

**PLANNING COMMISSION
MINUTES**

April 8, 2019

6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Gerald Murphy, Mary Phillips, Michael Wilson, Christine Drazan (left at the break), Mark Fitz (arrived shortly after the meeting began)

Commissioners absent: Steven Schroedl, Tom Peterson, Louise Lopes

Staff present: Jennifer Hughes, Lorraine Gonzales, Cheryl Bell, Darcy Renhard, Karen Buehrig

1. Commission Chair Pasko called the meeting to order at 6:32 pm.

General public testimony not related to agenda items: none.

Karen Buehrig reviewed staff's recommendation for the Long Range Planning Work Program, see Attachment A, dated 4/1/19. Public outreach started in the Fall of 2018. We received input from 19 individuals, County departments, organizations, and city jurisdictions. Ten projects were classified as not appropriate for the Long Range Planning Work Program. Twenty-nine projects were organized as potential projects and are included on Attachment A. We are considering shifting to a multi-year work program as well as incorporating ways to update the Comprehensive Plan. We spoke with the BCC about their priorities and the strategic plan (Performance Clackamas/Managing for Results), as well as past Planning Commission recommendations. We have to make sure that we can balance the number and scope of projects with staff availability.

The reasons for moving to a multi-year work program are that some projects take longer than one year, it improves the transparency regarding work to be undertaken in future years, and it reduces the amount of staff time required to facilitate a yearly work program outreach.

The discussion around updating the Comp Plan was because some proposals to change the ZDO may conflict with each other. There is interest in this from both the BCC and the PC. Some chapters of the Comp Plan have not been updated in over 20 years.

Housing is a top priority for the BCC. It also aligns with Performance Clackamas (MFR). Commissioner Drazan asked if this project would include city jurisdictions or if it would only be within the unincorporated County. Karen replied that it is unclear at this point.

Past priorities for the Planning Commission have included small-scale manufacturing in commercial areas. It is on the list for this year as project L18. The staff- recommended work program also allows for staff time and work to be done on housing projects. We still face challenges with staffing and general fund constraints.

Cheryl Bell informed the Planning Commission that Karen Buehrig is now the Long Range Planning Manager because of DTD Administration's commitment to this program. They are dedicated to providing leadership and resources for the Long Range program. It will be led by both Jennifer and Karen this year. For Long Range Transportation Planning we have 3 staff who dedicate about 75% of their time to long range projects, and in Land Use Planning there are 2 staff who dedicate about 50% of their time. We are foreseeing budget constraints in the next few years, so we are strategizing now how to fill 1 of the 3 vacancies in Planning. We ended up pulling money away from consultant funding as one way to address declining General Fund support.

The staff recommendation is to move forward with the list of projects on Attachment B for 2019 through 2021, which align with updates to the Comprehensive Plan. Transportation Planning would continue 7 of the existing projects and add T-29: Transportation Futures if funded and add T-28: Review of FILO Standards. Land Use Planning would add a yearly minor and time sensitive ZDO amendments project to address state legislative amendments, complete the ZDO audit, complete the Park Ave. development and design standards project, and complete the short-term rentals project. Staff proposes to add a housing-focused project, which would include an update to Comprehensive Plan Chapter 8: Housing, and begin with an issues paper. Jennifer explained that part of the challenge that we have is to understand what the scope of work really is for suggested projects and to identify the challenges. The issues papers will help resolve this. Right now we know that the legislative session is very active on housing issues this year, so there may be any number of changes that we will have to implement. Just because we are recommending housing as a priority does not mean that we are recommending every project that was suggested in this category. We would need to spend time looking closely at the different components of each project to determine what makes sense. There would be public outreach as part of the project, although if it is a directive from the State, then the outreach component is different because the County has no choice but to implement. There may be conflict in what is being asked for; for example, we have a request for additional housing density, while at the same time we have a request to implement code to maintain the neighborhood character.

Staff has identified economics to be the second highest priority, which is where the small-scale manufacturing in commercial zones would land.

The final recommendation is to focus on natural resources in later years of the multi-year work program. Staff understands that it is important to the community, but there are a lot of high level challenges that would take a large amount of time just to identify the issues.

The BCC has agreed to limit public outreach on work program development to every two years. Jennifer explained that the two-year program would include a check-in with staff, PC, and BCC during the off year. The process to amend the Plan and the Ordinance is not simple. The advantage to this approach is that you can actually wrap your head around several of the projects and make progress on them. Eventually you are able to start taking on additional projects.

Commissioner Pasko opened the hearing for public testimony.

Leonard Schaber, Tualatin- Mr. Schaber is with the Stafford/Tualatin Valley CPO and the Stafford Hamlet. They are in favor of 2 items: the increase in area of notification for the rural areas and N-36, Stafford/Johnson Road Improvement. Their request is to redesign the entire area to make it a right turn only and increase the safety of the roadway.

Carl Exner, Sandy- Mr. Exner is on the City Council for the City of Sandy. They submitted several projects for the work program that did not make it on to the list. N-32 (Hwy 26 and 362nd) really is a planning project and not a capital improvement project. This area of Hwy 211 to Hwy 26 is an area of road with a lot of problems. The City would like help with planning the areas. Project N-33, Firwood Junction, is really a problem. ODOT has tried several times to fix it, but it is a very bad junction. Again, they are looking for some planning support to make it safer. The third project that they requested is L-3, Habitat and Water Quality Protection. The City is going through the process of planning for a new sewage treatment plant. They are looking at the best ways to protect the natural habitat with this project. They would like to have the County work in concert with the City of Sandy to meet the same goals.

Joseph Edge, Oak Grove- Mr. Edge emphasized the importance of a public art program for the Oak Grove community. There is a new storage facility that is required to place a mural on their facility wall, but Oak Grove doesn't have any sort of art program. The Arts Alliance declined to get involved because of short timelines and the fact that there are no standards. Project L-18, Small-scale Manufacturing would benefit his community. There are some issues with primary processing of raw materials and distribution that deter investors from going into their community. Maybe the County should consider allowing these processing and distribution activities as conditional uses.

Commissioner Drazan suggested that the City of Estacada's mural program be reviewed as an example.

Mario Mamone, West Linn- Project L-19 would expand the hours of operation for marijuana dispensaries in the unincorporated areas. When the marijuana code was originally adopted, the operating hours were 10 am to 9 pm, which was fine because there was no other competition. Now there are other dispensaries within the cities whose hours are longer than theirs are, so people drive by their dispensary to go to the ones that are open within the cities. Most dispensaries are in commercial zones and are next to other businesses whose hours are longer than theirs are. This means that expanding their hours would not have any impact on those around them. They are only asking to be able to operate during the hours allowed by OLCC.

Mark Struloeff, Beaver Creek- Mr. Struloeff supports project L-26, that land use application notification be increased to ½ mile in rural zones. He lives just north of a very large marijuana operation that was approved to go in on Spangler Road. Because the notification distance is only 750 feet, he was not notified, and neither were many of his neighbors. Many of them have serious concerns over this operation. Marijuana legislation was not approved by the rural landowners of Clackamas County, it was approved by the urban residents. Jennifer explained that if we were to only increase the notice distance, then it could be done as a minor amendment to the ZDO. However, the concern is the ongoing administrative cost of sending more notices. Jennifer also noted that there is no notice for marijuana production because it is a Type I review; however, there is notice of marijuana processing in farm zones. She also suggested that expanded notice could be done for some types of applications but maybe not for items like temporary dwellings for care where impacts are more limited.

Chair Pasko noted that concerns about notice have come up before, and he agreed that it is a problem.

Bruce Rosenblum, Milwaukie- One thing that stands out as a priority for him is L-6, Solar. It is on the list as a medium priority, but he feels that it should be the highest. He is considering putting solar on all of his houses, but the costs and permitting process are prohibitive. He feels that the County should make every effort to help residents put solar on their homes if they want by streamlining the permitting.

Commissioner Fitz said that the engineering and building codes are what take such a long time. Planning staff streamlined the process for solar installations a couple of years ago.

Cheryl Bell explained that there is a prescribed path for household solar now, which is a simpler process. There is also a solar workshop being held at the County on May 20th for anyone who is interested.

Grover Bornefeld, Jennings Lodge- He noted that staff did not include L-5 or L-7 on the 5-year plan. Jennings Lodge has repeatedly put these up for consideration, but the resources are still being destroyed. If we don't protect them now as required by the Comprehensive Plan, then we are not going to have anything left in 20

years. Developers claim that it is not feasible to keep trees in order to put houses in, so they just take them all out. Jennifer explained that under the staff recommendation we will be taking up the discussion on natural resources and energy projects in 2022 and this would include consideration of L-5 and L-7, which are under that category.

Chair Pasko closed the public testimony portion of the hearing and moved to deliberations following a short break. Commissioner Drazan left during the break, but Chair Pasko noted that Commissioner Fitz has been present for most of the meeting, so we do still have a quorum.

Commissioner Fitz believes a fix is needed to recognize existing dog daycare/boarding in the former City of Damascus area. He said that any time you have a lot of uses that are not acknowledged within the code you need to try and capture them. Facebook and Twitter should be considered for land use notices.

Commissioner Phillips feels that moving to a multi-year program is very helpful. For the most part, she feels that the priorities are good, but she would like to see small-scale manufacturing as a higher priority to get done in the next year or two. She suggests it be added to the minor amendments package if possible. She would also like to recommend that staff look into digital notifications. L-23, Historic Overlays would address what is lacking in our historic preservation policies. She would like to look at those as part of the natural resources phase. T-29, Transportation Futures Study, is also important.

Commissioner Wilson likes the way the work plan looks, but would like to see a stronger approach to smaller, time sensitive amendments.

Commissioner Murphy agrees with Commissioner Wilson that the low-hanging fruit should be addressed through the minor amendments package. Natural resources are a high priority for him. He would like to do work on that. He also feels that there should be an offering to the local watershed councils for access to local resources and materials, such as habitat logs, that are readily available within the County as part of timber sales. He would like to see natural resources addressed within 2 years, and would like to have it work in conjunction with channel migration zones.

Chair Pasko likes the overall concept, and the multi-year plan makes a lot more sense. Later years of the work program can be adjusted. He agrees with housing as a priority, and we will have a year or two to figure out how we plan to address it. There needs to be further work and communication between the PC and BCC to finesse what projects the County should really be focusing on. It sounds like the City of Sandy just needs help with planning. Maybe there is a way that the City can buy some staff time from the Planning Division or another municipality that has planning resources. He feels that there must be a better way of providing notification in the rural areas. Minor amendments may come from the State with a very short timeline, or they may have a couple of years to implement—we do not know at this time what it will be, and we usually do not know until the legislature makes a decision. He would like to see the hours of operation for marijuana dispensaries to be consistent with what is allowed within cities so that they are not at a competitive disadvantage. Jennifer said that the marijuana issue is more of a policy issue for the Board than a staff time issue and it could be done as part of the minor amendments package. She will bring it up to the BCC and see how they feel about it this year. Commissioner Pasko said that there are 3 things that seem to be small amendments that could easily be taken care of. Those are dog daycares, marijuana hours, and small-scale manufacturing. He suggested having a study session in the near future about land use application notification options. We can make a recommendation to the BCC from there.

Commissioner Phillips moved to recommend approval of the 2019-2021 Work Program as presented by staff, with the added recommendation that we consider dog daycares/boarding, marijuana hours of operation, and small-scale manufacturing as minor amendments. Commissioner Fitz seconded the motion. *Ayes=5; Nays=0. Motion passes.*

Commissioner Wilson moved to approve the minutes from the February 25 meeting with one noted correction. Commissioner Murphy seconded. *Ayes=5. Nays=0. Motion passes.*

Commissioner Pasko discussed bringing in other experts from the Economic Development Commission to start thinking longer term. The discussion was about how we want to have the conversations so we have a better sense of what is coming up.

Jennifer announced that the April 22nd meeting is cancelled, and staff will send confirmation or cancellation for the May 13th meeting should we decide to cancel it. May 27th is Memorial Day, so we will not be meeting.

On the horizon is short-term rentals. Staff believes that the regulations will actually end up in the County Code rather than the ZDO, but an amendment to the ZDO may still be necessary. We will be engaging in the public outreach process in the near future. Right now, we are considering June 3rd instead of the regular meeting on June 10th to discuss it due to a staffing conflict.

There being no further business, the meeting was adjourned at 9:08 p.m.