Clackamas County Planning and Zoning Division
Department of Transportation and Development

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

STAFF REPORT TO THE PLANNING COMMISSION

TO: Clackamas County Planning Commission

FROM: Martha Fritzie, Principal Planner (mfritzie@clackamas.us)
Jennifer Hughes, Planning Director (jenniferh@clackamas.us)

DATE: October 19, 2026

HEARING DATE: October 26, 2026

RE: Planning File ZDO-294, ***Minor and Time Sensitive Comprehensive Plan and Zoning and Development Ordinance (ZDO) Amendments (Fiscal Year 2027)***

BACKGROUND

Minor and Time-Sensitive Comprehensive Plan and ZDO Amendments is a Planning project that is intended to be completed annually and focuses on relatively minor changes to the County's Comprehensive Plan and Zoning and Development Ordinance (ZDO) that are necessary to comply with any new state and federal mandates, clarify existing language, correct errors, or adopt optional provisions that require only minimal analysis.

Ordinance ZDO-294 includes the minor and time sensitive amendments for fiscal year 2027 (FY2027) and proposes changes in order to accomplish the following four actions:

1. Implement state mandates, which were adopted through legislation or administrative rulemaking, that are currently in effect or will become effective by January 1, 2027;
2. Adopt optional regulations for farm stores, which is a use mandated by new state law in the Exclusive Farm Use and Ag/Forest zones;
3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district; and
4. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

Before a decision will be made on the proposed amendments in ZDO-294, there will be at least two public hearings on this proposal: one before the Planning Commission (PC) on Monday, October 26, 2026, and another before the Board on Tuesday, November 10, 2026. The PC provides a recommendation to the Board, who would ultimately decide whether the proposal is adopted.

PROPOSAL

ZDO-294 proposes text amendments to one chapter of the county's Comprehensive Plan and 27 sections of the county's Zoning & Development Ordinance (ZDO); and proposes the addition

of one new ZDO section[1]. The full text of the proposed amendments and a summary of the proposed changes in each section or chapter are included in ***Attachment A.***

Following is a list of the four actions the proposal in Ordinance ZDO-294 would accomplish, as well as brief explanations of the context behind each action and how the action would be accomplished with the proposed amendments.

1. **Implement state mandates, which were adopted through legislation or administrative rulemaking, that are currently in effect or will become effective by July 1, 2027**. (see ***Attachment B, Exhibit 2***)

   Generally, these amendments fall into one of three categories: (1) expanding allowances for middle housing, single room occupancies, and replacement dwellings, (2) implementing new rules related to coordination with tribes and establishing significant cultural landscape areas, and (3) implementing new rules for farm stores and associated agritourism activities in agriculture zones. ZDO-294 includes amendments to include these mandatory items in the county's ZDO, including:

   - Expanding middle housing allowances in the Urban Low Density Residential (LDR) Districts and VR 5/7 and VR4/5 Districts to include more options for detached middle housing units on a lot. To implement the required legislative changes, ZDO-294 proposes to amend the way housing is regulated in the county's urban residential zones. The proposal would simplify the regulations for housing in these zones by transitioning the ZDO from regulating housing of a particular name (e.g., "triplex") to simply regulating by how many dwelling units are allowed on a single lot. These amendments are discussed in more detail in the *Analysis and Findings* section of this report;
   - Allowing single room occupancies (SROs) to be developed at three times the density of dwelling units in zones that allow multifamily dwellings;
   - Amending the Middle Housing Land Division (MHLD) process to allow an existing detached single family dwelling with an accessory dwelling unit or an existing duplex to remain on one of the lots created through the MHLD;
   - Adopting procedures for notifying tribes with ancestral connections to lands in Clackamas County of Type II and III land use applications that propose ground disturbance;
   - Implementing a new process for designating and protecting significant cultural landscape features under Statewide Planning Goal 5, *Natural Resources, Scenic and Historic Areas, and Open Spaces*;
   - Expanding allowances for farm stores and associated agritourism activities in agriculture zones; and
   - Adding a new Section 850, *Restoration or Replacement of a Dwelling*, to implement Senate Bill 1561 [2026], which is mandatory for local governments, applies in all zoning districts, and establishes standards for the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event.

[1]Each ZDO section and Comprehensive Plan chapter proposed for amendment is listed in the "List of Attachments" section, found on pages 17 & 18 of this report.

2. Adopt regulations for farm stores in Exclusive Farm Use and Ag/Forest zones

Per the legislation relating to farm stores in agriculture zones (HB 4153 [2026]), allowing farm stores, and associated agritourism activities, in agricultural zones is mandatory. However, the county is permitted to adopt operational standards for farm stores specifically related to (A) Access, egress and parking; (B) Traffic management; (C) Noise management; (D) Hours of event operation; and (E) Sanitation and solid waste.

Because the allowances in state law for farm stores and associated activities are so broad, the Board of County Commissioners directed staff to propose regulations related to all the operational standards the county is permitted to regulate. Ordinance ZDO-294 includes proposed amendments to ZDO Section 401, *Exclusive Farm Use*, to include regulations related to (A) through (E) above with the exception of sanitation, which will continue to be regulated by standards administered by the Septic and Building Codes programs. These proposed standards are summarized as follows:

- Access, egress, parking and traffic management: These standards were developed in conjunction with Transportation Engineering staff and focus on safety and accommodating customer parking on-site. Key elements include:
  - Maximizing sight distance at site driveways
  - Minimizing conflicts with nearby access points
  - Minimizing traffic back-ups on the adjacent roadway
  - Preventing gravel or mud from being tracked onto the adjacent roadway

  For larger farm store/agritourism sites (more than 75 parking spaces), these elements would be evaluated through a traffic management plan (TMP) prepared by a professional engineer. Depending on anticipated traffic, strategies could include right-in/right-out only access, establishing separate ingress and egress points, parking lot attendants, flaggers, or timed ticket entry. A TMP would also be required for smaller venues if sight distance standards cannot be met after implementation of specified strategies or if Transportation Engineering documents non-compliant vehicle queuing in the roadway.

- Noise management: Enforcement of the county's noise ordinance is through the Sheriff's Office. This has the advantage of allowing enforcement during all days/hours; however, Sheriff's Office priorities understandably may not allow a response in all cases. In addition, staff believes agritourism events would be exempt from the noise ordinance under the exception for "*Outdoor gatherings, public dances, shows, sporting events and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority or is being sponsored or hosted by the County*".

  Therefore, ZDO-294 proposes to limit the hours for amplified music or pneumatic devices (e.g., pumpkin cannons) and to establish decibel-based noise standards similar to the way the ZDO currently regulates noise for home occupations to host events. In addition, a noise study may be required. Staff has concerns, however, with the discretionary nature of the noise study requirement as drafted and recommends that the Planning Commission consider whether a noise study should be automatically required and if so, under what circumstances. Alternatives to a noise study could include removing the decibel-based standard and increasing the list of "noisy" activities that are prohibited later in the evening. We could also explore the possibility of not exempting agritourism activities from the county noise ordinance.

- Hours of event operation: Although many agritourism events occur during daylight hours, haunted corn/hay mazes, farm-to-table dinners, etc. may occur later in the evening. ZDO-294 proposes the following limits on event hour operations:
  - For activities with amplified sound or pneumatic devices such as pumpkin cannons: 8:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 8:00 p.m. on Friday and Saturday
  - For activities not involving amplified sound or pneumatic devices: 8:00 a.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 10:00 p.m. on Friday and Saturday

  The farm store regulations are not exhaustive regarding the types of activities that may occur and so it's possible that they could include things like fireworks or outdoor concerts. One option for limiting impacts on neighbors could be to cap the number of days per year that activities could last until 10:00 p.m.

- Solid waste: To ensure agritourism activities will not result in a proliferation of loose garbage, ZDO-294 proposes standards requiring a minimum number of lidded, waste receptacles based on expected peak demand for an activity; locations of the receptacles, and removal of the waste generated by the farm store and associated activities. Section 1021 of the ZDO would also apply, which regulates the design of solid waste enclosures if provided. The Planning Commission may wish to consider whether it's appropriate to add a screening requirement for solid waste containers or portable toilets (if authorized by Septic rules).

Finally, the farm store legislation allows the use of temporary structures but does not define temporary. Staff has included a definition specifying that temporary means 90 days in a calendar year. The Planning Commission may wish to discuss whether this is the appropriate time limit.

3. Amend property line setbacks for accessory structures in certain locations within the FU-10 (Future Urban, 10-acre) zoning district.

ZDO-294 includes a proposed amendment that would allow an exception to the setback standards applicable to residential accessory structures when properties are both located in the FU-10 (Future Urban, 10-acre) zoning district and have had a low-density residential comprehensive plan designation applied by the City of Oregon City. The proposal would allow for property owners in that circumstance to develop under the city's setback rules applicable to accessory structures in low density residential zones, rather than the larger setback requirements in the FU-10 zone. This amendment is proposed in response to a request by a member of the public in order to remedy a specific setback issue.

FU-10 is a zoning district that applies to certain properties within the Portland Metropolitan urban growth boundary (UGB) that have adopted urban Comprehensive Plan designations but do not yet have an urban zoning designation, either because the property owner has not requested a zone change or because the property would need to annex to a city for urban services and urban zoning. Because parcels in the FU-10 District tend to be larger and are intended to accommodate future urban development and infrastructure, the setbacks for structures in FU-10 currently align with those in most rural zones and for accessory structures, the minimum setbacks are: 30 feet (front) and 10 feet (sides and rear).

The proposal in ZDO-294 would allow accessory structures to be sited behind primary structures according to the city's setback rules found in Oregon City Municipal Code (OCMC) 17.54.010. Specifically:

- Accessory structures less than 200 square feet in area and less than 17 feet in height would have a minimum setback of 3 feet from side and rear property lines instead of the current 10 feet.
- One accessory structure between 200 and 600 square feet in area and less than 17 feet in height would have a minimum setback of 3 feet from side and rear property lines instead of the current 10 feet.

4. Make minor changes to the Comprehensive Plan and ZDO to clarify provisions, reduce administrative barriers, and correct citations and typographical errors.

- Revise an outdated provision related to schools and required by the Metro Code.
- Remove streetlighting standards that are duplicative with standards of Clackamas County Service District (CCSD) #5.
- Clarify existing allowances for wireless telecommunication facilities in the Exclusive Farm Use (EFU) and Ag/Forest (AG/F) zones.
- Edit Section 406, *Timber District (TBR)*, as needed to conform to state statutes and administrative rules. These rules may also apply in the AG/F District.
- Substantially restructure Section 401, which regulated the EFU District and may also apply in the AG/F District. This code section is lengthy and difficult to navigate in its current form; the hope is that reorganizing it will make it more user-friendly for staff and customers.
- Amend several standards in ZDO Section 845, *Middle Housing,* to add clarity and to move toward standards for townhouses and middle housing with three or four attached or detached dwelling units that are more consistent with each other, while ensuring the county remains compliant with the requirements of OAR 660, Division 46 and the Middle Housing Model Code.
- Increase the maximum size allowed for a flag from 40 square feet to 47.5 square feet. In unincorporated Clackamas County, flags are regulated through the county's sign code found in ZDO Section 1010, *Signs*, and current regulations limit the size of a flag to no more than 40 square feet. Earlier this year, the county received a request to allow for a military casket flag that is 47.5 square feet in size to be flown.

  Staff research indicates that while 40 square feet is large enough to accommodate most standard American flags, the typical size of a military casket flag is indeed 47.5 square feet. To avoid running afoul of Constitutional free-speech protections, however, the sign code must remain content neutral, and therefore the proposed increase in ZDO-294 would apply to any flag, not just a military casket flag.
- Amend the process by which a manufactured dwelling park may be approved in urban residential zoning districts that currently require a conditional use permit. A conditional use is a Type III process that requires a public hearing and uses discretionary standards like "suitability of the site" and "will not alter the character of the surrounding area". Because manufactured dwelling parks are clearly providing housing, they are subject to the same clear and objective review requirements as other types of housing and the conditional use process is no longer appropriate. ZDO-294 would allow manufactured dwelling parks outright; the parks would remain subject to the development standards as

are currently applicable, but those standards would be reviewed through design review, a Type II process that does not require a hearing.

- Clarify provisions that routinely cause confusion for staff and customers, which includes clarifying the definition of institutional uses; changing formatting in several sections to provide more clarity to staff and applicants, adding a procedural fix to allow for nonconforming front setbacks to be maintained without an additional land use review process in certain circumstances; and other minor clarifying amendments.
- Correct citations and typographical errors.

PUBLIC NOTICE & COMMENTS

Notice of the proposed amendments in ZDO-294 was sent to:

- All cities within the County;
- All County Community Planning Organizations (CPOs) and Hamlets;
- Oregon Department of Land Conservation & Development (DLCD), Metro, Oregon Department of Transportation (ODOT), and other interested agencies; and
- An interested parties list, specific to legislative land use proposals in the county.

Notice was also published in the newspaper and online. To date, Planning and Zoning has received one written comment. This comment, from the Oregon Department of Transportation (ODOT) noted that they have no concerns about the proposed amendments related to farm stores (***Attachment B, Exhibit 3***)

ANALYSIS & FINDINGS

The proposed Comprehensive Plan and ZDO text amendments are legislative in nature and are subject to the relevant Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs), the Metro Urban Growth Management Functional Plan (UGMFP), County Comprehensive Plan policies, and procedural standards identified in the county's Zoning & Development Ordinance (ZDO). Compliance with the relevant portions of each is discussed in subsections 1 through 4, below.

The analysis and findings are focused on the optional changes proposed in **Actions 2 through 4**. Proposed actions to conform to state laws, including recent legislation and rulemaking, or to codify existing rules or definitions, generally do not warrant findings for consistency.

1. Statewide Planning Goals:

Goal 1 – *Citizen Involvement*:
Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process" and requires the County to have a citizen involvement program with certain features.

ZDO-294 does not propose any change to the *Citizen Involvement* chapter (Chapter 2) of the County's Comprehensive Plan.

ZDO Section 1307 implements policies of Comprehensive Plan Chapter 2 and contains adopted and acknowledged procedures for citizen involvement and public notification of land use applications. Notice of ZDO-294 has been provided consistent with the

requirements of Section 1307, including to DLCD, all cities in the County, and all active and recognized CPOs and Hamlets 35 days before the first public hearing. Notice of the proposal and its scheduled hearings was published in *The Oregonian* at least 10 days in advance of the first hearing and has also been posted on County websites. Before a final decision on ZDO-294 can be made, there will have been at least two public hearings: one before the Planning Commission and another before the Board of County Commissioners.

These processes ensure any interested parties have ample opportunity to participate in this planning process.

This proposal is consistent with Goal 1.

Goal 2 – *Land Use Planning*:
Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive Plan provisions and regulations must be consistent with Statewide Planning Goals. Goal 2 also provides a process by which exceptions can be made to certain Goals.

ZDO-294 does not require an exception to any Statewide Planning Goal. The only Comprehensive Plan amendments that would be made by ZDO-294 would be to Chapter 11, *The Planning Process*. Currently, Chapter 11 and ZDO Section 1307 allow only the Board of County Commissioners, the Planning Commission, or the Planning Director to initiate a legislative amendment to the county's Comprehensive Plan. The proposed amendments would allow certain other parties to apply for a legislative amendment, but only in limited circumstances, including:

- Allowing for a local, state, or tribal government in Oregon to initiate a legislative Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5. This amendment is required to implement the new implement the new state rules in OAR 660-023-0210.
- Allowing for a city to initiate a legislative Plan amendment to adopt an amendment to that city's urban growth boundary if the amendment has already been approved by that city. While the county currently allows for a city to request such an amendment, technically that request then must be "initiated" by the Planning Director. This amendment will simply streamline the requirement and remove any possibility that the Planning Director, Planning Commission, or Board would decline to "initiate" a city's request.

As such, with the proposed amendments, the County's adopted and acknowledged Comprehensive Plan will continue to be consistent with all Statewide Planning Goals, and the implementing regulations in state law.

This proposal is consistent with Goal 2.

Goal 3 – *Agricultural Lands*:
ZDO-294 would not amend Comprehensive Plan policies related to agricultural lands, nor would it change any property's land use plan designation or expand any UGB into agricultural lands (i.e., those zoned Exclusive Farm Use).

Although ZDO-294 would permit new land uses on agricultural lands, the uses are included to implement recent legislation related to farm stores and associated

agritourism activities and to the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event. Per Section 2 of HB 4153[2026],

> *(7)(a) A local government with land use jurisdiction over the site of a farm store may adopt siting standards for farm stores related to:*
>
> *(A) Access, egress and parking;*
> *(B) Traffic management;*
> *(C) Noise management;*
> *(D) Hours of event operation; or*
> *(E) Sanitation and solid waste.*
>
> *(b) A county may not apply siting standards in a manner that prohibits the siting and operation of a farm store under this section.*

The proposed amendments in ZDO Section 401, *Exclusive Farm Use,* do include standards to regulate farm stores and associated agritourism activities. These regulations address only the items listed in (A) through (E) above and allow for mitigation if a proposal cannot meet the required access, egress, parking or traffic management standards. While it is possible that some standards may limit the size and scope of farm store activities, by including the mitigation allowance noted above, the county is ensuring that none of the proposed standards would prohibit the siting and operation of a farm store.

This proposal is consistent with Goal 3.

Goal 4 – *Forest Lands*:
ZDO-294 would not amend Comprehensive Plan policies related to forest lands (i.e., those zoned AG/F or TBR), nor would it change any property's land use plan designation or expand any UGB into forest lands.

Although ZDO-294 would permit new land uses on forest lands, the uses are included only for consistency with allowances under state law or to implement recent legislation for replacement of a dwelling damaged or destroyed by a natural or involuntary event. Care has been taken to ensure none of the proposed amendments exceed the county's authority in the AG/F and TBR Districts under state law.

This proposal is consistent with Goal 4.

Goal 5 – *Natural Resources, Scenic and Historic Areas, and Open Spaces*:
Goal 5 requires the County to have programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

ZDO-294 would not make any change to the County's Comprehensive Plan goals, policies, or inventories, or to ZDO provisions, related to the protection of scenic, historic, or open space resources. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to meet the standards and processes that currently exist to ensure the county's Goal 5 resources are adequately protected.

ZDO-294 would adopt procedures for noticing tribes for certain land use applications, and would add the ability of a local, state, or tribal government in Oregon to a

initiate a Comprehensive Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5, subject to the new rules in OAR 660-023-0210.

OAR 660-023-0210 (10) states that: *(a) Local governments are not required to amend acknowledged plans or land use regulations to provide new or amended inventories, resource lists, or programs regarding cultural areas except as a result of applying OAR 660-023-0030 through 660-023-0050 to significant cultural landscape features identified in an application for an amendment to a comprehensive plan as provided in subsection (4)(c) or in response to a UGB amendment as provided under section (7).*

The amendments proposed in ZDO-294 would adopt the procedure to allow for such an application but would not create the overlay and standards for an overlay that would be applied to a significant cultural landscape feature. Because this is a new process and a new Goal 5 designation, much remains unknown about how many applications may be received; what types and sizes of area may be designated; and what types of protections may be appropriate for these areas. If and when the county receives an application for a significant cultural landscape area, county staff will work to ensure an overlay with appropriate regulations is developed.

As such, ZDO-294 is consistent with OAR 660-023-0210.

This proposal is consistent with Goal 5.

Goal 6 – *Air, Water and Land Resources Quality*:
Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan.

ZDO-294 would not change any Comprehensive Plan goal or policy, or implementing regulation, affecting a Goal 6 resource, nor would it modify the mapping of any protected resource. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to meet the standards and processes that currently exist related to Goal 6 resources.

This proposal is consistent with Goal 6.

Goal 7 – *Areas Subject to Natural Hazards*:
Goal 7 requires the County's Comprehensive Plan to address Oregon's natural hazards.

ZDO-294 would not change the County's acknowledged Comprehensive Plan policies regarding natural disasters and hazards, nor would it modify the mapping of any hazard. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to meet the standards and processes that currently exist to ensure the county's Goal 7 resources are adequately protected.

This proposal is consistent with Goal 7.

Goal 8 – *Recreational Needs*:
Goal 8 requires relevant jurisdictions to plan for the recreational needs of their residents and visitors. ZDO-294 would not change any existing, state-acknowledged County Comprehensive Plan policy or implementing regulation regarding recreational needs, nor would it reduce or otherwise modify a mapped recreational resource.

This proposal is consistent with Goal 8.

Goal 9 – *Economic Development*:
Goal 9 requires the County to provide an adequate supply of land for commercial and industrial development. As noted earlier, ZDO-294 would not change the Comprehensive Plan or zoning designation of any property. It also would not add any new restrictions to land uses in areas of the County reserved for commercial and industrial development.

ZDO-293 would not allow new uses on employment lands, except for those mandated by recent legislation: increased density for single room occupancies (SROs) and allowing for the restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event.

This proposal is consistent with Goal 9.

Goal 10 – *Housing*:
The purpose of Goal 10 is to meet housing needs. Goal 10 requires Oregon's county plans to "*encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*"

The ZDO-294 amendments would increase housing opportunities and support and the intent of Goal 10 by:

- Allowing single room occupancy (SRO) units to be developed at higher densities than are currently allowed in zoning districts where multifamily dwellings and congregate housing are permitted uses.
- Expanding middle housing allowances in the Urban Low Density Residential (LDR) Districts and VR 5/7 and VR4/5 Districts to include options for more types of detached middle housing units.
- Working toward more streamlined zoning regulations in the county's Zoning & Development Ordinance (ZDO). Regulations that are more straightforward and simpler to implement can save the county and developers time and money and provide more certainty of a successful outcome. This supports state and county goals to facilitate more housing development and particularly middle housing development. Specifically, ZDO-294 would:
    - Amend standards in ZDO Section 845, *Middle Housing,* to provide clarity and to move toward more consistent standards for townhouses and middle housing with three or four attached or detached dwelling units. Care was taken to ensure the proposed changes remained in compliance with the requirements of OAR 660, Division 46 and the Middle Housing Model Code.
    - Amend the way housing is regulated in the urban residential districts. These changes would simplify the regulations for housing in these zones by transitioning the ZDO from regulating housing of a particular name (i.e."triplex") to regulating the number of dwelling units allowed on a single lot.

      In most residential districts, the change is not substantive; it would not permit housing types or densities that are not currently permitted, but would just restructure the way in which the housing types are referenced.

The amendments proposed in the urban low density zoning districts, including R5, R7, R8.5, R10, R15, R20, R30, V/R 4/5, and V/R 5/7 are substantive, however. They would allow more middle housing options and are proposed to comply with HB 2138 [2025]. How the proposal complies with those mandated changes is discussed below.

Compliance with middle housing provisions in HB 2138[2025]:

One of the most significant changes made by HB 2138[2025] was to the state's definition of duplex, triplex, and quadplex ("plexes"). Whereas the prior definition stated that a "plex" included attached dwellings, but allowed an option for a local jurisdiction to also include detached units in their definition, the state's new definition requires that both attached and detached units be allowed as a "plex".

The proposal in ZDO-294 implements this change but uses different language than the state. Notably, the proposal would retain the county's current definition of duplex, triplex, and quadplex, which requires the dwelling units to be attached, but amends the definition of "middle housing" to include detached units, as follows:

MIDDLE HOUSING: Includes the following:

1. *Duplexes, triplexes, quadplexes, townhouses, or cottage clusters.*
2. *Two to four dwelling units on a lot of record in any combination of attached and detached units if developed in the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-4/5, or VR-5/7 District.*
3. *Dwelling units on a lot created through a middle housing land division.*
4. *Any bonus dwelling units developed in conjunction with one of the above middle housing types, as permitted by Section 1012, Lot Size and Density, for affordable or accessible units.*

Retaining the current definition of plexes, which requires the dwelling units be attached, was necessary because the county allows for plexes in other urban and rural locations besides the urban low density residential diesticts. Having different definitions for plexes in different locations would cause significant confusion.

Another important change made by HB2138 [2025] was to broaden the requirements for middle housing. Per that legislation, all middle housing types must be allowed on all urban low density residential lots:

ORS 197A.402(2): Except as provided in subsection (4) of this section, each county….shall allow the development of all middle housing types on each lot or parcel zoned for residential use.

This provision changed two important things about middle housing:

1. It removed a previous allowance for jurisdictions to have minimum lot sizes for certain middle housing types or to only allow certain middle housing types only is specific "areas". ZDO294 addresses this change by removing the minimum lot sizes for triplexes, quadplexes, and cottage clusters, that was found in ZDO Section 845.

2. This provision, in conjunction with the definition change allowing for plexes to include detached units ("attached or detached in any configuration") means that the long list of housing "types" that must be allowed becomes confusing and the lines

have become blurred between the various housing "types". ZDO-294 proposes to simplify these allowances, as illustrated in the table below.

State (ORS 197A.420)	**ZDO-294 proposal**
ONE of these options may be permitted on a lot: ▪ Detached single-unit dwelling ▪ Manufactured dwelling ▪ Prefabricated structure ▪ "Duplex", consisting of either: o two attached dwelling units o two detached single-unit dwellings ▪ "Triplex", consisting of any of: o three attached dwelling units o one detached single- unit dwelling and two attached dwelling units/duplex o three detached single-unit dwellings ▪ "Quadplex", consisting of any of: o four attached units o one detached single unit dwelling and three attached dwelling units/triplex o two detached single-unit dwellings and two attached dwelling units/duplex o four dwelling units in two groups of two attached units/ two duplexes o four detached single-unit dwellings ▪ Townhouse, one unit per lot but must be attached to at least one other unit on an adjacent lot ▪ Cottage clusters	ONE of these options may be permitted on a lot: ▪ Up to four dwelling units, in any detached or attached configuration ▪ Cottage clusters

These amendments and others necessary to ensure all the all the housing currently permitted by the ZDO are found in the new Table 315-2 (ZDO Section 315). These amendments will help to streamline permitting for housing in the urban areas of the county.

This proposal is consistent with Goal 10.

Goal 11 – *Public Facilities and Services*:
The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to act as a framework for urban and rural development.

ZDO-294 does not propose any change in adopted plans for the provision of water, sewer, or other public services. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to be developed compliant with public facilities and services requirements applicable at the time of construction.

This proposal is consistent with Goal 11.

Goal 12 – *Transportation*:
Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. This proposal does not include amendments to the County's TSP or transportation-related land use regulations.

OAR 660-012-0060 also requires any comprehensive plan and land use regulation amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system.

ZDO-294 does not propose any explicit change in the County's buildable land supply and the only new uses or increases in intensity of uses allowed through ZDO-294 are mandatory under state law and not subject to analysis under Goal 12.

Notice of ZDO-294 was provided to the Oregon Department of Transportation (ODOT) and to county Engineering. ODOT expressed interest in the proposed amendments related to farm stores, and after review of the draft amendments indicated that the agency had no concerns with the proposal (***Attachment B, Exhibit 3***). As such, no additional analysis of the transportation system is needed.

This proposal is consistent with Goal 12.

Goal 13 – *Energy Conservation*:

Goal 13 encourages land use plans to consider lot size, building height, density, and other measures in order to help conserve energy. The proposed amendments would not change any policy or implementing regulation regarding energy conservation.

This proposal is consistent with Goal 13.

Goal 14 – *Urbanization*:
The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The Goal primarily concerns the location of UGBs, the establishment of "urbanizable areas" and unincorporated communities, exception lands, and rural industrial uses.

ZDO-294 would not modify any UGB or the status or boundaries of any unincorporated community. The ordinance would not modify any urban or rural reserve boundary, allow any new land use in such reserve areas in a manner inconsistent with state law, change the land use plan designation or zoning of any property, or allow any new uses in exception lands in a manner inconsistent with state law.

This proposal is consistent with Goal 14.

Goal 15 – *Willamette River Greenway*:
The purpose of Goal 15 is to "protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

ZDO-294 does not propose to change the WRG Design Plan or the boundaries of the Greenway. Any new development that might occur as a result of the amendments proposed in ZDO-294 would be required to be developed compliant with WRG requirements applicable at the time of construction.

This proposal is consistent with Goal 15.

Goals 16-19:
These four Statewide Planning Goals address estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively, and are **not applicable to Clackamas County**.

2. Metro Urban Growth Management Functional Plan (UGMFP)

The purpose of the Urban Growth Management Functional Plan (UGMFP) is to implement certain regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives, including the Metro 2040 Growth Concept and the Regional Framework Plan.

ZDO-294 does not propose to change the boundaries of the UGB or of an urban or rural reserve, allow any new retail use in any zoning district, change the dimensional standards of any use in an urban area, or change any provision governing open spaces. ZDO-294 also does not propose any explicit change to the County's residential, commercial, or industrial land supply. As such, only two of the 11 sections of the UGMFP contain provisions relevant to this proposal:

- **Title 1** of the UGMFP is intended to promote efficient land use within the Metro UGB by increasing the capacity to accommodate housing. Much of this title is dedicated to the circumstances under which housing density can be reduced, which is not proposed under ZDO-294.

  Although it is likely to only have a minimal effect on housing in the urban area, providing additional housing opportunities by allowing for middle housing to be both attached or detached dwelling units, allowing bonus dwelling units for affordable or accessible middle housing, simplifying the way by which housing is regulated in urban residential zoning districts, and increasing density allowances for single-room occupancies, is expected to encourage more housing development and more housing density and could marginally increase the housing capacity with the Metro UGB, thereby supporting the goals of this section.

- **Title 8** establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the county's comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the county provided notice to Metro as required by section 3.07.820(a). Notice of this proposal was provided to Metro on September 21, 2026 - 35 days prior to the first evidentiary hearing. To date, Metro has not submitted any comments related to ZDO-294.

The proposal is consistent with Metro's Urban Growth Management Functional Plan.

3. Clackamas County's Comprehensive Plan (Plan)

Staff finds that the following two chapters of the County's Comprehensive Plan contain policies that are applicable to this proposal.

Chapter 2 – *Citizen Involvement*: Chapter 2 aims to promote public participation in the County's land use planning. Its policies largely focus on the County's Community Planning Organization (CPO) program and methods for informing and involving the public. Chapter 2 includes these specific policies:

> *2.A.1 – Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representations, not only of property owners and Countywide special interests, but also of those persons within the neighborhood or areas in question.*
>
> *2.A.6 – Seek citizens' input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*
>
> *2.A.13 – Insure that the County responds to citizen recommendations through appropriate mechanisms and procedures.*

Consideration of ZDO-294 has proceeded according to the noticing and public hearing requirements of ZDO Section 1307, which implements Chapter 2 of the Plan. In addition, two of the proposed amendments are in direct response to requests from the public. Allowing members of the public to propose amendments for county consideration is another way of providing opportunity for the county to respond to public needs and promote public participation in land use issues.

This proposal is consistent with Chapter 2.

Chapter 11 – *The Planning Process*:
Chapter 11 of the Comprehensive Plan includes policies requiring inter-governmental and inter-agency coordination, public involvement, and noticing. As explained previously in this report, all required entities have been notified in accordance with law and have been invited to participate in duly-advertised public hearings.

Chapter 11 of the Comprehensive Plan also contains the specific requirement that the Comprehensive Plan and ZDO be consistent with Statewide Planning Goals and with Metro's Urban Growth Management Functional Plan; Chapter 11 is what requires the ZDO itself to be consistent with the Comprehensive Plan.

Two substantive amendments are proposed for Chapter 11. Per Chapter 11 currently, the only parties that may initiate a legislative amendment to the county's Comprehensive Plan are the Board of County Commissioners, the Planning Commission, or the Planning Director. The proposed amendments would allow certain other parties to apply for a legislative amendment, but only in limited circumstances, including:

- Allowing for a local, state, or tribal government in Oregon to initiate a legislative Plan amendment to determine if a cultural landscape feature is significant and should be protected under Statewide Planning Goal 5. This amendment is required to implement the new implement the new state rules in OAR 660-023-0210.

- Allowing for a city to initiate a legislative Plan amendment to adopt an amendment to that city's urban growth boundary if the amendment has already been approved by that city. This amendment is proposed to streamline the process for a city to apply for a UGB amendment.

These amendments are necessary to enable the proposed amendments in ZDO Section 1307, *Procedures*.

This proposal is consistent with Chapter 11.

4. Zoning and Development Ordinance (ZDO):

The proposed text amendments are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in the proposal and review of ZDO-294. Notice of this proposal was provided at least 35 days before the first scheduled public hearing to DLCD, all cities in the County, and active CPOs and Hamlets, as well as other interested agencies, to allow them an opportunity to review and comment on the proposed amendments. Advertised public hearings are being held before the Planning Commission and the Board of County Commissioners to consider the proposed amendments. The ZDO contains no further specific review criteria that must be applied when considering an amendment to the text of the Comprehensive Plan or ZDO.

RECOMMENDATION

Staff recommends approval of ZDO-294, as proposed in *Attachment A*. Staff finds the proposed ZDO text amendments are consistent with all applicable criteria.

LIST OF ATTACHMENTS

A. Proposed Comprehensive Plan and ZDO amendments

(1) **ZDO Section 202**, *Definitions*

(2) **ZDO Section 315**, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts*

(3) **ZDO Section 316**, *Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts*

(4) **ZDO Section 317,** *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts*

(5) **ZDO Section 401**, *Exclusive Farm Use District (EFU)*

(6) **ZDO Section 406**, *Timber District (TBR)*

(7) **ZDO Section 510**, *Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts*

(8) **ZDO Section 511**, *Village Community Service (VCS)*

(9) **ZDO Section 512**, *Village Office (VO)*

(10) **ZDO Section 513,** *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts*

(11) **ZDO Section 602**, *Business Park, Light Industrial, and General Industrial Districts (BP, LI and GI)*

(12) **ZDO Section 604**, *Rural Industrial (RI)*

(13) **ZDO Section 822**, *Home Occupations*

(14) **ZDO Section 845**, *Middle Housing (*previously *Triplexes, Quadplexes, Townhouses, and Cottage Clusters)*

(15) **(New) ZDO Section 850**, *Restoration or Replacement of a Dwelling*

(16) **ZDO Section 903**, *Setback Exceptions*

(17) **ZDO Section 1001**, *General Provisions*

(18) **ZDO Section 1005**, *Site and Building Design*

(19) **ZDO Section 1006**, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*

(20) **ZDO Section 1007***, Roads and Connectivity*

(21) **ZDO Section 1010**, *Signs*

(22) **ZDO Section 1012**, *Lot Size and Density*

(23) **ZDO Section 1015**, *Parking and Loading*

(24) **ZDO Section 1102**, *Design Review*

(25) **ZDO Section 1105**, *Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats*

(26) **ZDO Section 1107**, *Property Line Adjustments*
(27) **ZDO Section 1202**, *Zone Changes*
(28) **ZDO Section 1307**, *Procedures*
(29) **Comprehensive Plan Chapter 11,** *The Planning Process*

B. Exhibit List and Exhibits