

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: December 2, 2025 **Approx. Start Time:** 2:30 PM **Approx. Length:** 60 min

Presentation Title: Zoning & Development Ordinance and Comprehensive Plan Amendments (File ZDO-293)

Department: Department of Transportation and Development (DTD)

Presenters: Dan Johnson, Director; Jennifer Hughes, Planning Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction on proposed amendments included in File ZDO-293. Specifically, staff request a decision on:

- Whether to include state-mandated and staff-recommended amendments (see Attachment A, Sections 1 and 2)
- Whether to include certain amendments suggested by the public (see Attachment A, Section 3 and Attachments B, C and D)
- Whether to move the amendments forward to the public hearings process with the Planning Commission and the Board

EXECUTIVE SUMMARY:

The 2025-2027 Long-Range Planning Work Program includes a project titled “*Minor and Time-Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments*.” Since 2020, a package of amendments has been developed annually or biennially to focus on relatively minor changes to the County’s Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO) to comply with any new Metro, state or federal mandates, clarify existing language, correct errors, or adopt optional provisions that require only minimal analysis. The Board adopted the last package of such amendments in 2024 as Ordinance ZDO-285.

If the Board directs staff to move forward with ZDO-293, it is expected to be ready for public hearings in the spring of 2026 with a goal of adopting it by June 30, 2026.

ZDO-293 may include three categories of amendments:

- **Implementation of state mandates, which were adopted through legislation or administrative rulemaking that are currently in effect or will become effective by July 1, 2026.** Generally, these mandates relate to urban housing (procedural and substantive changes), institutional uses such as residential treatment facilities and emergency shelters, on-site parking in the urban area, and additional administrative rules that apply to certain uses in farm and forest zones. (See Attachment A, Section 1.)
- **Revisions recommended by staff to correct errors, enhance clarity, or streamline regulations and processes.** These amendments are intended to address basic errors (e.g., incorrect citations), revise text that consistently causes confusion for staff and customers, and amend standards or processes that create development barriers without adding significant value. Of note is a proposal to consider reducing or repealing the county’s regulations applicable to docks on the Willamette River. This issue came up in 2023 when the Board approved a Plan amendment to remove a property from the Willamette River Limited Use area in order to allow the homeowner to construct a private dock. At that time, the Board expressed interest in reviewing the regulations more holistically. In addition, a code audit of the Exclusive Farm Use, Timber and Ag/Forest zones is proposed to ensure consistency with state law. (See Attachment A, Section 2.)

- **Changes requested by members of the public.** (See Attachment A, Section 3.) Specifically:
 - Willamette View has requested an amendment to the 35-foot height limit that applies in the Willamette River Greenway. Although they have submitted a draft amendment, they have deferred to staff to determine the best way to incorporate the requested change. The Willamette View site is zoned High Density Residential and allows a maximum density of 25 units per acre. Staff questions whether the height limit is consistent with the zoning. However, one purpose of the Willamette River Greenway is to protect the scenic quality as viewed from the river. Staff believes the proposed amendment should be considered with a narrow focus on only the HDR zoning within the Greenway. It will also be important to evaluate the visual impact of the change as any amendment moves forward toward adoption. (See Attachment B.)
 - Kim Trehwella has requested an amendment to allow cannabis extract processing in the Exclusive Farm Use and Ag/Forest zones. Currently, concentrate processing is permitted but extract processing is not. State law permits extract processing in these zones; however, when the county adopted its cannabis regulations, the Board was concerned that extract processing posed safety hazards due to its use of more solvents that are volatile or high heat/pressure. Staff believe this amendment should be considered for consistency because extract processing is allowed for other agricultural products, such as lavender and hemp. In addition, the county adopted a requirement in County Code Title 9, which applies the building code to structures used for agricultural processing; this was not the case when the cannabis regulations were adopted. If this proposed amendment is included in ZDO-293, staff would conduct additional research on safety concerns before making a final recommendation. (See Attachment C.)
 - Jamie Damon has requested an amendment to apply ZDO Section 821, *Livestock*, to lots smaller than five acres in the RRFF-5 zone. Currently, livestock is allowed as a farm use in the RRFF-5 zone (as well as several other rural residential zones). The specific concern raised is with roosters. Section 821—which applies in urban residential zones, the RA-1 zone and the RR zone—prohibits roosters. Ms. Damon’s concern about roosters in her area is understandable; however, staff does not recommend including this proposal in ZDO-293. First, it would prohibit a use that is currently allowed, which means that the county would be required to send an individual, mailed notice, to the owners of all affected property. At a minimum, this would include owners of RRFF-5 lots that are less than five acres in size. Second, amending just the RRFF-5 zone and setting the threshold at five acres would create inconsistencies in the code. This is because roosters are also allowed in the RA-2 zone, which has a minimum lot size of two acres. In addition, RRFF-5 allows flexible lot sizing where a lot can be as small as two acres provided that the average lot size is five acres (e.g., a ten-acre parcel divided into a two-acre lot and an eight-acre lot). Finally, the keeping of roosters prior to the implementation of the code amendment would become a nonconforming use, which is protected under state law. This would pose an administrative challenge for both Planning and Code Enforcement. (See Attachment D.)

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? ☒ YES ☐ NO

What is the cost? Staff time included in the Long-Range Land Use Planning program budget

What is the funding source? \$20,000 of Budgeted General Fund

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?

The project aligns with the Long-Range Planning Program's purpose of providing land use and transportation plan development, analysis, coordination, and public engagement services to residents; businesses; local, regional, and state partners; and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.

- How does this item align with the County's Performance Clackamas goals?

This item aligns with the Performance Clackamas goals of **Safe, Secure and Livable Communities, Vibrant Economy** and **Public Trust in Good Government** by providing for additional housing opportunities, clarifying and streamlining development regulations and processes, and ensuring that local codes conform to state law.

LEGAL/POLICY REQUIREMENTS:

As identified in Attachment A, many of the proposed amendments are mandated by changes in state law.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Public notice will be provided, as required by law, for any proposed amendments to the Plan and ZDO that come before the Planning Commission and Board for formal consideration at a public hearing.

OPTIONS:

1. Direct staff to draft amendments consistent with Attachment A and initiate the formal amendment process.
2. Direct staff to draft amendments consistent with Attachment A, excluding the proposal to regulate roosters in the RRFF-5 zone, and initiate the formal amendment process.
3. Direct staff to make Board-identified changes to the proposals in Attachment A and initiate the formal amendment process.
4. Direct staff to take no further action on this project.

RECOMMENDATION:

Staff recommend Option #2:

Direct staff to draft amendments consistent with Attachment A, excluding the proposal to regulate livestock in the RRFF-5 zone, and initiate the formal amendment process.

ATTACHMENTS:

Attachment A: Items Proposed for Inclusion in Amendment Package

Attachment B: Request from Willamette View to amend the height limit in the Willamette River Greenway

Attachment C: Request from Kim Trehwella to allow cannabis extract processing in the AG/F and EFU zones

Attachment D: Request from Jamie Damon to apply ZDO Section 821, *Livestock*, to lots less than five acres in the RRFF-5 zone

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

ZDO-293: Minor & Time Sensitive Amendments to Comprehensive Plan and Zoning and Development Ordinance (ZDO)

Items Proposed for Inclusion in Amendment Package

Section 1: State-Mandated Amendments	
1	Land Divisions • Amendments to <u>Middle Housing Land Division (MHL D)</u> process ○ Allow shared water/wastewater facilities allowed ○ Allow MHL D before, during and after middle housing building permits ○ Offer concurrent review of MHL D and partition/ subdivision • Amendments to <u>expedited land division</u> process ○ No public notice required ○ May not hold hearing or allow any party to intervene in opposition ○ Applicant is the only party required to receive Notice of Decision and eligible to appeal
2	Urban Housing Application • <u>New application type</u> for zone change, planned unit development or variance ○ Notice to property owners within 100 feet of site and CPO ○ Comment window of 14 days ○ No public hearing allowed ○ No appeal to Land Use Board of Appeals (LUBA)
3	Residential Design Standards • May not apply design standards to housing development inside urban growth boundary (UGB) that ○ Include 20 or more units of new single-family dwellings, manufactured dwellings, or middle housing, but ○ Does not apply to “multi-family structures” with 3 or more housing units
4	“Opt-in” to New Standards • Allow for applicant to “opt in” to new standards if they have become effective after application was submitted ○ Only applies to housing applications within urban growth boundary (UGB) ○ Must request before public notice is issued

5	Specific Use Allowances Required • Allow by right a <u>residential treatment facility</u>; <u>residential home</u>; or <u>mental or psychiatric hospital</u> within a UGB on ○ Certain publicly-owned lands ○ Lands zoned for residential commercial, employment, and industrial uses • Allow a <u>crisis stabilization center</u> adjacent to mental or psychiatric hospital within a UGB • Allow <u>preschool or pre-kindergarten</u> with place of worship (does not apply if place of worship is a nonconforming use) • Allow by right <u>emergency shelters</u> that meet certain defined criteria within a UGB. Requirement sunsets if the most recently completed point-in-time count indicates the total sheltered and unsheltered homeless population is less than 0.18 percent of the state population • Allow by right <u>child care centers</u> in commercial and industrial zones (excepts area specifically designated for heavy industrial). Allow child care facilities in farm zones, subject to certain criteria related to serving children in rural area and must collocate with community center or school
6	Off-Street Parking • Remove off-street parking mandates (no minimum requirement for off-street parking). Per state law, Clackamas County may no longer enforce off-street parking mandates in the urban, unincorporated areas, but the county's ZDO has not yet been updated to reflect this provision • Require tree canopy and other specified design standards for parking lots > 0.5 acres
Section 2: Other Amendments Proposed by Staff	
7	Amendments in Farm and Forest Zoned Lands • Code audit of the Exclusive Farm Use, Timber and Ag/Forest zones to ensure they are consistent with, and no more restrictive than, state law • Remove references to State Wildfire Map that was repealed in 2025 (also affects some rural residential lands) • Incorporate amendments from recent state rulemaking that codified certain common law standards related to ○ Farm impacts test analyses ○ Agri-tourism events standards ○ Transportation facilities subject to farm impacts test ○ Private park definition and clarifications
8	Clarifications and “Housekeeping” Amendments • Correct citation and punctuation errors • Revise outdated provision required by the Metro Code • Clarify provisions that routinely cause confusion for staff and customers

9	Amendments to Reduce Development Barriers • Revise design standards or procedural requirements that create development barriers without adding significant value ○ Various setback standards ○ Method of calculating lot size ○ Limits on refile applications ○ Procedures for extending time limits or modifying approved land use permits
10	Docks on Willamette River • Consider limiting county regulations applicable to docks on the Willamette River or repealing them entirely • Issue came up in 2023, when the Board approved a Plan amendment to remove a property from the Willamette River Limited Use area in order to allow the homeowner to construct a private dock. At that time, the Board expressed interest in reviewing the regulations more holistically.
Section 3: Amendments Requested by the Public	
11	Willamette River Greenway (WRG) Height Limit • The mapped WRG has a maximum height of 35 feet for dwellings or structures accessory to dwellings. Willamette View has requested an amendment to this standard to enable their goal of developing a congregate housing facility on their property, which is zoned High Density Residential.
12	Cannabis Extract Processing in EFU and AG/F • Cannabis extract processing is prohibited in the Exclusive Farm Use and Ag/Forest zones. Cannabis concentrate processing is permitted, as is extract processing of other agricultural products. Kim Trehwella has requested an amendment to permit cannabis extract processing in these zones as allowed by state law.
13	Regulation of Roosters in RRFF-5 • Roosters are allowed as a farm use in the RRFF-5 zone (as well as several other zones). Jamie Damon has requested an amendment to apply ZDO Section 821, <i>Livestock</i>, to lots less than five acres in the RRFF-5 zone, which would make roosters a prohibited use on these lots.

Jennie Bricker
Land Shore Water Legal Services, LLC
818 SW Third Avenue, PMB 1517
Portland, OR 97204

503-928-0976
jennie@landshorewater.com

September 5, 2024

Clackamas County
Board of County Commissioners
150 Beavercreek Road
Oregon City, OR 97045

Re: Requested Amendment to Zoning and Development Ordinance

Dear Commissioners:

Willamette View is a retirement community located south of Milwaukie in unincorporated Clackamas County. We request an amendment to the County's Zoning and Development Ordinance. Specifically, we propose adding a subsection to Section 904, Height Exceptions. The amendment would allow Willamette View to proceed with a planned congregate housing facility on a portion of its property that lies within the Willamette River Greenway.

Background on Willamette View

Willamette View, Inc., is an Oregon public benefit corporation and 501(c)(3) organization. First registered as Willamette View Manor, Inc., the company opened its doors on January 6, 1955. Willamette View operates a "Life Plan" community, or continuing care retirement community (CCRC). As a single-site, not-for-profit company, self-governed and independent of any national chain, Willamette View focuses on the needs of its community rather than on shareholder profits. Choice and affordability are central to the company's vision. Willamette View provides a wide range of apartment sizes and a broad choice of housing costs—more than any other Oregon CCRC facility outside of Medford.

Given the need for housing in Clackamas County,¹ Willamette View plays an important role. This project will provide 50 to 70 new units of living space in a high-density residential zone. Most of Willamette View's residents come from elsewhere in the Portland Metro area, which means that by moving out of their homes they are increasing the inventory of available housing for others.

¹ Clackamas County Regional Housing Needs Analysis (September 2019).

Project Location and Details

The project is planned for Tax Lot 300, a parcel of about 8 acres located southwest of Willamette View's main campus, in the foreground of this photograph:



Along Tax Lot 1201, where the main campus is located, the Willamette River Greenway boundary follows the railroad right of way, which is adjacent to the river. Just past the Terrace (the inverted L-shaped white building), the WRG boundary bulges eastward to encompass most of the area planned for development:



Specifically, Willamette View's new congregate housing facility will occupy what is now a tennis court and putting green. Four existing duplexes will be replaced with higher-density living space, including a higher level of licensed care. The new building will incorporate a parking garage on its lower levels and five floors of apartments.

Despite its height, however, the building will be nearly invisible from the Willamette River because of the property's grade and existing vegetation.

The photograph below, for example, is taken from near the opposite river bank, looking northeast—yet only the top of one of the main campus's higher buildings—the Manor, at eight stories—is visible above the trees (the blue boathouse is located on adjacent property in other ownership):



Closer to shore, facing due east, this view shows that the trees and steep grade will obscure all but, at most, the very top of the new building:



Proposed ZDO Amendment

Our proposed amendment would add a subsection to Section 904, Height Limitations, to make the 35-foot WRG height limit inapplicable to three categories of multi-family residential development: institutional use, congregate housing, and nursing homes. For the following reasons, we believe our amendment protects the values and policies of the Greenway while creating the flexibility we need to develop housing for our community's seniors.

First, our amendment does not change the 35-foot height limitation and other code standards that apply to development within the Greenway. Those standards, which are found in Section 705 of the ZDO, ensure that development meets the WRG's primary goal—to preserve views from the river. Our amendment accomplishes that goal by keeping Section 705 review in place. As we describe above, we believe the project will leave views from the river unaffected.

Second, our amendment tracks the policies in the county's Comprehensive Plan. Comprehensive Plan Policy 3.B.1.2.c. limits "residential structure height" to 35 feet, and also requires a "vegetative fringe" to screen structures from the river. Policy 3.B.1.2.e, however, allows commercial and industrial structures within the Greenway with no height limitation, but specifies that those structures should be screened. Thus, the Comprehensive Plan does not require that no tall buildings at all be constructed in the WRG; rather, it requires measures—such as a vegetative fringe and screening—to minimize the impact of buildings upon views from the river.

Our reasoning is that some uses, even though they contain dwelling units and are located in a residential zone, may be treated as quasi-commercial rather than residential for purposes of WRG implementation. The proposed amendment applies narrowly to situations in which high-density residential development is appropriate, and where a structure can be placed to preserve views from the river.

Specifically, our proposed amendment ...

- preserves Section 705 review;
- must be located in a zoning district intended for high-density residential development, in which there is no maximum building height;
- must be located at least 250 feet from the river; and
- is intended for a quasi-commercial purpose.

We of course defer to you and to the planning department to craft the final wording of the code change and to determine whether the Comprehensive Plan requires a text amendment as well. We are confident that Willamette View's project will be fully compatible with the purpose and intent of the WRG, and we look forward to working with the County.

Very truly yours,



Jennie Bricker

904 HEIGHT EXCEPTIONS

904.01 STRUCTURES NOT SUBJECT TO MAXIMUM HEIGHT STANDARDS.

Maximum building and structure height standards established by this Ordinance do not apply to barns, silos, and other farm buildings or structures on farms; spires on places of worship; belfries; clock towers; cupolas and domes; monuments; water towers; fire and hose towers; observation towers; transmission towers; amateur (Ham) radio antennas and towers; windmills; chimneys; smokestacks; radio and television transmission and receiving towers; masts and antennas; and solar collection apparatus. Notwithstanding this provision, maximum height standards established by Section 835, Wireless Telecommunication Facilities, continue to apply.

904.02 STRUCTURES WITHIN THE WILLAMETTE RIVER GREENWAY NOT SUBJECT TO MAXIMUM HEIGHT STANDARD.

For multi-family residential structures within the WRG that meet the following criteria, the maximum height limitation in Section 705.04.F does not apply:

- A. If the structure requires a WRG permit, the structure meets, or can meet, with conditions, all applicable standards and criteria in Section 705.04, except the height limitation in Section 705.04.F.
- B. The structure is located in a zoning district with a maximum density standard.
- C. The structure is located in a zoning district with no maximum building height.
- D. The structure is located at least 250 feet from the ordinary high water line of the Willamette River.
- E. The structure is for one or more of the following purposes:
 - 1. Institutional Use.
 - 2. Congregate Housing.
 - 3. Nursing Home.

Hughes, Jennifer

From: Kim Trehwella <kimtrehwella@gmail.com>
Sent: Monday, September 8, 2025 5:06 PM
To: Hughes, Jennifer
Subject: 841.03 Marijuana Processing Ordinance change?
Attachments: OLCC Steven Crowley 7-14-25 email.pdf; 407 Ag-Forest District ordinance.pdf

Warning: External email. Be cautious opening attachments and links.

Hello Jennifer,

I am writing today to ask if the County Commissioners would consider revisiting the ordinances on processing cannabis in natural resource districts.

Over the years, there have been many changes, at least at the OLCC and the State Legislature, that have been revised, updated, and in some cases, completely eliminated. I am attaching a copy of an email I received from Steven Crowley from the OLCC with the updated information, first for myself, and also for your and the Commission's review.

Here is the link to the ordinance:

<https://dochub.clackamas.us/documents/drupal/1878659f-5509-4ab4-8b8b-4dbf8c7f4faf>

Here are links to Oregon Revised Statutes:

https://oregon.public.law/statutes/ors_215.203

https://oregon.public.law/statutes/ors_215.255

Because my zone is ag/forest, I am allowed to process cannabis "concentrates" not "extracts", specifically the use of hydrocarbons like propane, butane, etc. This is specified with footnote 1 in Section 407 Ag/Forest District of the zoning code. Besides the link above, I also attached three pertinent pages. I am planning to submit my land use application for cannabis concentrate processing soon, but I am asking for the Commissioners to consider updating this ordinance to allow extract/hydrocarbon processing as well. The building requirements are the same for both processes.

Here are some facts you may or may not know:

- Liberty Natural is a lavender farm as well as a processor (concentrates and extracts) of all things lavender <https://www.libertynatural.com/> on Harris Road in Oregon City. They are just four miles up the road from me.
- "Processing" of a farm crop is allowed in natural resource districts all over Oregon, but we have created all kinds of rules around cannabis. Here is the language of OAR 475C.489: **475C.489 Marijuana as crop; exceptions to permitted uses.** (1) Marijuana is:

- (a) A crop for the purposes of “farm use” as defined in ORS 215.203;
 - (b) A crop for purposes of a “farm” and “farming practice,” both as defined in ORS 30.930;
 - (c) A product of farm use as described in ORS 308A.062; and
 - (d) The product of an agricultural activity for purposes of ORS 568.909.
- (2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not permitted uses on land designated for exclusive farm use:
- (a) A new dwelling used in conjunction with a marijuana crop;
 - (b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; and
 - (c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.
- (3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.
- (4) This section applies to:
- (a) Marijuana producers that hold a license issued under ORS 475C.065;
 - (b) Persons registered under ORS 475C.792 and designated to produce marijuana by one or more persons who hold valid registry identification cards issued under ORS 475C.783; and
 - (c) For the purpose of producing marijuana or propagating immature marijuana plants, researchers of cannabis that hold a certificate issued under ORS 475C.289. [Formerly 475B.526]

When cannabis became a farm crop, water rights became a requirement (unless a person has access to city water, rainwater harvest, or truck water in). The Oregon Department of Agriculture regulates all fertilizers, pesticides, herbicides, etc., that are allowed to be used on cannabis crops. I regularly deal with no less than three State agencies, as well as Clackamas County, for many years now. There have been many hoops to jump through, but even after 15 years of growing cannabis on my property, I still have land use work to do regarding processing.

My ask of the Commissioners is simple: please allow me to process our cannabis crop the same as any other crop grown in our County. To be able to grow cannabis and then process (concentrates and extracts) this crop on the property it's grown on, is a game changer for me and my business. I would be happy to address any questions or concerns you or the Commissioner's may have.

Sincerely,

Kim Trehwella

High Ridge Farms
 Owner, Lead Grower and Chief Compliance Officer
 503-313-8377



Kim Trehella <kimtrehella@gmail.com>

Extracts, Concentrates, and "high heat"

4 messages

CROWLEY Steven * OLCC <Steven.Crowley@olcc.oregon.gov>
To: Kim Trehella <kimtrehella@gmail.com>

Mon, Jul 14, 2025 at 1:20 PM

Hi Kim,

Following up on our conversation this morning. And yes, you can quote me on this explanation.

The difference between a concentrate and an extract is how the cannabinoids were separated from marijuana:

- “Extracts” involve:
 - Chemical extraction with any hydrocarbon solvent (propane, butane, hexane, etc.); or
 - Chemical extraction with carbon dioxide (CO₂) *if the process uses high heat or pressure**
- “Concentrates” involve:
 - Mechanical extraction; for example, bubble hash, rosin, or any other process that does not use any solvents (note: the water in bubble hash is not acting as a solvent in that process); or
 - Chemical extraction using any solvent other than a hydrocarbon or CO₂

*There is no definition of what constitutes “high heat” in this context, but I am not aware of any process where this would be relevant to define. To use CO₂ for a chemical extraction process, the CO₂ needs to be in a liquid or fluid state so it can act as a solvent. Because CO₂ cannot be a liquid at atmospheric pressure, all chemical extraction with CO₂ uses pressure and is therefore an Extract process, regardless of whether heat is involved.

It’s a common misconception that you cannot use “high heat” in any Concentrate process, but the statutory definitions in ORS 475C.009 only use the phrase “high heat” in the context of a “chemical extraction process using carbon dioxide.” Whether or not heat is used is not relevant in any mechanical extraction processes, or in chemical extraction processes that don’t use CO₂. Rosin from a rosin press is still a concentrate, no matter how much heat the press applied, because it’s fundamentally a mechanical extraction process.

Steven Crowley

Cannabis & Education Policy Analyst

Oregon Liquor and Cannabis Commission

steven.crowley@olcc.oregon.gov

541-514-7645

Kim Trehwella <kimtrehwella@gmail.com>
To: CROWLEY Steven * OLCC <Steven.Crowley@olcc.oregon.gov>

Mon, Jul 14, 2025 at 1:59 PM

Thank you for the clarification, this helps a lot. The other high heat question would be in regard to making canna butter and baking edibles? Are there any rules about that? Are edibles put in the extracts category because of high heat?

Kim

[Quoted text hidden]

CROWLEY Steven * OLCC <Steven.Crowley@olcc.oregon.gov>
To: Kim Trehwella <kimtrehwella@gmail.com>

Tue, Jul 15, 2025 at 7:24 AM

In OLCC statutes/rules, the *only* time “high heat” comes up is in distinguishing whether cannabinoids separated from marijuana **by “a chemical extraction using carbon dioxide”** are a concentrate or extract.

Cannabutter is a concentrate because the cannabinoids are separated by a chemical extraction process using a non-hydrocarbon solvent: ORS 475C.009(5)(b). It is not a chemical extraction using carbon dioxide, so whether it uses “high heat” is not relevant to determining whether it’s a concentrate or extract.

Generally speaking – in the context of ORS 475C.009 definitions – edibles are neither a concentrate nor an extract because they’re an edible. Sometimes in the endorsement context or labeling context, an item counts simultaneously as both an edible a concentrate (or extract) – when the solvent used in the concentrate process is a food, or when the concentrate or extract is intended for consumption by mouth. But finished baked good are always just an edible, just a cannabinoid product, because they involve combining a concentrate or extract with other ingredients. Again, high heat doesn’t matter because baking an edible isn’t a chemical extraction using carbon dioxide.

Steven Crowley

Cannabis & Education Policy Analyst
Oregon Liquor and Cannabis Commission
steven.crowley@olcc.oregon.gov
541-514-7645

[Quoted text hidden]

Kim Trehwella <kimtrehwella@gmail.com>
To: CROWLEY Steven * OLCC <Steven.Crowley@olcc.oregon.gov>

Tue, Jul 15, 2025 at 8:04 AM

Thank you for this clarification, it is really helpful!

Kim

[Quoted text hidden]

407 AG/FOREST DISTRICT (AG/F)**407.01 PURPOSE**

Section 407 is adopted to implement the policies of the Comprehensive Plan for Forest and Agriculture areas.

407.02 APPLICABILITY

Section 407 applies to land in the Ag/Forest (AG/F) District.

407.03 DEFINITIONS

The definitions set forth in Subsections 401.03 and 406.03 apply to Section 407. Unless specifically defined in Subsection 401.03, Subsection 406.03, or Section 202, *Definitions*, words or phrases used in Section 407 shall be interpreted to give them the same meaning as they have in common usage and to give Section 407 its most reasonable application.

407.04 USES PERMITTED

Uses permitted in the AG/F District are listed in Table 407-1, *Permitted Uses in the AG/F District*.

A. As used in Table 407-1:

1. "A" means the use is allowed.
2. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.
- X 3. "Type II" means the use requires review of a Type II application pursuant to Section 1307.
4. "Type III" means the use requires review of a Type III application, pursuant to Section 1307.
5. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
6. The "Subject To" column identifies any specific provisions of Subsection 401.05 or 406.05 to which the use is subject.
7. Numbers in superscript correspond to the notes that follow Table 407-1.

B. Permitted uses are subject to the applicable provisions of Subsection 406.07, *Dimensional Standards*; Subsection 406.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

- C. Dwellings are subject to the applicable provisions of Section 401, *Exclusive Farm Use District (EFU)*, if the predominant use of the subject tract was agriculture on January 1, 1993. Dwellings are subject to the applicable provisions of Section 406, *Timber District (TBR)*, if the predominant use of the subject tract was forestry on January 1, 1993.

Table 407-1: Permitted Uses in the AG/F District

	Type	Use	Subject To	
FARM AND FOREST USES	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.		
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.		
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.		
	A	Farm use as defined in Oregon Revised Statutes (ORS) 215.203. Marijuana production is subject to Section 841, <i>Marijuana Production, Processing, and Retailing</i> .		
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if the primary farm or forest use exists.		
	TYPE II	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)	
	TYPE II	A facility for the processing of farm products. Marijuana processing is subject to Section 841. ¹	401.05(B)(1) & (2)	
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1), (6) & (B)(2)	
	C	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (6)	
	C	Log scaling and weigh stations.	406.05(A)(1) & (6)	
NATURAL RESOURCE USES	Type	Use	Subject To	
	A	Uninhabitable structures accessory to fish and wildlife enhancement.		
	A	Creation of, restoration of, or enhancement of wetlands.		
	TYPE II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1)	
	C	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)	

PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)	C	Private parks and campgrounds.	406.05(A)(1),(2),(6) & (I)(1)
	C	Public parks.	406.05(A)(1), (6) & (I)(2)
	Type	Use	Subject To
OUTDOOR GATHERINGS	A	An outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.735 to 433.770. However, an outdoor mass gathering permit under ORS 433.750 is not required for agri-tourism and other commercial events or activities permitted under ORS 215.283(4), 215.449, 215.451, and 215.452.	
	TYPE III	An outdoor mass gathering of more than 3,000 persons any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735, subject to ORS 433.763.	

1 The processing, compounding, or conversion of marijuana into cannabinoid extracts is prohibited.

2 Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475B.526.)

3 The use is prohibited in an urban or rural reserve established pursuant to OAR chapter 660, division 27.

4 A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See ORS 475B.526.)

407.05 PROHIBITED USES

A. Uses of structures and land not specifically permitted are prohibited.

B. An agricultural building, as defined in Oregon Revised Statutes 455.315, customarily provided in conjunction with farm use or forest use may not be converted to another use.

407.06 DIMENSIONAL STANDARDS

Subsection 406.07, which establishes dimensional standards in the TBR District, shall apply in the AG/F District.

Hughes, Jennifer

From: Hughes, Jennifer
Sent: Monday, March 10, 2025 2:06 PM
To: 'Jamie Damon'; ZoningInfo; BCCMail
Cc: Warren
Subject: RE: Excessive Roosters on less than 5 acres in a RRFF5 zone at 22086 SE Howlett Rd, Eagle Creek

Hi Jamie,

Thank you for submitting such a clear and thorough explanation of your request for a zoning code amendment and the reasons behind it.

Zoning code amendments are considered as part of the long-range planning work program. As one element of that work program, we try to consider a package of “minor and time-sensitive” amendments each fiscal year, if sufficient staffing is available. When we are ready to begin work on the next one, I will include your request in the list of suggestions that staff will evaluate and discuss with the Planning Commission and Board of County Commissioners. I will also add you to the notice list for that project.

I cannot give you a firm timeline for the next zoning code amendment package, but I’m hopeful that staff time can be assigned to it later this year.

Jennifer Hughes, Planning Director

Planning and Zoning
Clackamas County Department of Transportation and Development
150 Beavercreek Road, Oregon City, OR 97045
503-742-4518
Work Hours: Mon-Fri, 8 a.m. – 5 p.m.
www.clackamas.us

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

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

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly

where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Jamie Damon <eaglecreekjamie@gmail.com>

Sent: Tuesday, March 4, 2025 11:27 AM

To: ZoningInfo <ZoningInfo@clackamas.us>; BCCMail <bcc@clackamas.us>; Hughes, Jennifer <jenniferh@clackamas.us>

Cc: Warren <warrendamon@ymail.com>

Subject: Excessive Roosters on less than 5 acres in a RRFF5 zone at 22086 SE Howlett Rd, Eagle Creek

Warning: External email. Be cautious opening attachments and links.

March 4, 2025

Clackamas County Planning and Development
150 Beaver Creek Rd, Room #225
Oregon City, Oregon 97045

Attention: Jennifer Hughes, Planning Director, jenniferh@clackamas.us

Subject: Excessive roosters on less than 5 acres in a RRFF5 zone

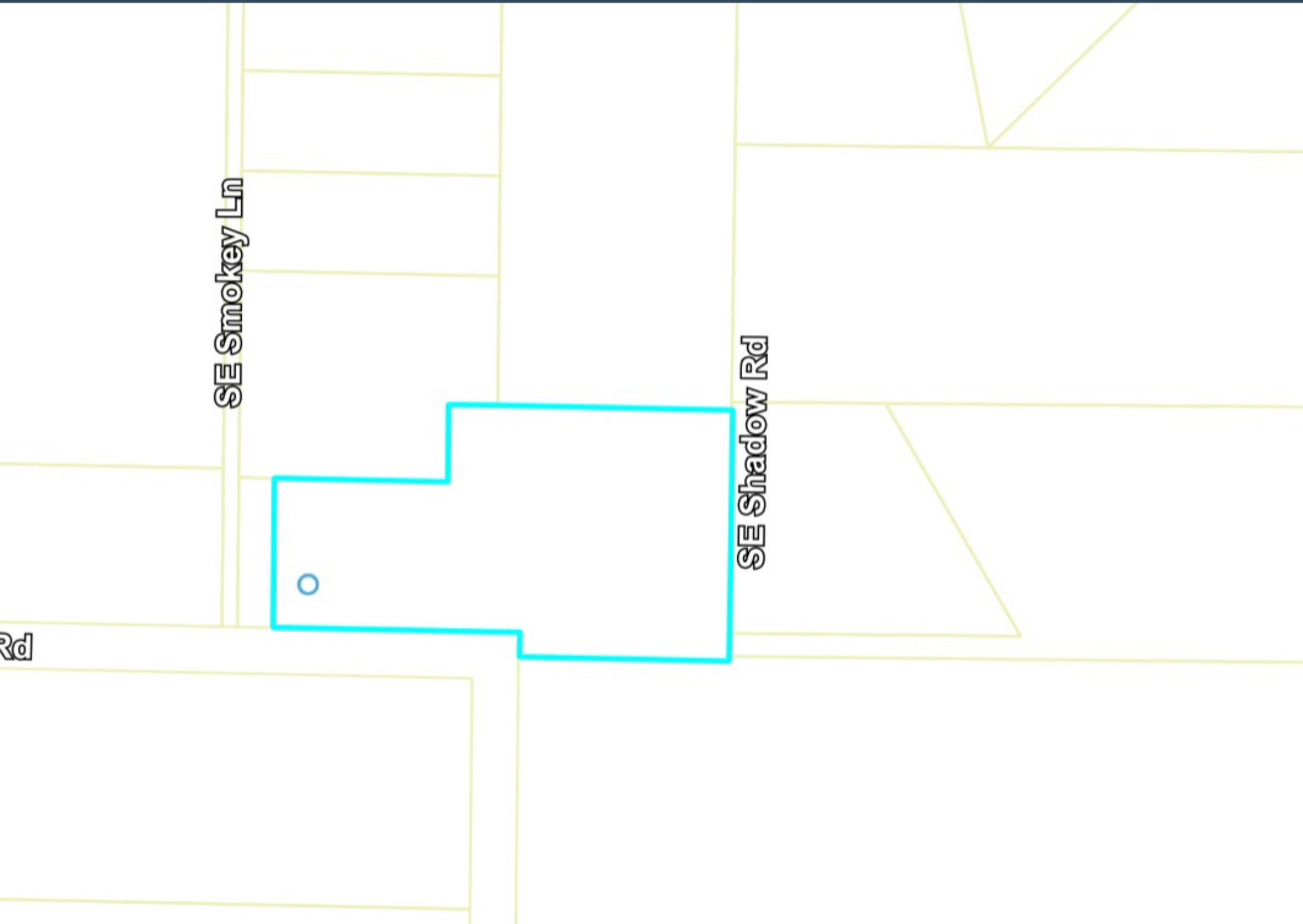
Dear Ms. Hughes,

I was in communication with your planning staff last summer regarding the excessive number of roosters on the property adjacent to ours located at 22086 SE Howlett Rd, Eagle Creek. Our property and surrounding properties are zoned RRFF5, and I understand that ZDO 316 allows for poultry operations in RRFF5 zones. The roosters are in cages surrounding a large hen yard. We estimate they have several dozen caged roosters. You can see on map #4 the white rectangles of the cages. The subject property was purchased in 2022 and the new owners began moving roosters onto the property in 2023. They have expanded their operations each year and according to what is allowed in an RRFF5 zone, there is no end in sight. The attached map #3 shows a yellow highlighted area which was the extent of their operations last summer. Since then, they have expanded to include the areas outlined in red. The subject property is less than 4 acres and the majority of the immediate adjacent properties range from 4 acres to .20 acre in size (see attached maps #1a, #1b, #2). The roosters crow 18 -20 hours a day and are “guarded” by three large “livestock dogs” who bark the other 4-6 hours at night. When I spoke with your staff last summer, she indicated that there was nothing that could be done and I should speak to the neighbors, contact the nuisance department and the Sheriff’s office, which I did. I spoke with the property owners, and they said they “moved here to do what they want with their property”, and “maybe it was time for us to move” (we have lived here for nearly 30 years). I spoke with the adjacent neighbors, and they are afraid to confront the new property owners. And we discovered for good cause because we received a threatening letter from a lawyer hired by the property owners at 22086 telling us that they are “poultry ranchers” which is a protected use, we have no legal recourse, and we should not contact the property owners at 22086. We spoke with the nuisance department and were told that these are allowed uses and there is nothing we can do. We spoke with the Sheriff’s department and were told that if the zone allows these uses then we will need to live with it. We are all in for another uncomfortable summer without the ability to open our windows at night, use our patios or sit on our porches without the constant barrage

of crowing roosters and barking dogs. When I spoke with your planner, she was sympathetic but reiterated that there was nothing that could be done. I suggested that the county consider an amendment to ZDO 316 requiring non-conforming lots, those with less than 5 acres, to be subject to the provisions in ZDO 821. She thought this was an interesting idea and could be considered as part of your next ZDO update. As you can see in the attached map 1b, 22086 SE Howlett Rd is surrounded by many smaller lots, all with homes on them. This is a rural residential neighborhood which, from what I understand ZDO 821 is designed to offer guidelines for reducing land use conflicts and protection for surrounding neighbors as well as for maintaining healthy conditions for raising animals. Please don't hesitate to contact me for more information at (503) 490-5815, eaglecreekjamie@gmail.com.

Thank you for your consideration,

Janet M. "Jamie" Damon
21952 SE Shadow Rd
Eagle Creek, OR 97022





SE Dawn Marie Ln

SE Dawn Marie Ln

21700 SE Smokey
Lane 1 acre

21750 SE Smokey
Lane 1 acre

21792 SE Smokey
Ln 1 acre

21888 SE Smokey
Lane 1.92 acres

21930 SE Smokey
Lane .20 acre

SE Smokey Ln

21833 SE Shadow
Rd 7.07 acres

22086 SE Howlett Rd, Eagle Creek
3.69 acres

SE Shadow Rd

21952 SE Shadow
Rd. 2 acres

22089 SE Howlett
Rd 4.43 acres

Howlett Rd

Beds • 1 Bath • 1,920 Sq Ft

Photos

Map

Street View

