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DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

MEMORANDUM

TO: Board of County Commissioners
Gary Schmidt, County Administrator

FROM: Jennifer Hughes, Planning Director

DATE: December 9, 2020

RE: Waiver of Zoning and Development Ordinance Standards for Temporary Use

The Board's emergency declaration related to the COVID-19 pandemic allows the waiver of Zoning and Development Ordinance provisions for commercial, industrial and institutional uses to authorize temporary uses or temporary modifications to existing developments to facilitate social distancing and other requirements of the Governor's COVID-19 related executive orders.

Due to the current restrictions on indoor recreational uses such as gyms, the 24-Hour Fitness on Sunnybrook Blvd has requested a waiver to allow them to establish a temporary workout area on one level of the parking garage. Attached is the submitted application form, which has been reviewed by Transportation Engineering, Building Codes and Public Health. Staff from Public Health and Building Codes have been in touch with the applicant to discuss the details of the proposal and explain their requirements.

Staff recommends approval, which is needed to waive ZDO provisions that otherwise restrict the use of required parking spaces and limit outdoor storage/display.



**Planning and Zoning
Department of Transportation and Development**

Development Services Building
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COVID-19 EMERGENCY DECLARATION

TEMPORARY WAIVER FROM PROVISIONS OF ZONING AND DEVELOPMENT ORDINANCE

This is a request for the Clackamas County Board of Commissioners to agree to waive provisions of the Zoning and Development Ordinance (ZDO) to authorize temporary uses, or temporary modifications to existing developments, to facilitate social distancing and other requirements of the Governor's COVID-19 related executive orders.

This waiver request only applies commercial, industrial and institutional uses and is only for provisions of the ZDO as indicated here. Any approval granted does not waive other permitting requirements and fees (e.g., building, fire, site access and development, septic).

Any approval to waive provisions of the ZDO is in accordance with *Addendum No 4 to Resolution No. 2020-14 Declaring a Local State of Emergency Regarding the COVID-19*, and is automatically void when Resolution No. 2020-14 expires or is no longer in effect.

STEP 1: Provide project information (completed by applicant). **Attach a site plan showing property lines, existing improvements and proposed temporary improvements. A complete site plan is required before processing your request.**

Business or organization name:

Address:

Property Owner:

Day phone: ()

Email:

Additional contact:

Day phone: ()

Email:

Proposal description:

STEP 2: County Review (staff use only)

Planning and Zoning Review

Waiver required via the Emergency Declaration

Prohibited for use by state law (cannot be waived by Emergency Declaration)

Comments/ZDO provisions to be waived by emergency declaration:

Reviewer signature:

Date:

Transportation Engineering Review No permits are required Permits are required as noted below Project approval not recommended for reasons noted below**Permitting/Comments:**

Reviewer signature:

Date:

Building Codes Review No permits are required Permits are required as noted below Project approval not recommended for reasons noted below**Permitting/Comments:**

Reviewer signature:

Date:

Public Health Review Proposal approved Proposal approved with conditions as noted below Project approval not recommended for reasons noted below**Comments:**

Reviewer signature:

Date:

STEP 3: Approval to use Emergency Declaration

Following Board Resolution 2020-014, declaring a Local State of Emergency and Declaring Emergency Measures, the Board of County Commissioners agrees *“to waive provisions of the Zoning and Development Ordinance to authorize temporary uses or temporary modifications to existing developments to facilitate social distancing and other requirements of the Governor’s COVID-19 related executive orders”* as specifically described under Planning and Zoning Review, above. This approval is specific to the proposed property, use, and ZDO provisions to be waived.

Date of Board Issues Session where approval granted:

STEP 4: Fire District Approval (applicant to coordinate with Fire District)

It is the applicant’s responsibility to contact, and coordinate with, their local fire district. (Note: many temporary uses, such as tents, are governed by the local Fire Marshal, so coordination with the fire district is required).