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DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 17, 2016

Board of County Commissioners
Clackamas County

Members of the Board:

Public Meeting for Consideration of the Planning and Zoning Division's Long-Range Land Use
Planning Work Program for 2016-2017

Purpose/Outcomes	Adoption of Long-Range Land Use Planning Work Program for the Upcoming Fiscal Year
Dollar Amount and Fiscal Impact	Cost is dependent on the number and position classifications of full-time equivalent staff assigned to work program projects. Funding the staff recommendation is estimated to cost approximately \$210,000 in Planner staff time plus a proportional amount of the Planning Director's and Administrative Assistant's time. Funding at this level is included in the proposed Division budget for the upcoming fiscal year.
Funding Source	General Fund
Duration	July 1, 2016 through June 30, 2017
Previous Board Action	The Board held a policy session on this item on March 1, 2016.
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. Provide integrated information, plan review, permitting and inspection services to residents, property owners, businesses and the development community so they can advance their projects in a timely manner consistent with applicable codes, facilitating the pace of economic growth; provide plan development (updates to the Comprehensive Plan, Transportation System Plan and Zoning & Development Ordinance), analysis, coordination and public engagement services to residents; businesses; local, regional and state partners, and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development. 2. Grow a vibrant economy.
Contact Person	Mike McCallister, Planning Director – 503-742-4522

BACKGROUND:

Annually the Planning and Zoning Division develops a work program for the following fiscal year. The work program is not a comprehensive list of the division's functions, but rather is a list of long-range land use planning projects. Adoption of the annual work program is timed to provide a basis for budget development for the upcoming fiscal year.

To help develop the list of potential work program projects, staff solicited suggestions from Community Planning Organizations, Hamlets and Villages, cities in the county, other interested parties and other county divisions. Staff summarized the suggestions in the attached table.

Five Board-initiated or staff-recommended projects were added to the list as well:

- Urban and Rural Reserves,
- ZDO Audit,
- City of Damascus (if the city votes to disincorporate in May),
- Marijuana Land Use Regulation Amendments (tentative, depending on outcome of proposed state legislation or urgent changes identified by the Board or staff), and
- Natural Resource District Amendments.

Staff's recommendation is to adopt those five projects as the long-range land use planning work program for 2016-17. Elements of the requests by MAP-IT and the Jennings Lodge CPO could be considered as part of the ZDO Audit project in 2016-17 and/or subsequent years, but in that context would be scaled back considerably from the submitted requests.

See the attached memo from the Planning Director to the Planning Commission for details on the staff recommendation and the significant constraints facing the Planning and Zoning Division in pursuing new community planning initiatives in 2016-2017.

On February 22, 2016, the Planning Commission took public testimony on the work program and made a recommendation to the Board. This recommendation is set forth in the attached letter to the Board from the Planning Commission Chair and in the attached draft minutes from the Planning Commission meeting. To summarize, the Planning Commission recommends that the Park Avenue Station Area Design Plan suggested by the McLoughlin Area Plan Implementation Team (MAP-IT) be the first priority for 2016-2017, with the five projects recommended by staff rounding out the work program in priority positions two through six.

Rather than setting the Park Avenue Station Area Design Plan as a first priority for 2016-17, Planning staff proposes to initiate a dialogue with MAP-IT representatives to discuss their proposals in more detail in the context of the current ZDO, the ZDO audit and related issues. Our intent would be to return to the Board during 2016-17 to report on the results of that dialogue and seek direction on whether to move forward in 2017-18.

Subsequent to the drafting of the staff recommendation and the Planning Commission's consideration of the work program, the Board narrowed the scope of the Reserves project to include only Rural Reserves. This will reduce the amount of staff time required for that project from 0.4 FTE to 0.25 FTE. Staff recommends that this additional available FTE be added to the ZDO Audit project to allow it to proceed at a somewhat quicker pace.

RECOMMENDATION:

Staff recommends the Board adopt the first five projects on the attached table as the Planning and Zoning Division's long-range land use planning work program for 2016-2017, with the Urban and Rural Reserves project changed to the Rural Reserves project, and 0.25 FTE moved from that project to the ZDO Audit.

Respectfully submitted,



Mike McCallister, Planning Director
Department of Transportation and Development

March 8, 2016

Dear County Commissioners,

At the February 22, 2106 meeting, the Clackamas County Planning Commission considered the Planning and Zoning Divisions work program for 2016-2017. During the meeting, the Planning Commission heard public testimony and considered a range of projects for the work program, including the rural reserve project, 5 projects recommended by staff, and broad range of other projects recommended by CPO's, Hamlets, and other community members.

The Planning Commission's recommendation includes moving the Park Avenue Station plan as the first priority project in the work program and for the Board to consider additional funding and resources to complete this project.

The Planning Commission also recognizes the limited resources of the Planning Division to complete all of the requested projects now and in upcoming work program proposals. Those resources will be further strained by the recent and anticipated retirements of more than 25% of the Planning staff in the next several years. The Planning Commission recommends that the BCC provide more staff and resources for the Planning Division in order to support ongoing succession planning for the Planning and Zoning Division.



Mark Meek
Planning Commission Chair

**DRAFT PLANNING COMMISSION
MINUTES**

February 22, 2016
6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Norman Andreen, Mike Wagner, Mark Meek, Tom Peterson, John Gray, Mark Fitz.
Absent: Gail Holmes, John Drentlaw.
Staff present: Mike McCallister, Jennifer Hughes, Darcy Renhard.

1. Commission Chair Meek called the meeting to order at 6:34 p.m. Commissioner Wagner asked that we take a moment to pay our respects in the passing of Bob Reeves, who was a long-time chair of the Villages at Mt. Hood and was very active in the community. His presence will be missed.

There were no other public comments other than those related to what is on the agenda.

2. Mike McCallister explained that the public hearing tonight is to consider the Planning Division Work Program for 2016-2017. This is a public meeting, which is a little more informal than our regular hearings. We will also take a look at where we really are on our 2015-2016 Work Program, which as the Planning Commissioners are aware, was for the most part put on hold while the Planning Division worked to put together the marijuana ordinance. Jennifer is going to discuss what is being considered as we continue with the ZDO audit. The BCC will consider the Planning Commission's recommendation on the Work Program at their meeting on March 17th. In November, Planning Division staff asked for input from other County divisions, CPOs, hamlets and villages, cities within the County, and other interested parties on the 2016-2017 Work Program. Clearly the Planning staff cannot complete all of the projects that were recommended, but that is what the Planning Commission will be taking a look at tonight. Another thing that the Planning Commission should consider is that the BCC has already initiated a project around the urban and rural reserves issue. There are three rural reserve areas that the BCC wants staff to take a second look at to determine if they are appropriately designated. Commissioner Wagner feels that the reserves project is a waste of money because it was already done years ago. He does not feel that the Board should reopen the issue. Mike explained that we also have a reduced staffing capacity to do work this year. We have three planners who have or will be retiring this year. We are trying to move quickly to replace those staff, but it takes at least a couple of months to get new staff up to speed. The public service counter is very busy, and about half of the questions that come in are related to marijuana. There are also a number of other projects that will be coming to the Planning Commission in 2016. Some of them are Engineering projects (ped/bike, etc.). Commissioner Fitz stated that we should consider Damascus' possible disincorporation which would provide the County with staff who are already paid for. Commissioner Pasko pointed out that if Damascus does disincorporate it will bring that amount of work into the County, so there really is not much gain in available staff. Most of the planners in Damascus have already found other work anyway. Mike McCallister explained that on a daily basis, we have 3 staff attending to the public service counter and answering public service phone calls. Approximately 6 staff process land use applications.

Jennifer has divided the Work Program Table into 3 sections. The first one is what the Planning staff recommend. The second one is those projects that are within the purview of the Planning Division and have been recommended by public comment. The third section is projects that were suggested, but that are not within the purview of the Planning Division. Project 1 has already started, per BCC direction. Martha Fritzie is the point person for the County on this project. Mike has assigned this project 0.4 FTE, plus support. Project 2 is the continuation of the ZDO audit, which is estimated to require about 0.9 FTE, including Jennifer. Originally, the ZDO audit was projected to take 5 years. This is not what has happened. Things have come up during the process, such as marijuana, appeals, and so on. We are at least a full year behind where we thought we would be. By Jennifer's estimate, the ZDO audit will more likely end up taking 7 years by the time we are done. Project 3 involves disincorporation by the City of Damascus. It involves what would need to happen in the immediate term. One thing that may need to happen would be to work with Happy Valley to expand their UGMA, and the second would be to apply the County ZDO and Comp Plan to what is now the City of Damascus. The big things that they don't currently have in their code are the water quality and habitat conservation regulations that we have in our code. They have to apply them anyway, but they are just not written into their code. The other thing that they don't have is marijuana regulations. Other than these two things, their current code is pretty similar to ours. We are estimating 0.2 FTE for this project.

The fourth project is marijuana land use regulations. We simply don't know at this point what may materialize. We may also need to update our code to remain in compliance with new rules that may be created by OHA and OLCC. Commissioner Pasko thinks that unless there is an urgent situation created by OHA and OLCC changes, we should wait until the end of the year to review this again. We could all use a break from marijuana. Project 5 is a recurring project that shows up almost every year because of changes to State law that affect the natural resource zoning districts. It is much easier to just keep current with new State law than to try and come back later and fix everything. This year the changes are all minor. We are estimating it will take only 0.1 FTE. If we don't have to do marijuana amendments or Damascus doesn't disincorporate, staff is recommending that the resources be redirected to the ZDO audit because it benefits the entire County.

Projects 6, 7, and 8 were all recommended by Eagle Creek/Barton CPO. Project 6 may involve a lot of complex work, and there are many contingent factors. Project 7-which is using solar power as a use in farm, timber, and forest land-needs more research because it is not clear what is being requested. Last year MAP-IT asked to have a design plan developed for the Park Avenue Station Area. The BCC directed MAP-IT to conduct outreach to local landowners to find out if there is consensus on what needed to be done. To date, Planning staff has not heard of any coordinated efforts. Project numbers 10 and 11 could be incorporated into the ZDO audit. Numbers 10-24 were submitted by the Jennings Lodge CPO. The two main themes of the requests are tree protection and concerns about residential density. Commissioner Pasko feels that the HOA situation needs further discussion. To have Code Enforcement take care of what are HOA issues is pointless. Commissioner Pasko thinks code enforcement is an issue for Planning Commission consideration. Commissioner Andreen pointed out that the Planning Commission has the ability to take on a project on their own. Mike informed the Commission that the BCC recently had Code Enforcement audited by a third party. He will check with the DTD Director about forwarding the findings of the audit to the Commission. Commissioner Pasko thinks that there may be more systemic issues involved and that the Sheriff's office may need to be involved. Mike will add this discussion to the number of items for the March 14th meeting. Commissioner Peterson asked if the project list is based on assumed staffing levels at the beginning of the year. Depending on how successful we are with recruiting, he asked if some of these projects could be added to the first list. Mike answered that it may be possible, but that it does take several months to get new staff up to speed.

Commissioner Meek opened the meeting for public comment.

Joseph Edge, 14850 SE River Forest Dr., Oak Grove-Mr. Edge is a member of the Oak Grove Community Council and MAP-IT. He would like the PC to recommend the Park Avenue Station Area Plan as a high priority project to the BCC. They went back last year and worked on the project after it was not approved as part of the 2015-2016 Work Program. Property owners were asked to join an assessment district for lighting, which passed, so MAP-IT members decided not to over-contact the landowners with the Park Avenue Station Area Plan as well. The McLoughlin area corridor is one of only a few employment areas in the County, and the only one where infrastructure has already taken place. All we need to do is to allow developers to respond to changes in zoning so that they can put the right kinds of development in around the station area. Right now developers aren't interested because of the current allowed density and the parking standards. These two things make the area unattractive to potential developers. He is advocating for zoning changes around the station area and does not think that it would take 2.0 FTE as estimated by staff because MAP-IT has already done all of the work and drafted the standards.

Nate Burton, 12417 SE 27th Ave., Oak Grove-The community went through a lot of work, and he really appreciates the open dialogue that has been happening. He acknowledges that part of what they are asking for could be done in the code audit. They are trying to maximize the potential for the community which would benefit both their neighborhood and the County as a whole. There was a challenge in trying to reach out to the landowners, especially right after getting approval for the lighting district. Having the credibility of County staff would help them make progress with the landowners. Commissioner Andreen asked why they have not used the Oak Grove CPO as an outreach vehicle. They should be using their CPO as a resource, especially since that is the whole purpose of having a CPO. The County supports the CPOs for this very reason. If the CPO can't provide the help that they need, then they should go to the Board of County Commissioners. Commissioner Pasko stated that if they are able to show greater public support through their CPO, then there will probably be more support when they get to the BCC. Commissioner Meek suggested that they approach the Economic Development Commission, which is a

group of business owners and partners who may be able to provide additional help. Commissioner Wagner feels that this project should remain high on our priority list.

Baldwin Vanderbijl, 3416 Naef Rd., Oak Grove-Nate and Joseph have been very active in the CPO. The landowners are a different matter. It has been very difficult to get the landowners involved. What the CPO is looking for are relaxed standards that would make the area more appealing for developers. There are three representatives each from the Oak Grove, Jennings Lodge, and Clackamas CPOs as well as MABA who have been working together on this project. He is encouraged to hear that the Park Avenue Plan was rated highly last year, and seems to be the same case this year. He is hoping that maybe the County can hire people with less of a learning curve so that the work can be done sooner. He recommends that the County begin hiring as soon as letters of retirement are in-hand. He does not think that this project would take 2.0 FTE. He is encouraged to hear that some of the things may be able to fit into the ZDO audit. Commissioner Andreen asked if they have gone as a group to the BCC to share their frustrations, and if so, what was the response? Mr. Vanderbijl replied that he is 80% sure that they have gone to the BCC, but that they did not get a response. Commissioner Andreen believes that this is a project that needs to be done, but it needs to be done correctly. Just relaxing the standards is simply bad planning.

Karen Bjorklund, 10824 SE Oak St. #34, Milwaukie – Ms. Bjorklund represents the Jennings Lodge CPO. She asked community members in their December meeting what they wanted the CPO to present to the Planning Commission, which is why they have 14 projects in their list of suggestions. They prioritized the list based on how many times a project was suggested. There were things that don't fit into the ZDO audit, but could still come up somewhere else. Their biggest priority is related to trees, which could happen as part of the ZDO audit in 2017. She is very concerned about the number of trees they are losing. In the meantime, the community would like to have mitigation standards for tree removal. When you add more development, you remove more trees which in turn increases your concentration of carbon dioxide and pollutants. If there were a tree replanting program, there would be assurances that this would be addressed. The model that they used is what already exists in the ZDO under the HCA. There may be ways to apply Comp Plan policies to a more localized area rather than the whole County (item 13). The genesis for the zone overlay idea came from the BCC. Also, traffic safety could be part of the ZDO audit if it was adopted as part of the work plan. There needs to be an adequate safety infrastructure in place if development starts to come in to the area.

Terry Gibson, 5884 SE Jennings Ave., Jennings Lodge – Mr. Gibson is the environmental chair of MAP-IT. He stated that the problem with working with the BCC is that you have to work with the highest priority first. The lighting district was the first priority because it was a safety issue. Now they are working on an overlay zone, which has been vetted within the community at many levels. The BCC informed them that this is a planning issue, so it needs to come from Planning. At this point, the Planning Commission is the road block. Commissioner Andreen responded that the Planning Commission is in support of this project, just as they were last year. But unless the community rallies behind this group and goes to the BCC with a show of support, this project will not likely get any traction.

Commissioner Andreen asked if project 1 was remanded back to the County from LUBA. He wonders if we could send it back to LUBA the way it exists, or if we have to make revisions. Mike answered that the remand was primarily to Metro, who has approved revised findings but no changes to the reserves designations. It has to be sent to LCDC. There is some difference of opinion on whether the County has to sign off on Metro's findings. At this point, the County is leaning toward not signing off on it, but Metro could always send everything to LCDC and ask for acknowledgement anyway. The public involvement plan is more narrow than when the reserves were done before. Commissioner Andreen does not have a problem with it in general, it is just unfortunate that it comes when we are down staff. His only real problem is that people who have already come before us with their project have something that would generate a lot more tax revenue for the County than anything that the reserves project will. He would put the Park Avenue project as #1 and the reserves project as #2. Commissioner Wagner would like to move to authorize the chair of the PC to sign a letter of support for the Park Avenue project as well as supporting providing more staff and resources for the Planning Division. Jennifer raised a concern about postponing the audit, which is that we are looking at a loss of important institutional knowledge as staff start retiring. Commissioner Pasko reiterated the importance of a letter of support for a better way to do succession planning.

Commissioner Andreen is in support of the Planning Division's recommendation for the 2016-2017 Work Program, except that he would move project 9 (Park Avenue Station Area Design Plan) into the #1 position based on the fact that there is a need and that it will provide greater benefit to the County. Commissioner Pasko expressed his support as well, adding that he would suggest that funding from Metro be utilized as much as possible. Commissioner Fitz would add that the negativity toward urban renewal is why it isn't being touched in McLoughlin Boulevard, yet this is exactly what urban renewal is intended to do.

Commissioner Andreen made a motion to adopt the Planning staff's recommendations with the only change being to put #9 into the #1 position, based on the fact that there is a need for this project, the fact that it will create a higher return on investment than any other project on the list, and that there is no better example of what an urban renewal project should look like. Commissioner Pasko seconded the motion. *Ayes=6; Nays=0; Abstain=1 (Gray)*

Commissioner Pasko does not feel that our Code Enforcement program is robust enough. The problems may be that there are not enough staff, or it could be that they aren't given enough "teeth" to enforce violations. Commissioner Andreen said that if we continue to base code enforcement only on safety and health issues, how are we going to enforce problems with marijuana with regard to odor and noise? Commissioner Fitz said that the County Fire Marshall might be able to monitor marijuana facilities on the lighting and HVAC systems issue as these may be more of a fire code problem than a code enforcement issue. Mike answered that he will have someone from Code Enforcement provide information to the PC as this is a very broad issue with many complexities.

Mike announced that there are three seats that are due to expire on the Commission at the end of April. Members are encouraged to forward the recruitment notice to people who might be interested. We are always trying to add more diversity to this commission.

Mike informed the Commission that so far, the Planning Division has received approximately 50 marijuana land use applications. Most of them are for production.

Jennifer explained that a minor amendment to the bylaws is proposed to identify that Commission terms are four years long. Commissioner Wagner moved to approve the bylaws revisions as presented. Commissioner Andreen seconded the motion. *Ayes=7; Nays=0.*

Commissioner Andreen moved to approve the minutes from the November 9th meeting. Commissioner Gray seconded the motion. *Ayes=6; Nays=0; Abstain=1 (Peterson).*

There being no further business, the meeting was adjourned at 9:53 p.m.



MIKE MCCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 17, 2016

To: Clackamas County Planning Commission

From: Mike McCallister, Planning Director

RE: Planning and Zoning Division Long-Range Planning Work Program for 2016-2017

Background

Annually the Planning and Zoning Division develops a work program for the following fiscal year. The work program is not a comprehensive list of the division's functions but rather is a list of special projects. However, in evaluating the availability of staffing resources, it is important to bear in mind the scope of the division's day-to-day responsibilities, which include providing public service in the permits lobby and through the public service phone line/email account, processing land use applications, intergovernmental coordination, contract planning services for the cities of Damascus, Estacada and Gladstone and providing staff support for projects funded by other county divisions. Adoption of the annual work program is timed to provide a basis for budget development for the upcoming fiscal year.

Your meeting on February 22, 2016, will provide an opportunity for public testimony regarding the work program. Following testimony, the Planning Commission will be asked to prioritize the projects and make a recommendation on the work program. That recommendation will be forwarded to the Board of County Commissioners for final consideration and approval at a public meeting scheduled for March 17, 2016.

Public Outreach

Public outreach included a November 9, 2015, notice to Community Planning Organizations, Hamlets and Villages, other interested parties and other county divisions to solicit project suggestions for inclusion in the work program. A second notice on January 21, 2016, provided details of the public meetings and invited testimony on the work program.

Proposed Projects

Attached is a table that summarizes the projects submitted for consideration for the 2016-2017 work program. It is divided into three sections: staff-recommended projects, community suggestions and community suggestions applicable to other county divisions. Staff will present this information in more detail during your February 22, 2016, meeting. The Planning Commission or individual Commissioners also may recommend other projects for consideration.

A total of 32 projects have been submitted for consideration to date, including:

- 5 projects proposed by staff
- 3 projects proposed by the Eagle Creek-Barton CPO
- 1 project proposed by the McLoughlin Area Plan Implementation Team (MAP-IT)
- 15 projects proposed by the Jennings Lodge CPO, 6 of which also are proposed by CPO member Carol Mastronarde
- 4 projects proposed by the Hamlet of Beavercreek
- 4 projects proposed by Sunnyside United Neighbors CPO chair Martha Waldemar

Refer to the table attachments 1 through 7 for additional details.

Work Program Considerations

Adoption of the final work program requires consideration of the Planning and Zoning Division's ability to complete projects given our limited budget (all projects rely on general fund dollars) and staffing resources. Considerations include:

1. Urban and Rural Reserves Project: The BCC recently initiated a project to re-evaluate one urban reserve area and three rural reserve areas. Staff has commenced work, and this project is expected to continue through April 2017. In addition to consultant support, staff estimates that this project will require 0.4 FTE of division planning staff next fiscal year.
2. Retirements and Training of New Employees: The Planning and Zoning Division currently employs 13 planners with a total FTE of 12.2. This represents a recent reduction of 0.75 FTE due to the retirement of a Planner 1 in January. Two Senior Planners (1.5 FTE) have indicated they will retire in May and June, respectively, reducing the division's planner FTE to 10.7. The good news is that it appears the division will be able to hire as many as four new planners over the coming months (vacant senior planner position, as well as three new Planner 1 positions to backfill for recent and anticipated retirements). The bad news is that the staff turnover will strain the division's work capacity in the next fiscal year. It takes time to recruit and hire new staff; existing staff resources will be required to train and mentor the new planners; and realistically it will take three to six months before new planners can independently provide public service, process land use applications, and contribute to project work. The bottom line is that the recent and pending retirements will result in a loss of three experienced planners and a near 20-percent reduction of the planning staff, and the transition period to hire and train new planners will reduce the capacity of the division to complete long-range planning projects.

3. **Current Workload and Public Service Activity Levels:** Overall, activity levels are up: more phone calls, more counter contacts, more applications. The division’s primary mission is to provide excellent public service, and the county has a legal obligation to process land use applications in state-mandated time frames. Assuming activity continues to be high—and with a typical increase in development activity during the warmer months—staff anticipates that day-to-day planning tasks will require staffing resources that would otherwise be available for project work.
4. **Implementation of New Marijuana Land Use Regulations:** Since the adoption of new marijuana land use regulations in December, the Planning and Zoning Division has spent considerable time implementing the new regulations, processing land use compatibility statements and land use applications and responding to customer service inquiries. As the state begins to issue recreational marijuana licenses, activity at the county level may well increase.
5. **Other Projects in DTD Requiring Planning and Zoning Division Support:** There are several projects housed within the Transportation Engineering Division of the Department of Transportation and Development that will require Planning and Zoning Division staff resources in 2016-2017. This is due largely to potential amendments to the ZDO and Comprehensive Plan related to these transportation projects.
 - Clackamas Regional Center Connections Project
 - Monroe Neighborhood Street Design Plan
 - Walk & Bike The Villages at Mt. Hood Planning Project
 - Lolo Pass Road Access Alternatives Study

Recommendation

The division anticipates having only 1.7 FTE available to assign to long-range planning projects in the next fiscal year. This is based on the need for 3 FTE to fulfill public service duties and 6 FTE for land use application processing, contract planning services and other day-to-day responsibilities. Therefore, staff recommends that the 2016-2017 long-range planning work program include only projects 1 through 5 from the attached table: Urban and Rural Reserves, ZDO Audit, City of Damascus, Marijuana Land Use Regulation Amendments and Natural Resource District Amendments.

To the extent work is not required for the City of Damascus, Marijuana Land Use Regulation Amendments and Natural Resource District Amendments—or to the extent that new staff is hired and trained more quickly than anticipated—additional staffing resources should be redirected to the ZDO Audit to allow progress on that project to continue at a quicker pace. Some elements of the MAP-IT request for the Park Avenue Station Area can be considered as part of the ZDO audit work (e.g., removing the maximum residential density standard in the C-3 District, revising building and site design standards).

Staff recognizes the concern and enthusiasm of the community leaders who have submitted suggestions for work program consideration; however, due to the constraints identified above, staff cannot recommend new community planning initiatives at this time. Staff believes that the projects we are recommending for inclusion represent the best use of limited resources due to the widespread applicability (ZDO Audit, Natural Resource District Amendments) or critical timing (Urban and Rural Reserves, City of Damascus, Marijuana Land Use Regulation Amendments) of these projects.

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 1: STAFF-RECOMMENDED PROJECTS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
1	Urban and Rural Reserves	Re-evaluate one urban reserve area and three rural reserve areas	Public outreach per Public Involvement Plans drafted and submitted to the state for review; analysis, mapping and writing of revised findings, as needed; Planning Commission and BCC public hearings; adoption of amendments to the Comprehensive Plan	Board of County Commissioners	0.4	The Board already has initiated this project. Work is expected to continue through April 2017. The Public Involvement Plans and some analysis will be completed by a consultant (currently in the process of being hired).
2	Zoning and Development Ordinance Audit	Multi-year project to review and update the entire ZDO (<i>See Attachment 1</i>)	Research; code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO and Comprehensive Plan	Staff	0.9	<p>The Board first authorized this project in 2012, and it has been part of the approved work program in each subsequent year. However, work was suspended in July 2015 when staff resources were redirected to the adoption of marijuana land use regulations. The audit, originally envisioned with a five-year timeline, is approximately half complete. Assuming that this project continues to be included in the work program, it is likely to be completed in June 2019.</p> <p>The overarching goal of the audit is to reorganize, streamline and clarify the county's land use and development regulations. This project has the potential to improve the customer experience for virtually everyone who does business with the division, as well as increase the efficiency of the division's operations. Proceeding with this work as quickly as possible is important for two key reasons. First, many longtime employees in the division are likely to retire over the next two to five years. Their institutional knowledge is important, both in conducting the audit and in administering regulations that will remain unnecessarily complex until the audit is complete. Second, the structure of the audit was designed so that each year's work would build upon the prior year's work. With the audit only partially complete, the inconsistencies and lack of user friendliness in the ZDO have become even more apparent. Just one example: the consolidation of commercial and multifamily site and building design standards in one code section, in anticipation of further audit work, has resulted in a section that is 56 pages long—for just this one element of design review.</p>

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 1: STAFF-RECOMMENDED PROJECTS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
3	Application of County Comprehensive Plan and ZDO to City of Damascus/Urban Growth Management Agreement Boundary Discussions with City of Happy Valley	<p>If the City of Damascus disincorporates:</p> <ul style="list-style-type: none"> Apply the county's Comprehensive Plan and ZDO to the area formerly within the city limits Consider amendments to the county's UGMA with the City of Happy Valley 	Public notice and outreach; Planning Commission and BCC public hearings; adoption of the county ZDO and Comprehensive Plan for the area previously within the Damascus city limits; meetings with City of Happy Valley; drafting and adoption of revised UGMA	Staff	0.2	The need for this project is contingent on the outcome of the May 17, 2016, vote on disincorporation. Although this project would require resources in the short-term, long-term it will be more efficient for the Planning and Zoning Division to administer one ZDO rather than two. Also, Damascus has "opted out" of most marijuana-related uses and has not adopted marijuana land use regulations. If the city disincorporates, the opt-out will no longer apply, and marijuana uses will be unregulated at the local level if the city's ZDO remains in force. In many substantive ways, the Damascus ZDO and Comprehensive Plan are consistent with the county's; however, they do not include amendments made by the county to our ZDO and Plan over the last 11 years. The City of Happy Valley may have interest in annexing areas currently in the City of Damascus, and amending the UGMA between Happy Valley and the county is a likely first step.
4	Marijuana Land Use Regulation Amendments	Consider whether there is a need for refinements to the recently adopted ZDO provisions for regulating marijuana-related land uses	Evaluate current regulations; consult with BCC on desired changes; code writing; Planning Commission and BCC public hearings; adoption of amendments to the ZDO	Staff	0.1	The division has begun administering the new marijuana regulations and processing applications for marijuana-related land use permits and as more experience is gained, there may be a need identified for refinements to the regulations. In addition, marijuana legislation is under consideration in the current session of the Oregon Legislature and the Oregon Health Authority is going through administrative rulemaking on medical marijuana. Either of these state efforts may result in the need for ZDO amendments.
5	Natural Resource District Amendments	Revise ZDO provisions for the EFU, TBR and AG/F Districts for consistency with changes in state law since 2014	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of amendments to the ZDO (depending on the scope of the proposed amendments, the adoption process may be less complex)	Staff	0.1	The county cannot be less restrictive than state law in these zones but may be more restrictive. In effect this means that new restrictions passed by the state must be implemented even if they are not in the ZDO; however, this creates administrative difficulties. Where the state lessens restrictions, the county must amend the ZDO in order to implement the changes. Previously the Board has expressed a commitment to be no more restrictive than state law in these zones. For the foregoing reasons, staff supports regular updates to the ZDO for these zoning districts.

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 2: COMMUNITY SUGGESTIONS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
6	Eagle Creek Rural Industrial Zoning	Review area enclosed by Hwy 211, Old Eagle Creek Rd., Folsom Rd., and Hwy 224 for possibility of rural light industry. Also both sides of Old Eagle Creek Rd., which is already used in this manner. <i>(See Attachment 2)</i>	Comprehensive Plan Amendment and Zone Change; may include the need to designate a new unincorporated community under state law; public notice and outreach; Planning Commission and BCC public hearings	Eagle Creek-Barton CPO	2.0 (could be combined with Project #8)	The complexity of this project depends on two key factors: whether there is landowner support and whether the identified sites have a historical commitment to industrial uses. Zone changes to rural industrial are subject to restrictive provisions of state law.
7	Solar Power in Farm and Forest Zones	Investigate solar power as a use in farm, timber, and forest land. <i>(See Attachment 2)</i>	Unknown without further discussion with the CPO	Eagle Creek-Barton CPO	Unknown, project scope needs refinement	State law regulates commercial solar power generating uses in the EFU, TBR and AG/F Districts. In other zones, this use is a conditional use under the ZDO. The ZDO allows solar power as an accessory use in all zones (e.g. rooftop solar on a dwelling to provide power equal to use on the subject property).
8	Eagle Creek Rural Commercial Zoning	Re-establish rural commercial center for Eagle Creek. <i>(See Attachment 2)</i>	Comprehensive Plan Amendment and Zone Change; may include the need to designate a new unincorporated community under state law; public notice and outreach; Planning Commission and BCC public hearings	Eagle Creek-Barton CPO	2.0 (could be combined with Project #6)	The complexity of this project depends on two key factors: whether there is landowner support and whether the identified sites have a historical commitment to commercial uses. Zone changes to rural commercial are subject to restrictive provisions of state law.

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 2: COMMUNITY SUGGESTIONS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
9	Park Avenue Station Area Design Plan	<p>Implement development and design standards for the light rail station area at the intersection of McLoughlin Blvd. and Park Ave. <i>(See Attachment 3)</i></p> <p>Key elements of the request include:</p> <ul style="list-style-type: none"> • Require or encourage more specific mixtures of uses • Reduce onsite parking requirements • Adopt urban design standards that currently apply in the Clackamas Regional Center • Allow higher density residential development • Strengthen landscaping standards • Revise regulations to support walking and biking as alternatives to driving 	<p>Technical and stakeholder advisory groups; public meetings, outreach and notice; code writing; Planning Commission and BCC public hearings; adoption of text amendments to the Comprehensive Plan and ZDO</p>	<p>McLoughlin Area Plan Implementation Team (MAP-IT)</p>	<p>Minimum 2.0</p>	<p>Last year the Planning Commission recommended that this project be included in the Planning and Zoning Division’s work program and that work on the ZDO Audit be scaled back accordingly. The Board of County Commissioners ultimately approved continued coordination between staff and MAP-IT and asked that MAP-IT conduct outreach to gain support from landowners in the proposed design plan area. If landowner support was forthcoming, staff was to return to the Board for further discussion of the scope of the project. Staff has not been apprised of any landowner outreach efforts that may have occurred.</p> <p>If a developer is identified who is interested in pursuing a project in the station area, Metro has a transit-oriented development grant program that could provide a funding opportunity.</p>
10	Protection of Natural Features	<p>Amend ZDO 1002 standards for tree protection and add mitigation requirements for tree removal <i>(See Attachment 4, page 1)</i></p>	<p>Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO</p>	<p>Jennings Lodge CPO</p>	<p>NA, could be added to ZDO Audit project</p>	<p>ZDO 1002 has not yet been comprehensively reviewed as part of the ZDO Audit. <u>Staff’s recommendation is that this suggestion be considered when other ZDO environmental regulations are audited in 2017-2018 or 2018-2019.</u> <i>(See Attachment 1)</i></p>
11	Roads and Connectivity	<p>Amend ZDO 1007 standards to prohibit subdivisions from significantly increasing traffic on local streets serving low density residential areas <i>(See Attachment 4, page 4)</i></p>	<p>Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO</p>	<p>Jennings Lodge CPO</p>	<p>NA, could be added to ZDO Audit project</p>	<p>ZDO 1007 has not yet been comprehensively reviewed as part of the ZDO Audit. <u>If this suggestion is adopted as part of the work program, it can be considered when ZDO 1007 is audited in 2016-2017.</u> Staff is concerned that approval of residential subdivisions would be problematic under the suggested framework because areas zoned for low density residential land divisions often are served by local streets, some of which even have been “stubbed” for the sole purpose of extending them to serve additional development in the future. <i>(See Attachment 1--Work on ZDO 1007 may begin this fiscal year but will not be complete by June 30.)</i></p>

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 2: COMMUNITY SUGGESTIONS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
12	Preserving Existing Trees as Part of Development	Amend the ZDO to strengthen provisions related to the preservation and planting of trees <i>(See Attachment 4, page 4 & Attachment 5)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO	Jennings Lodge CPO and Carol Mastronarde	1.0	Staff's recommendation is that the existing tree preservation and protection standards in the ZDO be audited when other ZDO environmental regulations are audited in 2017-2018 or 2018-2019. <i>(See Attachment 1)</i> However, this suggestion seems beyond the scope of the audit. The county dedicated considerable resources to the development of an urban tree ordinance in 2010, an effort that proved contentious and ultimately resulted in only modest amendments to the ZDO.
13	Ensure that the Comprehensive Plan is Carried Out	Amend the Comprehensive Plan and the ZDO to: change the way that the low density residential zoning district policies are applied in the context of a zone change; implement all goals and policies of the Plan not currently implemented by the ZDO; directly apply Plan goals and policies as approval criteria to all land use decisions; and revise ambiguous ZDO language <i>(See Attachment 4, page 6 & Attachment 5)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO	Jennings Lodge CPO and Carol Mastronarde	Multi-year project, 1.0 FTE per year	Evaluating each Comprehensive Plan policy to determine how or if it is currently implemented by the ZDO and then drafting and considering ZDO revisions would be a substantial undertaking requiring significant staff resources. Applying the Plan goals and policies directly to all land use decisions would increase both the burden on applicants and the ambiguity applicants would face in whether their proposal would be approved. By law, certain applications cannot be subject to the Plan as a direct approval criterion, so applicable Plan policies would have to be incorporated explicitly in the ZDO. Conducting a public involvement process to build consensus on revisions to ambiguous ZDO language would vary in complexity depending on whether revisions would apply countywide or only in targeted areas.
14	Protecting Existing Neighborhoods, Neighborhood Character	Amend the ZDO to: establish a mechanism to determine the character of each existing neighborhood where development is proposed; determine whether further development can be done and still protect that neighborhood's character; and apply discretionary approval criteria to subdivision applications to ensure that the character of the neighborhood is protected <i>(See Attachment 4, page 6)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO	Jennings Lodge CPO	Unknown, project scope needs refinement	There are legal concerns with the part of the proposal that seems to suggest empowering neighborhood representatives to define the character of the neighborhood. The scope of this project would be partially determined by the number of individual neighborhoods defined.

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 2: COMMUNITY SUGGESTIONS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
15	Creating Parks and Open Space	Amend the ZDO to: require subdivision developers to dedicate land for parks and open space; and adopt a means of identifying and developing new open space opportunities. Private land on the market should be assessed for its suitability in meeting the open space and recreation needs of people in particular communities. <i>(See Attachment 4, page 8 & Attachment 5)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the Comprehensive Plan and ZDO	Jennings Lodge CPO and Carol Mastronarde	Unknown, project scope needs refinement	This proposal raises Constitutional takings concerns. Currently new single-family dwellings in the North Clackamas Parks and Recreation District are assessed a system development charge that is intended to reflect the impact of that home on the need for parks. Open Space is a Statewide Planning Goal 5 resource. Goal 5 imposes requirements and limitations on designating new open space resources.
16	Zone Change Restrictions or Overlay Areas	Amend the Comprehensive Plan to implement restrictions on zone changes in certain low density residential urban areas. <i>(See Attachment 4, page 8)</i>	Comprehensive Plan text revisions; public notice and outreach; Planning Commission and BCC public hearings; adoption of amendments to the Plan	Jennings Lodge CPO	Unknown, project scope needs refinement	The CPO has suggested several alternative approaches. The scope of this project depends, in part, on the selected approach. For example, down-zoning existing R-10 properties is likely to be more complex and contentious than adopting more restrictive policies for up-zoning from R-10 to R-8.5 or R-7.
17	Traffic Safety	Amend ZDO Section 1007 to require developers to make offsite improvements to the transportation system and to give more weight in development decisions to community experience regarding local traffic and traffic safety <i>(See Attachment 4, page 9 & Attachment 5)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO	Jennings Lodge CPO and Carol Mastronarde	NA, could be added to ZDO Audit	This proposal raises Constitutional takings concerns. There also are legal concerns with empowering the community as experts on traffic congestion and safety. <u>If this suggestion is adopted as part of the work program, it can be considered when ZDO 1007 is audited in 2016-2017.</u> <i>(See Attachment 1--Work on ZDO 1007 may begin this fiscal year but will not be complete by June 30.)</i>
18	Land Use Application Processes	Amend the ZDO to: require property to be posted with a sign when it is the subject of a land use application; and require developers to submit a storm water plan as part of their application <i>(See Attachment 4, page 10)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO	Jennings Lodge CPO	NA, could be added to ZDO Audit	Property posting was considered and rejected as part of the ZDO audit work in 2013-2014. ZDO 1006 and 1008 have not yet been comprehensively reviewed as part of the ZDO Audit. <u>If the storm water plan suggestion is adopted as part of the work program, it can be considered when ZDO 1006 and 1008 are audited in 2016-2017.</u> <i>(See Attachment 1--Work on ZDO 1006 and 1008 may begin this fiscal year but will not be complete by June 30.)</i>

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 2: COMMUNITY SUGGESTIONS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
19	Development Restrictions	Prohibit development within 500 feet of a wetland <i>(See Attachment 4, page 10)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the Comprehensive Plan and ZDO	Jennings Lodge CPO	1.0	This proposal raises Constitutional takings concerns. Wetlands are a Statewide Planning Goal 5 resource. Goal 5 imposes requirements and limitations on developing new wetland regulations.
20	Asbestos	Amend the ZDO to dictate the procedure for proper removal of asbestos, where it exists at construction sites, and require compliance as part of the construction permit. <i>(See Attachment 4, page 10)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the ZDO	Jennings Lodge CPO	0.3	The Planning and Zoning Division has no expertise in asbestos removal. If the county were to undertake a new regulatory program related to asbestos, it would likely be outside the ZDO and administered by a different county division.
21	Historic Structures	Amend the ZDO to protect structures and trees older than 75 years <i>(See Attachment 4, page 10)</i>	Code writing; public notice and outreach; Planning Commission and BCC public hearings; adoption of text amendments to the Comprehensive Plan and ZDO	Jennings Lodge CPO	1.0	Historic resources are a Statewide Planning Goal 5 resource. Goal 5 imposes requirements and limitations on designating new historic resources or revising applicable regulations. State law requires owner consent for the designation of a historic structure.
22	Home Owners Associations	Provide a means other than homeowners' associations to maintain storm water systems and landscaping approved as part of developments or provide a means by which the county would ensure homeowners' associations continue to meet their maintenance obligations <i>(See Attachment 4, page 11 & Attachment 5)</i>	Dependent upon the approach taken	Jennings Lodge CPO and Carol Mastronarde	0.3	Staff concurs that there have been problems with homeowners' associations becoming defunct as the years pass. However, this project would require the county and/or the surface water management district to take on a new responsibility by either monitoring and enforcing HOA compliance or maintaining the facilities. Legal and financial issues would have to be addressed.
23	Ombudsman	Create a county staff ombudsmen or office to help CPOs review and respond to land use applications <i>(See Attachment 4, page 11)</i>	Create a new staff position or reassign existing staff	Jennings Lodge CPO	1.0 each year that the position is funded	There may be legal concerns with county staff essentially acting as land use consultants for citizens, potentially in opposition to applicants or other citizens.

**2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 2: COMMUNITY SUGGESTIONS**

	Project Name	Project Summary	Scope of Work	Proposed By	Estimated FTE	Staff Comments
24	McLoughlin Corridor Plan	Clarify the width of the McLoughlin Corridor versus the distance used by developers to apply for zone changes in that area (<i>See Attachment 4, page 11 & Attachment 5</i>)	NA	Jennings Lodge CPO and Carol Mastronarde	NA	The McLoughlin Corridor Design Plan applies to land with certain Comprehensive Plan designations (none of which are low density residential designations) within 650 feet of McLoughlin Blvd. This is distinct from the zone change criteria that apply when a developer wants a zone change from one low density residential zone to another (e.g., R-10 to R-8.5). One of these criteria states that land within walking distance (approximately ¼ mile) of a transit stop should be zoned for smaller lots. There is no relationship between the width of the McLoughlin Corridor Design Plan area and the transit stop standard. It is not clear how the requested clarification would be addressed as a work program project.

2016-2017 LONG-RANGE LAND USE PLANNING WORK PROGRAM
SECTION 3: COMMUNITY SUGGESTIONS APPLICABLE TO OTHER COUNTY DIVISIONS

	Project Name	Project Summary	Proposed By	Staff Comments
25	Code Enforcement	Add more staff to Code Enforcement so they can deal with problems in a shorter time period than 5 years or more. <i>(See Attachment 6)</i>	Martha Waldemar	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would be within the scope of the Code Enforcement Division.
26	Code Enforcement	Give more clout to the Code Enforcement staff so that they can deal with infractions in a timely manner. <i>(See Attachment 6)</i>	Martha Waldemar	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would be within the scope of the Code Enforcement Division.
27	Sidewalks	Install the sidewalks along the west side of SE 122 nd Ave. & SE 132 nd Ave. from Sunnyside Rd. down to Summers Lane and have them completed before 2017 ends. We really prefer before 2016 ends. <i>(See Attachment 6)</i>	Martha Waldemar	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would be within the scope of the Transportation Engineering Division.
28	Traffic Signal	Install a traffic signal at the intersection of SE 122 nd Ave. and SE Mather Rd. <i>(See Attachment 6)</i>	Martha Waldemar	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would be within the scope of the Transportation Engineering Division.
29	Code Enforcement	A more active, effective, and meaningful Code Enforcement program <i>(See Attachment 7)</i>	Hamlet of Beaver creek	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would be within the scope of the Code Enforcement Division.
30	Road Improvements	Shoulders on rural roads <i>(See Attachment 7)</i>	Hamlet of Beaver creek	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would be within the scope of the Transportation Engineering Division.
31	Electronic Communications	More electronic communications from the County to the CPOs/Hamlets/Villages vs. snail mail to include links to various activities <i>(See Attachment 7)</i>	Hamlet of Beaver creek	Many land use communications already occur electronically. The Planning and Zoning Division can contact the Hamlet to find out if there are other land use communications they would like to receive electronically. This suggestion also seems to relate to county functions outside the scope of the Planning and Zoning Division. Project may be within the scope of Public and Government Affairs.
32	Automated Financial Transactions	Automate Hamlets' impressed checking and trust account transaction processes <i>(See Attachment 7)</i>	Hamlet of Beaver creek	This suggestion relates to a county function outside the scope of the Planning and Zoning Division. Project would likely be within the scope of the Finance Department.

Zoning and Development Ordinance Audit: Completed and Proposed Phases

Audit Phase	Fiscal Year	Topic	Primary ZDO Sections Audited	Status
1	2012-2013	<ul style="list-style-type: none"> • Industrial Zoning Districts 	601-604, 606	Completed 9/9/13
2	2013-2014	<ul style="list-style-type: none"> • Urban Residential Zoning Districts • Urban Commercial Zoning Districts • Procedures 	301-304, 311, 313, 501-503, 507-509, 1201, 1301-1305, 1401, 1402, 1501, 1502, 1600, 1602-1608, 1700-1704, 1706, 1707	Completed 10/13/14
3	2014-2015	<ul style="list-style-type: none"> • Rural Residential Zoning Districts • Rural Commercial Zoning Districts • Development Review Process • Criteria for Discretionary Permits 	305-310, 312, 314, 504, 505, 1101, 1102, 1104-1107, 1202-1206	Completed 6/1/15
4	2015-2016	<ul style="list-style-type: none"> • General Provisions and Exceptions • Development Standards--excluding protection of natural features, hazards to safety, and historic protection sections 	901-904, 1001, 1005-1010, 1012-1021	Suspended for Marijuana Land Use Regulations Project—Work Planned to Resume February, 2016

Audit Phase	Fiscal Year	Topic	Primary ZDO Sections Audited	Status
5	2016-2017	<ul style="list-style-type: none"> • General Provisions and Exceptions (carry over from 2015-2016) • Development Standards--excluding protection of natural features, hazards to safety, and historic protection sections (carry over from 2015-2016) • Special Use Requirements—to include consideration of kennels and uses not currently addressed adequately by the ZDO 	802, 804-810, 813-815, 817-825, 827, 829-841, 901-904, 1001, 1005-1010, 1012-1021	<ul style="list-style-type: none"> • Propose to Complete Work Carried Over from 2015-2016 • Propose to Complete Audit of Special Use Requirements <u>if staff resources allow</u>
6	2017-2018	<ul style="list-style-type: none"> • Special Use Requirements (carry over from 2016-2017 if necessary)—to include consideration of kennels and uses not currently addressed adequately by the ZDO • Special Districts and related development standards (open space, historic overlay, mineral and aggregate overlay and airport overlay zones) 	701, 702, 707, 708, 711, 712, 713, 802, 804-810, 813-815, 817-825, 827, 829-841, 1004	<ul style="list-style-type: none"> • Propose to Complete Work Carried Over from 2016-2017 if necessary • Propose to Complete Audit of Special Districts (open space, historic overlay, mineral and aggregate overlay and airport overlay zones only) • <u>If staff resources allow</u>, audit work for additional special use districts proposed to begin but is not anticipated to reach the public hearing and adoption stage

Audit Phase	Fiscal Year	Topic	Primary ZDO Sections Audited	Status
7	2018-2019	<ul style="list-style-type: none"> • Special Districts and related development standards (Floodplain Management, River and Stream Conservation Area, Willamette River Greenway, Habitat Conservation Area, Water Quality Resource Area and Sensitive Bird Habitat overlay zones) • Definitions • Final editing, reorganization and renumbering of the ZDO 	201, 202, 703, 704, 705, 706, 709, 710, 1002, 1003	<ul style="list-style-type: none"> • Propose to Complete Audit of Special Districts not addressed in prior year • Propose to Complete Audit of Definitions • Propose to Conclude the Audit with final editing, reorganization and renumbering of the ZDO

From: Rogalin, Ellen
Sent: Wednesday, December 30, 2015 2:50 PM
To: Gonzales, Lorraine
Cc: McCallister, Mike
Subject: Suggestions from Eagle Creek - Barton CPO

I believe the email below is in response to your request for input for the 2016-17 work program . . .

Ellen Rogalin | Community Relations Specialist
Clackamas County Dept. of Transportation & Development
150 Beaver Creek Rd., Oregon City, OR 97045
503-742-4274 | ellenrog@clackamas.us
My office hours: 9am – 6pm, M-F

----- Forwarded message -----

From: Eagle Creek Barton C P O <eaglecreekcpo@gmail.com>
Date: Wed, Dec 30, 2015 at 1:17 PM
Subject: Suggestions
To: akyle@clackamas.us

Eagle Creek Barton Community Council
P O Box 101
Eagle Creek Oregon 97022
[eaglecreekchttps://sites.google.com/a/eaglecreekbarton.com/www/po@gmail.com](https://sites.google.com/a/eaglecreekbarton.com/www/po@gmail.com)

Amy,
These were some of the suggestions that the Community Council came up with pertaining to Zoning/ Planning or changes to the ZOD.

The original "E" mail that was sent to me was lost by me and I am sending this to you so it might get to the correct area.

New business: Our main consideration was to respond to opportunity to provide recommendation to the County Commissioners on purposed zoning changes.

We all approved sending a letter with these recommendations.

1. That county review area enclosed by Hwy 211, Old Eagle Creek Rd, Folsom Rd and Hwy 224 for possibility of Rural light industry. Also both sides of Old Eagle Creek Rd which is already used in this manner.

2. Investigate Solar Power as a use in farm, timber and forest land. (We will be discussing this use at our January meeting.)
3. Re-establish rural commercial center for Eagle Creek.

Thanks,

Brent Parries

Chairman
Eagle Creek/ Barton CPO

MCCLOUGHLIN AREA PLAN IMPLEMENTATION TEAM (MAP-IT)
DESIGN SUBCOMMITTEE
25 November, 2015

Planning and Zoning Division
Clackamas County

On behalf of the McLoughlin Area Plan Implementation Team (MAP-IT), we are requesting that a project to implement *development and design standards for the Park Avenue Station area*, located at the intersection of McLoughlin Boulevard and SE Park Avenue, be included in the Planning Department's annual work program for the coming 2016-17 fiscal year.

As part of directing our subcommittee to make this request, MAP-IT expressed concern that the area surrounding the Park Avenue Station Area is the only area surrounding a high-capacity transit station in the region - and perhaps even in the nation - that has not seen corresponding zoning changes to leverage the substantial public infrastructure investment.

This request is the result of more than a year of work in which the MAP-IT *Design Subcommittee* has identified a suite of *urban development policy objectives* consistent with the *McLoughlin Area Plan*. There is a great deal of information available to share and discuss with County Planning staff and with the community (see attachment). Presentations were given to MAP-IT monthly to show progress and collect feedback, and information sessions and interactive workshops were held with the Jennings Lodge and Oak Grove community planning organizations. At the conclusion of this process MAP-IT voted to support the request stated above.

We understand that a previous request to include Park Avenue Station Area planning in the work program was postponed because of other priorities. At this time we wish to re-iterate that request and ask to be made one of the work program's top priorities.

We are ready to make whatever resources we have available to planning staff as this effort moves forward.

Feel free to call upon us if there are any questions or requests.

Sincerely,

Nathan Burton, Chair
Design Subcommittee

Joseph Edge, member
Chips Janger, member

Cc: Ed Gronke, chair, MAP-IT
Jennifer Harding, vice-chair, MAP-IT
MAP-IT members

ATTACHMENT

Goals for the *Development and Design Standards for the Park Avenue Station Area* include:

Park Avenue Station Area Objectives

These objectives are specific to commercial and multi-family zoned properties within walking distance from the Park Avenue High Capacity Transit Station. These objectives may be applied to areas designated as MAP Activity Centers in the future.

- Require or encourage more specific mixtures of uses
 - Encourage increased development intensity and better utilization of land
 - Allow higher-intensity development that can grow to support an 18-hour/7-days-a-week community
 - Keep housing above the ground floor of most buildings
- Support small businesses that serve neighborhood needs and decrease the need for motor vehicle trips
 - Encourage development that will support walking as the most attractive choice for trips under one half mile in distance that originate or terminate within the Station Area
 - Requirements for providing smaller ground-floor storefront spaces
 - Expand use types to include emerging local entrepreneurial endeavors
 - Allow some additional neighborhood-serving uses for Multi-use developments not presently permitted by ZDO's, such as commercial daycare, libraries, public education facilities, community centers
 - Provide pathways to *further*-reduced parking requirements for developments in the Station Area designed to leverage non-automobile trips
- Leverage proximity to transit station to attract employers, higher-wage jobs, and car-free residents
 - Add jobs to the corridor
 - Given proximity to transit station and changing demographic/market-preferences, allow the market to respond to demand for housing.
- Allow for community input on large-site redevelopment in the Station Area
 - Design Commission review required for large sites

Corridor Objectives

These objectives apply to the Park Avenue Station Area, but we would eventually like to see these applied to the entire McLoughlin Boulevard Commercial Corridor.

- Clarify ambiguous definition of mixed-use/multi-use developments
 - Apply industry standard definition of "mixed use" and include by reference the County's definition for "multi-use developments"
 - Explicitly allow mixed-use as a primary permitted use for Corridor commercial district, without conditional use review
- Apply County's existing urban area design standards to the McLoughlin Commercial Corridor
 - Standards for internal/private street design, building setbacks and orientation to streets
 - Standards for buildings and structured parking adjacent to pedestrian facilities

- Standards for internal site access and circulation, ground floor active uses, and buffering higher-intensity uses from adjacent low-density residential districts
- Reduce or eliminate existing disincentives to mixed-use developments
 - Increase allowed supply of housing along Corridor to reduce infill pressure on urban low-density residential districts, increase customer base for existing and new businesses, and allow the market to better respond to current consumer housing preference trends
 - Provide pathway to reduced parking requirements for developments specifically designed to leverage non-automobile trips
 - Simplify site and building design standards and ensure consistency between use-types (retail, office, residential, mixed-use, etc)
 - Allow pathway for deviation from standards when it facilitates the preservation and reuse of an existing structure in conjunction with new development
- Strengthen landscape standards to support habitat, increase tree canopy, reduce water use and maintenance, and improve quality
 - Sustainable, habitat-quality landscaping
 - Restore/increase the tree canopy
 - Enhance attractiveness of surface water management
 - Establish a Corridor Theme of *Integration with Nature*
 - Increased incentives for increasing contiguous/coordinated protected habitat
- Enhance comfort and security for bicycle travelers
 - Improve bicycle accommodations
 - Reduce conflicts with motor vehicles and pedestrians
 - Eliminate design review requirement for wall-mounted bicycle storage
 - Encourage improved accommodations for bicycle users (parking, shower/changing facilities, etc)
- Support role of designated Nodes/Activity Centers as the community's "Downtowns"

Overall Goals/Objectives

- Create clear and vibrant activity clusters or centers
- Significantly improve mixed use development potential
- Significantly increase residential use capacity
- Reduce overall parking requirements
- Improve and increase bike parking requirements
- Increase building presence and transparency
- Ensure compatibility of resulting character across use types and sizes of project sites developed
- Clarify ZDO intent and definitions of desired character
- Implement building design and material standards to ensure overall quality
- Encourage housing affordability mix in new development
- Protect existing natural character: trees, topography, habitat
- Ensure parks and/or open space included in new development

MCCLOUGHLIN AREA PLAN IMPLEMENTATION TEAM (MAP-IT)

25 November, 2015

Board of Commissioners

Clackamas County

Re: Enclosed request to Planning and Zoning Division

Honorable Chair Ludlow and Commissioners:

Enclosed is a request being submitted to the County Planning and Zoning Division to include planning for the Park Avenue Station area as part of their work program for the 2016-17 fiscal year. A similar request made earlier this year was denied at that time because of the need to develop regulations for the growth, production, processing and sale of marijuana in the unincorporated areas of the County. We realized that this was a more appropriate use of the limited resources available.

The Park Avenue Station Area has been a subject of discussion at regular meetings of MAP-IT since before the MAX Orange Line went into operation. The Committee believes that reexamining the current zoning and development opportunities is becoming more urgent, with light rail in operation and developers indicating interest in areas around the new light rail stations in Clackamas County.

The enclosed request from the Design Subcommittee of MAP-IT was unanimously approved at the MAP-IT meeting of November 3, 2015. The core of the proposal is to eliminate or ease existing restrictions and disincentives in the ZDO that we believe are preventing private investment in the Park Avenue Station Area. In addition, as intensity of development increases relative to what we see on McLoughlin today, our proposal seeks to balance that increased scale with amenities that will restore the land, invite neighbors to visit and shop, reduce vehicular trips and solidify a marketable identity for our area. Our intent is for all existing uses to be protected and allowed to remain and thrive, but landowners would also finally have the opportunity to invest in higher-intensity mixed-use developments that meet the demands of today's housing and jobs markets as well as the expectations of today's investors. Long-term, this should lead to greatly increased property values and tax bases, a win-win situation for all involved.

Since we assume that financial constraints may still be a problem, we would propose that the \$15,000 the county has set-aside for MAP-IT (specified for public outreach) be utilized to cover part of the cost of the public meetings required in this

effort. We would also be happy to assist in exploring other grant opportunities to fund this effort.

We urge you to seriously consider this request when it is presented to you, and to contact us if you have any questions.

Thank you for supporting our efforts thus far.

Ed Gronke, Chair

Jennifer Harding, Vice Chair

Cc: MAP-IT Committee



jenningslodgecpo@gmail.com

Proposals to Clackamas County Planning Division for 2016-2017

Thank you for the opportunity to submit proposals for Clackamas County Planning Division work. There is much to be done, and we understand that resources are limited. We offer our assistance in development and research work, to bring together the interests of Clackamas County residents, businesses, and government.

At our December 2015 Jennings Lodge CPO meeting, the Jennings Lodge CPO Board asked members for their proposals and suggestions for Clackamas County Planning work. We received proposals that could fit with more immediate work in early 2016, some that are more appropriate for the 2016-17 Work Plan, and some that relate to issues that need to be addressed in some other way. Overall, tree preservation was the number one priority expressed by our Jennings Lodge CPO members.

In talking to Planning Director Mike McCallister about proposals, Mike asked that proposals for the 2016-17 Work Plan, in particular, be submitted by mid-January 2016. We have chosen to combine into this document our work on all three types noted above, organized into three sections:

- 1. *Proposals with Suggested Language We Request as Part of January-June 2016 Work*** (already scheduled) **on ZDO Section 1000** (three for ZDO Subsection 1002, and one for Subsection 1007)
- 2. *Proposals Requiring More Development*** (which might fit into the 2016-17 Planning Division Work Plan and beyond, in priority order)
- 3. *Other Issues Raised in This Process***

Proposals with Suggested Language

We Request as Part of January-June 2016 Work on ZDO Section 1000

ZDO Subsection 1002 Protection of Natural Features

- **1002.04 (A):** Add the words “under current zoning” to the end of the last sentence:
1002.04 TREES AND WOODED AREAS
 - A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development wherever feasible. The preservation of these natural features shall be balanced with the

needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted under current zoning.

- **1002.03 (C) Development Restriction:** The restriction is currently expressed by saying the application will be denied if excessive tree cutting occurred in the 5 years before the complete application is filed. We ask that the time frame of the restriction be extended through the issuance of the final plat, to encompass the time periods for all appeals. A mechanism similar to the basic restriction could be used:

In addition, a final plat will not be granted if excessive tree removal occurs from the time the application is complete up until the final plat could otherwise be issued on an approved application.

- **1002.04: Add mitigation standards for trees cut down for development.** Although mitigation could not wholly replace a community's natural air quality filtration systems and surface water drainage systems lost when large mature trees (especially large numbers of them) are cut down for development (at least in the short term), nor wholly undo the negative impacts to community aesthetics and neighborhood character, mitigation standards involving planting new trees could provide communities with some recompense for the effects of any tree cutting that may be allowed for development; and with time, replace *some* of what has been lost. Mitigation standards would also provide specific requirements that developers can use as they plan their projects, and is a common part of tree ordinances elsewhere in Oregon. Such mitigation standards are meant to be used in conjunction with other ordinances that protect existing trees and other natural resources as part of development, and would address whatever portion of trees on a development site are allowed to be removed according to preservation standards. (The subject of preserving existing trees is addressed separately in this document.)

Basic language for mitigation already exists in ZDO Subsection 706.10 (A) (6 & 7) for Habitat Conservation Areas, and can be adapted for use in this circumstance. The mitigation standards relating to trees cut for development should include:

- **Required Compliance with Mitigation Standards.** (Reference 706.10 (A) (6).)
If development is approved in an urban residential zoning district, which allows cutting or removing trees over 6" in diameter at breast height (dbh), compliance with the following mitigation standards shall be required.
- **Required Planting of New Trees, Required Plants and Densities.** (Reference 706.10 (A) (6)(a) i and ii., and Table 706-6: Tree Replacement.)
Planting of new trees shall be required in mitigation for cutting or removal of existing trees over 6" dbh, with the exception of dead trees and invasive tree species.
All mitigation trees shall be native species. The mitigation requirements shall be calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site shall be replaced as shown in Table X-X. Conifers shall be replaced with conifers. The mitigation planting required in Table X-

X: Tree Replacement must be completed within five years of the date the existing trees are cut down.

Table X-X: Tree Replacement

<u>Size of Tree to be Removed (inches in diameter at breast height)</u>	<u>Number of Trees to be Planted</u>
<u>6 to 12</u>	<u>2</u>
<u>Over 12 to 18</u>	<u>3</u>
<u>Over 18 to 24</u>	<u>5</u>
<u>Over 24 to 30</u>	<u>7</u>
<u>Over 30</u>	<u>10</u>

- Plant Size for Planting Mitigation Trees.** (Reference Washington County Article IV Development Standards, 407-8.3 and 407-8.4.)
Plant Size. Deciduous mitigation trees shall be fully branched, have a minimum caliper of one and one-half (1½) inches, and a minimum height of eight (8) feet at the time of planting. Conifer mitigation trees shall be fully branched, and have a minimum height of six (6) feet at the time of planting.
- Required Locations for Planting Mitigation Trees.** (Reference 706.10 (A) (7).)
All mitigation trees shall be planted on the subject property, and may be any combination of street trees, yard trees, and open space/park trees (if open space or park is included in the development plan). Mitigation trees shall be protected and preserved after the monitoring period expires by a restrictive covenant, or a conservation easement or public dedication if the trees are located on a separate open space or habitat conservation area tract of the development.

Off-site mitigation within the same subwatershed (6th Field Hydrologic Unity Code) may be approved for part or all of the required mitigation, if the applicant provides evidence substantiating that:

 - It is not practical to complete the mitigation on-site; and*
 - The applicant possess legal authority to conduct and maintain proposed off-site mitigation, and that the mitigation trees will be protected from development after the monitoring period expires by a restrictive covenant, conservation easement, or public dedication.*
- Requirements for Ensuring Mitigation Tree Survival.** (Reference 706.10 (A) (6)(g).)
Tree Survival. Trees that die shall be replaced in kind to the extent necessary to ensure that a minimum of 80 percent of the trees initially required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.

Monitoring and Reporting. Monitoring of the mitigation site shall be the ongoing responsibility of the applicant. For a period of five years following the date that the mitigation planting is completed, the applicant shall submit an annual report to the Planning Director documenting the survival of the trees and shrubs on the mitigation site. If property containing mitigation trees is sold within the five-year period, the

sales agreement shall contain a provision allowing the applicant, applicant's agent/contractor or the County access to the property for the purpose of planting and maintaining the survival of the mitigation trees until the end of the period of five years following the date that the mitigation planting is completed, In lieu of complying with the monitoring and reporting requirement, the applicant may post with the County a performance bond, or other surety acceptable to the County, in an amount sufficient to cover costs of plant material and labor associated with site preparation, planting, and maintenance. An applicant who elects to post a surety shall be subject to Subsection 1311.02

ZDO Subsection 1007 Roads and Connectivity

To minimize negative impacts of traffic increases as a result of infill, and ensure that increases will be gradual so they can be better absorbed in surrounding neighborhoods, add the following language to Subsection 1007.04, after item (D):

“Siting or density of subdivisions should not result in significant traffic increase on local streets serving low density residential areas in surrounding neighborhoods.”

The language “*should not result in significant traffic increase on local streets serving low density residential areas*” is consistent with existing Comprehensive Plan policies, as it is taken from Comprehensive Plan Chapter 10, McLoughlin Corridor Plan Land Use Policy 5.3, related to changing residential land use in the Corridor.

Proposals Requiring More Development

for the 2016-17 Planning Division Work Plan and beyond

We have listed the proposal topic areas in priority order (based on the number of people submitting comments on each topic area).

1. Preserving Existing Trees as Part of Development

As previously noted, we received more proposals, suggestions and requests on preserving trees as part of development than on any other individual subject. The **overall goals** include striving for no net loss of tree cover or canopy, retaining and preserving as many trees as possible as part of development (particularly groves and native species), adding adequate measures to *require* incorporation of existing trees in subdivisions and planned unit development design, and creating a true balance between tree preservation and development. **Methods to implement these** goals could be contained in subsection 1002.04. As an alternative, Commissioner Paul Savas has suggested creating a Section or Subsection in the Zoning Ordinance that encompasses all Development Ordinances in one place, including ordinances on tree preservation and protection as part of development. **Examples** are available from other Oregon counties who have organized their ordinances in such a way. Recognizing that the needs and interests in urban areas and rural areas may be different, the **tree code sections of these ordinances are often further separated into different ordinances applying to urban vs. rural land** (or inside vs. outside the urban growth boundaries, or urbanizing woodland vs. non-woodland area, etc.).

In addition to whatever organizing system might be involved, there are also individual implementation aspects addressed in each county. Some possible implementation aspects for unincorporated urban areas of Clackamas County are:

- If the zoning ordinance continues to contain the current language of Subsection 1002.04 (A) on balancing preservation of existing natural features with development, **define the words “balance” and “feasible”** to ensure an actual *balance* can be carried out between preservation of existing trees/natural features and proposed development.
- **Add tree density standards to 1002.04 (A)** (requirements that a specific percentage of existing trees be preserved as part of development). **Or replace the “balance” concept in 1002.04 (A) with such a requirement** (if the “balance” concept continues to be an interpretation issue). This should take into account the diameter or existing tree canopy area and species of the existing trees, as well as the number, and can also be tied to the number of acres in the proposed development. (Reference tree preservation ordinances in Lane County and City of Portland.)
- **Restrict tree cutting within certain areas.** (For example, Lane County generally prohibits tree-cutting within 100 feet of ridgelines and hilltops. The City of Lake Oswego grants tree cutting permits if, among other criteria, removal will not have significant impact on character, aesthetics or property values of the neighborhood, with exceptions based on demonstrated consideration of alternatives.)
- **Require development applicants to submit several designs demonstrating different alternatives for incorporating trees** before approving any exceptions to tree preservation requirements on land with a specified percentage of trees or number of acres with a certain amount of tree canopy. (As referenced in the previous item, the City of Lake Oswego ordinances allow exceptions with demonstration that certain types of alternatives have been considered).
- As part of preserving as many healthy trees as practical, and avoiding tree damage from customary single home construction, **require that trees at a certain distance from homes must be preserved.**
- **Require that a development plan must incorporate a specific number of the techniques from 1002.04 (A) 1-10.**
- **Require additional building limitations for any acres in a proposed development with over a specified percentage of tree canopy or number of trees per acre** (compared to acres without trees), in order to preserve existing trees.
- Require that if land proposed for development has any acres with over a specified percentage of tree canopy or number of trees per acre, **the development must be submitted as a planned unit development** with at least 20% of the land preserved in open space tracts.
- **Provide incentives and help to developers to incorporate existing trees into the development design.** (Washington County, for example, requires that a specific percentage of buildable land must be landscaped as part of a development project, but allows some reduction of that for other specified activities they want to encourage.)
- **Require that as part of development approval, a fee must be paid to the County for every tree cut over a certain diameter.** This money would be held in trust to buy land for open space or parks in the community/watershed subsystem in which the trees were cut.

- **Require, rather than suggest, the kind of tree preservation provided for in ZDO Subsection 1007.04** (with roads planned around tree groves in order to preserve them, rather than through them).
- **Ensure that the development restriction in 1002.03 (C) is enforced.**

2. Ensure that the Comprehensive Plan is Carried Out, via Direct Application or New Implementation Language in the Zoning Ordinance

Our community’s experience with land use applications in the last few years has caused many people to express that some Comprehensive Plan goals and policies don’t seem to be carried out in County recommendations and decision-making on land use applications. In addition, interpretations of Comprehensive Plan and Zoning Ordinance language have left many puzzled about what the County is trying to achieve on behalf of its citizens. Some proposals for how to remedy some of these land use-related issues include:

- **Put into ZDO 1202 a clearly delineated way to use the Comprehensive Plan 4.R.2. factors.** If it is as a balance test, create ZDO language that actually creates a *balance* mechanism (with relative weighting, etc.). Or throw out the “balance” idea, and create language in the Zoning Ordinance that clearly and fairly describes some other mechanism to implement these factors and how they are to be used.
- Review all Comprehensive Plan goals and policies, and **add appropriate language to the Zoning Ordinance to implement any Comprehensive Plan goals and policies that are not currently being implemented via the Zoning Ordinance.** Comprehensive Plan chapters where we have found goals or policies that don’t seem to be implemented (or are not adequately implemented) in the Zoning Ordinance include Chapters 1, 3, 4, 6 and 9.
- **Revise Comprehensive Plan language (and ZDO language as needed) to create direct applicability of Comprehensive Plan Language to land use decisions,** particularly on developments, beyond the 4.R.2 factors.
- Through a public involvement process, **build a public consensus on how to revise the language of ZDO language which is currently ambiguous** and subject to interpretation.

3. Protecting Existing Neighborhoods, Neighborhood Character

Some of the most important Comprehensive Plan goals and policies to the community noted above (ones that people perceive as not being carried out) relate to goals in Chapters 4 and 6 on protecting existing neighborhoods and neighborhood character. ***Our community asks that appropriate language be added to the Zoning Ordinance to implement these goals and policies,*** and to:

- Put emphasis on preservation and protection of existing urban neighborhoods;
- Make *Neighborhood Character* a viable consideration in all decisions on proposed subdivisions and planned unit developments (not just the large lot size element in the Comprehensive Plan 4.R.2.6. factor, which is currently relevant only to zone changes);

- Create a viable mechanism to give consideration and appropriate weight to what a neighborhood or community wants for itself, in decisions on proposed subdivisions and planned unit developments; and
- Ensure that development is compatible with surrounding existing urban neighborhoods.

What would protect an existing urban neighborhood and its character?

1. First, ***it would be necessary to have a mechanism in the Zoning Ordinance to determine what the character is of each existing neighborhoods where development is proposed.***
2. Next, it would be ***necessary to have a process in the Zoning Ordinance to determine whether or not further development or infill in a particular neighborhood can be done and still protect its character*** (the answer might be “yes” for some neighborhoods, and “no” for others, or possible with certain limitations).
3. For those neighborhoods where development in general might be appropriate, ***a next step would be having decision criteria in the Zoning Ordinance that can be applied to ensure, at a minimum, that:***
 - Proposed development is ***compatible*** with and supports the character of the existing neighborhood;
 - Proposed development has ***similar characteristics*** to the existing neighborhood, and fits aesthetically with the existing neighborhood;
 - Proposed development ***doesn't seek to change, or cause change*** of, the character of the existing neighborhood;
 - Proposed development ***doesn't adversely impact*** the existing neighborhood, its livability and character (in addition to the points above, that would also include traffic safety and traffic patterns, property values and aesthetics of the existing neighborhood, among other considerations).

Determining the Character of a Neighborhood

All existing neighborhoods have their own unique sets of ***physical characteristics*** which make up their character, even within similar zoning designations, as do proposed developments; so these can be compared. Determining these physical characteristics would be an appropriate starting place. Physical characteristics would include existing lot sizes; types of housing and other land uses; styles houses and other structures; presence of historic buildings and landmarks; lot layouts; trees and vegetation (types and species, density, location patterns, how they are incorporated in development, etc.); water features (rivers, streams, lakes, etc.); drainage systems; inclusion of and proximity to services; roadway styles and improvement patterns. It would be possible to project most, if not all, of the related physical characteristics for proposed developments from application plans and descriptions, in order to make comparisons.

Other types of characteristics would include ***observable behavior patterns in the neighborhood*** (such as traffic patterns and how roadways are used; a driving vs. walking type of neighborhood; use of open spaces, parks and natural areas), and ***overlay characteristics*** like zoning designations.

Land Use Application Process

In order to demonstrate that a requested land use protects the existing neighborhood(s) surrounding the proposed development or impacted by the proposed development, an application should describe:

- ***The character and characteristics of the existing neighborhood***, as defined or described by County-recognized representatives of the neighborhood residents (such as the local community planning organization), or by a neighborhood plan filed with the County; and the corresponding character/characteristics of the proposed development.
- ***How the proposed land use complies with the decision criteria protecting existing neighborhoods and neighborhood character*** (reference the examples under #3 on the proceeding page).

County determination of whether or not further development or infill in a particular neighborhood can be done, and still protect its character, might be best accomplished through a separate process, such as the development of a Neighborhood Plan, or a community request for an overlay zone. In the case of the Jennings Lodge, Oak Grove and Clackamas community planning organization areas in particular, another vehicle might be via adoption of McLoughlin Area Plans I and II, which encompass the area between Milwaukie and Gladstone (north to south) and I-205 to the Willamette River (east to west).

4. Creating Parks and Open Space

Since Jennings Lodge does not have a public park, and the Commissioners made a decision several years ago not to buy a significant available property in Jennings Lodge for a park, the subject of getting a park has been a major issue in our underserved community.

- As a way to ensure that proposed developments contribute to the community around them, **we propose that there should be a formula established by which large developments must provide park land or open space as part of subdivision development.** This formula could be based on providing a certain amount of park or open space land per so many lots, units or acres of development (for example, one acre of park land for every ten acres of developed lots).
- ZDO Subsection 1011 is adopted, in part, to provide land that meets the open space and recreation needs of the people. In order to achieve that end, **new open space opportunities must continue to be identified and developed** beyond what is currently on Comprehensive Plan Map IV-6. **Such means should be incorporated into the Zoning Ordinance** so that when private land becomes available on the market, it can be assessed for its suitability in meeting the open space and recreation needs of people in particular communities.

5. Zone Change Restrictions or Overlay Areas

The Board of County Commissioners had several discussions in the past year on protections and safeguards for existing low density residential zoning in the Jennings Lodge, Oak Grove and Clackamas CPO areas, but further consideration was temporarily set aside so Planning staff could work on the

marijuana regulations. The need to develop protections for existing neighborhoods and **safeguard current zoning** is becoming more crucial every day, as developers seek re-zoning that impacts and changes the neighborhoods surrounding their developments, without the acceptance of the neighborhood. So we ask that work resume on this subject.

A number of approaches have been discussed or proposed, including:

- **The creation of an overlay zone that freezes current residential R-10 zoning in a particular area.** In our general area, this could be approached as (1) one overall area; OR (2) a more limited area from River Rd. west to Willamette River (between Milwaukie and Gladstone), as an initial more homogenous zone, which could be built on later with other such zones if supported; OR (3) a series of current R-10 pockets. In the case of our community, in particular, adoption of McLoughlin Area Plans I and II could be a vehicle.
- **The creation of development restrictions that prohibit zone changes or up-zoning within so many feet of Willamette River.**
- **The creation of development or zoning restrictions for property with certain characteristics.**
- **The creation of higher standards for zoning approvals** in certain areas such as overlay zones, proximity to the WRG, etc.
- **Down-zone R-10 zoning in order to match the zoning designation to current lot sizes, where R-10 would result in lots smaller than average existing lot sizes.** (This might change zoning to R-12 or less density in some areas.)
- **The creation of limitations on the amount of development or infill allowed in designated (or overlay) areas.** (Reference previous section on Protections for Existing Neighborhoods.)
- It might also be useful to reference Marion County Code Chapter 16.22, which contains general standards for limited use overlay zones.

A combination of approaches might be appropriate, for both short term and long term achievability. However, at a minimum, we need some kinds of protections sooner rather than later for those areas most continuously or homogeneously R-10 right now, as we anticipate these areas will continue to be at risk due to developers requesting denser zoning to increase their profitability.

6. Traffic Safety

Traffic safety, and the safety of pedestrians and bicyclists along roads, is always important. However, development (or the potential of development) and the added traffic it brings, puts increased pressure on existing road infrastructure; road systems and intersections that barely work with the way people currently use them may not be safe with increased traffic (exclusive of intersection capacity issues). No one will experience these issues more than those in the existing communities who use these streets. Therefore our community asks:

- Require in Section 1007 Road and Connectivity that if a **development will negatively impact community traffic congestion** and traffic or pedestrian/bicyclist safety, **that street and traffic infrastructure improvements must be made** (either by the County or developer) **before development can be completed.** (This would address impact not just at adjacent intersections and project frontages, but also at intersections and on neighborhood streets

that are not along the project frontages.) Such measures will ensure that the infrastructure will be in place to support the traffic impacts.

- **Create a more viable mechanism to give weight to community experience regarding local traffic and traffic safety, as part of development decisions.**

7. Land Use Application Processes

In order to provide residents with more information on plans for proposed development, and to ensure they are able to comment on how those plans would negatively and positively affect them, our community asks that:

- A requirement be added to ZDO Section 1307 that an applicant **post** a real estate/election-sized **sign on the subject property when application is made for a land use approval**. The sign will state in large letters that a Land Use Decision is in the works, what the proposal is, and how to communicate with the County on this issue.
- Currently, development applications are only required to have a preliminary statement of feasibility from a jurisdictional storm water authority, but not an assessment of an actual proposed storm water plan. Assessment of the actual proposed storm water plan usually or frequently occurs **after** a County public hearing takes place on the application, which means the public is deprived of the opportunity to learn about and make comments on the storm water system being worked out with the storm water authority. Therefore, **we ask for a requirement that jurisdictional storm water authority comments on the storm water plan be submitted either with the application, or before the public hearing, to provide for public comment.**

8. Development Restrictions

We propose that no development be allowed within 500 feet of a wetland.

9. Asbestos

There is potential for serious community effects relating to public health and safety when buildings containing asbestos are torn down for new development. We ask that the Clackamas County Planning Division provide for the safety of citizens in a way that the State has not, by **creating ZDO ordinance language that will dictate the procedure for proper removal of asbestos, where it exists at construction sites, and that compliance is required as part of the construction permit**. Reference “asbestos removal” on the Washington State Department of Labor & Industries website, which contains information and regulation language.

10. Historic Structures

Historic structures and landmarks need protection. The Clackamas County Zoning Ordinance should require that development applications list the existing structures and natural landmarks such as trees that are older than 75 years located on the subject property. **The Zoning Ordinance should include**

criteria for weighing the proposed development of a property against the loss of an historic structure and the associated natural landmarks.

11. Home Owners Associations

The ongoing viability of HOAs which are responsible for upkeep of storm water systems and landscaping, among other duties, has become a problem in our area. When the HOAs cease to function, important responsibilities fall by the wayside. **If Clackamas County land use approvals are based in part on maintenance carried out by HOAs, the County has some responsibility to ensure that HOAs continue with these responsibilities.** (At a minimum, that might mean requiring that CC&Rs include new owner notifications, annual status reports to the County, etc.) **Another alternative is not to base land use approvals or conditions on HOA activities, and instead seek other means to ensure that important responsibilities will be carried out.**

Other Issues Raised in This Process

Ombudsman to Assist CPOs with Land Use

Community Planning Organizations, which are groups of volunteers established by the Clackamas County Comprehensive Plan to help their communities in their spare time, are asked to be advisory to the County and to represent their communities in land use proceedings and quasi-judicial hearings. To do that job adequately requires finding spare time to devote many hours to learning about the Zoning Ordinance sections and subsections, and Comprehensive Plan chapters, how they work in general, how they can and should be used in representing the community, and then applying them in actual development application situations. Development applicants, on the other hand, often are paying one or more attorneys and other professionals to represent their interests, which sometimes prompts a community to have to fund-raise in order to hire representation or expertise. This puts ***Community Planning Organizations at a distinct disadvantage in representing their communities; this inequity needs to be addressed so that the County government and the citizens it serves are working together toward common goals.*** One way to do that would be for the County to create a County staff ombudsman or office to help Community Planning Organizations review and respond to land use applications. This might also be a way to provide greater staff support to the advisory Committee for Citizen Involvement.

McLoughlin Corridor Plan

The McLoughlin Corridor Plan in Comprehensive Plan Chapter 10 extends 650' from McLoughlin Blvd. Concern was expressed that developers are being allowed to apply for zone changes using a quarter-mile figure, rather than the 650' figure (which is less than an eighth of a mile). It is important for all to understand what measurement applies.

Hughes, Jennifer

From: Carol [clm@spiritone.com]
Sent: Sunday, December 20, 2015 10:22 PM
To: Hughes, Jennifer
Cc: McCallister, Mike
Subject: Suggestions
Attachments: ZDO 'revisions'.pdf

Attached are the suggestions/revisions I personally would like to have at least discussed by the Clackamas County planning staff as the auditing process continues.

I find that there are many frustrations concentrated around how planning staff interprets the ZDOs and overlooks the Comprehensive Plan. As an involved citizen, I feel that the Comprehensive Plan was and is supposed to guide the future of land use planning in the county. The Goals are ignored, because they are considered "aspirational" by planning staff. The words "goals" and "aspirations" both use the other in their definitions. By calling the goals "aspirational" the planning staff implies that the goals are not realistic in nature. In reality, they are the county's vision of what the county is supposed to look like as we try to meet those goals. I find this attitude of staff very discouraging and disrespectful of something that citizens expect to have happen when LU applications are made and approved.

Is there a way for the ZDOs to have a tree cutting section which is specifically for the urban unincorporated part of the county? I am well aware that the attempt to develop such a code a few years ago was sunk when people who felt their property rights were being challenged opposed the plan as written. If the code was limited to northern, urban unincorporated areas of the county it might go better. There is no need to complicate it with logging of forest land, or cutting of Christmas trees, but certainly we could have something which would save some of the special old growth trees and large groves of trees which are still intact in the urban areas. When I see what is happening all around this area I just feel it is criminal to destroy the wonderful trees and the health benefits they provide to us. How can anyone call what is happening "progress".

Thank you for the opportunity to present my work on the Comprehensive Plan and the ZDOs. I hope they will be seriously considered during the audit process.

Carol Mastronarde
Jennings Lodge

BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 05QahNrp8) is spam:

Spam: <https://mhub.clackamas.us/canit/b.php?i=05QahNrp8&m=1194c89dc6f9&t=20160125&c=s>

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Forget vote: <https://mhub.clackamas.us/canit/b.php?i=05QahNrp8&m=1194c89dc6f9&t=20160125&c=f>

END-ANTISPAM-VOTING-LINKS

Concerns About the ZDOs and Interpretations of Comp Plan

Below are problems we citizens would like addressed regarding the Clackamas County Comprehensive Plan (CP) and the ZDOs to implement it:

1. The refusal by county planning staff to consider the GOALS of the CP as relevant to any application. The declaration that GOALS are "aspirational". Dictionary definitions of the words "goal", and "aspiration" use the two words interchangeably. If the CP GOALS are to be met with an effort to reach the desired result (which is the standard definition of goals), then CP GOALS must be considered and accounted for with each application. If they are ignored, then the whole purpose of having a CP is defeated.
2. The limited reference to the CP in most applications. Obviously, there are chapters which will not be relevant to some applications, such as those referencing rural areas, when the application is for land within the UGB. However, ignoring whole chapters which are relevant is bad practice, and threatens the whole of the county's vision for its future. An example is chapter 9 of the CP which describes the county's goals and policies regarding Parks, Open Space and Recreation. There is very strong language describing the need to set aside land for parks; the responsibility of developers to contribute to that need, and the county's responsibility to obtain land which could be used as a park, especially in the densely populated areas of north Clackamas county. See chapter 9 under Open Space Policies #1, #1.4, #2.0, #4.0 #5.0. The last (#5.0) even states "acquisition will have priority over development". Has this ever happened in Clackamas County? Policy #6: "Require all new urban residential developments to contribute to the provision of park facilities in their communities proportionate to the need generated by the development and based on park standards established in policy #1". Residents in the urban unincorporated Oak Grove, Clackamas and Jennings Lodge areas of the county have requested new parks for years; over the last 10 or more years we got one small park (Stringfield) thanks in large part to the sanitary district, which is not part of the county.
3. In ZDO section 301.A: The declaration that areas zoned R-10 which are not sloped more than 20% are to be developed as R-8.5. The zoning map does not support this declaration. Nor does 301.B which shows a table with minimum lot sizes for each zone. It very clearly shows that areas zoned R-10 are to have lots of 10,000 sf. The county must request a zoning change, just like a developer would, to make the declaration that R-10 is really R-8.5 unless the land slopes more than 20%. Zone maps should be strictly adhered to, and any request for a variation must go through the Hearing process.

Section 301.08: A.: Purpose is to establish set backs, coverage etc for each zoning district: #1 Provide consistent standards insuring a stable pattern and intensity of development for new and EXISTING neighborhoods. #5 Provide for and protect the unique character and livability of each district. The interpretation of these standards are

not part of the planning process now. Developers ignore any characteristics which impinge on how they want to build on the land they have available. There is no consideration for the existing neighborhood, its unique character, or livability, the architectural style of an area, or the environment around the neighborhood, such as stream side areas, large urban forests etc.

4. Interpretation of language in the ZDOs has too much ambiguity. Words such as "feasible", "substantial", "character of neighborhoods", "significant", (as in groves of trees), "substantially damaged". As citizens we find these particular words are seldom used in our favor, so that the resulting decision allows the applicant to proceed as they wish.
5. The issue of tree cutting is huge for citizens of urban unincorporated parts of the county. There are many references to trees, their significance in the county, the need to protect them and their value in protecting against soil erosion, enhancing air quality, helping to control surface water runoff, protecting wildlife habitat, and adding to the value of homes and neighborhoods. Chapter 3 of the CP is devoted to Natural Resources and Energy. Sections 102.02, 1002.03, 1002.04, 1011.02, 1011.03, and 1011.04 of the ZDO all reference natural areas, trees and open space. Please see below for specific references within those sections. Yet trees are hardly considered with any significance when an application is submitted with proposed tree cutting and removal.

ZDO: 1002.03 Development restrictions following excessive tree removal (applies in the UGB)

(B). Excessive tree removal is the removal of more than 3 trees on a lot of record in a calendar year. Time and again applications indicate many more trees to be removed than what is allowed by this ordinance. There is an example of this right now on SE Concord Rd which has been clear cut for new development. The land has been stripped bare. In addition, the majority of the big trees on that property were white oaks, a species which we are trying to preserve and encourage in the county and in the urban area. Why is this 3 trees per lot not enforced? In fact, it seems to be ignored. When an applicant states he can not develop as he wants without removing excessive numbers of trees the planning staff agrees to the cutting of whatever trees the applicant wants to cut.

1002.04 Trees and Wooded Areas: A.: Significant clumps or groves of trees, or existing wooded areas shall be incorporated in development whenever "feasible" (definition: to the greatest extent possible). This shall not preclude development or require a reduction in the number of lots that would be permitted.

#5: Use of wooded areas for recreation or other low intensity use.

#6: Retention of trees which are necessary to ensure stability of clumps or groves of trees.

#8 Use of flexible lot sizes and PUDs to minimize disturbance of wooded areas.

In the applications I have been a part of opposing, I have not seen any of the above 3 ordinances considered, let alone enforced. The applicant simply says "it doesn't pencil out" or "the road has to go there" and the tree is gone. "Feasible" seems to be interpreted as: if the developer says it will upset his plans then the tree has to go. More time and effort must be invested by applicants and staff in following the ZDOs to preserve trees as directed by the county's own laws. We are told that the removal of trees must be "balanced" with the needs of the developer. There is no such language in the ZDOs. This "balance" always ends up in the developer's favor. (That is, they very seldom have to give up any aspect of their application.)

1011.02 A. applies to areas generally indicated as Open Space on the Comp. Plan map IV-6. This map needs to be updated and re-evaluated regularly, especially when a large parcel of privately owned land with significant natural features suddenly appears on the market. This ZDO does not say that areas left off the map can not be considered significant or a potential open space.

Perhaps there needs to be a second map which indicates where things like #2: distinctive urban forests, #6: Areas of high visual sensitivity, and #7: significant natural areas are, but are held in private ownership. With such a map these features could be considered as fitting the GOALS of the Comp. Plan as outlined in chapter 3. So when the land comes on the market, they are recognized by everyone as qualifying for primary consideration as park land or open space.

1011.02 C (1) lists high priority open space as significant natural areas. (2) lists secondary priority open space as (b) distinctive urban forests, and (e) areas of high visual sensitivity. These seem to be lost in any planning process; lip service by staff sounds good during the Hearing process, but the trees invariably come down if that is what the developer wants to do.

1011.03 Development Standards (B) High priority Open Space shall be preserved outright. C. Second priority Open Space shall be preserved to the MAXIMUM extent possible, making full use of techniques which reduce the need for land coverage and disturbance of Open Space features.

There is no evidence that any of these ZDOs are considered by applicants or staff when development is considered. Those of us who live close to these unrecognized natural features would like the above cited ZDOs to be considered and applied, as mentioned above, especially the preservation of valuable and irreplaceable areas of significant open space, wetlands, significant groves of trees, riparian areas, floodplains, and scenic areas.

1011.04 Conflict Resolution, Wetlands and Significant Natural Areas: High priority OS shall not be disturbed. Approval shall not be granted unless the following are met:

A: Social: The proposed development would not result in loss of a rare, irretrievable, or irreplaceable natural feature, or disturbance of a natural feature in or adjacent to the proposed site.

B. 1. Talks about the applicant being substantially damaged, but gives not give any indication of who determines what substantially damaged means. Does the cost to the public to repair or restore a natural area get taken into consideration as part of the conflicting costs? Certainly public costs should be part of the equation.

C. Energy: this part states " a disturbance shall not require public costs due to secondary impacts or exacerbate existing conditions." 1. Wetlands (d) proposed use or alteration is approved by the US Corps of Engineers and OR Department of State Lands. The process would protect these areas better, maybe even declare them areas which can not be developed at all, if these approvals would be obtained BEFORE the application is approved. If the application is approved without the proper permits, then the risk of damage and public costs rises substantially.

1011.05 Parks: B. states "Park classifications and Standards of Policies 1.1 through 1.5 in the Comp. Plan Chapter 9 shall be followed in the dedication and development of parks and recreational areas. I have never seen this part of the ZDO referenced or used by an applicant or referred to by planning staff. The need for parks and OS is clearly stated in the CP, the ZDO is written to ensure that the need is addressed, but it is not addressed in the planning process. CHAPTER 9 IS IGNORED AT THE PRESENT TIME WHEN APPLICATIONS ARE ASKING FOR A NEW SUB-DIVISION, OR WHEN A LARGE PARCEL OF LAND IS SOLD FOR DEVELOPMENT. Reading Chapter 9 gives one the impression that parks and open spaces are a top priority for the county. In reality, no one pays any attention to chapter 9 or this ZDO, not applicants nor planning staff.

1007 Roads and Connectivity

1007.01: Purpose: A. Provide for SAFE movement of vehicles , pedestrians, freight transit, bikes and pedestrians. C: Protect public SAFETY through functional, efficiently designed improvements addressing the impact of new development. E: Facilitate and encourage the use of non-auto modes of transit. F: Provide highly interconnected transportation system with suitable access and choices for all. G: Support improved public health by providing SAFE and attractive pedestrian and bike facilities.

The words safe and safety is repeatedly used in the purpose statement of 1007. Yet when a development is proposed and local citizens protest that it is not safe to allow so many homes in the area due to the poor or dangerous condition of the local roads to handle the vehicle traffic, or the risk to pedestrians and bicyclists, the citizens' voice is ignored. If the volume to capacity ratio is met, then it is safe enough for the county to approve.

1007.03: A: The CP shall control when there is a conflict. (C)(4) Approaches to county and public roads shall be designed to accommodate the safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles , pedestrians, and bicyclists.

1007.04 Public and Private Roadways: A. #4: Pedestrians access is to be emphasized for connectivity. #5: Pedestrians are afforded additional consideration to increase safety and walkability.

B. #3. b. SWM is to be sustainable. C. Preservation of existing significant trees and native vegetation. These standards may be deviated from when the county finds safe and efficient designs would better accommodate B. and C.

Refer to above remarks about lack of respect for large groves of trees, or native vegetation in the application process. In this section there has been special care taken to accommodate natural features when installing roadways and transit paths. Our communities would be much more attractive if we could see the kinds of preservation outlined in 1007. 04 seriously considered in every application which includes roads and streets.

B. E: New development and subdivisions may be REQUIRED to make road frontage improvements to existing ROWs as deemed necessary by the Department of Transportation and Development.

When this section of the ZDOs is raised by citizens we are invariably told that the county does not require nor ask a developer to improve any improvements to roads which do not border the property being developed. Yet this section clearly states that it can be done. If a development is going to impact the traffic, whether vehicle, pedestrian, or bicycle in close proximity to the development, and the safety of any person is in question then the county has the power to ask the developer to make it right. Instead, the county taxpayers get to pay to make those improvements, and live with the danger while waiting for the improvements to happen.

HOME OWNERS ASSOCIATION IN CLACKAMAS COUNTY

When questioned about the regulations regarding HOAs in Clackamas County, planning staff replied(on 9/30/2014: "that where commonly owned lands or facilities will be required or necessary we require a developer to incorporate a not-for-profit HOA. This is done through the Secretary of State's office. Typically, prior to final subdivision plat approval, the developer must submit proof that this has been done by submitting the Articles of Incorporation and documentation that they have been accepted by the S. of S. We also require that any lands or facilities to be owned by the HOA be conveyed to the HOA upon recording of the final plat."

"Section 1013.06 (K) (1)(g) prohibits a change in open space use or dissolution of the HOA without county Hearings Officer approval.

That said, we do not actively monitor the HOAs that have been established to verify if they are active or not. The HOA itself is responsible for collection of dues,

disbursement of funds for necessary maintenance of commonly owned facilities managed by the HOA. The county has no hand in that aspect.”

What seems to be happening in our area regarding HOAs is that the original home buyers move away or lose interest in being part of the HOA, dues don't get paid, no maintenance is done via the HOA, and, in the matter of SWM all rate payers pay for the cleaning of the drains, or whatever maintenance is needed to provide a viable SWM system within the boundaries of the HOA. Or, when land is owned commonly by an HOA, but no maintenance is done, an adjoining property owner will often take over the commonly held area and make it his own. The other HOA members may not even be aware that they also have a vested interest in that land and what happens to it.

Clackamas County needs to figure out some kind of enforcement and/or notification of the CC and Rs of the HOAs so when property is transferred the new owners know they are entering into an agreement which involves dues and some responsibilities to the HOAs. Perhaps at point of sale of a property within the boundaries of the HOA, there could be a check on the status of the HOA, such as are dues being paid and in which financial institution are they kept, who are the officers of the HOA and how does the new member reach them?

In the Comprehensive Plan (CP) Chapter 10 states that the McLoughlin Corridor Plan is designed for properties which are commercial and all residential zones except low density. The plan extends 650' from McLoughlin Blvd.. Time and again we hear that the corridor extends to a quarter mile of the boulevard; developers are allowed to apply for zoning changes using the quarter mile figure, and are not questioned. The 650' limit must be clear to everyone: applicants, planning staff, and the public. 650' is not even an eighth of a mile, let alone a quarter of a mile.

Hughes, Jennifer

From: Carol [clm@SpiritOne.com]
Sent: Sunday, January 03, 2016 10:31 PM
To: McCallister, Mike
Cc: Hughes, Jennifer
Subject: examples of lack of regard for ZDOs
Attachments: Examples ZDO=wrongs.pdf

Attached are further comments I wanted to make about the applications from the past 14 or so months and what has happened in our Jennings Lodge community because of the staff's interpretation of the CP and ZDOs.

Carol Mastronarde
4903 SE Meldrum Ave.
Milwaukie. 97267

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BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 04Q1GuNP1) is spam:

Spam: <https://mhub.clackamas.us/canit/b.php?i=04Q1GuNP1&m=d33161b979d4&t=20160103&c=s>

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END-ANTISPAM-VOTING-LINKS

I made an error in the original document I submitted regarding concerns and Interpretations of the Comp. Plan and ZDOs: In 1002.04 Trees and Wooded areas, there is a reference to "balancing" the tree preservation with the expectations of the applicant. I still feel that the "balance" always leans very far in the applicant's favor. Somehow the county needs to preserve more trees in urban areas, especially old growth or significant stands of trees. Clear cutting a great number of trees, especially large stands of mature trees, is not in keeping with the Comprehensive Plan, and is an insult to the surrounding community.

In September 2014 there was a Hearing for a PUD on Hillside Drive: ZO291-14-SL which also involved a HCA, the Willamette River Greenway, and WQRA. The applicant plan is to remove over 200 of the 340 total trees on the site. ZDO1002.02. 2. A .should have prevented the removal of so many trees. The runoff from the greatly increased impervious surface area proposed, is going to be even worse because of their removal. (See ZDO 1002.03. B.) The area consisted of 5 tax lots. According to this section of the ZDO no more than 15 trees of dbh greater than 6 inches should be allowed to be removed each calendar year. . When asked to preserve one old growth Douglas Fir of greater than 30" dbh, applicant stated that it was in the way of the proposed roadway. County approved the removal of the tree even though ZDOs state allowances can be made for width of roads and other adjustments made to accommodate tree preservation. Roadways are even specially mentioned as an area where trees can be preserved by allowing variances from county standards.

ZO282-15-ZAP (The Evangelical Conference Center) also proposes excessive tree removal well beyond the limits imposed by ZDO 1002.03. B.: 326 out of 423 trees, most of them old growth Doug fir or big leaf Maples. 1002.03 states that clustered housing should be part of an application to save natural features and prevent alteration of terrain. This same applicant, when asked why they had not considered a PUD on the 16.7 acre site so as to save more trees, stated "it doesn't pencil out." This sets up a precedent (which already seems to dominate) to allow developers' profits to have more importance than neighborhood character and livability. Profit over tree preservation especially, is the norm.

ZDO 1002.02 A. b. ii. and iii. speaks to high priority open space. Application file # ZO438-15 proposes building 2 homes in an area designated as a high priority wetlands/ open space. Applicant does not appear to be concerned about the impact this development is going to have on the high priority open space/wetlands adjacent to the homes. In fact one of the lots appears to infringe on the wetlands by more than is supposed to be allowed. It would seem that at a pre-application meeting this application would have been carefully evaluated and applicant told there were problems with the plan; that he might have to make significant adjustments and provide a great deal of mitigation for the impact he will make on the wetlands, and the flood plain of Boardman Creek. ZDO 1002.02. A. 2.b. ii prohibits development which causes increased erosion, sedimentation, and drainage. iii. prohibits development which adversely impacts high priority space. Development is supposed to be allowed in these high priority areas only

if the result is of benefit to the whole community, not to just the builder or the home owner. It appears that this applicant's plan will result in a public cost to restore the water retention and natural features of the wetland it impacts.

Application file # ZO438-15 also demonstrates how staff interpretation of Comprehensive Plan and ZDO language influences how developers proceed with later applications. This particular applicant's file # ZO449-14-SS was approved January 2015 with staff stating during the Hearing that Comprehensive Plan goals were "aspirational" and therefore not to be considered as relevant. When the file # ZO 438-15 was submitted there were references to ZDOs being "aspirational purposes" and therefore were not addressed. Again, it seems imperative that everyone can read the Comprehensive Plan and know it is the vision the county has established for itself, and is an integral part of the planning process. The ZDOs are regulations which should address all the chapters and components of the Comprehensive Plan; not just the parts which are convenient for developers.

In relation to that: what happened to ZDO section 300? All that is left is 315, a long involved table showing what is and isn't allowed in different zoning areas. The parts of section 300 which regulated Chapter 4 of the Comprehensive Plan is gone. (see below)

1307.04 A.4 Revision of Public Policy: "Large scale changes in the Comprehensive Plan Land Use map may be characterized as legislative where a large number of properties are directly affected." These types of changes should be Type 4 applications which would require the BCC to be the body making the final decision about the change. In contrast to the above statement:

The statement that land on slopes of 10% or less, originally zoned less dense than R-8.5, and shown on the zoning map as less dense than 8.5, shall be deemed R-8.5, impacts a very large part of the county within the UGB. The public should be made aware of these types of proposed changes and allowed to weigh in on them. Maybe this designation happened after last year's public meetings, but it seemed to slip under the radar of the citizens, and I don't remember any discussion of it in public meetings during the audit approval. According to 1307.04 A.4 noted above the business of R-10 zoned areas being allowed to be developed at R-8.5 if they are on land sloped less than 10% is a legislative matter and should be clarified by a specific Hearing before the BCC. There should be a public meeting about matters such as this, separate from the audit meetings.

When I began researching the ZDOs to offer suggestions there was a ZDO section 300. (In fact that 301. A. section included the above mentioned slopes of <10% being R-8.5). Today there is no section 300 on the website; it begins at 315. The reference to impacts on "established neighborhoods" and the table showing the square feet of each R-designation is gone. So, the way it looks now, there is no part of the ZDOs which protects established neighborhoods or their character, as outlined in the policies of Chapter 4 of the Comprehensive Plan. The county needs to establish more clarification, and more defining language, not less, to enhance the Comprehensive Plan goals and

policies. As stated before, citizens are already frustrated by the lack of inclusion of the Comprehensive Plan in applications, and in Hearings.

The mission and visions of the Comprehensive Plan are laudable. The work which was necessary to develop them is impressive. There are many parts outlined in the Comprehensive Plan which, if acknowledged at the planning staff level, would make our county a much more attractive place to work, live, and play. How have we gotten to the point where so much of this county statement of future vision and missions is denied during the application process?

From: Martha Waldemar [mellowmartha@aol.com]
Sent: Thursday, November 12, 2015 9:35 AM
To: Renhard, Darcy; Gonzales, Lorraine
Subject: Re: Request for input on Clackamas County 2016/2017 work program

Hi Lorraine,

These are projects I would like to see:

1. Add more staff to Code Enforcement so they can deal with problems in a shorter time period than five years or more.
2. Give more clout to the code enforcement staff so that they can deal with infractions in a timely manner.
3. Install the sidewalks along the west side of SE 122 Ave. & SE 132 Ave. from Sunnyside Rd. down to Summers Lane and have them completed before 2017 ends. We really prefer before 2016 ends.
4. Install a traffic signal at the intersection of SE 122nd Ave. and SE Mather Road.

Thanks,
 Martha Waldemar

-----Original Message-----

From: Renhard, Darcy <DRenhard@co.clackamas.or.us>
 To: 'justinw@hbapdx.org' <justinw@hbapdx.org>; 'jleo@pmar.org' <jleo@pmar.org>; 'david@yourchamber.com' <david@yourchamber.com>; 'gronkee@msn.com' <gronkee@msn.com>; 'jennifer@eastsideathleticclub.com' <jennifer@eastsideathleticclub.com>; Hayes, Ernest <EHayes@co.clackamas.or.us>; Cartasegna, Mary Jo <MJCartasegna@co.clackamas.or.us>; Howatt, Drenda <DrendaHowatt@co.clackamas.or.us>; Klepper, Emily <EmilyKle@co.clackamas.or.us>; DeSantis, Kimberlee <KimberleeDeS@co.clackamas.or.us>; Austin, Jim <JimAus@co.clackamas.or.us>; Buehrig, Karen <KarenB@co.clackamas.or.us>; Caufield, Scott <scottcau@co.clackamas.or.us>; Cartmill, Barbara <BarbC@co.clackamas.or.us>; Clinton, Carl <carlcli@co.clackamas.or.us>; Comer, Catherine <CComer@co.clackamas.or.us>; Finley, Tim <TimFin@co.clackamas.or.us>; Hall, Andrea <Andreahal@co.clackamas.or.us>; Harmon, Randy <RandyHar2@co.clackamas.or.us>; Johnson, Dan <danjoh@clackamas.us>; Kok, Jeroen <JKok@co.clackamas.or.us>; Polk, Eben <EPolk@co.clackamas.or.us>; Smolak, Barbara <barbarasmo@co.clackamas.or.us>; CPO-Aurora/Butteville/Barlow <ken@ijco-cpa.com>; CPO-Birdshill <johnhedlund@earthlink.net>; CPO-Boring (fitz@staroilco.com) <fitz@staroilco.com>; CPO-Bull Run <maia007@yahoo.com>; CPO-Carus <bapowell@bctonline.com>; CPO-Central Point <johnbev@aracnet.com>; CPO-Clackamas (ppeartrussell@gmail.com) <ppeartrussell@gmail.com>; CPO-Clarkes/Highland <snielsen1@earthlink.net>; CPO-Colton <ghampton60@yahoo.com>; CPO-Eagle Creek/Barton <charli@eaglecreekbarton.com>; CPO-Estacada <pnbsteen@yahoo.com>; CPO-Far West <corrie_newland@yahoo.com>; CPO-Firwood <mesdes2003@yahoo.com>; CPO-Forest Highlands <chris@ckrlaw-proptax.com>; CPO-Government Camp <nrinard@mdtclinics.com>; CPO-Hamlet of Beavercreek <tsr@bctonline.com>; CPO-Hamlet of Mulino (chair@hamletofmulino.us) <chair@hamletofmulino.us>; CPO-Hamlet of Stafford <thanemarnie@gmail.com>; CPO-Holcomb/Outlook <allen.taylor@ieee.org>; CPO-Jennings Lodge <jenningslodgecpo@gmail.com>; CPO-Ladd Hill <philofar@hughes.net>; CPO-Molalla <lfsfreemanfarm@molalla.net>; CPO-Mt. Hood Corridor <davefulton@me.com>; CPO-Oak Grove (gennutt@gmail.com) <gennutt@gmail.com>; CPO-Redland / Viola / Fischer's <dknud@ccwebster.net>; CPO-Rhododendron <rhodycpo@comcast.net>; CPO-Rosewood <pklaebe@comcast.net>; CPO-Skylands <rallen@gmail.com>; CPO-South Clackamas <patn@molalla.net>; CPO-Southgate <patricia@patricia.holloway.com>; CPO-Southwood Park <creightonhelenyoung@gmail.com>; CPO-Stafford/Tualatin Valley <walt@waltgamble.net>; CPO-Sunnyside <MellowMartha@aol.com>; CPO-Villages at Mt. Hood <oldreeves@msn.com>; ahurd-ravich <ahurd-ravich@ci.tualatin.or.us>; arouyer <arouyer@ci.tualatin.or.us>; Bryan Brown (brownb@ci.canby.or.us) <brownb@ci.canby.or.us>; Chris Neamtzu (neamtzu@ci.wilsonville.or.us) <neamtzu@ci.wilsonville.or.us>; Denise Carey (carey@cityofestacada.org) <carey@cityofestacada.org>; Denny Egner <egnerd@milwaukieoregon.gov>; Gene Green, City of Damascus <ggreen@damascusoregon.gov>; John Boyd (jboyd@westlinnoregon.gov) <jboyd@westlinnoregon.gov>; John Sonnen (jsonnen@westlinnoregon.gov) <jsonnen@westlinnoregon.gov>; Lake Oswego Planning Department <planning@ci.oswego.or.us>; michaelw <michaelw@ci.happy-valley.or.us>; Molalla City Manager (citymanager@molalla.net) <citymanager@molalla.net>; Ross Schultz (Schultz@ci.gladstone.or.us) <Schultz@ci.gladstone.or.us>; Scott Siegel <ssiegel@ci.oswego.or.us>; Tony Konkol (tkonkol@orcify.org) <tkonkol@orcify.org>; Tracy Brown (tbrown@cityofsandy.com) <tbrown@cityofsandy.com>; Brian.Pasko <Brian.Pasko@gmail.com>; Gail Holmes (Holmes2410@gmail.com) <Holmes2410@gmail.com>; John Drentlaw

(john@jldllc.com) <john@jldllc.com>; John Gray <Grayj2011@hotmail.com>; Mark Fitz <Mark@staroilco.net>; meekmark <meekmark@worldstar.com>; Michael Wagner (mwagner@molalla.net) <mwagner@molalla.net>; Norman Andreen (nandreen@bctonline.com) <nandreen@bctonline.com>; Rogalin, Ellen <EllenRog@co.clackamas.or.us>; tompet234 <tomp234@frontier.com>
Cc: McCallister, Mike <MikeM@co.clackamas.or.us>
Sent: Tue, Nov 10, 2015 2:25 pm
Subject: Request for input on Clackamas County 2016/2017 work program

November 9, 2015

Dear CPOs, Hamlets and Villages, Planning Commission, DTD Divisions, and other interested parties:

The Clackamas County Planning and Zoning Division is in the process of developing our annual work program for the 2016-2017 fiscal year.

We will begin the initial public outreach process by asking Community Planning Organizations (CPOs), Hamlets and Villages, interested parties, the Planning Commission, and County departments with an interest in land-use matters, to submit any projects that they would like the County to consider for the 2016-2017 fiscal year. Previous requests to the Clackamas County Planning and Zoning Division have included amendments to the Zoning and Development Ordinance (ZDO) and Comprehensive Plan (Plan), and the development of community plans.

You are encouraged to submit suggested projects to the Planning and Zoning Division by December 31, 2015. The Planning and Zoning Division will collect all responses for evaluation and prioritization based on legal and policy implications, Planning and Zoning Division resources, and consistency with legal requirements and County policy goals. The resulting prioritized list will be presented at the Planning Commission meeting in early 2016, followed by a presentation of the Planning Commission's recommendation at a Board of County Commissioners public hearing for eventual adoption into the Planning and Zoning 2016-2017 work program. Any projects that are consistent with legal requirements and the County's policy goals, but are unable to be funded for the upcoming budget year, may be carried forward for future consideration.

If you have questions regarding projects that you would like to submit to the Planning and Zoning Division, please do not hesitate to contact me. We look forward to presenting an active and innovative work program for the 2016-2017 fiscal year with your help.

Respectfully,

Lorraine Gonzales, Senior Planner
Clackamas County Planning & Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045
(503) 742-4541
lorrainego@clackamas.us

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From: Hughes, Jennifer
Sent: Tuesday, January 05, 2016 10:23 AM
To: Gonzales, Lorraine
Subject: FW: Request for input on Clackamas County 2016/2017 work program

Jennifer Hughes
Principal Planner
Clackamas County Planning and Zoning Division

(P) 503-742-4518
(F) 503-742-4550
<mailto:jenniferh@clackamas.us>
<http://www.clackamas.us/planning>

150 Beaver Creek Rd.
Oregon City, OR 97045

The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Friday from 8:00 a.m. to 5:00 p.m.

From: Renhard, Darcy
Sent: Monday, January 04, 2016 2:23 PM
To: Kyle, Amy; Hughes, Jennifer; McCallister, Mike
Subject: FW: Request for input on Clackamas County 2016/2017 work program

From: Tammy Stevens [<mailto:tsr@bctonline.com>]
Sent: Monday, January 04, 2016 2:19 PM
To: Renhard, Darcy
Cc: Hamlet Board
Subject: RE: Request for input on Clackamas County 2016/2017 work program

Hey Darcy, Tammy Stevens with The Hamlet of Beaver Creek here.

We missed the December 31, 2015, deadline for providing input for the Planning and Zoning Division 2016-17 annual work program... so hope we're not too late to be included.

Here are some suggestions from our Board and citizens:

- A more active, effective and meaningful Code Enforcement program,
- Shoulders on rural roads,
- More electronic communications from the County to the CPOs/Hamlets/Villages (verses snail mail) to include links to various activities, and
- Automate Hamlets' impressed checking and trust account transaction processes.

Please let me know if you have questions or need further clarification.

Many thanks for this opportunity,

Tammy Stevens
The Hamlet of Beavercreek
503.632.3552

From: Renhard, Darcy [<mailto:DRenhard@co.clackamas.or.us>]

Sent: Tuesday, November 10, 2015 2:25 PM

To: 'justinw@hbapdx.org'; 'jleo@pmar.org'; 'david@yourchamber.com'; 'gronkee@msn.com'; 'jennifer@eastsideathleticclub.com'; Hayes, Ernest; Cartasegna, Mary Jo; Howatt, Drenda; Klepper, Emily; DeSantis, Kimberlee; Austin, Jim; Buehrig, Karen; Caufield, Scott; Cartmill, Barbara; Clinton, Carl; Comer, Catherine; Finley, Tim; Hall, Andrea; Harmon, Randy; Johnson, Dan; Kok, Jeroen; Polk, Eben; Smolak, Barbara; CPO-Aurora/Butteville/Barlow; CPO-Birdshill ; CPO-Boring (fitz@staroilco.com); CPO-Bull Run ; CPO-Carus; CPO-Central Point; CPO-Clackamas (ppeartrussell@gmail.com); CPO-Clarkes/Highland; CPO-Colton; CPO-Eagle Creek/Barton; CPO-Estacada ; CPO-Far West ; CPO-Firwood ; CPO-Forest Highlands; CPO-Government Camp ; CPO-Hamlet of Beavercreek; CPO-Hamlet of Mulino (chairs@hamletofmulino.us); CPO-Hamlet of Stafford ; CPO-Holcomb/Outlook ; CPO-Jennings Lodge; CPO-Ladd Hill ; CPO-Molalla ; CPO-Mt. Hood Corridor; CPO-Oak Grove (gennutt@gmail.com); CPO-Redland / Viola / Fischer's ; CPO-Rhododendron; CPO-Rosewood; CPO-Skylands; CPO-South Clackamas; CPO-Southgate ; CPO-Southwood Park ; CPO-Stafford/Tualatin Valley; CPO-Sunnyside ; CPO-Villages at Mt. Hood ; ahurd-ravich@ci.tualatin.or.us; arouyer@ci.tualatin.or.us; Bryan Brown (brownb@ci.canby.or.us); Chris Neamtzu (neamtzu@ci.wilsonville.or.us); Denise Carey (carey@cityofestacada.org); Denny Egner; Gene Green, City of Damascus; John Boyd (jboyd@westlinnoregon.gov); John Sonnen (jsonnen@westlinnoregon.gov); Lake Oswego Planning Department; michaelw@ci.happy-valley.or.us; Molalla City Manager (citymanager@molalla.net); Ross Schultz (Schultz@ci.gladstone.or.us); Scott Siegel; Tony Konkol (tkonkol@orcify.org); Tracy Brown (tbrown@cityofsandy.com); Brian.Pasko@gmail.com; Gail Holmes (Holmes2410@gmail.com); John Drentlaw (john@jdlc.com); John Gray; Mark Fitz; meekmark@worldstar.com; Michael Wagner (mwagner@molalla.net); Norman Andreen (nandreen@bctonline.com); Rogalin, Ellen; tomp234@frontier.com

Cc: McCallister, Mike

Subject: Request for input on Clackamas County 2016/2017 work program

November 9, 2015

Dear CPOs, Hamlets and Villages, Planning Commission, DTD Divisions, and other interested parties:

The Clackamas County Planning and Zoning Division is in the process of developing our annual work program for the 2016-2017 fiscal year.

We will begin the initial public outreach process by asking Community Planning Organizations (CPOs), Hamlets and Villages, interested parties, the Planning Commission, and County departments with an interest in land-use matters, to submit any projects that they would like the County to consider for the 2016-2017 fiscal year. Previous requests to the Clackamas County Planning and Zoning Division have included amendments to the Zoning and Development Ordinance (ZDO) and Comprehensive Plan (Plan), and the development of community plans.

You are encouraged to submit suggested projects to the Planning and Zoning Division by December 31, 2015. The Planning and Zoning Division will collect all responses for evaluation and prioritization based on legal and policy implications, Planning and Zoning Division resources, and consistency with legal requirements and County policy goals. The resulting prioritized list will be presented at the Planning Commission meeting in early 2016, followed by a presentation of the Planning Commission's recommendation at a Board of County Commissioners public hearing for eventual adoption into the Planning and Zoning 2016-2017 work program. Any projects that are consistent with legal requirements and the County's policy goals, but are unable to be funded for the upcoming budget year, may be carried forward for future consideration.

If you have questions regarding projects that you would like to submit to the Planning and Zoning Division, please

do not hesitate to contact me. We look forward to presenting an active and innovative work program for the 2016-2017 fiscal year with your help.

Respectfully,

Lorraine Gonzales, Senior Planner

Clackamas County Planning & Zoning Division

150 Beaver Creek Road

Oregon City, OR 97045

(503) 742-4541

lorrainego@clackamas.us

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