005.06 MODIFICATIONS

Modification of any standard identified in Subsections 1005.02 and 1005.03 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.

1005.07 CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS

Subsection 1005.07 applies in the Clackamas Regional Center Area, including the Regional Center and the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.07 shall take precedence.

A. Clackamas Regional Center Area Design Plan: Development is subject to the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.

B. Urban Design Elements: New development is subject to the urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*. The urban design elements are described in the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.

1. Urban design elements provided in a development may be used to reduce gross site area for calculating minimum density requirements in Subsection 1012.08, and to meet minimum landscaping requirements in Section 1009, *Landscaping*.

2. For phased development approved through a master plan, requirements for the urban design elements may be roughly proportional to the amount of the master planned approved development being developed in any one phase.

C. Parking Structure Orientation: Entrances for ground-level retail uses in parking structures located within 20 feet of a street shall be oriented to a street.

D. Corner Lot Buildings:

1. A corner lot is a lot, parcel, tax lot, or land area created by a lease agreement at the intersection of two streets.

2. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.

3. Development on lots at a Gateway intersection as shown on Comprehensive Plan Map X-CRC-3, and Comprehensive Plan Figure X-CRC-7, *Clackamas Regional Center Area Design Plan Gateway Intersection (Boulevard and Main Street)*, shall be designed to accommodate future Gateway improvements.

E. Building Setbacks from Private Streets: Where a setback from a private street, as defined in Subsection 1005.07(G), is required by the standards of the applicable zoning district, the setback shall be measured from the back edge of the sidewalk.

F. Parking Structures: If a parking structure, including understructure parking, abuts a street, appropriate features shall be provided to create a transition between the parking structure, or the entrance to understructure parking, and the abutting street. Examples of appropriate features include, but are not limited to, landscape planters and trellises, awnings, canopies, building ornamentation, and art. As used in Subsection 1005.07(F), a parking structure "abuts a street" if no other building is sited between the parking structure and the street.

G. Private Streets: Private streets used to meet the structure orientation or setback standards shall include:

1. Sidewalks or raised walking surfaces on both sides;

2. Curbs;

3. Street trees, pursuant to Subsection 1007.06; and

4. Pedestrian-scale lighting.

5. Private streets may also provide on-street parking and at-grade loading zones, as applicable.

H. Internal Streets:

1. Internal streets may be required to connect to adjacent properties to increase connectivity and provide grid patterns that allow for future development.

2. Internal streets shall be designed to allow for future development when applicable.

3. Development shall provide, when applicable, direct street and pedestrian connections between developments and schools, parks, open space, shopping areas, employment areas, and transit stops.

I. New development shall not be sited such that it precludes the construction of the new walkways, or eliminates the existing walkways, that are shown on Comprehensive Plan Map X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, or identified in the *Clackamas Regional Center Pedestrian/Bicycle Plan* adopted by reference in Appendix A of the Comprehensive Plan, unless an alternative walkway location that provides a similar connection is established. An alternative walkway location shall not be deemed "similar" to a planned or existing location unless:

1. It provides comparably safe, direct, and convenient pedestrian access to significant destinations, such as transit facilities, major employers, multifamily dwelling complexes, and retail and service establishments; and
2. It fulfills a comparable function in terms of filling gaps in the pedestrian circulation system planned for the Clackamas Regional Center Area.

1005.08 REGIONAL CENTER DESIGN STANDARDS

Subsection 1005.08 applies in the Regional Center, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.08 shall take precedence.

A. Freestanding parking structures located within 20 feet of pedestrian facilities, including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the 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 the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; and

3. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with seating, plazas, outdoor eating areas, and drinking fountains.

B. New buildings shall have at least one public entrance oriented to a street. Private streets used to meet this standard shall include the elements identified in Subsection 1005.07(G).

C. Pedestrian amenities are required between the building and the front lot line. The following guidelines apply to pedestrian amenities used to meet this requirement:

1. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.

2. Pedestrian areas must include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with seating; and drinking fountains.

D. In the RCHDR District, pedestrian amenities are required in the front setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.

E. Internal streets and driveways are prohibited between buildings and the street to which building entrances are oriented.

1005.09 FULLER ROAD STATION COMMUNITY DIMENSIONAL AND DESIGN STANDARDS

Subsection 1005.09 applies in the Fuller Road Station Community, as shown on Comprehensive Plan Map ~~X~~10-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.09 shall take precedence. If the text of Subsection 1005.09 is unclear as applied to a specific development, Figures 1005-1 through 1005-11, as applicable, may be used to resolve the ambiguity.

A. Subsections 1005.09(B) through (M) do not apply in Sectors 1 and 2, as shown on Map 1005-1, until:

1. One or more additional stories are to be added to one or more existing buildings that are more than 150 feet from 82nd Avenue in either Sector 1 or Sector 2. For the purpose of this provision, a mezzanine shall not be considered an additional story; or

2. More than 40,000 square feet of new building area is to be developed in either Sector 1 or Sector 2.

a. The tally of new square footage will be cumulative starting with new development after March 7, 2011.

b. If an existing building is expanded, the square footage of the new building outside the existing building footprint will be counted toward the total of 40,000 square feet.

c. If a mezzanine is added inside an existing building, the square footage of the mezzanine will be counted toward the total of 40,000 square feet.

d. If one or more stories are added to a building 150 feet or less from 82nd Avenue, as allowed by Subsection 1005.09(A)(1), the additional square footage will be counted toward the total of 40,000 square feet.

e. If a building is damaged or destroyed, regardless of the cause, and the building is restored or replaced, the square footage of the restored or new building that is constructed inside the previous building footprint will not be counted toward the total of 40,000 square feet, provided that restoration or replacement lawfully commences within three years of the occurrence of the damage or destruction. "Lawfully commenced" shall have the meaning given in Subsection 1206.03(B). However, if the new building has more stories than the previous building, Subsections 1005.09(B) through (M) will become applicable, if required pursuant to Subsection 1005.09(A)(1).

3. Subsections 1005.09(A)(1) and (2) apply separately to Sectors 1 and 2, meaning that compliance with Subsections 1005.09(B) through (M) will not be required in Sector 1 or 2 until that particular sector exceeds the development threshold established by Subsection 1005.09(A)(1) or (2).

4. Prior to the point at which Subsections 1005.09(B) through (M) become applicable, new development in Sectors 1 and 2 shall not be sited such that it:

   a. Precludes establishment of the "conceptual street grid" identified on Map 1005-2, or eliminates or reduces existing elements of that grid. All streets shown on the grid are planned to be Type D.; or

   b. Precludes establishment of a connection, with a Type D street cross section, between a signalized intersection at 82nd Avenue and a point on Fuller Road within the "access area" shown on Map 1005-2.

B. Minimum Building Height: 20 feet, measured to top of parapet or roof.

C. Minimum Side and Rear Setbacks: Five feet, except a zero setback is allowed for attached structures. (See Figure 1005-1.)

D. Maximum Driveway Width: The maximum width of a curb cut for a driveway is 24 feet (not including sidewalks or landscaping) unless otherwise required by the Clackamas County Roadway Standards or applicable fire district. (See Figure 1005-1.)

E. Regulating Plan: Map 1005-1 is the regulating plan for the Fuller Road Station Community. It identifies each existing or planned street in the Fuller Road Station Community as one of four street types: Type A, B, C, or D. As established by Subsections 1005.09(G) and (L), the building frontage and landscape screening regulations for the Fuller Road Station Community are applied by street type and are thereby "keyed" to the regulating plan.

F. Streets: Street improvements are required as follows:

1. Except as set forth in Subsection 1005.09(F)(3), the locations of required new streets are shown on Map 1005-1, or will be determined pursuant to Subsection 1005.09(F)(2). New streets shown on Map 1005-1 are intended to create blocks with a perimeter no greater than 2,200 feet. Exact location of these new streets may vary up to 50 feet, provided the maximum block perimeter standard is met and provided that the new streets create the connections/intersections shown on Map 1005-1.

2. In addition to the mapped streets (existing and new) illustrated on Map 1005-1, a through-block connection is required for any block face longer than 450 feet. (See Figure 1005-2.)

   a. "Block face" means the curb to curb distance between any two streets, including Type E pedestrian/bicycle connections.

   b. These additional connections shall:

      i. Have a Type D street cross section or a Type E pedestrian/bicycle connection cross section;

      ii. Be located no closer than 100 feet to an adjacent street intersection, whether existing or planned; and

      iii. Align with other existing or planned streets or Type E pedestrian/bicycle connections where possible.

3. Subsections 1005.09(F)(1) and (2) do not apply in Sectors 1 and 2 shown on Map 1005-1. Instead, compliance with either Subsection 1005.09(F)(3)(a) or Subsections 1005.09(F)(3)(b) and(c) is required.

   a. Development shall not occur until a connection with a Type D street cross section is constructed between a signalized intersection at 82nd Avenue and a point on Fuller Road within the "access area" shown on Map 1005-2. In addition:

      i. New development shall not be sited such that establishment of the "conceptual street grid" identified on Map 1005-2 is precluded, or existing elements of that grid are eliminated or reduced. All streets shown on the grid are planned to be Type D.

ii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1005.09(F)(4).

b. In lieu of compliance with Subsection 1005.09(F)(3)(a), development shall not occur until an alternative connectivity plan is approved for Sectors 1 and 2 shown on Map 1005-1. This connectivity plan shall:

i. Connect the on-site transportation system to the existing and planned facilities shown on Map 1005-1;

ii. Provide pedestrian, bicycle, and motor vehicle circulation that meets the needs of future residents and visitors;

iii. Emphasize pedestrian mobility and accessibility, demonstrating an effective and convenient system of pedestrian walkways leading through the subject site;

iv. Provide for bicycle connections and efficient motor vehicle movements through the site;

v. Except where precluded by existing development, existing interests in real property, natural features, or topography, provide for block faces that do not exceed 450 feet between any two streets;

vi. Include a minimum of three street connections to 82nd Avenue and a minimum of two street connections to Fuller Road. These connections must be Type D streets, and one must connect to Fuller Road within the "access area" shown on Map 1005-2;

vii. Include a phasing plan for completion of the connectivity plan based on the submitted development application or conceptual future development, as appropriate. This phasing plan shall ensure that at no point is the overall connectivity in Sectors 1 and 2 reduced and that at least one connection from 82nd Avenue to Fuller Road is constructed to a Type D street cross section in conjunction with the first phase of new development; and

viii. Comply with the Clackamas County Roadway Standards and the requirements of the Oregon Department of Transportation, as applicable.

c. Once an alternative connectivity plan is approved:

i. New development shall not be sited such that establishment of the connections identified on the connectivity plan are precluded, or existing elements of that plan are eliminated or reduced.

ii. New development shall not occur until at least one connection from 82nd Avenue to Fuller Road is constructed to a Type D street cross section. The other connections required by the connectivity plan shall be constructed in a manner consistent with the approved phasing plan. However, at a minimum, if an existing connection is removed as allowed by the connectivity plan, a new connection that provides at least the same degree of connectivity shall be constructed.

iii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1005.09(F)(4). Frontage shall be determined based on the approved connectivity plan.

4. Streets and Type E pedestrian/bicycle connections shall be designed in conformance with the design standards shown in Comprehensive Plan Figures X-CRC-8 through X-CRC-11, unless an alternative design is required pursuant to the Clackamas County Roadway Standards or to accommodate fire access, necessary truck circulation, or other engineering factors. An alternative design shall not change the designated street type for purposes of applying the building frontage and landscape screening regulations. Cross section designs for SE Johnson Creek Boulevard and SE 82nd Avenue shall be determined by Clackamas County and the Oregon Department of Transportation.

G. Building Frontage Types: Four building frontage types are established, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Subsection 1005.09(G) applies to existing or future Type A, B, C, and D streets, regardless of whether they are shown on Map 1005-1. Table 1005-1 establishes which building frontage types are permitted on each street type. Figure 1005-3 summarizes the four building frontage types.

Table 1005-1: Permitted Building Frontage Type by Street Type

Permitted Building Frontage Type:	Street Type:
Landscape	A Street
Linear	A, B, C, and D Streets
Forecourt	A, B, C, and D Streets
Porch/Stoop/Terrace	B, C, and D Streets

1. Buildings, except parking structures, located wholly or partially within 40 feet of a Type A, B, C, or D street are required to comply with the standards for a building frontage type permitted on the applicable street type.

2. The entire length of street frontage designated on Map 1005-1 as "building frontage required," or "required retail opportunity area," excluding walkway cuts with a maximum width of eight feet and driveway cuts, shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type.

    a. Except along Otty Road, where the building frontage requirement extends the entire length of the street, the "building frontage required" designation extends a distance of 60 feet from the street intersection, and the "required retail opportunity area" designation extends a distance of 100 feet from the street intersection. The beginning point for measurement is the outside edge of the right-of-way, or in the case of a private street, the outside edge of the improved street surface, including any landscape strip or sidewalk.

3. A minimum of 50 percent of the length of street frontage not designated as "building frontage required" or "required retail opportunity area" shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type. The 50-percent building frontage requirement is calculated for each lot individually, rather than in the aggregate for an entire street.

    a. If part of the street frontage is designated as "building frontage required" or "required retail opportunity area," buildings developed pursuant to Subsection 1005.09(G)(2) may be counted toward meeting the 50-percent requirement for the entire street frontage.

4. If a lot has street frontage on more than one street:

    a. Compliance with Subsection 1005.09(G)(2) is required for all street frontage designated as "building frontage required" or "required retail opportunity area."

    b. Compliance with Subsection 1005.09(G)(3) is required for only one street frontage, unless one of the frontages is on Otty Road, in which case compliance with Subsection 1005.09(G)(3) is not required.

5. Lots developed solely with parks and open space uses are exempt from Subsection 1005.09(G)(2) and (3).

H. Landscape Building Frontage Type: Landscape Building Frontage, which is permitted on Type A Streets, shall comply with the following standards (see Figure 1005-4):

1. Front Setback: The street-facing facade of the building shall be set back a minimum of 10 feet and a maximum of 15 feet.

   a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.

   b. The front setback area shall be landscaped with plants, or paved with masonry pavers or stamped concrete.

   c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front setback area.

   d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front setback area, except:

      i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.

   e. Fences: Fences and walls are permitted in the front setback area, subject to the following standards:

      i. The fence or wall shall be a maximum of three feet high.

      ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.

      iii. A wall shall be wood, masonry, concrete, or a combination thereof.

      iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).

2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling.

3. Minimum Building Depth: Buildings shall be a minimum of 40 feet deep.

4. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building facade. If an awning or canopy is provided, it shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front facade a minimum of three feet.

5. Primary Building Entrances: Each building shall have at least one building entrance that faces the street and is directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.

    a. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.

    b. If a fence or wall is within the front setback area as provided in Subsection 1005.09(H)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.

6. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing facade area.

7. Building Materials: Exterior building materials and finishes shall be masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion..

I. Linear Building Frontage Type: Linear Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-5):

1. Front Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front setback.

    a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.

    b. The front setback area, if any, shall be landscaped with plants, or paved with masonry pavers or stamped concrete.

    c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front setback area.

    d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front setback area, except:

        i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.

e. Fences: Fences and walls are permitted in the front setback area, subject to the following standards:

i. The fence or wall shall be a maximum of three feet high.

ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.

iii. A wall shall be wood, masonry, concrete, or a combination thereof.

iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).

2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.

3. Ground Floor Construction Type: In areas designated "required retail opportunity area" on Map 1005-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.

4. Minimum Building Depth: In areas designated "required retail opportunity area" on Map 1005-1, buildings shall be a minimum of 40 feet deep.

5. Weather Protection: Awnings or canopies shall be provided for a minimum of 50 percent of the linear distance of the street-facing building facade and shall comply with the following:

a. Awnings and canopies shall project a minimum of five feet and a maximum of eight feet over the sidewalk.

b. Awnings and canopies shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet.

6. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building facade. If an awning or canopy is provided, it shall have a minimum vertical clearance of 8 feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front facade a minimum of three feet.

7. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.

a. Primary building entrances shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.

b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.

c. If a fence or wall is within the front setback as provided in Subsection 1005.09(I)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.

8. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing facade area.

9. Building Materials: Exterior building materials and finishes shall be masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

J. Forecourt Building Frontage Type: Forecourt Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-6):

1. Front Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front setback. Except for the portion of the facade located behind a recessed courtyard, as required by Subsection 1005.09(J)(2), the street-facing facade of the building shall be built to the chosen setback line.

a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.

b. No parking, storage, or display of motorized vehicles or equipment is allowed in the front setback area or in the required courtyard. Bicycle parking may be permitted in the courtyard, subject to compliance with Section 1015, *Parking and Loading*.

c. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade, in the front setback area, or in the required courtyard, except:

i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.

2. Courtyard: A recessed courtyard is required and shall comply with the following standards:

   a. The courtyard shall be set back from the street-facing building facade a minimum of 10 feet and a maximum of 30 feet.

   b. The courtyard shall not be covered.

   c. The courtyard shall be landscaped with plants, or paved with masonry pavers or stamped concrete.

   d. The courtyard shall span a minimum of 20 feet along the street-facing building facade and a maximum of 50 percent of the street-facing building facade. As a result, the building must have a street-facing building facade of at least 40 feet wide.

3. Incorporation of Linear Building Frontage Type: The street facing-building facade not located behind a recessed courtyard shall comply with the standards for the Linear Building Frontage Type in Subsection 1005.09(I).

4. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.

5. Ground Floor Construction Type: In areas designated "required retail opportunity area" on Map 1005-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.

6. Primary Building Entrances: Primary building entrances shall face the street or the courtyard and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.

   a. Primary building entrances facing the street shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.

   b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.

7. Windows: Transparent ground-floor windows shall be provided along a minimum of 50 percent of the ground-floor, courtyard-facing facade area. See the Linear Building Frontage Type for window requirements for the street-facing facade.

8. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9. Fences: Fences and walls are permitted in the courtyard setback area, subject to the following standards:

    a. The fence or wall shall be a maximum of three feet high.

    b. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.

    c. A wall shall be wood, masonry, concrete, or a combination thereof.

    d. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).

    e. A minimum of one pedestrian opening per courtyard street frontage shall be provided in the fence or wall. Required pedestrian openings shall be a minimum of five feet wide.

K. Porch/Stoop/Terrace Building Frontage Type: Porch/Stoop/Terrace Building Frontage, which is permitted on Type B, C, and D Streets, shall comply with the following standards (see Figure 1005-7):

1. Front Setback: The street-facing facade of the building shall be set back a minimum of five feet and a maximum of 15 feet. Entry thresholds, including roofs over the thresholds and steps to the thresholds, may extend to the front property line.

    a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.

b. The front setback area shall be landscaped with plants. Hardscaping is permitted only to provide access to the threshold and shall consist of masonry pavers or concrete.

c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front setback area.

d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front setback area, except:

i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.

e. Fences: Fences and walls are permitted in the front setback area, subject to the following standards:

i. The fence or wall shall be a maximum of three feet high.

ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.

iii. A wall shall be wood, masonry, concrete, or a combination thereof.

iv. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).

2. Entry Threshold: An entry threshold, such as a porch, stoop, terrace, patio, or light court, is required and shall comply with the following standards:

a. The entry threshold shall have a minimum depth of five feet from the street-facing building facade to the front of the threshold.

b. The entry threshold height shall be no more than six feet above finished grade. An additional threshold may be provided to access a lower level and shall be no more than five feet below finished grade.

c. The entry threshold may be covered by a roof no larger than the threshold.

3. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 10 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance. Each ground-floor dwelling unit, if any, shall have an individual entrance that complies with this requirement.

4. Windows: Transparent windows shall be provided along a minimum of 20 percent of the street-facing facade area. Windows shall be vertically oriented, but vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.

5. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, stucco, metal, or a combination of these materials. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

L. Landscape Screening Types: Street frontage not developed with a building compliant with one of the four building types established by Subsections 1005.09(H) through (K), a walkway cut with a maximum width of eight feet, or a driveway cut, shall be developed with one of three landscape screening types, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Table 1005-2 establishes which landscape screening types are permitted on each street type. Figure 1005-8 summarizes the three landscape screening types. If the subject property abuts an existing or future Type A, B, C, or D Street -- regardless of whether it is shown on Map 1005-1—compliance is required with the standards for a landscape screening type permitted on the applicable street type.

Table 1005-2: Permitted Landscape Screening Type by Street Type

Permitted Landscape Screening Type:	Street Type:
Low Wall and Trellis	A, B, C, and D Streets
Urban Fence or Wall	A, B, C, and D Streets
Landscaped Setback	A, B, and C Streets

1. Low Wall and Trellis Landscape Screening Type: Low Wall and Trellis Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-9):

   a. The low wall and the support structure for the trellis shall be set back a maximum of five feet from the front lot line. The trellis itself may extend to the front lot line, or may overhang an abutting sidewalk or walkway if permitted by the County Engineering Division.

b. Any area between the back edge of the sidewalk or walkway and the low wall shall be planted with ground cover or shrubs, or paved with masonry pavers or stamped concrete. Shrubs at maturity shall not exceed the height of the low wall.

c. The underside of the trellis portion of a Low Wall and Trellis shall be a minimum of eight feet above grade and a maximum of 13½ feet above grade.

d. The trellis shall be heavy timber or steel (or a similar metal) and shall consist of an open structure with no decking or awning material. The trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 30 feet on center.

e. The low wall portion of a Low Wall and Trellis shall be a minimum of 18 inches high and a maximum of three feet high (30 inches if it is between a parking lot and a street) and have a minimum depth of 16 inches. The low wall shall be wood, masonry, concrete, or a combination thereof.

f. Surface parking and loading areas shall be set back a minimum of five feet from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this setback area, in lieu of trees ordinarily required pursuant to Section 1009 for perimeter surface parking and loading area landscaping. Climbing plants shall be planted at each support column.

g. Openings in the Low Wall and Trellis Screening are permitted for plazas that comply with Subsection 1005.09(M).

2. Urban Fence or Wall Screening Type: Urban Fence or Wall Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-10):

   a. The fence or wall shall be set back a maximum of five feet from the front lot line.

   b. Any area between the back edge of the sidewalk or walkway and the fence or wall shall be paved with masonry pavers or stamped concrete.

   c. The fence or wall shall be a minimum of two feet high and a maximum of three feet high (30 inches if it is between a parking lot and a street).

   d. A fence shall be wrought iron, steel, or a similar material and shall be dark in color. Chain-link fences are prohibited. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).

e. A wall shall be wood, masonry, concrete, or a combination thereof.

f. Surface parking and loading areas shall be set back a minimum of five feet from the Urban Fence or Wall. This area shall be landscaped as follows:

i. One large tree is required a minimum of every 30 linear feet, except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards.

ii. A minimum of six shrubs is required every 30 linear feet along the fence or wall. The minimum shrub height at maturity shall be the same as the height of the fence or wall, and the maximum shall be six feet.

iii. Ground cover plants must fully cover any remaining area at maturity.

g. Openings in the Urban Fence or Wall Screening are permitted for plazas that comply with Subsection 1005.09(M).

3. Landscaped Setback Screening Type: Landscaped Setback Screening, which is permitted on Type A, B, and C Streets, shall include a landscape strip a minimum of 10 feet wide adjacent to the property line. This area shall be landscaped as follows (see Figure 1005-11):

a. A continuous row of shrubs shall be planted at the inside edge of the landscape strip. The shrubs shall be a minimum of three feet high (maximum 30 inches between a parking lot and a street), and shall be mostly opaque year round.

b. One large tree is required a minimum of every 30 linear feet except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards. The required shrub row may be interrupted with a gap of up to two feet wide, in order to accommodate each tree.

c. Ground cover plants must fully cover any remaining area at maturity.

d. A three-foot-high masonry wall (30 inches between a parking lot and a street) may be substituted for the shrub row, but the trees and groundcover plants are still required.

e. Openings in the Landscaped Setback Screening are permitted for plazas that comply with Subsection 1005.09(M).

M. Plazas: Openings in required landscape screening are permitted for plazas, subject to the following standards:

1. The plaza shall be permanent space open to the public.

2. The plaza shall be integrated in the development and be accessible from and visible from the street(s) upon which it fronts.

3. The plaza shall be surfaced with masonry pavers or stamped concrete.

4. Ten percent of the total plaza area shall be landscaped. Landscape planters may count toward this requirement.

5. If the plaza abuts a surface parking or loading area, it shall be separated from that area by a landscape strip that complies with Subsection 1009.04(B).

1005.10 PMU DISTRICT STANDARDS

Subsection 1005.10 applies in the PMU District. Where these standards conflict with other provisions of Section 1000, Subsection 1005.10 shall take precedence.

A. Access and Circulation: Onsite circulation shall meet the minimum requirements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*, and in addition:

1. An internal circulation system shall include a network of public, private, and internal streets subject to Subsection 1005.07(G) through (I). 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. Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.

B. Building Siting and Design:

1. New buildings shall have at least one public entrance oriented to a state, county, public, or private street.

2. 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.

3. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.

4. 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.

5. 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.

C. 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 District.

1005.11 SUNNYSIDE VILLAGE STANDARDS

Subsection 1005.11 applies in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.11 shall take precedence.

A. Primary Dwellings in the VTH District: In the VTH District, the following standards apply to primary dwellings:

1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.

2. Porches are required for each unit and shall be located immediately adjacent to the primary entry. Porches shall cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of six feet.

3. 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.

4. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.

5. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.

6. Townhouses shall orient to and line streets with a series of attached "rowhouse" units.

B. Garages and Driveways in the VTH District: In the VTH District, the following standards apply:

1. A detached garage may be placed at the rear of a lot.

2. A front-access garage attached to the dwelling structure shall be recessed a minimum of two 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. A minimum two-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 eight feet in width.

4. If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.

5. If a lot abuts an alley, then garage access from the street is prohibited.

C. Site Design in the VA District: Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets.

D. Entries in the VA District: In the VA District, entries are subject to the following standards:

1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.

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.

E. Facades in the VA District: In the VA District, facades are subject to the following standards:

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.

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.

F. Roofs in the VA District: In the VA District, hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas.

G. Building Materials in the VA District: In the VA District, exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged.

H. Site Design in the VCS District: In the VCS District, the following standards shall apply:

1. The buildings occupying areas adjacent to the village green shall face the village green and traffic circle to better integrate with the surrounding neighborhood. Parking shall be to the rear of the buildings.

2. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.

I. Site Design in the VO District: In the VO District, the following standards shall apply:

1. Driveway access from 142nd Avenue and Sunnyside Road shall be prohibited. Access shall be off of 145th Avenue and Princeton Village Way.

2. 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. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.

J. Facades in the VCS District: In the VCS District, facades are subject to the following standards:

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. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.

3. Consistent design elements shall be used throughout the VCS area to ensure that the entire complex is visually and functionally unified.

4. Windows shall be placed with no more than six feet of blank non-window wall space in every 25 feet of frontage and shall be coordinated with bays and balconies. Square or vertical proportions are preferred. 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. Glass walls and reflective glass are prohibited.

5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.

K. Facades in the VO District: In the VO District, facades are subject to the following standards:

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, an 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. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.

4. There shall be no more than six 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.

5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.

6. Arcades may be used along public street rights-of-way or along walkways within the complex of buildings.

L. Roofs in the VCS and VO Districts: In the VCS and VO Districts, hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas.

M. Building Materials in the VCS and VO Districts: In the VCS and VO Districts, exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, metal, or similar material. The surfaces of metal exterior finishes that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior finishes with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Cinder block and T1-11 are prohibited as exterior wall material.

1005.12 GOVERNMENT CAMP STANDARDS

Subsection 1005.12 applies in Government Camp. Where these standards conflict with other provisions in Section 1000, Subsection 1005.12 shall take precedence.

A. MRR District: In the MRR District, the following standards shall apply to commercial developments.

1. Exterior Building Materials: Primary and accessory structures shall use wood, stone, stone veneer, or stucco in 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.

1. Roofing Materials: No composition shingles are allowed. Metal roofing materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and metal roofing materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

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".

B. RTC District: In the RTC District, the following standards shall apply to all new development and, where reasonable, to remodels.

1. Main Entrance Siting: Properties with street frontage on Government Camp Loop shall locate the main entrance and pedestrian amenities on Government Camp Loop.

2. Walkways: Walkways parallel to Government Camp Loop are not required; however, if a walkway is extended from the existing 10-foot-wide sidewalk fronting Government Camp Loop, it shall be constructed of materials consistent with the existing 10-foot-wide sidewalk. Covered walkways may be provided along the building frontage of development on properties with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street. When a covered walkway is constructed, it shall be a permanent structure at a minimum of 8 feet in width and attached to the building, shall not project beyond the lot lines, and shall be consistent with the building design and materials and existing 10-foot-wide sidewalk fronting Government Camp Loop. A covered walkway shall extend along the entire frontage of the building.

3. Exterior Building Materials: Building and accessory structures shall use wood, stone, stone veneer, or stucco in 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 with street frontage. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.

4. Roofing Materials: No non-architectural composition shingles are allowed. Metal roofing materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and metal roofing materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

5. 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".

6. Loading: Loading and delivery shall not be located on Government Camp Loop unless there is no other access.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-243, 09/09/13; Amended by Ord. ZDO-246, 03/01/14; Amended by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1006, *Utilities, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*

1. Remove standards related to streetlighting within the Urban Growth Boundary. These standards were duplicative with the standards of Clackamas County Service District (CCSD) #5.

2. Replace an incorrect citation and clarify procedural requirements for land divisions of lots containing wells that are or will be abandoned.

1006 UTILITIES, ~~STREET LIGHTS,~~ WATER SUPPLY, SEWAGE DISPOSAL, SURFACE WATER MANAGEMENT, AND EROSION CONTROL

1006.01 GENERAL 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 the surface water management regulatory authority.

B. All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, utility service lines shall be installed underground.

C. Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.

D. Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.

~~1006.02 STREET LIGHTS~~

~~Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply:~~

~~A. Street lighting shall be installed pursuant to the requirements of Clackamas County Service District No. 5 and the electric company serving the development. A street light shall be installed where a new road intersects a County road right-of-way and, in the case of subdivisions, at every intersection within the subdivision.~~

~~B. Areas outside Clackamas County Service District No. 5 shall annex to the district through petition to the district.~~

1006.0<u>2</u>~~3~~ WATER SUPPLY

A. Development which has a need for, or will be provided with, public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district or company serving the development.

B. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.

1. 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.

2. 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.

3. 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.

C. ~~Prior to final approval of a partition or subdivision, t~~The applicant for a partition or subdivision shall ~~provide evidence that~~identify any wells in the tract that are presently abandoned or are proposed to be abandoned. Prior to final approval of the partition or subdivision plat, the applicant shall demonstrate that the identified wells ~~subject to temporary or permanent abandonment under Oregon Revised Statutes (ORS) 537.665~~ have been properly abandoned pursuant to ORS 537.765 by submitting a copy of the applicable well report.

D. The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

1. Land divisions or other development requiring water service shall not be approved, except as provided in Subsection 1006.02~~3~~(D)(4), unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Authority.

2. 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.

3. New public water systems shall not be created unless formed pursuant to ORS chapters 264, 450, or 451.

4. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.

E. The following standards apply outside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

1. Applicants shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well.

2. If use of an exempt-use well is proposed, subdivisions—as well as the following types of development in a sensitive groundwater area: partitions, Type II replats, and industrial, commercial, or institutional development—must affirmatively demonstrate that:

   a. The subject aquifer is capable of sustaining the proposed development with sufficient potable water.

   b. The proposed development is not likely to unreasonably interfere with existing wells. "Unreasonably interfere" means that a proposed development will result in one or more senior groundwater appropriators being unable to obtain either the permitted or the customary quantity of groundwater, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. However, in aquifers where flow is predominantly through fractures, full penetration may not be required as a condition of finding substantial or undue interference.

   c. The proposed development is not likely to contribute to the overdraft of the affected aquifer.

3. Except for land divisions in which all proposed lots are already developed with the maximum number of dwelling units that would be allowable following the land division (excluding potential temporary dwellings for care), and except for industrial, commercial, and institutional development demonstrated to have no statistical increase in water usage, an applicant for any proposed development subject to Subsection 1006.02~~3~~(E)(2) shall submit a hydrogeologic review with the subject application. The purposes of a hydrogeologic review are to provide information and professional analysis regarding the geology and hydrogeology of the area in the immediate vicinity of the proposed development for the County to determine compliance with Subsection 1006.02~~3~~(E)(2). Study findings, maps, and conclusions shall be presented in a clear and understandable report.

   a. A hydrogeologic review report shall include sufficient evidence and analysis to demonstrate compliance with Subsection 1006.02~~3~~(E)(2), and at a minimum, shall include the following information:

      i. A map showing all lots and parcels within at least one-quarter mile of the proposed development;

      ii. The location, as determined by publicly available information, of all known wells on all lots or parcels within at least one-quarter mile of

the proposed development, and the quantity of water permitted to be used;

iii. The estimated use of groundwater within at least one-quarter mile of the proposed development, including but not limited to, 400 gallons per day of household use for each lot and parcel, 2,000 gallons per day for lawn and landscape irrigation from June through September, and water use from permitted wells. The estimated use of groundwater shall include any development or tentative land division which has been approved by the county, and shall assume development of a single-family residence on each undeveloped lot or parcel;

iv. The quantity of water the proposed land use will utilize. If the proposal is for residential use, water use shall be calculated as 400 gallons per day per household and 2000 gallons per day for lawn and landscape irrigation from June through September. If the proposal is for a land division for residential purposes, all proposed lots or parcels shall be included in the calculation, and the calculation shall assume that the remainder of the tract will be developed at its allowed density;

v. Identification of aquifers in the area of the subject property;

vi. Compilation and review of available geologic and hydrogeologic studies of the review area;

vii. Compilation and evaluation of available well deepening and replacement well information in the review area;

viii. Compilation and analysis of existing geologic information, including representative well logs, physical location of representative wells, and an evaluation of the local stratigraphy and geologic structure in the review area;

ix. Compilation and analysis of existing and available water level and pump test information including evaluation of long-term stability and sustainability of groundwater levels (heads); and

x. Interpretation of the information gathered for Subsections 1006.02~~3~~(E)(3)(a)(i) through (ix), including preparation of geologic and hydrogeologic maps and cross sections necessary to support and/or illustrate the interpretation.

b. A hydrogeologic review shall conclude that there is sufficient information to demonstrate compliance with Subsection 1006.02~~3~~(E)(2), and may need to be based on draw down tests or other physical measurements where necessary.

c. The Planning Director may, at the Director's discretion, allow an applicant to modify the water use assumptions used in the hydrogeologic review where an applicant proposes enforceable water conservation and/or reuse measures, including but not limited to:

i. Gray water use;

ii. Water conserving appliances and fixtures;

iii. Landscaping with drought resistant plants; or

iv. Rainwater harvest and/or the use of cisterns.

To be deemed enforceable, any conservation or reuse measure must be approved by County Counsel.

4. All reviews and plans required by Subsection 1006.02~~3~~(E) shall be reviewed by a qualified professional of the County's choice during the development review process. Such review shall include examination to ensure required elements have been completed, study procedures and assumptions are generally accepted, and all conclusions and recommendations are supported and reasonable.

5. Outside of sensitive groundwater areas, the Planning Director may, at the Director's discretion, waive some or all of the requirements for a hydrogeologic review where an applicant demonstrates through well logs or other evidence that the specified information is not necessary to determine compliance with Subsection 1006.02~~3~~(E)(2).

6. 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 public or community water system, there shall be a note on the final plat indicating that no public water service is being provided, in addition to the filing and disclosure requirements of ORS 92.090.

7. 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.

8. For a major subdivision, all lots shall be served by a single public or community water source.

1006.03~~4~~ SANITARY SEWER SERVICE

A. All development that has a need for sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development.

B. Approval of a development that requires 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.

1. 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.

2. The service provider may require preliminary sanitary sewer system plans and calculations for the proposed development prior to signing a preliminary statement of feasibility.

3. 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.

C. Hotels and motels are permitted in unincorporated communities only if served by a community sewer system as defined by Oregon Administrative Rules 660-022-0010(2).

1006.04~~5~~ ONSITE WASTEWATER TREATMENT

A. All development that requires onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Onsite wastewater treatment systems shall be installed pursuant to: Oregon Revised Statutes 454.605 through 454.745; Oregon Administrative Rules chapter 340, divisions 71 and 73; and the policies of the County.

B. Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, all land divisions or other development that requires onsite wastewater treatment shall be prohibited except for:

1. A lot of record that is outside of a sewage service district and was created:

   a. Prior to January 31, 1980; or

   b. On or after January 31, 1980, and prior to inclusion in the UGB;

2. Lots of 10 acres or larger in the FU-10 District;

3. Lots that do not have a sanitary sewerage system that is legally and physically available as defined in OAR 340-071-0160(4)(f)(A) and (B), including lots that have unique topographic or other natural features that make sewer extension impractical as determined on a case-by-case basis by the sewer service provider; and

4. Areas under a sewer moratorium with sewer services five years or more away if the area is annexed into a city or district that can assure that future delivery of sewerage services is planned.

C. Notwithstanding Subsection 1006.045(B), development of ~~triplexes, quadplexes,~~ townhouses, ~~or~~ cottage clusters, or other middle housing with three or more dwelling units in the VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 Districts and development of affordable housing subject to Section 846, *Affordable Housing*, is prohibited if the development requires onsite wastewater treatment.

1006.056 SURFACE WATER MANAGEMENT AND EROSION CONTROL

The following surface water management and erosion control standards apply:

A. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.

B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the *Clackamas County Roadway Standards* apply.

C. 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 management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.

1. The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource assessment, and buffer analysis prior to signing the preliminary statement of feasibility.

2. 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.

D. Development shall be planned, designed, constructed, and maintained to:

1. Protect and preserve existing natural drainage channels to the maximum practicable extent;

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. Ensure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeding, and phasing of grading; and

5. Ensure 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.

E. Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the watercourse to be bridged or spanned.

F. If a development, or any part thereof, is traversed by any watercourse, channel, stream, creek, gulch, or other natural drainage channel, adequate easements for surface water management purposes shall be provided to the surface water management regulatory authority.

G. Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under this Ordinance. Fences with swing gates may be utilized.

H. The natural drainage pattern shall not be substantially altered at the periphery of the subject property. Greatly accelerated release of stored water is prohibited. Flow shall not be diverted to lands that have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.

I. A surface water management and erosion control plan is required for significant residential, commercial, industrial, and institutional development. The plan shall include:

1. The methods to be used to minimize the amount of runoff siltation and pollution created from the development both during and after construction; and

2. Other elements required by the surface water management authority.

1006.0~~6~~7 PRELIMINARY STATEMENTS OF FEASIBILITY EXCEPTIONS

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 1006.0~~2~~3, 1006.0~~3~~4, and 1006.0~~5~~6 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.

[Amended by Ord. ZDO-252, 6/1/2015; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-282, 7/1/2022; Amended by Ord. ZDO-283, 9/5/2023; Amended by Ord. ZDO-285, 9/3/2024; Amended by Ord. ZDO-288, 9/9/2024]

Summary of Proposed Amendments to Section 1007, *Roads and Connectivity*

1. Conforming amendments; update references

1007 ROADS AND CONNECTIVITY

1007.01 GENERAL PROVISIONS

A. The location, alignment, design, grade, width, and capacity of all roads shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.

B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, ~~duplexes, triplexes, quadplexes, townhouses, cottage clusters~~middle housing, detached single-family dwellings, and commercial, industrial, and institutional uses, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

C. New developments shall have access points connecting with existingroads.

1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (*Regional Transportation Functional Plan*); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.

2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, *Potentially Buildable Residential Sites > 5 Acres in UGB*, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.01(C)(2).

3. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors.

4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.

5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.

6. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.

7. In the VA District, no direct motor vehicle access is permitted on Sunnyside Road.

8. Inside the Portland Metropolitan Urban Growth Boundary:

   a. The development shall have no more than the minimum number of driveways required by the Department of Transportation and Development on all arterial and collector streets.

   b. For properties having more than one street frontage, driveways shall be located on the street with the lowest functional classification, if feasible.

   c. Driveways shall be no wider than the minimum width allowed by the Clackamas County Roadway Standards.

   d. Driveways shall be located so as to maximize the number of allowed on-street parking spaces, the number of street trees, and optimum street tree spacing.

D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.

E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.

F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.

G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

1007.02 PUBLIC AND PRIVATE ROADWAYS

A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.

1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.

2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map 5-5, *Metro Regional Street Design Classifications*, shall provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not limited to, the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes.

3. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, *Scenic Roads*, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:

   a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and

   b. Turnouts shall be provided at viewpoints or for recreational needs.

4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:

   a. On-street parking;

   b. Street trees;

   c. Street lighting;

   d. Pedestrian amenities; and

e. Truck routes shall be specified for deliveries to local businesses.

5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial areas, the needs of vehicles shall take precedence.

6. In the NC, OA, and VCS Districts, landscaping, crosswalks, additional lighting, signalization, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.

B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.

1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.

2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.

3. These standards may be deviated from when safe and efficient alternate designs would better accommodate:

a. Sustainable development features such as "Green Streets" as described in Metro's *Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002)*, which shall be allowed within the UGB and in unincorporated communities;

b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;

c. Preservation of existing significant trees and native vegetation;

d. Preservation of natural terrain and other natural landscape features;

e. Achievement of maximum solar benefit for new development through orientation and block sizing;

f. Existing forest or agricultural uses;

g. Existing development;

h. Scenic qualities;

i. Planned unit developments;

j. Local access streets less than 200 feet in length which are not extendible; and

k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.

C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.

D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:

1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and

2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.

E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

F. Road frontage improvements within the UGB and in Government Camp, Rhododendron, and Wemme/Welches shall include:

1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;

2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.04;

3. Transit amenities as specified in Subsection 1007.05; and

4. Street trees as specified in Subsection 1007.06.

1007.03 PRIVATE ROADS AND ACCESS DRIVES

A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:

1. When easements or "flag-pole" strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district's Fire Marshal;

2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;

3. Access easements or "flag-pole" strips may be used for utility purposes in addition to vehicular access;

4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and

5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).

1007.04 PEDESTRIAN AND BICYCLE FACILITIES

A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

B. Pedestrian and Bicycle Facility Design: Pedestrian and bicycle facilities shall be designed to:

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. Allow for unobstructed movements and access for transportation of disadvantaged persons; and

4. Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, *Planned Bikeway Network, Urban*, 5-2b, *Planned Bikeway Network, Rural*, and 5-3, *Essential Pedestrian Network*; North Clackamas Parks and Recreation District's (NCPRD) Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.

C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), except if the subject property is in the AG/F, EFU, FF-10, RA-1, RA-2, RC, RI, RRFF-5, or TBR District, sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.04 for subdivisions;~~,~~ partitions;~~,~~ multifamily dwellings;~~,~~ ~~triplexes, quadplexes,~~ cottage clusters;~~,~~ townhouses where three or more dwelling units are attached to one another;~~,~~ other middle housing with three or more dwelling units; and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.

D. Requirement for Sidewalk Construction: Within the UGB, except if the subject property is in the AG/F, EFU, FF-10, RA-1, RA-2, RC, RI, RRFF-5, or TBR District, sidewalks shall be constructed, as required in Subsection 1007.04(F), for ~~duplexes,~~ detached single-family dwellings, townhouses where two dwelling units are attached to one another, other middle housing with two dwelling units, and manufactured dwellings outside a manufactured dwelling park.

E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, quadplex, triplex, townhouse where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.

F. Sidewalk Location: Sidewalks required by Subsection 1007.04(C) or (D) shall be constructed on:

1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if:

   a. The road is not a through road;

   b. The road is 350 feet or less in length and cannot be extended; or

   c. In consideration of the factors listed in Subsection 1007.02(B)(3);

2. The street frontage(s) of a lot upon which a subdivision;, partition;, multifamily dwelling;, ~~triplex, quadplex,~~ cottage cluster;, townhouse where three or more dwelling units are attached to one another;, other middle housing with three or more dwelling units;, or a commercial, industrial, or institutional development is proposed; and

3. Local, connector, or collector road street frontage(s) of a lot upon which ~~a duplex,~~ a detached single-family dwelling, a townhouse where two dwelling units are attached to one another, other middle housing with two dwelling units, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a ~~conditional use permit,~~ building permit, or manufactured dwelling placement permit, but:

   a. The requirement shall be waived for the replacement of a lawfully established dwelling, provided the number of dwelling units is not increased; and

   b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.

G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local, connector, or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:

   1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;

   2. No sidewalk exists adjacent to the site;

   3. Redevelopment potential along the road is limited; or

   4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.

H. Sidewalk and Pedestrian Pathway Width: Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, *Minimum Sidewalk and Pedestrian Pathway Width*, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

Table 1007-1: Minimum Sidewalk and Pedestrian Pathway Width

Street Type	Residential Sidewalk	Commercial or Institutional Sidewalk	Industrial Sidewalk
Local	5 feet	7 feet	5 feet
Connector	5 feet	7 feet	5 feet
Collector	5 feet	8 feet	5 feet
Arterial	6 feet	8 feet	6 feet

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.

2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign.

3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This five-foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The landscape strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards.

4. Uses located in the Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.

5. In Sunnyside Village, notwithstanding Table 1007-1 and Comprehensive Plan Figures X-SV-1, *Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes* and X-SV-2, *Sunnyside Village Plan Connector Street with Planting Strips* , a connector street requires nine-foot-wide sidewalks if commercial/retail is adjacent to the site.

I. Accessways: Accessways shall comply with the following standards:

1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length.

2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, place of worship, daycare center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. Where required, accessways shall be constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands.

3. An accessway shall include at least a 15-foot-wide right-of-way and an eight-foot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable bollards or other large objects may be used to bar motor vehicular access.

4. So that they may be safely used at night, accessways shall be illuminated by street lights or luminaires on shorter poles. Separate lighting shall not be required if existing lighting adequately illuminates the accessway.

5. Fences are not required, but the height of a fence along an accessway shall not exceed six feet.

6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process.

J. Accessways in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with Subsection 1007.04(I), Subsection 1007.04(J) shall take precedence.

1. A system of interconnecting accessways shall be provided from subdivisions, quadplexes, and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, place of worship, daycare facility, 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. An accessway shall include at least 15 feet of right-of-way and a 10-foot-wide paved surface.

   b. Accessways shall be illuminated so that they may be safely used at night.

   c. The maximum height of a fence along an accessway shall not exceed four feet.

   d. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.

e. The designated east-west pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the 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 design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.

K. Bikeways: Bikeways shall be required as follows:

1. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be included in the reconstruction or new construction of any street if a bikeway is indicated in Chapters 5 and 10 of the Comprehensive Plan and on Comprehensive Plan Map 5-2a or 5-2b; NCPRD's Park and Recreation Master Plan; or Metro's Regional Trails and Greenways Map.

2. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be considered in the reconstruction or new construction of any other arterial or collector.

3. Within urban growth boundaries, shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.

L. Trails: Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, *Open Space Network & Recreation Needs*; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.

M. Trails and Pedestrian Connections in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.04(M) shall take precedence.

1. An interconnecting system of trails and accessways throughout Sunnyside Village 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.

2. 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.

3. There also shall be an east-west accessway between 142nd Avenue and 152nd Drive, south of Sunnyside Road and north of Oregon Trail Drive.

4. The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.

5. All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to NCPRD in conjunction with development. These connections shall be maintained by and constructed to the standards established by NCPRD.

6. 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.

N. Pedestrian and Bicycle Circulation: The pedestrian and bicycle circulation connections shown on Comprehensive Plan Maps X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*, X-CRC-7, *Clackamas Regional Center Area Design Plan Pedestrian and Bicycle Circulation Network*, and X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, shall be provided.

1007.05 TRANSIT AMENITIES

All residential, commercial, institutional, and industrial developments on existing and planned transit routes shall be reviewed by Tri-Met or other appropriate transit provider to ensure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets, but shall ensure that pedestrian/bikeway facilities and other transit-supportive features such as shelters, bus pull-outs, park-and-ride spaces, and signing will be provided. The designs shall comply with Tri-Met standards and specifications.

1007.06 STREET TREES

A. Within the Portland Metropolitan Urban Growth Boundary, except in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RRFF-5, and TBR Districts, street trees are required on all road frontage—except frontage on private roads or access drives—for subdivisions, partitions, multifamily dwellings, triplexes, townhouses where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:

1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.

2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development.

3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.

4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.

5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.

B. Street trees required for developments in the Clackamas Regional Center Area shall comply with the following standards:

1. Street trees are required along all streets, except for drive aisles in parking lots.

2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.

3. Street trees are required along private access streets under the following conditions:

a. On both sides when the access point is a signalized intersection;

b. On both sides when the street section has four or more lanes at the access point;

c. On both sides when the private street is developed to comply with building orientation standards;

d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1005.07(C) and 1005.08(B); and

e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.

4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11, *Clackamas Regional Center Area Design Plan Fuller Road Station Community, Type "E" Pedestrian/Bicycle Connection*, for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.06(A) and (B).

C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.

D. Street trees are required for developments in Sunnyside Village along both sides of all connector and local streets, and as set forth in Subsection 1007.09. In addition:

1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are required. If a larger canopy (greater than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.

2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.

3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Landscape strips or tree wells are required along streets with a classification below connector status.

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

A. Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.

B. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:

1. Development that is located:

a. In the Light Industrial, General Industrial, or Business Park District; and

b. North of the Clackamas River; and

c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and

d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and

e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).

2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;

3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;

4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;

5. Home occupations to host events, which are approved pursuant to Section 806; and

6. Development in Government Camp that is otherwise consistent with the Comprehensive Plan land use plan designations and zoning for Government Camp.

C. As used in Subsection 1007.07(B), adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*. Notwithstanding the definitions of "urban" and "rural" in Chapter 5, *Transportation System Plan*, of the Comprehensive Plan, Highway 212 shall be evaluated under Table 5-2a, if the subject property is inside the Portland Metropolitan Urban Growth Boundary.

D. For the purpose of calculating capacity as required by Subsections 1007.07(B) and (C), the following standards shall apply:

1. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.

2. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.

E. As used in Subsection 1007.07(B), timely means:

1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;

2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Program (STIP) and scheduled to be under construction within four years of the date land use approval is issued;

3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.

4. Alternatively, timely means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:

a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:

i. Complete the necessary improvements; or

ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

5. For a phased development, the first phase shall satisfy Subsections 1007.07(E)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:

    a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.

    b. Necessary improvements for a particular phase shall either:

        i. Comply with Subsections 1007.07(E)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or

        ii. Comply with Subsection 1007.07(E)(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.

F. As used in Subsection 1007.07(E), necessary improvements are:

    1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.07(C).

        a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

        b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

G. Notwithstanding Subsections 1007.07(D) and (F)(1)(a), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisidiction of the State of Oregon.

H. As an alternative to compliance with Subsection 1007.07(B), the applicant may make a voluntary substantial contribution to the transportation system.

    1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:

a. A complete project or a segment of a roadway identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*, 5-3b, *Preferred Capital Projects*, or 5-3c, *Long-Term Capital Projects*; the STIP; or the capital improvement plan (CIP) of a city or another county.

   i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in Comprehensive Plan Table 5-3a, 5-3b, or 5-3c; the STIP; or the CIP of a city or another county—will be completed within five years;

b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards;

c. Estimated to have a minimum construction cost of $527,000 in year 2004 dollars. The minimum construction cost shall on January 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 the County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

   i. Change in Average Market Value X 0.50 + Change in Construction Cost Index X 0.50 = Minimum Construction Cost Adjustment Factor

   ii. After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.

2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:

   a. Complete the substantial contribution; or

   b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

1007.08 FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007; located within the Portland Metropolitan Urban Growth Boundary (UGB); and required for a partition, duplex or triplex (where no more than one such dwelling is proposed), other middle housing with three or fewer dwelling units, a townhouse, a detached single-family dwelling, or a manufactured dwelling (provided it is not located in a cottage cluster development); the developer may elect to pay a fee in lieu of construction as follows.

A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local, connector, or collector road that is not identified on Comprehensive Plan Map 5-3, *Essential Pedestrian Network*, and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or

B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map 5-3; payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met:

   1. The improvements are included in the Five-Year Capital Improvement Program;

   2. The improvements are located on a road where significant topographical or natural feature constraints exist; or

   3. The improvements are located on a local, connector, or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements.

C. The amount of the fee in lieu of construction is established by separate order of the Board of County Commissioners.

D. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local, connector, or collector roads within the UGB.

1007.09 STREETS AND SIDEWALKS IN SUNNYSIDE VILLAGE

The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.09 shall take precedence.

A. Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.

B. All streets adjacent to resource protection areas shall have at least one five-foot-wide sidewalk along one side of the street. If there are no significant trees (at least eight inches in diameter) along the resource protection area adjacent to the street, then a minimum four-foot-wide planting strip is required along both sides of the street. If it is determined that a unique view is to be preserved, then the Planning Director will determine if street trees are required.

C. New street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3, *Sunnyside Village Plan Street Classifications*. New street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline.

New individual driveway connections shall not be permitted along arterial and collector roadways.

At existing or future major street intersections (existing or proposed traffic signals), no new driveways or street connections shall be allowed within the influence area of the intersection. The influence area is defined as the distance that vehicles will queue from the signalized intersection. The influence area shall be based upon traffic volumes summarized in the Sunnyside Area Master Plan (November 1994) or based upon information acceptable to the County Engineering Division. 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.

D. The interior angles at intersection roadways shall be as near to 90 degrees as possible, and in no case shall it be less than 80 degrees or greater than 100 degrees. Minimum centerline radius for local roadways shall be 100 feet unless the alternative horizontal curve illustrated on Comprehensive Plan Figure X-SV-9, *Sunnyside Village Plan Alternative Horizontal Curve for Local Streets*, is used.

E. Alleys shall be private streets with rights-of-way of 16 feet. (See Comprehensive Plan Figure X-SV-6, *Sunnyside Village Plan Alleys*.)

F A traffic circle will mark the heart of Sunnyside Village 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 Commercial area. On the other side of the circle, this added dimension shall be used for planting strips with street trees, adjacent to nine-foot-wide 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 Sunnyside Village should mark the center of the circle and shall be framed by blossoming trees.

G. Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.

1007.10 VACATIONS

A. Road and Access Easement Vacations: In the RTL and CC Districts, road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.

B. Internal Streets: In the Clackamas Regional Center Area, to provide connectivity, existing platted roads within proposed developments shall not be vacated unless similar access is provided on the site.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-258, 1/18/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-282, 7/1/22; Amended by Ord. ZDO-283, 9/5/23]

Summary of Proposed Amendments to Section 1010, *Signs*

1. Clarify when Design Review is required for signs, limiting it to new freestanding signs over 60 square feet in area.

2. Increase maximum square footage for a flag from 40 square feet to 47.5 square feet to allow for a military casket flag, which is typically 47.5 square feet, to be flown.

1010 SIGNS

1010.01 PURPOSE

The provisions of Section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

1010.02 GENERAL PROVISIONS

A. Permits Required: If a sign other than one named in Subsection 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.

B. 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 Oregon Motorists Information Act.

C. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in Section 1010.

D. Address Display: The signing program for a multifamily, commercial, or industrial development shall include the display of the street number(s) for the development on the sign or building where it can be seen from adjacent roads and meet fire district standards.

E. Sign Clearances: A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding and projecting signs.

F. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.

G. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning districts in which they are located.

H. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.

I. Illuminated Signs:

1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle.

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. Except for an electronic message center sign approved pursuant to Subsection 1010.14, no sign or illuminating devices shall have blinking, flashing, or fluttering lights.

J. Signs or displays containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.

K. Moving Signs: No sign, sign structure, or portion thereof, except flags (as per Subsection 1010.12) and temporary displays (as per Subsection 1010.13(B)) shall be designed to rotate, flutter, or appear to move.

L. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in a safe condition, in compliance with all building and electrical codes, and in conformance with Section 1010, at all times.

M. Preexisting Signs: Notwithstanding Section 1206, *Nonconforming Uses and Vested Rights*, signs and sign structures existing prior to 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 Section 1010 shall be subject to the following provisions:

1. Alterations to a nonconforming sign which reduce or do not increase its noncompliance with the provisions of this Ordinance, including changes in display surface, sign areas, height, and setback, may be allowed subject to review under Subsection 1010.05, and

2. Failure to use the copy area of a nonconforming sign for purposes permitted under Section 1010 for a period of more than 12 consecutive months shall constitute a "discontinuation of use" as provided under Subsection 1206.04 and such sign shall be removed or modified to satisfy all applicable requirements of Section 1010 and the underlying zoning district.

N. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.

O. Sign Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.

P. Site: For purposes of Section 1010, a "site" shall be the entire "site area" of the development as it is defined in Subsection 844.05(B)(1)(a), 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.

Q. Incidental signs shall not exceed three 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 square feet or less;

2. Signs listed as temporary under Subsection 1010.13; and

3. Government owned or posted signs in the public right-of-way.

B. The following signs are not regulated by this Ordinance:

1. Incidental signs;

2. Product dispensers, such as beverage, newspaper, and recycling machines;

3. Window signs

4. Signs painted on or attached to a level one mobile vending unit. A level one mobile vending unit is one that complies with Subsection 837.02.

1010.04 PROHIBITED SIGNS:

The following signs and sign characteristics are prohibited:

A. Temporary signs, except as provided by Subsection 1010.13;

B. Portable signs, except as provided by Subsection 1010.07(A)(2)(d), 1010.09(C)(2), or 1010.13;

C. Animated signs, except as provided by Subsection 1010.14;

D. Roof signs, except integral roof signs in Commercial and Industrial zoning districts;

E. Signs that obstruct free and clear vision of a traffic sign or signal from intended users, or otherwise constitute a traffic impediment;

F. Signs imitating or resembling official traffic signs or signals;

G. Any sign imitating or resembling an official county street or road sign, unless the sign is approved pursuant to Chapter 7.05, *Addressing and Road Naming*, of the Clackamas County Code;

H. Colored lights which might in any way be confused with or construed to be traffic signals or lights on emergency vehicles;

I. Strobe lights and signs containing strobe lights;

J. Any sign that emits sound, odor, or visible matter; and

K. Multiple reader signs designed to be read as a continued statement.

1010.05 DESIGN REVIEW

~~The size, materials, design, color, lighting, and location of signs and supporting structures for all permanent~~ New freestanding signs greater than 60 square feet in area~~,~~ shall be subject to design review pursuant to Section 1102, *Design Review*, the applicable standards of the remainder of Section 1010, 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 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 URBAN DISTRICTS

A. Residential Signs in Urban Low Density and Future Urban Districts:

1. Shall not exceed three square feet.

2. Shall be located inside the dwelling or located flat against the dwelling.

3. Only one such sign shall be permitted upon the premises.

4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).

5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used, except as provided in Subsection 1010.13.

B. Signs in Rural Residential Districts:

1. Shall not exceed eight square feet per side or six feet in height.

2. Only one such sign shall be permitted upon the premises.

3. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.

4. May be illuminated by internal or external lighting subject to Subsections

1010.02(I)(1) and (2).

5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used, except as provided in Subsection 1010.13.

C. Freestanding signs for multifamily developments or subdivisions:

1. Maximum total sign area: 32 square feet per side.

2. Maximum number: No more than one 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 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 32 square feet, may be allowed for the multifamily portion of the development.

d. In the case of signs permitted under Subsection 1010.06(C)(2)(a) or (b), neither sign shall exceed the maximum sign size allowed.

3. Maximum top-of-sign height: Five feet above the finished ground elevation (not including berms or mounds specifically created for the sign).

4. Setbacks: Behind property line.

D. MRR District: In the MRR District, 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. Onsite directional signing shall be sensitive to the needs of tourists. Where these standards conflict with other provisions in Section 1010, except Subsection 1010.15, Subsection 1010.06(D) shall take precedence. Where these standards conflict with Subsection 1010.15, Subsection 1010.15 shall take precedence.

E. Signs for Produce Stands that are subject to Section 815, *Produce Stands*:

1. Shall not exceed a total of three square feet in area, distributed among any number of signs.

2. Shall have no illumination.

3. Shall be attached to, and shall not extend above a roof of, the produce stand.

1010.07 SIGNS IN NATURAL RESOURCE DISTRICTS

A. Commercial signs:

1. Shall not exceed 32 square feet. Signs may be two sided.

2. Freestanding commercial signs:

a. Maximum top-of-sign height: Eight 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.

c. Setback: Behind front property line.

d. May include portable signs when anchored in accordance with Subsection 1010.13(A)(5).

e. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

3. Building commercial signs:

a. Maximum number: One

b. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

B. Residential signs as per Subsection 1010.06(B).

C. Institutional uses as per Subsection 1010.08.

1010.08 SIGNS FOR RECREATIONAL, INSTITUTIONAL, AND GOVERNMENTAL USES

A. In residential and natural resource zoning districts, the following standards shall apply to signs for recreational vehicle camping facilities regulated by Section 813, *Recreational Vehicle Camping Facilities*, other uses regulated by Section 813 prior to June 1, 2015, and institutional uses.

1. Maximum Area: 32 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.

2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises.

4. Maximum Top-of-Sign Height: Five feet for a freestanding sign.

5. Setback: Behind front property line.

B. Notwithstanding Subsection 1010.08(A), in residential and natural resource zoning districts outside the Portland Metropolitan Urban Growth Boundary, the following standards shall apply to signs for governmental uses.

1. Maximum Area: 60 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.

2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises, except if the subject property has frontage on two different streets, an additional sign may be permitted under the following conditions:

a. If the subject property has a driveway entrance on each street frontage, one freestanding sign may be oriented to each street frontage; or

b. If one of the street frontages abuts a state highway, one freestanding sign may be oriented to each street frontage; or

c. A second building sign oriented to the second street frontage may be permitted in lieu of a second freestanding sign allowed pursuant to Subsection 1010.08(B)(3)(a) or (b).

4. Maximum Top-of-Sign Height: 20 feet for a pole sign, five feet for a monument sign.

5. Setback: Behind front property line.

1010.09 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Freestanding Signs:

1. Number: Only one 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 pursuant to Section 1102, *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 different public roads, and/or

b. When two 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 32

square feet, may be allowed for the multifamily portion of the development.

d. In the case of signs permitted under Subsection 1010.09(A)(1)(a) or (b), neither sign shall exceed the maximum sign size allowed.

e. In the C-3 and RTL Districts, one additional freestanding sign may be allowed on a public, county, or state road when the frontage on that road exceeds 450 feet. In no case shall the number of freestanding signs exceed four for any development. The additional signs shall be a maximum of 60 square feet. This provision for an additional freestanding sign shall not allow an additional sign on any site located on a corner which qualifies for an additional sign by reason of that corner location under Subsection 1010.09(A)(1)(a).

f. In the BP, LI, and GI Districts, one sign oriented toward offsite traffic may be provided at each public access point from a county or state road.

2. Maximum top-of-sign height:

a. Pole signs: In C-3 and RTL Districts, 25 feet. In all other commercial zoning districts, 20 feet.

b. Monument signs: In all commercial zoning districts, six feet. In all industrial zoning districts, five feet.

3. Maximum Sign Area: 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 10 square feet per tenant, up to a maximum of 200 square feet, subject to Subsection 1010.05. Additionally, multiple-tenant signs shall use a common background.

4. Setbacks: Behind property line.

5. The sign supporting structure shall not be counted for purposes of determining sign area.

6. Illumination: Such signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

B. Building Signs:

1. Number: The maximum sign area may be distributed among any number of signs.

2. Maximum size:

a. If there is not a freestanding sign on the same site frontage, then one and one-half square feet of sign area per linear footage of the occupant's primary building wall.

b. If there is a freestanding sign on the same site frontage, then one square foot of sign area per linear footage of the occupant's primary building wall.

c. Wall signs based on the sign rights of a primary building wall may be placed on a secondary building wall; they may not be placed onto another primary building wall.

d. Each tenant shall be allowed a minimum 32 square feet of building sign area.

e. In no case shall a building sign exceed 200 square feet.

3. Design: Building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.

4. Illumination: Building signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

C. Mobile Vending Unit Signs:

1. The number and area of signs on a mobile vending unit are unrestricted. However, such signs shall be located flat against the unit, and no portion of any sign shall extend above the roof of the unit. These signs may be internally or externally illuminated, provided that any required utility connections for such illumination comply with Section 837.

2. Each mobile vending unit may have one portable menu or sandwich board sign a maximum of six square feet in area. This sign shall be located within 10 feet of the mobile vending unit and shall be located outside the unit only during unit operating hours.

D. Drive-Thru Signs: In addition to signage permitted by Subsections 1010.09(A) or (B), drive-thru window services approved pursuant to Section 827, *Drive-Thru Window Services*, may have any number of drive-thru signs, of any total area.

E. NC District: In the NC District, only drive-thru, projecting, building, or low freestanding or ground-mounted signs, graphics, or symbols shall be used. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(E) shall take precedence.

F. VCS District: In the VCS District, signs shall be subject to the following standards. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(F) shall take precedence.

1. Signs shall have a maximum of two colors in addition to black and white.

2. Only hanging, building, or monument signs shall be used.

3. Signs shall not exceed 24 square feet in size.

G. RTC District: In the RTC District, all signs shall be complementary to the unique historic character of the Mount 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. Where these standards conflict with other provisions in Section 1010, except Subsection 1010.15, Subsection 1010.09(H) shall take precedence. Where these standards conflict with Subsection 1010.15, Subsection 1010.15 shall take precedence.

H. RC District: In the RC District, all signs except drive-thru signs shall be complementary to the historic character and rural scale of the unincorporated community in the use of graphics, symbols, lighting, and natural materials. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(I) shall take precedence.

1010.10 ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS

A. Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two square feet per tenant, use, or building specifically identified, up to a maximum of 40 square feet.

B. Directories, including those attached to buildings, that are oriented toward pedestrian circulation areas shall be a maximum of 24 square feet in area, and a maximum of eight 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 12 square feet in area.

3. Not exceed four feet in top-of-sign height.

4. Use materials and colors that are the same, or substantially the same, as those used on the building identified by the sign.

1010.11 OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS

A. A temporary permit may be approved, renewable after five years. Criteria for approval:

1. Shall be allowed only in Natural Resource zoning districts.

2. The sign shall provide the actual registered name of a business and directions to the business (e.g., left or right, an arrow, one-quarter mile, etc.).

3. A maximum of three offsite traffic control identification signs are allowed for each business.

4. Maximum distance of business from offsite traffic control identification sign: Five miles.

5. A maximum of two offsite traffic control signs shall be located at any one site.

B. Development Standards

1. Maximum size: Shall not exceed four square feet per side.

2. Setback: Behind the front property line.

3. Illumination: Offsite traffic control and identification signs shall not be illuminated.

1010.12 FLAGS

Flags are allowed in all zoning districts and, except for drive-thru signs, are subject to the following:

A. Number: Three flags per site.

B. Maximum size: No flag shall exceed 47.5~~40~~ square feet.

C. Height: Top of pole supporting flag shall not exceed 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 that are not drive-thru signs may be displayed under the following conditions and limitations:

1. Number: Only one temporary sign shall be displayed for a site.

2. Time Period and Duration: Shall not be displayed for a total time period exceeding 60 days in any calendar year.

3. Size and Height Limits: Same size and height limits 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) that are not drive-thru signs may be displayed according to Subsections 1010.13(A)(2) and (5) and 1010.02(N).

1010.14 CHANGEABLE COPY SIGNS

Electronic message center signs and other changeable copy signs may be incorporated into permanent signs permitted pursuant to Subsections 1010.08 or 1010.09. Except for drive-thru signs, approval shall not be granted unless the following criteria are satisfied:

A. Only one such sign shall be used in a development.

B. The changeable copy sign or electronic message center sign shall be included in the maximum sign area allowed under Subsections 1010.09(A)(3) or 1010.09(B)(2), and Subsections 1010.08 (A)(1) or (B)(1), and shall not exceed 80 percent of the total sign area.

C. The changeable copy sign or electronic message center sign shall be integrated into the design of the sign.

D. All segments of a message shall be completed within 12 seconds.

1010.15 GOVERNMENT CAMP SIGN STANDARDS

A. Area of Application: Subsection 1010.15 shall apply to all permanent identification signs for commercial developments in the RTC and MRR Districts in Government Camp and in the HR District on properties with frontage on Government Camp Loop. The purpose of these sign standards is to provide a consistent design theme in the commercial areas.

B. Conformance: Signs shall comply with the other applicable provisions of Section 1010, except as otherwise provided in Subsection 1010.15. Where there are conflicts, Subsection 1010.15 shall govern. 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; and

3. A site plan and building elevation showing placement of existing and proposed signs on the site.

C. Preexisting Signs: Signs and sign structures existing prior to February 10, 1993, that complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of Section 1010 shall be subject to the provisions of Section 1206, *Nonconforming Uses and Vested Rights*, and Subsection 1010.02(M), except:

1. Any permanent sign which is nonconforming in any manner other than individual size shall be brought into conformance with the provisions of this Ordinance prior to any expansion or change in use which requires design review or a conditional use permit. Total signage area of existing and new signs may not exceed the maximum established in these standards. No occupancy permit shall be issued until a sign plan is submitted.

2. Should any permanent nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement costs at the time of damage, it shall be reconstructed or replaced in conformance with these sign standards.

3. Placement of a new sign where existing signage is greater than the total allowed, or where the new sign will make the total greater, requires removal of an amount of existing signage to keep the total signage area under the limit.

4. Where a Clackamas County Development Agency incentive program is in effect, all nonconforming signs, except those that are nonconforming in size alone, must be brought into conformance or removed by February 10, 1996.

D. Design Standards: Signs shall comply with Subsection 1010.05 and the following conditions:

1. Design: Sign design and support structure shall uphold the rustic, mountain environment of Government Camp through a Cascadian design theme.

2. 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.

3. Colors: No reflective or fluorescent colors shall be used on signs or support structures.

4. Lighting: The source of the lighting shall be external and obscured from the pedestrian. Internally lit signs are permitted only where the letters of the copy are illuminated or in RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26, or in signs on U.S. Highway 26 frontage.

5. Changeable Copy: Electronic message center sign area or changeable copy sign area is limited to no more than 20 percent of total signage allowed.

6. Scale: Signs shall be kept in scale with pedestrians and buildings.

7. Placement: Signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.

E. Total Signage Area:

1. Developments less than three 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 30 square feet of signage plus one square foot for every five feet of building frontage greater than 30 lineal feet.

b. Buildings two stories or taller may increase the total signage allowed by 50 percent.

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 acres in size:

a. Total signage area shall be determined by lineal street frontage. This shall be a minimum of 30 square feet of signage plus one square foot of signage per five lineal feet of street frontage greater than 30 feet.

b. Internal signs not readily visible from the street shall not be subject to total signage area restrictions in Subsection 1010.15(E)(2)(a).

3. Developments with U.S. Highway 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to Oregon Department of Transportation sign regulations. One sign shall be allowed per development per U.S. Highway 26 frontage and will be handled on a case-by-case basis. Signage shall conform to the Government Camp design intent to the degree possible.

F. Types of Signs Permitted:

1. Freestanding or monument signs:

   a. Shall be situated within setback.

   b. Shall have a maximum of one ground mounted sign per 50 feet of lineal building frontage.

   c. Shall have a maximum face area of 24 square feet.

   d. Shall have a maximum top-of-sign height of 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 24 square feet.

   b. Shall not extend more than 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 feet into the public right-of-way, project farther than five feet from the building, or exceed top of roofline immediately above.

   b. Shall not exceed one projecting sign per 25 feet of lineal building frontage.

   c. Shall have a maximum face area of 12 square feet; buildings over two stories may have signs of up to 24 square feet.

   d. Supporting structure may not exceed sign's height or width by more than two feet or extend higher than roofline.

4. Window signs readily visible from outside the building:

a. Shall have a maximum face area of 30 percent of total window area per frontage; maximum sign size per individual window sign is 12 square feet.

b. Interior neon window signs readily visible from the street shall not exceed 10 percent of the total window area per street frontage. No more than 20 percent of an individual window should be covered with neon. Neon signs within these limits shall not be counted toward the 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 24 square feet.

1010.16 SUNNYSIDE VILLAGE SIGN STANDARDS

In the Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, freestanding signs shall be constructed of brick, masonry, wood, or other materials that are compatible with the development. Where these standards conflict with other provisions in Section 1010, Subsection 1010.16 shall take precedence.

1010.17 SCMU DISTRICT SIGN STANDARDS

The following standards shall apply in the SCMU District. Where these standards conflict with other provisions in Section 1010, Subsection 1010.17 shall take precedence.

A. Townhouses and triplexes shall be subject to Subsection 1010.06(A).

B. Developments of quadplexes and multifamily dwellings shall be subject to Subsection 1010.06(C).

C. All other developments, including mixed-use developments, shall be subject to Subsection 1010.09, except:

1. Pole signs, electronic message center signs, and other changeable copy signs are prohibited.

2. Monument signs shall not exceed a height of six feet or an area of 60 square feet, regardless of the number of tenants.

3. Building signs may be projecting signs, and projecting signs shall be subject to the following standards:

a. A maximum of one projecting sign per entrance per tenant shall be permitted.

b. A projecting sign shall project no more than four feet from the building or one-third the width of an abutting sidewalk or walkway, whichever is less. However, if there is no wall sign on the same building façade, the sign shall project no more than six feet from the building.

c. A projecting sign shall not exceed 12 square feet per side, excluding the support brackets. However, if there is not wall sign on the same building façade, the sign shall not exceed 24 square feet per side, excluding the support brackets.

1010.18 FARMERS' MARKET SIGNS

The following sign standards apply to a farmers' market approved pursuant to Section 840, *Farmers' Markets*:

A. The farmers' market may display 20 square feet of sign area on each street frontage of the tract on which the market is located.

B. Each farmers' market stall may display 10 square feet of sign area at the stall.

C. Signs shall be subject to Subsection 1010.13(A)(5).

D. Signs may be displayed only during the hours of farmers' market operation.

1010.19 MULTI-USE DEVELOPMENTS

The following sign standards apply to multi-use developments approved pursuant to Section 844, *Multi-Use Developments*. Where these standards conflict with other provisions in Section 1010, Subsection 1010.19 shall take precedence.

A. Freestanding Signs: One freestanding sign may be provided on each public road, county road, or state highway from which the development takes access. One additional freestanding sign may be allowed on a public road, county road, or state highway 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 for any multi-use development. The maximum size and height for each freestanding sign shall be determined pursuant to Subsection 1010.05(A)(3).

B. Building Signs: Individual building tenant identification signs shall be allowed pursuant to Subsection 1010.05(B).

C. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:

1. No building 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 feet in height; and

4. Architectural features may be added to the sign structure provided the sign area and height are not increased by more than one-third of the above requirements.

D. Road Signs: If interior circulation roads are named, directional signs to various uses within the development may be included on the road signs.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-231, 01/31/2012; Amended by Ord. ZDO-245, 07/01/2013; Amended by Ord. ZDO-243, 09/09/2013; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1012, *Lot Size and Density*

1. Include new requirement that, except in Urban Low Density Residential, VR-4/5, and VR-5/7 Districts, single room occupancy (SRO) units must be allowed at three times the density of multifamily dwelling units in the underlying zone, pursuant to HB 2138[2025].

2. Clarify how to calculate maximum density for a SROs developed in conjunction with other dwelling units.

3. Include new affordable and accessible housing density bonuses for middle housing in the Urban Low Density Residential, VR-4/5, and VR-5/7 Districts, pursuant to HB 2138[2025].

4. Includes conforming amendments.

1012 LOT SIZE AND DENSITY

1012.01 APPLICABILITY

Section 1012 applies to the following land use permit applications in any zoning district that has a minimum lot size standard, district land area standard, or minimum density standard, except the AG/F, EFU, and TBR Districts:

A. Subdivisions;

B. Partitions;

C. Replats reviewed as a Type II application pursuant to Section 1307, *Procedures*;

D. Design review for manufactured home parks, congregate housing facilities, and dwellings, including residential condominiums; and

E. Conditional uses for manufactured home parks and dwellings.

1012.02 MINIMUM LOT SIZE EXCEPTIONS

In subdivisions, partitions, and replats, lots and parcels shall comply with the minimum lot size standards, if any, of the applicable zoning district, except as established by Subsections 1012.02(A) through (I).

A. Limitation: Notwithstanding Subsections 1012.02(C) through (F), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres in the FF-10, RA-1, RA-2, RC, RI, and RRFF-5 Districts, except as provided by Subsection 3.07.1130(c) of the Code of the Metropolitan Service District.

B. Bonus Density: If a smaller lot size is necessary to provide bonus density dwelling units awarded under Subsection 1012.05(E), the minimum lot size standard of the applicable zoning district is waived. Demonstrating compliance with this standard shall not require the proposed development to be a planned unit development or require that townhouses be developed.

C. Two or More Lawfully Established Dwellings on One Lot of Record: If a lot of record is not large enough to be divided in compliance with the minimum lot size standard of the applicable zoning district, the standard is waived if there are two or more lawfully established dwellings located on one lot of record with a Comprehensive Plan land use plan designation of Low Density Residential, Unincorporated Community Residential, or Rural. At least one of the lawfully established dwellings shall be located on each lot or parcel created pursuant to Subsection 1012.02(C). Subsection 1012.02(C) does not apply to the creation of separate lots or parcels for:

1. Accessory dwelling units;

2. Accessory historic dwellings;

3. Accessory farm dwellings on a lot of record with a land use plan designation of Rural if the accessory farm dwelling was established after October 4, 2000;

4. Manufactured dwellings and residential trailers established under a temporary permit;

5. Manufactured dwellings and residential trailers established within a manufactured dwelling park or a manufactured home park;

6. Dwellings established as a "replacement" for a historic landmark dwelling, where the continued use of the historic landmark dwelling for residential purposes was permitted as a conditional use in the HL, HD, or HC overlay zoning district; or

7. Middle housing dwelling units; however, middle housing land divisions are permitted pursuant to Section 1105, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*.

D. Conditional Use: If the subject property is developed, or approved to be developed, with a conditional use, the minimum lot size standards of the applicable zoning district are waived, provided:

1. If a minimum lot size for the conditional use is established by Section 800, *Special Use Requirements*, it remains applicable.

2. The proposed lot size requires approval pursuant to Section 1203, *Conditional Uses*. However, approval pursuant to Section 1203 does not waive the requirement to also receive approval pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*.

3. The minimum lot size waiver applies only to a lot or parcel developed with the conditional use and not to any other lots or parcels in the proposed subdivision, partition, or replat.

4. A deed restriction limiting development of an undersized lot or parcel to the approved conditional use shall be recorded in conjunction with the recording of the final plat.

5. This lot size exception does not apply in the RA-2 or RR Districts, and the minimum lot size for the lot or parcel developed with the conditional use is two acres in the RRFF-5 and FF-10 Districts. In addition, duplexes in the RA-1 District are subject to Subsection 1012.02(F) in lieu of Subsection 1012.02(D).

E. Comprehensive Plan Boundary: If through a Type IV Comprehensive Plan map amendment, a lot of record is divided by a Comprehensive Plan land use plan designation boundary, the lot of record may be partitioned along that boundary (access strips and parcels of less than one acre are excluded). If the boundary separates an Agriculture or Forest designation from an Urban, Unincorporated Community, or Rural designation, or if the boundary separates an Agriculture designation from a Forest designation, the exception to the minimum lot size standards does not apply to any portion of the subject property designated Agriculture or Forest, except to the extent that Subsection 401.08(K) or 406.09(G) also applies.

F. Duplexes in the RA-1 District: In the RA-1 District, there is no minimum lot size for a lot or parcel to be developed with duplexes pursuant to Section 1203, *Conditional Uses*. However, the maximum density standards of Subsection 1012.07 apply to the entire property proposed for development with duplexes prior to the creation of new lots or parcels.

G. Townhouses: In the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District, the minimum lot size standards are waived for townhouses.

H. Middle Housing Land Divisions: In the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District, the minimum lot size standards are waived for middle housing land divisions approved pursuant to Section 1105, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*.

I. Nonresidential Tracts: The minimum lot size standards are waived for a designated nonresidential tract for a private road, open space, or similar support purpose.

1012.03 MAXIMUM LOT SIZE

In subdivisions, partitions, and replats in the VR-5/7, VR-4/5, and VTH Districts, lots and parcels shall comply with the maximum lot size standards of the applicable zoning district, except as established by Subsections 1012.03(A) through (C) for the VR-5/7 and VR-4/5 Districts.

A. A portion of the subject property may be excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-~~3~~4, *Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts*, or when calculating maximum individual lot size, provided that a master plan for the excluded portion of the subject property demonstrates that the maximum lot size standards can be met for the entire property through future land division.

B. Unless a master plan is provided pursuant to Subsection 1012.03(A), the maximum size of a lot or parcel created for a dwelling lawfully established prior to being zoned VR-5/7 or VR-4/5 is 15,000 square feet unless the dwelling is in a resource protection area, as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, in which case there is no maximum lot size standard. Such a lot or parcel is excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-~~3~~4.

C. Resource protection area, as shown on Comprehensive Plan Map X-SV-1, is excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-4~~3~~ or when calculating maximum individual lot size.

1012.04 GENERAL DENSITY PROVISIONS

A. Density is a measurement of the number of dwelling units in relationship to a specified amount of land. In the context of a partition, subdivision, replat, or manufactured home park, density typically relates to potential dwelling units in the form of lots, parcels, or manufactured home park spaces. Density often is expressed as dwelling units per acre; however, this Ordinance implements density standards in many zoning districts by assigning a district land area (DLA), which is the starting point for determining the maximum number of dwelling units allowed on a particular site. In general, the DLA is the minimum lot area required per dwelling unit; however, the DLA is subject to adjustment for density bonuses, restricted area development limitations, and limits on the extent of new road area that must be subtracted. In addition, for ~~a duplex, triplex, quadplex, or cottage cluster~~all middle housing, except townhouses, in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District, and for accessory dwelling units, DLA is not the minimum lot area required per dwelling unit.

B. The DLA and the minimum lot size standard applicable to a particular zoning district are seldom the same. Often this is because the maximum density derived from the DLA standard is calculated over the entire site prior to any platting of new lots or parcels. The minimum lot size standard then typically permits flexibility in determining where on the site the allowed dwelling units will be developed. For example, some lots may be relatively large while others are smaller, or open space tracts may be platted while all lot sizes are relatively small. Regardless of allowed flexible sizing of individual lots or parcels, however, the maximum density allowed for the entire site remains the same.

C. Except for middle housing land divisions approved pursuant to Section 1105, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*, 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 Section 1012. Notwithstanding this provision, accessory dwelling units and temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, are not included in demonstrating compliance with the density standards, provided that these dwellings will continue to comply with the requirements for accessory dwelling units or temporary dwellings, respectively.

D. If a subdivision, partition, or replat is proposed on property currently developed with duplexes, triplexes, quadplexes, 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, except:

1. In a planned unit development or a development of duplexes approved pursuant to Subsection 1012.07, maximum and minimum density shall be calculated for the entire property proposed for development prior to the creation of new lots or parcels.

2. Middle housing land divisions approved pursuant to Section 1105 are exempt.

E. 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).

F. Except in Urban Low Density Residential, VR-4/5, and VR-5/7 Districts:~~,~~

1. ~~e~~Each unit in a single room occupancy is considered one-third of a dwelling unit for the purposes of calculating ~~minimum and~~ maximum density; and

2. For single room occupancy units developed in conjunction with other dwelling units on a site, the maximum number of dwelling units permitted shall first be allocated to the dwelling units, and then the remainder shall be allocated to the single room occupancy units by multiplying the allocated amount by three.

1012.05 MAXIMUM DENSITY

If this Ordinance establishes a district land area (DLA) for the applicable zoning district, the proposed development shall be limited to a maximum density.

Except as necessary to implement a minimum lot size exception granted pursuant to Subsection 1012.02 or as established by Subsection 1012.06, maximum density shall be calculated as follows.

A. Calculate the land area of the subject property. The result is gross site area (GSA).

B. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between categories requiring a subtraction, the area of overlap shall be classified in the most restrictive category.

1. The land area of new county, public, or private roads (NR) in the HR, MRR, Urban Low Density Residential, VR-4/5, VR-5/7, and VTH Districts, except:

   a. If NR exceeds 15 percent of the GSA, only 15 percent of the GSA shall be subtracted.

   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;

2. In a zoning district other than HR and MRR, 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:

   a. Slopes greater than 50 percent;

   b. Mass movement hazards regulated by Section 1003, *Hazards to Safety*;

   c. The floodway of the Floodplain Management District regulated by Section 703, *Floodplain Management District*;

   d. The Willamette River and the required buffer area regulated by Section 705, *Willamette River Greenway*;

   e. Habitat Conservation Areas regulated by Section 706, *Habitat Conservation Area District (HCAD)*; and

   f. Water Quality Resource Areas regulated by Section 709, *Water Quality Resource Area District*; and

3. In a zoning district other than HR and MRR, 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.:

   a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and

   b. Areas outside the floodway but within the Floodplain Management District regulated by Section 703.

4. In the HR and MRR Districts, any land area of the GSA in the following highly restricted area (HRA). Residential development is prohibited in the HRA.

   a. The Floodplain Management District regulated by Section 703; and

5. In the HR and MRR Districts, 50 percent of the land area of the GSA in the following moderately restricted areas (MRA). Residential development is prohibited in the MRA.

   a. Slopes greater than 25 percent;

   b. Mass movement hazards regulated by Section 1003; and

   c. Wetlands and required buffer areas regulated by Subsection 1002.06 or another public agency.

6. In the HR and MRR Districts, although no subtraction is required for stream corridor areas, residential development is prohibited in these areas.

C. Divide the NSA by the DLA of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of BD are represented by the following formula:

   {GSA – [NR + HRA + (MRA x 0.5)]} / DLA = BD*

   * Except in the HR and MRR Districts, HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(2) and (3).

D. In the MRR District, the calculation in Subsection 1012.05(C) shall be done separately for each proposed unit size category identified in Table 317-3, *District Land Area Standards in the MRR District*. 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.

E. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:

   1. Unless using the affordable housing bonus under option 1 in Table 1012-1, *Bonus Density*, the proposed development shall include a minimum of four dwelling units, excluding accessory dwelling units and temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.

   2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 1012-1, *Bonus Density*.

3. In the MRR District, 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.

Table 1012-1: Bonus Density

Bonus Category	Maximum Increase in the HR and Urban Low Density Residential Districts	Maximum Increase in All Other Zoning Districts
Affordable Housing: One of the following two options:		
(1) For a development inside the Portland Metropolitan Urban Growth Boundary, in which: (a) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development; (b) The average of all units on the property is made available to families with incomes of 60 percent or less of AMI; or (c) A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of AMI; and (d) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.	(A) For property with existing maximum density of 16 or fewer units per acre, up to 100 percent of base density and 12 additional feet in maximum height; (B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, up to 50 percent of base density and 24 additional feet in maximum height; or (C) For property with existing maximum density of 46 or more units per acre, up to 25 percent of base density and 36 additional feet in maximum height.	
(2): In any development, for dwelling units affordable to households with incomes of 80 percent or less of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and whose affordability, including affordability under a covenant as	One dwelling unit per affordable dwelling unit up to 5 percent of the base density	One dwelling unit per affordable dwelling unit up to 50 percent of the base density[1]

Bonus Category	Maximum Increase in the HR and Urban Low Density Residential Districts	Maximum Increase in All Other Zoning Districts
described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.		
Middle Housing in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, and VR-5/7 Districts: One of the following two options:		
(1) Affordable: One or more of the middle housing dwelling units is: (a) Available to purchase for a maximum sales price that requires that the unit be purchased by a household with an income below 120 percent of the area median income (AMI), based on the maximum price and income threshold published annually by the Oregon Department of Administrative Services; and (b) Subject to an affordable housing covenant as described in ORS 456.270 to 456.295, that is enforceable for a duration of no less than 10 years from date of approved final inspection.	Up to two additional dwelling units. For a cottage cluster, there is no maximum density. On lots developed with units meeting (1), reduced setbacks are applied in Subsection 845.04.	
(2) Accessible: One or more of the middle housing dwelling units: (a) Complies with the "Type A" requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities as referenced by the state building code; and (b) Provides a deed restriction, signed by the landowner and recorded in the County deed records, requiring that the unit(s) will remain in compliance with (2)(a) for a duration of no less than 10 years from date of approved final inspection.	Up to two additional dwelling units. For a cottage cluster, there is no maximum density. On lots developed with units meeting (2), reduced setbacks are applied in Subsection 845.04.	
Mixed-Use Development[2]: Multifamily dwelling units developed as part of a mixed-use	Not applicable	One dwelling unit per dwelling unit located in a mixed-use

Bonus Category	Maximum Increase in the HR and Urban Low Density Residential Districts	Maximum Increase in All Other Zoning Districts
development, where a minimum of 20 percent of the total floor area on a site is developed for a non-residential use.		development up to 20 percent of the base density[3]
Park Dedication: Land will be dedicated as a park and accepted by a government agency pursuant to Subsection 1011.04.	10 percent of the base density	10 percent of the base density[1]
Habitat Conservation Area: At least 75 percent of the HCA on the subject property will be protected from development by a restrictive covenant or a public dedication.	Not applicable	25 percent of the base density[4]
MAXIMUM TOTAL INCREASE[5]	**15 percent of the base density**	**60 percent of the base density**

1 Does not apply in the VA, VR-4/5, VR-5/7, or VTH Districts

2 For the purposes of this provision, mixed-use development means a mix of uses located within a single building or a mix of uses located on a single site.

3 May only be applied in the C-3, CC, OC, and RTL Districts

4 Does not apply in the VR-4/5, VR-5/7, or VTH Districts

5 For affordable housing developed using the bonus in option 1, the maximum is that allowed under option 1; it may not be combined with a middle housing, mixed-use development, park dedication, or Habitat Conservation Area bonus. For middle housing developed using the bonus in option 1 or 2, the maximum is that allowed under option 1 or 2; it may not be combined with any other affordable housing, mixed-use development, park dedication, or Habitat Conservation Area bonus.

F. Any partial figure of one-half or greater shall be rounded up to the next whole number, except partial figures shall be rounded down for a subdivision, partition, or replat of 10 lots or fewer in the Urban Low Density Residential, VR-4/5, or VR-5/7 District.

G. The result is maximum density, except that the result shall be reduced as necessary to comply with the minimum lot size standards, if any, of the applicable zoning district, as modified by Subsection 1012.02.

1012.06 MAXIMUM DENSITY IN THE VA, VR-4/5, VR-5/7, AND VTH DISTRICTS

In the VA, VR-4/5, VR-5/7, and VTH Districts, maximum density shall be calculated pursuant to Subsection 1012.05, except if any restricted areas, as identified in Subsections 1012.05(B)(2) and (3), are to be developed, in which case:

A. A district land area of one acre shall apply to the restricted areas proposed for development, and such areas shall not be developed at a density greater than one dwelling unit per acre.

B. The steps identified in Subsections 1012.05(B)(2) and (3) shall be omitted when completing the calculations for the restricted areas to be developed.

1012.07 MAXIMUM DENSITY FOR DUPLEXES IN THE RA-1 DISTRICT

In the RA-1 District, developments of duplexes approved pursuant to Section 1203, *Conditional Uses*, shall be limited to a maximum density, which shall be calculated as follows:

A. Calculate the land area of the subject property. The result is gross site area.

B. Divide GSA by the minimum lot area per dwelling unit of 43,560 square feet. The result is base density.

C. Any partial figure of one-half or greater shall be rounded up to the next whole number, except partial figures shall be rounded down in a subdivision, partition, or replat of 10 lots or fewer.

D. The result is maximum density.

1012.08 MINIMUM DENSITY

A minimum density standard applies in the Urban Low Density Residential, HDR, MR-1, MR-2, PMD, RCHDR, SHD, and VA Districts. Minimum density shall be calculated as follows:

A. Calculate the land area of the subject property. The result is gross site area (GSA).

B. Subtract the following land area from GSA to determine net acreage:

1. New county, public, or private roads and strips of land dedicated adjacent to existing road rights-of-way;

2. Slopes equal to or greater than 20 percent;

3. Mass movement hazards regulated by Section 1003, *Hazards to Safety*;

4. Areas in the Floodplain Management District regulated by Section 703, *Floodplain Management District*;

5. The Willamette River and the required buffer area regulated by Section 705, *Willamette River Greenway*;

6. Habitat Conservation Areas (HCA) regulated by Section 706, *Habitat Conservation Area District (HCAD)*, provided that the HCA, or portion thereof, to be subtracted is protected from development by a restrictive covenant or a public dedication, and provided that the subject property was inside the Portland Metropolitan Urban Growth Boundary on January 1, 2002;

7. Water Quality Resource Areas regulated by Section 709, *Water Quality Resource Area District (WQRAD)*; and

8. Land to be dedicated to the public for park or open space use.

C. In the RCHDR District, the minimum density is 30 dwelling units per net acre. Otherwise, divide by the district land area of the applicable zoning district and multiply the result:

1. By 80 percent in Urban Low Density Residential Districts. However, partitions in these districts have no minimum density requirement provided that a master plan demonstrates that the minimum density for the entire property can be met through future land division;

2. By 80 percent in the PMD and MR-1 Districts, except in the case of a manufactured home park where the result shall be multiplied by 50 percent;

3. By 90 percent in the MR-2, HDR, and SHD Districts; or

4. By 50 percent in the VA District.

D. Any partial figure of one-half or greater shall be rounded up to the next whole number.

E. The result is minimum density.

[Amended by Ord. ZDO-245, 7/1/2013; Amended by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-252, 6/1/2015; Amended by Ord. ZDO-266, 5/23/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-277, 1/1/2022; Amended by Ord. ZDO-282, 7/1/2022; Amended by Ord. ZDO-283, 9/5/2023; Amended by Ord. ZDO-285, 9/3/2024]

Summary of Proposed Amendments to Section 1015, *Parking and Loading*

1. Conforming amendments; update references.

1015 PARKING AND LOADING

1015.01 GENERAL STANDARDS

A. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06.

B. Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.

C. Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1, *Automobile Parking Space Requirements*; 1015-2, *Minimum Automobile Parking Space Requirements for Dwellings*; 1015-3, *Minimum Required Bicycle Parking Spaces*; and 1015-4, *Minimum Required Off-Street Loading Berths* shall be subject to the requirements for the most similar use.

D. Motor vehicle parking, bicycle parking, and loading areas shall be separated from one another.

E. Required parking spaces and loading berths shall not be:

   a. Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(3)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.

   b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.

   c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).

1015.02 MOTOR VEHICLE PARKING AREA STANDARDS

A. Off-street parking areas shall be designed to meet the following requirements:

   1. Off-street motor vehicle parking areas shall be provided in defined areas of the subject property. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has required maneuvering area for vehicles. Required backing and maneuvering areas shall be located entirely onsite.

2. Automobile parking spaces shall be a minimum of 8.5 feet wide and 16 feet long, except that parallel spaces shall be a minimum of 8.5 feet wide and 22 feet long.

3. A minimum of 25 percent of required parking spaces shall be no larger than 8.5 feet wide and 16 feet long. If no parking spaces are required but parking spaces are provided, a minimum of 25 percent of provided parking spaces shall meet this standard.

4. Parking areas shall comply with minimum dimensions for curb length, stall depth, and aisle width established by the *Clackamas County Roadway Standards*; these dimensions are based on the orientation (e.g., 45-degree, 90-degree), length, and width of the spaces.

5. Double-loaded, 90-degree angle parking bays shall be utilized where possible.

6. A minimum of one parking space or five percent of the required spaces, whichever is greater, shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee automobile parking spaces to the building entrances normally used by employees but shall not take priority over any spaces required for individuals with disabilities. If no parking spaces are required but parking spaces are provided, a minimum of one parking space or five percent of the provided parking spaces, whichever is greater, shall comply with these standards.

7. In parking lots greater than one acre, internal streets, including those that cross to adjacent developments, shall not provide direct access to parking spaces.

8. Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.

9. Except for parallel spaces, parking spaces heading into landscaped areas or along the perimeter of a parking lot shall be provided with a sturdy tire stop at least four inches high and located two feet within the space to prevent any portion of a car within the lot from extending over the property line.

10. For parking spaces heading into a landscaped area, the area in front of the tire stop that is included in the parking space dimension may be landscaped instead of paved or graveled according to the following standards:

    a. Landscaping shall be ground cover plants only;

    b. The area in front of the tire stop that is included in the parking space dimension shall be in addition to the required minimum dimension for a landscape planter; and

c. The landscaped area in front of the tire stop may count toward overall site landscaping requirements established in Table 1009-1, *Minimum Landscaped Area*. However, it may not count toward perimeter landscaping requirements established in Subsection 1009.03(B)(1).

B. Parking Minimums:

1. Within the Portland Metropolitan Urban Growth Boundary (UGB), no minimum off-street parking spaces are required for any development in any zoning district that is regulated by Section 315, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts*; Section 510, *Neighborhood Commercial (NC),Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts;* Section 511, *Village Community Service District (VCS);*Section 512, *Village Office District (VO);*Section 602, *Business Park (BP), Light Industrial (LI), and General Industrial (GI) Districts*; or Section 702, *Open Space Management District (OSM)*.

2. In all other zoning districts, the minimum number of parking spaces listed in Tables 1015-1, *Automobile Parking Space Requirements*, and 1015-2, *Minimum Automobile Parking Space Requirements for Dwellings*, applies unless modified in Subsection 1015.02(D).

a. In case of expansion of a building or use that, prior to the expansion, does not meet the minimum parking space requirements in Table 1015-1 or 1015-2, the following provisions shall apply:

i. The minimum number of additional parking spaces required shall be based only on the floor area or capacity added and not the area or capacity existing prior to the expansion.

ii. If the enlargement covers any of the pre-expansion parking spaces, lost parking spaces shall be replaced, in addition to any required additional spaces.

b. In the event more than one use occupies a single structure or parcel, the total minimum requirement for parking shall be the sum of the minimum requirements of the several uses computed separately.

C. Parking Maximums:

1. Within the UGB, the parking maximums listed for Urban Zone A in Table 1015-1 and Note 4 of Table 1015-2 apply within the Clackamas Regional Center and to properties within three-quarters of a mile walking distance of a light rail stop or within one-half of a mile walking distance of a corridor with transit service arriving with a scheduled frequency of at least four times an hour during peak service.

2. Within the UGB, areas not meeting the requirements of Subsection 1015.02(C)(1) are subject to the parking maximums listed in Table 1015-1, Urban Zone B.

3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-1:

   a. Existing parking spaces may be retained, replaced, or eliminated, provided that after the expansion, the total number of remaining spaces complies with the minimum parking space requirement of Table 1015-1 for the entire development; and

   b. Additional parking spaces are allowed only if required to comply with the minimum parking space requirement of Table 1015-1 for the entire development after the expansion.

Table 1015-1: Automobile Parking Space Requirements[1]

Land Use Category	Minimum Parking Spaces[2]	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Amusement Parks, Riding Academies, and Camps (per 1000 square feet of serving area)	0.8	None	None
Bank with Drive-in	4.3	5.0	6.5
Bed and Breakfast Residences and Inns	1 for each guest room and 1 for the operator	None	None
Bowling Alleys (per alley)	3	None	None
Child Care Centers	0.5 In addition, a passenger-loading area shall be provided on the site.	None	None
Dwellings (see Table 1015-2)			
Home Occupations for Canine Skills Training	1 per canine handler, based on the maximum number of handlers permitted for any single training session. An additional space shall be provided for each employee.	None	None

Land Use Category	Minimum Parking Spaces[2]	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Home Occupations to Host Events	1 space per 3 guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.	None	None
Hospitals	0.5	None	None
Hotels and Motels (per unit)	1	None	None
Industrial, Manufacturing, and Processing Facilities			
Zero to 24,999 square feet	1.5	None	None
25,000 to 49,999 square feet	1.42	None	None
50,000 to 79,999 square feet	1.25	None	None
80,000 square feet and greater	1	None	None
Medical and Dental Clinics	3.5	4.9	5.9
Movie Theaters (per seat)	0.3	0.4	0.5
Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children (per bed)	0.2	None	None
Office Uses (includes Office Park, “Flex-Space”, Government Office and Miscellaneous Services)	2.7	3.4	4.1

Land Use Category	Minimum Parking Spaces[2]	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Places of Worship (per seat located in main assembly room, or 1 per 100 sq. ft. in main assembly room, exclusive of chancel or stage). If a school, child care facility, or similar facility is proposed in conjunction with primary use, it shall have separate parking requirement.	0.25	0.6	0.8
Produce Stands (per stand)	4	None	None
Recreational Vehicle Camping Facilities	1 per campsite (in addition to the space required for parking the recreational vehicle) and 1 per employee at peak employment period	None	None
Restaurants: Fast Food with drive-thru window service	9.0	12.4	14.9
Restaurants: With no drive-thru window service, Taverns	15.0	19.1	23
Retail/Commercial, including shopping centers	4.1, except in the Clackamas Regional Center Area, 3.0	5.0	6.2
Retail stores with bulky merchandise, such as furniture, appliances, automobiles, service/repair shops	2	5.0	6.2
Schools: Colleges, Universities, and High Schools (per student or staff member)	0.2	0.3	0.3

Land Use Category	Minimum Parking Spaces[2]	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Schools: Elementary and Junior High Schools (per school)	15, or 2 per classroom, whichever is less	None	None
Service Stations (per employee at peak employment period)	1	None	None
Sports Clubs/Recreation Facilities	4.3	5.4	6.5
Surface Mining	On-site vehicular parking for employees, customers and visitors, determined through Conditional Use process.	None	None
Tennis and Racquetball Courts	1	1.3	1.5
Theaters, Dance Halls, Community Clubs, Skating Rinks, Public Meeting Places (per seat, or 1 per 100 sq. ft. exclusive of stage)	0.25	None	None
Warehouse and Storage Distribution, and Terminals (air, rail, truck, water, etc.) **Maximum parking requirements apply only to warehouses 150,000 gross square feet or greater.			
Zero to 49,999 square feet	0.3	None	None
50,000 square feet and over	0.2	0.4**	0.5**

[1] Parking requirements are expressed as number of spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

[2] No minimum off-street parking is required for any development in any zoning district within the UGB that is regulated by Section 315, 510, 511, 512, 602, or 702.

Table 1015-2: Minimum Automobile Parking Space Requirements for Dwellings[1]

Dwelling Type	Zoning District				
	All Urban Zoning Districts within the Portland Metropolitan Urban Growth Boundary[2,3]	HR[2]	MRR	RA-1 & RA-2	All Other Zoning Districts
Accessory Dwelling Unit	0	1	1	0	0
Accessory Historic Dwelling	0	N/A	N/A	0	0
Congregate Housing Facility (per resident)	0	N/A	0.25	N/A	0.25
Cottage Cluster	0	N/A	N/A	N/A	0
Detached Single-Family Dwelling or Manufactured Dwelling (located on an individual lot)	0	1 per dwelling unit 800 square feet or less 2 per dwelling unit greater than 800 square feet	1 per 600 square feet of residential building area	1, located behind the front setback line	0
Duplex or Triplex	0	N/A	1 per 600 square feet of residential building area	Duplex in RA-1: 1.5 All others: N/A	1.5
Manufactured Dwelling (located in a manufactured dwelling park)	0	N/A	2	N/A	2

Dwelling Type	Zoning District				
	All Urban Zoning Districts within the Portland Metropolitan Urban Growth Boundary[2,3]	**HR[2]**	**MRR**	**RA-1 & RA-2**	**All Other Zoning Districts**
Multifamily Dwelling: Per studio/zero-bedroom or one-bedroom dwelling unit	0	N/A	1	N/A	1
Per two-bedroom dwelling unit	0	N/A	1.25	N/A	1.25
Per three-bedroom dwelling unit	0	N/A	1.5	N/A	1.5
Quadplex	0	N/A	Same as multifamily dwelling	N/A	Same as multifamily dwelling
Townhouse	0[5]	1 per dwelling unit 800 square feet or less 2 per dwelling unit greater than 800 square feet	1 per 600 square feet of residential building area	N/A	1[5]

[1] Minimum parking requirement is expressed as number of spaces per dwelling unit, unless otherwise stated. N/A means the dwelling type is not allowed in the applicable zoning district.
[2] Urban zoning districts are those regulated by Sections 315, 510, 511, 512, 602, and 702.
[3] Maximum parking for multifamily dwellings in the Clackamas Regional Center is 1.2 off-street spaces per studio unit and two off-street parking spaces per non-studio dwelling unit.
[4] On land above 3,500 feet in elevation, covered parking shall be provided for structures containing three or more dwelling units.
[5] Maximum parking for townhouses in Urban Zone A is two spaces per townhouse.

D. Exceptions to Parking Requirements:

1. Parking maximums in Table 1015-1 and Note 4 to Table 1015-2 may be increased for the following:

   a. Parking spaces in parking structures;

   b. Fleet parking spaces;

   c. Designated employee carpool spaces;

   d. User-paid spaces; and

   e. Parking spaces for vehicles for sale, lease, or rent.

2. Parking minimums in Tables 1015-1 and 1015-2 may be reduced for the following:

   a. The total minimum requirement for parking spaces may be reduced up to 20 percent per use when shared parking is utilized.

   b. In commercial and industrial zoning districts, available permitted on-street parking spaces on a development's street frontage may be counted toward required parking. To count as an on-street parking space, the space must comply with the minimum dimensions for a parking space established by Subsections 1015.02(A)(2) and (4).

   c. Motorcycle parking may substitute for required automobile parking spaces as follows:

      i. Up to five spaces or five percent of required automobile parking, whichever is less, may be utilized.

      ii. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.

      iii. Each motorcycle space must be at least four feet wide and eight feet deep.

   d. Electric vehicle charging stations may be installed according to the following standards:

      i. Two spaces or five percent of the minimum required parking spaces, whichever is greater, may be utilized for electric vehicle charging stations and identified exclusively for such use.

ii. Additional parking spaces of the minimum required parking may be utilized for electric vehicle charging stations, provided they are not identified exclusively for such use.

iii. Any portion of parking spaces provided that are beyond the required minimum number of parking spaces may be utilized for electric vehicle charging stations, regardless of whether they are identified exclusively for such use.

4. A parking cap applies in the SCMU District. The total number of parking spaces provided for nonresidential development (either onsite or offsite) shall not exceed the parking cap, regardless of the number of pre-existing parking spaces. Parking maximums and minimums established by Tables 1015-1 and 1015-2 shall be adjusted to the extent necessary to comply with the parking cap. The parking cap shall be calculated by the following formula:

Parking Cap = Gross Acres of the Development Site x 67 Parking Spaces

1015.03 BICYCLE PARKING STANDARDS

A. Bicycle parking areas shall meet the following on-site locational requirements:

1. Bicycle parking racks shall be located in proximity to an entrance but shall not conflict with pedestrian needs.

2. At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building.

3. Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.

4. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered in one or several locations within 50 feet of each building's entrance.

5. If the bicycle parking is not easily visible from the street or main building entrance, then a sign must be posted near the building entrance indicating the location of the parking facilities.

B. Bicycle parking shall be designed to meet the following requirements:

1. When more than seven bicycle parking spaces are required, a minimum of 50 percent of the spaces shall be covered. All of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, quadplexes, and multifamily dwellings shall be covered.

2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.

3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.

4. Required bicycle parking spaces shall be illuminated.

5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.

6. Bicycle parking space dimensions and standards:

    a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.

    b. An aisle a minimum of five feet wide must be provided for bicycle maneuvering.

    c. Bicycle racks must hold bicycles securely by the frame and be securely anchored.

    d. Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if comparable dimensions, maneuvering, and clearance are provided to the user.

    e. Bicycle racks must accommodate both:

        i. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and

        ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.

7. The minimum number of bicycle parking spaces listed in Table 1015-3, *Minimum Required Bicycle Parking Spaces*, are required. If a listed use is located with the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-3, whichever is greater.

8. Within the UGB, quadplexes not developed pursuant to Section 845, ~~*Triplexes, Quadplexes, Townhouses, and Cottage Clusters*~~*Middle Housing*, and multifamily residential, commercial, and institutional developments shall designate short-term bicycle parking (less than four hours) and long-term bicycle parking (four or more hours) spaces as needed for the development.

Table 1015-3: Minimum Required Bicycle Parking Spaces

Land Use Category	Minimum Bicycle Parking Spaces[1]
Elementary Schools, Junior High Schools, Middle Schools, Senior High Schools, and Colleges (per classroom)	2 (maximum required spaces – 100)
Quadplexes not approved pursuant to Section 845 and Multifamily Dwellings (per dwelling unit)	0.5
Park-and-Ride Lots, Transit Centers, and Community Parks (per acre)	5
Preschools	4
Residential Care Facilities, Nursing Homes, and Hospitals (per 8 beds)	1
Retail and Commercial including offices and clinics	
Per 2,500 square feet, up to 50,000 square feet	1
Per each additional 5,000 square feet	1
Theaters, Places of Worship, Auditoriums, Dance Halls and other Public Assembly Places (per 40 seats or per 40 persons of design capacity, whichever is greater)	1
Warehouses and industrial buildings without attached offices, automotive service uses such as service stations and tire stores, and businesses selling large items such as major appliances, furniture, cars, or boats (per 10,000 square feet of building area)	1

[1] Minimums outside the UGB are 20 percent of the requirement listed in Table 1015-3.

1015.04 OFF-STREET LOADING STANDARDS

A. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.

B. In cases of expansion of a building or use, that prior to the expansion, does not meet the minimum loading berth requirements in Table 1015-4, *Minimum Required Off-Street Loading Berths*, the following provisions shall apply:

   1. The minimum number of additional loading berths required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.

   2. If the expansion covers any pre-expansion loading berths, lost loading berths shall be replaced, in addition to any required additional berths.

C. In the event several uses occupy a single structure or parcel of land and share the same loading berths, the total requirement for off-street loading shall be reduced by up to 25 percent of the sum of the requirements of the several uses computed separately.

D. The minimum off-street loading berths listed in Table 1015-4 are required.

Table 1015-4: Minimum Required Off-Street Loading Berths

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
Multifamily Dwellings	Number of Dwelling Units		25 feet x 12 feet x 14 feet high
	Below 50	None	
	50 to 100	1	
	101 to 200	2	
	201 or more	3	
Hotels and Motels	Square feet of floor area		35 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 50,000	1	
	50,001 to 150,000	2	
	150,001 to 300,000	3	
	300,001 to 500,000	4	
	For each additional 200,000	1 additional berth	

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
Institutional Uses			
Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children	Number of beds		35 feet x 12 feet x 14 feet high
	Less than 25	0	
	More than 25	1	
Assisted Living Facilities	Square feet of floor area		
	Below 10,000	None	
	10,000 to 60,000	1	
	60,001 to 160,000	2	
	160,001 to 264,000	3	
	388,001 to 520,000	5	
	520,001 to 652,000	6	
	652,001 to 784,000	7	
	784,001 to 920,000	8	
	For each additional 140,000	1 additional berth	
Schools	Per each school bus	0.5	

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
Hospitals	Square feet of floor area		35 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 16,000	1	
	16,001 to 40,000	2	
	40,001 to 64,000	3	
	64,001 to 96,000	4	
	96,001 to 128,000	5	
	128,001 to 160,000	6	
	160,001 to 196,000	7	
	For each additional 36,000	1 additional berth	
Commercial Uses	Square feet of floor area		35 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 24,999	1	
	25,000 to 49,999	2	
	50,000 to 100,000	3	
	Each additional 50,000	1	

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
Industrial, Manufacturing, Warehousing, Storage, Processing, and Terminals	Square feet of floor area		60 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 16,000	1	
	16,001 to 40,000	2	
	40,001 to 64,000	3	
	64,001 to 96,000	4	
	96,001 to 128,000	5	
	128,001 to 160,000	6	
	160,001 to 196,000	7	
	For each additional 36,000	1 additional berth	

[Added by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-231, 01/31/2012; Amended by Ord. ZDO-243, 09/09/2013; Amended by Ord. ZDO-246, 03/01/2014; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-269, 09/06/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-276, 10/01/2020; Amended by Ord. ZDO-277, 01/01/2022; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-287, 08/03/2023; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1102, *Design Review*

1. Require design review for manufactured dwelling parks (unless developed as a cottage cluster, where permitted). This amendment is proposed in conjunction with the proposal to allow manufactured dwelling parks as a primary use, rather than a conditional use. Manufactured dwelling parks are required to meet applicably standards in Section 1000, *Design Standards,* and design review is the appropriate process for this review since the standards would no longer be reviewed through the conditional use permit.

1102 DESIGN REVIEW

1102.01 PURPOSE AND APPLICABILITY

Section 1102 is adopted to provide standards, criteria, and procedures under which design review may be approved.

A. Design review is required for:

1. Development, redevelopment, expansions, and improvements in:

a. Commercial zoning districts;

b. Industrial zoning districts;

c. HDR, MR-1, MR-2, MRR, PMD, RCHDR, SHD, VA, and VTH Districts;

2. Institutional uses in all zoning districts;

3. Manufactured dwelling parks in all zoning districts, unless developed as a cottage cluster, where permitted;

~~3~~4. Townhouses in the HR District; and

~~4~~5. Other uses as required by the Planning Director, the Hearings Officer, or the Board of County Commissioners.

B. Notwithstanding Subsection 1102.01(A)(1), design review is not required for detached single-family dwellings, manufactured dwellings, prefabricated structures, and uses accessory to detached single-family dwellings, manufactured dwellings, and prefabricated structures.

C. Notwithstanding Subsection 1102.01(A), design review is not required for stormwater management facilities permitted as an accessory or primary use; utility cabinets that comply with Section 830, *Utility Cabinets*; utility facilities in road rights-of-way; and utility lines.

1102.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for design review shall include:

A. A narrative describing the proposed use;

B. An engineering geologic study, if required pursuant to Section 1002, *Protection of Natural Features*, or 1003, *Hazards to Safety*;

C. Preliminary statements of feasibility, if required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*;

D. A transportation impact study, if required pursuant to Section 1007, *Roads and Connectivity*;

E. Calculations demonstrating compliance with Section 1012, *Lot Size and Density*, if applicable;

F. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;

G. An existing conditions map, drawn to a scale of not less than one inch equals 50 feet, showing:

1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.

2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;

3. Drainage;

4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003;

5. Natural features, such as rivers, streams, wetlands, underground springs, wildlife habitat, earth mounds, and large rock outcroppings;

6. 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, at a scale of not more than 1 inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;

7. Overlay zoning districts regulated by Section 700, *Special Districts*;

8. Noise sources;

9. Sun and wind exposure;

10. Significant views;

11. Structures, impervious surfaces, utilities, onsite wastewater treatment systems, landscaping, driveways and easements (e.g., access, utility, storm drainage). Note whether these will remain or be removed and provide dimensions of driveways and easements; and

12. All of the following that are on or adjacent to the subject property, including dimensions and, if applicable, names: existing roads, platted unconstructed roads, railroad rights-of-way, bikeways, curbs, sidewalks, pedestrian pathways, accessways, and trails.

H. A proposed site plan, drawn to a scale of not less than one inch equals 50 feet, showing:

1. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties;

2. Property lines and dimensions for the subject property. Indicate any proposed changes to these;

3. Natural features to be retained;

4. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the subject property;

5. The location of at least one temporary benchmark and spot elevations;

6. Location and dimensions of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings;

7. Approximate location and size of storm drainage facilities;

8. Relation to transit; parking and loading areas, including dimensions and number of individual parking and loading spaces and drive aisles; bicycle racks; walkways; and pedestrian crossings;

9. Orientation of structures showing windows and doors;

10. Location and type of lighting;

11. Service areas for waste disposal, recycling, loading, and delivery;

12. Location of mail boxes;

13. Freestanding signs; and

14. Pedestrian amenities;

I. A grading plan, drawn to a scale of not less than one inch equals 50 feet, showing location and extent of proposed grading, general contour lines, slope ratios, slope stabilization proposals, and natural resources protection consistent with Sections 1002 and 1003;

J. Architectural drawings, including:

1. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs. Identify and show dimensions of any electronic message center or other changeable copy sign areas;

2. Building sections;

3. Floor plans;

4. Color and type of building materials; and

5. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination. Identify and show dimensions of any electronic message center or other changeable copy sign areas; and

6. Gross floor area, in square feet, of each structure; floor area ratio if a minimum floor area ratio standard applies; and number of dwelling units;

K. A general landscaping plan, drawn to a scale of not less than one inch equals 50 feet, showing the elements required on the proposed site plan and:

1. Existing plants and groups of plants proposed;

2. Description of soil conditions; plans for soil treatment such as stockpiling of topsoil or addition of soil amendments; and plant selection requirements relating to soil conditions;

3. Erosion controls, including plant materials and soil stabilization, if any;

4. Irrigation system;

5. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and

6. Open space and recreational areas and facilities, if applicable.

L. A transportation improvement plan that includes proposed cross-sections for roads to be constructed or improved, including widths of travel lanes, bikeways, sidewalks, curbs, pedestrian pathways, and landscape strips. Identify proposed landscape plan for landscape strips, including street tree type, size and location. Identify proposed dedication of right-of-way.

1102.03 APPROVAL CRITERIA

Design review requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

A. The proposed development shall be subject to Section 1000, *Development Standards*, and the standards of the applicable zoning district.

B. As part of design review in the PMU and RCO Districts, a master plan shall be required if the proposed development does not meet the minimum floor area ratio for the entire site (where phased compliance is permitted by Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*) or if compliance with Table 510-3: *Site-Specific Requirements for the PMU District*, is not being achieved for the entire PMU site. The master plan shall demonstrate that it is feasible to achieve full compliance with a future phase of development that is not reliant upon adding additional stories to existing or proposed structures or demolishing structures built after the PMU or RCO District was applied to the subject property.

C. As part of design review of development of any portion of the OA District, a master plan shall be required for the subject property and all contiguous lots with a Comprehensive Plan land use designation of Office Apartment. The master plan shall include a plan for consolidation of motor vehicle accesses for the entire Office Apartment site that complies with the access targets of Comprehensive Plan Map X-SC-5, *Sunnyside Corridor Community Plan Sunnyside Road Access Management Targets*.

1102.04 DESIGN REVIEW COMMITTEE

A Design Review Committee shall be established pursuant to Subsection 1307.03 and shall have the responsibilities assigned to it by Subsection 1102.04.

A. The Planning Director may review and render a decision on a Type II application for design review or forward the application to the Design Review Committee for review and recommendation prior to rendering a decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider:

1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements;

2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors;

3. Visual significance; and

4. Impact on neighboring properties, particularly where a project is adjacent to a residential area.

B. An application shall be forwarded to the Design Review Committee for review and recommendation if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners.

C. The Planning Director may consult with individual members of the Design Review Committee at any point during the evaluation of a design review application or in determining compliance with conditions of design review approval.

1102.05 APPROVAL PERIOD

A. Approval of design review is valid for six years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this six-year period, the approval shall be implemented, or the approval will become void.

1. Implemented means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the design review approval, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

a. A building permit for a new primary structure that was part of the design review approval; or

b. A permit issued by the County for parking lot or road improvements required by the design review approval.

B. If the design review approval is implemented, a master plan approved as part of the design review approval remains applicable to future development of the subject property unless a modification to the master plan, or a new master plan, is approved or the requirement for master planning no longer applies to the subject property.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-230, 09/26/2011; Amended by Ord. ZDO-249, 10/13/2014; Amended by Ord. ZDO-250, 10/13/2014; Amended by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-252, 06/01/2015; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-288, 09/09/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1105, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*

1. Amend standards for Middle Housing Land Divisions (MHLDs) to allow for an existing detached single family dwelling plus accessory dwelling unit or an existing duplex to remain on a lot created through a middle housing land division, as required by HB 2138 [2025]. Define "existing" for this context to mean the dwellings were legally established and fully constructed on January 1, 2027.

2. Correct typographical error.

1105 SUBDIVISIONS, PARTITIONS, REPLATS, MIDDLE HOUSING LAND DIVISIONS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS

1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, middle housing land division, condominium plat, or vacation of a recorded plat may be approved, except:

A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.~~08~~16, 406.09, or 407.05, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.11; and

B. Subdivisions for cemetery purposes pursuant to ORS Chapter 97 are exempt from Section 1105.

1105.02 GENERAL SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, REPLATS, AND MIDDLE HOUSING LAND DIVISIONS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, replat, or middle housing land division shall include:

A. Five copies of a preliminary plat. The preliminary plat shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet. If the preliminary plat is larger than 11 inches by 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on eight-and-one-half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be included on the preliminary plat or by separate attachment:

   1. Source of domestic water and location of any existing and proposed wells;

   2. Method of wastewater disposal and location of any existing and proposed on-site wastewater treatment systems;

   3. Existing and proposed utility lines and facilities;

   4. Locations, dimensions, and area of each lot, parcel, and tract;

   5. Date the preliminary plat was prepared;

   6. North arrow;

   7. Identification of each lot or parcel by number;

8. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;

9. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;

10. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;

11. Contour lines at two-foot intervals if 10 percent slope or less or five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information;

12. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;

13. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;

14. Locations and dimensions of all existing and proposed driveways and walkways;

15. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;

16. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;

17. Boundaries and type of restricted areas identified in Subsection 1012.05, as applicable;

18. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and

19. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to ORS 92.090;

B. Preliminary statements of feasibility required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*;

C. If the subject property includes land designated Open Space by the Comprehensive Plan, a vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;

D. If the subject property includes land designated Open Space by the Comprehensive Plan, an existing conditions map of the subject property showing:

1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.

2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;

3. Drainage;

4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003, *Hazards to Safety*;

5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;

6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photograph, at a scale of not more than one inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;

7. Location of any overlay zoning districts regulated by Section 700, *Special Districts*;

8. Noise sources;

9. Sun and wind exposure;

10. Significant views; and

11. Existing structures, impervious surfaces, utilities, landscaping, and easements.~~; and~~

1105.03 ADDITIONAL SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

An application for a subdivision, partition, or replat shall include the following additional information:

A. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, *Lot Size and Density*, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;

B. The north-south dimension and front-lot-line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of Subsection 1017.03 is requested pursuant to Subsection 1017.04. For the purpose of this submittal requirement, north-south dimension and front lot line are defined in Subsection 1017.02;

C. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.12, occur in two or more phases pursuant to Subsection 1105.05(C); and

D. A master plan if required pursuant to Section 1012.

E. If an applicant is requesting review and approval as an expedited land division, the applicant shall submit evidence that each of the criteria identified in Subsection 1105.08 is met by the proposal.

1105.04 ADDITIONAL SUBMITTAL REQUIREMENTS FOR MIDDLE HOUSING LAND DIVISIONS

An application for a middle housing land division shall include the following additional information:

A. Demonstration that the property to be divided is developed or proposed to be developed with middle housing that complies with the standards applicable to middle housing on or after July 1, 2022.

B. Locations of the easements necessary for:

1. Locating, accessing, replacing, and servicing all dwelling units;

2. Pedestrian access from each dwelling unit to a private or public road;

3. Any common areas or shared building elements; and

4. Any shared driveways or parking; and

C. Location of each middle housing dwelling unit, any other development on the lot or parcel, and location of all areas to be retained under common ownership.

1105.05 APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, *Procedures*. A minor subdivision or a partition requires review as a Type II application pursuant to Section 1307. A replat of property partially or wholly in the AG/F, EFU, or TBR District, or that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat, requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and Section 1000, *Development Standards*.

B. In an Urban Low Density Residential District, the applicant may designate the proposed subdivision, partition, or replat as a zero-lot-line development. In a zero-lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.

C. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following:

   1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, *Lot Size and Density*, for the gross site area included in all such phases.

   2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the entire subdivision.

   3. Future phases shall be shown upon the initial and subsequent final plats as a "Tract Reserved for Future Development."

   4. As deemed necessary by the County or special districts, dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.

D. A nonprofit, incorporated homeowners association, or an acceptable alternative, shall be required for ownership of, improving, operating, and maintaining common areas and facilities, including, but not limited to, open space, private roads, access drives, parking areas, and recreational uses, and for snow removal and storage in Government Camp.

1. The homeowners association shall continue in perpetuity unless the requirement is modified pursuant to either Section 1309, *Modification*, or the approval of a new land use permit application provided for by this Ordinance.

2. Membership in the homeowners association shall be mandatory for each lot or parcel owner.

3. The homeowners association shall be incorporated prior to recording of the final plat.

4. Acceptable alternatives to a homeowners association may include, but are not limited to, ownership of common areas or facilities by the government or a nonprofit conservation organization.

E. If the subject property is in a future urban area, as defined by Chapter 4 of the Comprehensive Plan, the location of proposed easements, road dedications, structures, wells, and on-site wastewater treatment systems shall be consistent with the orderly future development of the subject property at urban densities.

1105.06 ADDITIONAL APPROVAL CRITERIA FOR REPLATS

A replat shall be subject to the following additional standards and criteria:

A. A replat is subject to the minimum and maximum lot size standards of the applicable zoning district, except as follows:

1. If a lot of record is smaller than the minimum lot size standard, its size may be reduced, provided that it is not in an AG/F, EFU, or TBR District.

2. If a lot of record is larger than the maximum lot size standard, its size may be reduced even if the reduction is not sufficient to comply with the maximum lot size standard.

3. If a lot of record in an AG/F, EFU, or TBR District is smaller than the minimum lot size standard, its size may be reduced subject the following standards and criteria:

a. As used in Subsection 1105.06(A)(3), "ground water restricted area", "high-value farmland", "high-value forestland", and "waiver" have the meanings given those terms in ORS 195.300.

b. A replat for a lot of record that is larger than 80 acres may be approved if the adjustment does not reduce the lot of record to less than 80 acres.

c. A replat may not be used to:

i. Decrease the size of a lot of record that, before the relocation or elimination of a common property line, is smaller than 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if another lot of record affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lot of record for a dwelling;

ii. Decrease the size of a lot of record that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres, if another lot of record affected by the replat would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other lot of record for a dwelling;

iv. Allow an area of land used to qualify a lot of record for a dwelling based on an acreage standard to be used to qualify another lot of record for a dwelling if the land use approval would be based on an acreage standard;

v. Replat a property line that resulted from a subdivision or partition authorized by a waiver so that any lot of record affected by the property line adjustment is larger than: two acres if the lot of record is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland, or within a ground water restricted area; or five acres if the lot of record is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland, or within a ground water restricted area;

vi. Separate a temporary dwelling for care, home occupation, relative farm help dwelling, or processing facility from the lot of record on which the primary residential use or other primary use exists; or

vii. Separate an accessory farm dwelling ~~in conjunction with farm use~~ approved pursuant to Subsection 401.08~~5~~(I~~C~~)~~(12)~~ from the lot of record on which the primary farm dwelling exists, except as provided in OAR 660-033-0130~~0010~~(24)(c~~B~~).

B. Replats that propose to increase the number of lots or parcels shall not be approved, unless:

1. The gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area;

2. The allowed density is recalculated pursuant to Section 1012, *Lot Size and Density*, on the basis of the gross site area of the original platted area and any additions to the gross site area, and, if applicable, on the basis of the new zoning;

3. All existing lots or parcels within the plat that are not affected by the replat, including additional lots or parcels that may be created by subdivision or partition under existing zoning, are subtracted from the maximum density of the original plat area in determining allowed density for the replatted portion; and

4. All open space requirements of the original plat, if applicable, are satisfied by the replatted subdivision or partition, or portion thereof.

1105.07 APPROVAL CRITERIA FOR MIDDLE HOUSING LAND DIVISIONS

A middle housing land division requires review as a Type II or Type II-E application pursuant to Section 1307, *Procedures*. Review as a Type II-E application is by the request of the applicant at time of application submittal. If an applicant submits for a middle housing land division to be reviewed concurrently with the subdivision or partition, the middle housing land division shall be reviewed under the procedure for the subdivision or partition. A middle housing land division shall be subject to the following standards and criteria:

A. The lot or parcel to be divided shall be within the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District and developed or proposed to be developed with middle housing that complies with the standards applicable to middle housing on or after July 1, 2022.

1. The lot or parcel to be divided may be a proposed lot or parcel in an application for a partition or subdivision that is being reviewed concurrently with an application for a middle housing land division.

B. An application for a middle housing land division may be submitted before, after, or concurrently with an application for building permits for the middle housing unit(s). The middle housing proposal may consist of:

1. Two to four dwelling units on a lot of record in any combination of attached and detached units, a ~~single duplex, triplex, quadplex,~~ cottage cluster, or a structure containing townhouses; and

2. Any bonus middle housing dwelling units, as permitted by Section 1012, *Lot Size and Density,* for affordable or accessible units.

C. Each middle housing lot shall contain exactly one dwelling unit, except:

1. ~~that~~ A~~a~~ tract used as a common area may not contain a dwelling unit~~.~~; and

2. A detached single-family dwelling with an associated accessory dwelling unit or a duplex that exists or existed on the property prior to the development of middle housing may be retained on a single middle housing lot. For the purposes of Subsection 1105.07(C)(2), "exists" or "existed" means the dwellings were lawfully established on January 1, 2027.

D. Buildings or structures on a resulting lot or parcel shall comply with applicable provisions in the Oregon Residential Specialty Code, including with respect to newly created lot lines.

E. Utilities for each middle housing dwelling unit shall be provided so that:

1. Each middle housing dwelling unit has separate utilities for all utilities other than water or wastewater; and

2. Each middle housing dwelling unit may have separate water and sanitary sewer utilities, as required by the adopted standards of the applicable service district or company.

F. Easements shall be provided, as necessary, for each dwelling unit for:

1. Locating, accessing, replacing, and servicing all utilities;

2. Pedestrian access from each dwelling unit to a private or public road;

3. Any common areas or shared building elements;

4. Any shared driveways or parking; and

G. A homeowners association, or an acceptable alternative, shall be required pursuant to Subsection 1105.05(D).

H. Each middle housing lot shall be prohibited from further division and shall be prohibited from development with additional dwelling units, including accessory dwelling units.

I. The type of middle housing developed on the original lot of record is not altered by a middle housing land division (e.g., a duplex remains a duplex even if it is divided along the common wall).

1105.08 ADDITIONAL APPROVAL CRITERIA FOR EXPEDITED LAND DIVISIONS

An expedited land division requires review as a Type II-E application pursuant to Section 1307, *Procedures*. An expedited land division shall be subject to the following standards and criteria in addition to those listed under Subsections 1105.05 and 1105.06 as applicable:

A. If requested by the applicant, a partition or subdivision application made under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 shall be processed as an expedited land division if the land division:

1. Includes only land that is zoned for residential uses and is within an urban growth boundary;

2. Is solely for the purpose of residential use, including recreational or open space uses accessory to residential use;

3. Does not provide for dwellings or accessory buildings to be located on land that is mapped and designated in the Comprehensive Plan or Zoning and Development Ordinance for full or partial protection of natural features under the following:

   a. Comprehensive Plan Maps 3-1e, 3-2, 4-6, 4-7b, 10-MH-1, 10-MH-2, 10-MH-3, or 10-MH-5; or

   b. Sections 702, 704, 705, 706, 707, 708, 710, 711, 1002, 1004, 1007.02(A)(3), or 1011.

4. Satisfies minimum street or other right-of-way connectivity standards established by the Comprehensive Plan, this Ordinance, or the Roadway Standards.

5. Will result in development that either:

   a. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the subject property; or

   b. Will be sold or rented to households with incomes below 120 percent of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development.

1105.09 CONDOMINIUM PLATS

If detached single-family dwellings are proposed to be developed as condominiums on the same lot of record rather than as part of a subdivision or partition where each detached single-family dwelling is on its own lot or parcel, the development shall be subject to the same standards, criteria, review procedures, and application fee as would apply to a land division of the same property and resulting in the same number of potential detached single-family dwellings. This allowance for condominiums in

lieu of the same development on separate lots of record supersedes provisions of this Ordinance that otherwise require each detached single-family dwelling to be on its own lot of record.

1105.10 APPROVAL PERIOD

Except for a middle housing land division:

A. Approval of a preliminary plat is valid for six years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this six-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.

B. If a phasing plan and schedule are approved pursuant to Subsection 1105.05(C), the following shall apply in lieu of Subsections 1105.10(A) and (B):

   1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed six years from the date of the final written decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision.

   2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed four years from the end of the prior phase approval period.

   3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.

   4. In no case shall a phasing schedule permit the recording of any phase more than 10 years after the date of preliminary plat approval.

1105.11 APPROVAL PERIOD FOR MIDDLE HOUSING LAND DIVISIONS

Approval of a preliminary plat for a middle housing land division is valid for three years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this three-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.

1105.12 FINAL PLAT REVIEW

If a preliminary plat is approved, finalizing the approval requires the completion of a final plat, except that a final plat is not required for a partition or partition replat in which all parcels are larger than 80 acres. The applicant shall comply with the following:

A. The form and content of the final plat shall comply with the County’s final decision approving the preliminary plat and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code and ORS Chapters 92, 94, 100, and 209.

B. The final plat shall be submitted to the County for review. If a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws shall be submitted to the County with the final plat. If the final plat and, if a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws are consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the application have either been satisfied or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall sign the plat.

C. If the final plat is for a middle housing land division, it shall contain a notation that the lots shown on the plat were created pursuant to a middle housing land division and may not be further divided.

1105.13 VACATIONS OF RECORDED PLATS

A recorded plat, or portion thereof, may be vacated pursuant to ORS 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes.

1105.14 SUBDIVISIONS OF MANUFACTURED DWELLING PARKS AND MOBILE HOME PARKS

The conversion of an existing or approved manufactured dwelling park or mobile home park to a subdivision requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the submittal, review, and platting requirements of ORS 92.830 through 92.845. Where ORS 92.830 through 92.845 conflict with the provisions of this Ordinance, ORS 92.830 through 92.845 shall take precedence.

[Amended by Ord. ZDO-224, 05/31/2011; Amended by Ord. ZDO-230, 09/26/2011; Amended by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1107, *Property Line Adjustments*

1. Conforming amendments; update references.

1107 PROPERTY LINE ADJUSTMENTS

1107.01 PURPOSE AND APPLICABILITY

Section 1107 is adopted to provide standards, criteria, and procedures under which a property line adjustment may be approved.

1107.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a property line adjustment shall include a tentative plan for the proposed property line adjustment. The plan shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet and shall include the following information:

A. Lot line dimensions and size in square feet or acres of the two lots of record that are the subject of the application;

B. Identification of the area(s) proposed to be adjusted from one lot of record to the other;

C. North arrow;

D. Adjacent roads (noting whether public or private), including road names and road rights-of-way or easement widths;

E. Locations and dimensions of existing and proposed driveways;

F. Location of wells or name of water district;

G. Location of on-site wastewater treatment systems or name of sanitary sewer district;

H. Easements, including widths and types, labeled as existing or proposed, specifically noting whom they serve; and

I. Existing structures and the distance from each structure to existing and proposed lot lines.

1107.03 GENERAL APPROVAL CRITERIA

A property line adjustment requires review as a Type I application pursuant to Section 1307, *Procedures*, except that an application filed pursuant to Subsection 1107.04 requires review as a Type II application pursuant to Section 1307. A property line adjustment shall be subject to the following standards and criteria:

A. A property line adjustment is subject to the minimum and maximum lot size standards of the applicable zoning district, except as follows:

1. If a lot of record is smaller than the minimum lot size standard, its size may be reduced, provided that it is not in an AG/F, EFU, or TBR District.

2. If a lot of record is larger than the maximum lot size standard, its size may be reduced even if the reduction is not sufficient to comply with the maximum lot size standard.

3. If a lot of record in an AG/F, EFU, or TBR District is smaller than the minimum lot size standard, its size may be reduced subject to Subsection 1107.04.

B. Subsequent subdivision or partition (or development of dwelling units subject to Section 1012, *Lot Size and Density*) of a lot of record that was the subject of a property line adjustment shall be limited as follows:

1. A property line adjustment shall not be used to later permit development that exceeds the maximum density established by Section 1012. In calculating density, all lots or parcels (or dwelling units subject to Section 1012) within both lots of record that were the subject of the property line adjustment shall be included.

2. In the RA-1, RRFF-5 and FF-10 Districts, where averaging of lot sizes may be permitted pursuant to Table 316-2, *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*, a property line adjustment shall not be used to later permit a subdivision or partition that reduces the minimum average lot size below the minimum average lot size standard. In calculating the minimum average lot size, all lots or parcels within both lots of record that were the subject of the property line adjustment shall be included.

C. A property line adjustment is subject to the minimum setback standards of the applicable zoning district, except that if a lawfully established nonconforming setback exists, the property line adjustment may be approved if it does not reduce that depth. Prior to Planning Director approval of the final property line adjustment record of survey map or final plat required pursuant to Subsection 1107.06 or 1107.07, respectively, setbacks from the proposed relocated property line for all existing structures on the subject property shall be verified by a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist, the surveyor may submit a stamped letter so stating.

D. A property line adjustment is prohibited between lots of record separated by a Comprehensive Plan land use plan designation boundary, as identified on Comprehensive Plan Map IV-3, *Lake Oswego Land Use Plan Map*, IV-4, *West Linn Land Use Plan Map*, IV-5, *Oregon City Land Use Plan Map*, IV-6, *North Urban Area Land Use Plan Map*, or IV-7, *Non-Urban Area Land Use Plan, and Mt. Hood Corridor Land Use Plan*, if the boundary separates an Urban, Unincorporated Community, or Rural Plan designation from an Agriculture or Forest Plan designation, except an adjustment may be granted when it results in an increase in the size of the lot of record with the Agriculture or Forest Plan designation. However, such an adjustment shall not be used to reconfigure a lot of record, the effect of which is to qualify the lot of record for a land division pursuant to Subsection 1012.02(D).

E. A property line adjustment is prohibited between lots of record separated by the Portland Metropolitan Urban Growth Boundary or the unincorporated community boundary of Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, or Zigzag Village.

F. A property line adjustment shall not result in the adjustment of a dwelling from one lot of record to the other unless the lot of record receiving the dwelling otherwise complies with all applicable standards of this Ordinance for the siting of a dwelling.

1107.04 AG/F, EFU, AND TBR DISTRICT APPROVAL CRITERIA

In addition to the standards and criteria in Subsection 1107.03, a property line adjustment in the AG/F, EFU, or TBR District shall be subject to the following standards and criteria:

A. As used in Subsection 1107.04, “ground water restricted area”, “high-value farmland”, “high-value forestland”, and “waiver” have the meanings given those terms in Oregon Revised Statutes (ORS) 195.300.

B. A property line adjustment for a lot of record in the AG/F, EFU, or TBR District that is larger than 80 acres may be approved if the adjustment does not reduce the lot of record to less than 80 acres.

C. A property line adjustment may not be used to:

1. Decrease the size of a lot of record that, before the relocation or elimination of the common property line, is smaller than 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if another lot of record affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lot of record for a dwelling;

2. Decrease the size of a lot of record that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres, if another lot of record affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other lot of record for a dwelling;

3. Allow an area of land used to qualify a lot of record for a dwelling based on an acreage standard to be used to qualify another lot of record for a dwelling if the land use approval would be based on an acreage standard;

4. Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lot of record affected by the property line adjustment is larger than:

   a. Two acres if the lot of record is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland, or within a ground water restricted area; or

   b. Five acres if the lot of record is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland, or within a ground water restricted area;

5. Separate a temporary dwelling for care, home occupation, relative farm help dwelling, or processing facility from the lot of record on which the primary residential use or other primary use exists; or

6. Separate an accessory farm dwelling ~~in conjunction with farm use~~ approved pursuant to Subsection 401.08~~5~~(I~~C~~)~~(12)~~, except as provided in OAR 660-033-0130(24)(c~~B~~).

1107.05 APPROVAL PERIOD

Approval of a property line adjustment is valid for six years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this six-year period, the requirements of Chapter 11.01.040 of the Clackamas County Code and Subsection 1107.06 or 1107.07 shall be satisfied, or the approval will become void.

1107.06 RECORD OF SURVEY MAP REVIEW

If a property line adjustment application is approved, finalizing the adjustment requires the filing of a record of survey map, unless the County Surveyor waives this requirement or unless the adjustment constitutes a replat under ORS chapter 92. The applicant shall comply with the following:

A. The form and content of the record of survey map shall comply with the County's final decision approving the tentative plan and applicable provisions of Chapter 11.01 of the Clackamas County Code and ORS chapters 92 and 209.

B. Final Planning Director Approval of the Record of Survey Map: The final record of survey map shall be submitted to the County for review. If it is consistent with the approved tentative plan and the conditions of approval included in the County's final decision on the application have been satisfied, the Planning Director shall sign the record of survey map.

1107.07 FINAL PLAT REVIEW FOR REPLATS

If an application is approved for a property line adjustment that constitutes a replat under ORS chapter 92, finalizing the adjustment requires the filing of a final plat, except that a final plat is not required for a replat in which all parcels are larger than 80 acres. The applicant shall comply with the following:

A. The form and content of the final plat shall comply with the County's final decision approving the adjustment and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code and ORS chapters 92, 94, 100, and 209.

B. The final plat shall be submitted to the County for review. If a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws shall be submitted to the County with the final plat. If the final plat and, if a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws are consistent with the approved adjustment and the conditions of approval included in the County's final decision on the application have either been satisfied or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall sign the plat.

[Amended by Ord. ZDO-230, 09/26/2011; Amended by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-262, 05/23/2017; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Section 1202, *Zone Changes*

1. Include amendment inadvertently omitted from prior amendment package; clarify that a zone change may be reviewed as a Type II-S procedure, if is qualifies as an "urban housing application".

1202 ZONE CHANGES

1202.01 PURPOSE AND APPLICABILITY

Section 1202 is adopted to provide standards, criteria, and procedures under which a change to the zoning maps (hereinafter referred to as a zone change) may be approved.

1202.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a zone change shall include a site plan of the subject property showing existing improvements, and a vicinity map showing the relationship of the subject property to the surrounding area. An application for a zone change to NC District also shall include:

A. The requirements listed in Subsection 1102.02;

B. A vicinity map, drawn to scale, showing the uses and location of improvements on adjacent properties and properties across any road; and

C. A site plan, drawn to scale, showing the following:

1. Property dimensions and area of property;

2. Access to property;

3. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;

4. Location of existing and proposed parking; and

5. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.

1202.03 GENERAL APPROVAL CRITERIA

A zone change requires review as a Type II-S, III, or IV application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.

B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative

impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

C. The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:

1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*.

2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).

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.

4. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.

5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.

6. 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.

7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

D. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

1202.04 NC DISTRICT APPROVAL CRITERIA

If the application requests a zone change to NC District, approval of the zone change shall include approval of a specific use for the subject property, including a specific site development plan.

A. In addition to the standards and criteria in Subsection 1202.03, a zone change to

NC District shall be subject to the following standards and criteria:

1. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.

2. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.

3. The proposed use complies with any applicable requirements of the NC District and any overlay zoning district(s) in which the subject property is located, Section 800, *Special Use Requirements*, and Section 1000, *Development Standards*.

B. Design review pursuant to Section 1102, *Design Review*, is not required for a use approved through a zone change to NC District. Modifications to the approved use, including the approved site development plan, shall be processed pursuant to Subsection 1307.16(M) or Section 1309, *Modification*.

1202.05 ALTERNATE ZONING DISTRICT DESIGNATION

An application for a zone change may include a request for the approval of an alternate zoning district designation if it is found that the applicant's preferred designation does not comply with the approval criteria but the alternate designation does.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-258, 1/18/17]

Summary of Proposed Amendments to Section 1307, *Procedures*

1. Cleanup redundant citations within the Type II-S procedures.
2. Fix missing citations within Type II-S procedures.
3. Amendments necessary to implement new state requirements for cultural area resources and coordination with tribes in OAR 660-023-0210, developed through recent rulemaking:
    - Enable an Oregon-based government (defined as a local, state, or tribal government in Oregon) to initiate a Type IV Comprehensive Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5.
    - Adopt procedures for notifying tribes with ancestral connections to lands in Clackamas County of Type II and III land use applications that propose ground disturbance.
4. Enable a city to initiate a Type IV Comprehensive Plan amendment to adopt an amendment to that city's urban growth boundary if the amendment has been approved by that city.
5. Includes conforming amendments.

1307 PROCEDURES

1307.01 PURPOSE

Section 1307 is adopted to:

A. Implement the goals and policies of the Comprehensive Plan for community involvement and the planning process;

B. Establish uniform procedures for the review of land use applications and legislative land use proposals;

C. Facilitate timely review of land use applications by the County;

D. Clarify the land use application review process for applicants; and

E. Enable the public to effectively participate in the County's land use permit decision-making process.

1307.02 APPLICABILITY

Section 1307 applies to all land use permit applications and all legislative land use proposals under this Ordinance.

A. No person shall engage in or cause development to occur without first obtaining the necessary land use permit approvals required by, and according to the procedures in, Section 1307.

B. Where the provisions of Section 1307 conflict with other provisions of this Ordinance, the more specific provisions shall control.

1307.03 REVIEW AUTHORITIES

A. Review Authorities, Generally: Review authorities are those who are designated to make recommendations or decisions regarding land use permit applications and legislative land use proposals. Table 1307-1, *Land Use Permits by Procedure Type*, lists the land use permits and legislative land use proposals that are provided for by this Ordinance and establishes:

1. The review authority charged with making the initial decision;

2. The review authority charged with making the decision on the initial County-level appeal, if any;

3. The review authority charged with making the decision on the second County-level appeal, if any; and

4. Those circumstances where an additional review authority is charged with making a recommendation on the application or proposal to the decision-maker.

B. Planning Director: Pursuant to Oregon Revised Statutes (ORS) 215.042, the Planning Director is the County official designated to administer land use planning in the County. In this role, the Planning Director administers the Comprehensive Plan and this Ordinance, issues decisions on certain land use permit applications, and provides administrative support to other review authorities. As used in this Ordinance, the term Planning Director includes any County staff member authorized by the Planning Director to fulfill the responsibilities assigned to the Planning Director by this Ordinance.

C. Hearings Officer: Pursuant to ORS 215.406, the Hearings Officer is appointed by the Board of County Commissioners to conduct public hearings and issue decisions on certain land use permit applications.

D. Historic Review Board: The Historic Review Board is designated as an advisory body on matters pertaining to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district and has the powers and duties described in Sections 707 and 1307.

1. The Historic Review Board shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.

2. Historic Review Board members shall have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of historic preservation. Three positions on the Historic Review Board shall be filled as follows:

   a. One architect, with knowledge in historic restoration;

   b. One contractor, with expertise in construction techniques applied to historic structures; and

   c. One representative from a historic group in the County.

3. Unless otherwise provided for, members of the Historic Review Board shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.

4. If a member of the Historic Review Board does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.

5. A member whose term has ended may continue to serve on the Historic Review Board until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(D)(3).

6. The Historic Review Board shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.

7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.

E. Design Review Committee: The Design Review Committee is designated as an advisory body on matters pertaining to the design review process and has the powers and duties described in Sections 1102 and 1307.

1. The Design Review Committee shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.

2. Five positions on the Design Review Committee shall be filled as follows:

   a. One landscape architect;

   b. One architect;

   c. One registered engineer;

   d. One graphic design representative; and

   e. One representative from the field of finance or the construction and development industry.

3. Unless otherwise provided for, members of the Design Review Committee shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.

4. If a member of the Design Review Committee does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.

5. A member whose term has ended may continue to serve on the Design Review Committee until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(E)(3).

6. The Design Review Committee shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.

7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.

F. Planning Commission: The Planning Commission is designated as the land use planning advisory body to the Board of County Commissioners and acts as the decision-maker on an initial appeal of the Planning Director's interpretation of the Comprehensive Plan. The Planning Commission shall have the powers and duties described in Section 1307 and such other powers and duties as may be imposed on it by County, state, or federal law.

1. The Planning Commission shall be composed of nine members, designated in positions labeled 1 through 9, appointed by and serving at the pleasure of the Board of County Commissioners.

2. Members of the Planning Commission shall be residents of the various geographic areas of the County. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade, or profession.

3. Unless otherwise provided for, members of the Planning Commission shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.

4. If a member of the Planning Commission does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.

5. A member whose term has ended may continue to serve on the Planning Commission until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(F)(3).

6. The Planning Commission shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.

7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.

G. Board of County Commissioners: The Board of County Commissioners is the governing body of the County and is the final County decision-maker on legislative land use proposals and certain land use permit applications.

1307.04 REVIEW PROCEDURE TYPES

A. Land use permits and legislative land use proposals provided for under this Ordinance are classified as one of four types, each of which is subject to a corresponding review procedure. The four types are described as follows:

1. Type I and Type I-H permits are ministerial in nature and involve land use actions governed by non-discretionary standards and clear and objective approval criteria. Approval of a Type I or Type I-H permit may require imposition of conditions of approval to ensure compliance with this Ordinance. The Type I and Type I-H procedures are administrative review processes, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.

2. Type II, Type II-E, and Type II-S permits are administrative in nature and involve land use actions governed by standards and approval criteria that generally require the exercise of limited discretion. Impacts associated with the land use action may require imposition of conditions of approval to minimize those impacts and to ensure compliance with this Ordinance. The Type II,Type II-E, and Type II-S procedures are administrative review processes, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.

3. Type III permits are quasi-judicial in nature, and involve land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.

4. Type IV proposals are legislative in nature, and involve the creation, broad-scale implementation, or revision of public policy. These include amendments to the text of the Comprehensive Plan or this Ordinance. Large-scale changes in the Comprehensive Plan Land Use Plan maps and zoning maps also may be characterized as legislative where a larger number of property owners are directly affected.

B. Table 1307-1, *Land Use Permits by Procedure Type*, lists the land use permits and legislative land use proposals that are provided for by this Ordinance and assigns a procedure type to each. In the event that the procedure type for a land use permit application is not identified in Table 1307-1, specified elsewhere in this Ordinance, or otherwise required by law, the Planning Director shall determine the applicable procedure based on the guidelines in Subsection 1307.04(A). Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

1. As used in Table 1307-1:

   a. "PD" means Planning Director.

   b. "HO" means Hearings Officer.

   c. "PC" means Planning Commission.

   d. "BCC" means Board of County Commissioners.

   e. Numbers in superscript correspond to the notes that follow Table 1307-1.

Table 1307-1: Land Use Permits by Procedure Type[1]

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Accessory Historic Dwelling	I	No	PD	No County-Level Appeal
AG/F District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal
AG/F District, Land Division [pursuant to Subsections 406.09(B) through (G)]	II	No	PD	HO
AG/F District, Lot of Record Dwelling on High-Value Farmland [pursuant to Subsection 401.05(C)(2)(j)]	III	No	HO	No County-Level Appeal
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type I in Table 401-1, *Permitted Uses in the EFU District* or Table 406-1, *Permitted Uses in the TBR District*	I	No	PD	No County-Level Appeal
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1, *Permitted Uses in the EFU District* or Table 406-1, *Permitted Uses in the TBR District*	II	No	PD	HO

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Comprehensive Plan Map Amendment[2]	III or IV	Type III ~~Only~~and Type IV if initiated under Subsection 1307.07(B)(1) or (2)	BCC	No County-Level Appeal
Comprehensive Plan Text Amendment	IV	No	BCC	No County-Level Appeal
Conditional Use	III	Yes	HO	No County-Level Appeal
Conversion of a Manufactured Dwelling Park or a Mobile Home Park to a Subdivision	I	No	PD	No County-Level Appeal
Design Review[3]	II	Yes	PD	HO
EFU District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.08(G)]	I	No	PD	No County-Level Appeal
EFU District, Land Division [pursuant to Subsections 401.08(H) through (N)]	II	No	PD	HO
EFU District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(2)(j)]	III	No	HO	No County-Level Appeal

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type I in Table 401-1, *Permitted Uses in the EFU District*	I	No	PD	No County-Level Appeal
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1, *Permitted Uses in the EFU District*	II	No	PD	HO
Emergency Shelter Siting	II-S	No	PD	No County-Level Appeal
Expedited Land Division	II-E	Yes	PD	No County-Level Appeal
Farmers' Market	II	No	PD	HO
Floodplain Development	II	No	PD	HO
Gathering subject to review under Oregon Revised Statutes 433.763	III	Yes	HO	BCC
Habitat Conservation Area District	See Subsection 706.06	No	See Subsection 706.06	See Subsection 706.06
Historic Landmark, Historic District, and Historic Corridor, Maintenance	I	No	PD	No County-Level Appeal
Historic Landmark, Historic District, and Historic Corridor, Major Alteration[4]	II	Yes	PD	HO

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Historic Landmark, Historic District, and Historic Corridor, Minor Alteration	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Moving or Demolition[4]	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, New Construction[4]	II	Yes	PD	HO
Home Occupation, Major, New, with an Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, New, without an Exception	II	No	PD	HO
Home Occupation, Major, Renewal, with a New Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, Renewal, without a New Exception	II	No	PD	HO
Interpretation, Comprehensive Plan[5]	II	No	PD	PC
Interpretation, Zoning and Development Ordinance[6]	II	No	PD	HO
Marijuana Processing in the AG/F and EFU Districts	II	No	PD	HO
Marijuana Production, if regulated by Section 841, *Marijuana Production, Processing, and Retailing*	I	No	PD	No County-Level Appeal

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Marijuana Retailing	I	No	PD	No County-Level Appeal
Mass Movement Hazard Area Development, Not Reviewed in Another Type II Application [pursuant to Subsection 1003.02]	II	No	PD	HO
Middle Housing Land Division	II-E	Yes	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Extraction Area Permit	I	No	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Impact Area Permit	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Two	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Three	II	Yes	PD	HO
Modification	II	No	PD	HO
Nonconforming Use Alteration, not Required by Law	II	No	PD	HO
Nonconforming Use Verification	II	No	PD	HO
Open Space, Conflict Resolution for Wetlands and Significant Natural Areas	II	No	PD	HO

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Open Space Review	II	No	PD	HO
Partition[7]	II	Yes	PD	HO
Pre-FIRM Structure Reconstruction, Repair, Rehabilitation, Addition, or Other Improvement [pursuant to Subsection 703.06(A)]	I	No	PD	No County-Level Appeal
Principal River Conservation Area	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, Expansion of Existing Use [pursuant to Subsection 712.05(B)]	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, New Use [pursuant to Subsection 712.06]	III	No	HO	No County-Level Appeal
Public Use Airport and Safety Overlay Zones, Use Permitted Subject to Review [pursuant to Subsection 713.05]	III	No	HO	No County-Level Appeal
Property Line Adjustment [except pursuant to Subsection 1107.04]	I	No	PD	No County-Level Appeal
Property Line Adjustment [pursuant to Subsection 1107.04]	II	No	PD	HO
Recreational Vehicles as Second Dwellings	I	No	PD	No County-Level Appeal

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Replat [number of lots or parcels proposed to increase or the subject property is partially or wholly in the AG/F, EFU, or TBR District]	II	Yes	PD	HO
Replat [number of lots or parcels proposed to decrease or remain the same and the subject property is not partially or wholly in the AG/F, EFU, or TBR District]	I	No	PD	No County-Level Appeal
Sensitive Bird Habitat District, Alteration or Development	II	No	PD	HO
Sewer System Components that Serve Lands Inside an Urban Growth Boundary [pursuant to Tables 316-1, 317-1, 513-1, or 604-1]	II	No	PD	HO
Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community [pursuant to Tables 316-1, 317-1, 513-1, or 604-1]	II	No	PD	HO
Sign Permit	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(A)]	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(B)]	II	No	PD	HO
Stream Conservation Area	II	No	PD	HO

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Subdivision, Major[7]	III	Yes	HO	No County-Level Appeal
Subdivision, Minor[7]	II	Yes	PD	HO
TBR District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal
TBR District, Land Division [pursuant to Subsections 406.09(B) through (G)]	II	No	PD	HO
TBR District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 406-1, *Permitted Uses in the TBR District*	II	No	PD	HO
Temporary Dwelling for Care	II	No	PD	HO
Temporary Dwelling while Building	I	No	PD	No County-Level Appeal
Temporary Structure for Emergency Shelter	I	No	PD	No County-Level Appeal
Temporary Use Otherwise Prohibited	II	No	PD	HO
Time Extension [pursuant to Subsection 401.09(C)(3), (D)(3), or (D)(4); Subsection 406.10(C)(3), (D)(2), or (D)(3); or Section 1310]	II	No	PD	HO
Variance[7]	II	No	PD	HO

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Vested Right Determination	II	No	PD	HO
Water Quality Resource Area District	See Subsection 709.06	No	See Subsection 709.06	See Subsection 709.06
Willamette River Greenway	II	No	PD	HO
Willamette River Greenway, Timber Harvest [pursuant to Subsection 705.03(I)]	II	No	PD	HO
Wireless Telecommunication Facility, Identified as Type I in Table 835-1, *Permitted Wireless Telecommunication Facilities*, without an Adjustment	I	No	PD	No County-Level Appeal
Wireless Telecommunication Facility, Identified as Type II in Table 835-1, without an Adjustment	II	No	PD	HO
Wireless Telecommunication Facility, Identified as Type II in Table 835-1, but with an Adjustment	III	No	HO	No County-Level Appeal
Zone Change[7,8]	III or IV	Type III Only	HO, Type III BCC, Type IV	No County-Level Appeal
Zoning and Development Ordinance Text Amendment	IV	No	BCC	No County-Level Appeal

Notes to Table 1307-1:

[1] For any land use application for housing that is subject to ORS 197A.400(5), as described in Section 17, HB 4037 [2026], and that is utilizing only clear &

objective standards for review (as opposed to any optional discretionary standards), the Type I-H procedure shall be used, unless the application qualifies for and the applicant requests a Type II-E procedure.

[2] The Type III procedure shall be modified to include Planning Commission public hearing and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing. In the case of a Comprehensive Plan amendment related to the designation of a Historic Landmark, Historic District, or Historic Corridor, both the Type III and Type IV procedures shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.

[3] The Type II procedure may be modified, pursuant to Subsection 1102.04(A) or (B), to include Design Review Committee review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.

[4] The Type II procedure shall be modified to include Historic Review Board review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.

[5] The Type II procedure shall be modified to allow the Planning Commission's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.15(E)(1).

[6] The Type II procedure shall be modified to allow the Hearings Officer's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.15(E)(2).

[7] Within an urban growth boundary, a partition or subdivision that is developed as a planned unit development; a variance; or a zone change may be reviewed as an urban housing application through a Type II-S procedure, if the requirements under ORS 197A.146(1) through (3) are met.

[8] In the case of a zone change related to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the Type III procedure shall be modified to designate the Board of County Commissioners as the initial decision review authority and to include Historic Review Board review and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing, and the Type IV procedure shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.

C. Notwithstanding any other provision in Section 1307, except for an application for an interpretation of the Comprehensive Plan, an applicant may choose to process a Type II land use permit application using the Type III procedure, and the Hearings Officer shall be the review authority for the initial decision. The decision of the Hearings Officer shall be the final decision of the County, except for an application for an interpretation of this Ordinance, in which case appeal to the Board of County Commissioners is allowed pursuant to Subsection 1307.15(E)(2).

1307.05 PRE-APPLICATION CONFERENCE

A. Purpose: Pre-application conferences are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

B. Applicability: Table 1307-1, *Land Use Permits by Procedure Type*, identifies the land use permit applications for which pre-application conferences are mandatory. Pre-application conferences are voluntary for all other land use permit applications.

C. Submittal Requirements: Pre-application conference requests shall include:

1. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:

   a. The names, mailing addresses, and telephone numbers of the applicant(s);

   b. The address of the subject property, if any, and its assessor's map and tax lot number;

   c. The size of the subject property;

   d. The Comprehensive Plan designation and zoning district of the subject property;

   e. The type of application for which the pre-application conference is requested;

   f. A brief description of the proposal for which the pre-application conference is requested; and

g. Signature(s) of the applicant(s), authorizing the filing of the pre-application request.

2. Additional information necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow County staff to review and comment; and

3. Payment of the applicable fee, pursuant to Subsection 1307.17.

D. Scheduling: Upon receipt of a complete application, the Planning Director will schedule the pre-application conference. The Planning Director will coordinate the involvement of other County departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

E. Summary: Subsequent to the pre-application conference, the Planning Director will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the County or any other outside agency or service provider on the merits of the proposal.

F. Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences: A follow-up pre-application conference is required for those mandatory pre-application conferences that have already been held when:

1. A complete application relating to the proposed development has not been submitted within two years of the pre-application conference; or

2. The proposed use, layout, or design of the proposed development has changed significantly.

1307.06 REVIEW OF MULTIPLE APPLICATIONS

When multiple land use permits for the same property are required or proposed by an applicant, all of the applications may be filed concurrently. Each application shall be processed separately using the procedure identified in Table 1307-1, *Land Use Permits by Procedure Type*, for that application, except that applications filed concurrently shall be processed through a consolidated procedure if:

A. One of the applications is a Type III application for a Comprehensive Plan map amendment, in which case the Type III Comprehensive Plan map amendment procedure shall be used;

B. Multiple land use permit applications are subject to the same procedure type with the same initial decision and appeal review authorities. Applications for an interpretation of this Ordinance are excluded from this consolidation provision; or

C. The applicant elects to process multiple applications through a consolidated procedure, if such consolidation is consistent with Subsection 1307.04(C).

1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

A. Initiation of Applications: Type I, I-H, II, II-E, II-S, and III land use permit applications may be initiated by:

1. An owner of each tax lot that comprises the subject property;

2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;

3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority; ~~or~~

4. If the application is for Comprehensive Plan designation or zoning of a Historic District or Historic Corridor, the owners or contract purchasers of at least 60 percent of the property within the area to be so designated or zoned~~.~~; or

5. A local, state, or tribal government in Oregon, if the application is for a Comprehensive Plan amendment to determine if a cultural landscape feature is significant and complete the Goal 5 process for a significant landscape feature pursuant to OAR 660-023-0030. Authorization by an owner, contract purchaser, or agent of an owner or contract purchaser of the property to be designated is not required.

B. Initiation of Legislative Proposals: Type IV legislative land use proposals may be initiated by the Board of County Commissioners, the Planning Commission, or the Planning Director. However, initiation of a legislative proposal does not obligate the County to further processing of the proposal pursuant to Subsection 1307.13, or prevent the County from discontinuing the processing of the proposal at any point prior to decision.

1. Notwithstanding Subsection 1307.07(B), a Type IV legislative land use proposal may be initiated by:

a. A local, state, or tribal government in Oregon to determine if a cultural landscape feature is significant and complete the Goal 5 process for a significant landscape feature pursuant to OAR 660-023-0030; or

b. A representative of a city government for a Comprehensive Plan map amendment to adopt an amendment to that city's urban growth boundary if the amendment has been adopted by the city.

C. Application Submittal: Type I, I-H, II, II-E, II-S, and III land use permit

applications are subject to the following submittal requirements:

1. The following shall be submitted for an application to be complete:

    a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:

        i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

        ii. The address of the subject property, if any, and its assessor's map and tax lot number;

        iii. The size of the subject property;

        iv. The Comprehensive Plan designation and zoning district of the subject property;

        v. The type of application being submitted;

        vi. A brief description of the proposal; and

        vii. Signature(s) of the applicant(s) and an owner of each tax lot that comprises the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.

    b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each applicable approval criterion and standard and each item on the supplemental application form;

    c. An accurate site plan drawn to scale on eight-and-one-half-inch by 11-inch or eight-and-one-half-inch by 14-inch paper, showing the subject property and proposal;

    d. Any additional information required under this Ordinance for the specific land use permit sought; and

    e. Payment of the applicable fee, pursuant to Subsection 1307.17.

2. The Planning Director, at their sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the application.

3. Each application, when received by the Planning Director, shall be date-stamped with the date the application was received.

D. Type IV Application Submittal: Type IV applications are subject to the submittal requirements in Subsection 1307.07(C), except that Subsection 1307.07(C)(1)(a)(vii) is not required.

~~D~~E. Completeness of a Type I or I-H Application: If a Type I or I-H application is not complete when submitted, and the applicant does not make it complete within 180 days of submittal, the application is void.

~~E~~F. Completeness Review for Type II, II-E, II-S, and III Applications: Except as amended by Subsection 1307.11, after it is submitted, a Type II, II-E, II-S, or III land use permit application shall be reviewed for completeness, as follows:

1. Except as otherwise provided under ORS 215.427, the Planning Director shall review a Type II, II-E, II-S, or III application for completeness within 30 days of its receipt.

2. Determination of completeness shall be based upon the submittal requirements of Subsection 1307.07(C)(1) or (D), as applicable, and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the County will make a favorable decision on the application.

3. If an application is determined to be complete, review of the application shall commence.

4. If an application is determined to be incomplete, written notice shall be provided to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. This written notice shall be provided within 30 days of receipt of ~~a~~ Type II, II-E, II-S, or III application. The application is deemed complete upon receipt by the Planning Director of:

   a. All of the missing information;

   b. Some of the missing information and written notice from the applicant that no other information will be provided; or

   c. Written notice from the applicant that none of the missing information will be provided.

5~~6~~. If the application was complete when first submitted, or the applicant submits additional information, as described in Subsection 1307.07(~~E~~F)(~~5~~4), within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon:

a. The standards and criteria that were applicable at the time the application was first submitted; or

b. For an application for housing development within an urban growth boundary, upon the request of the applicant, those standards and criteria that are operative at the time of the request. If an applicant requests review under different standards as provided by Subsection 1307.07(~~E~~F)(~~5~~6)(b):

i. Any applicable timelines for completeness review and final decision restart as if a new application were submitted on the date of the request.

ii. The application is not deemed complete until either the County determines that additional information is not required for review under different standards, or the county requests additional information, pursuant to Subsection 1307.07(~~E~~F)(4), and the applicant makes a submission in response.

iii. A request under Subsection 1307.07(~~E~~F)(~~5~~6)(b) may be denied if the County has issued public notice of the application; or if a request under this subsection was previously made.

iv. The County may not require that the applicant:

A) Pay a fee, except to cover additional costs incurred by the County to accommodate the request;

B) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or

C) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

6~~7~~. On the 181st day after first being submitted, a Type II, II-E, II-S, or III application is void, if the applicant has been notified of the missing information as required under Subsection 1307.07(~~E~~F)(~~5~~4) and has not submitted the missing information or otherwise responded, as provided in Subsection 1307.07(~~E~~F)(~~5~~4).

1307.08 TYPE I AND TYPE I-H MINISTERIAL PROCEDURES

A. Type I land use permit applications are subject to the following procedures:

1. Notice of Application: Notice of application is not provided.

2. Decision: The review authority shall approve, approve with conditions, or deny the application based on the applicable standards and criteria. The

review authority shall issue a written decision.

3. Notice of Decision: A copy of the decision shall be mailed to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof.

4. Appeal: The review authority's decision is the final decision of the County.

B. Type I-H land use permit applications are subject to the following procedures:

1. Notice of Application: Notice of application shall be provided as follows:

a. Written notice of the application shall be mailed to:

i. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof; and

ii. All property owners of record, pursuant to Subsection 1307.18(C), within the noticing distance listed below, as measured from the subject property and contiguous properties under the same ownership:

A) 100 feet for proposed developments with fewer than 20 dwelling units; or

B) 500 feet for proposed developments with 20 or more dwelling units.

2. Decision: The review authority shall approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision.

3. Notice of Decision:

1. A copy of the decision shall be mailed to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof. ~~and~~

2. A notice of decision shall be mailed to those identified in Subsection 1307.08(B)(1)(a)(ii).

4. Appeal: The review authority's decision is the final decision of the County, and the applicant is the only party that may appeal the decision to the Land Use Board of Appeals.

1307.09 TYPE II ADMINISTRATIVE PROCEDURES

Type II land use permit applications are subject to the following procedures:

A. Notice of Application: Notice of application shall be provided as follows:

1. Within five days of an application being deemed complete, written notice of application shall be mailed to any tribe included on the list of tribes with an ancestral connection to land within Clackamas County that is maintained by the Legislative Commission on Indian Services if the application is for land located outside an urban growth boundary; or if the application involves grading, foundation installation, the maintenance of underground utilities, or mining of aggregate or minerals.

   a. If a tribe responds to the provided notice, the applicant shall be informed, and the tribe's recommendation for avoiding or mitigating impacts shall be provided to the applicant.

   b. Information from a tribe received prior to the close of the comment period shall be included as part of the record for the application in a manner that preserves confidentiality, as provided in OAR 660-023-0210(3)(d).

2~~1~~. A minimum of 20 days prior to the issuance of a decision, written notice of application shall be mailed to:

   a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

   b. All property owners of record, pursuant to Subsection 1307.18(C), within the noticing distance listed in Table 1307-2, *Noticing Distances for Type II Land Use Permit Applications*, as measured from the subject property and contiguous properties under the same ownership:

Table 1307-2: Noticing Distances for Type II Land Use Permit Applications

Zoning District of Subject Property	Noticing Distance
BP, C-2, C-3, CC, GCOSM, GI, HDR, HR, LI, MR-1, MR-2, MRR, NC, OA, OC, OSM, PMD, PMU, RCC, RCHDR, RCO, RTC, RTL, SCMU, SHD, Urban Low Density Residential, VA, VCS, VO, VR-4/5, VR-5/7, or VTH	300 feet
FF-10, FU-10, RA-1, RA-2, RC, RI, RR, or RRFF-5	500 feet[1]
AG/F, EFU, or TBR	750 feet[1]

Note to Table 1307-2:

[1] If the application is for a nonconforming use verification, nonconforming use alteration, or vested right determination, the noticing distance shall be 2,640 feet (½ mile).

c. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;

d. Cities, as prescribed in applicable urban growth management agreements;

e. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;

f. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;

g. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and

h. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.

i. The Oregon Department of Agriculture if the application is for the propagation, cultivation, maintenance, and harvesting of insect species in the AG/F or EFU District.

3~~2~~. At a minimum, notice of application shall include:

a. An explanation of the nature of the application and the proposed use or uses that could be authorized;

b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;

c. The street address or other easily understood geographical reference to the subject property and a map showing the vicinity of the proposed development;

d. The name and telephone number of the County staff member to contact where additional information may be obtained;

e. A statement that a copy of the application, all documents and evidence

submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;

f. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and

g. A statement that subsequent to the closing of the public comment period, a notice of decision will be issued and mailed to everyone entitled to the initial notice of the application, except for an application reviewed under Subsection 1307.11(D), which shall include a statement that subsequent to the closing of the public comment period, a notice of decision will be issued and mailed to everyone who provided comments during the 14-day comment period.

h. For an application reviewed under Subsection 1307.11(D), a statement that issues which may be the basis for appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue.

3. A minimum of 20 days prior to the issuance of a decision, a copy of the submitted application shall be mailed to those identified in Subsections 1307.09(A)(2~~1~~)(c) through (h).

B. Decision: The review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision; states the facts relied upon in rendering the decision; explains the justification for the decision based on the standards, criteria, and facts set forth; and lists the conditions of approval, if any. The decision also shall include:

1. A description of the nature of the decision and an explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;

2. The street address or other easily understood geographical reference to the subject property;

3. The name and telephone number of the County staff member to contact where additional information may be obtained;

4. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;

5. The date the review authority's decision becomes effective, unless appealed;

6. A statement that the decision will not become final until the period for filing an appeal with the County has expired without the filing of an appeal;

7. A statement that any person who is adversely affected or aggrieved or who is entitled to written notice under Subsection 1307.09(C) may appeal the decision by filing a written appeal, and including the date and time by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, the appeal fee, and where further information may be obtained concerning the appeal process; and

8. A statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

C. Notice of Decision:

1. A copy of the decision shall be mailed to those identified in Subsections 1307.09(A)(1)(a) and (c) through (h).

2. A notice of decision shall be mailed to those identified in Subsections 1307.09(A)(1)(b). The notice shall include the information in Subsections 1307.09(B)(1) through (8) and directions on how to obtain a copy of the decision.

D. Appeal: The review authority's decision is the final decision of the County, unless an appeal is filed pursuant to Subsection 1307.15.

1307.10 TYPE II–E ADMINISTRATIVE PROCEDURES

Type II-E land use permit applications are subject to the following procedures:

A. Notice of Application: Notice of application is not provided.

B. Decision: Within 63 days of receiving a completed application, the review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:

1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;

2. The conditions of approval, if any;

3. The street address or other easily understood geographical reference to the subject property;

4. The name and telephone number of the County staff member to contact where additional information may be obtained;

5. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;

6. The date the review authority's decision becomes effective, unless appealed;

7. An explanation of appeal rights under ORS 197.830 to 197.855.

C. Notice of Decision: A copy of the decision shall be mailed to the applicant. It may not be required that notice is given to any other person.

D. Appeal: No third party may be allowed to intervene to oppose the application, and no hearing may be held on the application.

1307.11 TYPE II-S ADMINISTRATIVE PROCEDURES

Type II-S land use permit applications are subject to the Type II procedures in Subsections 1307.07 and 1307.09, except as follows:

A. Emergency Shelter Siting, subject to Section 848:

1. Notice of Application: Notice of application is not provided.

2. Decision: The decision is not subject to Subsections 1307.09(B)(4), (6), (7), and (8).

3. Notice of Decision: A copy of the decision shall be mailed to:

a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof; and

b. All property owners of record, pursuant to Subsection 1307.18(C), within 300 feet, as measured from the subject property and contiguous properties under the same ownership.

3. Timelines: The application is not subject to the review procedures in Subsection 1307.07(F~~E~~).

4. Appeal: The decision may only be appealed by writ of review under ORS 34.010 to 34.100.

B. Residential Treatment Facilities and Residential Treatment Homes, subject to Section 849:

1. Appeal: The decision is not a land use decision as defined in ORS 197.015 and is not subject to the jurisdiction of the Land Use Board of Appeals. The decision may only be appealed by writ of review under ORS 34.010 to 34.100.

C. Mental or Psychiatric Hospitals and Crisis Stabilization Centers, subject to Section 849:

1. Decision: Within 30 days of receiving a completed application, the review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria.

2. Appeal: The decision is not a land use decision as defined in ORS 197.015 and is not subject to the jurisdiction of the Land Use Board of Appeals. The decision may only be appealed by writ of review under ORS 34.010 to 34.100.

D. Urban Housing Applications, pursuant to ORS 197A.146:

1. Notice of Application: A minimum of 14 days prior to the issuance of a decision, written notice of application shall be mailed to those identified in Subsections 1307.09(A)(2~~1~~)(a) through (h). Within five days of receiving a complete application, tribes identified in Subsection 1307.09(A)(1) shall be notified.

2. Notice of Decision: Notice of decision shall be provided to the applicant and any person who submits comments during the 14-day comment period.

~~3. Notice Affidavit: The county shall provide an affidavit or other certification describing the notice given under this subsection.~~

3~~4~~. Appeal: The review authority's decision is the final decision of the County, unless an appeal is filed pursuant to Subsection 1307.15.

1307.12 TYPE III QUASI-JUDICIAL PROCEDURES

Type III land use permit applications are subject to the following procedures:

A. Notice of Application and Public Hearing: Notice of application and public hearing shall be provided as follows:

1. Notice shall be provided to the Oregon Department of Land Conservation and Development (DLCD), if required pursuant to Oregon Revised Statutes (ORS) 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.

2. Within five days of an application being deemed complete, written notice of application shall be mailed to any tribe included on the list of tribes with an ancestral connection to land within Clackamas County that is maintained by the Legislative Commission on Indian Services if the application is on land located outside an urban growth boundary; or if the application involves grading, foundation installation, the maintenance of underground utilities, or mining of aggregate or minerals.

   a. If a tribe responds to the provided notice, the applicant shall be informed, and the tribe's recommendation for avoiding or mitigating impacts shall be provided to the applicant.

   b. Information from a tribe received prior to the close of the comment period shall be included as part of the record for the application in a manner that preserves confidentiality, as provided in OAR 660-023-0210(3)(d).

   c. If, prior to the first evidentiary hearing for an application on land located outside an urban growth boundary, one or more tribes have indicated the potential for a negative impact to a landscape feature of cultural value, an offer shall be extended to arrange a meeting with the tribe(s) and the applicant within the required review timeline. The purpose of the meeting is to discuss potential impacts to landscape features of cultural value to the tribe or tribes and voluntary measures on the part of the property owner for avoiding or minimizing impacts. Any voluntary measures on the part of the property owner to avoid or mitigate impacts and required measures stemming from a federal action shall be made a part of the record of approval, unless the tribe has requested in writing that this information be kept confidential.

3~~2~~. A minimum of 35 days prior to the first evidentiary hearing on the application, a copy of the submitted application shall be mailed to:

   a. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;

   b. Cities, as prescribed in applicable urban growth management agreements;

   c. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;

   d. The Oregon Department of Agriculture, if the subject property is in the AG/F or EFU District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;

   e. Metro and any watershed council recognized by the Oregon Watershed

Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification;

f. The airport owner and the Oregon Department of Aviation, if required by ORS 197.183, 215.223, or 215.416; ~~and~~

g. The State Department of Fish and Wildlife, the State Department of Energy, the State Historic Preservation Officer, the Oregon Department of Aviation, the United States Department of Defense, and federally recognized Indian tribes that may be affected by the application, if the application is for a renewable energy facility pursuant to ORS 215.446~~.~~; and

h. Any tribe included on the list of tribes with an ancestral connection to land within Clackamas County that is maintained by the Legislative Commission on Indian Services if the application is for land located outside an urban growth boundary; or if the application involves grading, foundation installation, the maintenance of underground utilities, or mining of aggregate or minerals.

~~3~~4. A minimum of 20 days prior to the first evidentiary hearing of each review authority on the application, written notice of the application and hearing shall be mailed to:

a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

b. All property owners of record, pursuant to Subsection 1307.18(C), within the noticing distance listed in Table 1307-3, *Noticing Distances for Type III Land Use Permit Applications*, as measured from the subject property and contiguous properties under the same ownership:

Table 1307-3: Noticing Distances for Type III Land Use Permit Applications

Zoning District of Subject Property	Noticing Distance
BP, C-2, C-3, CC, GCOSM, GI, HDR, HR, LI, MR-1, MR-2, MRR, NC, OA, OC, OSM, PMD, PMU, RCC, RCHDR, RCO, RTC, RTL, SCMU, SHD, Urban Low Density Residential, VA, VCS, VO, VR-4/5, VR-5/7, or VTH	300 feet

AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRFF-5, or TBR	2,640 feet (½ mile)

c. If the application is for a zone change to apply the MAO District, all property owners of record, pursuant to Subsection 1307.18(C), within 1,000 feet from the outer boundary of the proposed impact area under Section 708, *Mineral and Aggregate Overlay District*;

d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;

e. Cities, as prescribed in applicable urban growth management agreements;

f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;

g. The Oregon Department of Agriculture, if the subject property is in the AG/F or EFU District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;

h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification;

i. The airport owner and the Oregon Department of Aviation, if required by ORS 197.183, 215.223, or 215.416;

j. The State Department of Fish and Wildlife, the State Department of Energy, the State Historic Preservation Officer, the Oregon Department of Aviation, the United States Department of Defense, and federally recognized Indian tribes that may be affected by the application, if the application is for a renewable energy facility pursuant to ORS 215.446; and

k. Tenants of a mobile home or manufactured dwelling park, as defined in ORS 446.003, when property that includes all or part of such mobile home or manufactured dwelling park is the subject of an application for a Comprehensive Plan map amendment, zone change, or both. Notice to such tenants shall be mailed no more than 40 days before the first evidentiary hearing.

54. At a minimum, notice of application and hearing shall include:

a. An explanation of the nature of the application and the proposed use or uses that could be authorized;

b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;

c. The street address or other easily understood geographical reference to the subject property and a map showing the vicinity of the proposed development;

d. Date, time, and location of the hearing;

e. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;

f. The name and telephone number of the County staff member to contact where additional information may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;

h. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a cost established by the Board of County Commissioners;

i. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

j. A statement that subsequent to the close of the public hearing, a decision will be issued and mailed as required by Subsection 1307.12(E); and

k. If the application is for a renewable energy facility pursuant to ORS 215.446, a description of the proposed renewable energy facility and the contact information for the Board of County Commissioners and the applicant.

6~~5~~. If the application is for a Comprehensive Plan amendment, notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first evidentiary hearing, by publication in a newspaper of general circulation in the County. However, if the application applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.

B. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.

C. Public Hearing: A public hearing shall be held before the review authority, for the purpose of receiving testimony regarding the application.

D. Decision: The review authority shall consider the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, explains the justification for the decision based on the standards, criteria, and facts set forth, and lists the conditions of approval, if any. The decision also shall include:

1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;

2. The street address or other easily understood geographical reference to the subject property;

3. The date the review authority's decision becomes effective, unless appealed; and

4. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal; the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process.

E. Notice of Decision:

1. A copy of the decision shall be mailed to those identified in Subsections 1307.12(A)(~~3~~4)(a) and (d) through (j).

2. A notice of decision, which shall include the information in Subsections 1307.12(D)(1) through (4) and directions on how to obtain a copy of the decision, shall be mailed to:

a. Anyone who provided evidence, argument, or testimony as part of the record; and

b. Anyone who made a written request for notice of decision.

3. A copy of the decision shall be submitted to DLCD, as required by ORS 197.615. Procedures for submitting the decision to DLCD shall be those established by ORS 197.615 and Oregon Administrative Rules chapter 660, division 18.

F. Appeal: The review authority's decision is the final decision of the County, except as may be provided for interpretation applications pursuant to Subsection 1307.15(E). Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

1307.13 TYPE IV LEGISLATIVE PROCEDURES

Type IV legislative land use proposals are subject to the following procedures:

A. Notice of Proposal and Public Hearing: Notice of proposal and hearing shall be provided as follows:

1. Notice shall be provided to the Oregon Department of Land Conservation and Development, if required pursuant to Oregon Revised Statutes (ORS) 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules chapter 660, division 18.

2. Notice shall be provided to the Metropolitan Service District, if required pursuant to Section 3.07.820 of the Code of the Metropolitan Service District. Procedures for the giving of the required notice shall be those established by Section 3.07.820 of the Code of the Metropolitan Service District.

3. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, a minimum of 35 days prior to the first public hearing, a copy of the text, showing proposed additions and deletions, shall be made available to the public for review. All active community planning organizations, hamlets, and villages that are recognized by the County shall be notified when it becomes available.

4. For an application initiated by a local, state, or tribal government in Oregon pertaining to the cultural significance of a landscape feature, tribes with an ancestral connection to the land within Clackamas County shall be notified within seven days of receiving the application.

54. A minimum of 20 days prior to the first public hearing of each review authority on the proposal, written notice of the proposal and hearing shall be mailed to:

a. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, all active community planning organizations, hamlets, and villages that are recognized by the County;

b. For proposed Comprehensive Plan Land Use Plan map amendments and zone changes, any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;

c. Cities, as prescribed in applicable urban growth management agreements; and

d. Those special districts and government agencies deemed by the Planning Director to have an interest in the proposal.

~~5~~6. At a minimum, notice of proposal and hearing shall include:

a. An explanation of the nature of the proposal;

b. Date, time, and location of the hearing;

c. The name and telephone number of the County staff member to contact where additional information may be obtained; and

d. For Comprehensive Plan Land Use Plan map amendments and zone changes, a copy of the proposed map change(s).

~~6~~7. Notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first public hearing, by publication in a newspaper of general circulation in the County. However, if the legislative land use proposal applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.

B. Proposal Review and Staff Report: The Planning Director shall consider the proposal, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the proposal, comments received to-date, and the relevant issues associated with the proposal. Each staff report shall make a recommendation to the review authority.

C. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission, for the purpose of receiving testimony regarding the proposal.

D. Planning Commission Recommendation: The Planning Commission shall consider the record and may make a recommendation to the Board of County Commissioners to adopt, adopt with modifications, or decline to adopt the proposal. If no recommendation is made by the Planning Commission and no extension is granted by the Board of County Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a

recommendation.

E. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners, for the purpose of receiving testimony regarding the proposal.

F. Decision: The Board of County Commissioners shall consider the record and may adopt, adopt with modifications, or decline to adopt the proposal; remand the matter back to the Planning Commission for further consideration; or table the matter. The decision of the Board of County Commissioners to adopt or adopt with modifications shall be by ordinance.

G. Notice of Decision: Notice of decision shall be provided as follows:

1. A maximum of 20 days after the decision is made it shall be submitted to the Oregon Department of Land Conservation and Development (DLCD). Procedures for the giving of the required notice shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.

2. On the same day the decision is submitted to DLCD, the County shall mail, or otherwise deliver, notice to persons who both participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or this Ordinance and requested in writing that the County give notice of the change. The notice shall:

   a. State how and where the materials described in ORS 197.615(2) may be obtained;

   b. Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;

   c. List the locations and times at which the public may review the decision and findings; and

   d. Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.

H. Appeal: The Board of County Commissioners' decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals or the Oregon Land Conservation and Development Commission, as determined by state law.

1307.14 PUBLIC HEARINGS

Subsection 1307.14 applies to public hearings held pursuant to Section 1307, except that only Subsections 1307.14(A), (B), (E) through (H), and (J) apply to public hearings in a Type IV proceeding.

A. Procedure, Generally: Public hearings shall be conducted in accordance with Oregon Revised Statutes (ORS) 197.797, Subsection 1307.13, and any bylaws or rules of procedure adopted by the review authority. Subsection 1307.14 authorizes the Hearings Officer, Planning Commission, and Board of County Commissioners to adopt rules of procedure for the conduct of hearings.

B. Parties: Any interested party shall be entitled to participate in a public hearing.

C. Order of Proceeding: The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted bylaws or rules of procedure of the review authority, as appropriate.

1. Jurisdictional Objections: Before receiving the staff report or testimony on the application, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the review authority has the discretion to proceed or terminate the hearing.

2. Disclosure Statement: The review authority (or individual member thereof), or its designee, shall read the land use disclosure statement, which shall include:

   a. A list of the applicable substantive criteria, or a reference to the staff report, where a list of the criteria can be found;

   b. A statement that testimony, argument, and evidence must be directed toward the criteria described in Subsection 1307.14(C)(2)(a) or other criteria in the Comprehensive Plan or land use regulation which the person believes to apply to the decision;

   c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue; and

   d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

3. Call for Ex Parte Contacts: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact. If the review authority is the Hearings Officer, they shall declare any ex parte contacts and state for the record the nature and content of the contact.

4. Call for Abstentions: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member must abstain from participation in the hearing due to conflicts of interest. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises. If the review authority is the Hearings Officer, they shall declare any potential conflicts of interest. The Hearings Officer shall state the nature of the conflict, and if the nature of the conflict is such that the Hearings Officer cannot fulfill his or her duty to be a fair and impartial decision-maker, the Hearings Officer shall recuse himself or herself from hearing the matter.

5. Staff Report: The Planning Director shall present a report and recommendation concerning the proposal.

6. Presentation of the Application:

   a. Applicant's case;

   b. Community planning organizations, hamlets, and villages. Appearance by a representative from any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village, to present the organization's position on the proposal;

   c. Public testimony; and

   d. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters that were introduced during the hearing.

7. Close of Hearing: No additional testimony, evidence, or argument shall be accepted after the close of the hearing unless the record is held open by the review authority.

8. Reopened Hearing: The hearing may be reopened by the review authority, prior to decision, to receive additional testimony, evidence, or argument. Notice shall be provided to the same persons who received notice of the original hearing and to anyone who provided evidence, argument, or testimony as part of the record.

9. Deliberations: If the review authority is the Planning Commission or Board of County Commissioners, deliberations shall immediately follow the hearing, except that deliberations may be delayed to a subsequent date and time certain. If the review authority is the Hearings Officer, deliberations will not occur, and the Hearings Officer will instead take the matter under advisement.

10. Remand: The Board of County Commissioners may remand any matter previously considered by the Planning Commission back to the Planning Commission for further review.

11. Recommendation or Decision: When the review authority is the Planning Commission or Board of County Commissioners, the recommendation or decision, as applicable, will be voted on and announced during a public meeting.

D. Ex Parte Contact:

   1. The review authority shall not do any of the following:

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;

b. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with a particular application, unless the parties are afforded an opportunity to contest the material so noted; or

c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. Individuals representing the review authority may inspect the site alone but must put the circumstances of the inspection on record.

2. A party may challenge the review authority, or individual member thereof, on the grounds of Subsection 1307.14(D)(1), or that such individual has a legal conflict of interest as defined by ORS 244.020(1) or ORS 244.120. A challenge and the decision thereon by the review authority shall be entered in the record of the application.

3. While every effort must be made to avoid ex parte contact, no decision of the review authority shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1307.14(D)(1), if the review authority (or individual member thereof) receiving the contact:

   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.

4. A communication between County staff and the Historic Review Board, Design Review Committee, Planning Commission, or Board of County Commissioners shall not be considered an ex parte contact for purposes of Subsection 1307.14(D)(1).

E. Evidence and Exhibits:

1. All evidence may be received unless excluded by the review authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the approval of the land use permit or legislative land use proposal more or less probable than it would without the evidence. Evidence may be received subject to a later ruling regarding its admissibility.

2. The review authority may exclude cumulative, repetitious, or immaterial evidence, but erroneous admission of evidence by the review authority shall not preclude action by the review authority or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.

3. All evidence shall be offered and made a part of the record in the application or legislative proceeding; and, except for matters stipulated to and except as provided in Subsection 1307.14(E)(4), no other factual information or evidence shall be considered in the recommendation or decision.

4. The review authority may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within specialized knowledge. Except in a Type IV proceeding, 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 review authority may utilize experience, technical competence, and specialized knowledge in evaluation of the evidence presented.

5. 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.

F. Time Limits: The review authority 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. No person may speak more than once without obtaining permission from the review authority.

G. Questioning: The review authority (or individual member thereof) or County staff may question any person who testifies. The applicant and other parties to the proceeding shall not have the right to question or cross-examine any person who testifies.

H. Scope of Testimony: Except in a Type IV proceeding, testimony shall be directed towards the applicable standards and criteria that apply to the proposal. The review authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the review authority may call for those in favor and those in opposition to rise, and the review authority shall note the numbers of such persons for the record.

I. Continuances and Open Record Periods:

1. All documents or evidence relied upon by the applicant shall be submitted to the County and be made available to the public. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the review authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.

2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The review authority shall either continue the public hearing, pursuant to Subsection 1307.14(I)(2)(a), or leave the record open for additional written evidence, argument, or testimony, pursuant to Subsection 1307.14(I)(2)(b).

   a. If the review authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, argument, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, argument, or testimony for the purpose of responding to the new written evidence. Only one continuance is available of right under Subsection 1307.14(I)(2)(a); provided, however, nothing in Subsection 1307.14(I)(2)(a) shall restrict the review authority, in its discretion, from granting additional continuances.

   b. If the review authority leaves the record open for additional written evidence, argument, or testimony, the record shall be left open for at least seven days. The review authority may leave the record open for an additional period of at least seven days for any participant to respond to new evidence submitted during the prior open-record period. However, if the review authority has not provided for this additional open-record period, any participant may file a written request with the Planning Director for an opportunity to respond to new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is left open. If such a request is filed, the review authority may reopen the record pursuant to Subsection 1307.14(I)(4).

c. A continuance or extension granted pursuant to Subsection 1307.14(I)(2) shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.

3. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and place certain, in which case notice of the continued hearing shall be given as though it were the initial hearing.

4. If the record is reopened to admit new evidence, argument, or testimony, any person may raise new issues which relate to the new evidence, argument, testimony, or criteria for decision-making which apply to the matter at issue. Notice of the reopened record shall be provided to any person who presented evidence, argument, or testimony as part of the record prior to the date the record was reopened.

5. Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.

J. Record of Hearing:

1. 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.

2. The record of proceedings is comprised of:

a. The Comprehensive Plan and this Ordinance, all of which shall be automatically incorporated into the record;

b. The application or legislative proposal that initiated the proceeding;

c. All testimony, argument, evidence, and exhibits submitted prior to the close of the record of the proceeding;

d. Any staff reports submitted prior to the close of the record of the proceeding;

e. Any electronic presentation used by either staff, applicant, or other participant in the proceeding;

f. The verbatim record, as provided in Subsection 1307.14(J)(1);

g. Minutes, if any, of the hearing;

h. A verbatim record, as provided in Subsection 1307.14(J)(1), of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority;

i. Minutes, if any, of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority; and

j. The written decision.

1307.15 APPEALS

Subsection 1307.15 applies to all appeals processed by the County of decisions issued under Section 1307, except for appeals of Type II-E decisions, which shall be processed pursuant to ORS 197.375. Table 1307-1, *Land Use Permits by Procedure Type*, identifies those land use permit decisions that may be appealed at the County level and the applicable review authority for those appeals.

A. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business.

B. Notice of Appeal: Notice of appeal shall be made on a form prescribed by the Planning Director and shall be accompanied by the appeal fee. The notice of appeal shall contain:

1. Identification of the decision sought to be appealed, including its assigned file number, the name of the applicant, and the decision date;

2. The name, mailing address, and telephone number of the appellant;

3. The nature of the decision being appealed and the grounds for appeal; and

4. Signature(s) of the appellant(s), or the duly authorized representative(s) thereof, authorizing the filing of the appeal.

C. Proper Filing of Notice of Appeal: The failure to file a timely and complete notice of appeal is a jurisdictional defect, and the Planning Director shall not accept a notice of appeal that does not comply with Subsections 1307.15(A) and (B). The Planning Director's determination that an appellant has failed to comply with Subsections 1307.15(A) and (B) shall be final.

D. Appeal Procedures; Scope: Appeals are subject to the following procedures:

1. De Novo Review: Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level review authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record of the appeal. For purposes of Subsection 1307.15(D)(1), the record of the initial proceeding consists of

   a. Those items listed in Subsections 1307.14(J)(2)(a) through (d) and (j); and

   b. Those items listed in Subsections 1307.14(J)(2)(e) through (i), to the extent that any prior hearing(s) or public meeting(s) were conducted in reaching the decision that is being appealed.

2. Notice of Public Hearing: Notice of public hearing shall be provided as follows:

   a. A minimum of 20 days prior to the first evidentiary hearing on the appeal, written notice of the appeal and hearing shall be mailed to:

      i. Those who were entitled to notice pursuant to Subsection 1307.09(A)(1); however, notwithstanding Table 1307-2, *Noticing Distances for Type II Land Use Permit Applications*, if the subject property is in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRFF-5, or TBR Districts, notice of the public hearing shall be provided to all property owners of record, pursuant to Subsection 1307.18(C), within 2,640 feet (½ mile) of the subject property and all contiguous properties under the same ownership;

      ii. The appellant; and

      iii. Anyone who previously provided evidence, argument, or testimony as part of the record.

   b. At a minimum, notice of hearing shall include those elements identified in Subsection 1307.12(A)(4), except that 1307.12(A)(4)(i) will reference the appealed decision, rather than the staff report.

3. Public Hearing: A public hearing shall be held before the appeal review authority, for the purpose of receiving testimony regarding the application.

4. Decision: The appeal review authority shall consider the record and affirm the decision, affirm the decision with additional conditions or modifications, or reverse the decision. The appeal review authority shall issue a written decision in the form of an order, which shall be signed and dated, that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include the elements identified in Subsection 1307.12(D)(1) through (5).

5. Notice of Decision: A copy of the written order shall be mailed to:

   a. Those identified in Subsection 1307.15(E); and

   b. The appellant.

6. Appeal: Except where an additional County-level appeal is provided pursuant to Subsection 1307.15(E), the appeal review authority's decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

E. Review of an Interpretation by the Board of County Commissioners:

1. A second County-level appeal is provided for applications for an interpretation of the Comprehensive Plan, where the Board of County Commissioners shall review the decision of the Planning Commission on appeal. Processing of the appeal shall comply with Subsections 1307.15(A) through (D), except that notice of the public hearing shall be given to:

   a. Those identified in Subsections 1307.09(A)(1)(a), (c) through (e), and (h);

   b. The appellant;

   c. Anyone who provided evidence, argument, or testimony as part of the record; and

   d. Anyone who made a written request for notice of decision.

2. A second County-level appeal is provided for applications for an interpretation of this Ordinance, where the Board of County Commissioners may choose to review the decision of the Hearings Officer on appeal but is not required to do so.

   a. If the Board of County Commissioners accepts the appeal, processing of the appeal shall comply with Subsections 1307.15(A) through (D), except that notice of the public hearing shall be given pursuant to Subsection 1307.15(E)(1).

b. If the Board of County Commissioners denies a request for review, it shall do so in writing. Notice of the denial shall be given pursuant to Subsection 1307.15(E)(1). If the Board of County Commissioners denies a request for review, the decision of the Hearings Officer stands as the final decision of the County. The period for appeal to the Oregon Land Use Board of Appeals commences on the date of mailing of the Board of County Commissioners' denial of review.

F. Effect of Judicial or Administrative Review: Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the County shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any development permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by County Counsel, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.

G. Remand from the Land Use Board of Appeals: Except as set forth in Oregon Revised Statutes (ORS) 215.435(4), the County shall take final action on decisions remanded by the Oregon Land Use Board of Appeals within the time frame established by ORS 215.435(1) and (2).

1307.16 CONDITIONS OF APPROVAL

Approval of a Type I, II, II-E, or III land use permit 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. Failure to fulfill any conditions within the time limitations provided shall be grounds for the Planning Director to initiate revocation of the approved land use permit pursuant to Subsection 1307.18(L).

B. Conditions shall be imposed to ensure compliance with the standards and approval criteria applicable to the land use permit, or shall be reasonably calculated to fulfill public needs emanating from the proposed land uses as set forth in the application, in the following respects:

1. Protection of the public from the potentially deleterious effects of the proposed use; or

2. Fulfillment of the need for public services created by the proposed use.

C. The review authority may find compliance with an applicable approval criterion by imposing conditions necessary to ensure compliance and finding that it is feasible for the conditions to be satisfied. Notwithstanding this provision, where conditions require state agency permits to be obtained, the review authority need only find substantial evidence to demonstrate that the applicant is not precluded from obtaining such state agency permits as a matter of law.

D. A surety may be required from the applicant, in an amount sufficient to ensure compliance with one or more conditions of approval, subject to Section 1311, *Completion of Improvements, Sureties, and Maintenance*.

1307.17 FEES

Fees are for the purposes of defraying administrative costs and are subject to the following:

A. Fees payable at the time of application or appeal are established by separate order of the Board of County Commissioners.

B. The failure to submit the required fee with an application or appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.

C. An active community planning organization that is recognized by the County may file appeals without fee, provided the decision to file an appeal is made at a public meeting held in compliance with Oregon Revised Statutes 192.610 to 192.690.

D. Appeal fees shall be refunded if the appellant prevails. Any other fee refund policy shall be established by separate order of the Board of County Commissioners.

E. The County Administrator or designee may reduce or waive fees upon showing of just cause to do so.

1307.18 GENERAL PROVISIONS

A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.

B. Signatures:

1. When any person signs as the owner of property, as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that they are buying the property under contract, the Planning Director and the review authority, if other than the Planning Director, may accept these statements to be true, unless the contrary be proved, and except where otherwise in this Ordinance more definite and complete proof is required. Nothing herein shall prevent the Planning Director or the review authority, if other than the Planning Director, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.

2. As used in Section 1307, the word "signature" includes a signature affixed by electronic means.

C. Property Owner Notice: Where notice to property owners of record is required by Section 1307, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal need not be notified of the application, decision, or hearing. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in Section 1307 shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.

D. Method of Mailing: When mailing is required by Section 1307, first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.

E. Burden of Proof: Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.

F. Argument and Evidence: For the purposes of Section 1307:

1. Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by any party. Argument does not include facts.

2. Evidence means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by any party to be relevant to the proposal.

G. Withdrawal: Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.

H. Final Action Deadline: Except as modified by Oregon Revised Statutes (ORS) 197.365 through 197.380, 197.797, or 197A.470, the County shall take final action on a land use permit application that is subject to ORS 215.427, including resolution of all County appeals, within the time period specified by ORS 215.427, unless the applicant provides written request for an extension of such period pursuant to ORS 215.427(5).

I. Effective Date of Decision: The County's final decision on a Type I, II, II-E, or III land use permit application becomes effective on:

1. The day the final decision is issued, if no appeal at the County level is allowed;

2. The day after the appeal period expires, if an appeal at the County level is allowed, but no notice of appeal is timely filed;

3. The day the decision is issued by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County's final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed; or

4. The date of mailing of the Board of County Commissioners' denial of review, pursuant to Subsection 1307.15(E)(2)(b).

J. Reissuing a Decision: The review authority may reissue a Type I, II, II-E, or III decision as a result of a clerical error, a misstatement of facts, or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period, if any, or after the filing of an appeal. Notice of the reissued decision shall be given in the same manner as notice of the original decision. A new appeal period equal to that of the original decision shall be provided from the date of mailing of the amended decision.

K. Re-filing an Application: If a Type II, II-E, II-S, or III land use permit application is denied, or a Type II, II-E, II-S, or III land use permit is revoked pursuant to Subsection 1307.18~~7~~(L), an applicant may re-file for consideration of the same or substantially similar application only if:

1. At least two years have passed after either final denial of an application by the County or revocation of a permit; or

2. The review authority finds that one or more of the following circumstances render inapplicable all of the specific reasons for the denial:

   a. A change, which is material to the application, has occurred in this Ordinance, the Comprehensive Plan, or other applicable law; 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 Section 1308;

   b. A mistake in facts, which was material to the application, was considered by the review authority;

   c. There have been changes in circumstances resulting in new facts material to the application;

   d. A change has occurred in the zoning of the subject property, or adjacent property, that substantially affects the merits of the application; or

   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.

L. Revocation of Approval: An approval of a Type II, II-E, II-S, or III land use permit may be revoked, as follows:

1. The Planning Director may initiate a public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation.

2. Revocation of approval shall be reviewed using the Type III procedure. The Hearings Officer shall be the review authority, and the decision of the Hearings Officer shall be the final decision of the County.

3. Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.

M. Modifications: Except as permitted pursuant to Section 1309, *Modifications*:

1. A modification to an approved Type I, I-H, II, II-E, II-S, or III land use permit, or conditions thereto, shall be processed as a new application; and

2. A modification to conditions of approval for a Type II, II-E, II-S, or III land use permit shall be considered only if:

a. Two years have passed since final approval of the land use permit proposed for modification; or

b. One or more of the circumstances identified in Subsection 1307.18~~7~~(K)(2) apply.

[Added by Ord. ZDO-248, 10/13/2014; Amended by Ord. ZDO-253, 06/01/2015; Amended by Ord. ZDO-254, 01/04/2016; Amended by Ord. ZDO-262, 05/23/2017; Amended by Ord. ZDO-266, 05/23/2018; Amended by Ord. ZDO-269, 09/06/2018; Amended by Ord. ZDO-268, 10/02/2018; Amended by Ord. ZDO-276, 10/01/2020; Amended by Ord. ZDO-280, 10/23/2021; Amended by Ord. ZDO-282, 07/01/2022; Amended by Ord. ZDO-283, 09/05/2023; Amended by Ord. ZDO-285, 09/03/2024; Amended by Ord. ZDO-293, 09/08/2026]

Summary of Proposed Amendments to Comprehensive Plan Chapter 11, *The Planning Process*

1. Add tribes to coordination policies to acknowledge the importance of coordinating with tribes with an ancestral connection to land within Clackamas County and to implement the recently-adopted adopted Cultural Areas Rule (OAR 660-023-0210).

2. Amend Policy 11.B.3.1 to allow for a local, state, or tribal government in Oregon to initiate a legislative Comprehensive Plan amendment, if the application is to determine if a cultural landscape feature is significant and complete the Goal 5 process for a significant landscape feature pursuant to OAR 660-023-0030.

3. Amend Policy 11.B.3.1 to allow for a city to initiate a legislative Comprehensive Plan amendment for the purpose of amending that city's urban growth boundary.

4. Replace all instances of the term "citizen" with a more appropriate term, such as "member of the public" or "community member".

Chapter 11: THE PLANNING PROCESS

The purpose of Clackamas County's comprehensive planning process is to establish a framework for land use decisions that will meet the needs of County residents; recognize the County's interrelationships with its cities, surrounding counties, the region, and the state; and ensure that changing priorities and circumstances can be met. Coordination with other governmental agencies and refinement of this Plan and County ordinances is essential to achieve this end.

ISSUES

- Coordination with cities, special districts and federal, state and regional agencies
- Compatibility of County planning programs with those of other jurisdictions and agencies
- Relationship of changing circumstances to County plans and ordinances
- Implementation of County goals and policies
- Public and private costs
- Administration of ordinances and programs

SUMMARY OF FINDINGS AND CONCLUSIONS

- Comprehensive planning in Oregon is mandated by the State. The 1973 Legislature adopted Senate Bill 100 (ORA Chapter 197) which established the Land Conservation and Development Commission (LCDC) and directed the commission to adopt Statewide Planning Goals and Guidelines. LCDC Goals and Guidelines were adopted in December 1974, and became effective January 1, 1975.

  The Statewide Planning Goals require Clackamas County to:

  - Provide opportunity for ~~citizen~~ public involvement
  - Establish a land use planning process and policy framework
  - Preserve and maintain agricultural lands
  - Conserve forest lands for forest uses
  - Conserve open space and protect natural and scenic resources
  - Maintain and improve the quality of our air, water and land resources
  - Protect life and property from natural disasters and hazards
  - Satisfy the recreation needs of the ~~citizens~~ residents of the state and visitors
  - Diversify and improve the economy of the state
  - Provide for the housing needs of the ~~citizens~~community
  - Plan and develop a timely, orderly, and efficient arrangement of public facilities and services
  - Provide and encourage a safe, convenient, and economic transportation system

  - Conserve energy
  - Provide an orderly and efficient transition from rural to urban land use
  - Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of the Willamette Greenway

- LCDC adopted 19 statewide goals, of which the 15 listed above apply to Clackamas County. The remaining goals (16-19) apply only to Oregon's coastal areas.
- This Plan satisfies requirements and goals of the Land Conservation and Development Commission. The 15 goals that apply to Clackamas County are addressed within various chapters of the Plan, some as individual topic areas, and others covered in more than one chapter.
- Metro is responsible for coordinating land use planning activities of the jurisdictions within its district, including:

  - Coordinating local plan review for consistency with statewide goals and guidelines within the Metro jurisdiction. Plans of jurisdictions outside the district are reviewed by the County.
  - Requiring, local plans be consistent with the Metro Land Use Framework Element, the Region 2040 Urban Growth Management Functional Plan and Statewide Planning Goals.
  - Requiring amendments to the Plan in a timely manner consistent with regional goals and objectives and/or functional elements.

- More than 150 different federal and state agencies, local governments, and special purpose districts provide services and are involved in planning or engage in activities which directly affect the scope and direction of the County's Plan. Agency boundaries seldom coincide.
- Interagency coordination is necessary to assure that the activities of the agencies reinforce each other and this Plan.
- Area-wide management of problems is needed for transportation, air and water quality, housing and solid waste.
- The County contains 15 cities, all of which have adopted or intend to adopt, comprehensive plans, which may include land outside their boundaries.
- The County contains over 100 special districts, which provide services to unincorporated areas.

CITY, SPECIAL DISTRICT AND AGENCY COORDINATION

Clackamas County recognizes that many activities and problems spill across political boundaries, making coordination with special districts, cities, tribal governments, and state and federal agencies essential.

CITY, SPECIAL DISTRICT AND AGENCY COORDINATION GOALS

- Provide a coordinated approach to problems which transcend local government and special purpose district boundaries or responsibilities.
- Coordinate various agency capital improvement programs with the County's Comprehensive Plan.
- Direct the activities of the various agencies toward implementation of this Plan.
- Establish specific areas adjacent to city boundaries within which the County will coordinate land use actions with the individual city, and within which formal plan agreement will be sought.

11.A City, Special District, Tribal, and Agency Coordination Policies

11.A.1 Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.

11.A.2 Request state and regional governments, cities and special districts to inform the County of needs which should be addressed in the County's planning program.

~~11.A.2~~11.A.3 Coordinate with federally recognized tribes in Oregon when considering land use actions that may affect cultural landscape features or archaeological resources.

~~11.A.3~~11.A.4 Encourage and assist Metro in developing and updating its regional database.

~~11.A.4~~11.A.5 Actively participate with Metro in identifying regional needs and priorities and implementing functional plans.

~~11.A.5~~11.A.6 Continue to assist ~~its citizens~~members of the public in contacting and communicating with other governmental agencies.

~~11.A.6~~11.A.7 Adopt Urban Growth Management Agreements with each city and offer to sign such agreements with all special districts.

~~11.A.7~~11.A.8 Apply this Plan to unincorporated dual interest areas, except those areas where the County has adopted city plan designations in accordance with an urban growth management agreement. Such agreements may provide that the County will not plan or zone dual interest areas at urban densities prior to their annexation by a city. After annexation to a city, this Plan will continue to apply, in accordance with the provisions of ORS 215.130, until the city applies its own land use plan and/or zoning designation. The County will revise Urban Growth Management Agreements to ensure that all agreements include provisions consistent with ORS 215.130.

~~11.A.8~~11.A.9 Notify the parties to Urban Growth Management Agreements of proposed land use actions and Plan amendments and encourage participation in formulating and evaluating the proposals. Request necessary technical assistance in assessing impacts on the area and enter all formal comments into the public record.

~~11.A.9~~11.A.10 Ensure consistency between city and County plans. Any conflicts shall be stated in an Urban Growth Management Agreement, and resolution of these conflicts will occur through the Plan amendment process.

~~11.A.10~~11.A.11 Engage the public in development of intergovernmental agreements.

AMENDMENTS AND IMPLEMENTATION

Clackamas County ~~citizens~~ community members need a Comprehensive Plan that will meet and guide changing needs and circumstances for the physical and economic growth within the County. The adoption of the Comprehensive Plan is not an end in itself. The Plan must be implemented by governmental or ~~citizen~~ community member action. It must be kept current through periodic review and appropriate revision.

AMENDMENTS AND IMPLEMENTATION GOALS

- Ensure that policies in this Plan are implemented.
- Establish Plan review and revision procedures that include provisions for participation by ~~citizens~~ community members and affected governmental units.
- Ensure an adequate factual base for decisions and actions.

11.B Amendments and Implementation Policies

11.B.1 Ensure that the Comprehensive Plan and County ordinances meet the goals of LCDC, the Region 2040 Urban Growth Management Functional Plan and the Metro Framework Plan.

11.B.2 Ensure that the Comprehensive Plan is regularly reviewed and revised.

11.B.2.1 Establish administrative and organizational procedures to ensure adequate monitoring of population, vacant lands, transportation systems, public facility capacities, and environmental and economic changes, including a computerized data retrieval system.

11.B.2.2 Maintain the adopted ~~citizen~~ public involvement program to provide a means for the public to express their views on County or community needs, changes and improvements.

11.B.2.3 Periodically reassess goals, general policies and implementation, as well as the database and alternatives on which this Plan is based.

11.B.2.4 Formally review the Comprehensive Plan at periodic intervals.

11.B.3 Amend the Comprehensive Plan pursuant to the following procedures and guidelines.

11.B.3.1 Allow initiation of a map amendment only by:

11.B.3.1.a T~~t~~he Board of County Commissioners, the Planning Commission, or the Planning Director; ~~or~~

11.B.3.1.b T~~t~~he owner of the property for which a change is requested;

11.B.3.1.c A city, for the purpose of adopting an amendment to that city's urban growth boundary; or

11.B.3.1.d A local, state, or tribal government in Oregon, to determine if a cultural landscape feature is significant and warrants protection under Statewide Planning Goal 5.

11.B.3.2 Allow initiation of a text amendment only by the Board of County Commissioners, the Planning Commission, or the Planning Director.

11.B.3.3 Consider all proposed Comprehensive Plan amendments at advertised public hearings before the Planning Commission and the Board of County Commissioners, in accordance with state law and County requirements.

11.B.3.4 For quasi-judicial amendments, provide notice of application and public hearing to nearby property owners and the applicable Community Planning Organization a minimum of 20 days prior to the first scheduled public hearing. Provide a copy of the application to the applicable Community Planning Organization a minimum of 35 days prior to the first scheduled public hearing. For legislative amendments, provide notice of proposal and public hearing to all active and recognized Community Planning Organizations a minimum of 20 days prior to the first scheduled public hearing. Ensure that the proposal is available for review a minimum of 35 days prior to the first scheduled public hearing.

11.B.3.5 Provide the opportunity for the Department of Land Conservation and Development and Metro to review and comment on proposed legislative amendments, pursuant to the applicable provisions of state law and the Metro Code .

11.B.3.6 Recognize the Board of County Commissioners as the decision making body for amendments, but provide for the Planning Commission to make recommendations to the Board on these amendments, except in the case of a Plan amendment to designate an historic resource, in which case the Historic Review Board shall be the recommending body.

11.B.4 Coordinate the Plan with regional policies by allowing the acknowledged Plan to be "opened" periodically for amendments that specifically consider compliance with regional goals and objectives and functional elements.

11.B.4.1 "Open" the Plan, each of its elements, and the implementing ordinances for amendments that consider compliance with the goals and objectives and functional plans of Metro on a periodic basis.

11.B.4.2 Recognize that this provision is not to be construed as waiving any legal rights that the County may have to challenge the legality of a regional goal, objective or plan revision.

11.B.5 Authorize the Planning Director to make the initial decision on any questions of interpretation or applicability of this Plan. Provide for the initial decision to be appealed to the Planning Commission and for the Planning Commission’s decision to be appealed to the Board of County Commissioners.

11.B.6 Implement this Plan through appropriate ordinances and action.

11.B.6.1 Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan.
11.B.6.2 Apply zoning in a timely manner that is consistent with this Plan.
11.B.6.3 Require all zoning and subdivision ordinances to be consistent with the intent of, and based on, this Plan.

11.B.6.4 Require all actions of the County on conditional uses, variances, and zone changes to be consistent with the intent of this Plan.

11.B.7 Consider the development and adoption of Plan amendments to meet special needs within specific neighborhoods or communities.

11.B.7.1 Develop when necessary detailed plans for areas of significant new development or redevelopment, Rural Communities, additional rural areas or areas of transition from rural to urban areas.

11.B.7.2 Develop appropriate community plans to implement housing, transportation and park policies where necessary at the community level.

11.B.8 Provide public facilities and services appropriate for urban and nonurban designations through participation with regional agencies, cities and special districts in studies to determine needs, service areas and jurisdictional responsibility.

11.B.8.1 Include opportunities for appropriate ~~citizen~~ public participation in all facilities and service plans and implementation decisions.

11.B.9 Pursue, as deemed appropriate, enactment or amendment of state statutes and regulations to facilitate opportunities for achieving the goals of this Plan.

11.B.10 Develop public financing systems that are more capable of providing the revenues needed to finance the public improvements needed to implement this Plan.

11.B.10.1 Actively pursue funding possibilities including public/private partnerships, federal or state grants, real estate transfer tax, and tax increment financing to realize practical application and benefit of this Plan's policies.

11.B.10.2 Pursue annual development of a Capital Improvement Program for the coming fiscal year, the next five years, and the long-term outlook.

11.B.10.3 Coordinate with federal, state and regional governments to maximize their contributions to County projects.

11.B.10.4 Evaluate the use of a systems development charge based on the development's impact to help alleviate its impact on transportation facilities, open space and other publicly financed facilities.

11.B.11 Ensure maximum public benefit from the policy directions in this Plan and the provisions in implementing ordinances by continuing to promote public information/education on land use opportunities and constraints.

11.B.12 Continue to administer state agency regulations at the local level in those cases where doing so will improve service to the people of the County. State programs that currently lend themselves to County administration include soil tests for septic tank suitability.

EXHIBIT LIST
IN THE MATTER OF ZDO-294: *Minor and Time Sensitive Comprehensive Plan and Zoning & Development Ordinance Amendments* *FY 2027*

Ex. No.	*Date Received*	*Author or Source*	*Subject & Date of Document (if different than date received)*
1	---	Planning staff	Land use notices
2	---	Planning staff	Misc. background documents: • HB 2138[2025]; housing, middle housing • HB 4153[2026]; farm stores and agritourism • OAR 660-023-0210; Cultural Areas Rules
3	10/14/2026	Melissa Gonzalez-Gabriel, OR Dept of Transportation (ODOT)	Comments noting no concerns about proposal related to farm stores
4	10/19/2026	Kara Petersdorf	Comments opposing density increases; asks for county to adopt only what is required under state law
5	10/25/2026	Kara Petersdorf	Additional comments reiterating ask to adopt no more than what is required under state mandates
6	10/26/2026	Angie Golleher	Comments in support of the proposed change to setbacks in the FU-10 district
7	10/26/2026	Julie Parrish	Comments in support of the proposed change to setbacks in the FU-10 district
8	10/28/2026	Dale Petersdorf	Comments in support of some aspects of the proposal but opposing density increases; asks for county to adopt only what is required under state law
9	10/29/2026	Kara Petersdorf	Additional comments reiterating ask to adopt no more than what is required under state mandates
10	11/2/2026	Samantha Bayer, Oregon Property Owners Association (OPOA)	Letter requesting changes to optional farm store standards related to parking, hours of operation for noisy activities, and noise studies

Notice of Land Use Public Hearings

for Community Planning Organizations, Hamlets, and Other Interested Parties

Subject: **Ordinance ZDO-294**: *Minor and Time Sensitive Comprehensive Plan and ZDO Amendments FY2027*

Notice Date: September 21, 2026

Contact: Martha Fritzie, Principal Planner
150 Beavercreek Road, Oregon City, OR 97045
Phone: 503-742-4529
Email: mfritzie@clackamas.us

Minor and Time-Sensitive Comprehensive Plan and ZDO Amendments is a Planning project that is intended to be completed annually and focuses on relatively minor changes to the County's Comprehensive Plan and Zoning and Development Ordinance (ZDO) that are necessary to comply with any new state and federal mandates, clarify existing language, correct errors, or adopt optional provisions that require only minimal analysis.

Ordinance ZDO-294 includes the minor and time sensitive amendments for fiscal year 2027 (FY2027) and proposes changes to one chapter of the Comprehensive Plan and to 21 sections of the ZDO and the addition of one new ZDO section, in order to accomplish the following four actions:

1. Implement state mandates, which were adopted through legislation or administrative rulemaking, that are currently in effect or will become effective by January 1, 2027;
2. Adopt optional regulations for farm stores, which is a use mandated by new state law in the Exclusive Farm Use and Ag/Forest zones;
3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district; and
4. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

The Planning Commission and Board of County Commissioners have scheduled hearings to receive testimony from the public and other interested parties on the proposed amendments. Because the amendments may affect your community or area of interest, we are giving you and your organization advance notice of the opportunity to review and comment on them before or at the public hearings.

A summary of the amendments proposed for each section of the ZDO will be available online at www.clackamas.us/planning/zdo294. To obtain emailed or printed copies of the full text of the proposed amendments, please contact Planning & Zoning at 503-742-4500 or zoninginfo@clackamas.us.

Public Hearings and Testimony

Interested parties are welcome to provide testimony in advance of or at the hearings listed below. The Planning Commission public hearings are held virtually using the Zoom platform. The Board of County Commissioners' public hearings are held both in-person and virtually using the Zoom platform. One week before the hearing dates, a Zoom link to the public hearing and details on how to observe and testify will be posted at the hearing web address.

Public Hearing Dates and Times:

Planning Commission: 6:30 p.m., Monday, October 26, 2026
www.clackamas.us/planning/planning-commission

Board of County Commissioners: 11:00 a.m., Tuesday, November 10, 2026
BCC Hearing Room (4th Floor), 2051 Kaen Rd, Oregon City, 97045
www.clackamas.us/meetings/bcc/landuse

Written testimony may be submitted before the hearings to Martha Fritzie at mfritzie@clackamas.us or 150 Beavercreek Road, Oregon City, OR 97045.

- Written testimony received by 4 p.m., Wednesday, October 14, 2026, will be included in the information packet provided to the Planning Commission one week before its scheduled hearing; written testimony received after that time and before 10 a.m., Monday, October 26, 2026, will be emailed to the Planning Commission before the hearing. If the Planning Commission continues the October 26th hearing, additional testimony submittal deadlines will be identified at that hearing.

- Written testimony received by 4 p.m., Monday, November 2, 2026, will be included in the information packet provided to the Board of County Commissioners (BCC) one week before its scheduled hearing; written testimony received after that time and before 4 p.m., Monday, November 9, 2026, will be emailed to the BCC before the hearing. If the BCC continues the November 10th hearing, additional testimony submittal deadlines will be identified at that hearing.

Interested parties who want to present **verbal testimony** at either hearing will be asked to sign up and/or indicate their interest in testifying at the beginning of the hearing.

Overview of Proposed Amendments

Ordinance ZDO-294 proposes changes to accomplish the following five actions.

1. **Implement state mandates, which were adopted through legislation or administrative rulemaking, that are currently in effect or will become effective by July 1, 2027.**

   Generally, these amendments fall into one of three categories: (1) expanding allowances for middle housing, single room occupancies, and replacement dwellings, (2) implementing new rules related to coordination with tribes and establishing significant cultural landscape areas, and (3) implementing new rules for farm stores and associated agri-tourism activities in agriculture zones. ZDO-294 includes amendments to include these mandatory items in the county's ZDO, including:

   - Expanding middle housing allowances in the Urban Low Density Districts and VR 5/7 and VR4/5 Districts to include up to four middle housing dwelling units that are in any configuration of attached or detached units;

- Allowing single room occupancies (SROs) to be developed at three times the density of dwelling units in zones that allow multifamily dwellings;
- Amending the Middle Housing Land Division (MHLD) process to allow an existing detached single family dwelling or duplex to remain on one of the lots created through the middle housing land division.
- Adopting procedures for notifying tribes with ancestral connections to lands in Clackamas County of Type II and III land use applications that propose ground disturbance;
- Implementing a new process for designating and potentially protecting significant cultural landscape features under Statewide Planning Goal 5, *Natural Resources, Scenic and Historic Areas, and Open Spaces*;
- Expanding allowances for farm stores and associated agri-tourism activities in agriculture zones; and
- Adding a new Section 850, *Restoration or Replacement of a Dwelling*, to implement Senate Bill 1561 [2026], which is mandatory for local governments, applies in all zoning districts, and establishes standards for the restoration of replacement of a dwelling damaged or destroyed by a natural or involuntary event.

2. Adopt regulations for farm stores in Exclusive Farm Use and Ag/Forest zones

Per the legislation relating to farm stores in agriculture zones (HB 4153 [2026]), allowing farm stores, and associated agri-tourism activities, in agricultural zones is mandatory. However, the county is permitted to adopt operational standards for farm stores specifically related to

(A) Access, egress and parking;
(B) Traffic management;
(C) Noise management;
(D) Hours of event operation; or
(E) Sanitation and solid waste.

Ordinance ZDO-294 includes proposed amendments for regulations related to (A) through (D) above with the exception of sanitation, which will continue to be regulated by other county-administered standards.

3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district.

In response to a request by a member of the public to remedy a setback issue, ZDO-294 includes a proposed amendment that would allow an exception to the setback standards applicable to residential accessory structures when properties are both located in the FU-10 (Future Urban, 10-acre) zoning district and have had a low-density residential comprehensive plan designation applied by the City of Oregon City. The proposal would allow for property owners in that circumstance to develop under the city's setback rules applicable to accessory structures in low density residential zones, rather than the larger setback requirements in the FU-10 zone.

4. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

- Revise an outdated provision related to schools and required by the Metro Code.
- Increase the maximum size allowed for a flag from 40 sq. ft. to 47.5 sq. ft. to allow for a military casket flag to be flown.

- Clarify existing allowances for wireless telecommunication facilities in the EFU, TBR, and AG/F zones
- Edit Section 406, *Timber District*, as needed to conform to state statutes and administrative rules. These rules may also apply in the AG/F District.
- Clarify provisions that routinely cause confusion for staff and customers.
- Correct citations and typographical errors.

Additional Information and Staff Report

For general Planning & Zoning information:
www.clackamas.us/planning

For additional information about ZDO-294 and its public hearings (and for a copy of the staff report available October 19, 2026):
www.clackamas.us/planning/zdo294

or

Martha Fritzie, 503-742-4529, mfritzie@clackamas.us

or

Planning & Zoning Customer Service, 503-742-4500, zoninginfo@clackamas.us

From: DLCD Plan Amendments
To: Fritzie, Martha
Subject: Confirmation of PAPA Online submittal to DLCD
Date: Monday, September 21, 2026 3:51:53 PM

Warning: External email. Be cautious opening attachments and links.

Clackamas County

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.
Local File #: ZDO-294
DLCD File #: 005-26
Proposal Received: 9/21/2026
First Evidentiary Hearing: 10/26/2026
Final Hearing Date: 11/10/2026
Submitted by: mfritzie

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.

83rd OREGON LEGISLATIVE ASSEMBLY--2025 Regular Session

Enrolled
House Bill 2138

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor Tina Kotek for Office of the Governor)

CHAPTER .....

AN ACT

Relating to land use; creating new provisions; amending ORS 34.020, 34.102, 92.031, 92.044, 92.325, 93.277, 94.776, 184.453, 184.633, 197.015, 197.090, 197.200, 197.245, 197.360, 197.365, 197.724, 197.794, 197.796, 197.825, 197.830, 197A.015, 197A.400, 197A.420, 197A.430, 197A.465, 197A.470, 215.402, 215.416, 215.427, 215.429, 223.299, 227.160, 227.173, 227.175, 227.178, 227.179, 227.184, 421.649 and 476.394 and sections 3 and 4, chapter 639, Oregon Laws 2019, and section 1, chapter 110, Oregon Laws 2024; repealing ORS 92.377, 197.370, 197.375, 197.380, 197.726 and 197.727; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

MIDDLE HOUSING

SECTION 1. ORS 197A.420 is amended to read:

197A.420. (1) As used in this section **and section 3 of this 2025 Act**:

(a) "City" [*or*] **includes a local government with jurisdiction over unincorporated lands within an urban growth boundary.**

(b) "City with a population of 25,000 or greater" includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

[*(b) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.*]

[*(c) "Middle housing" means:*]

[*(A) Duplexes;*]

[*(B) Triplexes;*]

[*(C) Quadplexes;*]

[*(D) Cottage clusters; and*]

[*(E) Townhouses.*]

(c) "Cottage cluster" means a grouping of dwelling units:

(A) That are detached or attached in subgroupings of up to four units in any configuration;

(B) That have a common courtyard; and

(C) That each have a small footprint or floor area.

(d) "Duplex" means two attached or detached dwellings in any configuration on a lot or parcel, other than a lot or parcel created by a middle housing land division.

(e)(A) "Middle housing" means housing that consists of duplexes, triplexes, quadplexes, cottage clusters or townhouses.

(B) "Middle housing" includes dwelling units that are:

(i) Additional units allowed under section 3 of this 2025 Act; and

(ii) Existing dwelling units to which additional units are added under subsection (4) of this section.

(f) "Middle housing land division" has the meaning given that term in ORS 92.031.

(g) "Quadplex" means four attached or detached dwellings in any configuration on a lot or parcel, other than a lot or parcel created by a middle housing land division.

[*(d)*] **(h)** [*"Townhouses"*] **"Townhouse"** means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(i) "Triplex" means three attached or detached dwellings in any configuration on a lot or parcel, other than a lot or parcel created by a middle housing land division.

(j) "Zoned for residential use" means land that:

(A) Is within an urban growth boundary;

(B) Has base zoning for, or is designated to allow, residential uses;

(C) Allows the development of a detached single-unit dwelling;

(D) Is not zoned primarily for commercial, industrial, agricultural or public uses; and

(E) Is incorporated or urban unincorporated land.

(2) Except as provided in subsection (4) of this section, **each county,** each city with a population of 25,000 or greater**,** and each [*county or*] city **with a population of 1,000 or greater** within [*a metropolitan service district*] **Metro,** shall allow the development of[*:*]

[*(a)*] all middle housing types [*in areas*] **on each lot or parcel** zoned for residential use**.** [*that allow for the development of detached single-family dwellings; and*]

[*(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.*]

(3) [*Except as provided in subsection (4) of this section,*] Each city not within [*a metropolitan service district*] **Metro** with a population of 2,500 or greater and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use**.** [*that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.*]

[*(4)(a) Except within Tillamook County, this section does not apply to:*]

[*(A) Cities with a population of 1,000 or fewer, except inside of Tillamook County;*]

[*(B) Lands not within an urban growth boundary;*]

[*(C) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065; or*]

[*(D) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.*]

[*(b) This section does not apply to lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses.*]

(4)(a) Each city required to allow middle housing under subsection (2) or (3) of this section, excluding urban unincorporated land not within Metro, shall allow the lot or parcel to include existing housing consisting of:

(A) One single-unit dwelling;

(B) One single-unit dwelling plus one accessory dwelling unit; or

(C) One duplex.

(b) The city may require only the new units, and not the existing units, to comply with siting and design standards adopted under subsection (5) of this section.

(c) Existing units on the lot or parcel may be separated from the new units by a middle housing land division and are considered a single unit for the purposes of such division.

(5) Local governments**:**

(a) May regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not[,] individually or cumulatively[,] discourage**, through unreasonable costs or delay,** the development of all middle housing types permitted in the area [*through unreasonable costs or delay*].

(b) [*Local governments*] May regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6)(a) A local government may not, based on traffic impacts from any individual middle housing development allowed under this section or section 3 of this 2025 Act:

(A) Require a traffic impact analysis; or

(B) Attribute an exaction other than a generally applicable system development charge or fee-in-lieu variance charge or a development requirement specific to the lot or parcel or its frontage.

(b) This subsection does not apply to:

(A) Developments of townhouses or cottage clusters with more than twelve units.

(B) Lots or parcels created by a division of land, other than a middle housing land division, that occurred within the previous five years.

[*(6)*] **(7)** This section does not prohibit local governments from permitting:

(a) [*Single-family*] **Single-unit** dwellings in areas zoned to allow for [*single-family*] **single-unit** dwellings; or

(b) Middle housing in areas not required under this section.

[*(7)*] **(8)** A local government that amends its comprehensive plan or land use regulations relating to allowing additional middle housing is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 2. Section 3 of this 2025 Act is added to and made a part of ORS chapter 197A.

SECTION 3. (1) As used in this section:

(a) "Accessible unit" means a unit of housing that complies with the "Type A" requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.

(b) "Affordable unit" means a unit of housing that is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:

(A) Makes the unit available to purchase for a maximum sales price and requires that the unit be purchased by a household with an income below 120 percent of median income, with both the maximum price and income threshold as published per region on an annual basis by the division of the Oregon Department of Administrative Services that serves as office of economic analysis; and

(B) Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.

(2) The definitions in ORS 197A.420 apply to this section.

(3) On any lot or parcel on which middle housing may be sited under ORS 197A.420 (2) or (3), except for urban unincorporated land not within Metro, if one or more of the units of middle housing is an accessible or affordable unit, a city shall allow, subject to ORS 197A.420 (5), the additional development of:

(a) For any allowable duplex or triplex, one additional attached or detached dwelling unit, resulting in a triplex or quadplex.

(b) For any allowable townhouse, quadplex or cottage cluster, up to two additional attached or detached dwelling units, resulting in additional townhouse or cottage cluster units or attached or detached five-unit or six-unit developments.

(4) The additional units under this section are subject to the regulations under ORS 197A.420 (5), except that a city must allow commensurate increases to the developable area, floor area, height or density requirements to allow for the development of the units.

(5) This section does not limit a local government from enacting density bonuses that provide a greater number of accessible or affordable units, or housing that is affordable to more families, than required by this section.

SECTION 3a. ORS 197A.015, as amended by section 1, chapter 102, Oregon Laws 2024, is amended to read:

197A.015. As used in this chapter:

(1) "Allocated housing need" means the housing need allocated to a city under ORS 184.453 (2) as segmented by income level under ORS 184.453 (4).

(2) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for the development of needed housing over a 20-year planning period, including both vacant land and developed land likely to be redeveloped.

(3) "City" and "city with a population of 10,000 or greater" includes, regardless of size:

(a) Any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods; and

(b) A county with respect to its jurisdiction over Metro urban unincorporated lands.

(4) "Development-ready lands" means buildable lands that are likely to support the production of housing during the period of their housing production target under ORS 184.455 (1) because the lands are:

(a) Currently annexed and zoned to allow housing through clear and objective standards and procedures;

(b) Readily served through adjacent public facilities or identified for the near-term provision of public facilities through an adopted capital improvement plan; and

(c) Not encumbered by any applicable local, state or federal protective regulations or have appropriate entitlements to prepare the land for development.

(5) "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

(6) "Housing capacity" means the number of needed housing units that can be developed on buildable lands within the 20-year planning period based on the land's comprehensive plan designation and capacity for housing development and redevelopment.

(7) "Housing production strategy" means a strategy adopted by a local government to promote housing production under ORS 197A.100.

(8) "Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.003.

(9) "Metro urban unincorporated lands" means [*lands*] **urban unincorporated lands** within the Metro urban growth boundary**.** [*that are identified by the county as:*]

[*(a) Not within a city;*]

[*(b) Zoned for urban development;*]

[*(c) Within the boundaries of a sanitary district or sanitary authority formed under ORS chapter 450 or a district formed for the purposes of sewage works under ORS chapter 451;*]

[*(d) Within the service boundaries of a water provider with a water system subject to regulation as described in ORS 448.119; and*]

[*(e) Not zoned with a designation that maintains the land's potential for future urbanization.*]

(10) "Periodic review" means the process and procedures as set forth in ORS 197.628 to 197.651.

(11) "Prefabricated structure" means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a [*single-family*] **single-unit** dwelling.

(12) "Urban unincorporated lands" means lands within an urban growth boundary that are identified by the county as:

(a) Not within a city;

(b) Zoned for urban development;

(c) Within the boundaries of a sanitary district or sanitary authority formed under ORS chapter 450 or a district formed for the purposes of sewage works under ORS chapter 451;

(d) Within the service boundaries of a water provider with a water system subject to regulation as described in ORS 448.119; and

(e) Not zoned with a designation that maintains the land's potential for future urbanization.

SECTION 4. Section 3, chapter 639, Oregon Laws 2019, as amended by section 21, chapter 223, Oregon Laws 2023, and section 3, chapter 283, Oregon Laws 2023, is amended to read:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement ORS [*197.758*] **197A.420 or section 3 of this 2025 Act** no later than:

(a) June 30, 2021, for each city subject to ORS 197.758 (3) (2021 Edition) **as in effect on January 1, 2023**;

(b) June 30, 2022, for each local government subject to ORS [*197.758 (2)*] **197A.420 (2),** except as provided in [*paragraph (d)*] **paragraphs (d) to (f)** of this subsection;

(c) June 30, 2025, for each city subject to ORS [*197.758 (3), as amended by section 20 of this 2023 Act*] **197A.420 (3) but not included in paragraph (a) of this subsection**; [*or*]

(d) July 1, 2025, for each city, as defined in ORS [*197.758*] **197A.420**, in Tillamook County[.]**;**

(e) Except as provided in paragraph (f) of this subsection, January 1, 2027, for cities to conform with section 3 of this 2025 Act or the amendments to ORS 197A.420 by section 1 of this 2025 Act; or

(f) January 1, 2028, for cities to conform with amendments to ORS 197A.420 by section 1 of this 2025 Act pertaining to changes relating to cottage clusters.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section [*under*] **as provided by** ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

SECTION 5. Section 4, chapter 639, Oregon Laws 2019, as amended by section 22, chapter 223, Oregon Laws 2023, is amended to read:

Sec. 4. (1) The Department of Land Conservation and Development may grant to a local government that is subject to ORS [*197.758*] **197A.420** an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3, chapter 639, Oregon Laws 2019.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are significantly deficient and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1), chapter 639, Oregon Laws 2019, or the model ordinance developed under section 3 (2), chapter 639, Oregon Laws 2019.

(4) A request for an extension by a local government must be filed with the department no later than:

(a) December 31, 2020, for a city subject to ORS 197.758 (3) (2021 Edition)**, as in effect on January 1, 2023**.

(b) June 30, 2021, for a local government subject to ORS [*197.758 (2)*] **197A.420 (2)**.

(c) June 30, 2024, for each city subject to ORS [*197.758 (3), as amended by section 20 of this 2023 Act*] **197A.420 (3)**.

(d) June 30, 2026, only for unincorporated urban lands.

(5) The department shall grant or deny a request for an extension under this section:

(a) Within 90 days of receipt of a complete request from a city subject to ORS [*197.758 (3)*] **197A.420 (3)**.

(b) Within 120 days of receipt of a complete request from a local government subject to ORS [*197.758 (2)*] **197A.420 (2)**.

(6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:

(a) Defining the affected areas;

(b) Calculating deficiencies of water, sewer, storm drainage or transportation services;

(c) Service deficiency levels required to qualify for the extension;

(d) The components and timing of a remediation plan necessary to qualify for an extension;

(e) Standards for evaluating applications; and

(f) Establishing deadlines and components for the approval of a plan of action.

SECTION 5a. ORS 184.453, as amended by section 6, chapter 102, Oregon Laws 2024, is amended to read:

184.453. (1) On an annual basis the Oregon Department of Administrative Services shall conduct a statewide housing analysis. The analysis must be conducted statewide and segmented into regions as determined by the department. The analysis shall estimate factors including, but not limited to:

(a) Projected needed housing units over the next 20 years;

(b) Current housing underproduction;

(c) Housing units needed for people experiencing homelessness; and

(d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.

(2) At the time the department performs the housing analysis under subsection (1) of this section, the department shall allocate a housing need for each city. For Metro urban unincorporated lands, as defined in ORS 197A.015, the department shall make one allocation for each county in Metro.

(3) In making an allocation under subsection (2) of this section, the department shall consider:

(a) The forecasted population growth under ORS 195.033 or 195.036;

(b) The forecasted regional job growth;

(c) An equitable statewide distribution of housing for income levels described in subsection (4) of this section;

(d) The estimates made under subsection (1) of this section;

(e) For cities within Metro, the needed housing projected under ORS 197A.348 (2); and

(f) The purpose of the Oregon Housing Needs Analysis under ORS 184.451 (1).

(4) In estimating and allocating housing need under this section, the department shall segment need by the following income levels:

(a) Housing affordable to households making less than 30 percent of median family income;

(b) Housing affordable to households making 30 percent or more and less than 60 percent of median family income;

(c) Housing affordable to households making 60 percent or more and less than 80 percent of median family income;

(d) Housing affordable to households making 80 percent or more and less than 120 percent of median family income; and

(e) Housing affordable to households making 120 percent or more of median family income.

(5) On an annual basis, the department shall publish maximum sales prices and income affordability requirements, by region, as described in section 3 (1) of this 2025 Act.

SINGLE ROOM OCCUPANCIES

SECTION 6. ORS 197A.430 is amended to read:

197A.430. (1) As used in this section, "single room occupancy" means a residential development with no fewer than four attached **or detached** units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

(2) Within an urban growth boundary, each local government shall allow the development of a single room occupancy:

(a) With up to six units on each lot or parcel zoned to allow for the development of a detached [*single-family*] **single-unit** dwelling; and

[*(b) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.*]

(b) With up to three times the number of units allowed by the maximum density standards of a lot or parcel on which is allowed multiunit housing with five or more dwelling units.

(3)(a) For a single room occupancy, a local government may not require more parking for every three single room occupancy units than the local government requires for:

(A) A single detached dwelling, if the single room occupancy development has six or fewer units; or

(B) A dwelling unit in a multiunit housing development, if the single room occupancy development has more than six units.

(b) This subsection does not apply to a single room occupancy used as a residential care facility as defined in ORS 443.400.

SECTION 6a. A local government shall comply as described in ORS 197.646 (1) with the new requirements imposed under the amendments to ORS 197A.430 by section 6 of this 2025 Act on or before January 1, 2027.

PROMOTING HOUSING DENSITY

SECTION 7. ORS 93.277 is amended to read:

93.277. A provision in a recorded instrument affecting real property is [*not enforceable if:*] **void and unenforceable, as being against the policy of this state of promoting housing availability and affordability and affirmatively furthering fair housing as defined in ORS 197A.100, if, within an urban growth boundary as defined in ORS 197.015,**

[*(1)*] the provision would allow the development of a [*single-family*] **single-unit** dwelling on the real property but would prohibit the development of, or the partitioning or subdividing of lands under ORS 92.031 for:

[*(a)*] **(1)** Middle housing, as defined in ORS 197A.420; or

[*(b)*] **(2)** An accessory dwelling unit allowed under ORS 197A.425 [*(1); and*]**.**

[*(2) The instrument was executed on or after January 1, 2021.*]

SECTION 7a. If House Bill 3144 becomes law, section 7 of this 2025 Act (amending ORS 93.277) is repealed and ORS 93.277, as amended by section 1, chapter 274, Oregon Laws 2025 (Enrolled House Bill 3144), is amended to read:

93.277. **(1) A provision in a recorded instrument affecting real property is void and unenforceable, as being against the policy of this state of promoting housing availability and affordability and affirmatively furthering fair housing as defined in ORS 197A.100, if, within an urban growth boundary as defined in ORS 197.015, the provision would allow the development of a single-unit dwelling on the real property but would prohibit the development of, or the partitioning or subdividing of lands under ORS 92.031 for:**

(a) Middle housing, as defined in ORS 197A.420; or

(b) An accessory dwelling unit allowed under ORS 197A.425.

[*(1)*] **(2)** A provision in a recorded instrument affecting real property is not enforceable if the provision would allow the development of a [*single-family*] **single-unit** dwelling on the real property but would prohibit the development of[*, or the partitioning or subdividing of lands under ORS 92.031 for*]:

[*(a) Middle housing, as defined in ORS 197A.420;*]

[*(b) An accessory dwelling unit allowed under ORS 197A.425 (1);*]

[*(c)*] **(a)** A manufactured dwelling, as defined in ORS 446.003; or

[*(d)*] **(b)** A prefabricated structure, as defined in ORS 197A.015.

[*(2)*] **(3) Subsection (2) of** this section applies only [*if the*] **to an** instrument[*:*]

[*(a) Contains a provision described under subsection (1)(a) or (b) of this section and was executed on or after January 1, 2021.*]

[*(b) Contains a provision described under subsection (1)(c) or (d) of this section and was*] executed on or after [*effective date of this 2025 Act*] **January 1, 2026**.

SECTION 8. ORS 93.277 applies to instruments executed before, on or after January 1, 2021.

SECTION 9. ORS 94.776 is amended to read:

94.776. (1) A provision in a governing document [*that is adopted or amended on or after January 1, 2020,*] is void and unenforceable**, as being against the policy of this state of promoting housing availability and affordability and affirmatively furthering fair housing as defined in ORS 197A.100,** to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of, or the dividing of lands under ORS 92.031 for, housing**, including accessory dwelling units or middle housing,** that is otherwise allowable under the maximum density of the zoning for the land.

(2) Lots or parcels [*resulting*]**, as those terms are defined in ORS 92.010, that result** from the division of land in a planned community are subject to the governing documents of the planned community [*and*]**. Any resulting dwelling units** are allocated assessments and voting rights on the same basis as existing units.

SECTION 10. ORS 94.776 applies to governing documents that were adopted before, on or after January 1, 2020.

SECTION 11. The amendments to ORS 93.277 and 94.776 by sections 7 and 9 of this 2025 Act become operative on January 1, 2027.

SECTION 12. The repeal of section 7 of this 2025 Act (amending ORS 93.277) by section 7a of this 2025 Act and the amendments to ORS 93.277 by section 7a of this 2025 Act become operative on January 1, 2027.

SECTION 13. ORS 197A.400, as amended by section 2, chapter 533, Oregon Laws 2023, and section 4, chapter 111, Oregon Laws 2024, is amended to read:

197A.400. (1)**(a)** Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating**:**

(A) The development of housing[*, including needed housing, on land within an urban growth boundary, unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.*]**; and**

(B) Tree removal codes related to the development of housing.

(b) The standards, conditions and procedures:

[*(a)*] **(A)** May include, but are not limited to, one or more provisions regulating the density or height of a development.

[*(b)*] **(B)** May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

[*(c)*] **(C)** May be contained in a comprehensive plan, land use regulation or an ordinance relating to housing adopted by a city that adopts, including by reference, a model ordinance adopted by the

Land Conservation and Development Commission that comports with any qualifications, conditions or applicability of the model ordinance.

(c) This subsection applies only within:

(A) An urban growth boundary;

(B) An unincorporated community designated in a county's acknowledged comprehensive plan after December 5, 1994;

(C) Nonresource land; or

(D) An area zoned for rural residential use as defined in ORS 215.501.

(2) The provisions of subsection (1) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or greater.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

(4) Subject to subsection (1) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS

SECTION 14. ORS 92.031, as amended by section 10, chapter 102, Oregon Laws 2024, is amended to read:

92.031. (1) As used in this section, "middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) **or section 3 of this 2025 Act**.

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

[*(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420 (5);*]

[*(b)*] **(a)** Separate utilities**, other than water or wastewater,** for each dwelling unit;

(b) A proposal for development of middle housing that is in compliance or must comply with the Oregon residential specialty code and land use regulations under ORS 197A.420 (5) that are applicable to the original lot or parcel and which may consist of:

(A) A single duplex, triplex, quadplex, cottage cluster or structure containing townhouses;

(B) Additional units as allowed by section 3 (3) of this 2025 Act; and

(C) Retained or rehabilitated existing units allowed under ORS 197A.420 (4), if any;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

(d) Exactly one dwelling unit on each resulting lot or parcel, except for**:**

(A) Lots, parcels or tracts used as common areas**; or**

(B) Lots or parcels with a detached single-unit dwelling and accessory dwelling unit or a duplex as allowed under ORS 197A.420 (4); and

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:

(a) **Subject to subsection (6) of this section,** prohibit the further division of the resulting lots or parcels.

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

(4) In reviewing an application for a middle housing land division, a city or county:

(a) Shall apply the procedures [*under ORS 197.360 to 197.380*] **applicable to an expedited land division under ORS 197.365, if requested by the applicant and without regard to the criteria in ORS 197.360 (1)**.

(b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197A.420.

(c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or**, only if requested by the applicant, ORS 197.365** [*ORS 197.360 to 197.380*].

(e) [*May*] **Shall** allow the submission of an application **for a tentative plan** for a middle housing land division **before, after or** at the same time as the submission of an application for building permits for the middle housing.

(f) May require the dedication of right of way if the original parcel did not previously provide a dedication.

(g) May require separate water and wastewater utilities for each dwelling unit.

(h) Shall allow any existing units allowed under ORS 197A.420 (4) to be considered a single middle housing unit and allow for the unit to be allocated its own lot or parcel by the division.

(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.

[*(6) Notwithstanding ORS 197A.425 (1), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*]

(6) Notwithstanding ORS 197A.425 (1) and subsection (4)(d) and (e) of this section, a city or county may prohibit or add approval criteria to the allowance of a new accessory dwelling unit on, or a subsequent middle housing land division of, a lot or parcel resulting from a middle housing land division:

(a) To the extent allowed under this section and ORS 197A.420; and

(b) Provided that the middle housing land division lots or parcels may be used to create housing that is at or above the minimum density for the zoning of the land.

(7) Notwithstanding any other provision of ORS 92.010 to 92.192, within the same calendar year as an original partition **that was not a middle housing land division**, a city or county may allow one **or more** of the resulting vacant parcels to be further [*divided*] **partitioned** into not more than three parcels through a middle housing land division**.**[*, provided that:*]

[*(a) The original partition was not a middle housing land division; and*]

[*(b) The original parcel or parcels not divided will not be part of the resulting partition plat for the middle housing land division.*]

(8) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section [*or ORS 197.360 to 197.380*] prohibits a city or county from requiring a final plat before issuing building permits.

SECTION 15. ORS 92.044 is amended to read:

92.044. (1)(a) The governing body of a county or a city shall, by regulation or ordinance, adopt standards and procedures, in addition to those otherwise provided by law, governing, in the area over which the county or the city has jurisdiction under ORS 92.042, the submission and approval of tentative plans and plats of subdivisions[,] **and** tentative plans and plats of partitions [*in exclusive farm use zones established under ORS 215.203*].

(b) The standards [*shall*] **must** include, taking into consideration the location and surrounding area of the proposed subdivisions or partitions, requirements for:

(A) Placement of utilities subject to subsection (7) of this section, for the width and location of streets or for minimum lot sizes and other requirements the governing body considers necessary for lessening congestion in the streets;

(B) Securing safety from fire, flood, slides, pollution or other dangers;

(C) Providing adequate light and air**,** including protection and assurance of access to incident solar radiation for potential future use;

(D) Preventing overcrowding of land;

(E) Facilitating adequate provision of transportation, water supply, sewerage, drainage, education, recreation or other needs; and

(F) Protection and assurance of access to wind for potential electrical generation or mechanical application.

(c) The [*ordinances or regulations shall establish*] **procedures must provide for:**

(A) The form and contents of tentative plans of partitions and subdivisions submitted for approval.

[*(d)*] **(B)** [*The procedures established by each ordinance or regulation shall provide for*] The coordination in the review of the tentative plan of any subdivision or partition with all affected city, county, state and federal agencies and all affected special districts.

(C) A method by which the city or county may approve a plan or plat that includes further division of one or more of the resulting lots or parcels via concurrently submitted applications for middle housing land divisions under ORS 92.031, all to be approved within the timelines provided under ORS 215.427 or 227.178.

(2)(a) The governing body of a city or county may provide for the delegation of any of its lawful functions with respect to subdivisions and partitions to the planning commission of the city or county or to an official of the city or county appointed by the governing body for such purpose.

(b) If an ordinance or regulation adopted under this section includes the delegation to a planning commission or appointed official of the power to take final action approving or disapproving a tentative plan for a subdivision or partition, such ordinance or regulation may also provide for appeal to the governing body from such approval or disapproval.

(c) The governing body may establish, by ordinance or regulation, a fee to be charged for an appeal under ORS chapter 197, 197A, 215 or 227, except for an appeal under ORS 197.805 to 197.855.

(3) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon proposed subdivisions that are

submitted for approval pursuant to this section. As used in this subsection, "costs" does not include costs for which fees are prescribed under ORS 92.100 and 205.350.

(4) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon proposed partitions that are submitted for approval pursuant to this section.

(5) Ordinances and regulations adopted under this section [*shall*] **must** be adopted in accordance with ORS 92.048.

(6) Any ordinance or regulation adopted under this section [*shall*] **must** comply with the comprehensive plan for the city or county adopting the ordinance or regulation.

(7) Unless specifically requested by a public or private utility provider, the governing body of a city or county may not require a utility easement except for a utility easement abutting a street. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

(8) For the purposes of this section:

(a) "Incident solar radiation" means solar energy falling upon a given surface area.

(b) "Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour.

SECTION 16. ORS 215.427, as amended by section 7, chapter 102, Oregon Laws 2024, and section 8, chapter 110, Oregon Laws 2024, is amended to read:

215.427. [*(1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.*]

(1) Except as provided in subsections (3), (5) and (10) of this section, the governing body of a county or its designee shall take final action on an application, including resolution of all appeals under ORS 215.422, within the shortest applicable period of the following periods, all of which begin on the date that the application is deemed complete:

(a) 150 days;

(b) 120 days, for land within an urban growth boundary or for applications for mineral aggregate extraction;

(c) 100 days, for an application for the development of affordable housing as provided in ORS 197A.470; or

(d) 63 days, for an expedited land division under ORS 197.365.

(2) If an application [*for a permit, limited land use decision or zone change*] is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application [*shall be*] **is** deemed complete for the purpose of subsection (1) of this section [*and ORS 197A.470*] upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information within 180 days of the date the application was first submitted, approval or denial of the application must be based:

(A) Upon the standards and criteria that were applicable at the time the application was first submitted; or

(B) For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.

(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:

(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;

(B) For the purposes of this section**,** [*and ORS 197A.470*] the application is not deemed complete until:

(i) The county determines that additional information is not required under subsection (2) of this section; or

(ii) The applicant makes a submission under subsection (2) of this section in response to a county's request;

(C) A county may deny a request under paragraph (a)(B) of this subsection if:

(i) The county has issued a public notice of the application; or

(ii) A request under paragraph (a)(B) of this subsection was previously made; and

(D) The county may not require that the applicant:

(i) Pay a fee, except to cover additional costs incurred by the county to accommodate the request;

(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or

(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section [*or the 100-day period set in ORS 197A.470*] may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section [*and the 100-day period set in ORS 197A.470 do*] **does** not apply to:

(a) A decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a county involving an application for the development of residential structures within an urban growth boundary, where the county has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) [*Except when an applicant requests an extension under subsection (5) of this section,*] If the governing body of the county or its designee does not take final action on an application [*for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete,*] **within the applicable periods allowed under subsections (1) and**

(5) of this section, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS [*197A.470 or*] 215.429 as a condition for taking any action on an application**,** [*for a permit, limited land use decision or zone change*] except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in subsections (1) and (5) of this section [*and ORS 197A.470*] may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

(11) As used in this section, "application" means an application for:

(a) A permit;

(b) A limited land use decision;

(c) A zone change;

(d) A consolidated zone change and permit described under ORS 215.416;

(e) An expedited land division under ORS 197.365; or

(f) A plat consisting of a land division and middle housing land division as described in ORS 92.044 (1)(c)(C).

SECTION 17. ORS 227.178, as amended by section 8, chapter 102, Oregon Laws 2024, and section 9, chapter 110, Oregon Laws 2024, is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application [*for a permit, limited land use decision or zone change*], including resolution of all appeals under ORS 227.180, within [*120 days after*] **the shortest applicable period of the following periods, all of which begin on the date that** the application is deemed complete[.]**:**

(a) 120 days;

(b) 100 days, for an application for the development of affordable housing as provided in ORS 197A.470; or

(c) 63 days, for an expedited land division under ORS 197.365.

(2) If an application [*for a permit, limited land use decision or zone change*] is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application [*shall be*] **is** deemed complete for the purpose of subsection (1) of this section [*or ORS 197A.470*] upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application must be based:

(A) Upon the standards and criteria that were applicable at the time the application was first submitted; or

(B) For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.

(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:

(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;

(B) For the purposes of this section**,** [*and ORS 197A.470*] the application is not deemed complete until:

(i) The city determines that additional information is not required under subsection (2) of this section; or

(ii) The applicant makes a submission under subsection (2) of this section in response to a city's request;

(C) A city may deny a request under paragraph (a)(B) of this subsection if:

(i) The city has issued a public notice of the application; or

(ii) A request under paragraph (a)(B) of this subsection was previously made; and

(D) The city may not require that the applicant:

(i) Pay a fee, except to cover additional costs incurred by the city to accommodate the request;

(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or

(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The [*120-day*] period set in subsection (1) of this section [*or the 100-day period set in ORS 197A.470*] may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The [*120-day*] period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the [*120-day*] period set in subsection (1) of this section [*and the 100-day period set in ORS 197A.470 do*] **does** not apply to:

(a) A decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a city involving an application for the development of residential structures within an urban growth boundary, where the city has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) [*Except when an applicant requests an extension under subsection (5) of this section,*] If the governing body of the city or its designee does not take final action on an application [*for a permit, limited land use decision or zone change within 120 days after the application is deemed complete*] **within the period set in subsection (1) of this section**, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee; or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the [*120-day*] period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS [*197A.470 or*] 227.179 as a condition for taking any action on an **application,** [*for a permit, limited land use decision or zone change*] except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section [*and ORS 197A.470*] may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

(12) As used in this section, "application" means an application for:

(a) A permit;

(b) A limited land use decision;

(c) A zone change;

(d) A consolidated zone change and permit described under ORS 227.175;

(e) An expedited land division under ORS 197.365; or

(f) A plat consisting of a land division and middle housing land division as described in ORS 92.044 (1)(c)(C).

SECTION 18. ORS 197.360 and 197.365 are added to and made a part of ORS chapter 197A.

SECTION 19. ORS 197.360 is amended to read:

197.360. (1) [*As used in this section:*]

[*(a) "Expedited land division" means a division of land*] **If requested by the applicant, a local government shall approve a partition or subdivision made** under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 [*by a local government that*] **as an expedited land division under ORS 197.365 if the division**:

[*(A)*] **(a)** Includes only land that is zoned for residential uses and is within an urban growth boundary.

[*(B)*] **(b)** Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

[*(C)*] **(c)** Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

[*(i)*] **(A)** Open spaces, scenic and historic areas and natural resources;

[*(ii)*] **(B)** The Willamette River Greenway;

[*(iii)*] **(C)** Estuarine resources;

[*(iv)*] **(D)** Coastal shorelands; and

[*(v)*] **(E)** Beaches and dunes.

[*(D)*] **(d)** Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

[*(E)*] **(e)** Will result in development that either:

[*(i)*] **(A)** Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

[*(ii)*] **(B)** Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

[*(b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.*]

[*(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.*]

[*(3)*] **(2)** [*The provisions of ORS 197.360 to 197.380 apply*] **ORS 197.365 applies** to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

[*(4)*] **(3)** An application [*for an expedited land division submitted to a local government shall*] **under this section must** describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section.

SECTION 20. ORS 197.365 is amended to read:

197.365. [*Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under ORS 92.031:*]

[*(1)(a) If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.*]

[*(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*]

[*(2) The local government shall provide written notice of the receipt of the completed application for a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.*]

[*(3) The notice required under subsection (2) of this section shall:*]

[*(a) State:*]

[*(A) The deadline for submitting written comments;*]

[*(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and*]

[*(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.*]

[*(b) Set forth, by commonly used citation, the applicable criteria for the decision.*]

[*(c) Set forth the street address or other easily understood geographical reference to the subject property.*]

[*(d) State the place, date and time that comments are due.*]

[*(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.*]

[*(f) Include the name and telephone number of a local government contact person.*]

[*(g) Briefly summarize the local decision-making process for the land division decision being made.*]

[*(4) After notice under subsections (2) and (3) of this section, the local government shall:*]

[*(a) Provide a 14-day period for submission of written comments prior to the decision.*]

Notwithstanding any other requirement applicable to a land use decision under ORS chapter 197 or 197A, for an application that is reviewed as an expedited land division based on the request of the applicant:

(1) A decision is not subject to the requirements of ORS 197.797.

(2) A local government:

[*(b)*] **(a) Shall** make a decision to approve or deny the application within 63 days of receiving a completed application **as described in ORS 215.246 or 227.178**, based on whether [*it*] **the application** satisfies the substantive requirements of the applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. [*For applications subject to this section, the local government:*]

[*(A)*] **(b)** [*Shall*] **May** not hold a hearing on the application[*; and*] **or allow any third party to intervene to oppose the application.**

[*(B)*] **(c)** Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination. **The determination must include an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.**

[*(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:*]

[*(A) The summary statement described in paragraph (b)(B) of this subsection; and*]

[*(B) An explanation of appeal rights under ORS 197.375.*]

(d) Shall provide notice of the decision to the applicant but may not require that notice be given to any other person.

(e) May assess an application fee calculated to recover the estimated full cost of processing an application based on the estimated average cost of such applications. Within one year of establishing a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing expedited land decisions.

(3) Only the applicant may appeal an expedited land division made under this section.

SECTION 21. ORS 92.377, 197.370, 197.375, 197.380, 197.726 and 197.727 are repealed.

RULEMAKING

SECTION 22. (1) On or before January 1, 2028, the Land Conservation and Development Commission shall adopt rules that must include:

(a) Prohibiting or restricting siting and design standards that prevent or discourage, or have the effect of preventing or discouraging, the siting of middle housing that is manufactured, site-built or prefabricated;

(b) Establishing parameters on unreasonable cost or delay for siting and design standards for accessory dwelling units and single room occupancies under standards allowed under ORS 197A.425 and 197A.430;

(c) Regulating cottage clusters for the purposes of incentivizing the provision of smaller, less expensive housing, shared community amenities and other public benefits and including regulations that implement the term "small footprint or floor area" as used within the definition of cottage clusters in ORS 197A.420;

(d) Amending siting and design parameters for middle housing types;

(e) Amending permissible discretionary criteria applied by local government in evaluating housing under ORS 197A.400 (3);

(f) Developing model system development charges for residential development types for optional adoption or incorporation by local governments; and

(g) Establishing procedures to estimate the reasonable zoned housing capacity of an area as part of an inventory of buildable lands or housing capacity under ORS 197A.270, 197A.280 and 197A.350.

(2) In adopting rules under this section, the commission shall:

(a) Emphasize improving the efficiency of the development process with a focus on increasing housing production, availability and affordability, especially that of middle housing, accessory dwelling units and single room occupancies.

(b) To the extent practicable, implement recommendations in the reports produced under section 5 (1) to (3), chapter 110, Oregon Laws 2024.

(c) Implement the principles in ORS 197A.025.

(d) Adopt operative and applicable dates for the rules, subject to section 3, chapter 639, Oregon Laws 2019.

(e) Provide a report on or before July 1, 2028, to the interim committees of the Legislative Assembly relating to land use, in the manner provided in ORS 192.245, on the feasibility and advisability of providing safe harbor protections for cities that use the commission's model system development charges under subsection (1)(f) of this section or otherwise incentivizing the use of the models.

CONFORMING AMENDMENTS

SECTION 23. ORS 34.020 is amended to read:

34.020. Except for a proceeding resulting in a land use decision or limited land use decision as defined in ORS 197.015, for which review is provided in ORS 197.830 to 197.845, [*or an expedited land division as described in ORS 197.360, for which review is provided in ORS 197.375 (8),*] any party to any process or proceeding before or by any inferior court, officer, or tribunal may have the decision or determination thereof reviewed for errors, as provided in ORS 34.010 to 34.100, and not otherwise. Upon a review, the court may review any intermediate order involving the merits and necessarily affecting the decision or determination sought to be reviewed.

SECTION 24. ORS 34.102 is amended to read:

34.102. (1) As used in this section, "municipal corporation" means a county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal corporations.

(2) Except for a proceeding resulting in a land use decision or limited land use decision as defined in ORS 197.015, for which review is provided in ORS 197.830 to 197.845, [*or an expedited land division as described in ORS 197.360, for which review is provided in ORS 197.375 (8),*] the decisions of the governing body of a municipal corporation acting in a judicial or quasi-judicial capacity and made in the transaction of municipal corporation business shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

(3) A petition for writ of review filed in the circuit court and requesting review of a land use decision or limited land use decision as defined in ORS 197.015 of a municipal corporation shall be transferred to the Land Use Board of Appeals and treated as a notice of intent to appeal if the petition was filed within the time allowed for filing a notice of intent to appeal pursuant to ORS

197.830. If the petition was not filed within the time allowed by ORS 197.830, the court shall dismiss the petition.

(4) A notice of intent to appeal filed with the Land Use Board of Appeals pursuant to ORS 197.830 and requesting review of a decision of a municipal corporation made in the transaction of municipal corporation business that is not reviewable as a land use decision or limited land use decision as defined in ORS 197.015 shall be transferred to the circuit court and treated as a petition for writ of review. If the notice was not filed with the board within the time allowed for filing a petition for writ of review pursuant to ORS 34.010 to 34.100, the court shall dismiss the petition.

(5) In any case in which the Land Use Board of Appeals or circuit court to which a petition or notice is transferred under subsection (3) or (4) of this section disputes whether it has authority to review the decision with which the petition or notice is concerned, the board or court before which the matter is pending shall refer the question of whether the board or court has authority to review to the Court of Appeals, which shall decide the question in a summary manner.

SECTION 25. ORS 92.325, as amended by section 11, chapter 102, Oregon Laws 2024, is amended to read:

92.325. A person may not sell or lease any subdivided lands or series partitioned lands without having complied with all the applicable provisions of ORS 92.305 to 92.495 except that:

(1) ORS 92.305 to 92.495 do not apply to the sale or leasing of:

(a) Apartments or similar space within an apartment building;

(b) Cemetery lots, parcels or units in Oregon;

(c) Subdivided lands and series partitioned lands in Oregon that are not in unit ownership or being developed as unit ownerships created under ORS chapter 100, to be used for residential purposes and that qualify under ORS 92.337;

(d) Property submitted to the provisions of ORS chapter 100;

(e) Subdivided lands and series partitioned lands in Oregon expressly zoned for and limited in use to nonresidential industrial or nonresidential commercial purposes;

(f) Lands in this state sold by lots or parcels of not less than 160 acres each;

(g) Timeshares regulated or otherwise exempt under ORS 94.803 and 94.807 to 94.945;

(h) Mobile home or manufactured dwelling parks, as defined in ORS 446.003, located in Oregon;

(i) Planned community subdivision of manufactured dwellings or mobile homes created under ORS 92.830 to 92.845;

(j) Lots or parcels created [*from an expedited land division*] under ORS 197.360; or

(k) Lots or parcels created from a middle housing land division under ORS 92.031 **or 92.044 (1)(c)(C)**.

(2) The subdivider or series partitioner of subdivided and series partitioned lands in a city or county which, at the time tentative approval of a subdivision plat and each partition map for those lands is given under ORS 92.040 or an ordinance adopted under ORS 92.046, has a comprehensive plan and implementing ordinances that have been acknowledged under ORS 197.251 must only comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such lands.

SECTION 26. ORS 184.633 is amended to read:

184.633. (1) Subject to policy direction by the Oregon Transportation Commission, the Director of Transportation shall:

(a) Be the administrative head of the Department of Transportation;

(b) Have power, within applicable budgetary limitations, and in accordance with ORS chapter 240, to hire, assign, reassign and coordinate personnel of the department and prescribe their duties and fix their compensation, subject to the State Personnel Relations Law;

(c) Administer the laws of the state concerning transportation;

(d) Intervene, as authorized by the commission, pursuant to the rules of practice and procedure, in the proceedings of state and federal agencies which may substantially affect the interest of the consumers and providers of transportation within Oregon; and

(e) Construct, coordinate and promote an integrated transportation system in cooperation with any city, county, district, port or private entity, as defined in ORS 367.802.

(2) In addition to duties otherwise required by law, the director shall prescribe regulations for the government of the department, the conduct of its employees, the assignment and performance of its business and the custody, use and preservation of its records, papers and property in a manner consistent with applicable law.

(3) The director may delegate to any of the employees of the department the exercise or discharge in the director's name of any power, duty or function of whatever character, vested in or imposed by law upon the director, including powers, duties or functions delegated to the director by the commission pursuant to ORS 184.635. The official act of any such person so acting in the director's name and by the authority of the director shall be considered to be an official act of the director.

(4) The director shall have authority to require a fidelity bond of any officer or employee of the department who has charge of, handles or has access to any state money or property, and who is not otherwise required by law to give a bond. The amounts of the bond shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by the director. The department shall pay the premiums on the bonds.

(5)(a) Subject to local government requirements and the provisions of ORS 197.830 to 197.845, the director may participate in and seek review of a land use decision or limited land use decision as defined in ORS 197.015[*, or an expedited land division as defined in ORS 197.360*]. The director shall report to the commission on each case in which the department participates and on the positions taken by the director in each case.

(b) If a meeting of the commission is scheduled prior to the close of the period for seeking review of a land use decision[*, expedited land division*] or limited land use decision, the director shall obtain formal approval from the commission prior to seeking review of the decision. However, if the land use decision[*, expedited land division*] or limited land use decision becomes final less than 15 days before a meeting of the commission, the director shall proceed as provided in paragraph (c) of this subsection. If the director requests approval from the commission, the applicant and the affected local government shall be notified in writing that the director is seeking commission approval. The director, the applicant and the affected local government shall be given reasonable time to address the commission regarding the director's request for approval to seek review. No other testimony shall be taken by the commission.

(c) If a meeting of the commission is not scheduled prior to the close of the period for seeking review of a land use decision[*, expedited land division*] or limited land use decision, at the next commission meeting the director shall report to the commission on each case for which the department has sought review. The director shall request formal approval to proceed with each appeal. The applicant and the affected local government shall be notified of the commission meeting in writing by the director. The director, the applicant and the affected local government shall be given reasonable time to address the commission regarding the director's request for approval to proceed with the appeal. No other testimony shall be taken by the commission. If the commission does not formally approve an appeal, the director shall file a motion with the appropriate tribunal to dismiss the appeal.

(d) A decision by the commission under this subsection is not subject to appeal.

(e) For purposes of this subsection, "applicant" means a person seeking approval of [*a permit, as defined in ORS 215.402 or 227.160, expedited land division or limited land use decision*] **an application as defined in ORS 215.427 or 227.178**.

(6) The director may intervene in an appeal of a land use decision brought by another person in the manner provided for an appeal by the director under subsection (5) of this section.

SECTION 27. ORS 197.015, as amended by section 44, chapter 110, Oregon Laws 2024, is amended to read:

197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

(1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan,

amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals.

(2) "Board" means the Land Use Board of Appeals.

(3) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(4) "Commission" means the Land Conservation and Development Commission.

(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

(6) "Department" means the Department of Land Conservation and Development.

(7) "Director" means the Director of the Department of Land Conservation and Development.

(8) "Goals" means the mandatory statewide land use planning standards adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; [*or*]

(C) A decision of a county planning commission made under ORS 433.763; **or**

(D) An expedited land division under ORS 197.365;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

[*(E) That is an expedited land division as described in ORS 197.360;*]

[*(F)*] **(E)** That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

[*(G)*] **(F)** That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

[*(H)*] **(G)** That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:

(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;

(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or

(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;

(c) Does not include a decision by a school district to close a school;

(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

(C) A state agency action subject to ORS 197.180 (1), if:

(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or

(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

(12)(a) "Limited land use decision" means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(C) The approval or denial of an application for a replat.

(D) The approval or denial of an application for a property line adjustment.

(E) The approval or denial of an application for an extension, alteration or expansion of a nonconforming use.

(b) "Limited land use decision" does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

(13) "Local government" means any city, county or Metro or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that Metro may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.251.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195, 197 and 197A.

(19) "Special district" means any unit of local government, other than a city, county, Metro or an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

(21) "Urban unincorporated community" means an area designated in a county's acknowledged comprehensive plan as an urban unincorporated community after December 5, 1994.

(22) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(23) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 28. ORS 197.090 is amended to read:

197.090. (1) Subject to policies adopted by the Land Conservation and Development Commission, the Director of the Department of Land Conservation and Development shall:

(a) Be the administrative head of the Department of Land Conservation and Development.

(b) Coordinate the activities of the department in its land conservation and development functions with such functions of federal agencies, other state agencies, local governments and special districts.

(c) Appoint, reappoint, assign and reassign all subordinate officers and employees of the department, prescribe their duties and fix their compensation, subject to the State Personnel Relations Law.

(d) Represent this state before any agency of this state, any other state or the United States with respect to land conservation and development within this state.

(2)(a) Subject to local government requirements and the provisions of ORS 197.830 to 197.845, the director may participate in and seek review of:

(A) A land use decision[*, expedited land division*] or limited land use decision involving the goals or involving an acknowledged comprehensive plan and land use regulations implementing the plan; or

(B) Any other matter within the statutory authority of the department or commission under ORS chapters 195, 196, 197 and 197A.

(b) The director shall report to the commission on each case in which the department participates and on the positions taken by the director in each case.

(c) If a meeting of the commission is scheduled prior to the close of the period for seeking review of a land use decision[*, expedited land division*] or limited land use decision, the director shall obtain formal approval from the commission prior to seeking review of the decision. However, if the land use decision[*, expedited land division*] or limited land use decision becomes final less than 15 days before a meeting of the commission, the director shall proceed as provided in paragraph (d) of

this subsection. If the director requests approval from the commission, the applicant and the affected local government shall be notified in writing that the director is seeking commission approval. The director, the applicant and the affected local government shall be given reasonable time to address the commission regarding the director's request for approval to seek review. The parties shall limit their testimony to the factors established under subsection (3) of this section. No other testimony shall be taken by the commission.

(d) If a meeting of the commission is not scheduled prior to the close of the period for seeking review of a land use decision[*, expedited land division*] or limited land use decision, at the next commission meeting the director shall report to the commission on each case for which the department has sought review. The director shall request formal approval to proceed with each appeal. The applicant and the affected local government shall be notified of the commission meeting in writing by the director. The director, the applicant and the affected local government shall be given reasonable time to address the commission regarding the director's request for approval to proceed with the appeal. The parties shall limit their testimony to the factors established under subsection (3) of this section. No other testimony shall be taken by the commission. If the commission does not formally approve an appeal, the director shall file a motion with the appropriate tribunal to dismiss the appeal.

(e) A decision by the commission under this subsection is not subject to appeal.

(f) For purposes of this subsection, "applicant" means a person seeking approval of a permit, as defined in ORS 215.402 or 227.160, [*expedited land division*] or limited land use decision.

(3) The commission by rule shall adopt a set of factors for the commission to consider when determining whether to appeal or intervene in the appeal of a land use decision[*, expedited land division*] or limited land use decision that involves the application of the goals, acknowledged comprehensive plan, land use regulation or other matter within the authority of the department or commission under ORS chapters 195, 196, 197 and 197A.

(4) The director may intervene in an appeal of a land use decision[*, expedited land division*] or limited land use decision brought by another person in the manner provided for an appeal by the director under subsection (2)(c) and (d) of this section.

SECTION 29. ORS 197.200 is amended to read:

197.200. (1) A local government may convene a land use proceeding to adopt a refinement plan for a neighborhood or community within its jurisdiction and inside the urban growth boundary as provided in this section.

(2) A refinement plan is more detailed than a comprehensive plan and applies to a specific geographic area. A refinement plan shall:

(a) Establish efficient density ranges, including a minimum and a maximum density for residential land uses;

(b) Establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;

(c) Be based on a planning process meeting statewide planning goals; and

(d) Include land use regulations to implement the plan.

(3) A refinement plan and associated land use regulations adopted prior to September 9, 1995, may qualify as a refinement plan if the local government holds a public hearing to gather public comment and decides to adopt the plan as a refinement plan under this section.

(4) A local government shall apply the procedures for expedited land divisions described in ORS [*197.360 to 197.380*] **197.365** to all applications for land division and site or design review located in any area subject to an acknowledged refinement plan. The review shall include:

(a) All elements of a local government comprehensive plan and land use regulations that must be applied in order to approve or deny any such application; and

(b) Any planned unit development standards and any procedures designed to regulate:

(A) The physical characteristics of permitted uses;

(B) The dimensions of the lots **or parcels** to be created; or

(C) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development.

[*(5) Any decision made on a refinement plan described in subsection (3) of this section shall be appealed only as provided for appeals of expedited land division decisions in ORS 197.375.*]

[*(6)*] **(5)** Refinement plans and implementing ordinances may be adopted through the post-acknowledgment or periodic review process.

SECTION 30. ORS 197.245 is amended to read:

197.245. The Land Conservation and Development Commission may periodically amend the initial goals and guidelines adopted under ORS 197.240 and adopt new goals and guidelines. The adoption of amendments to or of new goals shall be done in the manner provided in ORS 197.235 and 197.240 and shall specify with particularity those goal provisions that are applicable to land use decisions[*, expedited land divisions*] and limited land use decisions before plan revision. The commission shall establish the effective date for application of a new or amended goal. Absent a compelling reason, the commission shall not require a comprehensive plan, new or amended land use regulation, land use decision[*, expedited land division*] or limited land use decision to be consistent with a new or amended goal until one year after the date of adoption.

NOTE: Section 31 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 32. ORS 197.724 is amended to read:

197.724. (1) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:

(a) An exception taken under ORS 197.732 to a statewide land use planning goal;

(b) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or

(c) A federal environmental impact statement under the National Environmental Policy Act.

(2) If the applicant makes a request that complies with subsection (1) of this section, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 [*and 197.370*].

SECTION 33. ORS 197.794 is amended to read:

197.794. (1) As used in this section, "railroad company" has the meaning given that term in ORS 824.200.

(2) If a railroad-highway crossing provides or will provide the only access to land that is the subject of an application for a land use decision[,] **or** a limited land use decision [*or an expedited land division*], the applicant must indicate that fact in the application submitted to the decision maker.

(3) The decision maker shall provide notice to the Department of Transportation and the railroad company whenever the decision maker receives the information described under subsection (2) of this section.

SECTION 34. ORS 197.796 is amended to read:

197.796. (1) An applicant [*for a land use decision, limited land use decision or expedited land division or for a permit*] under ORS 215.427 or 227.178 may accept a condition of approval imposed under ORS 215.416 or 227.175 and file a challenge to the condition under this section. Acceptance by an applicant [*for a land use decision, limited land use decision, expedited land division or permit*] under ORS 215.427 or 227.178 of a condition of approval imposed under ORS 215.416 or 227.175 does not constitute a waiver of the right to challenge the condition of approval. Acceptance of a condition may include but is not limited to paying a fee, performing an act or providing satisfactory evidence of arrangements to pay the fee or to ensure compliance with the condition.

(2) Any action for damages under this section shall be filed in the circuit court of the county in which the application was submitted within 180 days of the date of the decision.

(3)(a) A challenge filed pursuant to this section may not be dismissed on the basis that the applicant did not request a variance to the condition of approval or any other available form of reconsideration of the challenged condition. However, an applicant shall comply with ORS 197.797 (1) prior to appealing to the Land Use Board of Appeals or bringing an action for damages in circuit court and must exhaust all local appeals provided in the local comprehensive plan and land use regulations before proceeding under this section.

(b) In addition to the requirements of ORS 197.797 (5), at the commencement of the initial public hearing, a statement shall be made to the applicant that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

(c) An applicant is not required to raise an issue under this subsection unless the condition of approval is stated with sufficient specificity to enable the applicant to respond to the condition prior to the close of the final local hearing.

(4) In any challenge to a condition of approval that is subject to the Takings Clause of the Fifth Amendment to the United States Constitution, the local government shall have the burden of demonstrating compliance with the constitutional requirements for imposing the condition.

(5) In a proceeding in circuit court under this section, the court shall award costs and reasonable attorney fees to a prevailing party. Notwithstanding ORS 197.830 (15), in a proceeding before the Land Use Board of Appeals under this section, the board shall award costs and reasonable attorney fees to a prevailing party.

(6) This section applies to appeals by the applicant of a condition of approval and claims filed in state court seeking damages for the unlawful imposition of conditions of approval [*in a land use decision, limited land use decision, expedited land division or permit*] **of an application made** under ORS 215.427 or 227.178.

SECTION 35. ORS 197.825 is amended to read:

197.825. (1) Except as provided in ORS 197.320 and subsections (2) and (3) of this section, the Land Use Board of Appeals shall have exclusive jurisdiction to review any land use decision or limited land use decision of a local government, special district or a state agency in the manner provided in ORS 197.830 to 197.845.

(2) The jurisdiction of the board:

(a) Is limited to those cases in which the petitioner has exhausted all remedies available by right before petitioning the board for review;

(b) Is subject to the provisions of ORS 197.850 relating to judicial review by the Court of Appeals;

(c) Does not include a local government decision that is:

(A) Submitted to the Department of Land Conservation and Development for acknowledgment under ORS 197.251, 197.626 or 197.628 to 197.651 or a matter arising out of a local government decision submitted to the department for acknowledgment, unless the Director of the Department of Land Conservation and Development, in the director's sole discretion, transfers the matter to the board; or

(B) Subject to the review authority of the department under ORS 197.412, 197.445, 197.450 or 197.455 or a matter related to a local government decision subject to the review authority of the department under ORS 197.412, 197.445, 197.450 or 197.455;

(d) Does not include those land use decisions of a state agency over which the Court of Appeals has jurisdiction for initial judicial review under ORS 183.400, 183.482 or other statutory provisions;

(e) Does not include any rules, programs, decisions, determinations or activities carried out under ORS 527.610 to 527.770, 527.990 (1) and 527.992; **and**

(f) Is subject to ORS 196.115 for any county land use decision that may be reviewed by the Columbia River Gorge Commission pursuant to sections 10(c) or 15(a)(2) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663[*; and*]**.**

[*(g) Does not include review of expedited land divisions under ORS 197.360.*]

(3) Notwithstanding subsection (1) of this section, the circuit courts of this state retain jurisdiction:

(a) To grant declaratory, injunctive or mandatory relief in proceedings arising from decisions described in ORS 197.015 (10)(b) or proceedings brought to enforce the provisions of an adopted comprehensive plan or land use regulations; and

(b) To enforce orders of the board in appropriate proceedings brought by the board or a party to the board proceeding resulting in the order.

SECTION 36. ORS 197.830 is amended to read:

197.830. (1) Review of land use decisions or limited land use decisions under ORS 197.830 to 197.845 shall be commenced by filing a notice of intent to appeal with the Land Use Board of Appeals.

(2) Except as provided in ORS 197.620, a person may petition the board for review of a land use decision or limited land use decision if the person:

(a) Filed a notice of intent to appeal the decision as provided in subsection (1) of this section; and

(b) Appeared before the local government, special district or state agency orally or in writing.

(3) If a local government makes a land use decision without providing a hearing, except as provided under ORS **197.365 (2),** 215.416 (11) or 227.175 (10), or the local government makes a land use decision that is different from the proposal described in the notice of hearing to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(4) If a local government makes a land use decision without a hearing pursuant to ORS 215.416 (11) or 227.175 (10):

(a) A person who was not provided notice of the decision as required under ORS 215.416 (11)(c) or 227.175 (10)(c) may appeal the decision to the board under this section within 21 days of receiving actual notice of the decision.

(b) A person who is not entitled to notice under ORS 215.416 (11)(c) or 227.175 (10)(c) but who is adversely affected or aggrieved by the decision may appeal the decision to the board under this section within 21 days after the expiration of the period for filing a local appeal of the decision established by the local government under ORS 215.416 (11)(a) or 227.175 (10)(a).

(c) A person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may appeal the decision to the board under this section within 21 days of receiving actual notice of the nature of the decision, if the notice of the decision did not reasonably describe the nature of the decision.

(d) Except as provided in paragraph (c) of this subsection, a person who receives notice of a decision made without a hearing under ORS **197.365 (2),** 215.416 (11) or 227.175 (10) may not appeal the decision to the board under this section.

(5) If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(6) The appeal periods described in subsections (3), (4) and (5) of this section:

(a) May not exceed three years after the date of the decision, except as provided in paragraph (b) of this subsection.

(b) May not exceed 10 years after the date of the decision if notice of a hearing or an administrative decision made pursuant to ORS 197.195 or 197.797 is required but has not been provided.

(7)(a) Within 21 days after a notice of intent to appeal has been filed with the board under subsection (1) of this section, any person described in paragraph (b) of this subsection may intervene in and be made a party to the review proceeding by filing a motion to intervene and by paying a filing fee of $100.

(b) Persons who may intervene in and be made a party to the review proceedings, as set forth in subsection (1) of this section, are:

(A) The applicant who initiated the action before the local government, special district or state agency; or

(B) Persons who appeared before the local government, special district or state agency, orally or in writing.

(c) Failure to comply with the deadline or to pay the filing fee set forth in paragraph (a) of this subsection shall result in denial of a motion to intervene.

(8) If a state agency whose order, rule, ruling, policy or other action is at issue is not a party to the proceeding, it may file a brief with the board as if it were a party. The brief shall be due on the same date the respondent's brief is due and shall be accompanied by a filing fee of $100.

(9) A notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Failure to include a statement identifying when, how and to whom notice was provided under ORS 197.615 does not render the notice defective. Copies of the notice of intent to appeal shall be served upon the local government, special district or state agency and the applicant of record, if any, in the local government, special district or state agency proceeding. The notice shall be served and filed in the form and manner prescribed by rule of the board and shall be accompanied by a filing fee of $300. If a petition for review is not filed with the board as required in subsections (10) and (11) of this section, the board shall award the filing fee to the local government, special district or state agency.

(10)(a) Within 21 days after service of the notice of intent to appeal, the local government, special district or state agency shall transmit to the board the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceeding the record may be shortened. The board may require or permit subsequent corrections to the record; however, the board shall issue an order on a motion objecting to the record within 60 days of receiving the motion. If the board denies a petitioner's objection to the record, the board may establish a new deadline for the petition for review to be filed that may not be less than 14 days from the later of the original deadline for the brief or the date of denial of the petitioner's record objection.

(b) Within 10 days after service of a notice of intent to appeal, the board shall provide notice to the petitioner and the respondent of their option to enter into mediation pursuant to ORS 197.860. Any person moving to intervene shall be provided such notice within seven days after a motion to intervene is filed. The notice required by this paragraph shall be accompanied by a statement that mediation information or assistance may be obtained from the Department of Land Conservation and Development.

(11) A petition for review of the land use decision or limited land use decision and supporting brief shall be filed with the board as required by the board under subsection (13) of this section.

(12) The petition shall include a copy of the decision sought to be reviewed and shall state:

(a) The facts that establish that the petitioner has standing.

(b) The date of the decision.

(c) The issues the petitioner seeks to have reviewed.

(13)(a) The board shall adopt rules establishing deadlines for filing petitions and briefs and for oral argument.

(b) The local government or state agency may withdraw its decision for purposes of reconsideration at any time:

(A) Subsequent to the filing of a notice of intent; and

(B) Prior to:

(i) The date set for filing the record; or

(ii) On appeal of a decision under ORS 197.610 to 197.625 or relating to the development of a residential structure, the filing of the respondent's brief.

(c) If a local government or state agency withdraws an order for purposes of reconsideration, it shall, within such time as the board may allow, affirm, modify or reverse its decision. If the petitioner is dissatisfied with the local government or agency action after withdrawal for purposes of reconsideration, the petitioner may refile the notice of intent and the review shall proceed upon the revised order. An amended notice of intent is not required if the local government or state agency, on reconsideration, affirms the order or modifies the order with only minor changes.

(14) The board shall issue a final order within 77 days after the date of transmittal of the record. If the order is not issued within 77 days the applicant may apply in Marion County or the circuit court of the county where the application was filed for a writ of mandamus to compel the board to issue a final order.

(15) Upon entry of its final order, the board:

(a) May, in its discretion, award costs to the prevailing party including the cost of preparation of the record if the prevailing party is the local government, special district or state agency whose decision is under review.

(b) Shall award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position or filed any motion without probable cause to believe the position or motion was well-founded in law or on factually supported information.

(c) Shall award costs and attorney fees to a party as provided in ORS 197.843.

(16) Orders issued under this section may be enforced in appropriate judicial proceedings.

(17)(a) The board shall provide for the publication of its orders that are of general public interest in the form it deems best adapted for public convenience. The publications shall constitute the official reports of the board.

(b) Any moneys collected or received from sales by the board shall be paid into the Board Publications Account established by ORS 197.832.

(18) Except for any sums collected for publication of board opinions, all fees collected by the board under this section that are not awarded as costs shall be paid over to the State Treasurer to be credited to the General Fund.

(19) The board shall track and report on its website:

(a) The number of reviews commenced, as described in subsection (1) of this section, the number of reviews commenced for which a petition is filed under subsection (2) of this section and, in relation to each of those numbers, the rate at which the reviews result in a decision of the board to uphold, reverse or remand the land use decision or limited land use decision. The board shall track and report reviews under this paragraph in categories established by the board.

(b) A list of petitioners, the number of reviews commenced and the rate at which the petitioner's reviews have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision.

(c) A list of respondents, the number of reviews involving each respondent and the rate at which reviews involving the respondent have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision. Additionally, when a respondent is the local government that made the land use decision or limited land use decision, the board shall track whether the local government appears before the board.

(d) A list of reviews, and a brief summary of the circumstances in each review, under which the board exercises its discretion to require a losing party to pay the attorney fees of the prevailing party.

SECTION 37. ORS 197A.465 is amended to read:

197A.465. (1) As used in this section:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or higher than 80 percent of the median family income for the county in which the housing is built.

(b) "Multifamily structure" means a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.

(2) Except as provided in subsection (3) of this section, a metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving [*a permit*] **an application** under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale or rent to a particular class or group of purchasers or renters.

(3) The provisions of subsection (2) of this section do not limit the authority of a metropolitan service district to:

(a) Adopt or enforce a use regulation, provision or requirement creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or requirement designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.

(4) Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional plan provision, or impose as a condition for approving [*a permit*] **an application** under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a new multifamily structure, or that requires a new multifamily structure to be designated for sale or rent as affordable housing.

(5) A regulation, provision or requirement adopted or imposed under subsection (4) of this section:

(a) May not require more than 20 percent of housing units within a multifamily structure to be sold or rented as affordable housing.

(b) May apply only to multifamily structures containing at least 20 housing units.

(c) Must provide developers the option to pay an in-lieu fee, in an amount determined by the city or county, in exchange for providing the requisite number of housing units within the multifamily structure to be sold or rented at below-market rates.

(d) Must require the city or county to offer a developer of multifamily structures, other than a developer that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the following incentives:

(A) Whole or partial fee waivers or reductions.

(B) Whole or partial waivers of system development charges or impact fees set by the city or county.

(C) Finance-based incentives.

(D) Full or partial exemption from ad valorem property taxes on the terms described in this subparagraph. For purposes of any statute granting a full or partial exemption from ad valorem property taxes that uses a definition of "low income" to mean income at or below 60 percent of the area median income and for which the multifamily structure is otherwise eligible, the city or county shall allow the multifamily structure of the developer to qualify using a definition of "low income" to mean income at or below 80 percent of the area median income.

(e) Does not apply to a CCRC, as defined in ORS 101.020, that executes and records a covenant with the applicable city or county in which the CCRC agrees to operate all units within its structure as a CCRC. Units within a CCRC that are offered or converted into residential units that are for sale or rent and are not subject to ORS chapter 101 must comply with regulations, provisions or requirements adopted by the city or county that are consistent with those applicable to a new multifamily structure under subsection (3) or (4) of this section.

(6) A regulation, provision or requirement adopted or imposed under subsection (4) of this section may offer developers one or more of the following incentives:

(a) Density adjustments.

(b) Expedited service for local permitting processes.

(c) Modification of height, floor area or other site-specific requirements.

(d) Other incentives as determined by the city or county.

(7) Subsection (4) of this section does not restrict the authority of a city or county to offer developers voluntary incentives, including incentives to:

(a) Increase the number of affordable housing units in a development.

(b) Decrease the sale or rental price of affordable housing units in a development.

(c) Build affordable housing units that are affordable to households with incomes equal to or lower than 80 percent of the median family income for the county in which the housing is built.

(8)(a) A city or county that adopts or imposes a regulation, provision or requirement described in subsection (4) of this section may not apply the regulation, provision or requirement to any multifamily structure for which an application for a permit, as defined in ORS 215.402 or 227.160, has been submitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application has been submitted to the city or county prior to the effective date of the regulation, provision or requirement.

(b) If a multifamily structure described in paragraph (a) of this subsection has not been completed within the period required by the permit issued by the city or county, the developer of the multifamily structure shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under the regulation, provision or requirement adopted by the city or county under subsection (4) of this section.

(9)(a) A city or county that adopts or imposes a regulation, provision or requirement under subsection (4) of this section shall adopt and apply only clear and objective standards, conditions and procedures regulating the development of affordable housing units within its jurisdiction. The standards, conditions and procedures may not have the effect, either individually or cumulatively, of discouraging development of affordable housing units through unreasonable cost or delay.

(b) Paragraph (a) of this subsection does not apply to:

(A) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(B) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(c) In addition to an approval process for affordable housing based on clear and objective standards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(A) The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;

(B) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(C) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.

(10) If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in a new multifamily structure be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section shall be related in a manner determined by the city or county to the required percentage of affordable housing units.

SECTION 38. ORS 197A.470 is amended to read:

197A.470. (1) As used in this section:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(2) [*Notwithstanding ORS 215.427 (1) or 227.178 (1),*] A city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section[*, including resolution of all local appeals under ORS 215.422 or 227.180,*] within 100 days after the application is deemed complete **as provided in ORS 215.427 or 227.178**.

(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:

(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary; and

(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing.

(4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application [*for a permit, limited land use decision or zone change*] that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.

(5) With respect to property within an urban growth boundary owned by a nonprofit corporation organized as a religious corporation, a local government:

(a) May apply only restrictions or conditions of approval to the development of affordable housing that are, notwithstanding ORS 197A.400 (2) or statewide land use planning goals relating to protections for historic areas:

(A) Clear and objective as described in ORS 197A.400 (1); or

(B) Discretionary standards related to health, safety, habitability or infrastructure.

(b) Shall approve the development of affordable housing on property not zoned for housing if:

(A) The property is not zoned for industrial uses; and

(B) The property is contiguous to property zoned to allow residential uses.

(6) Affordable housing allowed under subsection (5)(b) of this section may be subject only to the restrictions applicable to the contiguously zoned residential property as limited by subsection (5)(a) of this section and without requiring that the property be rezoned for residential uses. If there is more than one contiguous residential property, the zoning of the property with the greatest density applies.

SECTION 39. ORS 215.402 is amended to read:

215.402. As used in ORS 215.402 to 215.438 and 215.700 to 215.780 unless the context requires otherwise:

(1) "Contested case" means a proceeding in which the legal rights, duties or privileges of specific parties under general rules or policies provided under ORS 215.010 to 215.311, 215.317, 215.327, 215.402 to 215.438 and 215.700 to 215.780, 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.

(2) "Hearing" means a quasi-judicial hearing, authorized or required by the ordinances and regulations of a county adopted pursuant to ORS 215.010 to 215.311, 215.317, 215.327, 215.402 to 215.438 and 215.700 to 215.780:

(a) To determine in accordance with such ordinances and regulations if a permit shall be granted or denied; or

(b) To determine a contested case.

(3) "Hearings officer" means a planning and zoning hearings officer appointed or designated by the governing body of a county under ORS 215.406.

(4) "Permit" means discretionary approval of a proposed development of land under ORS 215.010 to 215.311, 215.317, 215.327 and 215.402 to 215.438 and 215.700 to 215.780 or county legislation or regulation adopted pursuant thereto. "Permit" does not include:

(a) A limited land use decision as defined in ORS 197.015;

(b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

(c) A decision which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

(d) An expedited land division, as described in ORS [*197.360*] **197.365**.

SECTION 40. ORS 215.416 is amended to read:

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) A county may not approve an application if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197A.400 (2); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197A.400 (3).

(c) A county may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A county may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the county must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.797.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway "approach surface" as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application [*shall*] **must** be based on standards and criteria [*which shall be*] **that are** set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS [*197A.200 and*] 197A.400 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit [*or expedited land division shall*] **must** 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) Written notice of the approval or denial [*shall*] **must** be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.797 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is ad-

versely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.797 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or $250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.797 (2), in which case an appeal

to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 41. ORS 215.429 is amended to read:

215.429. (1) [*Except when an applicant requests an extension under ORS 215.427,*] If the governing body of the county or its designee does not take final action on an application [*for a permit, limited land use decision or zone change within 120 days or 150 days, as appropriate, after the application is deemed complete,*] **within the period allowed under ORS 215.427,** the applicant may file a petition for a writ of mandamus under ORS 34.130 in the circuit court of the county where the application was submitted to compel the governing body or its designee to issue the approval.

(2) The governing body shall retain jurisdiction to make a land use decision on the application until a petition for a writ of mandamus is filed. Upon filing a petition under ORS 34.130, jurisdiction for all decisions regarding the application, including settlement, shall be with the circuit court.

(3) A person who files a petition for a writ of mandamus under this section shall provide written notice of the filing to all persons who would be entitled to notice under ORS 197.797 and to any person who participated orally or in writing in any evidentiary hearing on the application held prior to the filing of the petition. The notice shall be mailed or hand delivered on the same day the petition is filed.

(4) If the governing body does not take final action on an application within [*120 days or 150 days, as appropriate, of the date the application is deemed complete,*] **the period allowed under ORS 215.427,** the applicant may elect to proceed with the application according to the applicable provisions of the county comprehensive plan and land use regulations or to file a petition for a writ of mandamus under this section. If the applicant elects to proceed according to the local plan and regulations, the applicant may not file a petition for a writ of mandamus within 14 days after the governing body makes a preliminary decision, provided a final written decision is issued within 14 days of the preliminary decision.

(5) The court shall issue a peremptory writ unless the governing body or any intervenor shows that the approval would violate a substantive provision of the county comprehensive plan or land use regulations as those terms are defined in ORS 197.015. The writ may specify conditions of approval that would otherwise be allowed by the county comprehensive plan or land use regulations.

SECTION 42. ORS 223.299 is amended to read:

223.299. As used in ORS 223.297 to 223.316:

(1)(a) "Capital improvement" means facilities or assets used for the following:

(A) Water supply, treatment and distribution;

(B) Waste water collection, transmission, treatment and disposal;

(C) Drainage and flood control;

(D) Transportation; or

(E) Parks and recreation.

(b) "Capital improvement" does not include costs of the operation or routine maintenance of capital improvements.

(2) "Improvement fee" means a fee for costs associated with capital improvements to be constructed.

(3) "Reimbursement fee" means a fee for costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

(4)(a) "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities.

(b) "System development charge" does not include any fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed upon a land use decision[*, expedited land division*] or limited land use decision.

SECTION 43. ORS 227.160 is amended to read:

227.160. As used in ORS 227.160 to 227.186:

(1) "Hearings officer" means a planning and zoning hearings officer appointed or designated by a city council under ORS 227.165.

(2) "Permit" means discretionary approval of a proposed development of land, under ORS 227.215 or city legislation or regulation. "Permit" does not include:

(a) A limited land use decision as defined in ORS 197.015;

(b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

(c) A decision which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

(d) An expedited land division, as described in ORS [*197.360*] **197.365**.

SECTION 44. ORS 227.173 is amended to read:

227.173. [*(1) Approval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial of a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole.*]

(1) Approval or denial of a discretionary permit application must be based on standards and criteria that are set forth in the development ordinance and that relate approval or denial of a discretionary permit application to the development ordinance and the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole.

(2) When an ordinance establishing approval standards is required under ORS [*197A.200 and*] 197A.400 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(3) Approval or denial of a permit application [*or expedited land division shall be*] **must 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.

(4) Written notice of the approval or denial [*shall*] **must** be given to all parties to the proceeding.

SECTION 44a. ORS 227.175, as amended by section 5, chapter 111, Oregon Laws 2024, is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure is subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions, including an ordinance described in ORS 197A.400 [*(1)(c)*] **(1)(b)(C)**. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197A.400 (2); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197A.400 (3).

(c) A city may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the city must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.797.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway "approach surface" as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed does not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.797 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.797 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence may not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or $250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph does not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.797 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions are subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 44b. The amendments to ORS 227.175 by section 44a of this 2025 Act become operative on July 1, 2025.

SECTION 45. ORS 227.179 is amended to read:

227.179. (1) [*Except when an applicant requests an extension under ORS 227.178 (5),*] If the governing body of a city or its designee does not take final action on an application [*for a permit, limited land use decision or zone change within 120 days after the application is deemed complete*] **within the period allowed under ORS 227.178**, the applicant may file a petition for a writ of mandamus under ORS 34.130 in the circuit court of the county where the application was submitted to compel the governing body or its designee to issue the approval.

(2) The governing body shall retain jurisdiction to make a land use decision on the application until a petition for a writ of mandamus is filed. Upon filing a petition under ORS 34.130, jurisdiction for all decisions regarding the application, including settlement, shall be with the circuit court.

(3) A person who files a petition for a writ of mandamus under this section shall provide written notice of the filing to all persons who would be entitled to notice under ORS 197.797 and to any person who participated orally or in writing in any evidentiary hearing on the application held prior to the filing of the petition. The notice shall be mailed or hand delivered on the same day the petition is filed.

(4) If the governing body does not take final action on an application within [*120 days of the date the application is deemed complete*] **the period allowed under ORS 227.178**, the applicant may elect to proceed with the application according to the applicable provisions of the local comprehensive plan and land use regulations or to file a petition for a writ of mandamus under this section. If the applicant elects to proceed according to the local plan and regulations, the applicant may not file a petition for a writ of mandamus within 14 days after the governing body makes a preliminary decision, provided a final written decision is issued within 14 days of the preliminary decision.

(5) The court shall issue a peremptory writ unless the governing body or any intervenor shows that the approval would violate a substantive provision of the local comprehensive plan or land use regulations as those terms are defined in ORS 197.015. The writ may specify conditions of approval that would otherwise be allowed by the local comprehensive plan or land use regulations.

SECTION 46. ORS 227.184 is amended to read:

227.184. (1) A person whose application [*for a permit*] is denied by the governing body of a city or its designee under ORS 227.178 may submit to the city a supplemental application for any or all

other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.

(2) The governing body of a city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 shall apply to a supplemental application submitted under this section.

(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

(a) A use for which approval is sought under this section; and

(b) A rezoning or variance requested in the application.

SECTION 47. ORS 421.649 is amended to read:

421.649. (1) The Department of Corrections shall obtain public services necessary for the construction and operation of a women's correctional facility and intake center complex in the manner provided under ORS 421.628 (4) to (15).

(2) Regardless of the territorial limits of the public body providing public services to the complex, and notwithstanding any other law, upon request or application from the department, the public body shall provide any public service necessary for the construction and operation of the complex. During the pendency of any mediation, arbitration or judicial review proceeding under this section, the public body shall provide any public service necessary for the continued construction and operation of the complex, as requested by the department.

(3) The existence of a public service provided to the complex [*shall*] **may** not be a consideration in support of or in opposition to an application for a land use decision[,] **or** limited land use decision [*or expedited land division*] under ORS chapter 197, 197A, 215 or 227.

SECTION 48. ORS 476.394 is amended to read:

476.394. (1) The minimum defensible space requirements established by the State Fire Marshal pursuant to ORS 476.392 may not be used as criteria to approve or deny:

(a) An amendment to a local government's acknowledged comprehensive plan or land use regulations.

(b) A permit, as defined in ORS 215.402 or 227.160.

(c) A limited land use decision, as defined in ORS 197.015.

(d) An expedited land division, as [*defined in ORS 197.360*] **described in ORS 197.365**.

(2) Notwithstanding subsection (1) of this section, a local government may:

(a) Amend the acknowledged comprehensive plan or land use regulations of the local government to include the requirements; and

(b) Use the requirements that are included in the amended acknowledged comprehensive plan or land use regulations as a criterion for a land use decision.

SECTION 48a. Notwithstanding section 48 of this 2025 Act (amending ORS 476.394), if Senate Bill 83 becomes law, ORS 476.394 is repealed by section 1, chapter ___, Oregon Laws 2025 (Enrolled Senate Bill 83).

SECTION 49. Section 1, chapter 110, Oregon Laws 2024, is amended to read:

Sec. 1. (1) The Department of Land Conservation and Development and the Department of Consumer and Business Services shall enter into an interagency agreement to establish and administer the Housing Accountability and Production Office.

(2) The Housing Accountability and Production Office shall:

(a) Provide technical assistance, including assistance through grants, to local governments to:

(A) Comply with housing laws;

(B) Reduce permitting and land use barriers to housing production; and

(C) Support reliable and effective implementation of local procedures and standards relating to the approval of residential development projects.

(b) Serve as a resource, which includes providing responses to requests for technical assistance with complying with housing laws, to:

(A) Local governments, as defined in ORS 174.116; and

(B) Applicants for land use and building permits for residential development who are experiencing permitting and land use barriers related to housing production.

(c) Investigate and respond to complaints of violations of housing laws under section 2**, chapter 110, Oregon Laws 2024** [*of this 2024 Act*].

(d) Establish best practices related to model codes, typical drawings and specifications as described in ORS 455.062, procedures and practices by which local governments may comply with housing laws.

(e) Provide optional mediation of active disputes relating to housing laws between a local government and applicants for land use and building permits for residential development, including mediation under ORS 197.860.

(f) Coordinate agencies that are involved in the housing development process, including, but not limited to, the Department of Land Conservation and Development, Department of Consumer and Business Services, Housing and Community Services Department and Oregon Business Development Department, to enable the agencies to support local governments and applicants for land use and building permits for residential development by identifying state agency technical and financial resources that can address identified housing development and feasibility barriers.

(g) Establish policy and funding priorities for state agency resources and programs for the purpose of addressing barriers to housing production, including, but not limited to, making recommendations for moneys needed for the purposes of section 35**, chapter 110, Oregon Laws 2024** [*of this 2024 Act*].

(3) The Land Conservation and Development Commission and the Department of Consumer and Business Services shall coordinate in adopting, amending or repealing rules for:

(a) Carrying out the respective responsibilities of the departments and the office under sections 1 to 5**, chapter 110, Oregon Laws 2024** [*of this 2024 Act*].

(b) Model codes, development plans, procedures and practices by which local governments may comply with housing laws.

(c) Establishing standards by which complaints are investigated and pursued.

(4) The office shall prioritize assisting local governments in voluntarily undertaking changes to come into compliance with housing laws.

(5) As used in sections 1 to 5**, chapter 110, Oregon Laws 2024** [*of this 2024 Act*]:

(a) "Housing law" means ORS chapter 197A and ORS 92.010 to 92.192, 92.830 to 92.845, 197.360**, 197.365** [*to 197.380*], 197.475 to 197.493, 197.505 to 197.540, 197.660 to 197.670, 197.748, 215.402 to 215.438, 227.160 to 227.186, 455.148, 455.150, 455.152, 455.153, 455.156, 455.157, 455.165, 455.170, 455.175, 455.180, 455.185 to 455.198, 455.200, 455.202 to 455.208, 455.210, 455.220, 455.465 and 455.467 and administrative rules implementing those laws, to the extent that the law or rule imposes a mandatory duty on a local government or its officers, employees or agents and the application of the law or rule applies to residential development or pertains to a permit for a residential use or a division of land for residential purposes.

(b) "Residential" includes mixed-use residential development.

APPROPRIATIONS

SECTION 50. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Land Conservation and Development by section 1 (1), chapter ___, Oregon Laws 2025 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2025, for the planning program, is increased by $2,391,599 to support rulemaking and other work related to the development of middle housing.

SECTION 51. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Land Conservation and Development by section 1 (2), chapter ___, Oregon Laws 2025 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2025, for grant programs, is increased by $1,500,000 for technical assistance grants related to middle housing.

UNIT CAPTIONS

SECTION 52. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

EMERGENCY CLAUSE

SECTION 53. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by House June 18, 2025

Repassed by House June 26, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate June 24, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State

Enrolled
House Bill 4153

Sponsored by Representative BREESE-IVERSON, Senators SOLLMAN, SMITH DB, Representatives HELFRICH, LEVY B, RIEKE SMITH, Senator ANDERSON; Representatives ELMER, LEVY E, OWENS, RESCHKE, Senators BROADMAN, GIROD, GORSEK, MCLANE, MEEK, NASH, WEBER (Presession filed.)

CHAPTER .....

AN ACT

Relating to farm stores; creating new provisions; and amending ORS 215.213, 215.283, 475A.570 and 475C.489.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a)(A) "Agri-tourism activity" means an activity that is conducted by a farm operation to promote the farm operation, visitors to a farm store and the sale of farm store products to the public and that may also generate commercial, entertainment or educational value. Such activities may include:

(i) Farm tours;

(ii) Educational exhibits or classes;

(iii) Crop mazes;

(iv) Play structures;

(v) Farm-to-table meals;

(vi) Animal petting and feeding exhibits;

(vii) Hay or tractor rides; or

(viii) Other seasonal or holiday events.

(B) "Agri-tourism activity" does not include using a farm store for lodging or as a dwelling.

(b) "Farm-to-table meal" means a meal offered as part of a fee-based dining experience, where food grown by a farm operation or farmers in a local agricultural area is prepared and served in a manner that educates the public about agricultural production or on-site sourcing.

(c) "Farm unit" means a farm operation comprising all parcels being farmed by a single operation, whether the operation owns or leases the parcels.

(d) "Farm use" means, notwithstanding ORS 215.010, only those activities listed under ORS 215.203 (2)(a) undertaken for the primary purpose of obtaining a profit.

(e) "Local agricultural area" means Oregon or an adjacent county in California, Idaho, Nevada or Washington that borders an Oregon county in which a farm store is located.

(f) "Processed farm product" means a farm product that has been transformed into a manufactured product through methods such as cooking, baking, heating, drying, mixing,

grinding, churning, separating, extracting, cutting, butchering or freezing and has been packaged or canned for human or animal use.

(2) A farm store may be established as a permitted use on land zoned for exclusive farm use under ORS 215.213 (1) and 215.283 (1), or on land zoned for mixed farm and forest use, if:

(a) The farm store is used for the sale of farm products produced by the farm operation that operates the farm store;

(b) No more than 10,000 square feet of one or more permanently enclosed structures are used for the farm store uses listed in subsection (3) of this section; and

(c) The farm store is situated on a tract of:

(A) At least 80 acres with at least 45 acres employed for farm use;

(B) Less than 80 acres but at least 40 acres and with at least 25 acres employed for farm use;

(C) Less than 40 acres but at least 20 acres and with at least 15 acres employed for farm use; or

(D) Less than 20 acres if:

(i) At least 10 acres are employed for farm use; or

(ii) The farm store operates as part of a farm unit that has earned at least $10,000 in gross farm income cumulatively over the preceding two years.

(3) Farm stores may be used for:

(a) The sale of the farm products or processed farm products produced in the local agricultural area;

(b) The sale of other retail items, if displayed in an area not to exceed 25 percent of the floor area of the permanent enclosed farm store structures;

(c) The sale of beverages and prepared food items that are cooked or otherwise made ready for immediate consumption; or

(d) Agri-tourism activities.

(4) The sale of retail items under subsection (3)(b) of this section must take place within a permanent enclosed structure. All other allowable farm store uses may take place outside or in temporary or unenclosed structures.

(5) In conjunction with an agri-tourism activity, a farm store may use temporary structures or mobile vending units.

(6) A farm store may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121. Food and beverages prepared under subsection (3)(c) of this section may not be served in a manner that causes the kitchen facilities to function as a cafe or drive-through dining establishment.

(7)(a) A local government with land use jurisdiction over the site of a farm store may adopt siting standards for farm stores related to:

(A) Access, egress and parking;

(B) Traffic management;

(C) Noise management;

(D) Hours of event operation; or

(E) Sanitation and solid waste.

(b) A county may not apply siting standards in a manner that prohibits the siting and operation of a farm store under this section.

SECTION 3. ORS 215.213 is amended to read:

215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), the following uses may be established in any area zoned for exclusive farm use:

(a) Churches and cemeteries in conjunction with churches.

(b) The propagation or harvesting of a forest product.

(c) Utility facilities necessary for public service, not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, but including:

(A) Utility facilities as provided in ORS 215.275;

(B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and 469.300;

(C) Wetland waste treatment systems; or

(D) Facilities and service lines needed to provide water or wastewater services allowed under ORS 215.256.

(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use and the dwelling is located on the same lot or parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

(e) Nonresidential buildings customarily provided in conjunction with farm use.

(f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum lot size acknowledged under ORS 197.251.

(g) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 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 the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(h) 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 (2)(a) or (b).

(i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this paragraph. A temporary residence approved under this paragraph is not eligible for replacement under paragraph (q) of this subsection.

(j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(k) 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.

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(m) Minor betterment of existing public road 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.

(n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been classified as historic property as described in ORS 358.487 (4).

(o) Creation, restoration or enhancement of wetlands.

(p) A winery, as described in ORS 215.452 or 215.453.

(q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS 215.291.

(r) Farm stands if:

(A) The structures are designed and used for the sale of farm crops or 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 incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(B) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(s) An armed forces reserve center, if the center is within one-half mile of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.

(t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(u) A facility for the processing of farm products as described in ORS 215.255.

(v) Fire service facilities providing rural fire protection services.

(w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

(x) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(A) A public right of way;

(B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(C) The property to be served by the utility.

(y) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

(z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings in existence on January 1, 2019, when:

(A) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(aa) A cider business, as described in ORS 215.451.

(bb) A farm brewery, as described in ORS 215.449.

(cc) A farm store, as described in section 2 of this 2026 Act.

(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), the following uses may be established in any area zoned for exclusive farm use subject to ORS 215.296:

(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm operation or woodlot:

(A) Consists of 20 or more acres; and

(B) Is not smaller than the average farm or woodlot in the county producing at least $2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot.

(b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than required under paragraph (a) of this subsection, if the lot or parcel:

(A) Has produced at least $20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least $20,000 in annual gross farm income; or

(B) Is a woodlot capable of producing an average over the growth cycle of $20,000 in gross annual income.

(c) Commercial activities that are in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

(d) Operations conducted for:

(A) 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 (1)(g) of this section;

(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

(D) Processing of other mineral resources and other subsurface resources.

(e) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community, hunting and fishing preserves, public and private parks, playgrounds and campgrounds. Subject to the approval of the county governing body or its designee, 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. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). A public park or campground may be established as provided under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

(f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

(g) Commercial utility facilities for the purpose of generating power for public use by sale. If the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, 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.

(i) 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.

(j) 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.

(k)(A) Commercial dog boarding kennels; or

(B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of this section.

(L) Residential homes as defined in ORS 197.660, in existing dwellings.

(m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(n) Home occupations as provided in ORS 215.448.

(o) Transmission towers over 200 feet in height.

(p) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(q) 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.

(r) 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.

(s) A destination resort that is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort.

(t) Room and board arrangements for a maximum of five unrelated persons in existing residences.

(u) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas

other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of the metropolitan urban growth boundary. As used in this paragraph:

(A) "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and

(B) "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.

(v) Operations for the extraction and bottling of water.

(w) 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.

(x) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(y) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.

(z) Equine and equine-affiliated therapeutic and counseling activities, provided:

(A) The activities are conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and

(B) All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

(aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

(A) Authorized under ORS 329A.250 to 329A.450;

(B) Primarily for the children of residents and workers of the rural area in which the facility or program is located; and

(C) Colocated with a community center or a public or private school allowed under this subsection.

(3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), a single-unit residential dwelling not provided in conjunction with farm use may be established on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval of the governing body or its designee in any area zoned for exclusive farm use upon written findings showing all of the following:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

(b) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.

(c) Complies with such other conditions as the governing body or its designee considers necessary.

(4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), one single-unit dwelling, not provided in conjunction with farm use, may be established in any area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that is not larger than three acres upon written findings showing:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

(b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by local ordinances relating

specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is applicable; and

(c) The dwelling complies with other conditions considered necessary by the governing body or its designee.

(5) Upon receipt of an application for a permit under subsection (4) of this section, the governing body shall notify:

(a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be established; and

(b) Persons who have requested notice of such applications and who have paid a reasonable fee imposed by the county to cover the cost of such notice.

(6) The notice required in subsection (5) of this section shall specify that persons have 15 days following the date of postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is received, the governing body or its designee shall approve or disapprove the application. If an objection is received, the governing body shall set the matter for hearing in the manner prescribed in ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of this section.

(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1, 1948, and July 1, 1983. For the purposes of this section:

(a) Only one lot or parcel exists if:

(A) A lot or parcel described in this section is contiguous to one or more lots or parcels described in this section; and

(B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common.

(b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road.

(8) A person who sells or otherwise transfers real property in an exclusive farm use zone may retain a life estate in a dwelling on that property and in a tract of land under and around the dwelling.

(9) No final approval of a nonfarm use under this section shall be given unless any additional taxes imposed upon the change in use have been paid.

(10) Roads, highways and other transportation facilities and improvements not allowed under subsections (1) and (2) of this section may be established, subject to the approval of the governing body or its designee, in areas zoned for exclusive farm use subject to:

(a) Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or

(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

(11) The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use:

(a) A county may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

(A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

(C) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

(G) The agri-tourism or other commercial event or activity complies with conditions established for:

(i) Planned hours of operation;

(ii) Access, egress and parking;

(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(iv) Sanitation and solid waste.

(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not begin before 6 a.m. or end after 10 p.m.;

(C) May not involve more than 100 attendees or 50 vehicles;

(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

(E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

(G) Must comply with applicable health and fire and life safety requirements.

(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not, individually, exceed a duration of 72 consecutive hours;

(C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(D) Must comply with ORS 215.296;

(E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(F) Must comply with conditions established for:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v) Sanitation and solid waste.

(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(D) Do not exceed 18 events or activities in a calendar year.

(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

(a) Provide public notice and an opportunity for public comment as part of the review process; and

(b) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by subsection (11)(d) of this section.

(13) For the purposes of subsection (11) of this section:

(a) A county may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under subsection (11) of this section. However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The county may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized under subsection (11) of this section, including, but not limited to, grading, filling or paving.

(b) The county may issue the limited use permits authorized by subsection (11)(c) of this section for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of subsection (11)(c) of this section, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(c) The authorizations provided by subsection (11) of this section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

SECTION 4. ORS 215.283 is amended to read:

215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

(a) Churches and cemeteries in conjunction with churches.

(b) The propagation or harvesting of a forest product.

(c) Utility facilities necessary for public service, not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, but including:

(A) Utility facilities as provided in ORS 215.275;

(B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and 469.300;

(C) Wetland waste treatment systems; or

(D) Facilities and service lines needed to provide water or wastewater services allowed under ORS 215.256.

(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use and the dwelling is located on the same lot or parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

(e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily provided in conjunction with farm use.

(f) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 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 the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(g) 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 (2)(a) or (b).

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) 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.

(j) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(k) Minor betterment of existing public road 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.

(L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been classified as historic property as described in ORS 358.487 (4).

(m) Creation, restoration or enhancement of wetlands.

(n) A winery, as described in ORS 215.452 or 215.453.

(o) Farm stands if:

(A) The structures are designed and used for the sale of farm crops or 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 incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(B) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS 215.291.

(q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the

purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(r) A facility for the processing of farm products as described in ORS 215.255.

(s) Fire service facilities providing rural fire protection services.

(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

(u) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(A) A public right of way;

(B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(C) The property to be served by the utility.

(v) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

(w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.

(x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting farm buildings, when:

(A) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(y) A cider business, as described in ORS 215.451.

(z) A farm brewery, as described in ORS 215.449.

(aa) A farm store, as described in section 2 of this 2026 Act.

(2) The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

(a) Commercial activities that are in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

(b) Operations conducted for:

(A) 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 (1)(f) of this section;

(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

(D) Processing of other mineral resources and other subsurface resources.

(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the approval of the county governing body or its designee, 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. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

(d) Parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.

(e) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A community center authorized under this paragraph may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

(f) Golf courses on land:

(A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

(B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

(i) Is not otherwise described in ORS 195.300 (10);

(ii) Is surrounded on all sides by an approved golf course; and

(iii) Is west of U.S. Highway 101.

(g) Commercial utility facilities for the purpose of generating power for public use by sale. If the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, 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.

(i) Home occupations as provided in ORS 215.448.

(j) 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.

(k) 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.

(L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this paragraph. A temporary residence approved under this paragraph is not eligible for replacement under subsection (1)(p) of this section.

(m) Transmission towers over 200 feet in height.

(n)(A) Commercial dog boarding kennels; or

(B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of this section.

(o) Residential homes as defined in ORS 197.660, in existing dwellings.

(p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(q) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(r) 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.

(s) 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.

(t) A destination resort that is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort.

(u) Room and board arrangements for a maximum of five unrelated persons in existing residences.

(v) Operations for the extraction and bottling of water.

(w) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(x) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. As used in this paragraph:

(A) "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and

(B) "Local historical society" means the local historical society recognized by the county governing body and organized under ORS chapter 65.

(y) 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.

(z) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(aa) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.

(bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

(A) The activities are conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and

(B) All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

(cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

(dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:

(A) Authorized under ORS 329A.250 to 329A.450;

(B) Primarily for the children of residents and workers of the rural area in which the facility or program is located; and

(C) Colocated with a community center or a public or private school allowed under this subsection.

(3) Roads, highways and other transportation facilities and improvements not allowed under subsections (1) and (2) of this section may be established, subject to the approval of the governing body or its designee, in areas zoned for exclusive farm use subject to:

(a) Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or

(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

(4) The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use:

(a) A county may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

(A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

(C) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

(G) The agri-tourism or other commercial event or activity complies with conditions established for:

(i) Planned hours of operation;

(ii) Access, egress and parking;

(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(iv) Sanitation and solid waste.

(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not begin before 6 a.m. or end after 10 p.m.;

(C) May not involve more than 100 attendees or 50 vehicles;

(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

(E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

(G) Must comply with applicable health and fire and life safety requirements.

(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not, individually, exceed a duration of 72 consecutive hours;

(C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(D) Must comply with ORS 215.296;

(E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(F) Must comply with conditions established for:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v) Sanitation and solid waste.

(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(D) Do not exceed 18 events or activities in a calendar year.

(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

(a) Provide public notice and an opportunity for public comment as part of the review process; and

(b) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by subsection (4)(d) of this section.

(6) For the purposes of subsection (4) of this section:

(a) A county may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under subsection (4) of this section. However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The county may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized under subsection (4) of this section, including, but not limited to, grading, filling or paving.

(b) The county may issue the limited use permits authorized by subsection (4)(c) of this section for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of subsection (4)(c) of this section, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(c) The authorizations provided by subsection (4) of this section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

SECTION 5. ORS 475A.570 is amended to read:

475A.570. [*Psilocybin-producing fungi as crop; exceptions to permitted uses.*] (1) Psilocybin-producing fungi is:

(a) A crop for the purposes of farm use as defined in ORS 215.203;

(b) A crop for purposes of a farm and farming practice, both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a psilocybin-producing fungi crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a psilocybin-producing fungi crop; [*and*]

(c) A farm store, as described in section 2 of this 2026 Act, used in conjunction with a psilocybin-producing fungi crop; and

[*(c)*] **(d)** Subject to subsection (3) of this section, a commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a psilocybin-producing fungi crop.

(3) The operation of a psilocybin service center may be carried on in conjunction with a psilocybin-producing fungi crop.

(4) A county may allow the manufacture of psilocybin products as a farm use on land zoned for farm or forest use in the same manner as the manufacture of psilocybin products is allowed in exclusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.

(5) This section applies to psilocybin product manufacturers that hold a license under ORS 475A.290.

SECTION 6. ORS 475C.489 is amended to read:

475C.489. (1) Marijuana is:

(a) A crop for the purposes of "farm use" as defined in ORS 215.203;

(b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a marijuana crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; [*and*]

(c) A farm store, as described in section 2 of this 2026 Act, used in conjunction with a marijuana crop; and

[*(c)*] **(d)** A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.

(4) This section applies to:

(a) Marijuana producers that hold a license issued under ORS 475C.065;

(b) Persons registered under ORS 475C.792 and designated to produce marijuana by one or more persons who hold valid registry identification cards issued under ORS 475C.783; and

(c) For the purpose of producing marijuana or propagating immature marijuana plants, researchers of cannabis that hold a certificate issued under ORS 475C.289.

Passed by House March 4, 2026

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate March 6, 2026

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2026

Approved:

.....M.,....., 2026

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2026

.....
Tobias Read, Secretary of State

OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

LCDD 4-2026

CHAPTER 660

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED: 04/22/2026 8:35 AM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Describing how local governments comply with Goal 5 for cultural areas.

EFFECTIVE DATE: 01/01/2027

AGENCY APPROVED DATE: 12/04/2025

CONTACT:
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Filed By:
Matthew Hampton
Rules Coordinator

ADOPT: 660-023-0210

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: This rule defines how local governments comply with Statewide Land Use Planning Goal for cultural areas including archaeological sites and significant landscape features.

CHANGES TO RULE:

660-023-0210
Cultural Areas
(1) For purposes of this rule, the following definitions apply:¶
(a) "Archaeological Site" means a geographic locality in Oregon, including but not limited to submerged and submersible lands but not the bed of the sea within the state's jurisdiction, that contains archaeological objects as defined in ORS 358.905(1)(a) and the contextual associations of the objects with:¶
(A) Each other; or¶
(B) Biotic or geological remains or deposits. Examples of archaeological sites include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.¶
(b) "Cultural areas" means archaeological sites or landscape features of cultural interest. Also referred to as "cultural resource site."¶
(c) "Cultural Areas Protection Plan" means an element of a local government's comprehensive plan addressing Goal 5 for cultural areas and associated development code provisions.¶

(d) "Potentially Significant Cultural Landscape Feature" means a landscape feature that is: integral to a tribe's history, legends, traditions, and stories; traditionally used for wayfinding; traditionally used for gathering first foods and materials; integral to ongoing tribal cultural practices; traditional trails; and sites that support traditions of a culturally identified group. Also referred to as "landscape feature of cultural interest."¶
(e) "Oregon qualified archaeologist" means an archaeologist that satisfies the qualifications listed in ORS 390.235(6)(b) and as provided in OAR 736-051-0070.¶
(f) "Oregon-based government" means a local, state, or tribal government in Oregon.¶
(g) "Professional archaeologist" as defined in ORS 97.740, means a person who has extensive formal training and experience in systematic, scientific archaeology and to whom the State Historic Preservation Office (SHPO) has granted access to the Oregon Archaeological Records Remote Access (OARRA) database.¶
(h) "Tribe" as defined in ORS 182.162(2), means a federally recognized Indian tribe in Oregon.¶
(2) Relationship of Cultural Areas Protection to the Standard Goal 5 Process and Other Rules in this Division.¶
(a) The requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, in conjunction with the requirements of this rule, apply when a local government adopts or amends a cultural areas protection plan.¶
(b) Except as provided in subsection (9)(d), a local governments is not required to assess archaeological sites for significance under OAR 660-023-0030 or complete an analysis of the economic, social, environmental, and energy (ESEE) consequences of a decision to allow, limit, or prohibit uses that conflict with a significant resource site pursuant to OAR 660-023-0040 in order to inform a local program to protect cultural resource sites that are also protected under ORS 358.905 to 358.961 and subject to permit requirements in OAR chapter 736, division 51.¶
(c) Local protections for a cultural area significant for reasons other than archaeology that intersect with a significant riparian area, wetland, or wildlife habitat will be in addition to local Goal 5 protection measures adopted for these resource sites. ¶
(d) A cultural area significant for its culturally significant vista, which is identified as a significant scenic resource in a local comprehensive plan shall be subject to protection measures in the local code for that site and is not subject to this rule.¶
(e) Protections for a landscape feature of cultural significance shall not have the effect of limiting mining within the boundaries of a significant aggregate site in which mining is authorized by a local government.¶
(3) Archaeological Sites.¶
(a) Distinguishing between significant and non-significant resource sites, as described in OAR 660-023-0030, is not required for the application of this rule to archaeological sites.¶
(b) The OARRA database is maintained by SHPO. OARRA includes information on documented archaeological resources and archaeological survey reports. The OARRA database is one source of information on the presence or likely presence of an archaeological site. Other sources of information include inventories maintained by tribes.¶
(c) A local government is not required to follow the process provided in OAR 660-023-0030 through 660-023-0050 for an archaeological site. Instead, a local government must support protection of an archaeological site, as directed in section (5), regardless of whether the resource is listed as a significant Goal 5 resource in the local plan.¶
(d) When provided information on a recorded or suspected archaeological site, a local government will use the information to inform land use decisions, recommendations to applicants, and permit conditions in a manner that preserves confidentiality and is consistent with state law. ORS 192.345(11) exempts most information concerning the location of archaeological sites and objects from public records disclosure, except when information on an Indian tribe's cultural or religious activities is requested by the governing body of a tribe. Requirements in this rule are intended to be consistent with ORS 192.345(11).¶
(A) A professional archaeologist representing either a local government or an applicant may access data relevant to a proposed land use action or permit application, consistent with privileges assigned by state statute and administrative rule.¶
(B) In the acquisition and publishing of data exempt from disclosure, local governments may:¶
(i) Acquire and publish aggregated data in a spatial format to indicate relative likelihood of inadvertent discovery within all or a portion of a local jurisdiction.¶
(ii) Acquire and publish data on a known archaeological site if the location of the site is approximated so that the precise location of the site is obscured.¶
(iii) Acquire and keep confidential information on a specific site that is used to inform permit conditions or other strategies for avoiding impacts to a site or support compliance with state statutes and rules governing excavation of an archaeological site.¶
(4) Local Inventory of Significant Cultural Landscape Features.¶
(a) A landscape feature of cultural interest is significant if a local government has determined it to be significant through application of the OAR 660-023-0030 assessment process. When assessing significance of a site, a local government shall recognize the use of a site for ceremonial gatherings or harvest of traditional foods and materials

as an indication of the quality, when assessing the importance of the site compared to other known examples of the same resource. A local government shall consider a Tribal Government an authoritative source of knowledge on landscape features that are significant to that tribe's culture.¶
(b) A local government may inventory significant cultural landscape features across a portion or the entirety of its jurisdiction following the procedures and standards in subsection (a).¶
(c) A city or county shall accept an application from an Oregon-based government to determine if a cultural landscape feature is significant and complete the Goal 5 process for a significant cultural landscape feature. The city or county shall process the application as an amendment to a comprehensive plan to place a significant cultural landscape feature on a local inventory following the procedures and standards in subsection (a). After receiving the application, the city or county shall notify owners of property that contains all or a portion of the subject landscape feature or its impact area, as described by the applicant. A city or county shall not require property owner consent to process such an application.¶
(d) Within seven days of receiving an application under subsection (c) a city or county shall send notice to the tribes with an ancestral connection to land within its jurisdiction, as described in subsection (10)(c).¶
(e) A local government shall adopt protection measures for a landscape feature found to be culturally significant concurrently with the creation or amendment of a local inventory, consistent with subsection (6)(a) and OAR 660-023-0050.¶
(5) Protection of archaeological sites.¶
(a) Protection for archaeological sites is achieved through application of state statutes and permit requirements governing treatment of all archaeological sites and any associated human remains, and objects. Local governments shall support awareness and compliance with these state statutes and rules. Measures that arise from application of this section for characterizing and avoiding alteration of a suspected archaeological site or a known site for which boundaries have not been established in OARRA will be advisory to an applicant.¶
(b) All local application forms for authorizations that involve ground disturbance must include a statement informing the applicant that it is unlawful to disturb an archaeological site without first obtaining a permit required by OAR chapter 736, division 51 and of steps to take in the event of unintentional discovery of an archaeological site.¶
(c) A local government shall provide notice to tribes with an ancestral connection to land within its jurisdiction, as described in subsection (10)(c), for any application that involves ground disturbance and that is: ¶
(A) A permit as defined in ORS 215.402(4) or ORS 227.160(2);¶
(B) A limited land use decision for which public notice is required under ORS 197.195 or ORS 197.797; or ¶
(C) A land use action subject to the procedures established in ORS 197A.146.¶
(D) This requirement does not apply to ministerial permits or to limited land use decisions processed ministerially under ORS 197.195(6), or to any other applications for which public notice is not required by statute.¶
(d) When providing notice under subsection (c), a local government shall:¶
(A) Notify tribes no later than 5 days after the local government determines that the application is complete, to request information about the potential for negative impacts to a known or suspected archaeological site; and¶
(B) Include tribes in the notification of public comment period or public hearing on the application provided under ORS 197.195, ORS 197.797 or ORS 197A.146.¶
(e) Notice to tribes required under subsection (c) shall include the following information, as provided by the applicant:¶
(A) A description of the proposed development;¶
(B) A map showing the vicinity of the proposed development; and¶
(C) Tax lots and the street address or other easily understood geographical reference to the subject property.¶
(f) Examples of ground disturbance for which notice is required include:¶
(A) Grading,¶
(B) Foundation installation,¶
(C) Installation of underground utilities, and¶
(D) Mining of aggregate or minerals.¶
(g) The local government shall inform the applicant when a tribe responds to a notice provided under subsection (c) and transmit to the applicant a tribe's recommendation for avoiding or mitigating impacts. Information from a tribe received by a local government prior to the first evidentiary hearing, or by the close of the comment period if the local government does not schedule a public hearing, shall be included as part of the record for the application in a manner that preserves confidentiality, as provided in subsection (3)(d).¶
(h) When information is entered into the record for review of an application documenting that the proposed development is within the established boundaries of an archaeological site recorded in OARRA, a local government shall condition an approval on the applicant applying for an Oregon Archaeological Permit.¶
(6) Protection for landscape features of cultural significance.¶
(a) For a cultural landscape feature found to be significant under section (4), a local government shall complete the

Goal 5 process and adopt a program to achieve the goal as provided in OAR 660-023-0040, as modified by subsection (b), and OAR 660-023-0050.¶
(b) An ESEE analysis shall include consideration of applying the following limits, consistent with the rights of private property owners, to conflicting uses as part of a program to protect a landscape feature of cultural significance.¶
(A) For sites that are significant due to use of the immediate area (e.g. gathering first foods, traditional location of ceremonies, trails):¶
(i) Avoidance through clustering and other means to preserve the area as open space and the preservation of existing public access; and¶
(ii) Establishment of time windows when access is restricted to members of the tribe or cultural group engaging in the activity from which the basis of the site's significance is derived.¶
(B) For sites that are significant due to a culturally significant vista (e.g. landform features used for wayfinding, landform features integral to a tribe's legends/traditions/stories):¶
(i) Limits on structure heights to preserve the vista; and¶
(ii) Specifications on the use of non-reflective surfaces.¶
(c) For projects with a federal nexus and for which a review has been completed under the requirements of 54 USC section 306108 of the National Historic Preservation Act, a local government shall defer to measures for mitigating impacts to a landscape feature of cultural significance applied by the federal decision.¶
(d) When designation of a significant cultural landscape feature includes the adoption of local protections for that feature, and the finding of significance is based in part on the feature's significant historic quality, a local government shall comply with the owner consent provisions of ORS 197.772.¶
(7) Urban Growth Boundary (UGB) amendments.¶
(a) A local government shall send notice to tribes with an ancestral connection to land within their jurisdiction, as provided in subsection (10)(c), of a proposed UGB amendment and request information on potential conflicts between future urbanization of a UGB expansion area and a cultural area. The local government shall provide this notice:¶
(A) At least 35 days prior to the first evidentiary hearing by cities, for amendments to a city's UGB.¶
(B) At least 45 days prior to the first evidentiary hearing by Metro, for amendments to Metro's UGB.¶
(b) When a city or Metro receives information describing a potential conflict with an archaeological site, it shall manage the information on recorded or suspected sites consistent with paragraph (3)(d)(B). Metro shall convey the responses they receive from a tribe to the city or county responsible for comprehensive planning of the UGB expansion area.¶
(c) If factual information is entered in the record of a UGB amendment demonstrating that a landscape feature or its impact area is present in the UGB expansion area, the city or county responsible for comprehensive planning of the UGB expansion area shall apply Goal 5, consistent with OAR 660-023-0250(3)(c). ¶
(8) Consideration of potentially significant cultural landscape features.¶
(a) For applications requiring permits as defined in ORS 215.402(4) on lands outside an urban growth boundary, in addition to the notice requirements in subsection (5)(c), a local government shall notify tribes with an ancestral connection to land within their jurisdiction, as provided in subsection (10)(c), and request information on the potential of the proposal to negatively impact a landscape feature of cultural value to one or more tribes. A local government shall:¶
(A) Notify tribes, no later than 5 days after the local government determines that the application is complete, to request information about the potential for negative impacts to a cultural landscape feature; and¶
(B) Include tribes in the notification of public comment period or public hearing on the application provided under ORS 197.195, ORS 197.797 or ORS 197A.146.¶
(C) Notification shall include the following information, as provided by the applicant:¶
(i) A description of the proposed development;¶
(ii) A map showing the vicinity of the proposed development; and¶
(iii) Tax lots and the street address or other easily understood geographical reference to the subject property.¶
(b) Prior to the first evidentiary hearing for a permit application, described under subsection (a), for which one or more tribes have indicated the potential for a negative impact, the local government shall offer to arrange a meeting with the tribe(s) and the applicant within the required review timeline. The purpose of the meeting is to discuss potential impacts to landscape features of cultural value to the tribe or tribes and voluntary measures on the part of the property owner for avoiding or minimizing impacts.¶
(c) Notification and consultation with tribes required and carried out as part of a federal action satisfy the requirements of this section.¶
(d) A local government will make any voluntary measures on the part of the property owner to avoid or mitigate impacts and required measures stemming from a federal action a part of the record of approval, unless the tribe has requested in writing that this information be kept confidential.¶
(9) Optional and additional local protection strategies.¶

(a) As an alternative to notice requirements in sections (5) and (8), a local government may adopt a local protection program as a plan amendment after January 1, 2026 enabled by a memorandum of understanding with one or more tribes as provided in paragraph (B).¶
(A) A local program that replaces protections described in sections (5) and (8) shall be consistent with the principles for establishing tribal relationships described in guidance from the Legislative Commission on Indian Services.¶
(B) A government-to-government consultation program adopted pursuant to this subsection shall be enabled by a memorandum of understanding with one or more tribes. A government-to-government consultation program supersedes the requirements of sections (5) and (8) only as it pertains to the cultural areas of the tribe or tribes party to the memorandum of understanding. The standards and review requirements of the local program that diverge from the baseline protections in section (5) and process steps in section (8) shall be described in the adoption materials.¶
(C) Notification to a local government by a tribe of withdrawal from a memorandum of understanding, upon which the government-to-government consultation program relies, will cause the local government to resume compliance with the baseline protection in sections (5) and process steps in section (8).¶
(b) A local program adopted prior to January 1, 2026, to protect archaeological and cultural resources is consistent with these rules if the local government provides notice consistent with sections (5) and (8). ¶
(c) In addition to baseline protections in section (5) and as an alternative to OAR 660-023-0030, a local government may identify areas with a high likelihood of containing archaeological sites and require preconstruction surveys within such areas.¶
(d) A local program described in subsection (c) may limit development to protect an archaeological site identified through a preconstruction survey, provided the local government follows the ESEE decision process in OAR 660-023-0040 and the local government adopts a program to achieve protection that is consistent with the directives in OAR 660-023-0050.¶
(e) Local governments shall notify tribes as provided in subsection (10)(c) when initiating a program under subsection (c).¶
(10) Application of the rule.¶
(a) Local governments are not required to amend acknowledged plans or land use regulations to provide new or amended inventories, resource lists, or programs regarding cultural areas except as a result of applying OAR 660-023-0030 through 660-023-0050 to significant cultural landscape features identified in an application for an amendment to a comprehensive plan as provided in subsection (4)(c) or in response to a UGB amendment as provided under section (7). A local government may adopt procedures for consulting with tribes on the decisions described in subsection (5)(c) and subsection (8)(a) that could impact cultural areas that are of value to one or more tribes.¶
(b) A local government shall apply the standards and protection measures described in subsection (4)(c) and sections (5), (6), and (8) directly except as provided by subsection (d).¶
(c) A local government satisfies the requirements for sending notice to tribes in this rule by sending notice to tribes with an ancestral connection to land within the jurisdiction of the local government. Each city and county and Metro shall obtain a list from the Legislative Commission on Indian Services of tribes that have such a connection.¶
(d) When a local government develops a program under subsection (9)(a), review and protection elements of that program may replace some or all of the requirements of sections (5) and (8), as these sections pertain to the tribe with which a local government has entered into a consultation agreement or a memorandum of understanding.¶
(e) Notwithstanding OAR 660-023-0080, Metro's obligations under this rule are limited to section (7).¶
(f) Within the boundaries of the Columbia River Gorge National Scenic Area, local governments shall implement the provisions of the Columbia River Gorge National Scenic Area Act and the Columbia River Gorge National Scenic Area Management Plan instead of the provisions in this rule.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.225-197.245

Fritzie, Martha

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Wednesday, October 14, 2026 4:15 PM
To: Fritzie, Martha
Subject: RE: Notice of proposed amendments to Clackamas County Zoning Ordinance
Attachments: ZDO-294_ZDO401_09212026.pdf

Warning: External email. Be cautious opening attachments and links.

No concerns from ODOT. Thanks Martha.

Melissa Gonzalez-Gabriel (she/her)
Associate Transportation Planner, ODOT Region 1
C: (971) 337-6681
Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: Fritzie, Martha <MFritzie@clackamas.us>
Sent: Monday, September 28, 2026 6:18 PM
To: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Notice of proposed amendments to Clackamas County Zoning Ordinance

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Hi Melissa – The proposed amendments related to farm stores are in the attached.

Let me know if you need anything else or if you have any questions.

Martha

Martha Fritzie, Principal Planner
Clackamas County | Transportation & Development | Land Use Planning
(503) 742-4529
150 Beavercreek Road | Oregon City, OR 97045

Hours 7:30am to 6:00pm | Monday – Thursday

Please visit our **webpage** for updates on Planning services available online, service hours and other related issues.

Planning has launched Development Direct which means as of September 1, 2026 all land use applications and forms must now be submitted and paid for through the Development Direct portal. For more information, visit the county website.

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Monday, September 28, 2026 4:28 PM
To: Fritzie, Martha <MFritzie@clackamas.us>
Subject: FW: Notice of proposed amendments to Clackamas County Zoning Ordinance

Warning: External email. Be cautious opening attachments and links.

Hi Martha,

Hope all is well! Would you be able to send a copy of the proposed changes related to access and egress and farm stores in EFU and Ag/Forest zones.

Thank you,
Melissa Gonzalez-Gabriel (she/her)
Associate Transportation Planner, ODOT Region 1
C: (971) 337-6681
Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: Renhard, Darcy <DRenhard@clackamas.us>
Sent: Monday, September 21, 2026 3:30 PM
To: Amend, Michelle <MAmend@clackamas.us>; Barnes, Michael <MBarnes@clackamas.us>; Bell, Cheryl <CBell@clackamas.us>; Buehrig, Karen <KarenB@clackamas.us>; Darlene Ferretti <darlene.ferretti@jordanramis.com>; Erin Madden <erin.madden@gmail.com>; Gaylord, Pat <PGaylord@clackamas.us>; Goodwin, Robert <RGoodwin@clackamas.us>; Johnson, Dan <danjoh@clackamas.us>; Joseph Schaefer <joseph.schaefer@jordanramis.com>; Kathryn Russell <lacy.kathy@comcast.net>; Kemp, Don

<DonKem@clackamas.us>; Marvin, Ritch <RitchMar@clackamas.us>; Matt Wellner <matt@crandallgroup.com>; METRO (landusenotifications@oregonmetro.gov) <landusenotifications@oregonmetro.gov>; METRO-COO <Marissa.Madrigal@oregonmetro.gov>; Nesbitt, Lindsey <LNesbitt@clackamas.us>; Oak Lodge Sanitary District <Development@olsd.net>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; Robin Jacobs <grasmerecottage@aol.com>; Rogalin, Ellen <EllenRog@clackamas.us>; Roseann Johnson <RoseannJ@hbapdx.org>; Rozzell, Matt <MRozzell@clackamas.us>; Ruen, Cameron <CRuen@clackamas.us>; Susan Hansen <foxglovefarm@inbox.com>; Teague, Garrett <GTeague@clackamas.us>; Wendie Kellington <wk@wkellington.com>; Winterhalter, Rick <rickw@clackamas.us>; JParrish@kelrun.com; osterman@ccgmail.com
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Notice of proposed amendments to Clackamas County Zoning Ordinance

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Darcy Renhard, Administrative Specialist II
Clackamas County | Transportation & Development | Planning & Zoning
503.742.4545
150 Beavercreek Road, Oregon City, OR 97045
Hours: M-Th, 7:30 a.m. – 6:00 p.m.

Planning has launched Development Direct which means as of September 1, 2026 all land use applications and forms must now be submitted and paid for through the Development Direct portal. For more information, visit the county website.

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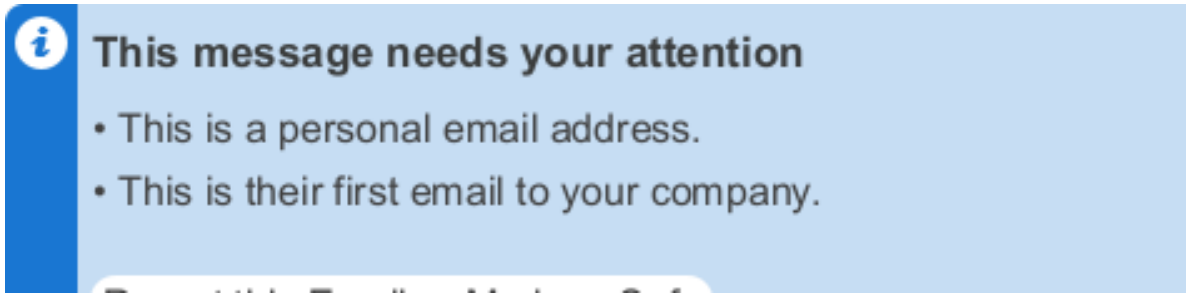
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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

Fritzie, Martha

From: Kilo Papa <kara.estabrook@gmail.com>
Sent: Monday, October 19, 2026 12:45 PM
To: Fritzie, Martha
Subject: Testimony on ZDO-294 for the Planning Commission and Board of County Commissioners

Warning: External email. Be cautious opening attachments and links.



Dear Planning Commission and Board of County Commissioners,

I'm a Clackamas County resident in Wilsonville. Please include this testimony on ZDO-294 in the record for both the October 26 and November 10 hearings.

I oppose the density increases in ZDO-294, especially the provision allowing single-room-occupancy buildings at three times normal density wherever apartments are allowed. Families choose these neighborhoods and pay a premium for them because they are quiet, safe and uncrowded. Allowing up to four units per lot and triple-density SROs would change that character without the consent of the people who live there.

My household is a high-earning, taxpaying renter in Wilsonville, and policies like this are why we plan to leave when our lease ends.

I understand much of this is mandated by the state. I ask the county to:

1. Adopt only what state law strictly requires, with the tightest siting, parking, design and owner-occupancy standards the law allows.
2. Not extend triple-density SRO allowances any further than required.
3. Formally ask our legislators in Salem to restore local control over zoning.

Please protect the neighborhoods residents have already invested in.

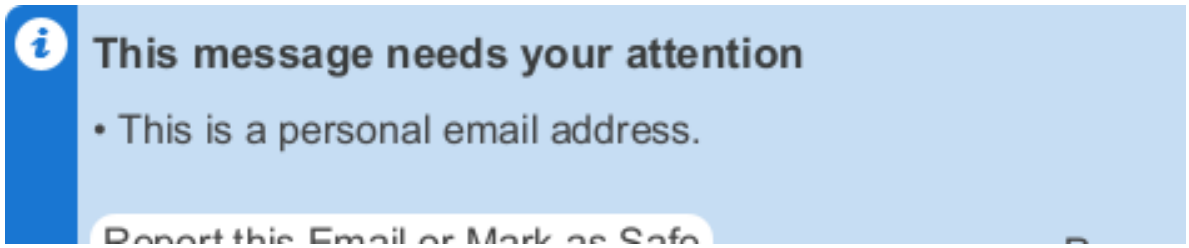
Respectfully,
Kara Petersdorf
11490 SW Toulouse St, Apt 302

Wilsonville, OR 97070
kara.estabrook@gmail.com
949-409-8393

Fritzie, Martha

From: Kilo Papa <kara.estabrook@gmail.com>
Sent: Sunday, October 25, 2026 4:05 PM
To: Fritzie, Martha
Cc: BCCMail
Subject: ZDO-294 written testimony for the November 10 Board of County Commissioners hearing

Warning: External email. Be cautious opening attachments and links.



Dear Chair Roberts and Commissioners,

I submitted testimony on ZDO-294 on October 19. Please add this short follow-up to the record for your November 10 hearing.

The county's own summaries (draft dated September 21, 2026) show that the largest density changes come from House Bill 2138 (2025). One allows up to four middle-housing units, attached or detached, in the Urban Low Density and VR districts. The other allows single-room occupancies at three times the density of dwelling units where multifamily housing is allowed. The county must follow state law. It should not go further.

I respectfully ask the Board to:
1. Adopt the HB 2138 items at the statutory minimum, with every clear and objective siting, design, lot-coverage, and parking standard state law still permits.
2. Remove from this package any density-related change the summaries do not tie to a state mandate. For example, the summaries describe making manufactured dwelling parks a primary use in the Urban Low Density, R-2.5, and PMD districts as a "more efficient pathway," not as a requirement. That change deserves its own hearing, not a place in a time-sensitive package.
3. Limit SRO allowances to the zones and densities the statute requires.
4. State in the adopting findings which provisions the state mandated and which were the county's choice.

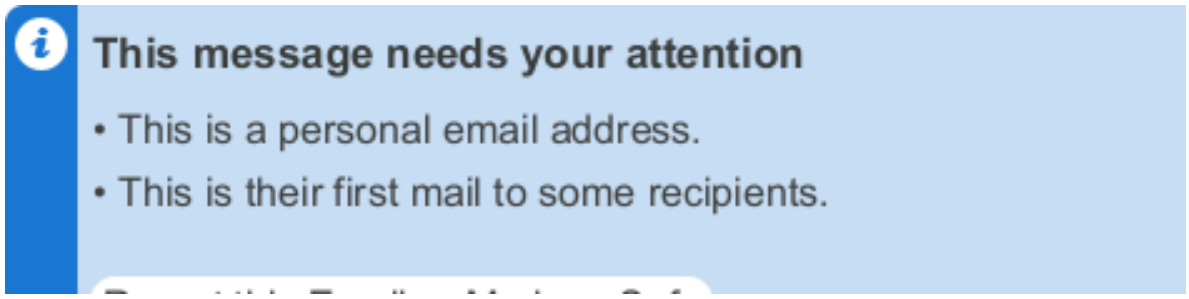
A clear line between state mandates and local choices lets residents hold the right officials accountable.

Respectfully,
Mrs. Kara Petersdorf
Wilsonville, OR 97070

Fritzie, Martha

From: Angie Golleher <angiegllc@gmail.com>
Sent: Monday, October 26, 2026 8:38 AM
To: Fritzie, Martha
Cc: Mandy Brenchley
Subject: Re: File ZDO-294 – Support for the FU-10 accessory structure setback amendment (Table 316-2, Note 14)

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Dear Commissioners:

I am writing to support the part of ZDO-294 that changes the side and rear setbacks for small accessory structures on FU-10 properties that Oregon City has designated low density residential. I own one of those properties, and this amendment came out of my situation. I would like to tell you what happened and why I think the county got this right.

For decades there was a shed on my property along the back fence. It was there long before I bought the place. As it turned out, the shed actually sat over the fence line and partly on my neighbor's land. Nobody had ever made an issue of it, but it was not where it belonged. A few years ago a tree came down on the shed and destroyed it.

When I rebuilt, I saw a chance to fix a problem I had inherited. I could have put the shed back where it had always been, and given how long it had been there, I probably could have made a legal claim to that ground. I did not want to do that to my neighbor. Instead I moved the new shed entirely onto my own property, three feet off the fence. I thought that was the neighborly thing to do and the right thing to do.

What I did not know was that the county code required ten feet from the property line, not three. A shed that had been over the line for decades had never drawn a complaint. A shed three feet inside the line was a

violation. I tried to get the shed permitted, and for a number of reasons that was not something I could accomplish. The county filed a lawsuit against me over it.

I want to thank the county and the Board of Commissioners for what happened next. Rather than keep litigating with a homeowner over a garden shed, the county dropped the lawsuit and took a hard look at whether the rule itself made sense for properties like mine. That took someone actually listening, and I am grateful to Ms. Fritzie, Ms. Hughes, and everyone in Planning and Zoning and the County Counsel's office who was willing to do that work to prepare a sensible solution for a Board vote.

There are likely other people in my situation who will never end up in a courtroom over a lot line issue, but who may live with the same mismatch between the county code and the city designation on their property. This fixes it for them too, before it becomes a dispute. Moreover, this process shows that the county has the capacity to be facilitative of low-impact solutions and look holistically at codes that may have outlived their time. Putting fresh eyes on this made all the difference for my family. I appreciate the county being proactive about that, and I ask the Commission to recommend that the Board adopt ZDO-294 as proposed.

Thank you for your time and for listening.

Sincerely,

Angie Golleher

19585 McCord Rd.

Oregon City, OR 97045

AngieGllc@gmail.com

Fritzie, Martha

From: Julie Parrish <JParrish@kelrun.com>
Sent: Monday, October 26, 2026 11:15 AM
To: Fritzie, Martha
Cc: angiegllc@gmail.com
Subject: Submission in support of ZDO-294 as proposed

Importance: High

Warning: External email. Be cautious opening attachments and links.

October 26, 2026
Clackamas County Planning Commission
c/o Martha Fritzie, Principal Planner
Planning and Zoning Division
150 Beavercreek Road
Oregon City, OR 97045

By email: mfritzie@clackamas.us

Re: Planning File ZDO-294 – Written testimony in support of the proposed amendment to ZDO Section 316, Table 316-2, Note 14 (accessory structure setbacks in the FU-10 District)
Planning Commission hearing: October 26, 2026

Dear Chair and Members of the Commission:

This firm represents Angie Golleher, the owner of the FU-10 property whose circumstances prompted Action 3 of ZDO-294, the accessory structure setback amendment described at pages 4 and 5 of the October 19, 2026, staff report. We write on behalf of our client in support of that amendment and ask that the Commission recommend adoption of ZDO-294 as proposed in Attachment A.

Background. For decades, an accessory shed stood along the rear fence of our client's property. The structure predated her ownership and, as later became apparent, sat over the fence line and partially on the adjoining parcel. When a tree destroyed the shed, our client rebuilt it entirely on her own land, three feet from the common boundary. That choice resolved a longstanding encroachment without litigation with the neighbor and without asserting any claim to the neighbor's land, which the duration of the prior encroachment might otherwise have supported an adverse possession claim. It also placed the new structure inside the ten-foot side and rear setback that Table 316-2 currently applies to accessory buildings in the FU-10 District. For a variety of reasons, a permit could not be obtained for the structure as built, and the county commenced an enforcement action. Rather than continue that litigation, the county elected to examine whether the underlying standard was appropriate for this class of property. We appreciate that decision and the work that followed.

The amendment. ZDO-294 adds Note 14 to Table 316-2. The note applies only where a property is both zoned FU-10 and has had a low density residential (LR) comprehensive plan designation applied by the City of Oregon City, and only to accessory structures located behind the front building line of the primary structure.

The existing planned unit development provision in Note 10 is preserved and continues to control where it applies. The proposed thresholds track the accessory structure standards in Oregon City Municipal Code 17.54.010, so a structure on an LR-designated FU-10 lot will be subject to the same setback whether it is permitted by the county before annexation or by the city after.

Why the amendment is sound land use policy. We offer the following in support of the staff recommendation.

1. **It aligns the standard with the property's actual designation.** As the staff report explains, FU-10 setbacks were set to match rural zones because FU-10 parcels are generally large and are held for future urban development. But a lot that Oregon City has already designated LR is, for practical purposes, an urban residential lot awaiting annexation. Applying a rural accessory setback to that lot produces the anomaly our client encountered: a structure that is a violation under county code today would be lawful the day the property annexes. Note 14 removes that gap.

2. **It reduces enforcement of disputes that have no meaningful land use impact.** A shed between 200-600 square feet and under 17 feet in height, three feet inside the owner's own line and behind the house, does not affect light, air, access, or fire separation in any way the city has found worth regulating. Spending code enforcement and county counsel resources, and potentially circuit court time, on structures of that kind is not a good use of public money. Where a true encroachment or nuisance exists, neighbors retain their remedies under property law; the county need not be the forum for every fence-line disagreement.

3. **It sets clear and objective standards.** Note 14 operates on square footage, building height, location relative to the front building line, and a one-structure limit for the 200 to 600 square foot category. Each of these can be verified at the counter from a site plan. The note also forecloses stacking with Section 903, so the three-foot figure is a ceiling on relief rather than a starting point for further exceptions. That is the kind of standard staff can administer consistently and owners can rely on when they plan a project.

4. **It allows reasonable use of residential property with minimal, if any, effect on neighbors.** Many LR-designated FU-10 lots are modest in size and already developed with a dwelling. A ten-foot setback on two sides removes a substantial share of the usable rear yard for a shed or garden structure. Permitting one small structure at three feet lets owners make ordinary residential use of their land, consistent with what the city allows next door, while leaving the ten-foot standard in place for larger and taller buildings where separation matters.

5. **It is narrowly drawn.** The amendment appears to apply to one zoning district, one city's plan designation, and accessory structures only. It does not alter standards in any rural residential zone, does not affect primary structures, and does not change lot size, coverage, or front setback requirements. The analysis and findings in the staff report are, in our view, correct that the change is consistent with the applicable Statewide Planning Goals, the Metro functional plan, and the Comprehensive Plan.

We note that upon adoption, structures already in place that meet the Note 14 standards will conform to the dimensional standards of the ZDO, which resolves our client's situation without further process.

Appreciation. Minor and time-sensitive amendments are, by design, a modest annual exercise, and it would have been easy to leave this issue to be resolved in court one property at a time. Instead, Planning and Zoning staff, together with County Counsel and the Board, listened to a resident, identified the mismatch between the county standard and the city designation, and drafted a targeted fix that will benefit every owner in the same position. That is the planning process working as it should, and our client is grateful for the consideration.

We respectfully request that the Planning Commission recommend approval of ZDO-294 as proposed. Please include this letter in the record for both the Planning Commission and Board of County Commissioners hearings.

Very truly yours,

Julie Parrish

Julie Parrish, Associate | **Kell, Alterman & Runstein, L.L.P.**
520 SW Yamhill Street, Suite 600 | Portland, Oregon 97204
Portland 503.222.3531 | Vancouver 360.993.1133 | Fax 503.227.2980
jparrish@kelrun.com | www.kelrun.com



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Fritzie, Martha

From: Dale Petersdorf <dale.petersdorf@gmail.com>
Sent: Wednesday, October 28, 2026 10:27 AM
To: Fritzie, Martha
Subject: Written Testimony on Ordinance ZDO-294 for the Board of County Commissioners

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Dear Ms. Fritzie and Members of the Board of County Commissioners,

Please include this testimony in the Board's packet for the November 10 hearing on Ordinance ZDO-294.

I support several parts of this ordinance. Raising the maximum flag size to 47.5 square feet so a military casket flag can be flown is the right call; as a disabled Air Force veteran, I thank you for it. Cutting administrative barriers, fixing the FU-10 setback problem a resident raised, and giving farm stores room to operate are all sensible.

My concern is the housing section. ZDO-294 would allow up to four middle-housing units in any attached or detached arrangement in the Urban Low Density and VR districts, and single-room occupancies at three times the normal density wherever multifamily housing is allowed. I understand much of this is required by state law. But the county still decides how it carries out those mandates.

I ask the Board to:

1. Adopt only what state law requires, and nothing beyond it.
2. Keep every local standard the law still allows, including parking, design, siting, and infrastructure requirements.
3. Before adoption, publish a plain-English explanation of which provisions are state-mandated and which are county choices.

Residents of unincorporated neighborhoods bought homes under one set of rules. They deserve to know exactly what Salem is requiring and what the county is choosing on its own.

Thank you for your service and your consideration.

Respectfully,

Dale Petersdorf
Wilsonville, OR
dale.petersdorf@gmail.com | (323) 352-9966

Fritzie, Martha

From: Kilo Papa <kara.estabrook@gmail.com>
Sent: Thursday, October 29, 2026 11:56 PM
To: Fritzie, Martha
Cc: BCCMail
Subject: ZDO-294: follow-up after the Oct. 26 Planning Commission recommendation (for the Nov. 10 BCC hearing)

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Dear Chair Roberts and Commissioners,

Please add this short note to the record for your November 10 hearing on ZDO-294. It builds on my October 19 and October 25 testimony rather than repeating it.

On October 26, the Planning Commission recommended approval of ZDO-294 as drafted by staff, with changes limited to the farm-store rules, such as raising the traffic-management-plan trigger from 75 to 150 parking spaces. It made no changes to the middle housing or single-room-occupancy provisions. At that hearing, staff explained that the middle housing allowances and the SRO density increase are required by state law. Staff also said two related pieces are the county's choice: replacing the named housing types with "up to four dwelling units," and the amendments to middle housing siting and design standards in Section 845.

Because those pieces are optional, I ask the Board to:

1. Adopt the mandated HB 2138 (2025) items, and keep an optional Section 845 change only where staff can show it maintains existing design, entry and setback protections rather than loosening them.

2. Keep every off-street parking requirement that state law still allows for middle housing and SROs. The county's summary for Section 1015, Parking and Loading, lists only conforming amendments. Please confirm in the findings that ZDO-294 reduces no parking requirement. I rent in Wilsonville and pay extra each month for covered parking, so I know how quickly parking runs short when units are added.

3. Direct staff to track middle housing and SRO permits under the new rules and report back on water, sewer, road and parking impacts. The staff report's Goal 11 finding relies on future development meeting the requirements "applicable at the time of construction." A short annual report would show whether that holds.

Thank you for clearly separating what Salem requires from what the county chooses.

Respectfully,
Mrs. Kara Petersdorf
Wilsonville, OR 97070

OREGON PROPERTY OWNERS
ASSOCIATION

November 2, 2026,

Clackamas County Board of County Commissioners
2051 Kaen Road
Oregon City, OR 97045

Re: OPOA Comments on ZDO-294 – Farm Store Amendments

Dear Members of the Clackamas County Board of Commissioners,

The Oregon Property Owners Association championed the farm store legislation in the 2026 Legislative Session. This bill was the product of much work, compromise, and support from families, farmers, and local governments. Oregonians from across the state spoke up in support of this bill because they recognized that farmers need practical ways to make money and keep their farms in operation. Farm stores and related agritourism activities can help farmers earn additional income while giving families access to affordable, family-friendly fun and a closer connection to agriculture.

We greatly appreciate the care that Clackamas County staff has taken when drafting these rules. We recognize the effort to provide clear operating standards for farmers while addressing potential impacts to public health, safety, and welfare. With that said, we ask the County to please address the following concerns before adopting the amendments. As drafted, some of these rules would be extremely costly and impractical for farms.

INCLUDE ONLY PRACTICAL PARKING REQUIREMENTS

Please Keep Parking Requirements Grounded in the Reality of Working Farms. Visitors to a farm store or agritourism event expect a farm environment, not a commercial parking lot. Many farms accommodate seasonal visitors in hay fields, grass seed fields, or other areas that return to agricultural production after the event. The County should focus on safe access and managing congestion on public roads – not require farmers to build commercial-style parking facilities for activities that occur only part of the year.

- **Preserve Farmland Used for Seasonal Parking.** Many farmers use hay or grass seed fields for seasonal event parking, then return those fields to production after the event. Section 401.09(E)(10)(g) requires screened gravel or better, with a specified structural base, for parking areas with more than 75 spaces. That requirement could force farmers to

replace productive fields with permanent parking areas. Please allow grass surfaces for seasonal parking areas regardless of the number of spaces. Also revise Section 401.09(E)(10)(h) to allow alternatives to the required 100-foot gravel driveway where farmers can prevent soil from reaching the road through other practical measures. These changes would protect farmland and road safety without requiring unnecessary construction.

- **Do Not Discount Parking Areas from Farm Use Minimums.** Many farmers use hay fields or other productive agricultural areas for temporary event parking. Please strike the following language: "*Farm store parking shall not occur on the land required to comply with the minimum farm use acreage standard of Subsection 401.09(E)(4).*"

- **Allow Practical Alternatives To Individual Wheel Stops Or Timbers.** Section 401.09(E)(10)(f) requires wheel stops or timbers at every space once a parking area exceeds 10 spaces. For a large seasonal event, the rule could require farmers to buy, transport, install, and later remove or store hundreds of wheel stops or timbers. Leaving them in place could interfere with mowing, harvesting, and other productive agricultural uses, effectively dedicating productive farmland to parking for an event that lasts only a few days or weeks. Clearly marked rows, temporary markers, and parking attendants can organize vehicles while allowing farmers to return the land to agricultural use.

- **Allow Parking Location Flexibility For Seasonal Events**. Many farms consist of multiple adjoining parcels and farmers often rent adjacent land for seasonal event parking. Section 401.09(E)(10)(b) requires parking on the "subject property". Please clarify that farmers may use adjacent or adjoining parcels when they have documented rights to use them and can provide safe pedestrian and vehicle connections.

PLEASE SET FAIR & CONSISTENT NOISE RULES

- **Allow Evening Hours That Work for Farmers and Families.** Section 401.09(E)(12) limits activities with amplified sound or pneumatic devices to 6:00 p.m. Sunday through Thursday and 8:00 p.m. Friday and Saturday. It allows nonamplified activities until 8:00 p.m. Sunday through Thursday and 10:00 p.m. Friday and Saturday. The draft counts attendee arrival and departure within those hours. We ask the County to allow amplified sound until at least 9:00 p.m. Monday through Thursday and 10:00 p.m. Friday through Sunday, subject to the applicable noise limits. Please also allow non-amplified activities during those hours and include a reasonable grace period after activities end for orderly staff and visitor departure. Many working parents and families cannot arrive at the farm store or agritourism event until after work, commuting, and picking up children. Allowing realistic evening hours gives working families time to participate and helps

farm businesses run viable evening programs. These early cutoffs would restrict family activities when they involve amplified sound or pneumatic devices, including:

- **Seasonal Evening Events:** Harvest festivals with live music, pumpkin cannons, outdoor movie nights, and Christmas tree or holiday festivals with amplified holiday music.
- **Community Dinners & Farm-to-Table Meals:** Evening dinners featuring amplified guest speakers, background music, or announcements.
- **Farm Education & Workshops:** Evening canning classes, gardening seminars, or sunset farm tours that use microphones for larger groups.

- **The County already uses a later noise schedule for home occupations that host events.** Farm stores should not be subject to stricter standards than other similar uses. Section 806.03(J)(1) allows noise up to the greater of 60 dBA or ambient noise until 9 p.m. Sunday through Thursday and 10 p.m. Friday and Saturday. There is no reason why farm-store activities involving amplified sound must end several hours earlier, even when they meet the draft's noise limits.

- **Require Clear Triggers for Noise Studies**. Section 401.09(E)(11)(b) gives the County open-ended discretion to require a noise study without identifying what triggers that expense. Please outline clear and objective criteria for when a noise study is required.

SLOW DOWN & GIVE THIS ISSUE THE TIME IT DESERVES

We recognize the County's interest in adopting siting standards before HB 4153 takes effect. But that effective date does not require the County to adopt optional local standards by then. Clackamas County's family farms and beloved agritourism events deserve rules that reflect how they actually operate. These standards will shape farmers' costs, their ability to welcome visitors, and whether families can continue to enjoy these experiences. We urge the County to take the time to work through these concerns with farmers rather than rush to meet a deadline that does not apply to these optional standards.

Thank you for the opportunity to provide these comments today.

Samantha Bayer
General Counsel
Oregon Property Owners Association
sbayer@oregonpropertyowners.org

Fritzie, Martha

From: Hughes, Jennifer
Sent: Tuesday, November 3, 2026 7:32 AM
To: Fritzie, Martha
Subject: FW: Farm Stores - Record Open?
Attachments: OPOA-Clackamas-Farm-Store-Comment-Letter.pdf

From: Samantha Bayer <sbayer@oregonpropertyowners.org>
Sent: Monday, November 2, 2026 6:38 PM
To: Hughes, Jennifer <jenniferh@clackamas.us>
Cc: Dave Hunnicutt <dhunnicutt@oregonpropertyowners.org>
Subject: RE: Farm Stores - Record Open?

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Hi Jennifer,

Please find attached OPOA's comment letter on the proposed amendments to be included in the board packet. Happy to connect with you further if you want to talk through any of this.

Best,

Samantha Bayer
General Counsel
Oregon Property Owners Association
(503)-620-0258
sbayer@oregonpropertyowners.org

From: Hughes, Jennifer <jenniferh@clackamas.us>
Sent: Tuesday, October 27, 2026 4:45 PM
To: Samantha Bayer <sbayer@oregonpropertyowners.org>
Subject: RE: Farm Stores - Record Open?

Yes, it will be open through the end of the BCC hearing that is scheduled for 11/10 at 11:00 a.m. If you can get us something by the end of the day next Monday, 11/2, it will go in the Board packets.

Jennifer Hughes, Planning Director
Clackamas County | Transportation & Development | Planning & Zoning
503-742-4518
150 Beavercreek Road, Oregon City OR 97045
Hours: Mon – Thurs, 8:00 a.m. – 5:30 p.m.; every other Fri, 8:00 a.m. – 4:30 p.m.

Planning has launched Development Direct which means as of September 1, 2026 all land use applications and forms must now be submitted and paid for through the Development Direct portal. For more information, visit the county website.

DEVELOPMENT DIRECT

WERE YOU HAPPY WITH THE SERVICE YOU RECEIVED TODAY?

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Samantha Bayer <sbayer@oregonpropertyowners.org>
Sent: Tuesday, October 27, 2026 12:28 PM
To: Hughes, Jennifer <jenniferh@clackamas.us>
Subject: Farm Stores - Record Open?

Warning: External email. Be cautious opening attachments and links.

Hi Jennifer,

I missed my window to get something in before the planning commission meeting. Is the record going to be left open?

Samantha Bayer
General Counsel
Oregon Property Owners Association

(503)-620-0258
sbayer@oregonpropertyowners.org