

Planning and Zoning
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NOTICE OF LAND USE RECOMMENDATION

This document represents the Planning and Zoning Division staff findings, recommendation and recommended conditions of approval for a Land Use Application for a Conditional Use Permit. It contains three parts: Section 1 – Summary and Recommendation, Section 2 – Conditions of approval and Section 3– Findings.

SECTION 1 – SUMMARY

DATE: November 22, 2017

HEARING DATE: November 30, 2017 (Agenda Item Time: 9:30 am)

CASE FILE NO.: Z0548-17-C

STAFF CONTACT: Mike McCallister, Planning Director (503) 742-4522,
mikem@clackamas.us

LOCATION: T2S R2E, Section 15A, Tax Lots 1200, 1500,1700, W.M; no site address; at the terminus of SE 115th Avenue, approx. 600 feet south of SE Jennifer Street, Clackamas area.

APPLICANT(S): Clackamas County Health, Housing and Human Services (H3S), Steve Kelly; 2051 Kaen Rd, Suite 245, Oregon City, OR 97045

OWNER(S): Clackamas County Development Agency; 150 Beavercreek Rd, Oregon City, OR 97045

TOTAL AREA: Approximately 19.03 acres

ZONING: GI - General Industrial

COMPREHENSIVE PLAN DESIGNATION: General Industrial

CITIZENS PLANNING ORGANIZATION: Clackamas CPO. Cyndi Lewis – Wolfram, 503-652-9959, 6688 SE Montego Bay Street, Milwaukie OR 97267. The CPO has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned.

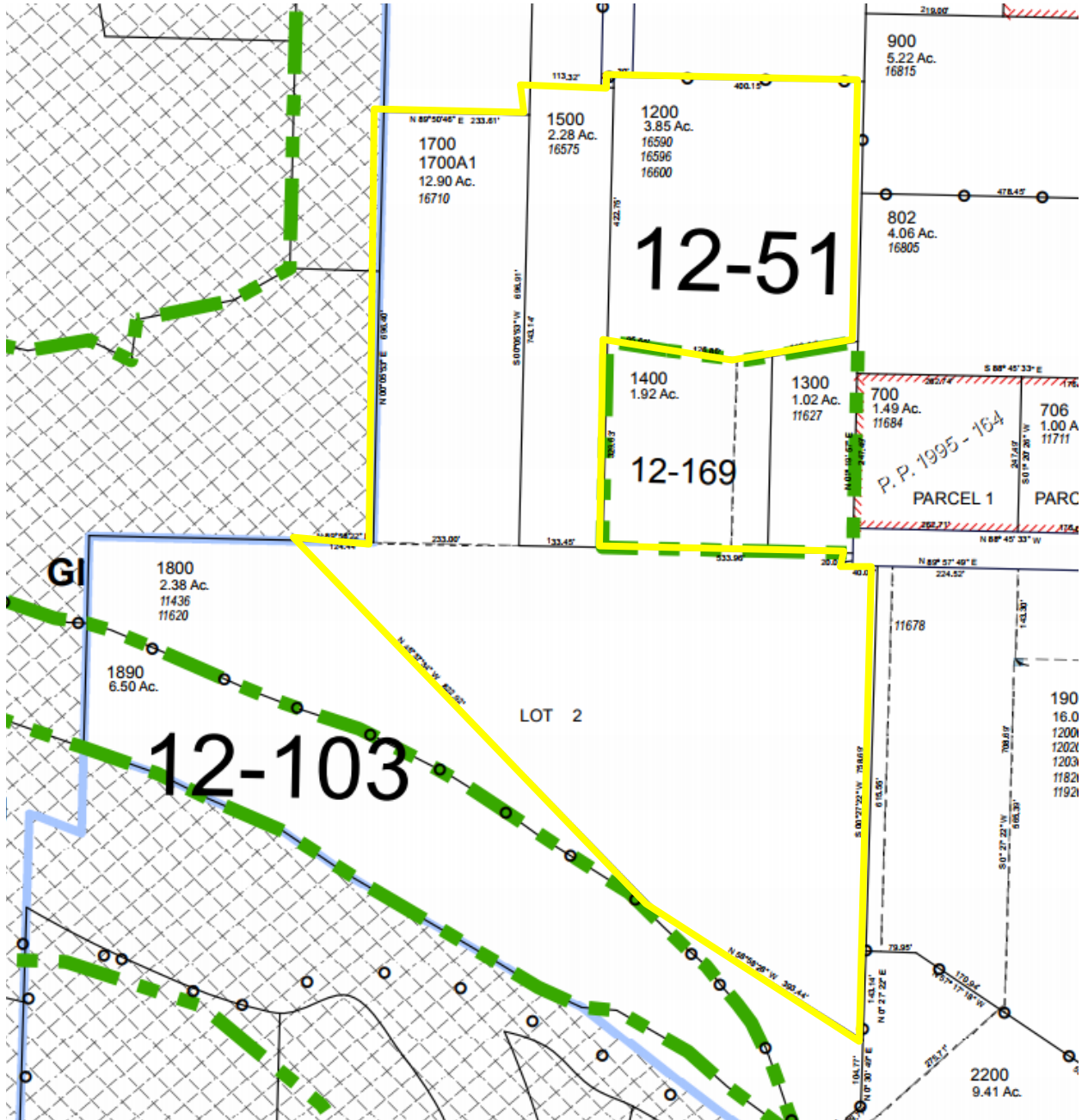
PROPOSAL: Conditional Use Permit for a transitional shelter community. The proposal includes up to 30 sleeping pods and a number of community buildings to support the residents, including an office for a village manager, restrooms, kitchen and eating facilities and a shop building. Other proposed improvements include off-street parking and access road. Access to the property is at the terminus of SE 115th Avenue. All development and improvements are proposed on the upper portion. The application includes three alternative site plans which will be considered. The site plans are identified as Exhibits A, B and C in the application materials.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

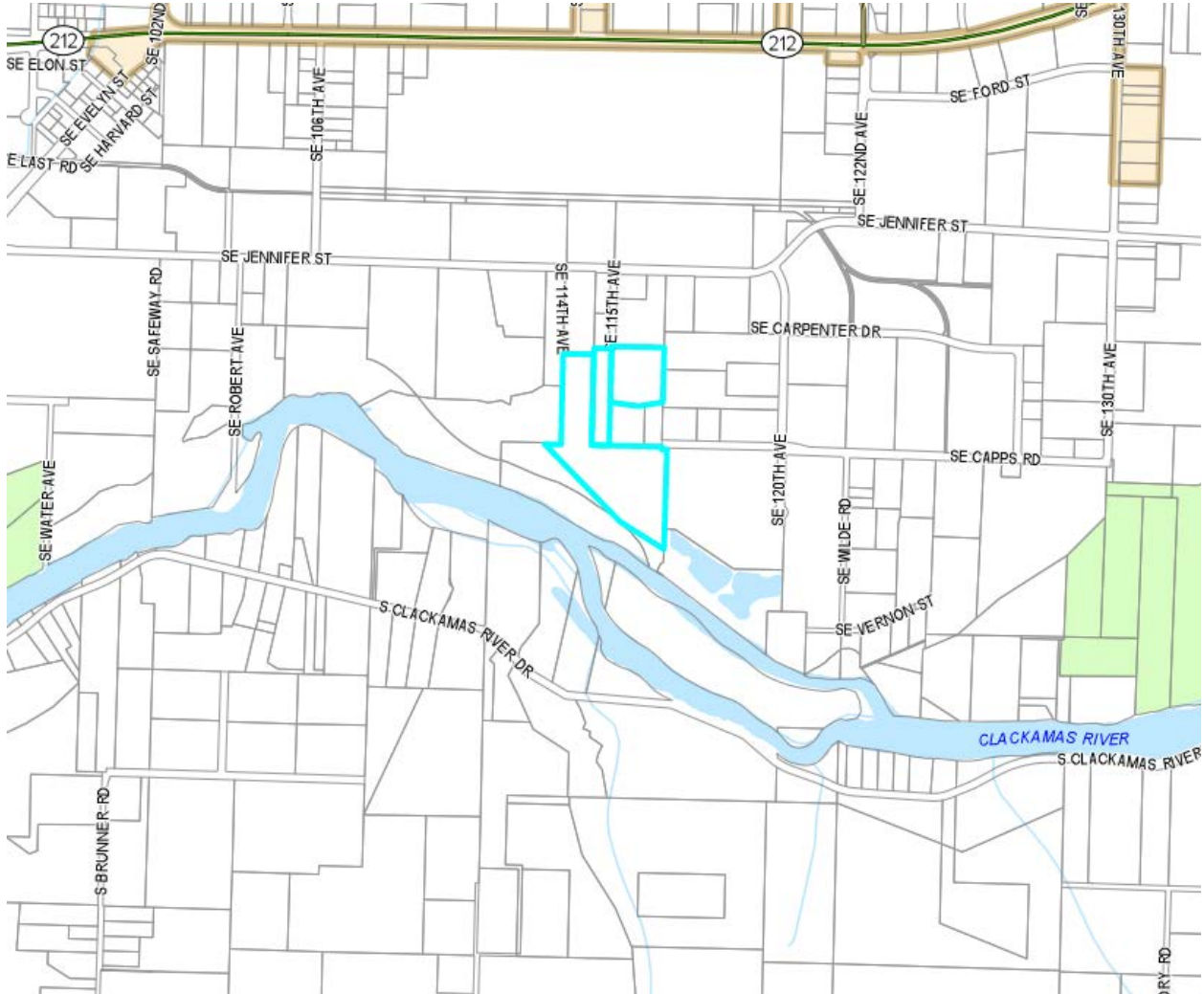
OPPORTUNITY TO REVIEW THE RECORD: A copy of the Planning and Zoning Division Staff recommendation and all evidence submitted with this application is available for inspection, at no cost, at the Planning and Zoning Division during normal business hours (Monday – Thursday 8:00 a.m. – 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.). Copies of all documents may be purchased at the rate of \$1.00 for the first page and 10 cents for each additional page. The Planning and Zoning Division recommendation contains the findings and conclusion upon which the recommendation is based along with any recommended conditions of approval.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections(s) 602, 706, 842, 1000 and 1203; and applicable policies in the Comprehensive Plan.

TAX MAP



Location Map



Aerial photograph



RECOMMENDATION:

1. Approval, with conditions.

SECTION 2 – RECOMMENDED CONDITIONS OF APPROVAL

The Clackamas County Planning and Zoning staff recommends approval of this application for Conditional Use Permit subject to the following conditions:

I. General Conditions:

- 1) Approval of this land use permit is based on the submitted written narrative and plan(s). No work shall occur under this permit other than which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of approval described herein.

- 2) The approval authorizes implementation of either Site Plan Alternative A, B or C.
- 3) The applicant is advised to take part in a Post Land Use Transition meeting. County staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you like to take advantage of this meeting please contact Wendi Coryell, Clackamas County at (503) 742-4657 or at wendicor@co.clackamas.or.us.
- 4) **Prior to the issuance of building permits**, the applicant shall submit a statement of use to Diedre Landon in the Clackamas County Engineering Division. Diedre Landon can be contacted at (503) 742-4411 or dlandon@co.clackamas.or.us . The statement of use is used to calculate the Transportation System Development charge. A Transportation System Development Charge (TSDC) is included in the final calculation of the building permit fees for new instructional projects; this includes additions and tenant improvements that increase the number of daily trips to the site.
- 4) If approved, the conditional use is valid for two years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
 - a. A building permit for a new primary structure that was part of the conditional use approval; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.
- 5) This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
- 6) The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

II. Planning and Zoning Conditions: Mike McCallister, (503) 742-4522,
mikem@clackamas.us

- 1) Development of the subject property is subject to the provisions of ZDO Section 1203 and those other relevant codes and ordinances adopted by the Board of County Commissioners pursuant to Subsection 1001.03 of the ZDO, including, but not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.
- 2) Outdoor lighting shall be located and designed so that it does not shine onto adjacent properties or right-of-ways.
- 3) The operator of the transitional shelter community shall obtain approval from the Director of the County Health, Housing and Human Services (H3S) in consultation with the County Administrator.
- 4) Shelter units shall be stick-built structures or prefabricated structures but may not have fabric walls or roofs (e.g., tents, yurts, and membrane structures). Shelter units may not be vehicles, residential trailers, or manufactured dwellings. Each shelter unit shall be detached from any other shelter unit.
- 5) The maximum building floor space for each shelter unit is 200 square feet.
- 6) Bathrooms and kitchens are prohibited in the shelter units. Instead, common bathroom and kitchen facilities shall be provided for the residents.
- 7) Water service, sanitary sewer service, natural gas service, and generators are prohibited in the shelter units but are permitted in common facilities.
- 8) No outdoor storage is permitted. Residents shall be provided with enclosed, secure storage facilities for their belongings.
- 9) The transitional shelter community shall be fenced with sight-obscuring fencing a minimum of six feet in height.
- 10) The minimum rear and side yard depth is five feet. The minimum front yard depth is 20 feet.
- 11) All structures shall be separated from one another by a minimum of 10 feet.
- 12) Submittal and approval of a Construction Management Plan (CMP) pursuant to Section 706.08 is required prior to issuance of any development permits.
- 13) Installation of refuse and recycling facilities in compliance with Section 1021 of the ZDO.

14) All signs shall comply with Section 1010.09 of the ZDO.

III. Building Code Division Conditions: Richard Carlson, (503) 742-4769, richardcar@co.clackamas.or.us

- 1) All construction shall comply with current Oregon Structural Specialty Code and any other relevant codes. All required building permits shall be obtained and received final occupancy approval.
- 2) All applicable development permits (grading and erosion control, etc.) shall be obtained prior to any construction.

IV. Engineering Division Conditions: Ken Kent, (503) 742-4708, kenken@co.clackamas.or.us

- 1) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
- 2) All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
- 3) Access from SE 115th Avenue shall meet the following requirements:
 - a. A paved driveway approach, 20-foot wide by 20-foot deep shall be constructed from the existing terminus of SE 115th Avenue, per Roadway Standards, Drawing D500.
 - b. A temporary construction easement or access easement shall be provided where driveway construction is less than 2 feet from a property line.
- 4) The applicant shall design and construct on-site parking and maneuvering areas as follows:
 - a. The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site, including a minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces. The applicant shall show the paths traced by the extremities of anticipated large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks), including off-tracking, to insure adequate turning radii are provided for the anticipated large vehicles maneuvering on the site.
 - b. A minimum of 8 off-street parking spaces shall be provided in compliance with Section 1015. Parking spaces shall meet minimum ZDO section 1015 dimensional requirements. Parking layout geometry shall be in accordance with ZDO Table 1015-1 and Figure 1015-1. The parking lot and drive aisles shall be screened gravel or better, per Standard Drawing R100.
 - c. ADA parking spaces shall be paved, and a minimum 5-foot wide, unobstructed, hard surfaced walkway shall be provided to at least one public entrance of the building(s).

- d. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
- 5) Prior to certificate of occupancy, the applicant shall provide an Engineer's cost estimate to Clackamas County Engineering for any unfinished improvements required by conditions of approval. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.
- 6) Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:
 - a. Written approval from the Fire District for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b. Written approval from Clackamas River Water Authority for adequate water supply source to serve the development.
 - c. A set of street and site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.

V. Clackamas River Water District

- 1) Development will require main extensions per Clackamas River Water Rules and Regulations.
- 2) Water services will be provided only from pipes or mains located within public street, alleys or rights of way, or within easements furnished to CRW, and to property or premises with frontage to such mains. No person shall furnish water to other buildings or premises without the written approval of the Board, which may be granted in the sole discretion of the Board, and then only under the specific terms of an agreement approved by CRW.
- 3) Fire hydrant number and distribution shall be in accordance with the Oregon Fire Code C105.1. Placement of fire hydrant systems shall be in accordance with the Oregon Fire Code 507.5.1
- 4) Unless noted on the plans or specified otherwise, all construction and backflow devices are to be in accordance with the most recent version of Clackamas River Water standards and the Oregon Administrative Rules (OAR), Chapter 333.
- 5) All water facilities design, construction, testing and maintenance, where applicable, shall conform to the latest adopted revision of the Oregon State Health Division administrative Rules, chapter 333 on Public water system except where provisions outlined in the

Clackamas River Water rules and regulations.

- 6) Any substantial deviation from the approved construction plans must have prior approval of the Water District.
- 7) Easements for water facilities shall be provided and designated on the final plat or separate recording as deemed necessary by the Water District.
- 8) Resale of water purchased from the Water District will not be permitted. No user shall resell or permit resale of water directly to any person, or for any use.

VI. Water Environment Services Conditions

- 1) Applicants proposing sanitary sewer extension, connection to the sanitary sewer system, and/or surface water management plans shall be governed by the District's Rules and Regulations (R&R), and Standards and shall submit the plans, reports, studies, and information as required by District Regulations. All submittals shall be reviewed and approved by the District. (*R&R, Section 11.1 and 12.2*)
- 2) All costs associated with the design, construction and testing of the sanitary sewer or storm system, including onsite and offsite improvements and easements shall be provided by, and at the sole expense of the applicant/developer/property owner(s).
- 3) All properties connecting to the sanitary and/or storm sewer systems are subject to applicable fees and charges and shall be paid before building permits will be issued. District charges and fees are subject to change without notice to the applicant(s) of this planning application. For current rates, see <http://www.clackamas.us/wes/development.html>

Sanitary:

- 4) A separate and independent service connection shall be provided for each taxlot, including any necessary easements. (*Sanitary Standards, Section 5.5.5*)
- 5) A point of connection to the public sanitary sewer shall be made via a new 6" lateral in SE 115th Ave. (*Sanitary Standards, Section 3.2*)
- 6) All food preparation facilities that prepare food onsite shall install grease interceptors, per Oregon plumbing code. In addition, the property owner will be responsible for cleaning and maintaining these interceptors at a frequency to be determined by the manufacturer and District. (*R&R, Section 10.2*)
- 7) A District Non-Residential Wastewater Questionnaire (NRQ), which provides an estimate of all proposed wastewater discharges to the public sanitary sewer system, shall be due with the first plan submittal.

- 8) This development is subject to a Sanitary Sewer Plan Review Fee (4% of the cost of the sanitary construction or \$400.00 minimum, whichever is greater). The minimum plan review fees shall be paid with the first plan submittal.
- 9) Sanitary System Development Charges shall apply per District rules and rates at the time of building permit application. The current estimate is \$22,796.30. (*R&R, Section 4.1*)
- 10) A Collection Sewer Charge shall not apply. (*R&R, Section 4.4.1*)

Stormwater Management:

- 11) All development that results in **more than 5,000 square feet** of new impervious surface and/or a modification of existing impervious surfaces shall submit a Surface Water Management Plan (SWM Plan). The plan shall explain how the development will conform to all District stormwater standards, including detention, water quality, and infiltration. (*SW Standards, Section 5.1.1*)
- 12) The SWM Plan shall document how the development will meet the District's stormwater standards, including:
 - a. **Water Quality Standard** – On-site water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24 hour storm event prior to discharge from the site. (*SW Standards, Section 5.2*)
 - b. **Infiltration Standard** - Infiltration systems shall be sized with sufficient capacity to accommodate the runoff volume from the first ½ inch of runoff in a 24-hour period. (*SW Standards, Section 5.3*)
 - c. **Detention/Flow Control Standard** – On-site detention facilities shall be designed to capture, detain, and release runoff as follows: Reduce the 2 year, 24-hour post-developed runoff rate to ½ of the 2 year, 24-hour pre-developed discharge rate. (*SW Standards, Section 5.4*)
- 13) The SWM Plan shall verify the condition and capacity of the stormwater conveyance system to accommodate all post-developed runoff, including all upstream flows entering the site, all flows onsite, and all downstream flows leaving the site: (*SW Standards, Section 5.4.1*)
 - a. All stormwater facilities shall have a suitable point of discharge, as approved by the District. (*SW Standards, Section 1.2*)
 - b. All stormwater facilities shall provide an emergency overflow pathway in the event of any stormwater facility failure or bypass. The overflow pathway shall be contained in a tract, common area, or public right-of-way. (*SW Standards, Section 1.2*)

- c. Downstream conveyance analysis (if required) shall demonstrate adequate conveyance capacity to the distance where the project site contributes less than 15% of the upstream drainage area or 1500 feet downstream of the project, whichever is greater. (*SW Standards, Section 5.4.4.4*)
 - d. The stormwater conveyance system shall be sized and installed to meet the future ultimate development of the upstream basin. At a minimum, the system shall safely convey the 25-year, 24-hour design storm. (*SW Standards, Section 5.4.1*)
- 14) Infiltration testing conducted by a qualified professional shall be required. (*SW Standards, Appendix E.1*)
- 15) If infiltration is not feasible the design engineer shall submit a modification request in accordance with *CCSD#1 Standards Section 1.6* with an equivalent alternative design which can accomplish the same design intent as provided in these standards. (*SW Standards, Section 5.3*)
- 16) A 'Private Storm Drainage Facilities Maintenance Plan', which describes the perpetual maintenance of the stormwater infrastructure, shall be submitted to the District prior to final plan approval. (*SW Standards, Section 5.5.10*)
- 17) Surface Water System Development Charges shall apply per District rules and rates at the time of building permit application. The current estimate is \$979.23.00. (*District R&R, Section 4.1*)
- 18) This development is subject to a Surface Water Plan Review Fee (4% of the cost of the stormwater system construction or \$400.00 minimum, whichever is greater). The minimum plan review fees shall be paid with the first plan submittal.

Water Quality and Flood Management Areas:

- 19) A Sensitive Area Certification shall not be required.
- 20) The approval of the land use application does not include any conclusions by the District regarding acceptability by the DSL or COE of the wetland delineation. This decision should not be construed to or represented to authorize any activity that will conflict with or violate the DSL or COE requirements. It is the applicant's responsibility to coordinate with the DSL or COE and (if necessary) other responsible agencies to ensure that the development activities are designed, constructed, operated and maintained in a manner that complies with the DSL or COE approval.

Erosion Control:

- 21) An erosion control permit and \$460.00 fee shall apply. An erosion control plan shall be submitted for review prior to building permit approval. No grading or construction activity disturbing more than 800-sqft on the property shall commence until the erosion control plan is approved and the permit is issued. (*SW Standards, Section 6.2.3*)

SECTION 3 – FINDINGS CONDITIONAL USE PERMIT

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 602, 706, 842, 1000 and 1203; and applicable policies in the Comprehensive Plan. The Clackamas County Planning and Zoning Division staff have reviewed these Sections of the ZDO in conjunction with this proposal and makes the following findings and conclusions:

BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES

1. Background:

A. **Prior Land Use Actions:** On August 24, 2017 the Board of County Commissioners adopted legislative text amendments to the Comprehensive Plan and Zoning and Development Ordinance to provide for Transitional Shelter Communities. See File No. ZDO-267. The amendments became effective on August 28, 2017. The amendments include;

1. A new land use - Transitional Shelter Communities
2. A definition of a “transitional shelter communities”
3. A land use review procedure to provide for this use as a conditional use in urban Light Industrial and General Industrial zoning districts
4. A new section ZDO-842 which includes development standards and submittal requirements for Transitional Shelter Communities.
5. A waiver for Design Review and certain development standards.
6. Provisions for a repeal (or sunset provision) of the ZDO provisions after two years or after three projects are approved, whichever comes first.

B. Applicant’s discussion of their proposal:

Clackamas County Health, Housing and Human Services proposes to construct a transitional shelter community, including up to 30 sleeping pods and a number of community buildings to support the residents. The community buildings include an office for a village manager, restrooms, kitchen and eating facilities, and a shop building. Other proposed improvements include off-street parking and a fire access road.

All developments and improvements are proposed on the developable upper portion of the site, outside of any habitat conservation areas. The area of the site proposed for use is approximately 1.36-1.40 acres located at the terminus of SE 115th Avenue, south of SE Jennifer Street. The development is intended to be constructed in two phases. The first phase would construct 15 pod structures, a bathroom facility, kitchen facility, work shop and village manager office. A second phase would add 10-15 pod structures, and additional bathroom, kitchen and office facilities.

2. **Site Description:** The site is located at the terminus of SE 115th Avenue, approximately 600 feet south of SE Jennifer Street. The property is vacant. The upper portion of the site is generally at grade with SE 115th is mostly covered in grass with some trees on the perimeter

and on the south side of the developable area. South of the developable area the terrain drops off steeply down to Carli Creek and is densely covered in trees and shrubs. That portion of the property is mapped as a Habitat Conservation Area and Natural Resource Buffer regulated by WES / CCSD #1 water quality regulations. See Title 13 – Nature in Neighborhoods, Veterans Village Site (HCA and WES Natural Resource Buffers) and Veterans Village Buffer Analysis Maps in the submitted application.

3. **Surrounding Conditions:** The site is at the terminus of SE 115th Avenue, approximately 600 feet south of SE Jennifer Street. Land uses along SE 115th Avenue north of the site would generally be described as light industrial, including an automotive repair and restoration shop, and a wholesale lumber yard that occupies the entire east frontage of 115th. To the west is a concrete supply company. The lot immediately to the east is zoned industrial but is currently vacant. To the south, separated by the Carli Creek ravine is a landscaping service and a future industrial park site.
4. **Service Providers:**
 - A. Sewer and Surface Water: Clackamas County Service District #1 (CCSD #1).
 - B. Water: Clackamas River Water District.
 - C. Fire Protection: Clackamas Rural Fire Protection District #1.
8. **Responses Requested:**
 - A. City of Happy Valley
 - B. Clackamas Community Planning Organization (CPO)
 - C. Clackamas Rural Fire Protection District #1. The Fire District has provided comments in response to the pre-application conference and complete application. See Exhibit 3 and application materials.
 - D. Department of Transportation and Development (DTD), Traffic Engineering (TE). See Exhibit 6.
 - E. DTD, Building Division
 - F. Water Environment Services Division / CCSD#1. The CCSD #1 have provided comments in response to the proposal. See Exhibit 4
 - G. Clackamas River Water District. Clackamas River Water District has provided comments attached to the Preliminary Statement of Feasibility in the application materials.
 - H. County Health Division
 - I. Property Owners within 300 feet of the subject property

PART 1. SUBMITTAL REQUIREMENTS – CONDITIONAL USE PERMIT

1. Subsection 1307.07(C) and 1203.02 of the Zoning and Development Ordinance list the information that must be included in a complete application for a conditional use permit. Section 842.03 includes additional submittal requirements for Transitional Shelter

Communities.

This land use application includes a completed land use application form and completed supplemental application form addressing the criteria in Section 1203 of the ZDO as required in Section 1307.07(C). The application fee was waived by the County Administrator pursuant to Section 1307.15(E). See Exhibit 2.

Section 1203.02 of the ZDO includes additional submittal requirements for a conditional use permit. The land use application includes Preliminary Statements of Feasibility as required in Section 1006 for water supply from the Clackamas River Water District and sanitary sewer and surface water from Water Environment Services / CCSD #1, a vicinity map, a site plan (three alternatives) and building profiles of the proposed buildings.

Section 842.03 of the ZDO includes additional submittal requirements for transitional shelter communities. In addition to the submittal requirements of Subsection 1203.02, an application for a conditional use permit for a transitional shelter community shall include an operations plan that addresses the following:

- A. Parking;
- B. Site security;
- C. Site lighting;
- D. Pets
- E. Heat source, if any, proposed for the shelter units;
- F. Length of stay permitted for residents of the transitional shelter community;
- G. Plan for transitioning residents of the transitional shelter community to more permanent housing;
- H. Support services, if any, to be provided on the site to the residents of the transitional shelter community; and
- I. Provisions for onsite management.

The application materials address all the operation submittal requirements in Section 842.03 of the ZDO (See page 6 of the application).

All the submittal requirements under Subsection 1307.07(C), 1203.02 and 842.03 of the ZDO are included in the application materials. The application was submitted on October 5, 2017 and deemed complete October 9, 2017. The 120 day deadline for processing this application is February 6, 2018. See Exhibit 1.

PART 2. CONDITIONAL USE PERMIT

1. **Subsection 1203.03** of the Zoning and Development Ordinance lists six (6) criteria that must be satisfied in order to approve this Conditional Use. Staff notes that the application includes three alternative site plans (A, B and C). The staff does not believe the site plans are materially different in terms of potential impacts and approval standards applicable to the proposed use. Therefore the findings below are based on an evaluation of all three alternatives unless otherwise noted.

- A. **Section 1203.03(A):** *The use is listed as a conditional use in the zoning district in which the subject property is located.*

The subject property is zoned GI. Section 602 of the ZDO implements the GI zoning district. Uses permitted in the GI zoning district are listed in Section 602.03 and corresponding Table 602-1. Table 602-1 lists “Transitional Shelter Communities, subject to Section 842” as a conditional use. The Table also includes a reference to footnote 12 which is applicable to this use.

Footnote 12 specifically states: *Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of August 28, 2019; or the day after the County renders a final decision approving a conditional use permit for the third of three separate transitional shelter communities.*

The ordinance ZDO-267 has not been repealed because the sunset date of August 28, 2019 is not yet effective and this is the first application for a conditional use permit for a transitional shelter community. No other conditional use permits for transitional shelters have been submitted or approved by the County.

The conditional standards in Section 842 applicable to transitional shelter communities are addressed in Section 3 of this report. Based on the findings in Section 3 the proposed use complies with all the standards in Section 842.

The proposed use qualifies as a listed conditional use because it meets the definition of a transitional shelter community, satisfies all the standards in Section 842 of the ZDO and the ordinance has not been repealed. This criterion is satisfied.

- B. **Section 1203.03(B):** *The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.*

1. **Size:** The entire subject property is approximately 19.03 acres in size. There is approximately 1.4 acres of an upland area of the property that is proposed for use by the transitional shelter community. The submitted site plans demonstrate that the property is of sufficient size to accommodate the proposed housing pods, service buildings and other improvements as well as the required setbacks and other development standard in Section 842. The size of the property is also adequate to accommodate an access drive to serve the development and provisions for fire apparatus.
2. **Shape:** The three tax lots which make of the subject property are irregular in shape. The upland area identified for the proposed use is rectangular in shape. In either case, the shape of the property does not present any significant limitations to accommodate the proposed use.

3. Topography: The area of the property subject to development is on the north end of the tax lots, is relatively flat and approximately at grade with SE 115th. To the south of the developable area the terrain drops off steeply down to Carli Creek. The level terrain makes the site suitable for placement of the pods and other buildings and road improvements without substantial grading or other site work.
4. Location: The subject property is located in a General Industrial zoning district at the terminus of SE 115th approximately 600 feet south of SE Jennifer Street. Jennifer Street is classified as a minor arterial. SE 115th is classified as a local street, provides direct access and dead-ends at the subject property. The larger area is primarily industrial development situated around SE Jennifer and the Highway 212 corridor. The location of the property is suitable for the proposed use because it has direct access to a local street and is located in one of only two zoning districts in the County which authorize transitional shelter communities.
5. Improvements: The subject property is currently un-developed. The upper portion of the property where the use is proposed includes areas which are compacted with gravel from some prior / historical use of the property. That renders the site suitable to accommodate the proposed structures, access roads and other improvements. Portions of the site (north and east property lines) are already fenced which is a required development standard in Section 842. Overall the absence of existing structures, compacted / graveled areas of the property and partial fencing of the site are very suitable improvements to accommodate the proposed use.
6. Natural Features:
 - a. Floodplain: According to the FEMA Floodplain maps, the portion of the subject property proposed for development is not located within a designated floodplain.
 - b. Geologic Hazards: According to DOGAMI maps the subject property does not include any geologic hazards (mass movement, soil hazard areas, etc.)
 - c. River and Streams Conservation Areas: The subject property does not contain any protected streams identified as River and Stream Conservation areas.
 - d. Habitat Conservation Area and WES Sensitive Buffer Area: The findings in Section 1203.03F demonstrate the proposed use will be located outside of the HCA and WES buffer areas.
7. Summary: The size, shape, topography, location and improvements are suitable characteristics to accommodate the proposed use within the upland area proposed for development. The proposed development is limited to upland areas of the property outside of the designated and mapped natural resource / environmental areas. The proposed development is located outside of the regulatory environmental buffers and therefore suitable to accommodate the proposed use without impacting natural features or requiring mitigation. This criteria is met.

C. **Section 1203.03(C):** *The proposed use is consistent with Subsection 1007.09, and safety of the transportation system is adequate to serve the proposed use.*

1. Subsection 1007.09: Transportation Facilities Concurrency:

A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or, within a reasonable period of time following the approval of new development.

B. Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions and conditional uses.

C. Approval of a development shall be granted on if the capacity of the transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:

Development that is located:

a. In the Light Industrial, General Industrial, or Business Park District; and

b. North of the Clackamas River; and

c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and

d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and

e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).

The site of the proposed development is located in the area described in Section 1007.09(C)(1).

The subject property has direct access to SE 115th Avenue which dead-ends at the frontage of the subject property. SE 115th Avenue is classified as an industrial, urban local roadway. The road extends north approximately 575 feet to SE Jennifer Street. Jennifer Street is classified as an urban minor arterial street. The DTD TE staff has submitted comments indicated that adequate sight distance is available at the SE 115th Avenue / Jennifer Street intersection. There are no other issues raised regarding the safety of the transportation system.

The proposed use is exempt from the transportation concurrency in Section 1007.09(C) and the findings from the DTD Traffic Engineering Staff demonstrate the safety of the transportation system is adequate to serve the proposed use. This criterion is met.

D. **Section 1203.03(D):** *“The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.”*

1. Properties to the south and west, and immediately to the north and east, are zoned GI, General Industrial. To the northeast and to the north across SE Jennifer, the properties are zoned LI, Light Industrial. General industrial uses tend to be the most intensive in terms of heavy manufacturing, which often produce noise, dust, vibrations, outdoor operations, processing and storage and generate truck traffic on site and on nearby streets. Light industrial uses in the area are primarily warehousing and distribution, along with light manufacturing. Some uses may operate during normal business hours, others may operate multiple shifts or have round the clock operations to meet business needs.
2. This criterion does not require the use to have no impacts on surrounding properties, but instead the impacts must not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses. The primary uses allowed in this district are listed in Section 602, and include industrial uses such as heavy truck and heavy equipment uses, manufacturing, repair and servicing uses and transportation uses. Background information provided in this report and the application describe the general land uses occurring on the adjacent properties.
3. The evaluation of this criteria to address impacts on surrounding uses is somewhat unusual and unique. Requiring certain types of uses to be evaluated through a conditional use permit and at a public hearing is in part because they are deemed to have potential impacts in the area and on adjacent and surrounding properties. This “compatibility” criteria is one of 6 criteria to determine if the nature and scope of the use can be appropriately located in the area without impacting the ability of property owners to establish and continue to operate primary uses allowed in the underlying zoning district.

Normally this evaluation includes consideration of identified or potential impacts on adjacent and surrounding land uses which may include noise, dust, traffic, lighting and vibrations. Furthermore, the threshold question in evaluating this proposal is whether the proposed use (transitional shelter community) will have significant adverse impacts on the surrounding industrial uses. The issue is not whether the nearby and adjoining industrial uses will cause substantial impacts or compatibility issues with the transitional shelter community. Said another way, the primary industrial uses in the area may continue to operate consistent with ZDO standards without regards to impacts on the proposed transitional shelter community.

With that context in place, the proposed use is a community living arrangement for houseless veterans. No comments have been received regarding any identified or potential impacts on adjoining and nearby industrial uses. The staff does not believe the proposed use will generate any significant impacts such as noise, dust, vibration,

lighting or traffic that would significantly impact surrounding properties. To the extent there is noise, traffic or other impacts from the proposed use, staff believes the impacts will be far less intensive than the nature and scope of surrounding industrial uses. In other words, the proposed use in fact will have fewer and less intensive impacts than other primary uses allowed in the surrounding area.

4. Summary: Based on the above findings, the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district in which surrounding properties are located. This criterion is met.

E. **Section 1203.03(E)**: *“The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use.”*

1. The applicant has addressed some of the policies in the Comprehensive Plan found to be applicable to this proposal.

The subject property is designated General Industrial on the Comprehensive Plan Map. The following policies within the Comprehensive Plan are applicable to this application.

- a. Chapter 6, Housing: One of the Housing Goals in Chapter 6 is to *“Meet the need of the County houseless population through a variety of short-and long-term options.”*

Policy 6.B.10 states: *Develop and support a full spectrum of shelter and housing options (e.g., emergency shelters, transitional shelters, and public housing) that assist individuals in moving from houselessness to stable, long-term housing solutions.*

This proposal is consistent with this policy because it is a transitional shelter which will be managed by a qualified operator in conjunction with the County Department of Health, Housing and Human Services. The goal of the community is to provide safe and secure housing, counseling and social services to move veterans from houselessness to more permanent housing.

2. This proposal is consistent with the applicable policies of the Comprehensive Plan. This criterion is met.

F. **Section 1203.03(F)**: *The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, and Section 1000.*

1. Underlying Zoning District: The underlying zoning district is General Industrial. Based on the findings under Section 1203.01A, the proposed transitional shelter community qualifies as a listed conditional use in the GI zone. There are no other requirements other than the minimum front yard depth standard in the GI zone which

are directly applicable to this proposal. The submitted site plans demonstrate the proposal can satisfy the minimum front yard depth standard of 20 feet in Table 602-2. The Development Standards in Section 602.05 only apply to Outdoor Operations for primary uses in the BP, LI and GI zones are not applicable to this proposal.

2. Overlay Zoning Districts: The property does include areas mapped as Habitat Conservation Area (HCA) overlay zoning district and associated Natural Resource Buffers regulated by WES / CCSD #1. There are no other overlay zoning districts (Open Space, Floodplain Management, River and Stream Conservation Areas, etc.) which apply to the property.

Section 706 of the ZDO implements the HCA zoning district. WES / CCSD #1 water quality standards regulate other natural resource areas and associated buffer requirements. The Planning Staff and WES staff have completed a buffer analysis of both WES / CCSD #1 standards and the HCA regulations. The analysis demonstrates the proposed use is located outside the regulatory boundary of both required buffers. Section 706.08 does require review and approval of a Construction Management Plan for properties mapped as HCA. A condition of approval is warranted.

3. Section 800: Section 800 of the ZDO include Special Use Requirements for certain types of uses. Section 842 of the ZDO includes standards for “Transitional Shelter Communities.” Based on the findings in Part 3, paragraph B of this report, all the standards and requirements in Section 842 are met or can reasonably be met.
4. Section 1000 Standards:

- a. Section 1001.03: Other Codes:

Section 1001.03 requires compliance with a variety of specialty codes related to development. A condition of approval will require compliance with all the relevant codes. This standard can be met.

- b. Section 1002: Protection of Natural Features:

Section 1002 regulates development for hillsides, excessive tree removal, significant trees and wooded areas, river and stream corridors, deer and elk winter range and Mt. Hood Open Space areas.

The subject property does include slopes associated with Carli Creek that exceed 20%. However, all those slopes are located within the regulated HCA and CCSD #1 buffers. No development is proposed within the buffer area or on slopes exceeding 20%. In fact the area proposed for development is very flat and has no significant slopes.

No excessive tree removal has been documented on the subject property.

There are no significant trees or wooded areas proposed to be removed.

The property is not located within a designated river or stream corridor, deer and elk winter range or Mt. Hood open space area.

The standards of Section 1002 are met.

b. Section 1003: Hazards to Safety:

Section 1003 regulates development for mass movement hazard areas, flood hazard areas, soil hazard areas and fire hazard areas.

The source of information for determining mass movement hazards and soil hazard areas is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and accompanying maps. According to the DOGAMI Bulletin 99 maps, no mass movement hazard areas or soil hazard areas (defined as wet / high water table; high shrink – swell capability, compressible / organic; and shallow / depth-to-bedrock) are present on the property.

The subject property is not located in a flood hazard area.

The subject property is not located in a designated fire hazard area.

The standards of Section 1003 are met.

c. Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency:

The applicable standards in Section 1006 include Section 1006.02 – General Standards, Section 1006.06 – Public Sanitary Sewer Standards and Section 1006.08 – Surface Water Management Standards.

The general and specific standards for these Sections of the Ordinance require a Statement of Feasibility for water service, including fire flows, public sewer and surface water management.

The application includes a signed Statement of Feasibility form from WES / CCSD #1 demonstrating it is feasible to comply with minimum public sanitary sewer standards in Section 1006.06 and surface water management standards in Section 1006.08.

The application includes a signed Statement of Feasibility form from the Clackamas River Water District dated October 4, 2017 demonstrating water service is available in levels appropriate for the proposed development as required in Section 1006.02F.

Section 842.02(L)(d) exempts Transitional Shelter Communities from compliance with the Street Lighting Standards in Section 1006.02(C). Therefore street lights are not required for this development.

The standards of Section 1006 are met.

d. Subsection 1007.09: Transportation Facilities Concurrency.

Based on the findings under Section 1203.03(C) this proposal is exempt from the transportation facility concurrency standards in Section 1007.09.

This standard is met.

e. Section 1010: Signs.

The application does not include any specific sign proposals. New signs are subject to the standards in Section 1010.09 of the ZDO. A condition of approval is warranted requiring review and approval of all signs in compliance with Section 1010.09 of the ZDO.

The standards of Section 1010 can be met.

f. Section 1021, Refuse and Recycling Standards for Commercial, Industrial and Multifamily Developments:

Section 1021.02 – Applicability requires uses subject to Section 800 of this Ordinance to provide for refuse and recycling facilities. The standard include establishing recycling and solid waste service areas, design standards for screening and buffering, enclosures and gates, receptacles and vehicle access. The County oversees and coordinates the final location and design of these facilities with the franchised collection firm's service requirements. Each alternative site plan identifies a location for refuse and recycling facilities. A condition of approval will require final approval for the design and location of refuse and recycling facilities by the County to support this facility. The standards of Section 1021 can be met.

g. Section 1015: Parking and Loading.

Pursuant to Section 842.02L the standards of Section 1000 do not apply to transitional shelter communities, except those identified in Section 842.03(L)(1)(a-g). However, Section 842.03(L)(2) authorizes the hearings officer to apply other Section 1000 standards to the extent it is necessary or appropriate to ensure compliance with the conditional use permit criteria in Section 1203 of the ZDO. The staff believes that adequate off street parking in compliance Section 1015 is necessary to ensure compliance with the conditional use permit criteria, specifically Sections 1203.03B (suitability of the site to accommodate the use)

and 1203.03D (compatibility criteria).

Table 1015-2 – Automobile Parking Space Requirements does not include a parking standard for transitional shelter communities. Section 1015.03D authorizes the Planning Director to determine parking and loading requirements for types of uses and structures not listed in Table 1015-2 based on the requirements for the most similar use in the Table.

The proposed use is intended to provide community living for houseless veterans. Some occupants will have vehicles others may not. Off-street parking will also be required for an on site manager, staff and counselors visiting the site. The staff believes the most similar use in Table 1015.-2 is congregate housing facilities which requires .25 spaces per resident. Based on the proposed 30 shelters / pods and one resident per shelter a minimum of 8 off-street parking spaces is required. All the alternative site plans identify 9 off-street parking spaces with an option for additional parking in lieu of the proposed “shop building.”

A condition of approval is warranted requiring at least 8 off-street parking spaces. The off-street parking spaces shall comply with all dimensional standards in Section 1015. The parking spaces shall be surfaced with screened gravel or better and shall provide suitable drainage.

5. Summary: The proposed use complies or with conditions can comply with the requirements of the GI zoning district, Section 706 –HCA Overlay zoning district, Section 800 standards and applicable Section 1000 standards. This criteria is met.

PART 3. OTHER DEVELOPMENT STANDARDS

Other Applicable Sections of the ZDO: Other standards and Sections of the ZDO applicable to this application include the underlying GI zoning district and Section 842 standards and are addressed below.

- A. Section 602 - GI Zone: The only development or dimensional standards in Section 602 applicable to this proposal is the minimum front yard depth standard in Section 602-2, which is 20 feet. All the proposed buildings satisfy the minimum front yard depth standard.

All other development and dimensional standards are identified in Section 842. These standards take precedence and / or where conflicts exist with the standards in the underlying GI zone or Section 1000 standards. See Section 1001.02 of the ZDO.

- B. Section 842 - Transitional Shelter Communities

Section 842.02: *Transitional shelter communities shall comply with the following standards:*

A. Section 842.02A: *The transitional shelter community shall be located on land owned by Clackamas County, Clackamas County Development Agency, Clackamas County Service District No. 1, Surface Water Management Agency of Clackamas County, Tri-City Service District, North Clackamas Parks and Recreation District, Clackamas County Extension and 4-H Service District, or the Library Service District of Clackamas County.*

According to County Tax Assessor records, the subject property is owned by the Clackamas County Development Agency. See Exhibit 5.

This standard is met.

B. Section 842.02B: *The operator of a transitional shelter community shall obtain approval from the Director of the County Department of Health, Housing, and Human Services in consultation with the County Administrator.*

The Director of the County Department of Health, Housing and Human Services in consultation with the County Administrator is negotiating approval for Catholic Charities to operate the proposed transitional shelter community. A condition of approval is warranted requiring approval of Catholic Charities or another operator for the facility by H3S and the County Administrator.

This standard can be met.

C. Section 842.02C: *Shelter Unit Type: Shelter units shall be stick-built structures or prefabricated structures but may not have fabric walls or roofs (e.g., tents, yurts, and membrane structures). Shelter units may not be vehicles, residential trailers, or manufactured dwellings. Each shelter unit shall be detached from any other shelter unit.*

The proposed shelter units will include modular / pre-fabricated type structures. The design of the proposed shelters do not fabric walls or roofs. See Building Profiles on Sheet A3.0. No vehicles, residential trailers or manufactured dwellings are proposed to be used for shelters.

This standard is met.

D. Section 842.02D: *Maximum Building Floor Space: The maximum building floor space for each shelter unit is 200 square feet.*

The proposed typical shelter is approximately 8' x 12', or 96 square feet. None of the proposed shelters exceed 200 square feet.

This standard is met.

E. Section 842.02E: *Bathrooms and Kitchens: Bathrooms and kitchens are prohibited in the shelter units. Instead, common bathroom and kitchen facilities shall be provided for the residents.*

Based on the proposed design of the shelters and statements from the applicant, no bathrooms or kitchens are proposed in the shelter units. The proposed development includes a building or buildings to provide for common bathroom and kitchen facilities for residents.

This standard is met.

F. Section 842.02F: *Utilities: Water service, sanitary sewer service, natural gas service, and generators are prohibited in the shelter units but are permitted in common facilities.*

No water services, sanitary service, natural gas or generators are proposed in the shelter units. Water service and sanitary sewer service will be provide to common buildings proposed on site (kitchen, bathrooms, etc.). If generators are proposed the applicant shall identify the need (power outages, etc.) and location of the generators for review by the County.

This standard is met.

G. Section 842.02G: *Storage: No outdoor storage is permitted. Residents shall be provided with enclosed, secure storage facilities for their belongings.*

No outdoor storage is proposed. However, this standard requires residents to be provided with an enclosed, secure storage facility for their belongings. It is not clear from the application materials if storage will be provided or limited to the shelter units or some other type of storage. Staff requests the applicant clarify how this standard can be met. In any case, a condition of approval is warranted and feasible to meet this standard.

This standard can be met.

H. Section 842.02H: *Fencing: The transitional shelter community shall be fenced with sight-obscuring fencing a minimum of six feet in height.*

Fencing currently exists around a portion of the property. The submitted site plans include a 6' high perimeter fence around the transitional shelter community. A condition of approval will require installation of the fencing prior to final approval and commencement of operations.

This standard can be met.

I. Section 842.02I: *Minimum Rear and Side Yard Depth: The minimum rear and side yard depth is five feet, except that if the rear or side yard abuts a zoning district regulated by Section 300, Urban and Rural Residential Districts, the minimum shall be 35 feet from the abutting lot line.*

The submitted site plans demonstrate all the proposed shelters and community buildings meet the 5 foot minimum rear and side yard depth standard. All the adjacent properties are zoned General Industrial. The subject property does not abut an Urban or Rural Residential zoning district, therefore 35 foot setback does not apply to this proposal.

This standard is met.

J. Section 842.02J: *Minimum Structure Separation: Structures shall be separated from one another by a minimum of 10 feet.*

The submitted plans for all three alternatives demonstrate all structures will be separated from one another by a minimum of 10 feet.

This standard is met.

K. Section 842.02K: *Design Review: Transitional shelter communities are not subject to Section 1102, Design Review.*

Section 1102 requires Design Review approval for all commercial, multi-family, industrial, some types of other residential housing, master plans and other applications is required by the Planning Director, Hearings Officer or Board of County Commissioners. This standard exempts transitional shelter communities from Design Review.

L. Section 842.02L: *Development Standards: Notwithstanding Subsection 1203.03(F), the standards of Section 1000, Development Standards, do not apply, except:*

- 1. The following apply:*
 - a. Subsection 1001.03, Other Codes;*
 - b. Section 1002, Protection of Natural Features;*
 - c. Section 1003, Hazards to Safety*
 - d. Section 1006, Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency, except Subsection 1006.02(C);*
 - e. Subsection 1007.09, Transportation Facilities Concurrency;*
 - f. Section 1010, Signs; and*
 - g. Section 1021, Refuse and Recycling Standards for Commercial, Industrial and Multifamily Developments.*

2. Any other standard of Section 1000 applies to the extent that it is imposed as a condition of approval in order to ensure compliance with Section 1203, Conditional Uses.

Subsection 1 of this this standard exempts transitional shelter communities from certain development standards in Section 1000. Section 2 also provides discretion for the Hearings Officer to apply other standards in Section 1000 as a condition of approval in order to ensure compliance with any of the approval conditional use permit criteria in Section 1203. The applicable Sections and evaluation of other appropriate standards in Section 1000 have been evaluate under the conditional use permit criteria in Section 1203.03F