

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: April 17, 2012 **Approx Start Time:** 1:30 **Approx Length:** 45 minutes

Presentation Title: Amendments to the Clackamas County Zoning and Development Ordinance / ZDO-234 – Natural Resource Zone Amendments

Department: Planning & Zoning Division

Presenters: Gary Hewitt – Sr. Planner
Mike McCallister – Planning Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

No action is requested of the Board. This study session is to inform the Board of an upcoming ZDO amendment to the Exclusive Farm Use (EFU), Timber (TBR) and Agricultural / Forest (AG/F) zoning districts.

EXECUTIVE SUMMARY:

At a December 6, 2011 study session, the Planning and Zoning Division requested the BCC to initiate an amendment to the Zoning and Development Ordinance to update all three natural resource zoning districts to ensure consistency with state law. The BCC agreed to initiate the amendment. With the exception of a modest amendment package to the Exclusive Farm Use zone in 2009, these sections of the ZDO, which are based substantially on Oregon law, have not been amended to incorporate changes in state law since 2004. File No. ZDO – 234 is a legislative text amendment to the Clackamas County Zoning and Development Ordinance (ZDO). The following is a summary of the proposed changes to each zoning district:

- **Amending Section 401 – Exclusive Farm Use (EFU) of the ZDO to update existing uses to current state law and add other uses within state law that are not within this Section.** There are twenty-three (23) new uses being added to the existing forty-eight (48) uses within state law for a total of seventy-one (71) land uses within the agricultural zoning district. New uses include agri-tourism activities in conjunction with a farm use; a large winery having at least 80 acres of land with 50 acres of planted vineyard which allows an on-site restaurant operation more than 25 days per calendar year; wind power generation facilities; photovoltaic solar power generation facilities and updates to certain definitions used throughout the zoning district.
- **Amending Section 406 - Timber (TBR) of the ZDO to update existing uses to current state law and add other uses within state law that are not in this Section.** There are ten (10) new uses being added to the existing forty-six (46) uses within state law for a total of fifty-six (56) land uses within the forest zoning district. New uses include the parking of up to 7 dump trucks and 7 trailers, private accommodations for

fishing on a temporary basis, private accommodations for a fee based seasonal hunting; and caretaker residences for public parks and fish hatcheries.

- **Amending Section 407 – Agricultural / Forest (AG/F) of the ZDO to update existing uses to current state law and add other uses within state law that are not in this Section.** This zoning district includes a culmination of the EFU and TBR zoning districts, including the new uses mentioned above in the EFU and TBR zoning districts. This means the potential of a total of one-hundred and twenty-seven (127) land uses will be within this mixed use zoning district.

The attachments to this study session worksheet includes a table of all the existing and new land uses in each zoning district, the type of review procedure necessary to authorize the use (allowed, Planning Director Review, Conditional Use Permit), and those uses which the County has the discretion to allow or not allow.

FINANCIAL IMPLICATIONS (current year and ongoing):

Beyond the staff costs to prepare and review the amendment package, no financial implications are foreseen.

LEGAL/POLICY REQUIREMENTS:

No legal or policy requirements are applicable. The resulting amendment package will bring the County into compliance with existing State land use laws.

PUBLIC/GOVERNMENTAL PARTICIPATION:

The staff has held two recent work sessions with the Planning Commission to discuss the proposal and receive initial policy feedback. A public hearing is scheduled before the Planning Commission on April 9th and the BCC on May 16, 2012. Notice of the amendment package has been sent to the CPO's, Hamlets and Villages, all Divisions within DTD (including the Tourism Division) and other interested parties and agencies.

OPTIONS:

The Oregon Revised Statutes (ORS) and Oregon Administrative Rules ((OAR) which regulate land uses in these zoning districts generally includes two categories of uses. First, those uses that the County shall allow (i.e. the County cannot restrict those uses). Second, those uses the County may allow (i.e. the County has the policy discretion to allow or not allow those uses). The Planning Staff will be submitting an amendment package to the Planning Commission that includes all the uses allowed in State law in the three mentioned zoning districts. The recommendation of the Planning Commission will be forwarded to the BCC for consideration at the May 16, 2012 public hearing. At that time, the Board can consider the Planning Commission's recommendation and whether it is appropriate to limit or restrict some or all of the discretionary land uses.

RECOMMENDATION:

Staff has no recommendations at this time.

ATTACHMENTS:

List of Uses – EFU Zoning District

List of Uses – TBR Zoning District

Notice to DTD Divisions and Departments

Notice to Community Planning Organizations, Hamlets, Villages and Other Interested Parties

SUBMITTED BY:

Division Director/Head Approval MTW

Department Director/Head Approval Tom Gilman

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Gary Hewitt @ 503-742-4519

Fiscal Impact Form

RESOURCES:

Is this item in your current work plan and budget?

- YES
 NO

START-UP EXPENSES AND STAFFING (if applicable):

ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):

ANTICIPATED RESULTS:

COSTS & BENEFITS:

Costs:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
	Total Start-up Costs						
	Ongoing Annual Costs						
Benefits/Savings:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
	Total Start-up Benefit/Savings						
	Ongoing Annual Benefit/Savings						

Exclusive Farm Use (EFU) – Sub 1 Uses – Required Uses

The following uses 'are required to be allowed' in the EFU zoning district by state law, typically referred to as 'the Sub-One uses' because these are located in ORS 215.283(1), those uses that shall be allowed.

	<u>A</u>	<u>PDR</u>	<u>CU</u>
(1)(a) Churches and cemeteries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(b) Propagation or harvesting of forest products	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(c) Utility facilities necessary for public service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(d) Health Hardship Dwelling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(e) Income test for dwellings and accessory dwellings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(f) Exploration of geothermal resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(g) Exploration of minerals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(h) Climbing and passing lanes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(i) Reconstruction and modification of public roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(j) Temporary public roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(k) Minor betterment of existing public road and highway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(L) Replacement of Historic dwelling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(m) Creation, restoration or enhancement of wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)(n) Winery (15 acres of planted vineyard)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(o) Farm stands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(p) Alteration, restoration or replacement of legal dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<u>A</u>	<u>PDR</u>	<u>CU</u>
(1)(q)	Takeoff and landing of model aircraft	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(r)	Processing of farm crops	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1)(s)	Fire service facilities for rural fire protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<u>A</u>	<u>PDR</u>	<u>CU</u>
(1)(t)	Irrigation reservoirs, canals, delivery lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1)(u)	Utility facility service lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1)(v)	Land application of Reclaimed water, agricultural or industrial process water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1)(w)	County law enforcement facility existing prior to August 20, 2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EFU – Sub 2 Use – Existing Uses In Ordinance

The following uses are those that currently exist within the EFU zoning ordinance, typically referred to as 'the Sub-Two uses' because these are located in ORS 215.283(2), uses that may be allowed. If the County was to remove any of these uses, making the zoning district more restrictive, such a decision would potentially impact all property owners within the zone. If the County did remove a current use, by law a costly Measure 56 notice would be required, meaning all individual property owners must be made aware of the change. There are no current uses proposed to be removed that would make the district more restrictive.

(2)(a)	Commercial activities in conjunction with farm use (including biofuel production <u>a new use</u>)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(b)(A)	Operations for mining geothermal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(b)(B)	Operation for mining, crushing or stockpiling of aggregate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(b)(C)	Processing of aggregate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(b)(D)	Processing of other mineral resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(c)	Private parks, playgrounds, hunting and fishing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		A	PDR	CU
	preserves and campgrounds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)(d)	Parks and playgrounds – Public park	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(e)	Community Centers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(f)	Golf courses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(g)	Commercial utility facilities for generating power for public use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(h)	Personal Use airports for airplanes and helicopters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(i)	Home Occupations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(j)	Processing of Forest Products	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(k)	Disposal site for solid waste by DEQ permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(l)	Health hardship suffered by resident or relative of resident	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(m)	Transmission towers over 200 feet in height	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(n)	Dog kennels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(o)	Residential Homes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(p)	Propagation of aquatic species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(q)	Construction of additional passing lanes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(r)	Reconstruction or modification of public roads	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(s)	Improvements of public roads and highways	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(y)	Aerial fireworks display business	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(z)	A landscape contracting business	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EFU - Sub 2 Uses – New Uses Not In Ordinance

The following uses are new uses adopted by the Oregon Legislature since 2004 that need to be reviewed for potential inclusion in the EFU ordinance. These uses 'may be allowed', meaning it is at the discretion of the County to make the determination whether all or some of the uses will be allowed within the EFU zoning district.

		<u>A</u>	<u>PDR</u>	<u>CU</u>
(2)(a)	Commercial activities in conjunction with farm use (<u>including biofuel production a new use</u>)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(t)	A destination resort No place in the county to place this use, do not add because of this	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(u)	Room and board arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(v)	Operations for the extraction of bottling water	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)(w)	Expansion of existing county fairgrounds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(x)	A living history museum	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)(aa)	Public or private school primarily for residents of the rural area	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

OTHER NEW USES TO INCLUDE

		<u>A</u>	<u>PDR</u>	<u>CU</u>
ORS 215.306	Onsite filming and activities for 45 days or less	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ORS 215.306	Onsite filming and activities for 45 days or more	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ORS 215.283(4)(a)	Agri-Tourism, Onetime event	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ORS 215.283(4)(b)	Agri-Tourism, Onetime expedited event by license – Not a land use decision.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ORS 215.283(4)(c)	Agri-Tourism, 6 events	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		<u>A</u>	<u>PDR</u>	<u>CU</u>
ORS 215.283(4)(d)	Agri-Tourism, an additional 18 events	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OAR Table Only	Firearms training facility under ORS 197.770	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OAR Table Only	A county law enforcement facility that lawfully existed on August 20, 2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ORS 215.453	Large winery with a restaurant open more than 25 days per calendar year	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OAR (33)	Outdoor mass gathering fewer than 3,000 persons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OAR (34)	Outdoor mass gathering of more than 3,000 persons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sec. 202	Solar energy systems, residential use only	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sec. 202	Rainwater collection systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sec. 202	Electric vehicle charging stations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sec. 835	Collocation of cellular antenna on existing cell towers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OAR (32)	Utility facility service lines and accessory facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ORS 215.263(9)(a)	Land division for Residential Homes subject to nonfarm dwelling standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ORS 215.263(9)(b)	Replacement of a county historic dwelling may be divided off onto its own lot	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Timber District (TBR) – Existing Uses In Ordinance

The following uses are those that currently exist within the TBR zoning district. If the County were to remove any of these uses, making the zoning district more restrictive, such a decision would potentially impact all property owners within the zone. If the County did remove a current use, by law a costly Measure 56 notice would be required, meaning all individual property owners must be made aware of the proposed change. There are no current uses proposed to be removed that would make the district more restrictive.

TBR – Uses That Shall Be Allowed

The following uses are required by state law to be allowed within the County.

	<u>A</u>	<u>PDR</u>	<u>CU</u>
(2)(a) Forest operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)(b) Temporary on-site structures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)(c) Physical alterations to the land	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TBR – Uses That May Be Allowed

The following uses 'may be allowed' within the County. These uses are currently within the TBR ordinance section.

	<u>A</u>	<u>PDR</u>	<u>CU</u>
(3)(a) Uses to conserve soil, air, water for fisheries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(b) Farm Use as defined in ORS 215.203	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(c) Local distribution lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(d) Temporary portable facility forest processing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3)(e) Exploration for mineral and aggregate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(f) Private hunting/fishing w/o accommodations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(g) Towers and fire stations for forest fire protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(h) Widening of roads and highways in right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(i) Water intake facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3)(k) Uninhabitable structures for fish & wildlife	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<u>A</u>	<u>PDR</u>	<u>CU</u>
(3)(l)	Temporary forest labor camps	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3)(m)	Exploration for geothermal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3)(o)	Disposal site DEQ ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3)(p)	Alteration, restoration or replacement of dwelling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)(a)	Permanent facility for processing forest products	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(b)	Permanent logging equipment repair/storage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(c)	Log scaling and weigh stations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(d)	Disposal site DEQ permitted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(e)	Private parks and campgrounds	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(f)	Public parks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(g)	Mining and processing oil, gas or other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(h)	Television and radio facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(i)	Fire stations for rural fire protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(j)	Commercial utility facilities generating power	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(k)	Aids to navigation and aviation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(l)	Water intake facilities & distribution lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)(m)	Reservoirs and water impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(o)	Cemeteries	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(q)	New electric transmission lines	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(r)	Temporary asphalt plants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(t)	Temporary dwelling for a health hardship	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4)(u)	Expansion of existing airports	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(v)	Public road & highway projects ORS 215.283(2)(q) through (s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4)(v)	Public road & highway not allowed by 215.283(2)(q) through (s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(x)	Forest management research facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<u>A</u>	<u>PDR</u>	<u>CU</u>
Sec.-406	Accessory Uses to an established primary use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)(s)	Home occupations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CU-26	Home occupation to host events	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CU-27	Home occupation for canine skill training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CU-23	Composting Facilities, Subject to 834	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CU-24	Wireless Telecommunication Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CU-25	Youth Camps	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
406.07	Health Hardship Temporary Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PDR-'F'	Replacement of Historic Houses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<u>A</u>	<u>PDR</u>	<u>CU</u>
Sec.-406	Aircraft Land Uses was for Sections 712 & 713 with three or more aircraft or public airports – Take out.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

TBR - New Uses Not In The Ordinance

The following uses are new uses adopted by the Oregon Legislature since 2004 that need to be reviewed to inclusion in the TBR ordinance. The uses 'may be allowed', meaning it is at the discretion of the County to make the determination whether all or some of the uses will be allowed within the TBR zoning district.

		<u>A</u>	<u>PDR</u>	<u>CU</u>
(3)(j)	Caretaker residence for parks & fish hatcheries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ORS 215.311	Parking of 7 dump trucks and 7 trailer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3)(n)	Destination resorts – No land in county to do this.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)(q)	Outdoor mass gathering fewer than 3,000 persons Not a land use decision	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(n)	Firearms training facility, indoor only	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(p)	Private seasonal hunting accommodations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(w)	Private accommodations for fishing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4)(y)	Outdoor mass gathering more than 3,000 persons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sec.-202	Solar energy residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sec.-202	Residential or farm use water collection systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sec.-202	Electric vehicle charging stations for residents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Memorandum

DATE: January 24, 2012

TO: Scott Caufield, Building Codes
Carl Clinton, Surveyor
Jim Austin, Tourism
Dan Johnson, Development Agency
Karen Buehrig, Engineering
Catherine Comer, Economic Development
Michele Healy, NCPRD
Jim Fisher, Water Environment Services (Soils)
Kevin Noreen, Engineering
Susan Ziolko, Sustainability
Randy Harmon, Transportation Maintenance
Tim Finley, Water Environment Services
Andrea Hall, Code Compliance

CC: Cam Gilmour, DTD Director
Barbara Cartmill, DTD Deputy Director
Mike McCallister, Planning Director
Jennifer Hughes, Principal Planner

FROM: Gary Hewitt - Sr. Planner
Clackamas County Planning & Zoning Division

SUBJECT: File: ZDO-234 – Proposed Land Use Ordinance Amendments
Natural Resource Zones: EFU, TBR and AG/F Zoning Districts

The Planning and Zoning Division has begun work on amendments to the Zoning and Development Ordinance (ZDO). You are receiving this notice because you are the designated contact person for your division or work unit to receive notices of all proposed amendments.

If the subject of these amendments is related to your work, and you would like to remain informed as the project progresses, please let me know by **February 1, 2012**. If I do not hear from you, you will receive no further communication on this work program. As the designated contact person, you should feel free to pass this notice or any future communications on to other staff members; however, if your division or work unit will be providing comments on the proposal, a single, coordinated response would be appreciated for clarity.

File ZDO-234 is a proposal that includes three distinct subject areas. For all three sections, however, it is important to keep in mind that state law is the controlling factor for nearly all land uses. The county has very limited discretion to deviate from state standards.

1. The Exclusive Farm Use Zoning District (EFU) has not been updated for approximately eight years. New state legislation has been bumping along but we have not had the opportunity to update when necessary. As one can imagine, many new definitions and uses have been added to the district. Some examples are wineries now have the ability to have year-round restaurants under certain circumstances, there are now 'agri-tourism events' available for farmers to diversify within their farm operation under certain circumstances and churches, schools and an array of other uses are now limited by their proximity to the Urban Growth Boundary (UGB). We are proposing to include almost all the new uses and provide definitions for various terms undefined by state law when necessary for further clarity. We have never had a request for a 'destination resort' and some uses are date specific to one use on one property within the county which means we will likely not include these specific uses within the update.
2. The Timber District (TBR) has also not been updated for eight years. There are some uses that currently are not in the ordinance section. There is a need to add solar and a few new uses to the district. For example, a land owner can now park up to seven dump trucks and seven trailers on their property in this zone which must be reviewed by application. We are also updating collocation of wireless communication towers in an effort to save the industry time and money once a unit has been established.
3. The Agriculture/Forest District (AG/F) has been in need of updating for the same reason as the other two sections. This district allows both the agricultural and forest district uses and with that, more additions of legislative uses must be incorporated. We are also looking into a way to condense this section by referring to the other two sections as much as possible since the same uses are in the other two zones. This may prove to be an unrealistic venture but in hopes to make the section more user friendly, we will give it our best effort.

A public hearing on ZDO-234, Natural Resource Zoning Districts amendments has been tentatively scheduled before the Planning Commission on April 9, and April 23, 2012. A hearing before the Board of County Commissioners is likely to follow in late May or early June. As drafts of the proposed amendments become available, they may be viewed on the Planning and Zoning Division web page. If you request future updates on this project, you will be notified when these documents are posted.

If you have questions, or have suggestions or comments about this project, or wish to be added to the contact list for future updates of this project, please feel free to contact me by e-mail at garyh@co.clackamas.or.us or phone me at extension 4519.

MEMORANDUM

TO: Community Planning Organizations, Hamlets, Villages and Other Interested Parties

FROM: Gary Hewitt, Senior Planner; Planning and Zoning Division

DATE: March 1, 2012

SUBJECT: File ZDO-234; Proposed ZDO Amendment: Update of the Exclusive Farm Use, Timber District and Ag/Forest zoning districts ordinance Sections.

Clackamas County is proposing amendments to the text of the Clackamas County Zoning and Development Ordinance (ZDO). Since this amendment may affect your community or area of interest, we want to give you and your organization the opportunity to review and comment on the proposed changes before or at public hearings scheduled in front of the Planning Commission beginning at 6:30 pm, Monday, April 9, 2012, and in front of the Board of County Commissioners beginning at 9:30 am, Wednesday, May 16, 2012.

The proposed ZDO text amendment package would add new uses allowed by legislative adoption within the ORS and OAR to the ZDO. The county is reviewing the additional uses and proposing to include many within ordinance Sections 401, 406 and 407, which are the Natural Resource Provisions of the ZDO. Staff is also suggesting conforming amendments to Sections 202, 834 and 902, which regulate some review criterion and uses.

File ZDO-234 is a proposal that includes three distinct subject areas.

- **Amending Section 401 (EFU) of the ZDO to update existing uses to current state law and add other uses within state law that are not within this Section.** The most recent new uses are the Agr-tourism uses in conjunction with a farm use; a Large Winery having at least 80 acres of land with 50 acres of planted vineyard which allows an on-site restaurant operation more than 25 days per calendar year; Wind power generation; Photovoltaic Solar power generation both residential and commercial and updated definitions for Farmwork and Farmworker Housing.

- **Amending Section 406 (TBR) of the ZDO to update existing uses to current state law and add other uses within state law that are not in this Section.** The most recent new uses are the parking of up to 7 dump trucks and 7 trailers on forest land; Private accommodations for fishing on a temporary basis; Private accommodations for a fee based seasonal hunting; and Caretaker residences for public parks and fish hatcheries.
- **Amending Section 407 (AG/F) of the ZDO to update existing uses to current state law and add other uses within state law that are not in this Section.** This zoning district will be a culmination of the EFU and TBR zoning districts, including the new uses mentioned above.

In addition, there are major format changes to these sections which staff believes will assist planners, consultants and the general public in locating various uses in a more user friendly format for commercial, residential, utility, parks and other uses, very similar to the table found in state OAR 660, Division 033. Some housekeeping changes are proposed to Sections 401, 406 and 407 of the ZDO, and conforming amendments are proposed.

The Planning Commission public hearing will begin at 6:30 p.m., Monday, April 9, 2012, at the Development Services Building Auditorium, Rm. 115, 150 Beaver Creek Rd., Oregon City, to consider these amendments. **You are invited to attend the hearing and present oral comments to the Planning Commission. Typically, written correspondence received at least one week prior to the hearing will be included in the Planning Commission packets. Written testimony received after that time will be emailed to the Planning Commission, or provided to the Planning Commission on the evening of the hearing.**

The Board of County Commissioners will consider the Planning Commission's recommendations on the proposed amendments beginning at 9:30 a.m., Wednesday, May 16, 2012, at the Public Services Building, Board of County Commissioners Hearing Room, 2051 Kaen Rd., Oregon City. **Once again, you are invited to attend the hearing and present oral comments to the Commissioners. The Board will consider all written testimony submitted to the Planning Commission and will accept additional written testimony up to, and on the day of, the hearing.**

For additional information regarding these proposed amendments, please contact Gary Hewitt, Sr. Planner at (503) 742-4519 or garyh@co.clackamas.or.us. The draft amendments are also available for review on the county web site at <http://www.clackamas.us/transportation/planning/zdoproposed.jsp> but please be aware these are *working drafts* subject to change as we go through the process with the Planning Commission and Board of County Commissioners.