

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS **Staff Presentation Worksheet**

Presentation Date: November 3, 2009 Time: 10:00 A.M. Length: 45 Minutes

Presentation Title: Events on EFU Land / Amendments to Section 806 of the ZDO.

Department: Planning

Presenters: Mike McCallister, Planning Manager

POLICY QUESTION

Should Section 806 – Home Occupation to Host Events be amended to allow Events in EFU zones on properties with a *Historic Landmark* designation?

ISSUE & BACKGROUND

In 2006 Clackamas County adopted a new ordinance into the Zoning and Development Ordinance (ZDO) known as Section 806 – “Home Occupation to Host Events.” Weddings, reunions and other types of gatherings and events are not specifically listed as permitted or discretionary uses in EFU zones in State law. However, State law does allow the County to permit “Home Occupations” in EFU zones subject to certain standards. Section 806 of the ZDO was adopted in compliance with State law under the Home Occupation provisions in ORS 215.448.

This Section of the ZDO allows “Events” to be hosted in the EFU and Ag/F zoning districts in conjunction with a winery (as defined in ORS 214.452). The standard limiting these types of events to be operated only in conjunction with a winery was a policy decision decided by the BCC when the ordinance was initially adopted. The intent of the BCC at that time was to apply the ordinance narrowly in order to limit the number of these types of activities in agricultural areas. The BCC decided that allowing these types of events in conjunction with a winery was appropriate because wineries are allowed in the EFU zone and are intended to provide for public gatherings and tourism activities. The County has the policy discretion under State law to apply this ordinance narrowly or broadly to properties in the EFU zone.

This past legislative session, Senator Metsger pursued an amendment to State law on behalf of a citizen of Clackamas County who was contemplating the purchase of a property zoned EFU with a Historic Landmark (HL) overlay zoning district. The property is developed with a dwelling designated as a Historic Landmark. Historic Landmarks are properties or structures deemed to have significant historical significance and protected under Goal 5 of the Statewide Land Use Goals. The property is not eligible to apply for a Home Occupation to Host Events because it is not developed with or large enough to qualify for a winery. In lieu of pursuing the proposed bill on a Statewide level, Senator Metsger worked with DLCD and the Clackamas County Planning Staff to pursue an amendment to Section 806 at the local level rather than attempt to pass a bill that would apply Statewide. A copy of Section 806 with the recommended new language (see bold underlined language in Section 806.03F on page 2) and a memorandum discussing the

general types of commercial / tourism related activities allowed under State law is included in this packet.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Should the BCC initiate an amendment to Section 806 to allow Home Occupations in EFU zones on a property developed with a dwelling designated as a Historic Landmark?

OPTIONS AVAILABLE

1. No action. Make no amendments to Section 806.
2. Amend Section 806 to allow events on properties with a Historic Landmark Designation.
3. Amend Section 806 more broadly to allow events on other properties in EFU zones.
4. Postpone a decision to amend Section 806 in light of other ongoing policy discussions regarding land uses in EFU zones (i.e. Urban / Rural Reserves, District 8 - AOC and County Agri-Tourism discussions).

RECOMMENDATIONS

The Planning Staff supports the proposed amendment because it provides a good balance between promoting and maintaining significant historic structures protected under Statewide Goal 5 and limiting the overall number of these facilities on agricultural land protected under Statewide Goal 3.

SUBMITTED BY:

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

For information on this issue or copies of attachments, please contact _____ @ 503-_____