



MEMORANDUM

TO: Clackamas County Planning Commission
FROM: Joy Fields, Principal Planner
DATE: September 2, 2025
RE: Study Session: Introduction to ZDO 290 - Clear and Objective Code Amendments

The purpose of this Planning Commission Study Session is to introduce the Planning Commission to the ZDO 290 – Clear and Objective Code Amendments project and to provide an overview of the schedule for the project.

In 2024 the Planning and Zoning program was awarded a technical assistance grant from the Housing Accountability and Production Office of DLCD to comply with housing laws and remove potential barriers to housing production caused by unclear regulations. Specifically, this project will help Clackamas County come into compliance with ORS 197A.400 that states “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary.” As of July 1, this requirement also applies in some rural areas. To help us review our code and craft regulations that are clear and objective, DLCD has entered into a contract with MIG to serve as our consultant for this project.

The attached memo, Draft Project Overview for ZDO-290 – Clear and Objective Amendments, outlines the project scope, tasks and schedule for the project. It also includes a few “Frequently Asked Questions” that share additional details about items that will be addressed during the project.

Although the focus of the grant we received is on housing, our environmental and hazard regulations generally work the same for nonresidential development as they do for housing. In the interest of efficient administration of the ZDO moving forward, staff has a goal of adopting consistent amendments that apply to all types of development where feasible.

We will be approaching engagement with this project slightly differently than we have in the past. First, we will be engaging with the Planning Commission several times

throughout the project as the primary stakeholder group. The Planning Commission has experience reviewing our Zoning and Development Ordinance and is routinely involved with our code as it is implemented through land use applications and modified through amendments. With that expertise, the Planning Commission will be a guide to ensure the potential changes are in line with state law, the Board of County Commissioners' priorities, and the Clackamas County Comprehensive Plan. Additionally, the extra review will be essential to verify the proposed changes are clear and objective and interpreted the same by a variety of audiences.

Other outreach tools we will be using include establishing a website, digital town halls and meetings with various stakeholder groups. As with any project that may lead to changes to our zoning regulations, we will be working with stakeholder groups to receive additional input and obtain feedback from Clackamas County residents.

We look forward to kicking off this project with the Planning Commission on September 8th and having an opportunity to discuss any questions you may have about the project purpose and approach.



TO: ZDO 290 Project Team

FROM: Brandon Crawford, Kate Rogers, and Cathy Corliss, MIG

RE: Draft Project Overview for ZDO-290 – Clear and Objective Code Amendments
Creating clarity for housing development standards related to rivers, streams, habitat, and other natural resources

DATE: August 27, 2025

Background and Purpose

The foundation of the statewide planning program in Oregon is a set of 19 Statewide Land Use Planning Goals and related Oregon Administrative Rules (OAR Chapter 660). Clackamas County's Comprehensive Plan and Zoning and Development Ordinance (ZDO) work together to achieve the 15 statewide goals that are applicable in Clackamas County.

ZDO-290 is focused on those standards that implement four statewide planning goals related to natural resources and hazards:

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces)

Goal 6 (Air, Water, and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 15 (Willamette River Greenway)

In the past, the County's regulations to protect these natural resources and hazards were not required to be "clear and objective." However, with recent changes to state law (Oregon Revised Statute (ORS) 197A.400), clear and objective standards are now required for nearly every type of land use regulation that applies to housing development, including natural resource and hazard standards. These requirements now apply to all land within an urban growth boundary (UGB) as well as unincorporated communities and areas zoned for rural residential use; they do not apply in areas zoned for exclusive farm use or forest conservation.

Because of these changes, Clackamas County has undertaken this project (ZDO-290) to review and update its land use regulations related to natural resources and hazards to ensure there are clear and objective standards for housing development as required by state statute. Although these state rules specifically apply to housing, the County's goal is to apply the same standards to all types of development to the extent possible.

Note that the County has some existing mapped inventories and/or associated regulations for many of these resource areas. Updating mapped inventories and changing the protection levels

What makes a standard "clear and objective"?

Clear and objective standards use terms, definitions, and measurements that provide for consistent interpretation of the regulation. In other words, any two people applying the same standard to a development would get the same result. There is no need for the reviewer to use their discretion in interpreting the standard.

Optional discretionary review

It may not be practical to write clear and objective standards that can address all relevant circumstances or project goals in every development situation. State law allows local governments to offer a discretionary review path that can be used by applicants as an optional alternative approach to the clear and objective standards.

is often a lengthy and time intensive process. Therefore, this project **intends to avoid updates to the mapped inventories and changes to the level of protection** from development.¹

Rather, the code updates aim to clarify the existing regulations that apply to the resource inventories for the purposes of meeting the state's clear and objective requirements for housing.

The project will focus primarily on the following preliminary list of ZDO sections. In addition to Statewide Planning Goals, some of these sections also address requirements in Metro's Urban Growth Management Functional Plan (UGMFP).

ZDO Section	Applicable Goal(s)	Applicable Resources
704 River and Stream Conservation Areas	Goals 5 and 6	Riparian areas (areas adjacent to rivers and streams) outside Metro UGB and Metropolitan Service District.
705 Willamette River Greenway	Goals 15 and 5	Riparian areas adjacent to the Willamette River, both inside and outside the Metro UGB.
706 Habitat Conservation Area District	Goal 5 (and Metro UGMFP Title 13)	Riparian areas, wetlands, and wildlife habitat inside the Metro UGB and Metropolitan Service District.
709 Water Quality Resource Areas	Goal 6 (and Metro UGMFP Title 3)	Wetlands and riparian areas inside the Metro UGB and Metropolitan Service District and outside the boundaries of Clackamas County Service District #1.
1002 Protection of Natural Features	Goals 5, 6, and 7	<ul style="list-style-type: none"> • Hillsides • Trees and Wooded Areas • River and Stream Corridors • Deer and Elk Winter Range • Mt. Hood Resource Protection Open Space • Significant Natural Areas • Significant Landforms and Vegetation

Other code chapters will also be audited and updated for clear and objective requirements, as described earlier.

Comprehensive Plan (Plan) amendments may also be needed to ensure consistency between the Plan and the ZDO updates. However, the intent of these amendments is to keep the current level of protection for these resources and to use the inventories and the Economic, Social, Environmental, and Energy (ESEE) analysis conducted during the last periodic review. ESEE analysis is a required step in local protection of natural resources under Goal 5, and evaluates the potential economic, social, environmental, and energy impacts of regulating each identified resource in order to balance its protection with other public needs. This project aims to stay within the policy guidance provided by the County's adopted ESEE analyses.

¹ While the goal is to avoid updates to mapped resource inventories and protection levels, it is not guaranteed that such updates will not occur. Updates to development standards can occasionally trigger the need to make these changes, which can be difficult to forecast.

Project Scope and Tasks

This project will consist of four major tasks that will take place over the next year and a half:

- Code Audit and Concepts
- Initial Draft Code Update
- Revised Code Update
- Adoption

The Planning Commission will be in the role of Advisory Committee for this project, meaning that they will have a more hands-on role in reviewing materials and providing detailed input that informs project outcomes. The project team, consisting of County staff and MIG (consultant), will regularly meet with the Planning Commission throughout the course of the project to present draft materials and gather feedback. Specifically, Planning Commission meetings will be coordinated with major project milestones and deliverables. See the project schedule on the following page for the anticipated timeline for each task. Each of these tasks is summarized below.

Code Audit and Concepts

The first major task includes an audit of the code to identify areas of the ZDO where updates are needed. This task will include an “Audit Report” that summarizes the audit findings and provides initial recommendations for addressing the identified issues (i.e., code concepts). The Planning Commission will review and comment on the audit findings and code concepts in October 2025. The project team may need to meet with the Planning Commission twice for this task depending on the level of review and input that is needed.

Initial and Revised Draft Code Update

A first draft of the code amendments will be completed based on the findings and initial recommendations from the Code Audit and Concepts and input from the Planning Commission. Similar to the audit, the Planning Commission will have multiple opportunities to review and comment on this first draft. The project team will revise the draft code updates based on Planning Commission, stakeholder, and community input.

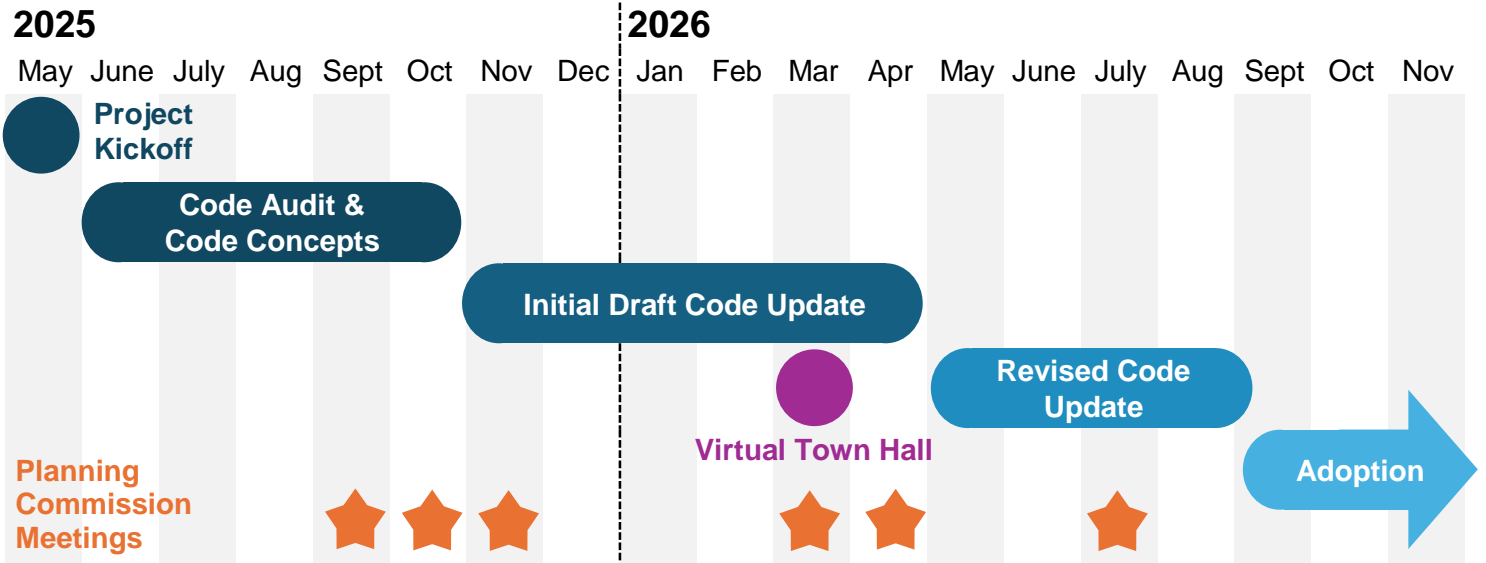
Public Engagement

The project team will coordinate and facilitate public engagement and outreach to a range of interest groups, including Community Planning Organization (CPO) Leaders, stakeholders, and specific community groups. Public engagement activities will be coordinated with the County’s Public and Government Affairs (PGA) team, and outreach will likely begin in winter 2025/26. Outreach will be conducted through various means, including the County website, stakeholder meetings, and virtual town halls.

Adoption

The project team will finalize the code updates and prepare the proposed amendments for adoption in fall 2026.

Tentative Project Schedule



Frequently Asked Questions (FAQs)

How do the Statewide Planning Goals affect the County's zoning code?

Local governments in Oregon must comply with the state's [Land Use Planning Goals](#). Clackamas County largely regulates land use through zoning standards and requirements. Therefore, to ensure the County is following the required Statewide Planning Goals, the zoning code must include regulations that support these Goals. Furthermore, the County needs to also avoid zoning standards that conflict with Statewide Planning Goals.

For the purposes of this project, the zoning code will be updated for compliance with [Goal 10 – Housing](#), particularly as it applies to housing development in natural resource and hazard areas, such as wetlands and hillsides. The state also has planning goals for natural resources ([Goal 5](#) and [Goal 6](#)), the Willamette River ([Goal 15](#)), and natural hazards ([Goal 7](#)). Therefore, the code updates will also need to be consistent with the goals for natural resources and hazards. This will help ensure that housing development is balanced with protection of natural areas and minimizes or mitigates exposure to natural hazard risks.

What does it mean to be “clear and objective”?

Code standards and approval criteria that are clear and objective use terms, definitions, and measurements that provide for consistent interpretation of the standard. In other words, any two people applying the same standard or criteria to a development would reach the same conclusions. As a result, there would be no need or ability for the reviewer to use their discretion in applying the standard or criteria (i.e., there is no “gray area” for interpretation).

Note: “Standards” generally include the requirements or limitations that apply to the form, location, and dimensions of development. For example, maximum building height and minimum landscape area are code standards. “Review criteria” and “approval criteria” are essentially the “checklist” items the review authority evaluates for a development application. Generalized examples: Does the development meet all applicable ZDO standards? Do the proposed infrastructure improvements meet the County's engineering requirements?

What parts of the County do clear and objective requirements apply to?

With the passage of House Bill 3197 in 2023, the Oregon state legislature clarified that the requirement to have clear and objective path for housing regulations in ORS 197A.400 applies to:

- All land within an urban growth boundary;
- Land within unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994;
- Non-resource lands (i.e., “exception areas”); and
- Areas zoned for rural residential use.

Clackamas County needs to update its regulations to ensure a clear and objective review path for housing in areas subject to the state requirements, both inside and outside of urban growth boundaries. Any regulations that could apply within these areas (e.g., natural resource protections) must provide a clear and objective review path. A clear and objective path is one where all of the standards, approval criteria, conditions and procedures applied to the development are clear and objective. The updated requirements under HB 3197 took effect on July 1, 2025.

Are there alternatives to clear and objective path?

As noted above, a clear and objective review path is required for residential development. It should be written so that it works for most residential projects. However, it may not be practical to write clear and objective standards and criteria that can address all relevant circumstances or project goals in every development situation. ORS 197A recognizes this and allows local governments to also provide a discretionary review path or parallel track that can be used by the applicant as an optional alternative approach to the clear and objective standards.

What are the natural resource areas and natural hazard areas where these updates apply?

River and Stream Conservation Areas (RSCA – [ZDO 704](#)) – Areas adjacent to rivers and streams (riparian areas) intended to protect water quality and river habitat. The regulations for these areas implement the River Design Plans in [Chapter 3](#) of the Comprehensive Plan, which are also intended to implement Statewide Planning Goal 5 and Goal 6. The RSCA applies to rivers and streams outside of the Metro Urban Growth Boundary (UGB) and the Metropolitan Service District.

Willamette River Greenway (WRG – [ZDO 705](#)) – Areas adjacent to the Willamette River intended to protect water quality and habitat. The regulations for these areas implement the Willamette River Design Plan in [Chapter 3](#) of the Comprehensive Plan, which is also intended to implement Statewide Planning Goals 5 and 15. The WRG applies to the entirety of the Willamette River in Clackamas County and outside of any city limits. The WRG is shown on [Map 3-01e Willamette River Greenway Design Plan](#).

Habitat Conservation Area District (HCA – [ZDO 706](#)) – Mapped wetlands, riparian corridors, and wildlife habitat inside the Metro UGB. The regulations for these areas implement the Habitat Conservation Areas policies in [Chapter 3](#) of the Comprehensive Plan, which are also intended to implement Statewide Planning Goal 5. [Mapped HCA inventory can be found on Metro's web map](#).

Water Quality Resource Area District (WQRA – [ZDO 709](#)) – Wetlands and riparian corridors inside the Metro UGB and Metropolitan Service District, but outside the boundaries of Clackamas County Service District #1. The regulations for these areas implement the Water Quality Resource Area policies in [Chapter 3](#) of the Comprehensive Plan, which also are also intended to implement Statewide Planning Goal 6. Some of the mapped WQRA inventory can be found on [Metro's web map](#).

Natural Features ([ZDO 1002](#)) – These regulations apply to a range of natural resources and natural hazards, including hillsides, open spaces, and some specific natural features/areas, such as Elk Winter Ranges. Some of these areas are identified as "[Scenic and Distinctive Resource Areas](#)." These regulations implement Statewide Planning Goals 5, 6, and 7. Some (but not all) of these resources are included in [Map 3-02 Scenic & Distinctive Resource Areas](#).

Does Metro's Urban Growth Management Functional Plan (UGMFP) for natural resources also apply to the code updates?

Yes, the County's Water Quality Resource Area District implements Title 3 (Water Quality) of the [UGMFP](#), and the Habitat Conservation Area District implements Title 13 (Nature in Neighborhoods) of the UGMFP. These regulations are Metro's program for Statewide Planning Goal 6 (water resources) and Goal 5 (natural resources).

Will this project update mapped resource areas (inventories) or change the level of protection they receive?

This project intends to avoid updates to the mapped resources and changes to their level of protection.* Updating mapped inventories and changing the protection levels is often a lengthy and time intensive process. Therefore, this project aims to clarify the existing regulations that apply to the mapped natural resource inventories. The intent of clarifying these regulations is to ensure these regulations are “clear and objective” (see above) so that they are easier to implement and to ensure consistency with state rules. The amendments to the code will be written to be clear and objective while maintaining the intent of the original/existing regulation to the extent possible.

* While the goal is to avoid updates to mapped resource inventories and protection levels, it is not guaranteed that such updates will not occur. Updates to development standards can occasionally trigger the need to make these changes, which can be difficult to forecast.

Are there other zoning code sections or chapters that will be updated?

This project will also provide clear and objective code updates for other areas and code regulations, including but not limited to “Mountain Recreational Resort,” “Hazards to Safety,” and “Open Space and Parks.” Necessary updates to other code chapters may be identified as the project progresses depending on findings from the project team and/or input from the Planning Commission. However, the primary focus of this project will continue to be on clear and objective updates for natural resources and hazards.

Will there be code updates for the floodplain?

Although the floodplain regulations are technically a natural hazard area and fall under Statewide Planning Goal 7 (Natural Hazards), the County will not update this chapter as a part of this project. Updates to floodplain regulations may be addressed as a separate process in the future depending on federal and state guidance, specifically regarding the Federal Emergency Management Agency’s (FEMA’s) Endangered Species Act Integration. There are additional complexities and challenges with complying with both FEMA directives and state requirements for clear and objective standards. The new FEMA requirements are forthcoming due to litigation, and code amendments for consistency will be considered, however the timeline is uncertain. Nonetheless, there may be minor updates to this chapter to ensure internal consistency with other chapters, however the mapped inventory and regulations will remain unchanged.

Will there be opportunities to learn more about the project and provide input?

The County will hold a Virtual Town Hall to share more information about the project and provide a status update on the code update. Community members will have an opportunity to comment at this Town Hall. In addition, community members are welcome to attend the Planning Commission work sessions where this project will be discussed. The project webpage will be updated periodically with project milestones as well. For any questions, comments or to sign-up for the interested parties list, please contact Joy Fields, JFields@clackamas.us.