

Memorandum

To: Board of County Commissioners
CC: Steve Wheeler, County Administrator
Laurel Butman, Deputy County Administrator
Cam Gilmour, Director DTD
Dan Chandler, Senior County Counsel
Terry Ferrucci, Administrative Services Manager

ROP
From: R, Scott Pemble, Planning Manager SP/S Division

Date: 12/08/2010

Re: Zoning Code Issues and Proposals Study Session

Three topics will be presented during the above Study Session:

1. Urban Reserves protections (30 minutes),
2. Home Occupations relating to animal training (10 minutes), and
3. Land Use Approvals time periods/extensions (5 minutes).

These three topics have been batched because they all concern near term Zoning Code proposals. The Urban Reserve discussion needs to happen now given the uncertainty of the Washington County/Metro/LCDC decision making schedule. The Home Occupation discussion needs concurrence from the entire Board in order to advance the work effort. And the Land Use approval item is a matter of reporting back as requested by the Board.

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Staff Presentation Worksheet

Presentation Date: December 14, 2010 **Time:** 10:00 am **Length:** 30 minutes

Presentation Title: Zoning Code Issues and Proposals:
Additional Protections on Land in Urban Reserves

Department: Department of Transportation and Development, Strategic Planning & Sustainability Division

Presenters: Scott Pemble and Martha Fritzie, Strategic Planning & Sustainability Division

POLICY QUESTION

Should regulations be added lands within the Metropolitan Area Urban Reserves that would limit or put additional regulations on land divisions or land uses to preserve opportunities future urban development. If so, what strategies should be considered?

ISSUES & BACKGROUND

In May 2010, the Board of County Commissioners (BCC) adopted 13,874 acres of Urban Reserves within Clackamas County for future expansion of the Metro Urban Growth Boundary (UGB). Subsequently, Metro adopted Clackamas County's Urban Reserves along with those of Washington and Multnomah Counties. In October 2010, however, the Land Conservation and Development Commission (LCDC) approved the Urban Reserve designations only for Clackamas and Multnomah Counties and remanded Washington County's Reserves. Because of this remand, Clackamas County's Urban Reserves are not acknowledged.

This is an important distinction because OAR 660-004-0040(8)(e) states that ...if any part of a lot or parcel to be divided is less than one mile from the urban growth boundary for the Portland metropolitan area and is in a rural residential area, and if Metro has not designated an urban reserve that contains at least a twenty-year reserve of land acknowledged to comply with either OAR chapter 660, division 21 or division 27, the minimum area of any new lot or parcel there shall be twenty acres. . .

This rule prevents the division of parcels within a mile of the UGB into one- to ten-acre lots that are more difficult to develop at urban densities. The new Urban Reserves rule for the Metro area (OAR 660, Division 027) however, has no such restrictions. Therefore, once the Urban Reserves that provide a twenty year supply are acknowledged, under the new rule, the restriction under OAR 660-004-0040 will be lifted and all property owners within one mile of the UGB will be allowed to divide their property (if allowed by zoning). The Land Use & Zoning Division has recently received several inquiries from property owners interested in dividing their property.

Clackamas County has the opportunity to take measures to preserve land within the Urban Reserves for future development. If done now, these measures could be in effect when the Urban Reserves are acknowledged. There are several possible techniques the county could use to accomplish this, including:

- Prohibiting the creation of new parcels less than a specified number of acres;

- Requiring clustering as a condition of approval of new parcels;
- Requiring pre-platting of future lots or parcels;
- Regulating the siting of new development on existing lots to maximize the potential for future urban development;
- Not allowing flex lot divisions (i.e. nothing less than five acres);
- Prohibiting new institutional uses (i.e. churches, schools, etc.).

There are a number of reasons why the county would or would not consider taking actions to limit or further regulate land divisions or land uses within the Urban Reserves. On the one hand:

- Exception lands (i.e. rural residential lands) in Urban Reserve areas are already very parcelized. Additional protections could help ensure that these areas do not become even less efficient for urban development in the future.
- Based on a preliminary assessment of potentially divisible lands within the Urban Reserves, there is the possibility for up to 170 new lots of five or fewer acres within this area. Approximately 80% of these new lots would be five acres; a size that is very difficult to incorporate efficiently into urban development.

On the other hand:

- While there is the potential to create up to 170 new lots, the total amount of acreage affected represents about 8.5% of the total acreage of the county's Urban Reserves. Furthermore, it is not likely all of these properties could or would divide. This estimate is based solely on parcel size.
- It may contradict information given to the public during the Urban/Rural Reserves process, some of whom were told by staff there would be no such provisions in this county.

Please see the attached map, "Potentially Dividable Exception Lands within Urban Reserves or One Mile of Metro UGB," produced by the Strategic Planning & Sustainability Division, dated December 06, 2010.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Does the Board want the Strategic Planning & Sustainability Division to pursue implementing measures to limit or further regulate land divisions or land uses in the county's Metro Area Urban Reserves?
2. Which strategies, either listed above or discussed in the study session, should be considered?

OPTIONS AVAILABLE

1. Pursue the creation of restrictions within the designated Metro Urban Reserves to limit or further regulate land divisions or land uses that would potentially inhibit future development at urban densities on these lands.
2. Do not act at this time.

RECOMMENDATIONS

DTD recommends that the Board pursue additional of provisions to preserve lands within in the Metro Urban Reserve areas for future urban development.

SUBMITTED BY:

Division Director/Head Approval R. Scott Rumble

Department Director/Head Approval Len Gilman

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Martha Fritzie 503.742.4529

*2/2008 Version

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: December 14, 2010 Time: 10:00 A.M. Length: 10 minutes

Presentation Title: Zoning Code Issues and Proposals -
Animal Training Facilities as a Home Occupation

Department: DTD / Land Use and Zoning

Presenter: Mike McCallister

POLICY QUESTION

The Home Occupation Ordinance allows for a variety of home businesses in most zoning districts. Home occupations are subject to certain development standards (no. of employees, hours of operation, number of traffic trips, amount of accessory space, etc.) to ensure the business is compatible with other permitted uses in the area. One of the limitations for operating a dog obedience or other animal training home business is the limitation on the amount (square footage) of building space which can be used for a home occupation.

ISSUE & BACKGROUND

This amendment is being considered at the request of a citizen who wants to conduct dog training and / or obedience classes in the EFU zone. Home occupations are allowed in the EFU zone. However, the ordinance has a limitation on the amount of accessory space ranging from 500-1,500 square feet which can be used for the home occupation. Generally, that is not adequate space to conduct dog training and obedience classes even for small groups of students. In addition, all activities associated with a home occupation must be located inside a building. This proposal would consider revisions to the Home Occupation ordinance to allow the use of more accessory space in existing buildings for animal training facilities.

QUESTION(S) PRESENTED FOR CONSIDERATION

Should Land and Zoning initiate an ordinance amendment to review the development standards for animal training facilities in the Home Occupation ordinance.

OPTIONS AVAILABLE

1. Support the staff proposal and initiate the ordinance amendment
2. Ask for additional reviews or information
3. Do not initiate the ordinance amendment.

RECOMMENDATIONS

We recommend that Land Use and Zoning initiate an ordinance amendment to review and make recommendations on standards for animal training facilities in the Home Occupation Ordinance.

SUBMITTED BY:

Division Director/Head Approval Mike McCallister
Department Director/Head Approval CMG
County Administrator Approval _____

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

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Staff Presentation Worksheet

Presentation Date: December 14, 2010 Time: 10:00 A.M. Length: 5 minutes

Presentation Title: Zoning Code Issues and Proposals -
Land Use Permit Approval Time Periods and Time Extensions

Department: DTD / Land Use and Zoning

Presenter: Mike McCallister

POLICY QUESTION

As challenging economic times continue, Land Use and Zoning staff are working diligently to provide the best possible support for applicants to help their development plans achieve success. We would like to review approval periods and time extensions for all types of land use permits, and recommend appropriate ordinance amendments.

ISSUE & BACKGROUND

The Zoning and Development Ordinance include over 60 different types of land use applications. Currently, approval periods for land use permits range from one to 10 years. Some types of permits have no expiration dates. For example, property line adjustments are valid for one year, partitions are valid for two years, forest dwellings are valid for 4 years and variances have no expiration date. The ZDO also has provisions for time extensions. However, the number of time extensions varies from 1 to 3 years and time extensions are not available for most applications.

The purpose of this amendment is to review the approval periods and time extensions for all development applications and recommend appropriate revisions. The proposed ordinance amendment will provide an opportunity to review and standardize, to the extent possible, approval periods and time extensions for all types of development permits.

QUESTION(S) PRESENTED FOR CONSIDERATION

Should Land and Zoning initiate an ordinance amendment to review approval periods and time extensions for land use permits?

OPTIONS AVAILABLE

1. Support the staff proposal and initiate the ordinance amendment
2. Ask for additional reviews or information
3. Do not initiate the ordinance amendment.

RECOMMENDATIONS

We recommend that Land Use and Zoning initiate an ordinance amendment to review and make recommendations on approval periods and time extensions for land use permits.

SUBMITTED BY:

Division Director/Head Approval Mike McCallister
Department Director/Head Approval AMG
County Administrator Approval _____

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