

**PLANNING COMMISSION
MINUTES**

July 13, 2020

Meeting held via Zoom meeting online

Commissioners present: Brian Pasko, Michael Wilson, Mary Phillips, Gerald Murphy, Thomas Peterson, Tammy Stevens, Carrie Pak, Steven Schroedl

Commissioners absent: Louise Lopes

Staff present: Jennifer Hughes, Glen Hamburg, Karen Buehrig, Darcy Renhard.

Commission Chair Stevens called the meeting to order at 6:33 pm.

General public testimony not related to agenda items: none.

Commissioner Stevens opened the continuation of the public hearing for the ZDO-276 from June 22, 2020. This hearing is for a proposal to amendments to the Clackamas County Comprehensive Plan (Comp Plan) and Zoning and Development Ordinance (ZDO).

Glen Hamburg summarized additional documents that have been added to the record since the June 22nd meeting. Attachment E outlines the revised proposals and some clarifying language that has been added to the amendment package. In the revised amendments to Comprehensive Plan Chapter 4 for example, there are now conforming amendments for the manufacture of edible and drinkable products to be retailed onsite in General Commercial areas. In the revised amendments to ZDO Section 401 (EFU), there is a correction to a citation. Also, school expansions are listed as a Type II application and equine therapy and utility land divisions are not allowed in urban reserves in Table 401-1. In ZDO Section 406 (TBR), accessory farm forestry dwellings are now recognized as not allowed in urban reserves. In ZDO Section 407 (AG/F), conforming amendments were added to Table 407-1. In ZDO Section 835, language to require "at least similar color for small wireless facilities" has been added per discussion during the June 22nd meeting.

Glen reviewed the 24 actions that this proposal addresses.

1. Staff is recommending that notice distance be increased to ½ mile for Type III applications, non-conforming use applications, and vested right applications in the rural zones. Planning Commission members had no further issues to discuss on this proposal.
2. Reducing rural kennel setbacks from 200 feet to 100 feet. Commissioner Murphy has heard some negative feedback on this, but he did not feel that it needed further discussion. Commissioner Pasko supports staff's recommendation.
3. Allow manufacturing of goods retailed onsite in commercial zones. Staff is only proposing that this be allowed for edible and drinkable goods. Commissioner Phillips would like to save this for further discussion.
4. Allow EFU land divisions when necessary for siting approved utilities. This would be in line with what is allowed by the State. There was no further discussion on this proposal.
5. Allow equine therapy in AG/F and EFU zones. There was no further discussion on this proposed amendment.
6. Allow accessory dwellings for family forestry operations in AG/F and TBR zones. The parcel must be at least 80 acres in area, there must already be an approved dwelling on the property, and the accessory dwelling must be for a family member to help support the farm/forest operations. The Planning Commission recommended that the accessory dwelling be a manufactured home. There are

approximately 60 properties within the County that would qualify for this use. The Planning Commission had no additional comments on this proposal.

7. Provide renewable energy facility criteria consistent with State mandates within the EFU district. The Planning Commission had no additional comments on this.
8. Increase opportunities for urban road frontage FILO. This item was selected for further discussion this evening.
9. Match our definition of ex parte contact to be consistent with State law. There was no further discussion on this.
10. Adopt small wireless facility procedures and standards. The proposal from staff is to have these regulated under the County Roadway Standards and not the ZDO. Commissioner Phillips would like to discuss this further.
11. Codify nonconforming marijuana production premises protections/requirement. This would simply adopt some requirements from the State. There was no further discussion on this.
12. Codify forest template dwelling requirements. This would also adopt requirements from the State. There was no further discussion on this.
13. Codify EFU replacement dwelling requirements. The State has new requirements for this, so we would just be adopting those requirements into our Code. There was no further discussion on this.
14. Allow certain EFU nonconforming secondary school expansions. We would be adopting the State's language into our Code. There was no further discussion on this.
15. Allow small-scale farm processing in AG/F and EFU zones. There was no further discussion on this.
16. Allow farm breweries in AG/F and EFU zones. There was no further discussion on this.
17. Allow cideries in the AG/F and EFU districts. There was no further discussion on this.
18. Repeal the ADU owner occupancy and off-street parking requirements within urban growth boundaries. There was no further discussion on this.
19. Repeal the owner occupancy requirement for ADUs in the MRR district. Staff is not recommending to repeal the off-street parking requirement for ADUs in this district because of concerns with the more narrow and snow-filled streets in this zone. There was no further discussion on this.
20. Repeal the accessory historic dwelling owner occupancy requirement. There was no further discussion on this.
21. Repeal the County's marijuana retail operating hour limitations. Staff feels that OLCC requirements are enough to limit the operating hours. There was no further discussion on this.
22. Remove Campus Industrial (CI) provisions from the Code. There are no longer any properties within the County that fall under this zone, so it does not make sense to keep it.
23. Clean up language in the AG/F, EFU, and TBR sections of the Code. There was no further discussion on this.
24. Other general housekeeping amendments. There was no further discussion on this.

Commissioner Schroedl moved to recommend approval of staff's proposed amendments 1 through 24 as submitted, excluding numbers 3, 8 and 10. Commissioner Peterson seconded. *Ayes=8, Nays=0. Motion passes.*

Glen reviewed proposal #3 which would allow the manufacturing of edible and drinkable products to be retailed onsite, and related wholesale distribution to be permitted in C-2, C-3, CC, OC, RTC, and SCMU districts. Since the last hearing, there was a letter from Ms. Wolf and Historic Downtown Oak Grove expressing support for the proposal. At this time, they are only interested in allowing the manufacture of edible and drinkable products. Mr. Edge of the Oak Grove Community Council also submitted an article that explains the benefits of allowing these uses and supports the staff recommendation. Manufacturing is already permitted in most of the zones, but primary processing of raw materials is not. We may want to mark

adding artisanal manufacturing for future consideration. The Oak Grove community expressed interest in specifically allowing breweries and bakeries. We would have to take a look at what the impacts of other potential new manufacturing activities might have, for example concrete manufacturing, on effected neighborhoods. This would take more time than what is left in the process for this proposal. Commissioner Murphy would be concerned about the impacts of allowing further manufacturing activities in the commercial zones up in Mt. Hood area. A lot of the commercial zones are adjacent to residential zones.

Commissioner Phillips moved to recommend adoption of item #3 based on staff's recommendations, but would also request that staff look into artisanal manufacturing and keep that on the Work Program for future discussion. Commissioner Peterson seconds. *Ayes=8, Nays=0. Motion passes.*

Item #8 would allow additional opportunities to pay a FILO for urban road frontage improvements as proposed in Attachment A. This would only apply to any road in the Portland Metro UGB and when there are public storm drainage constraints. It would also allow FILO when there is 100 feet or less of frontage involved, and there is no existing sidewalk that the new sidewalk would connect to. Commissioner Pasko is concerned that this allows a project that is happening in Damascus to pay for a sidewalk in Wilsonville, for example. There is a lack of clarity on how these funds can be spent. He feels that the fees should remain within the community where the project is taking place. As more sidewalks are built within the County, the fewer number of properties will even qualify to pay the FILO. Typically, FILO funds are used in areas with schools where there are gaps in the sidewalk system. Commissioner Pak is concerned that the fees are not priced adequately. It is important to understand what the objectives and criteria are for the program and to have a specific timeframe for the funds to be used. Commissioner Peterson asked if FILO was collected and used in the same manner as SDCs. Ken Kent explained how the two different funds are used based on what is on the TSP. The FILO is based on what the improvements would cost on that particular property, which may not be the same as what the costs actually are for improvements on a different property. Commissioner Peterson would like the fees that are collected to match the actual costs for a developer to make the improvements. He would also like to see a concern for equity in the distribution of the funds within the communities where the FILO is actually collected. Jennifer Hughes said that the ZDO may not be the appropriate place for outlining how FILO funds are to be spent. The reality is that a lot of projects choose to build their required sidewalks, so they do not even use the FILO option. Commissioner Pasko would like there to be a much clearer policy on FILO. The developer should have to meet specific criteria in order to be approved by the County for the FILO option; they don't get to just opt to pay FILO instead of making improvements. Commissioner Murphy would like swales and vegetative weirs to be an option. Commissioner Phillips asked when this would come back to the Planning Commission if the recommendation was to not move this forward until there was a clear policy in place. Jennifer answered that we have another phase of the ZDO audit in the near future, but the BCC can still approve this proposal if they choose to do so. The staff who would actually have to do the work is not even in Land Use Planning, so we can't really speculate when the work would be done. General consensus is that the Planning Commission would prefer to have this proposal removed from the packet and brought back when the policies have been written.

Commissioner Phillips moved to recommend that the proposal to expand opportunities for which FILO can be paid not be included in the current package of amendments recommended to the BCC until a policy and guidelines for the use of FILO funds and the equitable distribution of the funds with public oversight be established. Commissioner Pasko seconded the motion. *Ayes=7 (Peterson, Stevens, Pasko, Phillips, Murphy, Pak, Schroedl); Nays=1 (Wilson)*

The last item on the agenda is regarding regulation of small cell wireless facilities. These would be regulated under the County Roadway Standards when they are located within the public right-of-way. When they are

located on private property, the proposed ZDO amendments would require that they must be the same or similar color as any portion of the building that they are attached to. They would not be allowed to be installed on vegetation. These recommendations are in line with what other jurisdictions have written into their codes. The FCC requires that the standards be clear and objective. We are required to allow these facilities to be installed, but we do not currently have any standards specifically for small wireless facilities in our Code. Commissioner Pasko feels that the staff recommendation as written is reasonable. Commissioner Phillips would recommend “substantially similar” rather than just “similar”. The County Roadway Standards require that the material be non-reflective and that lighting be shrouded to every extent possible. She would like this language added to the recommendation. Commissioner Schroedl asked if the structural setbacks on private property were addressed. Glen explained that structural setbacks would apply as they currently do within the underlying zone. Commissioner Pak would like to have clearer guidelines for staff to approve these facilities in the future. Glen said that using the term “shrouded to the extent possible” may require a subjective interpretation from staff. Commissioner Phillips recommended saying lighting should be “shrouded from neighboring properties”.

Commissioner Phillips moved to recommend approval of item #10 based on staff proposal with the following modifications: item 803.06(E) for small wireless facilities #2 be amended to read “same or substantially similar color”; that an item #3 be added requiring the use of non-reflective materials; and that an item #4 be added to read “lighting shall be shrouded from adjacent residential properties”. Commissioner Murphy seconded the motion. *Ayes=8, Nays=0. Motion passes.*

Commissioner Phillips moved to approve the minutes from June 22nd as submitted. Commissioner Wilson seconds. *Ayes= 8, Nays=0. Minutes are approved.*

Jennifer provided a schedule review.

There being no further business, the meeting was adjourned at 8:48 pm.