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MEMORANDUM

TO: Clackamas County Planning Commission
FROM: Long Range Land Use Planning Team
DATE: September 28, 2026
RE: **Study Session:** File ZDO-294, FY27 Minor and Time-Sensitive Comprehensive Plan and Zoning & Development Ordinance Amendments

The purpose of the first study session on September 28, 2026, is to provide the Planning Commission with an overview of and an opportunity to discuss the Fiscal Year (FY) 2027 *Minor & Time Sensitive Amendments* package, which will be found in Planning File ZDO-294.

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 county just adopted the last such package in August (File #ZDO-293), 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.

At policy sessions in August and September 2026, the Board of County Commissioners directed staff to proceed with drafting the Comprehensive Plan and ZDO amendments for ZDO-294. Staff has created initial drafts of the amendments and public notice was sent on Monday, September 21, 2026 (see **Attachment A**). The proposed amendments would 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 July 1, 2027.

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 agri-tourism activities in agriculture zones.

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 agri-tourism 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; or
- (E) Sanitation and solid waste.

Ordinance ZDO-294 includes proposed amendments for regulations related to (A) through (E) above with the exception of sanitation, which will continue to be regulated by other county-administered standards.

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

In response to a request by a member of the public to remedy a setback issue, 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.

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.
- Increase the maximum size allowed for a flag from 40 sq. ft. to 47.5 sq. ft. to allow for a military casket flag to be flown.
- Clarify existing allowances for wireless telecommunication facilities in the EFU and AG/F zones
- Edit Section 406, *Timber District*, as needed to conform to state statutes and administrative rules. These rules may also apply in the AG/F District.
- Clarify provisions that routinely cause confusion for staff and customers.
- Correct citations and typographical errors.

Issues for Discussion:

During the study session, staff will provide more detail about the proposed amendments and there will be time for discussion and questions. As noted, many of the proposed amendments are included because they have been mandated by the state. Below, staff have highlighted two proposals that are not mandated and rise above the level of housekeeping amendments and warrant some discussion.

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 included standards for consideration in File ZDO-294, as summarized below.

(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. The draft regulations 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
- Evaluating these elements through a traffic management plan submitted by the applicant. Large operations (parking for more than 75 cars) would 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

Enforcement of the county's noise ordinance 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, 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.

(D) 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

Next Steps:

Public hearings for consideration of ZDO-294 are scheduled as follows:

Planning Commission: **Monday, October 26, 2026**

Board of County Commissioners: **Tuesday, November 10, 2026**

Attachments:

A. HB 4153 [2026]

B. Proposed amendments to ZDO Section 401, *Exclusive Farm Use*, 09/21/2026 draft