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CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 09/15/2026 **Approx. Start Time:** 1:30 PM **Approx. Length:** 30 min

Presentation Title: File ZDO-294: FY27 Minor and Time-Sensitive Comprehensive Plan and ZDO Amendments

Department: Department of Transportation and Development (DTD)

Presenters: Mike Bezner, Assistant Director of Transportation DTD; Jennifer Hughes, Planning Director; and Martha Fritzie, Principal Planner

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction on two items proposed for inclusion in File ZDO-294, the FY27 Minor and Time-Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments package. Specifically, staff requests a decision on whether to include in the amendment proposal:

1. Reduced property line setbacks for accessory structures in the Future Urban, 10-acre District (FU-10), but only if the property has a Comprehensive Plan designation of low density residential (LR) applied by the City of Oregon City.
2. Farm store regulations to address:
 - (A) Access, egress and parking;
 - (B) Traffic management;
 - (C) Noise management;
 - (D) Hours of event operation; or
 - (E) Sanitation and solid waste.

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.

Although the Board just adopted the last package (ZDO-293) in August, the next package of amendments needs to be completed in the near-term due to new regulations from the state that must be implemented by January 1, 2027. File ZDO-294 will contain these mandated items, as well as several other items either proposed by a member of the public or by staff. Public hearings for consideration of ZDO-294 are expected to occur in October and November of this year.

At a policy session on August 4, 2026, the Board directed staff to move forward with ZDO-294, including all of the items proposed by Planning staff for inclusion but requested staff return for another policy session with additional information about two items: reduced setbacks for accessory structures in the FU-10 zone and regulations for farm stores. Staff have completed additional research and developed recommendations for these two items, as discussed below.

1. Reduced Setbacks for Accessory Structures in the FU-10 District

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. For accessory structures, the minimum setbacks are: 30 feet (front) and 10 feet (sides and rear).

To resolve a setback encroachment issue for a shed, a member of the public has requested that the setbacks for accessory structures be reduced in the FU-10 zone. Initially, Planning staff proposed aligning the setbacks with those in the county's urban low density residential districts, but after reviewing the pending building permit application for the shed with the encroachment issue, it was apparent that the issue would not be resolved with that proposal.

The property that precipitated these changes is located adjacent to the City of Oregon City and has had a Comprehensive Plan designation of Low Density Residential (LR) applied by the City. At such time as this property is annexed to Oregon City, it would have a low-density residential zoning designation applied as well.

In the City of Oregon City's Zoning Ordinance, accessory structures sited behind primary structures qualify for reduced setbacks based on structure height, area, and number (OCMC 17.54.010). Adopting the City's provisions applicable to structures less than 600 square feet in size and 17 feet in height will allow for some setback reductions consistent with the setbacks allowed on nearby properties located within the City. 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.

2. Regulations for Farm Stores in Agricultural Zones

New legislation (HB 4153 [2026]) establishes farm stores as a new use that counties must allow in agricultural zones subject to standards set forth in the legislation; however, the county is permitted to adopt local standards to regulate a specific list of operational elements. If the county does not do so by January 1, 2027, farm stores will be allowed without these local controls.

Farm *stands* are already allowed in the EFU and AG/F zones. However, at farm stands, state law limits sales of retail incidental items (i.e., products other than farm products produced in Oregon) and fee-based promotional activity (e.g., hayrides, corn mazes) to 25 percent of the revenue generated at the farm stand.

Under the new farm *stores* category, the retail sale of non-farm products is limited to 25 percent of the area of the permanent, enclosed farm store structure(s) (maximum 2,500 square feet). In addition, there is no limitation on the number, scale or intensity of agritourism activities except as may be established by adopted county ordinances. Aside from the state standards, county ordinances may regulate only the following and only to the extent that the standards do not have the effect of prohibiting a farm store:

- (A) Access, egress and parking;
- (B) Traffic management;
- (C) Noise management;
- (D) Hours of event operation; or
- (E) Sanitation and solid waste.

Because the allowances in state law for farm stores are so broad, staff recommend the Board consider adopting standards related to the listed items. During the last policy session, the Board expressed support for local regulations but asked to have additional discussion about the details.

(A) Access, egress and parking

(B) Traffic management

Planning staff met with Development Engineering and Traffic Safety staff to discuss elements to include in regulations under these two categories. **Staff recommend that the regulations should focus on safety and accommodating customer parking on-site. Key elements should be:**

- 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
- Evaluating these elements through a traffic management plan submitted by the applicant. For very large operations (e.g., parking for 100 cars or more) should require the traffic management plan to be 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.

(C) Noise management

Staff have identified several potential approaches to regulating noise.

- **Rely on the county noise ordinance.** Regulatory consistency may be helpful in administering and enforcing the code. Enforcement is through the Sheriff's Office rather than DTD Code Enforcement. 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. As drafted, 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, an amendment to the noise ordinance would be necessary or potentially the ZDO could simply stipulate that the noise ordinance applies to events on farm store properties.
- **Regulate consistent with current ZDO noise limits for home occupations to host events.** Those ZDO standards:
 - Limit noise from 7:00 am to 9:00 pm (Sunday through Thursday) or 10:00 pm (Friday/Saturday) to an average peak sound pressure level, when measured off the subject property, of the greater of 60 dB(A) or the ambient noise level
 - Limit noise during all other hours to an average peak sound pressure level, when measured off the subject property, of the greater of 50 dB(A) or the ambient noise level
 - Do not apply to noise generated by vehicles entering or exiting the subject property or to noise detectable on public and railroad rights-of-way
 - May require a professional noise study to demonstrate compliance

Noise studies are an expense to the applicant, which would be more impactful to smaller farm stores. The alternative is to not require noise studies, apply a condition of approval that requires compliance with the noise standards, and rely on code enforcement to address complaints that the standards have been violated. However, enforcement of these standards would be through DTD Code Enforcement, which means that enforcement during evenings and weekends does not occur.

- **Prohibit specified noise sources either entirely or outside of certain hours.** The code prohibits the use of such things as amplified music and pumpkin cannons outside of certain hours. This has the advantage of being easier to enforce than a decibel limit. The downside is that it's unlikely that staff can generate an exhaustive list of noise sources to add to the code.

Staff recommend a combination of a ZDO noise standard in line with home occupations to host events, a noise study requirement only under specified circumstances (e.g., an applicant who wants to have amplified music) and prohibiting/limiting specified noise sources.

(D) Hours of event operation

At least as a starting point for discussion, **staff recommend 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.** Although many agritourism events occur during daylight hours, haunted corn/hay mazes, farm-to-table dinners, etc. may occur later in the evening. Hours of event operation and noise standards can be looked at in combination as well, so we could consider allowing "quieter" events later in the evening than, for example, a music event.

(E) Sanitation and solid waste

Staff recommend that we rely on regulations implemented by the Septic and Building Codes programs for sewage disposal (i.e., septic systems and portable toilets).

To discourage litter, staff recommend a requirement for enclosed trash receptacles during events with the number/size/location dictated by anticipated event attendance. Specific standards would be developed in consultation with Sustainability and Solid Waste staff.

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? Approx. \$30,000 of Budgeted County General Funds.

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: Many of the proposed amendments in ZDO-294 are mandated by changes in state law. However, the two items discussed in this policy session worksheet are optional.

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 include the proposals, as presented, for regulating farm stores and reducing setbacks for certain properties zoned FU-10 in ZDO-294.
2. Direct staff to make Board-identified changes to the proposals for regulating farm stores and/or reducing setbacks for certain properties zoned FU-10 and include the amended proposal in ZDO-294.
3. Direct staff to take no further action on these items. The remainder of the amendments proposed in ZDO-294 would continue to move forward, per the Board's direction on August 4, 2026.

RECOMMENDATION:

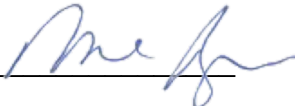
Staff recommend Option 1:

Direct staff to include the proposals, as presented, for regulating farm stores and reducing setbacks for certain properties zoned FU-10 in ZDO-294.

ATTACHMENTS:

N/A

SUBMITTED BY:

Division Director/Head Approval 
Department Director/Head Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Jennifer Hughes @ 503-742-4518 or jenniferh@clackamas.us
