

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: December 6, 2011 Time: 11:00 a.m. Length: ½ Hour

Presentation Title: Proposed Planning Commission Changes, PC Appointments and Initiation of Zoning and Development Ordinance Text Amendments

Department: Department of Transportation and Development

Presenters: Mike McCallister, Planning Manager
Jennifer Hughes, Principal Planner
Stephen Madkour, County Counsel

POLICY QUESTIONS:

This study session is intended to provide an update on five projects in the Planning and Zoning Division.

1. Revisions to the Planning Commission bylaws.
2. Initiation of a ZDO text amendment to include language codifying the existence of the Planning Commission, number of members, length of terms, etc.
3. Filling two vacancies on the Planning Commission, as well as one that will occur in January.
4. Initiation of a ZDO text amendment to update all the natural resource zoning districts (EFU, TBR and AG/F).
5. Initiation of a ZDO text amendment to update the solid waste, recycling and composting sections of the ZDO.

ISSUE & BACKGROUND:

1. Planning Commission Bylaws: A copy of the draft revised Planning Commission Bylaws is attached. The Planning Commission and County Counsel have reviewed earlier drafts, and the current draft reflects their input. The bylaws were last updated in 2006, and the primary intent with this revision is to improve the clarity and completeness of the document. In addition, the Planning Commission would like to adopt a more restrictive provision on attendance. Staff also supports taking a firm stance on chronic absenteeism due to its negative effect on PC operations. As drafted, if any member is absent without reasonable cause from six meetings within one calendar year or three consecutive meetings, that position would be declared vacant upon majority vote of the PC. If the Board would like to retain the authority to remove a PC member for attendance issues, one approach would be to allow the PC to vote to recommend to the Board that the member be removed. Typically the Board considers the PC Bylaws as an item on the business meeting consent agenda, though this is not required. If the Board would like to continue that practice, staff anticipates incorporating edits from the Board and returning to the PC for final approval of the minutes in December before placing the matter on the Board's

consent agenda in December or January.

2. ZDO Text Amendment regarding the Planning Commission. State law provides for the establishment of county planning commissions and sets some sidebars for their structure. However, the County Code is silent on the issue, and it seems appropriate to Planning and Zoning staff and County Counsel that provisions be added to the ZDO to codify the number of PC members, length and staggering of terms, method of appointment, and similar administrative policies. The only significant change to current practice that is proposed is to establish a set date when terms expire (May 1) and stagger the terms as evenly as possible (two terms expiring three out of four years and three terms expiring in the fourth year). As a result, staff recommends that the term lengths of existing PC members be modified to conform to the new structure. This can be done in a way that minimizes to the extent possible the length that existing terms are extended or reduced. Unless otherwise directed by the BCC, the text amendment will be scheduled before the Planning Commission in February, 2012, and the BCC in March, 2012.
3. Planning Commission Vacancies: Two members (Jan Lee and Jeff Stott) of the PC resigned recently, and the term of a third member will expire in January. The member (James Perrault) whose term is expiring January was just appointed earlier this year to fill an unexpired term, and he has indicated that he would like to be reappointed to a full four-year term. A number of well-qualified candidates were interviewed earlier this year when four vacancies were filled. Staff and the PC support filling the current vacancies from the list of those previously interviewed.
4. ZDO Text Amendment to Update the Natural Resource Zoning Districts: 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. Staff's proposal is to amend these sections of the ZDO to ensure consistency with State law, including the incorporation of recent legislation authorizing additional events in conjunction with wineries and other agritourism activities. Unless otherwise directed by the BCC, the text amendment will be scheduled before the Planning Commission in April, 2012, and the BCC in May, 2012.
5. ZDO Text Amendment to Update Solid Waste, Recycling and Composting Sections of the ZDO. The Sustainability Division has provided funding to the Planning and Zoning Division to complete updates to various sections of the ZDO related to the sustainability program. The funding is available for the 2011-2012 budget year. Unless otherwise directed by the BCC, the text amendment will be scheduled before the Planning Commission in March, 2012 and the BCC in April, 2012.

QUESTION(S) PRESENTED FOR CONSIDERATION:

1. Should changes to the draft Planning Commission Bylaws be made?
2. Should the Planning and Zoning Division proceed with the ZDO text amendment regarding the Planning Commission?

3. Should candidates referred to the Board for possible appointment to fill current Planning Commission vacancies (as well as the third vacancy that will occur in January) be selected from those candidates interviewed earlier this year?
4. Should the Planning and Zoning Division proceed with the ZDO text amendment to the natural resource zoning districts?
5. Should the Planning and Zoning Division proceed with the ZDO text amendment to update the solid waste, recycling and composting sections of the ZDO?

OPTIONS AVAILABLE:

1. PC Bylaws: The Board can make changes to the draft document or advise staff to proceed with adoption of the draft as written.
2. ZDO Text Amendment on the PC: The Board can direct staff to proceed with the amendment or discontinue work on this project.
3. Planning Commission Vacancies: The Board can direct staff to recommend candidates from the list of those interviewed earlier this year or open a new recruitment.
4. ZDO Text Amendment on the Natural Resource Districts: The Board can direct staff to proceed with the amendment or discontinue work on this project.
5. ZDO Text Amendment on the Solid Waste, Recycling and Composting sections of the ZDO: The Board can direct staff to proceed with the amendment or discontinue work on this project.

RECOMMENDATIONS:

1. Staff recommends that the Board direct staff to proceed with adoption of the draft PC bylaws as written.
2. Staff recommends that the Board direct staff to proceed with all three ZDO amendment packages discussed above.
3. Staff recommends that the Board direct staff to recommend candidates for PC vacancies from the list of those interviewed earlier this year.

SUBMITTED BY:

Division Director/Head Approval *Sam P. Pihun*
 Department Director/Head Approval *Mike McLaughlin*
 County Administrator Approval _____

For information on this issue or copies of attachments, please contact Jennifer Hughes @ 503-742-4518.