

**SECTION 100  
INTRODUCTORY PROVISIONS (8/20/08)**

101 TITLE

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

102 PURPOSE AND SCOPE

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

102.02 CONFORMANCE REQUIRED

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

The County may initiate legal proceedings to enforce the terms and provisions of this Ordinance. Such proceedings may be commenced either by filing a complaint with the Compliance Hearings Officer, or by filing a civil action in Circuit Court, or both. The County may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, remove, or nullify the unlawful transfer, location, construction, maintenance, repair, alteration, or use. (2/10/94)

102.03 VIOLATIONS

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

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

102.04 JURISDICTION

The County Compliance Hearings Officer and circuit courts have concurrent jurisdiction under subsection 102.03. (2/10/94)

102.05 INTERPRETATION

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

102.06 SAVING CLAUSE

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

102.07 CONFLICTING ORDINANCES

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

103 DISTRICT DESIGNATION

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

103.01 BOUNDARIES

- A. The boundaries of these districts are hereby established as shown on the zoning map or maps of the unincorporated territory of Clackamas County, Oregon, which map or maps are hereby made a part of this Ordinance. The said zoning map or maps and all notations and references and other matters shown thereon, shall be and are hereby made part of this Ordinance. Said zoning map or maps properly attested, shall be and remain on file in the office of the county Department of Transportation and Development, governing body of the county, or County Clerk of Clackamas County, Oregon.

- B. Except where reference is made on said map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Ordinance.
- C. The exact location of district boundary lines shall be interpreted by the Planning Director.
- D. Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

104 SUMMARY OF REVIEW PROCEDURES

104.01 ADMINISTRATION

The review of applications under this Ordinance shall be subject to one of following procedures: (8/20/08)

- A. The Public Hearing or Planning Director Review Administrative Action process as defined and outlined in Section 1300; (8/20/08)
- B. The Legislative Actions process as outlined in Section 1400; or (8/20/08)
- C. The Planning Staff Review process, which shall be conducted as follows: (8/20/08)
  - 1. The applicant shall submit an application and supplementary materials, as required in this Ordinance, to the Planning Department.
  - 2. The application shall be reviewed by appropriate staff members who shall approve, deny, or approve with conditions, the application on the basis of an evaluation of the proposal and the requirements and standards set forth in this Ordinance. (8/20/08)
  - 3. The Planning Director shall notify the applicant in writing of the decision. (8/20/08)

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4. Decisions of the Planning Director shall become final unless appealed in writing. The appeal must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business. Anyone may appeal the decision. If appealed, the application shall be reviewed by the Hearings Officer pursuant to Section 1300. An appeal stays the proceedings in the matter appealed until the determination of the appeal by the Hearings Officer.  
(8/20/08)