



MIKE McCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
2051 Kaen Road, Oregon City
BCC Hearing Room - 4th Floor

LAND USE HEARING
June 22, 2016
9:30 AM

The item will not begin before time noted. Interested parties may appear and be heard during the testimony phase of any hearing at the above address. If a hearing is set for decision only, the evidence phase has been completed, so interested parties may no longer be heard. Applications or comments may be inspected, and calls or correspondence directed to: Planning & Zoning Division, 150 Beaver Creek Road, Oregon City, OR 97045, (503) 742-4500.

HEARING

File No.: ZDO-256: Application of County Plan & ZDO to Damascus

Applicants: Clackamas County

Proposal: The proposal is a legislative map amendment to change the land use plan designation and zoning for any land removed from the City of Damascus, unless such land is annexed by another city.

Staff Contact: Jennifer Hughes, Principal Planner, 503-742-4518,
JenniferH@clackamas.us



Planning & Zoning

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Land Use Hearing Item Staff Report to the Board of County Commissioners

File: ZDO-256, Proposed application of Clackamas County Land Use Plan and Zoning Ordinance to land removed from the City of Damascus

Staff Contact: Jennifer Hughes; 503-742-4518; Planning and Zoning Division

Board of County Commissioners Hearing Date: June 22, 2016

PROPOSAL AND BACKGROUND:

File ZDO-256 is a proposed legislative map amendment to change the land use plan designation and zoning for any land removed from the City of Damascus, unless such land is annexed by another city. Attached are maps showing the existing and proposed Plan and zoning designations and overlay zones for the affected area (ATTACHMENTS 1a through 1c). Some land has already been de-annexed from the city, and based on the results of the May 17, 2016, election, it appears that the disincorporation of the City of Damascus will become effective on July 18, 2016; however, there is still a legal challenge to be resolved. If the Board approves this proposal on June 22, staff proposes that the Ordinance would be adopted on June 23, 2016, and that the Comprehensive Plan map amendments and zone changes would take effect on July 18, 2016, for properties that have already de-annexed from Damascus but not subsequently annexed into Happy Valley. For all remaining lands in the city, the changes would be effective on the effective date(s) of any subsequent de-annexation or disincorporation. Depending on the outcome of the pending legal challenge to disincorporation, this date may prove to be July 18, 2016, as well.

Shortly after incorporating, the City of Damascus adopted the Clackamas County Comprehensive Plan and Zoning and Development Ordinance as they existed on January 17, 2005. The city has not amended these documents. Since 2005, however, the county has adopted numerous changes to the text of its Plan and ZDO and to Plan maps of a general nature (e.g., transportation system maps), resulting in significant differences between the city's provisions and the county's. Attached is a summary of the county amendments that have occurred to the Plan and ZDO since Damascus adopted those documents in 2005, excluding those amendments that do not apply in the geographic area covered by Damascus (ATTACHMENT 2). Pursuant to Oregon Revised Statutes 215.130(3), the city's Plan and ZDO continue to apply to land removed from the city until the county provides otherwise. This proposal is intended to bring unincorporated property under the county's land use regulations for ease of administration and for consistency with similarly planned and zoned land elsewhere in the county.

As a technical matter, the county is proposing Comprehensive Plan land use designation map amendments and zoning district map amendments to apply the county's Plan designation and zoning district in place of the corresponding city Plan designation and zoning district. For example, city Rural Industrial becomes county Rural Industrial, city Exclusive Farm Use becomes county Exclusive Farm Use, etc. In some cases, county overlay zones (e.g.,

floodplain, historic landmark) also would be applied. In most cases, current city overlay zones correspond with county overlay zones. The practical effect of these map amendments is to apply the county's current Plan and ZDO text (permitted uses, dimensional standards, special use requirements, development standards, land use application procedures, etc.) to the affected properties.

As part of the adoption of the Habitat Conservation Area (HCA) and Water Quality Resource Area (WQRA) overlay zones for city lands, this proposal includes the adoption of the HCA and WQRA maps adopted by Metro for the Damascus area (ATTACHMENT 1d). These maps were omitted from the county's 2009 adoption of HCA and WQRA regulations because Damascus was incorporated by that time. Because the city has not adopted these overlay zones and related regulations into their code, the city has been applying the Metro standards directly as required by Metro Code.

RELATED PRIOR BCC ACTION:

On March 17, 2016, the Board of County Commissioners approved this project as part of the Planning & Zoning Division's work program for 2016-2017. At the Board's issues session of April 19, 2016, the Planning Director presented an April 18 memo outlining in greater detail the Planning and Zoning Division's proposed timeline/scope for project completion, and the Board directed work to proceed.

PLANNING COMMISSION ACTION:

A hearing was held on June 13, 2016, for Planning Commission consideration of the proposed Plan and ZDO amendments. The Planning Commission voted 7-0 to recommend to the BCC that ZDO-256 be approved as recommended by staff.

CPO, HAMLET AND VILLAGE RECOMMENDATIONS:

There are no active CPOs, Hamlets or Villages in the City of Damascus or in areas already de-annexed from the city. The Boring CPO is the closest active CPO to the affected geographic area and was notified of this proposal. To date, no written or oral testimony has been submitted by any CPO, Hamlet or Village.

SIGNIFICANT ISSUES:

No significant issues have emerged during the consideration of ZDO-256.

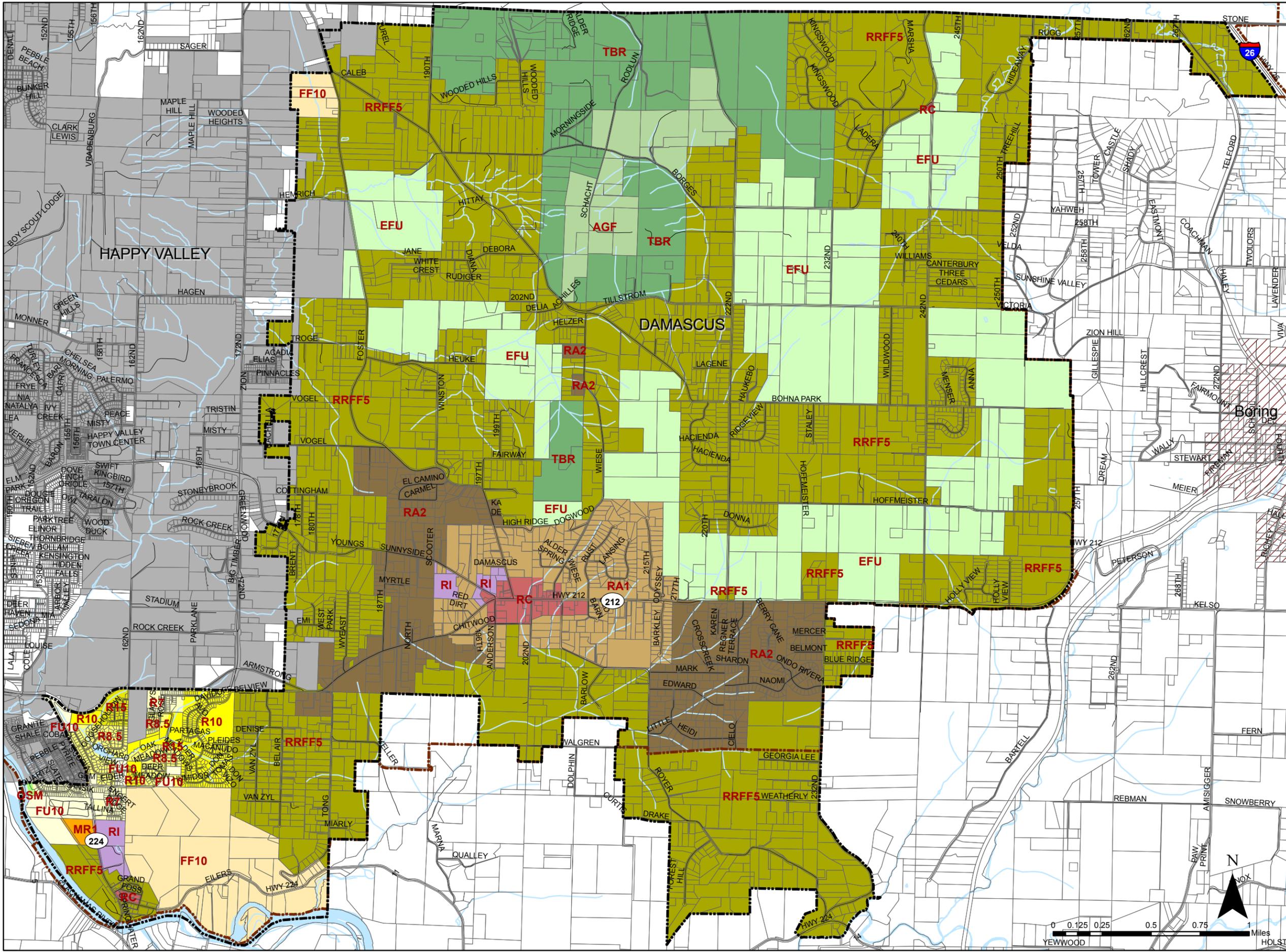
STAFF RECOMMENDATION:

Staff recommends adoption of ZDO-256 as proposed.

Map ZDO-256(1): Proposed Application of County Zoning to Properties Removed from Damascus*

- 2004 Damascus boundary
- County line
- Urban growth boundary (UGB)
- Taxlots
- Happy Valley city limits

Existing Damascus zone**	Proposed County zone**
TBR	TBR
AGF	AGF
EFU	EFU
FF10	FF10
FU10	FU10
RRFF5	RRFF5
RA2	RA2
RA1	RA1
R7	R7
R8.5	R8.5
R10	R10
R15	R15
MR1	MR1
RC	RC
RI	RI
OSM	OSM



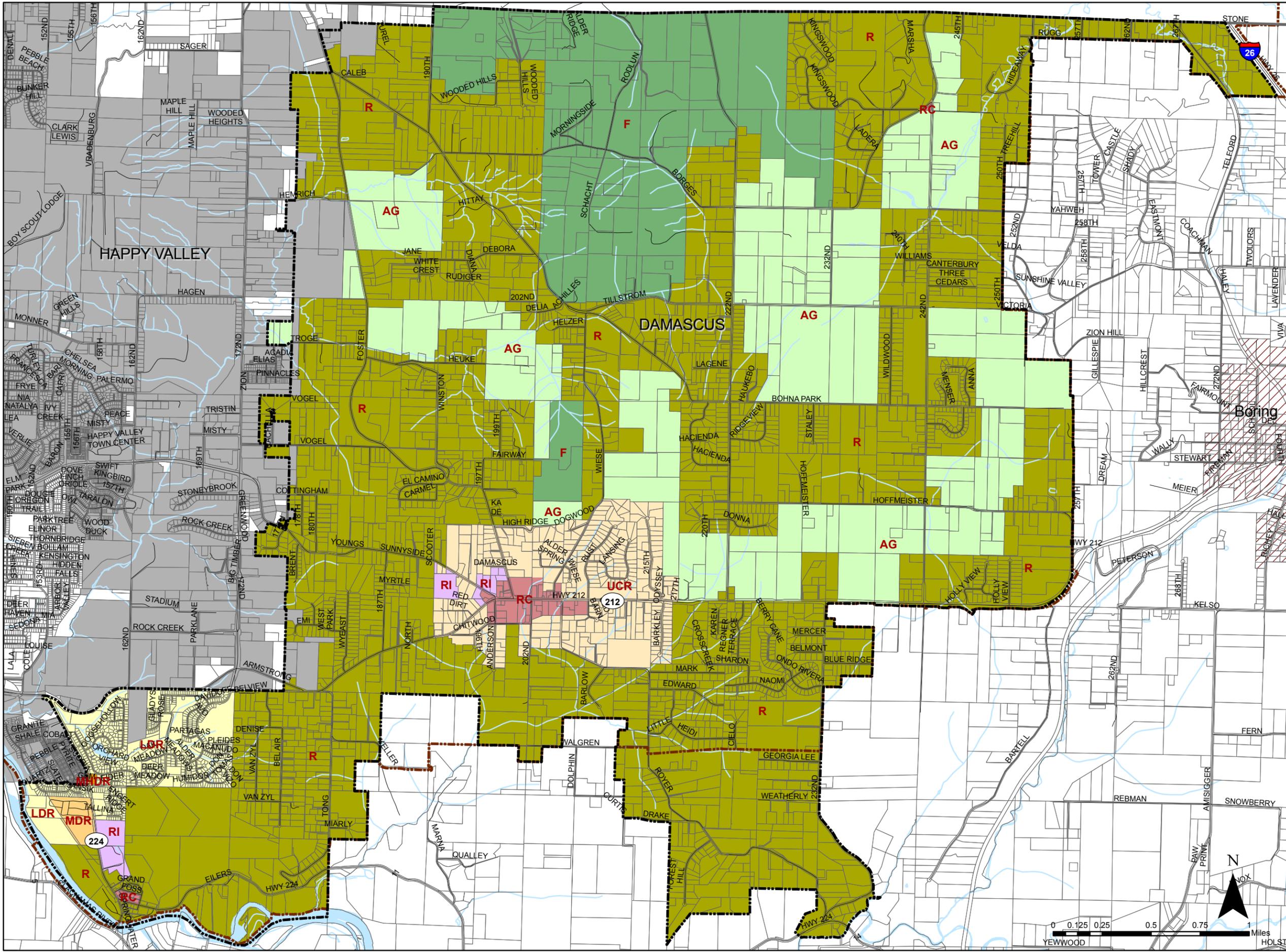
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* Upon adoption, the zoning district changes would apply to land already removed from Damascus and would then apply on a rolling basis as additional land is removed either through de-annexation or disincorporation of the city.

** Damascus zone means the zone as reflected in the 2005 Clackamas County Zoning & Development Ordinance (CCZDO), as adopted by the City of Damascus. County zone means that zone as reflected in the current version of the CCZDO.

Map ZDO-256(2): Proposed Application of County Comprehensive Plan Designations to Properties Removed from Damascus*



- 2004 Damascus boundary
- County line
- Urban growth boundary (UGB)
- Taxlots
- Happy Valley city limits

Existing Damascus Plan designation**	Proposed County Plan designation**
F	F
AG	AG
R	R
UCR	UCR
LDR	LDR
MDR	MDR
MHDR	MHDR
RC	RC
RI	RI



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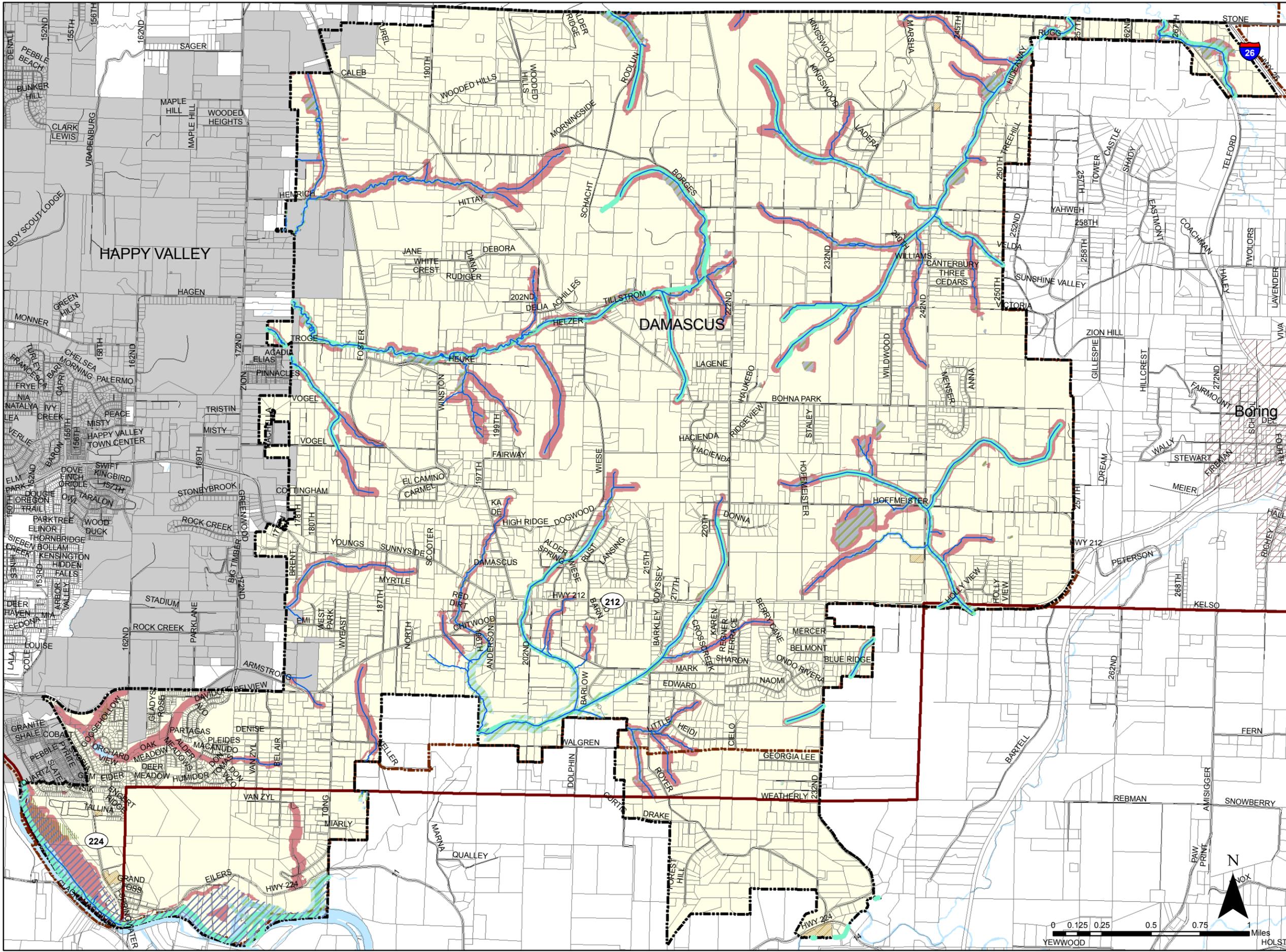


* Upon adoption, the Comprehensive Plan designation changes would apply to land already removed from Damascus and would then apply on a rolling basis as additional land is removed either through de-annexation or disincorporation of the city.

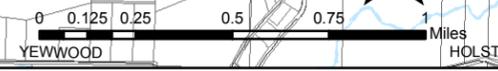
** Damascus Plan designation means the zone as reflected in the 2005 Clackamas County Comprehensive Plan (CCPlan), as adopted by the City of Damascus. County Plan designation means that zone as reflected in the current version of the CCPlan.

Map ZDO-256(3.1): Proposed Application of County Zoning Overlays to Properties Removed from Damascus*

- 2004 Damascus boundary
 - County line
 - Urban growth boundary (UGB)
 - Metro service area boundary
 - Taxlots
 - Happy Valley city limits
- Existing Damascus overlay district****
- Regulatory floodplain
 - River & Stream Conservation Area (RSCA) stream
 - Resource protection
 - Historic Landmark
 - Title 13 Habitat Conservation Area District (HCAD) boundary - currently administered by City
 - Potential Title 3 Water Quality Resource Area District (WQRAD) resource - currently administered by City
 - Potential Title 3 Water Quality Resource Area District (WQRAD) stream - currently administered by City



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* Upon adoption, the zoning overlay changes would apply to land already removed from Damascus and would then apply on a rolling basis as additional land is removed either through de-annexation or disincorporation of the city.

** Damascus overlay means the zoning overlay as reflected in the 2005 Clackamas County Zoning & Development Ordinance (CCZDO), as adopted by the City of Damascus. County overlay means that zoning overlay as reflected in the current version of the CCZDO.

Map ZDO-256(3.2): Proposed Application of County Zoning Overlays to Properties Removed from Damascus*

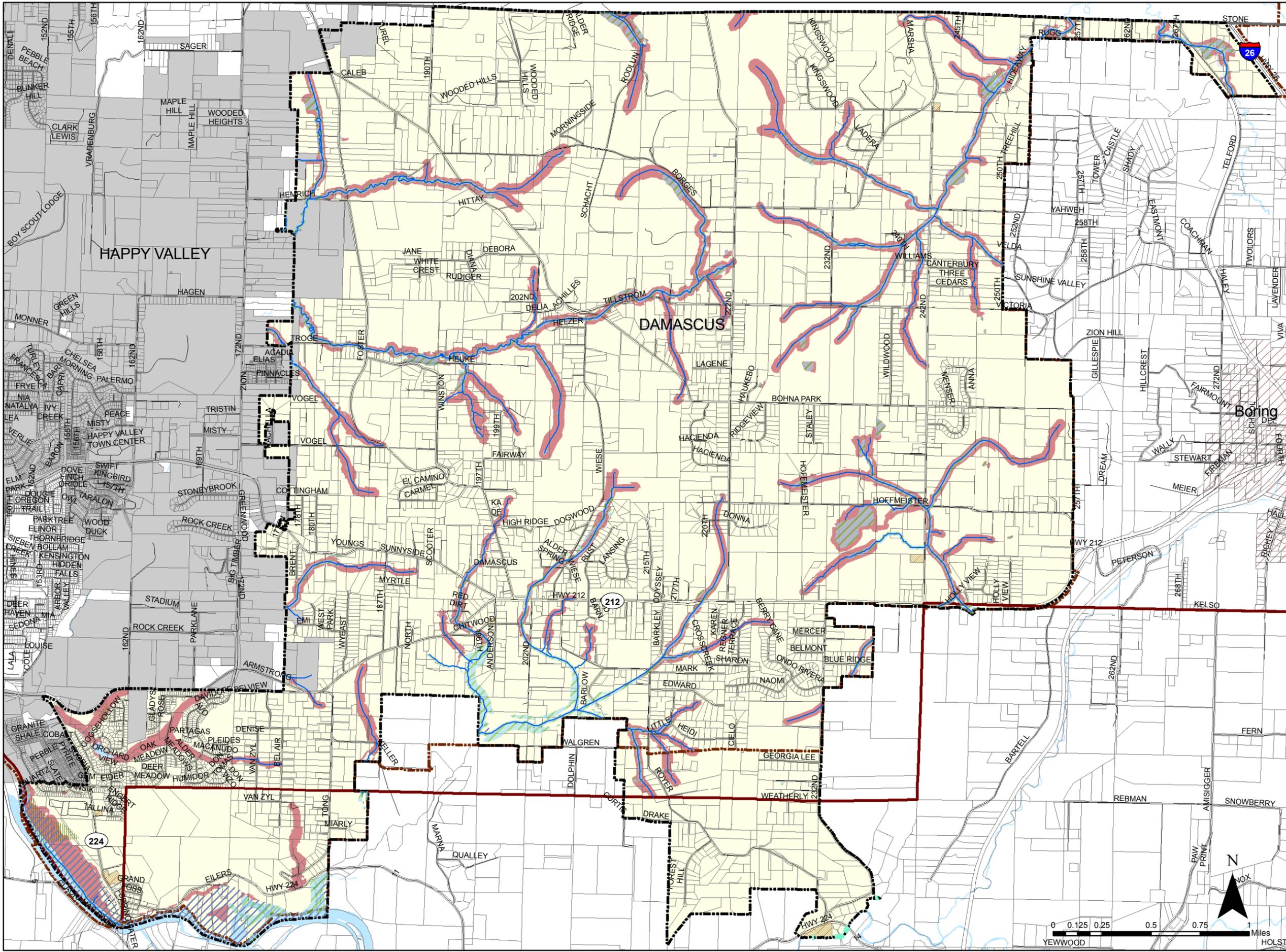
-  2004 Damascus boundary
-  County line
-  Urban growth boundary (UGB)
-  Metro service area boundary
-  Taxlots
-  Happy Valley city limits

Proposed County overlay district**

-  Regulatory floodplain
-  River & Stream Conservation Area (RSCA) stream - will only apply outside UGB and Metro boundary
-  Resource protection
-  Historic Landmark
-  Title 13 Habitat Conservation Area District (HCAD) boundary
-  Potential Title 3 Water Quality Resource Area District (WQRAD) stream
-  Potential Title 3 Water Quality Resource Area District (WQRAD) resource

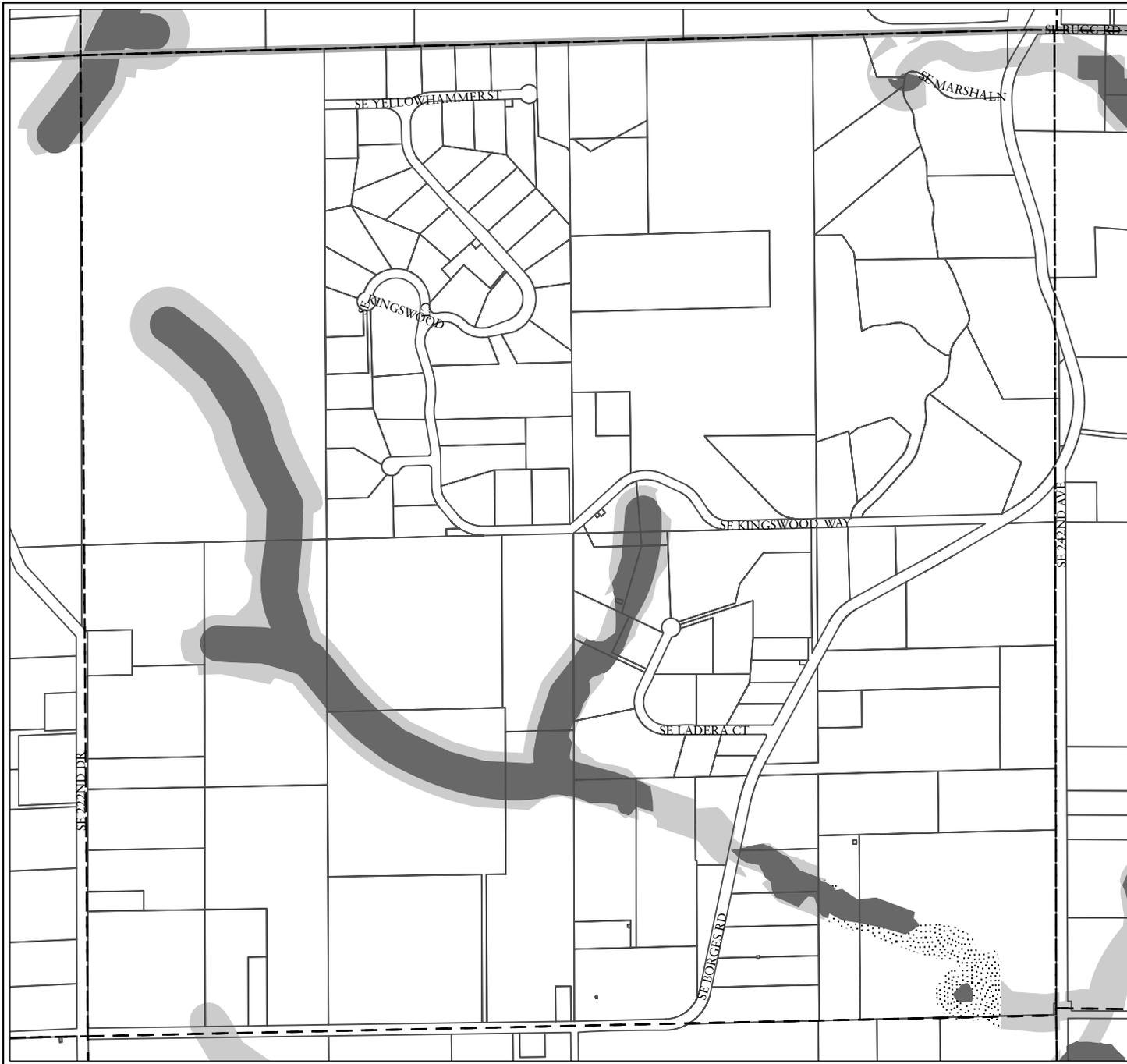


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** Damascus overlay means the zoning overlay as reflected in the 2005 Clackamas County Zoning & Development Ordinance (CCZDO), as adopted by the City of Damascus. County overlay means that zoning overlay as reflected in the current version of the CCZDO.



Nature in Neighborhoods

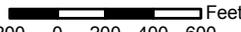
Title 13

Section: 1s3e27

-  Section
-  Taxlot
- HCA Category**
-  High
-  Moderate
-  Low

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ZDO-256 Damascus



Nature in Neighborhoods

Title 13

Section: 1s3e28

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- HCA Category**
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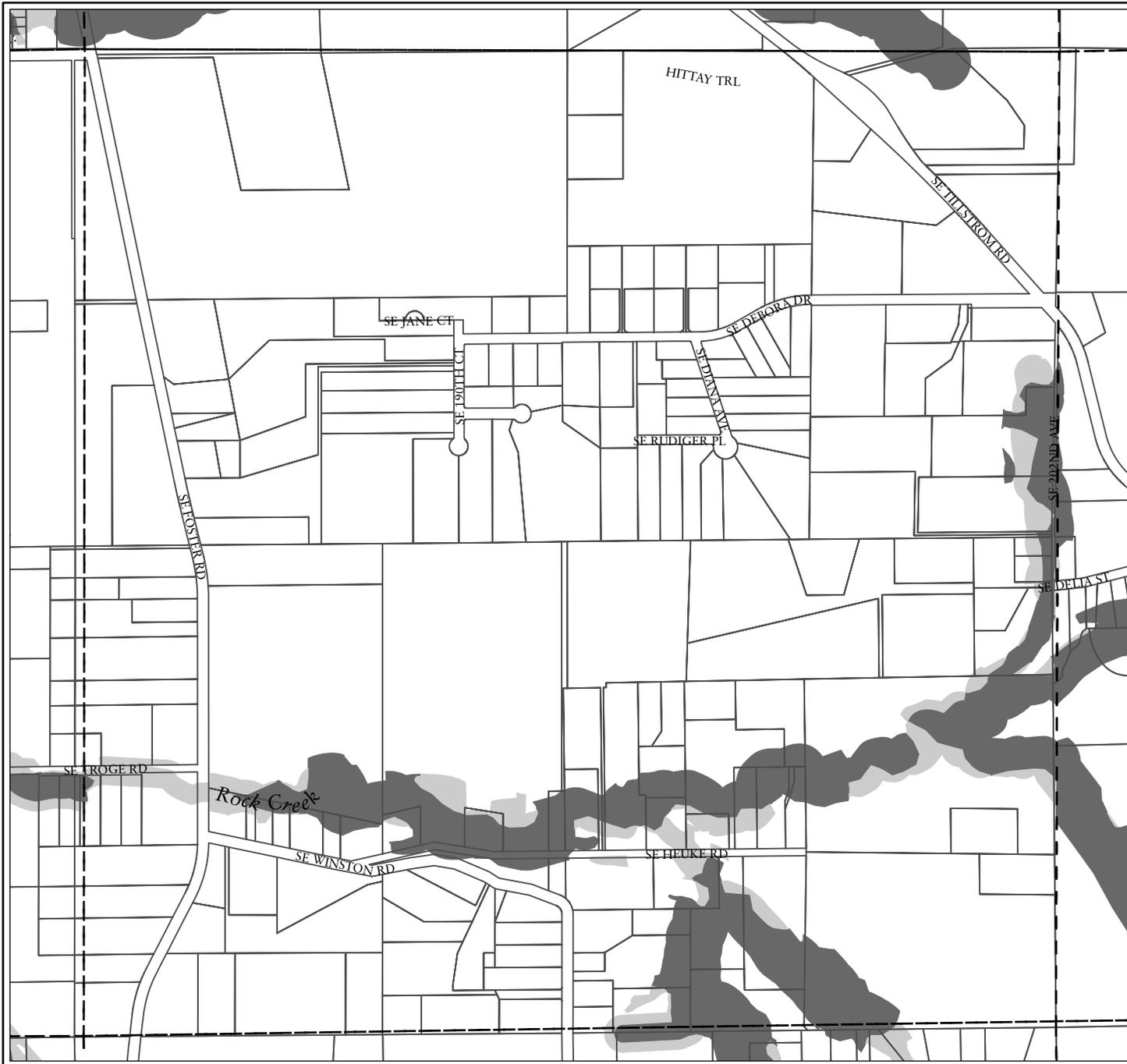
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Nature in Neighborhoods

Title 13

Section: 1s3e32

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- Taxlot
- HCA Category**
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- Moderate
- Low

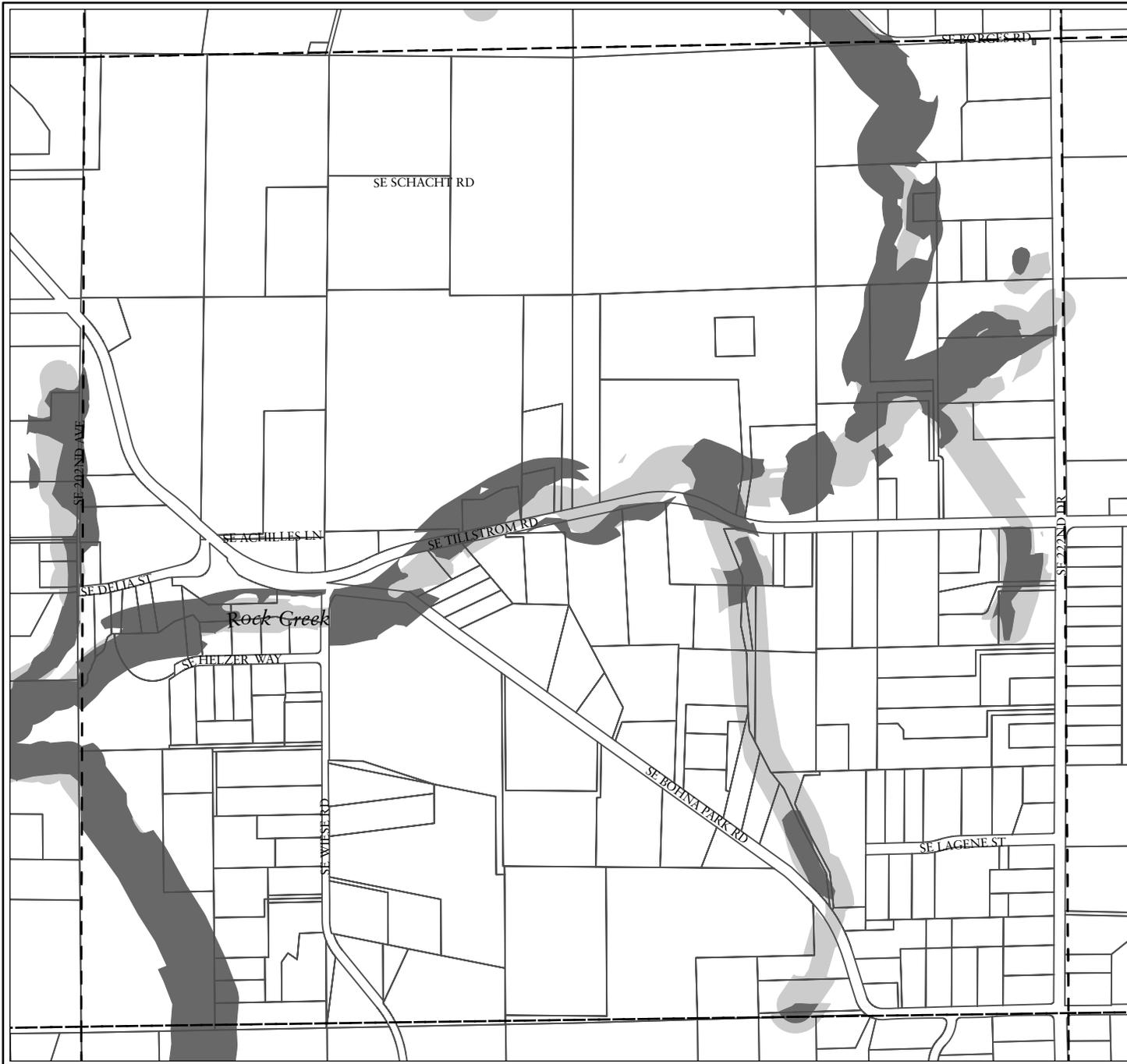
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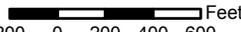
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Section: 1s3e33

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Nature in Neighborhoods

Title 13

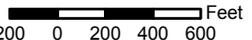
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-  Low

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Nature in Neighborhoods

Title 13

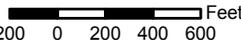
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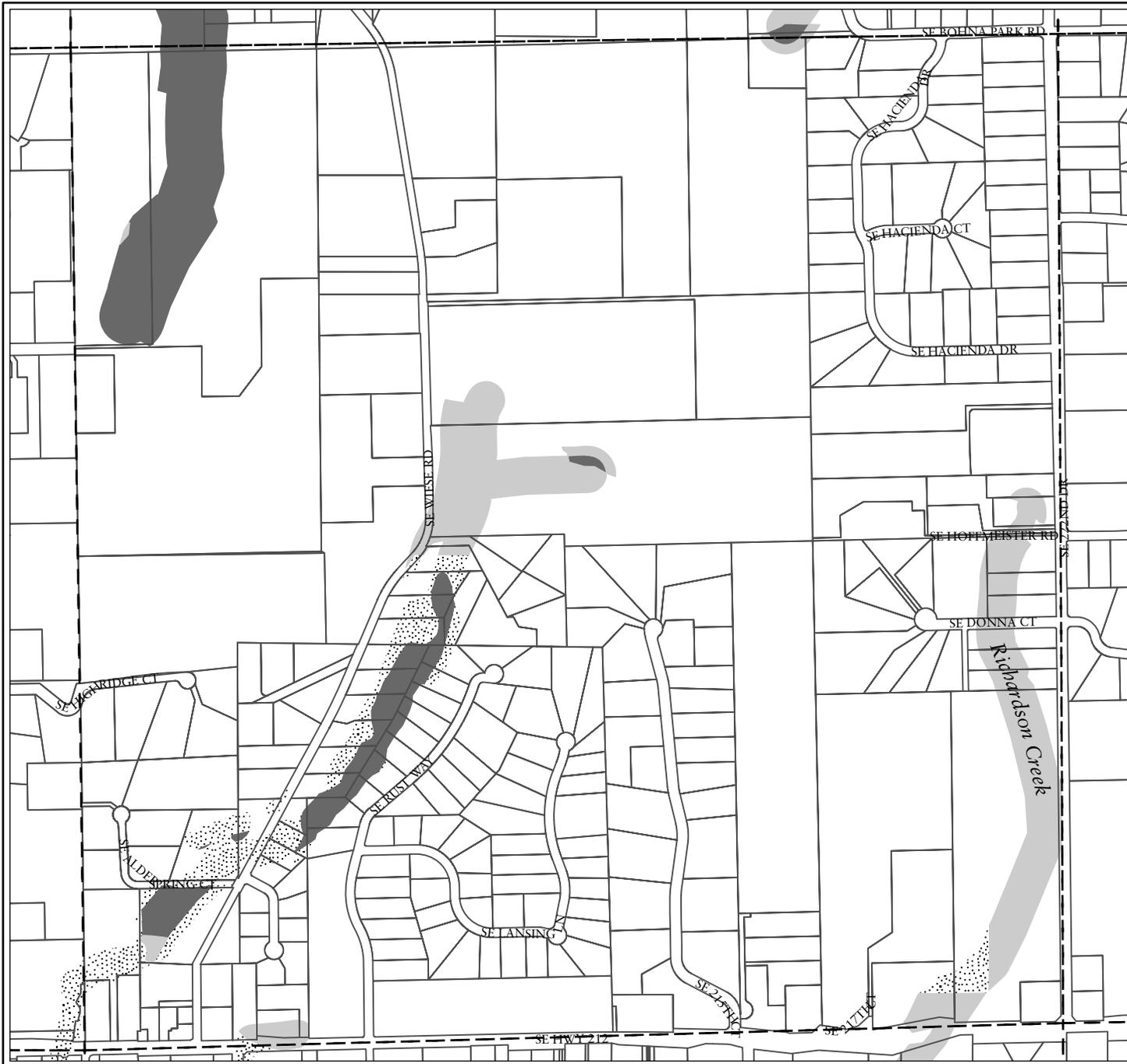
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Title 13

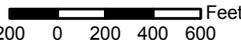
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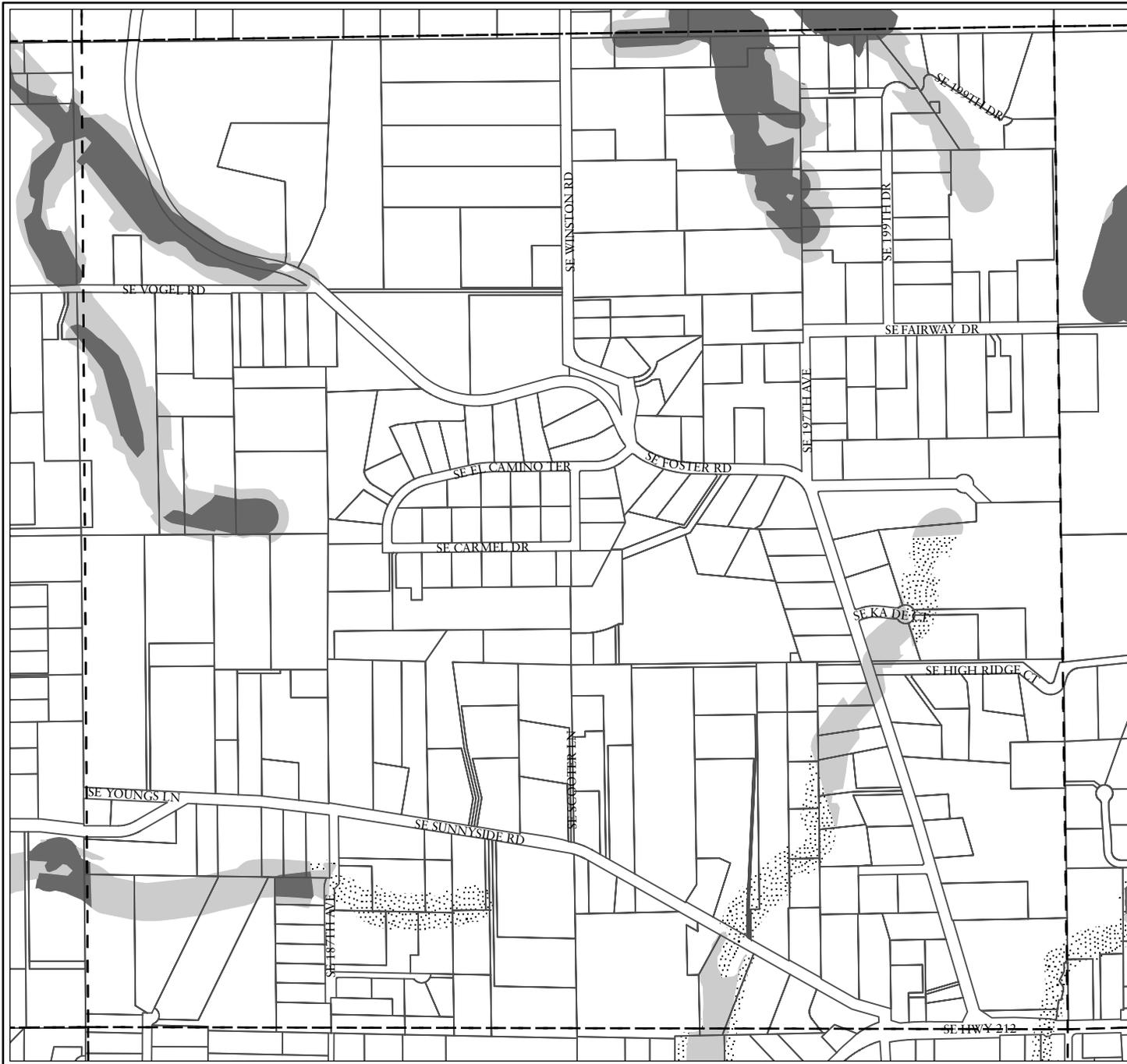
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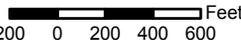
Title 13

Section: 2s3e05

-  Section
-  Taxlot
- HCA Category**
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Legislative Amendments Made to the Clackamas County Comprehensive Plan and Zoning and Development Ordinance since January 17, 2005 (date of adoption by City of Damascus)*

File Number Summary of Amendments

ZDO-196 Effective 4/13/06. Board Order 2006-89. Plan amendments to Chapter 4 to change the criteria for application of the Rural Industrial Plan designation as they relate to abandoned or diminished mill sites; Housekeeping Plan amendments to Chapters 3, 5, 7 and 11. Ordinance amendments to Section 604 to increase the maximum floor area for industrial uses and to exempt abandoned or diminished mill sites from the floor area standard and to Section 202 to adopt a definition of abandoned or diminished mill site. Housekeeping ordinance amendments to Sections 307 through 310 and 505. Conforming ordinance amendments to Sections 707, 835, 1005 and 1007.

ZDO-200 Effective 1/20/05. Board Order 2005-07. Ordinance amendments to Sections 1022 and 1202 to revise the concurrency provisions.

ZDO-204 Effective 3/24/05. Board Order 2005-58. Ordinance amendments to Sections 202, 302, 305, 306, 312, 313, 1002, 1012, 1013, 1014, 1603, 1604, 1605, 1701 and 1702 and conforming amendments to Sections 301, 303, 304, 307, 308, 309, 310, 311, 314, 502, 503, 504, 505, 507, 508, 509, 601, 702, 707, 712, 713, 818, 821, 822, 832, 835, 901, 902, 903, 1001, 1003, 1005, 1007, 1008, 1009, 1010, 1011, 1017, 1018, 1019, 1020, 1102, 1103, 1105, 1106, 1204, 1205, 1607, 1703, 1704, 1705 and 1706. Deletes Sections 828, 1015 and 1601. Amends the method of calculating minimum density; restructures the density provisions in their entirety; provides for attached single-family dwellings as primary uses in the MR-1 and MR-2 zones; achieves consistency in referencing different dwelling types; amends the side yard setback standard for three-story buildings in the MR-1 and MR-2 zones; revises the front yard setback and lot coverage standards in the MR-1 zone; modifies the applicability of the corner vision standard in the RR zone; modifies the side yard setback standard for property above 3,500 feet in elevation and the method of calculating the rear yard setback in the HR zone; amends the lot coverage standard in planned unit developments.

- ZDO-206 Effective 4/13/06. Board Order 2006-90. Ordinance amendments to Section 1007; Deletion of Section 1020 and addition of Section 1107; Conforming ordinance amendments to Sections 303, 304, 314, 401, 406, 407, 506, 507, 508, 601, 602, 603, 606, 1702 and 1706; Revises dimensional standards for parking spaces; Housekeeping amendments to property line adjustment standards; Deletes Section 1020 and moves property line adjustment standards to a new Section 1107.
- ZDO-207 Effective 11/30/06. Board Order 2006-517. Ordinance amendments to Sections 401, 406, 407, 813, 1010 and 1022; Adopts new Section 806; Conforming amendments to Sections 301 through 310, 312, 313, 314, 505 and 604; Allows a home occupation to host events as a conditional use in the RR, RA-1, RA-2, RRF-5, FF-10, FU-10, EFU, TBR and AG/F zoning districts and establishes approval criteria for such uses; Clarifies that the hosting of events is a conditional use in other zoning districts that currently allow service and recreational uses; Relocates and clarifies the sign standards for service and recreational uses; Housekeeping amendments.
- ZDO-208 Effective 6/29/06. Board Order 2006-258. Ordinance amendments to Sections 306, 312 and 1102; Conforming amendments to Sections 835, 1007, 1016, 1103, 1105, 1106 and 1703; Replaces minimum parking space standards that were mistakenly deleted from the HR and MRR zoning districts; Transfers appointing authority for the Design Review Committee from the Planning Commission to the Board of County Commissioners; Housekeeping amendments to the design review process standards.
- ZDO-211 Effective 1/25/07. Board Order 2007-61. Ordinance amendment to Section 1022; Amends transportation concurrency timeliness standard for STIP projects.
- ZDO-213 Effective 1/17/08. Board Order 2008-05. Ordinance amendment to Sections 202, 1001 and 1007; Plan amendment to Chapter 5; Adopts fee-in-lieu-of construction for certain frontage improvements; Amends sidewalk and pedestrian pathway requirements.
- ZDO-214 Effective 12/20/07. Board Order 2007-621. Ordinance amendments to Section 825; Conforming amendments to Sections 301-314, 401, 406, 407, 501-509, 601-604, 606, 702, 1603-1608 and 1701-1706; Amends requirements for manufactured dwelling park redevelopment; Housekeeping amendments to Section 825.

- ZDO-215 Effective 6/17/08. Board Order 2008-68. Ordinance amendments to Section 703; Amends Floodplain Management District provisions and adopts new floodplain maps.
- ZDO-216 Effective 6/5/08. Board Order 2008-69. Ordinance amendments to Sections 305, 306, 312 and 704; Amends RSCA provisions and deletes requirement for conditional use for certain stream corridor activities in the Mt. Hood zoning districts.
- ZDO-217 Effective 8/20/08. Board Order 2008-140. Ordinance amendments to Sections 104, 707, 1206, 1301, 1304, 1305 and 1502. Adds a procedure for a vested right determination; Provides for the waiver of land use application fees by the County Administrator or designee; Clarifies appeal procedures; Adds a procedure for re-filing a land use permit following revocation; Makes housekeeping changes.
- ZDO-218 Effective 1/5/09. Board Order 2008-197, adopted December 18, 2008. Plan amendments to Chapters 3 and 4 and Appendix A. Ordinance amendments to revise Sections 202, 704, 705, 1002, 1011 and 1012, add a new Section 706 and replace Section 709. Designates regionally significant riparian and publicly owned upland habitat as Habitat Conservation Areas in order to comply with Title 13 of Metro's Urban Growth Management Functional Plan; adopts regulations for Habitat Conservation Areas; adopt Metro's Title 3 requirements for regulating Water Quality Resource Areas outside the boundaries of Clackamas County Service District No. 1 and Surface Water Management Agency of Clackamas County; eliminates the Conservation Wetland District; exempts areas inside the Metro boundary or the Portland Metropolitan Urban Growth Boundary from the existing riparian and wetland regulations in Sections 704, 1002 and 1011; and deletes the riparian setback standards for onsite sewage disposal systems from Sections 704, 705 and 1002.
- ZDO-219 Effective 9/28/10. Ordinance ZDO-219. Plan amendments to Chapter 3. Ordinance amendments to Section 1002. Conforming amendments to Sections 301, 307, 308, 309, 310, 314, 401, 406, 407 and 1603. Establishes a five-year development restriction for excessive tree removal inside the Portland Metro UGB.
- ZDO-220 Effective 11/13/08. Board Order 2008-186. Ordinance amendments to Sections 308 and 802. Conforming amendments to Sections 301 and 1001. Provides for density bonuses for affordable housing and park dedications in two- and three-family developments approved pursuant to Section 802. Deletes two-family dwellings as a conditional use in the RA-2 zone in order to comply with state law. Requires design review for Section 802 developments.

- ZDO-221 Effective 4/22/10. Board Order 2010-33. Ordinance amendments to Sections 806 and 822 to permit Home Occupations to Host Events in an EFU, TBR or AG/F zoning district, if the subject property has a Historic Landmark overlay, and to make other minor revisions to the home occupation standards. Amendments to Sections 303, 304 and 1706 to add home occupations as an accessory use in the HDR, SHD and RCHDR zones. Conforming amendment to Section 406 to add home occupations to host events as a conditional use in the TBR zone.
- ZDO-222 Effective 8/18/10. Ordinance ZDO-222. Plan amendments to Chapter 3. Ordinance amendments to Section 1006. Conforming amendments to Sections 1022, 1102, 1105, 1106 and 1203. Adopts groundwater protection provisions. Makes housekeeping changes.
- ZDO-223 Effective 8/25/10. Ordinance ZDO-223. Plan amendments to Chapter 4, including a new Map IV-9. Designates urban and rural reserves.
- ZDO-224 Effective 5/31/11. Ordinance ZDO-224, adopted April 28, 2011. Ordinance amendments to promote sustainable development. Also includes many housekeeping changes. Amends Sections 200, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 406, 407, 501, 502, 503, 504, 505, 507, 508, 509, 601, 602, 603, 604, 606, 701, 702, 711, 801, 804, 805, 806, 807, 809, 820, 821, 822, 823, 825, 829, 830, 835, 903, 1001, 1002, 1005, 1007, 1009, 1010, 1011, 1014, 1016, 1019, 1021, 1102, 1105, 1106, 1202, 1203, 1204, 1305, 1600, 1603, 1604, 1605, 1606, 1607, 1608, 1700, 1701, 1702, 1703, 1704, and 1706. Adopts new Sections 815, Produce Stands, and 1015, Parking and Loading. Deletes Sections 506, Planned Commercial District, and 1022, Concurrency.
- ZDO-225 Effective 11/17/10. Ordinance ZDO-225, adopted 8/19/10. Plan amendments to Chapter 5, including a new Map V-12. Implements Interchange Area Management Plans for the Sunrise Corridor.
- ZDO-229 Effective 11/4/10. Ordinance ZDO-229, adopted 11/4/10. Ordinance amendments to Section 401 to implement changes to EFU state statutes per House Bill 3099 (2009).

- ZDO-230 Effective 9/26/11. Ordinance ZDO-230, adopted 8/25/11. Ordinance amendments to standardize the majority of land use permit approval periods and time extension criteria; clarify the term “implementation” for various permit types in relation to approval periods; require pre-application conferences for several of the more complex application types; correct and clarify dimensional standards in the Rural Tourist Commercial District, particularly in the Government Camp village; clarify the connection with the County Roadway Standards language concerning transportation system adequacy and safety; make clarifying amendments to the property line adjustment standards; provide for home occupations for canine skills training as a conditional use in the EFU, TBR and AG/F zoning districts; make clarifying and corrective changes to the Planned Mixed Use District provisions; and make various minor “housekeeping” amendments. Amends Sections 401, 406, 407, 501, 504, 703, 704, 705, 706, 709, 822, 1002, 1007, 1016, 1102, 1103, 1104, 1105, 1106, 1107, 1202, 1203, 1205, 1206, 1301, 1305 and 1703. Adopts a new Section 836, Home Occupations for Canine Skills Training.
- ZDO-231 Effective 1/31/12. Ordinance ZDO-231, adopted 1/19/12. Ordinance amendments to adopt four levels of mobile vending unit developments and establish one of those levels as exempt from review; adopt review criteria and review processes for the other three levels; list one or more levels of mobile vending units as a primary, accessory or limited use in many base zoning districts; adopt a definition of mobile vending unit; adopt sign standards for mobile vending units; and replace an on-street parking provision for part of the RTC zone in Government Camp that was inadvertently deleted under ZDO-224. Amends Sections 202, 306, 501, 502, 503, 504, 505, 507, 508, 509, 601, 602, 603, 604, 606, 1001, 1010, 1015, 1607, 1701, 1702, 1703, 1704 and 1707. Adopts a new Section 837, Mobile Vending Units.
- ZDO-232 Effective 3/12/12. Ordinance ZDO-232. Ordinance and Plan amendments to adopt the SE 172nd Avenue/SE 190th Drive Corridor Management Plan. Amends Sections 202 and 1007 of the ZDO. Amends Chapter 5—including Tables V-1 and V-5 and Maps V-1a, V-1b, V-2a, V-2b, V-3, V-7a, V-7b and V-10—and Appendices A and B of the Plan.
- ZDO-234 Effective 6/7/12. Ordinance ZDO-234. Ordinance amendments to update the EFU, TBR and AG/F zoning districts to conform to state law and align definitions of daycare facility and family daycare provider with state law. Conforming amendments to several other sections. Amends Sections 202, 401, 406, 407, 834, 903 and 1204.

- ZDO-235 Effective 5/14/12. Ordinance ZDO-235, adopted 5/3/12. Ordinance amendments to establish the existence and administrative structure of the Planning Commission and to provide consistent procedures for authorization of similar uses in commercial, industrial and mixed use zones. Housekeeping amendments to Sections 101 through 104. Adopts new Sections 105 and 106. Amends Sections 101, 102, 103, 104, 501, 502, 504, 505, 507, 509, 601, 602, 603, 604, 606, 707, 813, 1606, 1607, 1701, 1703 and 1707.
- ZDO-241 Effective 1/1/13. Ordinance ZDO-241, adopted 12/13/12. ZDO amendments to Sections 401, 407 and 836. Implements changes in state law; makes housekeeping amendments.
- ZDO-242 Effective 7/1/13. Ordinance ZDO-242, adopted 4/25/13. Comprehensive Plan amendments to Chapter 4 and Appendix B. Amends Plan provisions related to state-mandated population coordination; adds population coordination report as a supporting document to Plan.
- ZDO-243 Effective 9/9/13. Ordinance ZDO-243, adopted 8/8/13. Comprehensive Plan amendments to Chapters 4 and 8 and Map IV-8. ZDO amendments to Sections 202, 503, 601, 602, 604, 834, 1005, 1009, 1010, 1015, 1016, 1206 and 1704. Repeals Sections 603 and 606 of the ZDO. Amends Plan provisions related to industrial lands; adds Regionally Significant Industrial Areas to Map IV-8. ZDO Audit Year One; amends ZDO provisions regarding permitted uses, dimensional standards, and development standards in all five of the industrial zones; consolidates Light Industrial, General Industrial and Business Park Districts in Section 602; changes abbreviations from I-2 and I-3 to LI and GI for Light Industrial and General Industrial, respectively; repeals or updates several obsolete definitions; clarifies that perimeter landscaping requirements apply to loading areas; reduces the front yard setback standard for certain types of signs; and allows nonconforming dwellings to be replaced, expanded or remodeled without review of an application for alteration of a nonconforming use.

- ZDO-245 Effective 7/1/13. Ordinance ZDO-245, adopted 6/13/13. ZDO amendments to Sections 301, 307, 308, 309, 310, 314, 406, 407, 504, 806, 837, 1001, 1002, 1010, 1011, 1012 and 1603. Eliminates duplicate language and an incorrect citation in Section 504; amends conditional standards for Home Occupations to Host Events to conform to state law in the natural resource zones, to repeal the requirement that this use be in conjunction with a winery or historic landmark in natural resource zones, to allow alternative parking lot surfaces for this use in the rural area and to expand allowances for the use of tents to the extent consistent with state law; repeals General Terrain Preparation subsection of Section 1002; modifies standards for wildlife habitats and distinctive resource areas (deer and elk winter range, mount hood resource protection open space and significant natural areas); provides for increased signage for government uses outside the Portland Metropolitan Urban Growth Boundary and clarifies standards for changeable copy signs; makes housekeeping and conforming citation amendments.
- ZDO-246 Effective 3/1/14. Ordinance ZDO-246, adopted 1/30/14. Comprehensive Plan amendments to Chapters 4, 5 and 10 and to Map III-2 and Appendix B. ZDO amendments to Sections 202, 306, 309, 310, 312, 314, 809, 810, 822, 1005, 1007, 1009, 1015 and 1202. Transportation System Plan update; overhauls Plan Chapter 5, including changes to all maps and tables, with minor amendments to Chapter 4 and Map III-2 for conformity; amends transportation policies and maps in Chapter 10; repeals the Kruse Way Design Plan from Chapter 10; repeals Maps X-SV-2, X-CRC-2, X-CRC-5 and X-SC-4; adds references to new transportation background documents in Appendix B; amends ZDO provisions related to transportation; adopts definition of major transit stop and amends definitions of alley, major transit street and roadway in Section 202; revises in Section 1005 the maximum setback standards for structures at or near a major transit stop; revises Section 1007 for consistency with revised TSP and regional requirements; adds to Section 1015 a requirement for distinguishing between short-term and long-term bicycle parking; makes conforming amendments to Sections 306, 309, 310, 312, 314, 809, 810, 822, 1009 and 1202.
- ZDO-247 Effective 3/1/14. Ordinance ZDO-247, adopted 1/30/14. ZDO amendments to Sections 401, 406 and 407. Amends the EFU, TBR and AG/F zoning district provisions for consistency with changes in state law and to make housekeeping corrections.

- ZDO-248 Effective 10/13/14. Ordinance ZDO-248, adopted 9/11/14. Comprehensive Plan amendments to Chapter 11. ZDO amendments to Sections 106, 202, 305, 306, 307, 308, 309, 310, 312, 314, 401, 406, 407, 504, 505, 601, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 813, 818, 822, 829, 830, 835, 837, 1002, 1011, 1013, 1016, 1018, 1102, 1103, 1105, 1106, 1107, 1202, 1203, 1204, 1205 and 1206. Repeals ZDO Sections 104, 105, 1201, 1301, 1302, 1303, 1304, 1305, 1400 and 1500. Adopts ZDO Sections 1307, 1308, 1309 and 1310. Comprehensive revision of the Plan and ZDO provisions applicable to the filing and processing of land use applications and legislative proposals; repeals allowance for local appeal of ministerial decisions; limits Design Review Committee/Historic Review Board to recommending, not decisionmaking, and standardizes the length of terms/number of members; codifies current practice of mailing notice of application for Type II applications; reduces property owner notice distance in Mt. Hood zones from 500 to 300 feet; ZDO Audit Year Two.
- ZDO-249 Effective 10/13/14. Ordinance ZDO-249, adopted 9/11/14. Comprehensive Plan amendments to Chapters 4, 6 and 10. ZDO amendments to Sections 106, 202, 309, 312, 314, 601, 602, 824, 825, 903, 1005, 1009, 1012, 1014, 1016, 1018, 1102, 1203, 1206 and 1600. Repeals ZDO Sections 301, 302, 303, 304, 311, 313, 1603, 1604, 1605 and 1706. Adopts ZDO Sections 315, 838 and 839. Amends Plan and ZDO provisions implementing 18 urban residential zones; addresses permitted uses, dimensional standards and development standards for these 18 zones; consolidates urban residential zones in Section 315 and repeals 10 sections that previously regulated these zones; ZDO Audit Year Two.
- ZDO-250 Effective 10/13/14. Ordinance ZDO-250, adopted 9/11/14. Comprehensive Plan amendments to Chapters 4, 8 and 10. ZDO amendments to Sections 103, 315, 504, 601, 602, 827, 838, 839, 1001, 1005, 1007, 1009, 1010, 1011, 1012, 1015, 1016, 1102, 1104, 1202, 1203, 1204 and 1206. Repeals ZDO Sections 501, 502, 503, 507, 508, 509, 1600, 1602, 1606, 1607, 1608, 1700, 1701, 1702, 1703, 1704 and 1707. Adopts ZDO Sections 510, 511 and 512. Amends Plan and ZDO provisions implementing 13 urban commercial and mixed-use zones; addresses permitted uses, dimensional standards and development standards for these 13 zones; consolidates urban commercial and mixed-use zones in Sections 510, 511 and 512 and repeals 13 sections that previously regulated these zones; repeals the Village Commercial District due to annexation to the City of Happy Valley; ZDO Audit Year Two.
- ZDO-251 Effective 6/1/15. Ordinance ZDO-251, adopted 5/21/15. Comprehensive Plan amendments to Chapter 5—including Maps 5-11a through 5-11f and Tables 5-3a through 5-3d—Appendix A and Appendix B. Adopts Maps 5-12a and 5-12b. Implements the Active Transportation Plan, which is adopted by reference in Appendix A.

ZDO-252 Effective 6/1/15. Ordinance ZDO-252, adopted 4/30/15. Comprehensive Plan amendments to Chapters 4, 6 and 10. ZDO amendments to Sections 106, 202, 315, 510, 601, 604, 707, 711, 804, 805, 813, 819, 823, 825, 827, 838, 902, 903, 1005, 1006, 1009, 1010, 1012, 1013, 1014, 1015, 1016 and 1102. Repeals ZDO Sections 305, 306, 307, 308, 309, 310, 312, 314, 504 and 505. Adopts ZDO Sections 316, 317 and 513. Amends Plan and ZDO provisions implementing eight rural residential zones and two rural commercial; addresses permitted uses, dimensional standards and development standards for these eight zones; consolidates rural residential zones in Sections 316 and 317 and rural commercial zones in Section 513 and repeals 10 sections that previously regulated these zones; ZDO Audit Year Three.

ZDO-253 Effective 6/1/15. Ordinance ZDO-253, adopted 4/30/15. Comprehensive Plan amendments to Chapter 4. ZDO amendments to Sections 202, 315, 316, 317, 510, 511, 512, 513, 601, 602, 604, 706, 710, 711, 1007, 1009, 1013, 1017, 1102, 1103, 1105, 1107, 1202, 1203, 1204, 1205, 1206 and 1307. Repeals ZDO Sections 803, 1101, 1104 and 1106. Adopts ZDO Sections 840 and 1311. Amends Plan and ZDO provisions implementing the development review process and criteria for discretionary; ZDO Audit Year Three.

ZDO-254 Effective 1/4/16. Ordinance ZDO-254, adopted 12/17/15. ZDO amendments to Sections 106, 202, 315, 316, 317, 401, 406, 407, 510, 511, 512, 513, 601, 602, 604, 822 and 1307. Repeals ZDO Section 801. Adopts ZDO Section 841. Adopts regulations for recreational marijuana production, processing, wholesaling and retailing and for medical marijuana retailing.

Effective 3/1/16. ZDO Amendments to Sections 202 and 841. Adopts regulations for medical marijuana production and processing.

* This list excludes those amendments that do not apply in the geographic area covered by the City of Damascus.



File ZDO-256
Apply County Plan & Zoning to Land
Removed from City of Damascus

BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

June 22, 2016

Jennifer Hughes, Principal Planner

Background



- **City of Damascus incorporated in 2004**
- **Some lands de-annexed from the city**
- **City set to disincorporate July 18, 2016**
- **City Plan/ZDO continues to apply unless county provides otherwise**

Background

3

- City adopted county Comprehensive Plan and ZDO Jan. 17, 2005, and has not amended since
- County has amended Comprehensive Plan and ZDO many times since 2005
 - Disconnect between the city and county documents creates difficulty in administration
 - Substantive differences include lack of marijuana regulations in Damascus



Proposal



- Amend Comprehensive Plan land use designation and zoning of land removed from Damascus and not annexed by another city
 - Amend plan maps 4-6 and 4-7
 - Amend zoning maps
 - Apply county overlay zones (FMD, RSCA, HCA, HL, WQRA)
 - Adopt HCA and WQRA maps for Damascus area as part of the County Comprehensive Plan

Practical Effects



- **County plan designations/zones correspond to city plan designations/zones**
 - **For example, city Rural Industrial becomes county Rural Industrial**
- **Current county land use plan and zoning regulations apply, including amendments made since 2005**

Impact on Individual Properties

6

- No change in ability to re-zone or divide property
- Urban planning for area inside urban growth boundary required before such changes could be made



Effective Date



Proposed effective date:

- July 18, 2016, ***or***
- effective date of de-annexation/disincorporation
...whichever is later

Recommendations



- **Planning Commission recommended approval of ZDO-256 by a vote of 7 to 0**
- **Staff recommends approval of ZDO-256 as recommended by Planning Commission**

STAFF REPORT

TO: Clackamas County Planning Commissioners
FROM: Jennifer Hughes, Principal Planner
Martha Fritzie, Senior Planner
DATE: June 6, 2016
RE: File ZDO-256: Proposed application of Clackamas County Land Use Plan and Zoning Ordinance to land removed from the City of Damascus

PROPOSAL

File ZDO-256 is a proposed legislative map amendment to change the land use plan designation and zoning for any land that is removed from the City of Damascus unless such land is annexed by another city. Based on the results of the May 17, 2016 election, it appears that the disincorporation of the City of Damascus will become effective on July 18, 2016. If this proposal is adopted prior to July 18, the Comprehensive Plan map amendments and zone changes would take effect immediately for properties that have already de-annexed from Damascus but not subsequently annexed into Happy Valley. For all remaining lands in the city, the changes would be effective on July 18, 2016.

As a technical matter, the county is proposing Comprehensive Plan land use designation map amendments and zoning district map amendments (see enclosed maps for details) to apply the county's Plan designation and zoning district in place of the corresponding city Plan designation and zoning district. For example, city Rural Industrial becomes county Rural Industrial, city Exclusive Farm Use becomes county Exclusive Farm Use, etc. The practical effect of these map amendments is to apply the county's current Plan and ZDO text to the affected properties.

All additional sections of the ZDO, including county overlay zones, development standards and procedures and other regulations, would apply as well. In most cases, city overlay zones correspond with county overlay zones. As part of the adoption of the Habitat Conservation Area (HCA) and Water Quality Resource Area (WQRA) overlay zones for city lands, this proposal includes the adoption of the HCA and WQRA maps adopted by Metro for the Damascus area. These maps were omitted from the county's 2009 adoption of HCA and WQRA regulations because Damascus was incorporated by that time.

Attached is a summary of the county amendments that have occurred to the Plan and ZDO since Damascus adopted those documents in 2005, excluding those amendments that do not apply in the geographic area covered by Damascus (ATTACHMENT 2). Also attached are maps showing the existing and proposed Plan and zoning designations and overlay zones for the affected area (ATTACHMENT 1).

All attachments, as well as links to compare the basic zoning regulations that apply to a Damascus zone with those that apply to the corresponding county zone, including overlays, are available at <http://www.clackamas.us/planning/zdo256.html>.

BACKGROUND

Shortly after incorporating, the City of Damascus adopted the Clackamas County Comprehensive Plan and Zoning and Development Ordinance as they existed on January 17, 2005. The city has not amended these documents. (Two zone changes have been approved by the county—acting on the city’s behalf—for properties with urban Plan designations applied prior to Damascus incorporation.) Since 2005, however, the county has adopted numerous changes to the text of its Plan and ZDO and to Plan maps of a general nature (e.g., transportation system maps), resulting in significant differences between the city’s provisions and the county’s.

Pursuant to Oregon Revised Statutes 215.130(3), the city’s Plan and ZDO continue to apply to land removed from the city until the county provides otherwise. This proposal is intended to bring unincorporated property under the county’s land use regulations for ease of administration and for consistency with similarly planned and zoned land elsewhere in the county.

ANALYSIS AND FINDINGS

This proposal is subject to the relevant county Comprehensive Plan (Plan) policies and Zoning and Development Ordinance (ZDO) regulations; Statewide Planning Goals; and Oregon Revised Statutes (ORS) and Administrative Rules (OARs). Because this proposal includes land within Metro’s boundary, it also needs to be consistent with the Urban Growth Management Functional Plan (UGMFP). Applicable criteria are addressed below.

1. **ZDO**. The proposed land use plan designation map amendments and zone changes are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in this case. The ZDO contains no review criteria that must be applied when considering a legislative amendment to the Plan. ZDO Section 1202 applies to legislative zone changes.
 - a. *Section 1202.03 (A)* requires that the zone change be consistent with the Comprehensive Plan. This proposal would apply the county’s Plan designation and zoning district in place of the corresponding city Plan designation and zoning district. For example, city Rural Industrial becomes county Rural Industrial, city Exclusive Farm Use becomes county Exclusive Farm Use, etc. In all cases, the zoning district applied will be consistent with the Plan designation applied. For example, the RI zone and the RI Plan designation will be applied to the same properties, the EFU zone and the Agriculture Plan designation will be applied to the same properties, and so on. The proposed map amendments would result in the application of both the current county Plan and ZDO to properties removed from Damascus. The county’s ZDO and Plan have been acknowledged to be consistent with each other as well as all other applicable State and Metro regulations, policies and goals.
 - b. *Section 1202.03 (B)* is applicable only when there is a need for public sanitary sewer, surface water management, and/or water service, which is not proposed in this amendment. The vast majority of property affected by this amendment is currently in

and will remain in a rural zoning district, with no access to such urban services. Any properties currently in urban zoning districts have already been accounted for in the respective urban service providers plans. At this time, no new urban zoning is proposed for this area.

- c. Section 1202.03 (C) requires that the transportation system be adequate for the zone change. This proposal is not anticipated to generate any additional vehicle trips because what is permitted by the new zoning is substantially similar in terms of trip generation rates to what is permitted by the old zoning (i.e. city Rural Industrial becomes county Rural Industrial, city Exclusive Farm Use becomes county Exclusive Farm Use, etc.). No additional transportation analysis is necessary for this proposal.

Finding: The proposal is consistent with all applicable ZDO criteria.

2. **Comprehensive Plan**. Chapter 11 of the Plan contains a section entitled *City, Special District and Agency Coordination*. Adjacent cities, the potentially impacted service districts, Metro and other identified interested parties were all notified of the proposed Comprehensive Plan amendments. This level of notification furthers the goals and policies of this section of the Plan.

Chapter 11 of the Plan also contains a section entitled *Amendments and Implementation*, which lays out procedural standards for Plan amendments, requires the Plan and the ZDO to be consistent with Statewide Planning Goals and Guidelines and Metro's Urban Growth Management Functional Plan, and requires the ZDO to be consistent with the Plan. Policy 3.0 establishes procedural standards.

The process followed for ZDO-256 is compliant with these standards. Notice was mailed at least 35 days before the first scheduled public hearing to the Department of Land Conservation and Development (DLCD) and Metro to allow them an opportunity to review and comment on the proposed amendments in accordance with state law. Advertised public hearings are being held before the Planning Commission and the Board of County Commissioners to consider the proposed amendments.

Finding: The proposal is consistent with all applicable Comprehensive Plan criteria.

3. **Statewide Planning Goals and Guidelines**. The Department of Land Conservation and Development (DLCD) was notified of this proposal. To date, no comments have been received.
 - a. Goal 1. Citizen Involvement. The proposed amendments do not propose to change the structure of the county's citizen involvement program. Notice of the proposed amendment was provided to affected cities and a list of interested parties, as well as every property owner within the original boundary of the City of Damascus (unless the property has been annexed into another city). Also, notice of the Planning Commission and Board of County Commissioners hearings was published in the local newspaper, the *Gresham Outlook*.

- b. Goal 2. Land Use Planning. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 2. Any changes to the regulations for the county's land use planning process that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 2. The county will continue to have a comprehensive land use plan and implementing regulations that are consistent with the plan. No exceptions from the Goals are required.
- c. Goal 3. Agricultural Lands. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 3. Any changes to the regulations for Agricultural Lands that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to agricultural lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 3.
- d. Goal 4. Forest Lands. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 4. Any changes to the regulations for Forest Lands that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to forest lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 4.
- e. Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 5. Any changes to the regulations for Goal 5 resources that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 5. For the most part, the city's acknowledged Goal 5 inventories are the same as those that applied in the county prior to Damascus incorporation and that will continue to apply under this proposal. The only exception is the Metro Title 13 wildlife habitat and riparian corridors inventory that will be applied as part of this proposal. (The city is currently applying Metro's inventory and Title 13 directly because the city did not amend their Plan and code to address these requirements by the implementation deadline.) This inventory was previously acknowledged by DLCDC as part of Metro's adoption of Title 13.
- f. Goal 6. Air, Water and Land Resources Quality. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 6. Any changes to the regulations for air, water and land resources that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 6.
- g. Goal 7. Areas Subject to Natural Disasters and Hazards. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 7. Any changes to the regulations for areas subject to natural disasters and hazards that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 7.

- h. Goal 8. Recreational Needs. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 8. Any changes to the regulations pertaining to recreational uses that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 8.
- i. Goal 9. Economy of the State. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 9. Any changes to the regulations related to the supply of land designated for employment that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 9.
- j. Goal 10: Housing. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 10. Any changes to the regulations regarding housing that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 10.
- k. Goal 11: Public Facilities and Services. Not applicable because no changes are being proposed to the. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 11. Any changes to the Public Facilities Plan that have been made since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 11.
- l. Goal 12: Transportation. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 12. Any changes to the regulations regarding transportation that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 12.
- m. Goal 13: Energy Conservation. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 13. Any changes to the regulations regarding energy conservation that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 13.
- n. Goal 14: Urbanization. The county's current Plan and ZDO have been acknowledged to be consistent with Goal 14. Any changes to the regulations regarding urbanization that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Goal 14.
- o. Goal 15: Willamette River Greenway: Goal 15 is not applicable because no portion of the affected area is within the boundaries of the Willamette River Greenway.

- p. Goals 16 through 19 are not applicable to Clackamas County.

Finding: Clackamas County's current Comprehensive Plan and Zoning & Development Ordinance (ZDO) have been acknowledged to be consistent with all the applicable Statewide Planning Goals. The application of these policies and regulations through Plan map amendments and zone changes to property that is removed from the City of Damascus will not alter the current Plan or ZDO in any way. Therefore this proposal is consistent with all applicable Statewide Planning Goals.

4. **Metro Urban Growth Management Functional Plan.** Metro was notified of this proposal. To date, no comments have been received. The proposed amendments do not change any of the implementing regulations related to the Urban Growth Management Functional Plan.
- a. *Title 1. Housing Capacity.* Not applicable because the proposed text amendments would not reduce zoned housing capacity, amend minimum density standards, or prohibit accessory dwelling units in zones subject to the ADU requirement.
 - b. *Title 2. Regional Parking Policy.* This title was repealed and moved to the Regional Transportation Functional Plan.
 - c. *Title 3. Water Quality and Flood Management.* The county's current Plan and ZDO are consistent with Title 3. Any changes to the regulations regarding water quality and flood management that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Title 3.
 - d. *Title 4. Industrial and Other Employment Areas.* Not applicable because the proposed text amendments would not change the county's Plan or implementing regulations regarding industrial and other employment areas planning and implementation.
 - e. *Title 5. Neighbor Cities and Rural Reserves.* This title was repealed.
 - f. *Title 6. Centers, Corridors, Station Communities and Main Streets.* Not applicable because Title 6 establishes voluntary actions that a local jurisdiction can take to become eligible for a regional investment, lower mobility standards and lower trip generation rates; sets recommended activity levels for centers, corridors, station communities and main streets; and prescribes the process for revising the boundaries of centers, corridors, station communities and main streets.
 - g. *Title 7. Housing Choice.* The county's current Plan and ZDO are consistent with Title 7. Any changes to the regulations concerning housing choices that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Title 7.

- h. Title 8. Compliance Procedures. Not applicable. This Title is administrative and relates to Metro's process for ensuring local governments comply with the Functional Plan.
- i. Title 9. Performance Measures. This title was repealed.
- j. Title 10. Functional Plan Definitions. Not applicable because this Title contains definitions only.
- k. Title 11. Planning for New Urban Areas. The proposed amendments would not change the county's Plan or implementing regulations concerning planning for new urban areas nor will it change the policies in place to provide interim protection of areas added to the UGB, per Title 11 requirements. Those interim protections would apply until the county and/or the adjacent cities apply urban Plan and zoning designations to this area; therefore, this proposal is consistent with Title 11.
- l. Title 12. Protection of Residential Neighborhoods. Not applicable because the proposed text amendment would not change the county's Plan or implementing regulations concerning residential density, designation of neighborhood centers or access to parks and schools.
- m. Title 13. Nature in Neighborhoods. The county's current Plan and ZDO are consistent with Title 13. Any changes to the regulations regarding Habitat Conservation Areas that have been made to those documents since January 17, 2005, have been acknowledged and would now apply to lands previously in the City of Damascus, thereby ensuring those lands are also in compliance with Title 13. In addition, this proposal includes adoption of Metro's Title 13 maps for the area inside the City of Damascus. This area was previously omitted from the county's Plan because the county adopted Title 13 regulations after Damascus incorporation.
- n. Title 14. Urban Growth Boundary. Not applicable because the proposed text amendment would not change the county's Plan or implementing regulations regarding the Portland Metropolitan Urban Growth Boundary (UGB), nor does it propose any amendments to the UGB.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Board of County Commissioners of the proposed Comprehensive Plan map amendments and zone changes, as shown in Attachment 1, to land removed from the City of Damascus.

ATTACHMENTS

Attachment 1. Maps of proposed land use plan designation amendments and zone changes

- a. Map ZDO-256(1): Proposed Application of County Zoning to Properties Removed from Damascus
- b. Map ZDO-256(2): Proposed Application of County Comprehensive Plan Designations to Properties Removed from Damascus
- c. Map ZDO-256(3.1) & (3.2): Proposed Application of County Zoning Overlays to Properties Removed from Damascus
- d. Maps of the Habitat Conservation Area District to be adopted by reference in Appendix A of the Plan (eight maps)

Attachment 2. Summary of ZDO and Plan amendments since January 17, 2005

**PLANNING COMMISSION
DRAFT MINUTES**

June 13, 2016

6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Norman Andreen, Mike Wagner, Mark Meek, John Gray, Mark Fitz, Gail Holmes,
Absent: John Drentlaw, Tom Peterson.

Staff present: Mike McCallister, Martha Fritzie, Karen Buehrig, Abbott Flatt, Darcy Renhard.

1. Commission Chair Meek called the meeting to order at 6:37 p.m.

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

2. The public hearing tonight is for consideration of ZDO-256, a legislative proposal to amend the Clackamas County Comprehensive Plan and ZDO that would apply the County's Zoning Ordinance to properties that have either deannexed from the City of Damascus or will be removed due to the disincorporation of the City and have not been annexed into another city. Jennifer Hughes said that the Planning Division mailed out the colored postcards to property owners as required by State law. This is not a proposal to apply urban zoning to any part of Damascus that was not previously zoned with an urban designation. Upzoning is not permitted under State law, and we also cannot allow commercial or industrial zoning that was not previously allowed. There are minimum 20-acre lot sizes in the area. The Planning Commission cannot consider rezoning beyond what is in the notice. The County is proposing this legislative amendment which will specifically affect the zoning maps. The City of Damascus adopted the Clackamas County ZDO and Comprehensive Plan in 2005, but has not made any changes or amendments since then. In those eleven years, the County has amended the ZDO and Comp Plan many times, which is reflected in the handout that Jennifer provided. Some lands have been deannexed from Damascus and have annexed into Happy Valley. The matter of disincorporation was voted on, passed, and will take effect on July 18th as far as we know at this time. The County's proposal is to have an effective date of July 18 for these amendments regardless. The County is proposing these changes primarily because it would provide ease of administration. In some ways there are significant differences between the City's ordinance and the County's, but in some ways they have remained very similar. The City opted out of marijuana with the plan of taking the matter to the voters in November, but since they are no longer a city that will not happen. The BCC has expressed some concerns about unregulated marijuana businesses in the City, which is why this is a time sensitive matter. The County has a number of overlay zones that would be applied to some properties. This is shown on the map that staff has provided. The WQRA and HCA maps that were not previously applied to properties within the City would also be adopted. Essentially we are doing a zone change, but it is City EFU to County EFU, City RRFF-5 to County RRFF-5, etc. We are not proposing to change zoning from industrial to EFU, etc. There are a number of changes that would become applicable on the effective date, such as rules related to excessive tree removal, habitat conservation areas, and so on. The changes could be effective on a rolling basis if the legal challenge is not resolved by July 18th. Commissioner Fitz stated that the City of Damascus paid millions to have mapping corrected. He could like to know if the County has updated the Metro maps to reflect the City's corrections. Jennifer answered that the County uses Metro mapping, but that there is a method to amend maps if errors are found in what Metro maps show. Ten years ago the County didn't have any of the mapping in place, so it has been adopted since then. Commissioner Wagner said that staff did a lot of analysis when we did the marijuana ordinance. He asked if staff has done the same type of analysis in Damascus with regard to marijuana. Jennifer replied that there is one medical marijuana facility which would be allowed if it was done legally to begin with. The County Code is such that you could not do a new retail facility within Damascus because of the rural zoning. If we were to revise our marijuana regulations, it could be allowed. But currently Damascus is not considered an unincorporated community under State law. Commissioner Andreen asked for clarification on whether or not we would just be applying all of the same rules that are now in the County ZDO. Jennifer confirmed that yes, that is the case. Commissioner Fitz asked if a business that has been allowed to operate a certain way under Damascus code might be affected by the application of County code. Jennifer explained that a non-conforming use designation would work the same way in Damascus as it does in all other areas of the County. Documentation from the City would be an important component of a business being allowed as a non-conforming use. Technically, to be a NCU they would have to be legal under City code. If the City of Damascus issued a permit for a business that is illegal under their code, it would be hard to back up any reasoning that it qualifies as an NCU.

Mike McCallister stated that if someone believes they have a lawful NCU, then they should submit evidence to support it. Commissioner Pasko said that we are in a position where we need to adopt a land use ordinance quickly for the City, but that the attendees of tonight's hearing may be here to ask for different zoning to be applied to their properties. Jennifer explained that if they are interested in having different regulations applied to their property, it will require a zone change which may or may not be allowed. For the most part, most of the zone changes are prohibited until we get an urban plan in place. Metro Title 11 prohibits upzoning, and we are not proposing any specific property zone changes.

Commissioner Meek asked if there were any government agencies who wished to provide testimony. There were none. There were no CPOs, hamlets or villages that wished to testify.

Steve Spinnett (9315 SE Rodlin Road, Damascus): Mr. Spinnett is the former mayor of Damascus. He was very confused by the postcards that were mailed out, but staff's explanation cleared things up for him. He would appreciate it if there were more clarification on the postcards.

James DeYoung (Damascus): Mr. DeYoung is on the Damascus City Council. He appreciates what Mr. Spinnett just said and is encouraged by staff's report that clarified that the proposal is not as dire as he first thought. The City of Damascus has had several comp plans that have been proposed, but the requirement to have approval from the voters has proven to be an insurmountable problem. There is a proposal that would get through this problem if the disincorporation does not go through. He suggests that the Planning Commission and BCC's consideration include the 2013 plan that the City put together. His hope is that it would have a significant impact on the direction the County decides to go with Damascus. The City voted no on marijuana and currently has a moratorium that would disappear if the City disincorporates. He asks that the County make an exception with regard to the growing of marijuana.

Sunni Liston (PO Box 1513, Clackamas): Ms. Liston presented a letter into the record as Exhibit 2.

Guy Skeel (Damascus): Having commercial timber land in the Metro UGB doesn't really make sense, so he would like that to be considered. It just doesn't feel right to have timber land in the middle of farms and forests.

Commissioner Fitz asked staff what steps a TBR property owner can take to get them to rural residential. Mike McCallister answered that there is not a path in Oregon land use laws that would get them there. The only way is to adopt urban zoning. Ultimately it is a Metro issue if they want transfer development rights. To have an urban planning designation, a property has to be served by sewer.

Donald Peer (21327 SE Borges Rd., Damascus): Mr. Peer asked if his 26 acres could be divided in order to sell a part of it. He thought that a 20 acre parcel was dividable. Several years ago, before Damascus was even a city, he was able to sell off four acres. He now needs to sell off some of his property in order to remain afloat. He is not sure if it is dividable or not. The zoning on his property is AG/F. Jennifer explained that there is an 80-acre minimum lot size in that zone, which won't change unless State law does or there is urban zoning applied.

Commissioner Meek closed the public portion of the hearing. Commissioner Andreen feels that the proposed amendments are fairly straightforward. Commissioner Fitz asked if the County code would put more restrictions on building on slopes. Jennifer answered that the County does not prohibit building on a slope, but there are standards that apply. Commissioners Wagner, Holmes, Meek, Gray, and Pasko agree with Commissioner Andreen. Commissioner Andreen moved to recommend approval of ZDO-256 as presented by the Planning Division staff. Commissioner Fitz seconded the motion. *Ayes=7; Nays=0.*

3. Commissioner Andreen moved to approve the minutes from May 23rd as submitted. Commissioner Fitz seconded the motion. *Ayes=7, Nays=0.*
4. The next meeting is in two weeks. We will be having a study session for the Monroe Neighborhood Design Plan. On July 25th we are scheduled to hear the CRC Connections proposal that we had a study session on a couple of weeks ago. There is nothing currently scheduled for July 11th. Commissioner Meek and Commissioner Holmes would like to have some type of work session or brainstorming session to discuss things that the Planning Commission could

undertake. Commissioner Holmes would like to discuss creating livable areas for senior citizens. Commissioner Andreen suggested inviting the ACT committee to come and share what they have been working on regarding transportation.

There being no further business, the meeting was adjourned at 7:48 p.m.

DRAFT

JUN 09 2016

hand delivered

June 9, 2016

Chair John Ludlow
Clackamas County Board of Commissioners, &
Chair Mark Meek
Clackamas County Planning Commission
Clackamas County Public Services Bldg
2051 Kaen Road
Oregon City, OR 97045

**Re: Submittal of Evidence from Regner Road/222nd Drive Neighbors
in Support of a Zone Change from TBR to RRFF-5 in de-incorporated
area of the City of Damascus.**

Dear Chairs Ludlow, Meek and Commissioners/Commission members

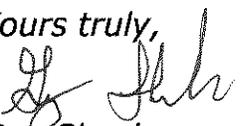
My name is Guy Skeele, and I am one of several neighbors who own land currently zoned TBR, (Timber) in Regner Road/222nd Drive area that was formerly within the Damascus UGB. Our family owns a 20 acre property located on west side Regner Road right at Clackamas County line. We request that this letter and supporting documents be entered into the file record for the up and coming June 13th and June 22nd Planning Commission and Board hearings City of Damascus Dis-incorporation Hearings.

I have contacted my neighbors in the immediate area who have TBR zoning like mine, and several have signed a letter of support for the Board and the Planning Commission to seriously consider changing our zoning from TBR to RRFF-5. The RRFF-5 zoning totally surrounds our TBR zoning, (see attached map), and we believe that the time is right for the County to change our zoning to the rural residential zoning that dominates this section of the County.

My neighbors that have signed these letters share a common goal, which is to have a rural residential zone that allows us to have the same development rights as their neighbor do. We are an island of timber zoning among our surrounding rural residential neighbors, and those neighbors benefit from more freedom and flexibility of use with their land. We want to have a more sensible zoning that is currently enjoyed by our surrounding

neighbors. We would also share in the flexibility of land use that our neighbors currently enjoy. It is our view that are current timber zoning does not make sense, because it doesn't make sense to have commercial designated forest, (TBR), zoned land within the city/metro UGB. We all strongly believe that it makes no common sense to continue to be in a resource zone within Metro's UGB. Please consider our plight at the June 13th and June 22nd hearings

Yours truly,



Guy Skeele

gskeele.son@gmail.com

503.516.8323

5775 Skyline Drive,

West Linn, OR 97068

Name: Steve L. Burtis
Address: 8855 SE 272nd
DANA POINT OR 97003

Phone: 503 666 0660
Email: STEVE.BURTIS@FRONTIER.COM

Please mark all that apply,

- Yes, please add my name as a supporting neighbor to the request for similar zoning as our surrounding neighbors that can be shared with the Planning commission.
- Please keep me informed of the final decision
- I plan on attending the County Land Planning & Zoning meeting on June 13th
- I'd like to help, please contact me on how we can work together.

Comments: would like to be able to divide my property & have lived
on for 32 years.

Signature Steve Burtis

Date 6-2-2016

Please return in the enclosed self-addressed envelope ASAP. As time is of the essence.
Thank you for your time!

Name: Bruce A. Fisk
Address: 900 NE Francis #24
Gresham OR 97030

Phone: 503-459-6260
Email: Fisk6278@comcast.net

Please mark all that apply,

Property @ 9710 SE 222 Dr
Gresham OR

- Yes, please add my name as a supporting neighbor to the request for similar zoning as our surrounding neighbors that can be shared with the Planning commission.
- Please keep me informed of the final decision
- I plan on attending the County Land Planning & Zoning meeting on June 13th
- I'd like to help, please contact me on how we can work together.

Comments: My property is only 2 acres.

Signature Bruce A. Fisk

Date 6-2-16

Please return in the enclosed self-addressed envelope ASAP. As time is of the essence.
Thank you for your time!

Name: JOHN FOGOROS
Address: 11005 SE 51ST
MILWAUKIE OR 97222

Phone: 503-654-6625
Email: -o-

Please mark all that apply,

- Yes, please add my name as a supporting neighbor to the request for similar zoning as our surrounding neighbors that can be shared with the Planning commission.
- Please keep me informed of the final decision
- I plan on attending the County Land Planning & Zoning meeting on June 13th
- I'd like to help, please contact me on how we can work together.

Comments: _____

Signature John Fogoros

Date 6-6-16

Please return in the enclosed self-addressed envelope ASAP. As time is of the essence.
Thank you for your time!

Name: RANDY BAUER
Address: 10115 SE SCHACHT
BOONVILLE, OR

Phone: 503 750-7348
Email: SAILSJ24@YAHOO.COM

Please mark all that apply,

- Yes, please add my name as a supporting neighbor to the request for similar zoning as our surrounding neighbors that can be shared with the Planning commission.
- Please keep me informed of the final decision
- I plan on attending the County Land Planning & Zoning meeting on June 13th
- I'd like to help, please contact me on how we can work together.

Comments: _____

Signature RH Bauer

Date 6-6-16

Please return in the enclosed self-addressed envelope ASAP. As time is of the essence.
Thank you for your time!

Name: Douglas EVANS
Address: 20650 SE Borges Rd
RAMOSCUS OR

Phone: 503 665 8879
Email: _____

Please mark all that apply,

- Yes, please add my name as a supporting neighbor to the request for similar zoning as our surrounding neighbors that can be shared with the Planning commission.
- Please keep me informed of the final decision
- I plan on attending the County Land Planning & Zoning meeting on June 13th
- I'd like to help, please contact me on how we can work together.

Comments: _____

Signature *Douglas Evans* _____

Date _____

Please return in the enclosed self-addressed envelope ASAP. As time is of the essence.
Thank you for your time!

Sunni Liston

Dogpatch Resort

PoBox 1513
Clackamas OR 97015
dogpatchresort@gmail.com
www.dogpatchresort.com

June 13, 2016

I would like to introduce myself to you. I have been operating a small business in Clackamas County for over 10 years. I did not set out to start a business, but losing health insurance and in desire of job security I started Dogpatch Resort. When I decided to “take the leap” I contacted Clackamas County to make sure that I met the criteria for a dog day care and boarding facility. It never occurred to me to check the zoning for my area. I realize that was a mistake on my part, but I was aware of several similar facilities in my area and took it for granted that it was an acceptable land use. Over the years I have built a nice business based on the premise that dogs are not “kenneled” in the old fashioned sense of the word, but are treated and kept in a facility as clean, quiet and beautiful as a home. I have contributed to the community in many positive ways and have never had a complaint from neighbors or clients. I hold yearly fundraisers to give back to the community, and foster dogs for several shelters and rescue organizations in the area.

Several years ago my brother, Jared Hollenbeck, was found to be misappropriating estate funds of which I was a beneficiary. What once was a friendly family relationship became horrible. It took two years before I became aware of the mishandling of the estate, and by that time most of the funds had been squandered. I immediately sought legal help and broke off all communications with that brother. My attorney filed for the brother to be removed as trustee, and to have a full accounting of the estate. Within a month of that filing Mr. Hollenbeck began a vendetta style attack on myself and my business. His complaints included OSHA, the Oregon Department of Revenue, The IRS, Oregon State Land Use, The Oregon Humane Society, Clackamas County Animal Services, and last but not least Clackamas County Land Use and Zoning. He did not stop with one call or letter to each agency, but did back up calls. He also contacted the Humane Society several times claiming to be a neighbor that heard “noises like there are dogs being tortured” and “there is terrible smell that you can smell from the street” He made calls accusing of us driving our vans with dead dogs in the crates. We are certain there were others, but subpoenas were not available and these were all that he admitted to in his deposition. Among the complaints were that we were torturing animals, holding dog

fighters, and that we had piles of dog feces on our property the "size of a school bus", and that we used a "front end loader" to scoop it. He told the Humane Society to bring "back up" when they came to do a check, as we were dangerous and drug users as well as manufacturers. When the agent from the Humane Society called him back to verify his complaint, he reiterated that there was animal abuse. When the complaint was found to be false, he accused the agent of not being honest in her report, and that because of donations from me they were biased in their findings. (I have never contributed to the Humane Society, although I do foster dogs at times from their facility) Others were told I was mentally ill and that I had been treated extensively for that illness. There were claims that there had been 500 firearms confiscated from our property and that we were dealing methamphetamine. He told the IRS that we had unsubstantiated income of over \$500,000 yearly. I was able to get proof of these complaints with subpoenas and his own admissions to others. I have an entire packet of these complaints that go on and on and are extremely slanderous and defamatory. In fact, I subsequently filed a lawsuit against him claiming just that. At that point he filed a fraudulent bankruptcy case claiming insolvency. A judge found that he had filed the bankruptcy to avoid the slander case, and a stay was placed allowing me to proceed. The money that Jared and his wife had hid in an unclaimed bank account was held in a trust fund pending litigation. Unfortunately although he acknowledged that he made the complaints knowing they were false, I could not prove economic damages, which is part of a successful slander suit. The case was settled before it reached trial. I was able to get a temporary stalking order against him and have videos of him breaking and entering into the estate home after I had taken possession of it. I have documentation supporting all of the above and can supply it if desired, but the above information pretty much sets the scene for why I am writing this letter.

Clackamas County Zoning was the only entity that was found to be a valid complaint by him. I am not asking for special consideration, I am simply trying to find a way to become compliant.

I have been trying to be heard on this issue for several years. Dean Brown has been very helpful but I have been caught in the quagmire that is Damascus. My first steps were to apply for a conditional use permit. I live on approximately 5 acres zoned RRFF5. I paid my fees, and showed up for a pre-application conference. I was then informed of the restriction that for dog boarding the area where the dogs are kept must be 200 feet from all property lines. On a perfectly square 5 acre parcel, this would not be possible. Kennels are allowed as conditional use in RA1 as well as RA2, and it is obvious that too would be a physical impossibility. Why then, are there dozens, if not hundreds of businesses operating the same style facility as my own within the confines of Clackamas County? I was informed at one of my many visits to the County that it is a "complaint driven system". I was also informed that although they were aware of the many other facilities operating out of compliance, they would not be pursued without a complaint being filed. It was (and is) hard for me to understand what is obviously selective enforcement.

So I decided to do what I could to help change the regulations, zoning etc. I also investigated getting my business reclassified, or the ordinance rewritten. This is what started the Damascus Nightmare. I was told by Clackamas County that they couldn't help me because I lived within the city of Damascus. Damascus was willing to work with me, and I got my business written into the comprehensive plan, but we all know where that ended up. I have attended countless meetings, prepared presentations (ignoring that I am much better with the dogs than in front of people) and tried everything I could possibly think of, including pulling my own hair out.

I do not wish to ignore this issue. I truly feel that the 200 foot requirement in the zoning code is

- a) antiquated, dating back to a time when greyhound kennels were causing problems in Clackamas and Multnomah Counties.
- b) unrealistic, as it is written into zoning for parcels that could not possibly comply.

I have been told that there is no way to change the requirement. The Guide Dogs for the Blind facility in rural Clackamas County is zoned ff10, with the same 200 foot requirement. Clackamas County issued the original permits to allow this facility to be built knowing its intended purpose. Obviously they have found a way to circumvent the requirement, however no one I have spoken to at the County offices have been able to tell me how.

I asked to be informed of any meetings concerning rezoning in Clackamas, but when the zoning for RRFF5 was up for discussion I was not sent notification because it technically did not involve me as I was a resident of Damascus. So the window of opportunity I had to meet and address my zoning concerns was missed.

I really do understand that even though the complaint was done with malice it is a valid issue. It cost me thousands of dollars to fight my brothers abuse of power. I was told by my attorney that his behavior would undoubtedly escalate. I have installed a state of the art security system, because after 30 years of feeling comfortable in my home I am afraid of what he may do. He has used the "complaint driven" system to try to take away my ability to make a living.

I really don't want special consideration, I just want to be considered. I am not in compliance with the zoning. Regardless of how I feel about that, it is a fact. I am ready to do whatever it takes to try to change the regulation or to get a conditional use permit. Although I have been told that is impossible, apparently that is not the case as somehow the Guide Dog Facility has been issued some sort of variance.

I just need to know the steps to take or who to talk with.

I would appreciate a call from you to discuss what steps I can take, or who I can look to for assistance.

Thank you for your time and consideration in this matter

Sunni Liston