



MIKE McCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

NOTICE OF LAND USE PUBLIC HEARINGS

To: **Community Planning Organizations, Hamlets and Other Interested Parties**
From: Jennifer Hughes, Principal Planner
Date: June 18, 2018
Subject: Public hearings scheduled on **Zoning and Development Ordinance Audit Phase 5: File ZDO-268**; Proposed Amendments to the Clackamas County Zoning and Development Ordinance

Clackamas County is considering amendments to the Zoning and Development Ordinance to implement Phase 5 of the Zoning and Development Ordinance audit. Because these proposed amendments may affect your community or area of interest, we want to give you and your organization advance notice about the opportunity to review and comment on the proposed changes before or at the public hearing.

Phase 5 focuses on amendments to 28 special use sections and four development standards sections. The special uses include churches, schools, several types of home occupations, daycare facilities, cemeteries and crematories, hospitals, nursing homes, recreational vehicle camping facilities, drive-in theaters, produce stands, surface mining, several waste disposal uses (e.g., recycling centers, transfer stations), livestock, bus shelters, manufactured dwellings, manufactured home parks, drive-thru window services, hydroelectric facilities, utility carrier cabinets, bed and breakfasts, guest houses, composting facilities, wireless telecommunication facilities, mobile vending units, farmers' markets and transitional shelter communities). The development standards include multi-use developments, two solar access sections, and refuse/recycling. In addition, minor and conforming amendments are proposed to 28 other ZDO sections.

The proposed amendments are on our web site at www.clackamas.us/planning/zdo268.html. The Planning Commission and Board of County Commissioners have scheduled public hearings on these amendments to receive testimony from the public and other interested parties.

Public Hearings

Planning Commission:

- Time: No earlier than **6:30 p.m., Monday, July 23, 2018**
- Location: Development Services Building Auditorium, 150 Beavercreek Rd., Oregon City

Board of County Commissioners:

- Time: No earlier than **9:30 a.m., Wednesday, August 15, 2018**
- Location: Public Services Building, 4th floor Board Hearing Room, 2051 Kaen Rd., Oregon City

To testify: Interested parties are welcome to provide testimony at the hearings or in advance of the hearings.

- In person, orally, at one or both public hearings
 - speakers are generally called up in the order in which they sign in
 - there is usually a 3-minute time limit for each speaker
 - speakers are encouraged to also submit their comments in writing
- Written testimony, in advance, sent by US mail, email or dropped off in the Planning Division, no later than one week before the hearing.
 - Written correspondence received at least one week before the hearing will be included in the packet of information sent to the Planning Commission or Board several days before the hearing.
 - Written testimony received within one week of the hearing will be emailed to the Commission or Board or given to them the day of the hearing.
 - Mail or drop off written testimony to Jennifer Hughes, Principal Planner, at 150 Beavercreek Rd., Oregon City, OR, 97045, or email to jenniferh@clackamas.us.

Background Information

The Planning and Zoning Division is midway through an “audit” of the Zoning and Development Ordinance (ZDO). This project began in 2012 and is scheduled to be complete in 2019.

The ZDO, adopted in 1980 (with roots in the 1960 Zoning Ordinance), has been amended approximately 250 times since, resulting in regulations that are sometimes inconsistent, antiquated, cumbersome and disorganized. As a consequence, a comprehensive review and update was initiated. The overarching goals of the ZDO audit are to develop a more condensed, user-friendly document; consolidate zones and allow additional uses where appropriate; provide clear and consistent definitions of terms, development standards and procedures; and maintain compliance with state and regional regulations. The intent is to complete a comprehensive update of every section of the ZDO.

Completed Phases

- Phase 1: Industrial zones; amendments effective September 2013
- Phase 2: Urban residential zones, urban commercial zones, and land use application procedural standards; amendments effective October 2014
- Phase 3: Rural residential zones, rural commercial zones, development review process, and criteria for discretionary permits; amendments effective June 2015
- Phase 4: Special use requirements, exceptions and development standards; amendments effective May 2018

Current Phase

This phase will address the Special Use sections not previously audited (28 sections) and a second subset of the Development Standards sections (4 sections). Minor and conforming amendments are proposed to other ZDO sections as well.

Future Phases

Phase 6 will focus on environmental regulations and overlay zones (e.g., floodplain, habitat, steep slopes, historic landmarks, airports). Phase 7 will wrap up the project with consideration of renumbering and reorganizing the code and final edits to resolve errors and inconsistencies that may remain. The final six Development Standards sections are likely to be combined with one of these two phases as well.

Current Proposal

The text of the proposed amendments is posted on our website at www.clackamas.us/planning/zdo268.html. Summaries of the proposal for each ZDO section will be posted on or before July 2, 2018, as well. The summaries will include far more detail than is included here, but some of the key changes are as follows:

- Continue to reorganize the code for clarity/ease of use
- Continue to consolidate permitted uses in the Tables of Uses piloted in Phase 1 of the audit and to standardize use listings where reasonable
- Amend for consistency with state law
- Repeal several obsolete or redundant sections of the code
 - 807: *Daycare Facilities*
 - 809: *Hospitals*
 - 810: *Nursing Homes*
 - 814: *Drive-In Theaters*
 - 823: *Bus Shelters*
 - 829: *Hydroelectric Facilities*

- Repeal obsolete and redundant standards that apply to special uses (e.g., recreational vehicle camping facilities, surface mining, utility carrier cabinets) and amend these provisions for consistency with other code provisions that have been adopted more recently
- Repeal the 30-foot minimum front setback standard for churches that applies in some zones. Instead, the regular front setback standard will apply (still 30 feet in many rural zones) unless through conditional use review a larger setback is applied to mitigate impacts of the use.
- Revise the definition of guest house/studio to reflect longstanding policy that applies many of the guest house/studio limitations only to those residential accessory structures that include bedrooms rather than to all such accessory structures (e.g., home offices, recreation rooms).
- Repeal the minimum lot size for guest house/studios so that they are permitted accessory to a dwelling on any lot of record in most residential districts. Minimum setbacks and, if applicable, lot coverage limits will continue to apply.
- Change the review process for microcells under Section 835, *Wireless Telecommunication Facilities*, from a conditional use to a Type II review in those zones that currently require a conditional use
- Revise the solar access standards that apply to new development by streamlining the applicable solar access exceptions for the design of land divisions, reducing the number of lots in a land division that typically must comply with the solar access requirement from 80 percent to 70 percent. Also proposed is the repeal of Section 1018, *Solar Balance Point/Infill*, which applies to new detached single-family dwellings and to all structures in many urban single-family residential zones. This section is difficult to administer, focuses on passive solar rather than solar energy systems, and has disproportionate impacts on certain lots.

Contact Information

For more information about the proposed amendments or the upcoming public hearings, please contact Jennifer Hughes at 503-742-4518 or jenniferh@clackamas.us.