

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Study Session Worksheet

Presentation Date: 3/10/2015 **Approx Start Time:** 1:30 pm

Approx Length: 1 hour

Presentation Title: Planning alternatives for low density residential areas in the Jennings Lodge, Oak Grove and Clackamas Community Planning Organization boundaries.

Department: Planning and Zoning Division

Presenter: Mike McCallister, Planning Director

Other Invitees: Barb Cartmill, DTD Director; Karen Buehrig, DTD Transportation Planning Manager; Dan Johnson, DTD Assistant Director - Development

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

We are requesting Board direction on whether to consider initiating amendments to the Clackamas County Comprehensive Plan and/or Zoning and Development Ordinance (ZDO) to prohibit or limit upzoning of existing urban low density residential zoned areas or other changes to these zones, including but not limited to lot designs, planned unit developments, zone change policies and housing types.

EXECUTIVE SUMMARY:

On January 22, 2015 the Board held a public meeting to discuss and adopt the Planning and Zoning Division work program. During that meeting, information and testimony was presented asking the Board to consider adding a task to include changes to the low density residential zoning districts to ensure new development is compatible with existing neighborhoods. The Board did not add that task, but directed staff to schedule a future study session on the topic.

The area in question is that encompassed by three CPOs -- Jennings Lodge, Oak Grove and CLackamas. A memo with background information about the urban low density residential zoning districts, design standards, allowable housing types, service provision, zone change policies and procedures, and zone change history for the past 10 years is included in this packet.

FINANCIAL IMPLICATIONS:

The Board has already approved one modification to the adopted work program for 2015-2016 - to include a review of ZDO Section 800 - Special Use Requirements and consideration of amendments to the Comprehensive Plan and ZDO for a defined geographic area around the Park Avenue Light Rail Station. The Park Avenue Light Rail Station project is contingent on support from property owners in the affected area. Staff will report back to the Board on the progress of those efforts.

At this time, the scope of work would need to be further defined in order to allocate staff resources if the Board would like staff to add another component to the work program. Initiation of the options listed below needs to take into consideration the existing work program adopted by the BCC. Most of the identified options would require removal of or scaling back other projects in the work program.

LEGAL/POLICY REQUIREMENTS:

The Board has the discretion to initiate amendments to the Comprehensive Plan and ZDO, including any of the options identified in this report. There are three legal/policy requirements to consider.

1. If the Board directs staff to initiate one or more of the options, an amendment to the Comprehensive Plan and / or ZDO would be necessary and require review through the normal legislative process (Type IV review), which includes public hearings before the Planning Commission and BCC. Under Measure 56, any proposals that would potentially restrict the uses of property or change the value of property would require notice to individual property owners.
2. There is a question as to whether policy changes to the urban low density residential districts can be applied in a specific geographic area of the County and not apply to other low density residential areas throughout the County.
3. The Clackamas County / City of Gladstone Urban Growth Management Agreement (UGMA) includes lands within the boundary of all three CPOs. The Clackamas County / City of Milwaukie UGMA includes lands within the boundary of the Oak Grove and Clackamas CPOs (see attached Gladstone and Milwaukie UGMA maps). The UGMAs and corresponding maps are important because they identify areas of special interest (dual interest areas) for future planning for each city. The UGMAs set forth coordination procedures and require the County to notify the cities of all land use actions, including legislative amendments affecting dual interest areas. Any proposals to change zoning or development standards in the dual interest areas require close cooperation and support from the cities in the respective dual interest areas.

PUBLIC/GOVERNMENTAL PARTICIPATION:

On February 12, 2015, the Planning and Zoning Division staff sent an email to the Jennings Lodge, Oak Grove and Clackamas CPO's notifying them of the date and time of this study session. On February 27, 2015 the same CPOs were also sent an email advising them to refer to the BCC web page to obtain a copy of the study session materials.

OPTIONS:

(Note -- all options would apply to one or more of the areas encompassed by the Jennings Lodge, Oak Grove and Clackamas CPOs)

1. Direct staff to initiate an amendment to the Comprehensive Plan and / or ZDO to prohibit any upzoning of low density residential areas.
2. Direct staff to initiate an amendment to the Comprehensive Plan and / or ZDO to limit upzoning of any low density residential areas to only R-8.5 (8,500 square foot minimum lot size).
3. Direct staff to amend one or more of the lot design standards in low density residential areas. The options could include prohibiting flexible lot size standards and / or prohibiting planned unit developments (PUD).
4. Prohibit attached single family dwelling units, two-family dwellings and / or three-family dwellings.

5. Consider amendments to the zone change language in Policy 11.0 to further restrict but not prohibit upzoning.
6. Pursue alternatives and funding (grants, etc.) for a comprehensive neighborhood plan .
7. Initiate additional outreach and obtain input from the public on the options listed above.
8. Do not initiate any amendments.

RECOMMENDATION: The Planning and Zoning Division staff respectfully requests the Board provide direction on amendment changes based on the options outlined above.

ATTACHMENTS:

1. Memo from Mike McCallister, Planning Director with Background Information, 2-27-2015.
2. Gladstone Urban Growth Management Area map
3. Milwaukie Urban Growth Management Area map
4. Map of the Study Area (oversized map)

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval *M. O. Cozmill*

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Mike McCallister @ 503-742-4522



MIKE MCCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 27, 2015

To: Board of County Commissioners

From: Mike McCallister, Planning Director

RE: Study Session Memo / Low Density Residential Areas in the Jennings Lodge, Oak Grove and Clackamas Community Organization boundaries

The purpose of this memo is to provide background information to accompany the Study Session Worksheet for March 10, 2015 (1:30 pm agenda item).

The study area for purposes of this Study Session include the areas designated Low Density Residential within the Jennings Lodge, Oak Grove and Clackamas CPO's boundary (west of I-205). The study area is bounded by the Willamette River on the west, I-205 to the east, City of Milwaukie to the north and City of Gladstone to the south. The zoning in this area includes the single-family residential zones ranging from R-7 to R-30.

1. Comprehensive Plan Designation: Areas designated "Low Density Residential" on the Comprehensive Plan are planned primarily for single-family residential development.
2. Zoning Districts / Minimum Lot Sizes: The Urban Low Density Residential (ULDR) zoning districts (Section 315 of the ZDO) implements the Low Density Residential Comprehensive Plan Designation. There are eight urban low density residential zoning districts with lot sizes ranging from 2,500 to 30,000 square foot lot sizes (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20 and R-30). Only the R-7 thru R-30 zones can be applied in the subject area. The R-2.5 and R-5 zones are limited to the Clackamas Regional Center Area and specific corridors.
3. Design Standards: The ZDO includes a number of design standards to provide flexibility in the creation of new lots or parcels in urban low density residential districts.

Flexible Lot Size Standards: The flexible lot size standards allows for the creation of a lot or parcel smaller than the minimum lot size of the underlying zoning district. This standard does not allow the total number of lots to exceed the maximum density standard of the underlying zoning district. In effect, the newly created lots must average the minimum lot size. In the R-7 thru R-30 zoning districts, the smallest lot or parcel

permitted is 80 percent of the minimum lot or parcel size in the underlying zoning district (For example a flex lot in the R-7 zone may be no smaller than 5,600 square feet; the R-10 zone at least 8,000 square feet).

Planned Unit Developments: A PUD is required under two circumstances for development in the urban low density residential zoning districts. First, a PUD is required for any site larger than one acre and where 10 percent or more of the site is designated Open Space on the Comprehensive Plan. Second, a PUD is required for any development that includes attached single family dwellings on more than 20 percent of the proposed lots. A PUD may be proposed for any other partition or subdivision at the applicant's discretion. The design standards for PUD's are intended to encourage a creative approach in developing land, allow for design flexibility, preservation and use of open space and protection of natural features. All PUD's must include a minimum of 20% of the gross site area in open space. There is no minimum lot size for PUD's in the urban low density residential zoning districts. However, the maximum density standard may not be exceeded.

4. Residential Housing Types: The housing types permitted in the ULDR zoning districts include detached single family dwellings and attached single family dwellings. Attached single family dwellings are allowed on up to 20 percent of the lots in a subdivision and 100 percent of the lots in a planned unit development. Two-family and three family dwellings (duplex and triplex) may be allowed if approved through a conditional use permits subject to certain density standards.

5. Zone Change Policies and Review Procedure: A zone change application is required to change the zoning from one ULDR zoning district to another ULDR residential district (i.e. R-10 to R-8.5). A zone change requires review by the County land use hearings officer at a public hearing.

A zone change application is subject to the applicable policies in the Comprehensive Plan and zone change criteria in Section 1202 of the ZDO. The primary Comprehensive Plan policies applicable to this type of zone change are included in Policy 11.0 (Policies 11.1 – 11.7) in Chapter 4 of the Comprehensive Plan. The policies are identified below.

Policy 11.0: Zoning of Immediate Urban Low Density Residential areas and conversion of Future Urban areas to Immediate Urban Low Density Residential shall include zones of 2,500; 5,000; 7,000; 8,500; 10,000; 15,000; 20,000, and 30,000 square feet (R-2.5 through R-30). The following factors guide the determination of the most appropriate zone:

11.1 Physical site conditions such as soils, slope, and drainage:

a. Land with soils subject to slippage, compaction or high shrink-swell characteristics shall be zoned for larger lots.

b. Land with slopes of:

Less than 20 percent shall be considered for the R-2.5 through R-8.5 zoning districts.

20 percent and over shall be considered for the R-10 through R-30 zoning districts.

c. Land with hydrological conditions such as flooding, high water table or poor drainage shall be zoned for larger lots.

11.2 Capacity of facilities such as streets, sewers, water, and storm drainage systems.

11.3 Availability of transit: Land within walking distance (approximately one-quarter mile) of a transit stop should be zoned for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.

11.4 Proximity to jobs, shopping, and cultural activities: Areas in proximity to trip generators shall be considered for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.

11.5 Location of 2,500- and 5,000-square-foot lots: Location of 2,500 and 5,000 square foot lots, implemented by the R-2.5 and R-5 zoning districts, may be allowed in Corridor design type areas and where permitted by Community and Design Plans located in Chapter 10.

11.6 Need for neighborhood preservation and variety: Areas that have historically developed on large lots where little vacant land exists should remain zoned consistent with the existing development pattern. Otherwise, unless physical or service problems indicate to the contrary, areas of vacant land shall be zoned for lots of 8,500 square feet or smaller.

11.7 Density average: To achieve an average of 7,500 square feet or less per lot in low density Future Urban areas when conversion to Immediate Urban low density residential occurs, the R-10 zone shall be limited to areas with 20 percent slope and greater. Flexible-lot-size land divisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.

In summary, Policy 11.0 requires consideration of a number of physical site characteristics (soil types, slopes, flooding, high water tables and drainage), capacity of services (sewer, water, storm drainage and transportation adequacy), geographic proximity (i.e. walking distance) to transit and transit stops, jobs, shopping and cultural activities and historical parcelization (lot sizes) and development patterns. The policies are intended to promote efficient use of residential land. All the policies are considered, weighed and balanced in the evaluation of a zone change application in order to determine the appropriate zoning district and minimum lot size.

6. Sewer and Surface Water Districts: Public sewer and surface water in this area is provided by the Oak Lodge Sanitary District and CCSD No. 1

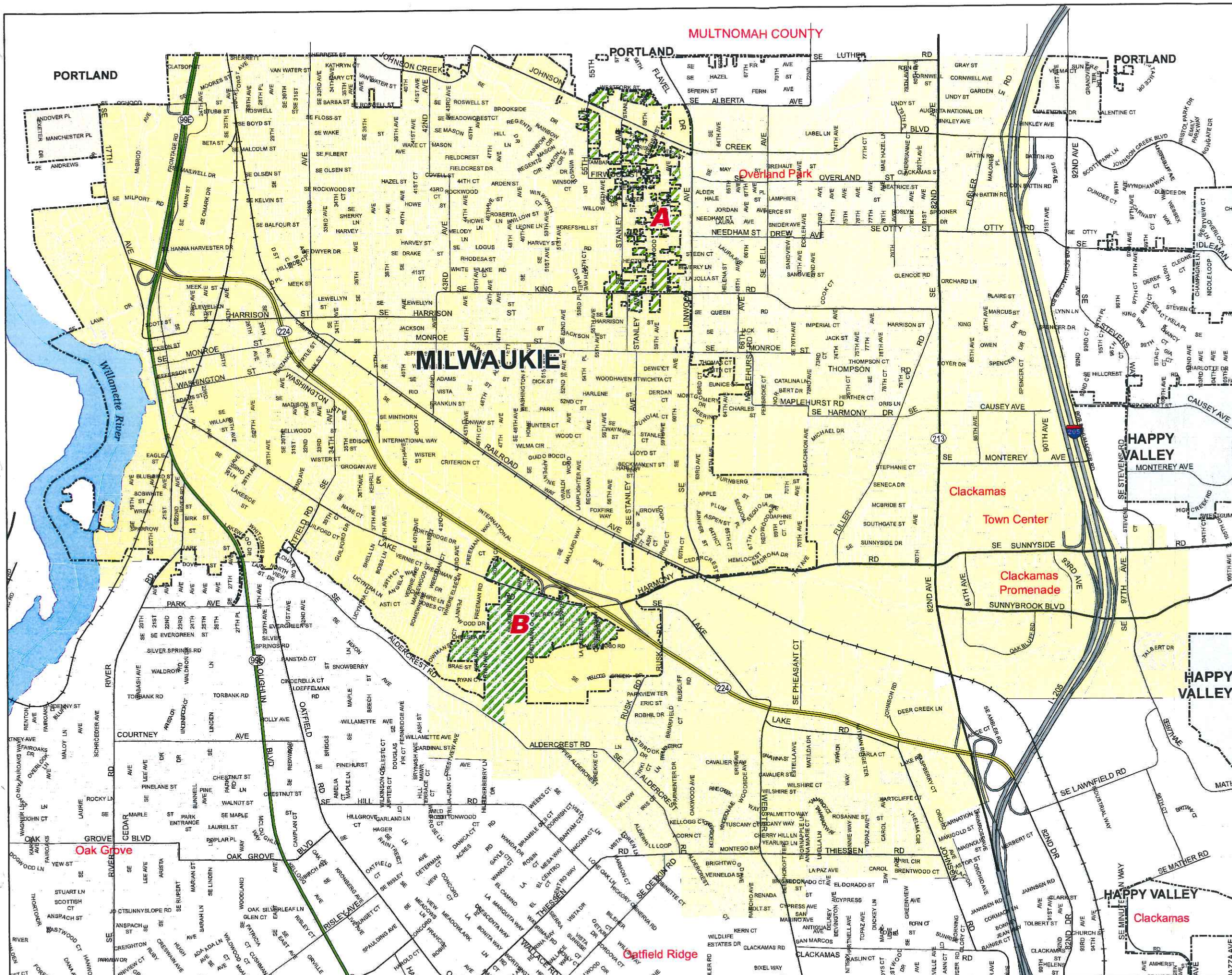
7. Water Districts: Public water in this area is provided by Oak Lodge Water District and Clackamas River Water District.

8. Transportation Facilities; The study area is served by four significant north – south transportation corridors; McLoughlin Blvd is a Principal Arterial and Oatfield Road, River Road and Webster Road are all Minor Arterials. The area is served east to west by four Minor Arterial roads including Oak Grove Blvd, Thiessen Road, Roots Road and Jennings Avenue.

9. Transportation System Plan Findings: The Transportation Systems Plan (TSP) includes a variety of transportation system improvement projects for the Study Area. Travel model analysis completed in 2013 as a part of the TSP update project found that all of the intersections and segments in this study area would meet the transportation performance standards with the implementation of Tier 1 (20-year Capital Improvement Projects).

10. Prior Zone Change Activity: In the last 10 Years, 8 zone change applications have been approved in the study area from an R-10 zoning district to a higher density (R-8.5 or R-7) urban low density residential district.

MILWAUKIE Urban Growth Management Agreement Area



Legend

Milwaukie Urban Growth Management Agreement (UGMA) Area

Dual Interest Area (DIA)*
*Milwaukie DIA, Areas 'A' & 'B'

Per UGMA, adopted July, 1990

City of Milwaukie
City of Happy Valley
City of Portland



November 2013

2,000 1,000 0 Feet

Scale = 1:23,000



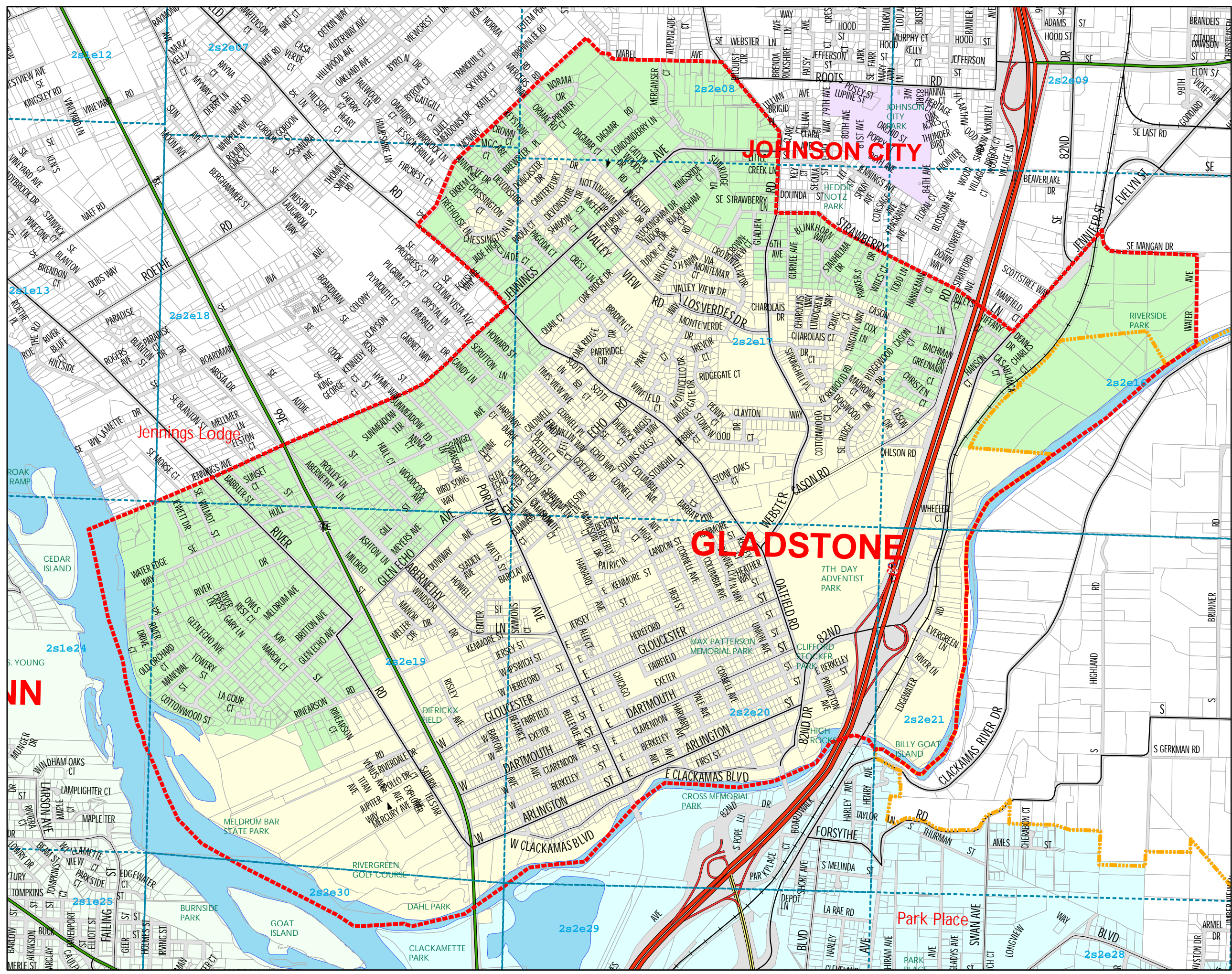
GEOGRAPHIC INFORMATION SYSTEMS

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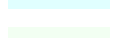
Department of Transportation & Planning, www.clackamas.us
150 Beaver Creek Rd, Oregon City, OR 97045 503-742-1500

GLADSTONE

Urban Growth Management Area



Legend

-  UGMA
-  UGB
-  Gladstone
-  Johnson City
-  Oregon City
-  West Linn
-  Unincorporated Clackamas County within the UGMA

October 2005

1:16,000

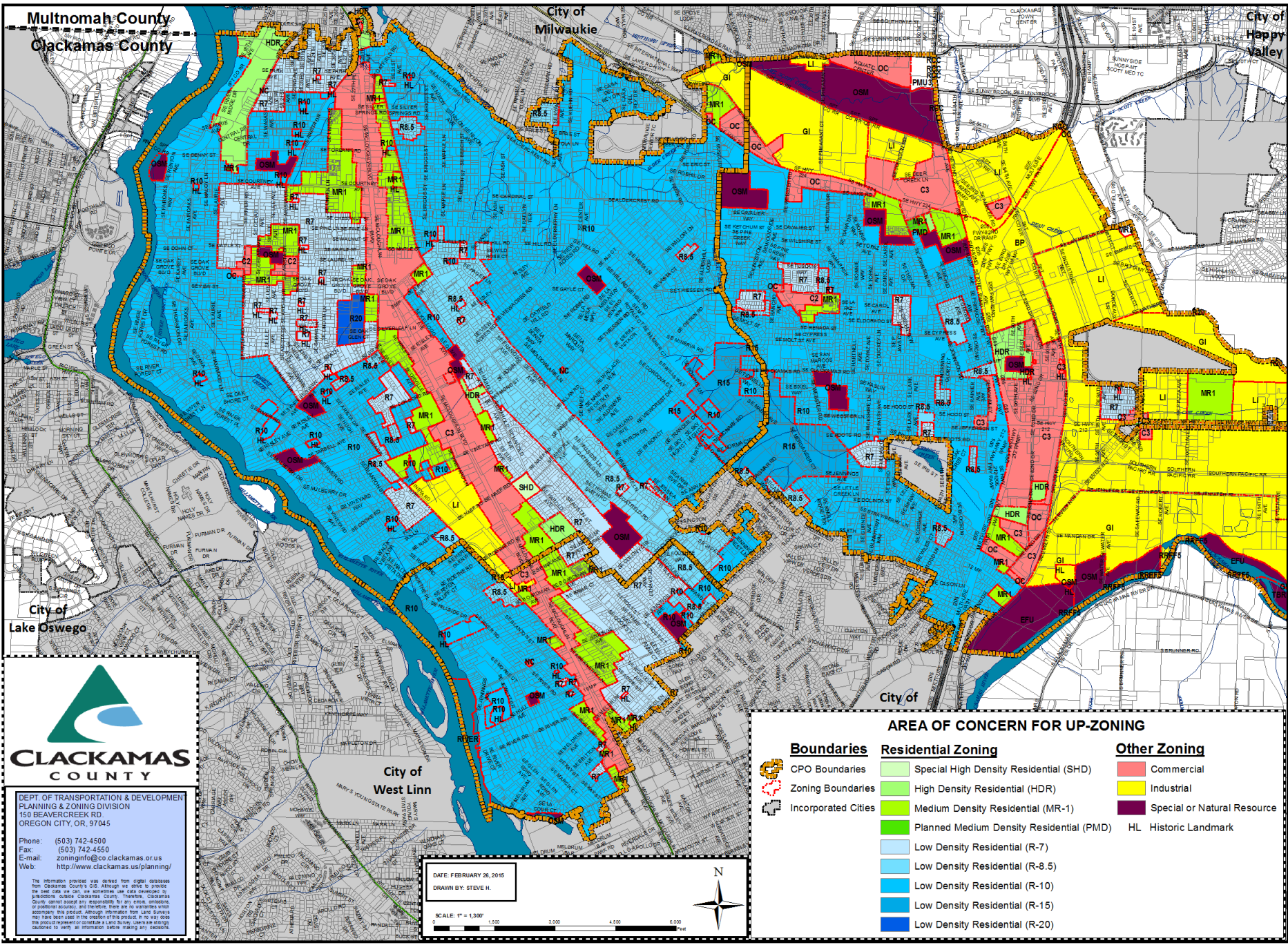


CLACKAMAS COUNTY

GEOGRAPHIC INFORMATION SYSTEMS

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Multnomah County
Clackamas County


City of
Milwaukie

City of
Happy Valley

City of
Lake Oswego

City of
West Linn

City of



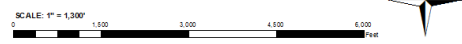
CLACKAMAS COUNTY

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DATE: FEBRUARY 26, 2015
DRAWN BY: STEVE H.



AREA OF CONCERN FOR UP-ZONING

Boundaries		Residential Zoning		Other Zoning	
	CPO Boundaries		Special High Density Residential (SHD)		Commercial
	Zoning Boundaries		High Density Residential (HDR)		Industrial
	Incorporated Cities		Medium Density Residential (MR-1)		Special or Natural Resource
			Planned Medium Density Residential (PMD)		HL Historic Landmark
			Low Density Residential (R-7)		
			Low Density Residential (R-8.5)		
			Low Density Residential (R-10)		
			Low Density Residential (R-15)		
			Low Density Residential (R-20)		