

# AGENDA

**Thursday, March 23, 2017 - 10:00 AM**  
**BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2017-13

**CALL TO ORDER**

- Roll Call
- Pledge of Allegiance

**I. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the meeting. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**II. PREVIOUSLY APPROVED LAND USE ISSUE** *(No public testimony on this item)*

1. Revision to the Previously Adopted Zoning & Development Ordinance 258 ( ZDO-258) Amendments to the Comprehensive Plan and Zoning and Development Ordinance to Implement the Clackamas Regional Center Connections Project (Nathan Boderman, County Counsel) *previously adopted by the Board on 12-19-16*

**III. PUBLIC HEARINGS** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the department or organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Board Order No. \_\_\_\_\_ for Boundary Change Proposal CL 16-007, Annexation to Tri-City Service District (Chris Storey, County Counsel, Ken Martin, Boundary Change Consultant)
2. Board Order No. \_\_\_\_\_ for Boundary Change Proposal CL 17-001, Annexation to Sunrise Water Authority (Chris Storey, County Counsel, Ken Martin, Boundary Change Consultant)
3. Board Order No. \_\_\_\_\_ Approving the Transfer of Property to the City of West Linn (Lindsey Wilde, Business & Community Services/Property Resources)

**IV. CONSENT AGENDA** *(The following Items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Work Sessions. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

**A. Health, Housing & Human Services**

1. Approval of a Subrecipient Grant Agreement with Comprehensive Options for Drug Abusers, Inc. (CODA) for Housing Assistance and Services for Residents in Alcohol and Drug Recovery
2. Approval of a Local Subrecipient Agreement with Todos Juntos for Kindergarten Partnership Innovation Services

**B. Department of Transportation & Development**

1. Approval of Agreement with the City of Molalla to Provide the City with On-Call Planning Services
2. Approval of an Intergovernmental Agreement with the City of Wilsonville Regarding Transfer of Road Authority for Portions of Stafford Road and Advance Road
3. Approval of Board Order No. \_\_\_\_\_ Designating Maximum Weight Limitations on Island Road and Suter Road

**C. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

**D. Administration**

1. Resolution No. \_\_\_\_ In the Matter of Participation in Funding Activities Oregon Office for Community Dispute Resolution

**E. Business & Community Services**

1. Board Order No. \_\_\_\_\_ Approving a Tax Foreclosed Property for Declaration as Surplus and Established Minimum Bid Amount

**F. Public & Government Affairs**

1. Board Order No. \_\_\_\_\_ In the Matter of Approving An Extension of the Cable Television Franchise with Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc., and Comcast of Illinois/Ohio/Oregon, LLC.

**VI. COUNTY ADMINISTRATOR UPDATE**

**VII. COMMISSIONERS COMMUNICATION**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.** [www.clackamas.us/bcc/business.html](http://www.clackamas.us/bcc/business.html)



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD OREGON CITY, OR 97045

**Stephen L. Madkour**  
County Counsel

March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
Assistants

**Revision to the Previously Adopted Zoning and Development Ordinance 258**  
**Amendments to the Comprehensive Plan and Zoning and Development**  
**Ordinance to implement the Clackamas Regional Center Connections Project**

<b>Purpose/Outcome</b>	Amend the Comprehensive Plan and ZDO
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	Not applicable
<b>Safety Impact</b>	None anticipated
<b>Duration</b>	Indefinitely
<b>Previous Board Action/Review</b>	Board of County Commissioners approved the application for funding on April 18, 2013; approved the IGA with Metro on March 20, 2014; held a policy session on June 28, 2016; held a public hearing on September 21, 2016; and adopted ZDO-258 on December 19, 2016.
<b>Contact Person</b>	Abbot Flatt, 503-742-4533
<b>Contract No.</b>	None

**BACKGROUND:**

The CRC Connections Project was initiated in response to issues identified in the 2013 Transportation System Plan (TSP) Update. At the time the TSP was updated, there were concerns that within the Clackamas Regional Center, congestion at intersections would limit future development and developers' ability to mitigate impacts to the roadway system. In May of 2014, the County was awarded funding from the Metro Construction Excise Tax program specifically for this project.

During the course of the CRC Connections project, several new capital transportation projects were identified which address improvements to crossings, safety, bikeways,

and the pedestrian system. In addition, several “housekeeping” changes to the Comprehensive Plan and Zoning and Development Ordinance were identified to add clarity to the transportation system performance measures.

The Planning Commission conducted a public hearing on this matter on July 25, 2016. By a vote of 6-0 with one abstention, the Planning Commission recommended that the Board approve the ZDO-258 amendment package with the following change: modify Comprehensive Plan Policy 5.DD.2.B to clarify that the policy is to conduct a study of potential performance measures for development review rather than to adopt new standards.

The Board conducted a public hearing on this matter on September 21, 2016. By a vote of 4-0, the Board voted to approve the amendment package as recommended by the Planning Commission.

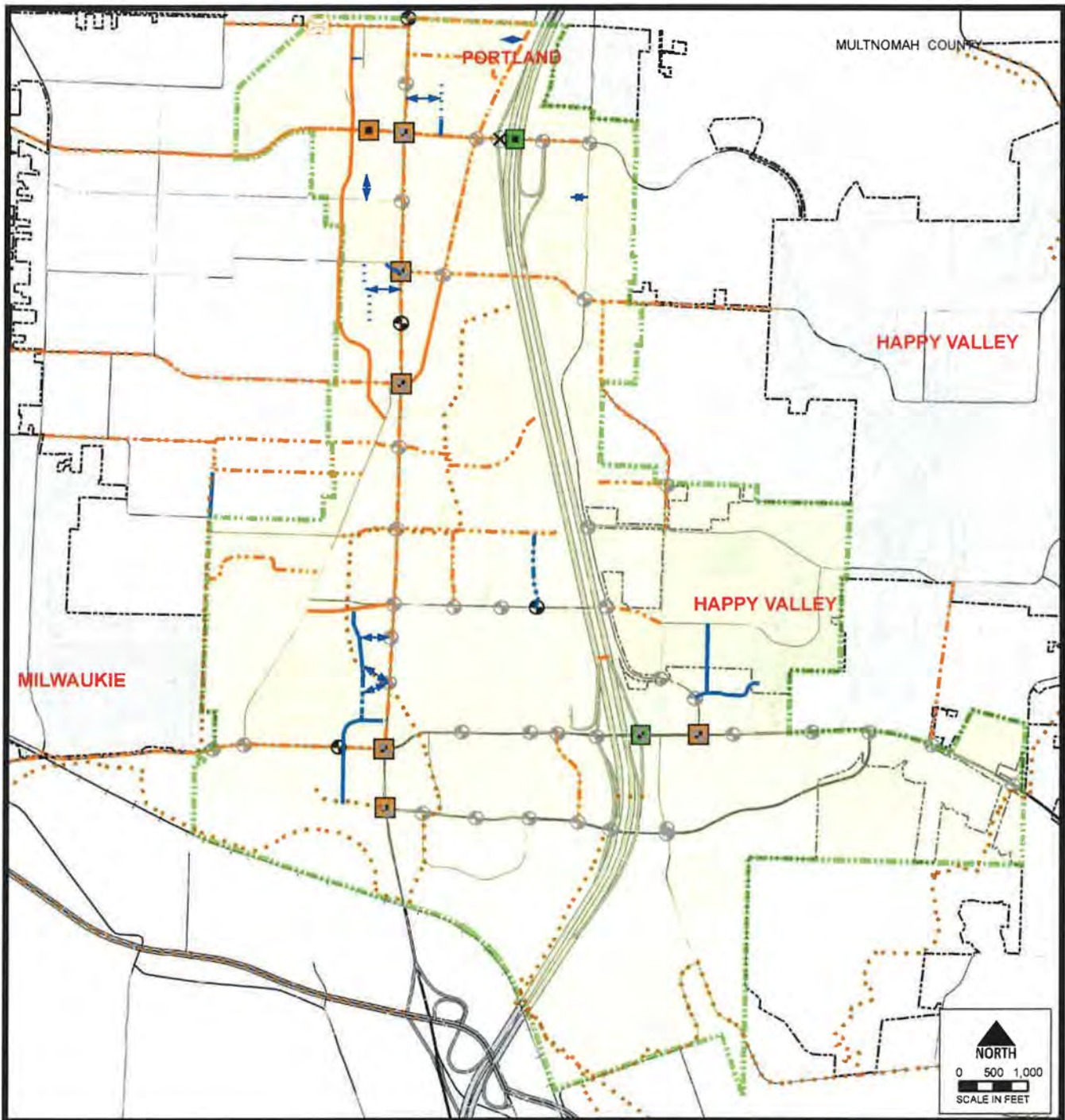
ZDO-258 was originally adopted on December 19, 2016. Recently, it was discovered that the materials adopted by the Board included the incorrect version of three maps that were to be part of the adopted ordinance. The correct version of these maps, which are attached to this report, had been included in the materials for the prior hearings before the Planning Commission and the Board. The purpose of this amended ordinance is to replace the incorrect maps so the adopted ordinance reflects the proposal previously approved by both the Planning Commission and Board of County Commissioners.

**RECOMMENDATION:** Staff recommends the Board adopt the attached amended ordinance.

Respectfully submitted,



Nate Boderman  
Assistant County Counsel



Clackamas Regional Center Area Design Plan

Clackamas County Comprehensive Plan

**Transportation Network (Public and Private)**

**MAP X-CRC-4**

**Projects on 20-Year CIP\***

- New Road (Public)
- - - Road Improvement
- · · · Multi-use Path
- ⌘ Bridge Replacement
- Intersection Improvement
- ODOT Interchange Improvement

**Other Projects in CRC Plan**

- New Road (Public)
- - - Road Improvement
- · · · New Local Road (Public or Private)
- ↔ New Local Road location to be determined (Public or Private)

**Signalized Intersections**

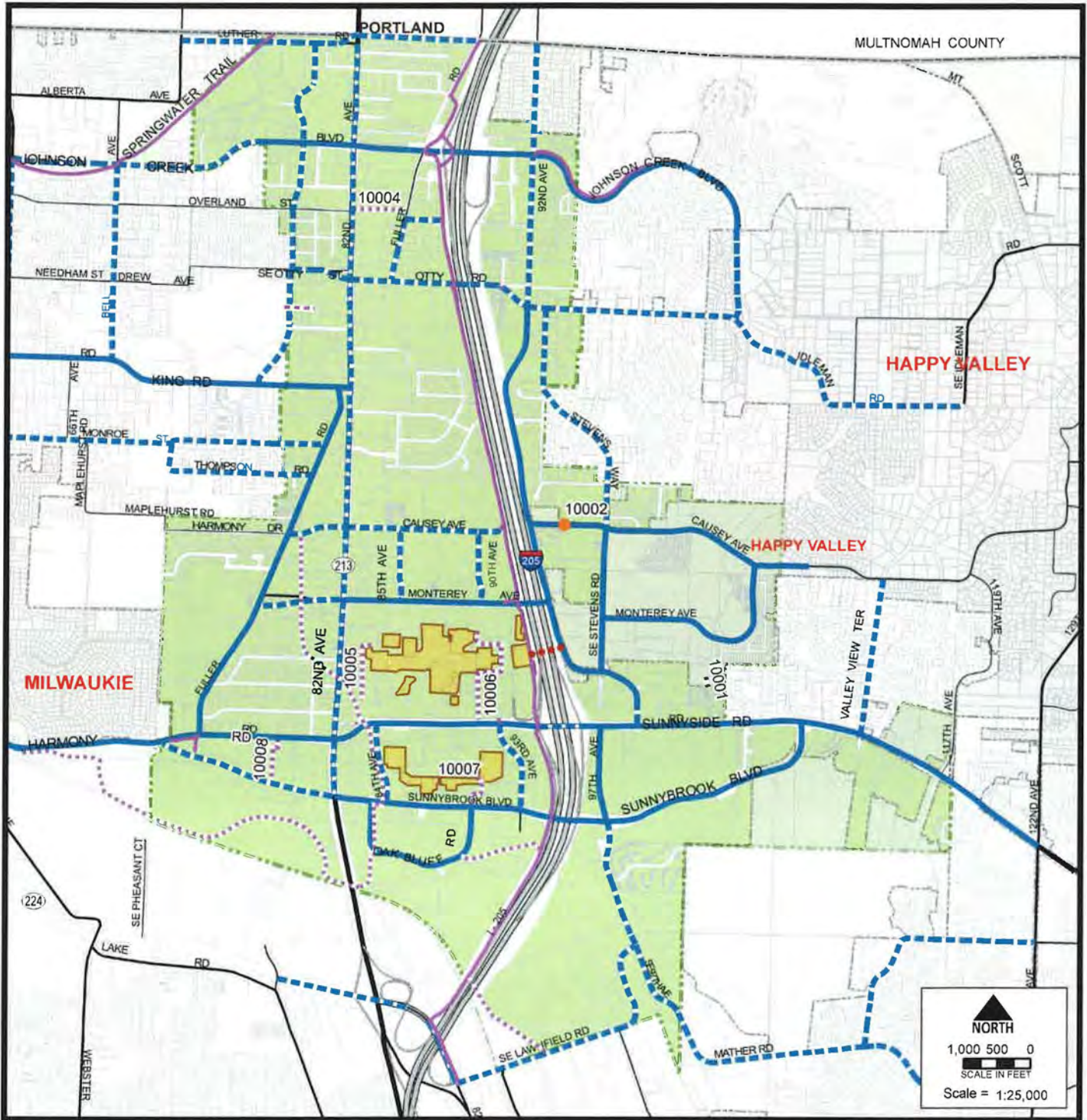
- ⊙ Existing
- ⊙ Planned
- ⊗ To be Removed

- Clackamas Regional Center Area Design Plan
- Incorporated City



Department of Transportation & Development  
150 Beaver Creek Rd. Oregon City, OR 97045

\*See Map 5-11a and Tables 5-3a to 5-3d (Chapter 5) for project descriptions



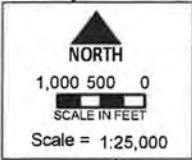
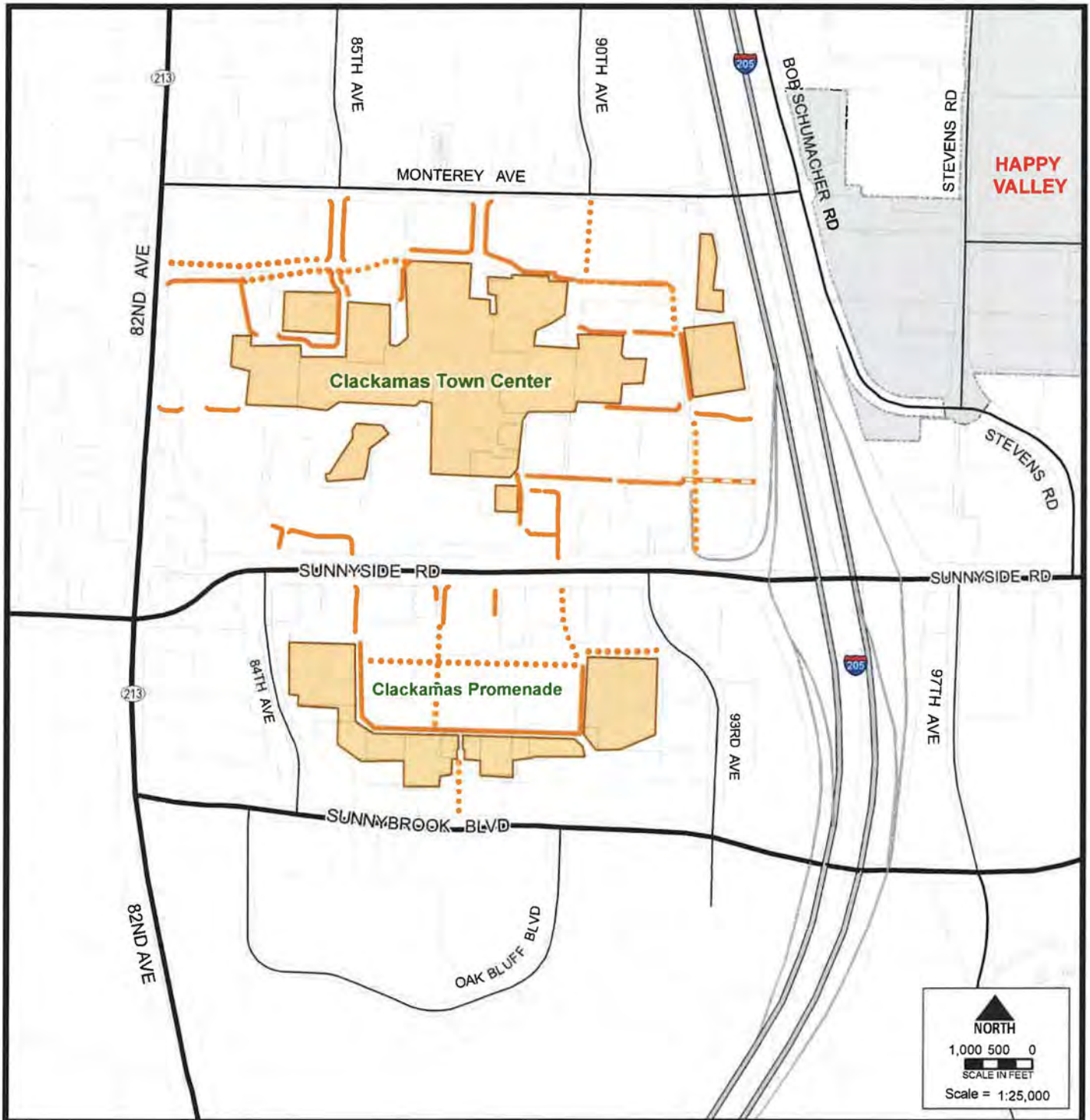
Clackamas Regional Center Area Design Plan  
**PEDESTRIAN AND BICYCLE CIRCULATION NETWORK**

Clackamas County Comprehensive Plan  
**MAP X-CRC-7**

- Clackamas Regional Center Area
- Existing Bikeways
- Planned Bikeways
- Existing Multi-Use Trails
- Planned Multi-Use Trails
- Planned Pedestrian/Bicycle Bridge (approximate location)
- Pedestrian Crossing



NOTE: Project details can be found in Table 10-01 and in Appendix A.



Clackamas Regional Center Area Design Plan  
**WALKWAY NETWORK**

Clackamas County Comprehensive Plan  
**MAP X-CRC-7a**

- ..... Planned Walkway
- Existing Walkways



NOTE: Project details can be found in Table 10-01 and in Appendix A.

**ORDINANCE NO. ZDO-258**  
**(Amended)**

**An Ordinance Amending Chapters 5 and 10 of the  
Clackamas County Comprehensive Plan and Sections 202, 1007 and 1202 of the  
Clackamas County Zoning and Development Ordinance**

WHEREAS, in August of 2013 the County was awarded a Construction Excise Tax Grant from Metro to analyze alternative transportation system performance measures and the designation of a Multi-modal Mixed-use Area in the Clackamas Regional Center Area; and

WHEREAS, in March of 2014, an Intergovernmental Agreement between Metro and the County was executed to commence work on the Clackamas Regional Center (CRC) Connections Project; and

WHEREAS, following public outreach and coordination with stakeholders, the Transportation Planning Staff and the Project Management Team developed recommended capital projects to improve the multimodal transportation system and other minor amendments to the Comprehensive Plan and Zoning Development Ordinance; and

WHEREAS, amendments to the Comprehensive Plan and Zoning and Development Ordinance are necessary to implement the recommendations from the CRC Connections project; and

WHEREAS, the proposed amendments are consistent with the Statewide Planning Goals and Guidelines, the Metro Urban Growth Management Functional Plan and the Metro Regional Transportation Plan; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission recommended approval of amendments to the Comprehensive Plan and Zoning and Development Ordinance on July 25, 2016; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Board of County Commissioners orally approved the Planning Commission's recommendation on September 21, 2016; and

WHEREAS, ZDO-258 was originally adopted on December 19, 2016; and



WHEREAS, it was discovered that the materials adopted by the Board included the incorrect version of three maps that were to be part of the adopted ordinance even though the correct versions of those maps had been included in the materials for the prior hearings before the Planning Commission and the Board; and

WHEREAS, the purpose of this amended ordinance is to replace the incorrect maps so the amended ordinance reflects the proposal previously approved by both the Planning Commission and Board of County Commissioners; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapter 5, including Map 5-11a and Tables 5-3a and 5-3d, and Chapter 10, including Maps 10-CRC-4, 10-CRC-7 and 10-CRC-7a, of the Clackamas County Comprehensive Plan are hereby amended and Table 10-1 is hereby adopted, as shown in Exhibit A, hereto attached.

**Section 2:** Sections 202, 1007 and 1202 of the Clackamas County Zoning and Development Ordinance are hereby amended, as shown in Exhibit B, hereto attached.

**Section 3:** This ordinance shall be effective on March 23, 2017.

ADOPTED this 23<sup>rd</sup> day of MARCH, 2017

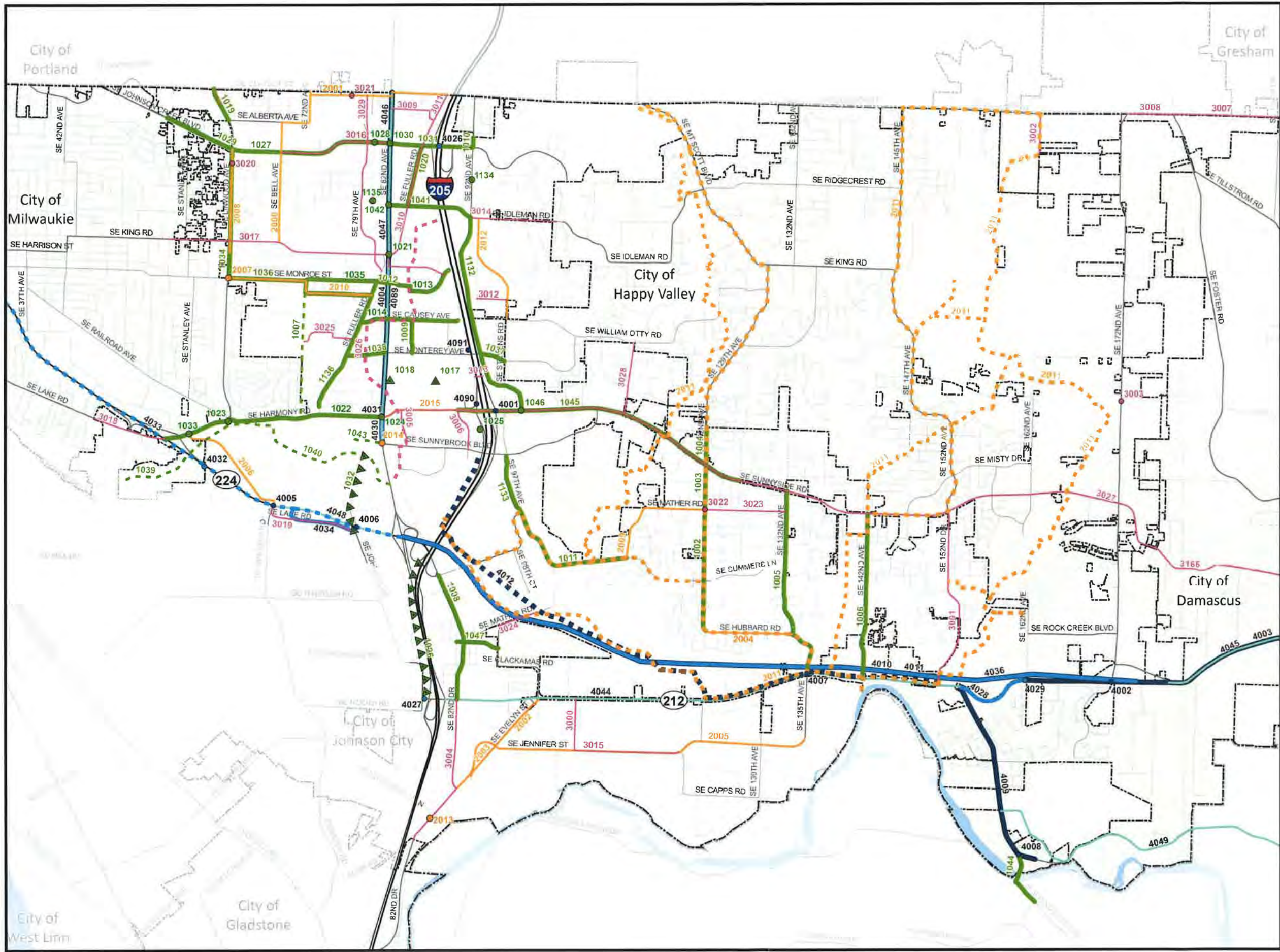
**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

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Chair

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Recording Secretary



# Capital Improvement Plan

Greater Clackamas Regional Center / Industrial Area

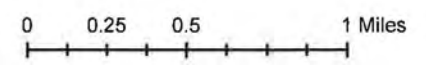
- Priority**
- 20-Year Capital Projects (Table 5-3a)
  - - - Preferred Capital Projects (Table 5-3b)
  - - - Long-Term Capital Project Needs (Table 5-3c)

**Projects on Non-County Facilities**

- Priority**
- High (Table 5-3d)
  - Medium (Table 5-3d)
  - Low (Table 5-3d)

- ▲ Study\*
- - - Multi-Use Path\*
- Metro Urban Growth Boundary
- Incorporated City

\*Symbol color consistent with Priority symbolologies shown above



Department of Transportation & Development  
150 Beaver Creek Rd Oregon City, OR 97045

CLACKAMAS COUNTY  
COMPREHENSIVE PLAN

## MAP 5-11a

**SPECIFIED SEXUAL ACTIVITIES:** Real or simulated acts of human sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochism abuse (as defined on ORS 167.060), sodomy, or the exhibition of human sexual organs in a stimulated state, or the characterization thereof in printed form. This definition shall not be construed to allow uses or activities which are unlawful under State criminal laws.

**STORY:** A portion of a building included between a floor and the ceiling next above it, exclusive of a basement.

**STREAM:** A body of perennial running water, together with the channel occupied by such running water.

**STREAM CORRIDOR AREA:** An area including the streambed and a required strip or buffer of land on each side of the streambed necessary to maintain streamside amenities and existing water quality. The width of the stream corridor area varies with the site conditions and shall be determined by on-the-ground investigation, as provided under Subsection 1002.05(B). The intent of the stream corridor area shall be to preserve natural environmental qualities and the function of land to purify water before it reaches the stream but not to prohibit timber management activities pursuant to the State Forest Practices Act.

**STREET FRONTAGE:** The entire linear distance of a lot abutting a street. Toe strips or flair strips shall not be used to satisfy the minimum street frontage requirements of the Ordinance.

**STREET:** See "ROAD".

**STREET FURNITURE:** Any structural element other than residential, industrial or commercial buildings, streets, sidewalks and curbs shall be considered street furniture including, but not limited to, benches, bus shelters, newsstands, bulletin boards, kiosks, drinking fountains, bicycle stalls, etc.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

**SUBDIVIDE:** To divide an area or tract of land into four or more lots within a calendar year when such area or tract exists as a unit or contiguous units, under a single ownership at the beginning of such year, whether or not that area or tract of land is divided by a water course or a road right-of-way.

**SUBDIVISION:** A division of property creating four or more lots in the same calendar year.

**SUBDIVISION, MAJOR:** A division of property creating 11 or more lots in the same calendar year.

**SUBDIVISION, MINOR:** A division of property creating four to 10 lots in the same calendar year.

**SURFACE MINING:** Includes the mining of minerals by removing overburden and extracting a natural mineral deposit thereby exposed, or simply such extraction. Surface mining includes open-pit mining, auger mining, production of surface mining waste, prospecting and exploring that extracts minerals or affects land, processing to include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads.

**SURFACE MINING, MINERALS:** Includes soil, clay, stone, sand, gravel, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

**SURFACE MINING, NONAGGREGATE MINERALS:** Coal and metal-bearing ores, including but not limited to ores that contain nickel, cobalt, lead, zinc, gold, molybdenum, uranium, silver, aluminum, chrome, copper or mercury.

**SURFACE MINING, OPERATOR:** A legal entity engaged in surface mining or in an activity at a surface mining site preliminary to surface mining.

**SURFACE MINING, RECLAMATION:** Procedures designed to minimize the disturbance from surface mining and to provide for the rehabilitation of surface resources through the use of plant cover, soil stabilization, and other procedures to protect the surface and subsurface water resources, and other measures appropriate to the subsequent beneficial use of mined lands.

**SUSTAINABILITY:** Using, developing, and protecting resources in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic, and community needs.

**TRACT:** One or more contiguous lots of record under the same ownership. Notwithstanding the preceding definition, as used in Sections 706, *Habitat Conservation Area District*, 709, *Water Quality Resource Area District*, 1013, *Planned Unit Developments*, and 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, a tract is a unit of land (other than a lot or parcel) created by a subdivision, partition, or replat.

**TRAIL:** A hard- or soft-surfaced facility for pedestrians, bicyclists, or equestrians that is separate from vehicular traffic. Trails often go through natural areas and are designed to have a minimal impact on the natural environment.

**TRANSFER STATION:** A fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site, including but not limited to drop

boxes made available for general public use. This definition does not include solid waste collection vehicles.

TRANSIT STOP: Any posted bus or light rail stop.

TURF LAWN: A ground-cover surface made up of thick, closely mowed, cultivated grass.

UNDERGROUND STRUCTURE: A structure in which more than 50 percent of the cubic footage of the enclosed, covered space is (1) constructed below the highest elevation of the ground adjoining the structure site prior to excavation; and (2) covered over by ground materials, such as soil, sod, sand or exterior paving, which are continuous on at least one side of the structure with contiguous surface ground materials. Conventional roofing materials may be used to cover any portion of the structure which extends above ground elevation. For an underground structure to be a "dwelling unit" access must be provided to outdoor space at floor level (within two feet of elevation) equal to at least 20 percent of the square footage of the enclosed, covered area of the structure.

Underground structures must meet all appropriate Uniform Building Code regulations and the requirements of the subject zoning district, except as provided in Section 904 of this Ordinance.

UNINCORPORATED COMMUNITY: A settlement that conforms to the definition set forth in Chapter 660, Division 22 of the Oregon Administrative Rules. The County's unincorporated communities are identified in Chapter 4 of the Comprehensive Plan and shown on Map IV-7 of the Comprehensive Plan.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.

UTILITY CARRIER CABINETS: A small enclosure used to house utility equipment intended for offsite service, such as electrical transformer boxes, telephone cable boxes, cable TV boxes, fire alarm boxes, police call boxes, traffic signal control boxes, and other similar apparatus.

VEHICLE, COMMERCIAL: A commercially licensed and operated vehicle exceeding the capacity of one ton.

VISUALLY SENSITIVE AREAS: Prominent natural landscape features such as hillsides, forests, and waterways; historic district; visual corridors along major highways and rivers. Natural landscapes that occur within the urban area and along traffic corridors are of higher visual significance.

WALKWAY: A hard-surfaced facility for pedestrians, within a development or between developments, distinct from surfaces used by motor vehicles. A walkway is distinguished from a sidewalk by its location on private property.

WASTE-RELATED USES: Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also includes uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

WEMME/WELCHES: The unincorporated community of Wemme/Welches, as identified on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan.*

WETLANDS: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD: The open space, on a lot, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

YARD, FRONT: Any yard abutting a state highway, County road, public road, private road, or access drive, except as modified by Subsections 903.01 and 903.07 of this Ordinance.

YARD, REAR: Any yard abutting a rear lot line.

YARD, SIDE: Any yard abutting a side lot line.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16 and 3/1/16]

## **1007 ROADS AND CONNECTIVITY**

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### **1007.01 PURPOSE**

Section 1007 is adopted to:

- A. Provide for safe, efficient, convenient, and economical movement of vehicles, freight, transit, bicycles, and pedestrians on a balanced and sustainable transportation system network;
- B. Implement the provisions of Chapters 5 and 10 of the Comprehensive Plan pertaining to the design and construction of necessary transportation system improvements required in conjunction with new development;
- C. Protect public safety through functional, efficiently designed improvements addressing the impact of new development upon the roadway system;
- D. Support sustainable development by efficient utilization of land and resources;
- E. Facilitate and encourage the use of non-auto modes of transportation, such as transit, walking, and bicycling;
- F. Provide a highly interconnected transportation system with suitable access and route choices for pedestrians, bicyclists, and drivers;
- G. Support improved public health by providing safe and attractive pedestrian and bicycle facilities;
- H. Reduce vehicle miles traveled;
- I. Create walkable centers, corridors, and neighborhoods with pedestrian, bicycle, and vehicular connections within and between destinations;
- J. Reduce impacts from the transportation system on vegetation, natural features, neighborhoods, and public facilities; and
- K. Recognize and support the importance of streets and streetscapes as an ubiquitous aspect of the public realm in our landscape, and build streets that support and enhance community interaction.

### **1007.02 APPLICABILITY**

Section 1007 applies to the design of new and reconstructed transportation improvements in public rights-of-way, private roads, and accessways required through development permit approvals that are subject to Section 1007.

### **1007.03 GENERAL PROVISIONS**

- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.
- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- C. New developments shall have access points connecting with existing private, public, county, or state roads.
  - 1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (*Regional Transportation Functional Plan*); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.
  - 2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, *Potentially Buildable Residential Sites > 5 Acres in UGB*, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.03(C)(2).
  - 3. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors as deemed appropriate by the Department of Transportation and Development.
  - 4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.



5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.
  6. Access to state highways shall require a road approach permit issued by the Oregon Department of Transportation pursuant to Oregon Revised Statutes Chapter 374.
  7. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.
- D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.
  - E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.
  - F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.
  - G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

#### 1007.04 PUBLIC AND PRIVATE ROADWAYS

- A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.
  1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.
  2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map 5-5, *Metro Regional Street Design*

*Classifications*, shall provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not limited to, the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes.

3. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, *Scenic Roads*, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:
    - a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and
    - b. Turnouts shall be provided at viewpoints or for recreational needs.
  4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:
    - a. On-street parking;
    - b. Street trees;
    - c. Street lighting;
    - d. Pedestrian amenities; and
    - e. Truck routes shall be specified for deliveries to local businesses.
  5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial areas, the needs of vehicles shall take precedence.
  6. In the NC, OA, VCS, and VO Districts, landscaping, crosswalks, additional lighting, signalization, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.
- B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when

deemed necessary and feasible by the Department of Transportation and Development.

1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.
2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.
3. These standards may be deviated from when the County finds that safe and efficient alternate designs would better accommodate:
  - a. Sustainable development features such as “Green Streets” as described in Metro’s *Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002)*, which shall be allowed within the UGB and in unincorporated communities;
  - b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;
  - c. Preservation of existing significant trees and native vegetation;
  - d. Preservation of natural terrain and other natural landscape features;
  - e. Achievement of maximum solar benefit for new development through orientation and block sizing;
  - f. Existing forest or agricultural uses;
  - g. Existing development;
  - h. Scenic qualities;
  - i. Planned unit developments;
  - j. Local access streets less than 200 feet in length which are not extendible;  
and
  - k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.
- C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.

- D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:
1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and
  2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.
- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- F. Road frontage improvements within the UGB and in Mt. Hood urban villages shall include:
1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;
  2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.06;
  3. Transit amenities as specified in Subsection 1007.07; and
  4. Street trees as specified in Subsection 1007.08.
- G. Within public and county rights-of-way, the following uses may be permitted, subject to compliance with the Clackamas County Roadway Standards:
1. Solar energy systems owned and operated by a public entity or utility;
  2. Electric vehicle charging stations owned and operated by a public entity or utility; and
  3. On-street parking within the UGB.

#### 1007.05 PRIVATE ROADS AND ACCESS DRIVES

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:
1. When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;
  2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;
  3. Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;
  4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
  5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.04(D).

#### 1007.06 PEDESTRIAN AND BICYCLE FACILITIES

- A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- B. Pedestrian and Bicycle Facility Design: Pedestrian and bicycle facilities shall be designed to:
1. Minimize conflicts among automobiles, trucks, pedestrians, and bicyclists;
  2. Provide safe, convenient, and an appropriate level of access to various parts of the development and to locations such as schools, employment centers, shopping areas, adjacent developments, recreation areas and open space, and transit corridors;

3. Allow for unobstructed movements and access for transportation of disadvantaged persons; and
  4. Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, *Planned Bikeway Network, Urban*, 5-2b, *Planned Bikeway Network, Rural*, and 5-3, *Essential Pedestrian Network*; North Clackamas Parks and Recreation District's (NCPRD) Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.
- C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.06 for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.
- D. Requirement for Sidewalk Construction: Within the UGB, sidewalks shall be constructed, as required in Subsection 1007.06(F), for two-family dwellings, detached single-family dwellings, attached single-family dwellings where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.
- E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.
- F. Sidewalk Location: Sidewalks required by Subsection 1007.06(C) or (D) shall be constructed on:
1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if:
    - a. The road is not a through road;
    - b. The road is 350 feet or less in length and cannot be extended; or
    - c. In consideration of the factors listed in Subsection 1007.04(B)(3).

2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed; and
  3. Local or collector road street frontage(s) of a lot upon which a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but
    - a. The requirement shall be waived if the dwelling is a replacement for one destroyed by an unplanned fire or natural disaster; and
    - b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.
- G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:
1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;
  2. No sidewalk exists adjacent to the site;
  3. Redevelopment potential along the road is limited; or
  4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.
- H. Sidewalk and Pedestrian Pathway Width: Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, *Minimum Sidewalk and Pedestrian Pathway Width*, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

**Table 1007-1: Minimum Sidewalk and Pedestrian Pathway Width**

Street Type	Residential Sidewalk	Commercial or Institutional Sidewalk	Industrial Sidewalk
Local	5 feet	7 feet	5 feet
Connector	5 feet	7 feet	5 feet
Collector	5 feet	8 feet	5 feet
Arterial	6 feet	8 feet	6 feet

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.
2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign.
3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This five-foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The landscape strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards.
4. Uses located in the Campus Industrial, Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.
  - I. Accessways: Accessways shall comply with the following standards:
    1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length.



2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, church, daycare center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. Where required, accessways shall be constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands.
  3. An accessway shall include at least a 15-foot-wide right-of-way and an eight-foot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable bollards or other large objects may be used to bar motor vehicular access.
  4. So that they may be safely used at night, accessways shall be illuminated by street lights or luminaires on shorter poles. Separate lighting shall not be required if existing lighting adequately illuminates the accessway.
  5. Fences are not required, but the height of a fence along an accessway shall not exceed six feet.
  6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process.
- J. Accessways in Sunnyside Village: The following standards apply in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, hereinafter referred to as Sunnyside Village. Where these standards conflict with Subsection 1007.06(I), Subsection 1007.06(J) shall take precedence.
1. A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, church, daycare facility, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.
    - a. An accessway shall include at least 15 feet of right-of-way and a 10-foot-wide paved surface.
    - b. Accessways shall be illuminated so that they may be safely used at night.
    - c. The maximum height of a fence along an accessway shall not exceed four feet.
    - d. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.

- e. The designated east-west pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the County. Planting areas adjacent to the easement with street trees should be provided along at least one side of this accessway. However, alternatives to this standard may be considered through design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.

K. Bikeways: Bikeways shall be required as follows:

1. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be included in the reconstruction or new construction of any street if a bikeway is indicated in Chapters 5 and 10 of the Comprehensive Plan and on Comprehensive Plan Map 5-2a or 5-2b; NCPRD's Park and Recreation Master Plan; or Metro's Regional Trails and Greenways Map.
2. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be considered in the reconstruction or new construction of any other arterial or collector.
3. Within urban growth boundaries, shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.

L. Trails: Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, *Open Space Network & Recreation Needs*; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.

M. Trails and Pedestrian Connections in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.06(M) shall take precedence.

1. An interconnecting system of trails and accessways throughout Sunnyside Village shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the resource protection areas.
2. The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school, and to adjacent commercial and residential developments.

3. There also shall be an east-west accessway between 142<sup>nd</sup> Avenue and 152<sup>nd</sup> Drive, south of Sunnyside Road and north of Oregon Trail Drive.
4. The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.
5. All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to NCPRD in conjunction with development. These connections shall be maintained by and constructed to the standards established by NCPRD.
6. The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner.

N. Pedestrian and Bicycle Circulation: The pedestrian and bicycle circulation connections shown on Comprehensive Plan Maps X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*, X-CRC-7, *Clackamas Regional Center Area Design Plan Pedestrian and Bicycle Circulation Network*, and X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, shall be provided.

#### 1007.07 TRANSIT AMENITIES

All residential, commercial, institutional, and industrial developments on existing and planned transit routes shall be reviewed by Tri-Met or other appropriate transit provider to ensure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets, but shall ensure that pedestrian/bikeway facilities and other transit-supportive features such as shelters, bus pull-outs, park-and-ride spaces, and signing will be provided. The designs shall comply with Tri-Met standards and specifications.

#### 1007.08 STREET TREES

- A. Within the Portland Metropolitan Urban Growth Boundary, street trees are required on all road frontage—except frontage on private roads or access drives—for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:

1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.
2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development. Trees listed in Table 1007-2, *Prohibited Street Trees*, shall not be planted as street trees.
3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.
4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.
5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.

**Table 1007-2: Prohibited Street Trees**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Reason for Prohibition</b>
Acer macrophyllum	Big-leaf Maple	Leaves block drainage; Roots buckle sidewalks
Acer negundo	Box Elder	Insect prone; Weak wood
Acer saccharinum	Silver Maple	Shallow roots; Weak wood
Aesculus hippocastanum	Common Horsechestnut	Messy fruits
Betulus species	Birches	Insect prone; Weak wood
Carya species	Hickories	Fruits cause litter and safety problems
Catalpa species	Catalpas	Seed pods cause litter problem
Corylus species	Filberts	Fruits cause litter and safety problems

Scientific Name	Common Name	Reason for Prohibition
Crataegus species	Hawthorns	Thorns; Fruits cause litter and safety problems
Fraxinus species	Ashes	Seed pods cause litter problem
Gleditsia triacanthos	Honey Locust (species, does not include horticultural variants)	Seed pods cause litter problem
Juglans species	Walnuts	Fruits cause litter problem
Morus species	Mulberries	Fruits cause litter and safety problems
Populus species	Poplars	Shallow roots; Weak wood
Robinia species	Locusts	Weak wood; Suckers
Salix Species	Willows	Shallow roots; Weak wood
Ulmus fulva	Slippery Elm	Insect prone; Shallow roots; Weak wood
Ulmus pumila	Siberian Elm	Shallow roots; Weak wood

B. Street trees required for developments in the Clackamas Regional Center Area, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*, shall comply with the following standards:

1. Street trees are required along all streets, except for drive aisles in parking lots.
2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.
3. Street trees are required along private access streets under the following conditions:
  - a. On both sides when the access point is a signalized intersection;

- b. On both sides when the street section has four or more lanes at the access point;
  - c. On both sides when the private street is developed to comply with building orientation standards;
  - d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1700.03(C) and 1700.04(B); and
  - e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.
4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11, *Clackamas Regional Center Area Design Plan Fuller Road Station Community, Type "E" Pedestrian/Bicycle Connection*, for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.08(A) and (B).
- C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.
- D. Street trees are required for developments in the Sunnyside Village Community Plan area, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, along both sides of all connector and local streets, and as set forth in Subsection 1007.11. In addition:
- 1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are required. If a larger canopy (greater than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.
  - 2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.

3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Landscape strips or tree wells are required along streets with a classification below connector status.

#### 1007.09 TRANSPORTATION FACILITIES CONCURRENCY

- A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrently 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 only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
  1. 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 152<sup>nd</sup> Drive (north of Highway 212); and
    - d. South of Sunnyside Road (east of 82<sup>nd</sup> Avenue) or Harmony Road (west of 82<sup>nd</sup> 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).
  2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;
  3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
  4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;

5. Home occupations to host events, which are approved pursuant to Section 806; and
  6. Development in the Government Camp Village, as shown on Comprehensive Plan Map X-MH 4, *Government Camp Village Plan Land Use Plan & Boundary*, that is otherwise consistent with the Comprehensive Plan land use plan and zoning designations and zoning for Government Camp the Village.
- D. As used in Subsection 1007.09(C), “adequate” means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Performance Evaluation Standards Measures for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Performance Evaluation Standards Measures for the Rural Area*.
- E. For the purpose of calculating capacity as required by Subsections 1007.09(C) and (D), the following standards shall apply:
1. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards, ~~except that the method of calculating capacity on state facilities is established by the Oregon Highway Plan.~~
  2. The ~~adequacy~~ minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be identified pursuant to ~~established by~~ the Clackamas County Roadway Standards.
  3. ~~Capacity shall be evaluated for motor vehicle traffic only.~~
- F. As used in Subsection 1007.09(C), “timely” means:
1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
  2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Program Plan (STIP) and scheduled to be under construction within four years of the date land use approval is issued;
  3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction’s capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.



4. Alternatively, “timely” means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
  - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
    - i. Complete the necessary improvements; or
    - ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction’s requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.
5. For a phased development, the first phase shall satisfy Subsections 1007.09(F)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:
  - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.
  - b. Necessary improvements for a particular phase shall either:
    - i. Comply with Subsections 1007.09(F)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or
    - ii. Comply with Subsection 1007.09(F)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.

G. As used in Subsection 1007.09(F), “necessary improvements” are:

1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.09(D).

- a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
- b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

H. Notwithstanding Subsections 1007.09(E) and (G)(1)(a), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

II. As an alternative to compliance with Subsection 1007.09(C), the applicant may make a voluntary substantial contribution to the transportation system.

1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
  - a. A complete project or a segment of a roadway identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*, 5-3b, *Preferred Capital Projects*, or 5-3c, *Long-Term Capital Projects*; the ~~Statewide Transportation Improvement Plan (STIP)~~; or the capital improvement plan (CIP) of a city or another county.
    - i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in Comprehensive Plan Table 5-3a, 5-3b, or 5-3c; the STIP; or the CIP of a city or another county—will be completed within five years;
  - b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards;
  - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1<sup>st</sup> of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in the County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

- i.  $\text{Change in Average Market Value} \times 0.50 + \text{Change in Construction Cost Index} \times 0.50 = \text{Minimum Construction Cost Adjustment Factor}$
  - ii. After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.
- 2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
  - a. Complete the substantial contribution; or
  - b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

#### 1007.10 FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007; located within the Portland Metropolitan Urban Growth Boundary (UGB) and required for a partition, a two- or three-family dwelling (where no more than one such dwelling is proposed), an attached or detached single-family dwelling, or a manufactured dwelling; the developer may elect to pay a fee in lieu of construction as follows.

- A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local or collector road that is not identified on Comprehensive Plan Map 5-3, *Essential Pedestrian Network*, and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or
- B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map 5-3; payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met:
  - 1. The improvements are included in the Five-Year Capital Improvement Program;
  - 2. The improvements are located on a road where significant topographical or natural feature constraints exist; or

3. The improvements are located on a local or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements.
- C. For a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling, the fee in lieu of construction shall be \$25.00 per lineal foot of frontage. The fee shall be adjusted annually to account for the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index. The annual adjustment shall be made in January on the date that the ENR publishes its first index of the year.
  - D. For a partition, a three-family dwelling, or an attached single-family dwelling where three or more dwelling units are attached to one another, the fee in lieu of construction shall be equal to the estimated cost of constructing the required frontage improvements and shall be calculated as follows.
    1. A frontage improvement cost construction estimate acceptable to the Department of Transportation and Development shall be completed by an engineer who is registered by the State of Oregon.
    2. The elements to be considered when calculating the fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, curb, sidewalk, and retaining wall.
  - E. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local or collector roads within the UGB.

#### 1007.11 STREETS AND SIDEWALKS IN SUNNYSIDE VILLAGE

The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.11 shall take precedence.

- A. Connector streets with bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four- to five-foot-wide planting strips, two four-foot-wide bike lanes, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 61 to 63 feet, depending on the planting strip width. If commercial/retail are adjacent to the site, then nine-foot-wide sidewalks are required. (See Comprehensive Plan Figure X-SV-1, *Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes*.)
- B. Connector streets without bike lanes shall include two 10-foot-wide travel lanes, two six-inch-wide standard curbs, two seven-foot-wide parking strips, two four- to five-foot-wide planting strips, and two five-foot-wide sidewalks. The minimum right-of-way width shall be 53 to 55 feet, depending on the planting strip width. If commercial/retail is adjacent to the site, then nine-foot-wide

sidewalks are required. (See Comprehensive Plan Figure X-SV-2, *Sunnyside Village Plan Connector Street with Planting Strips*.)

- C. Local streets shall include two eight-to-nine-foot-wide travel lanes, two six-inch-wide standard curbs, one eight-foot-wide parking strip, two five-foot-wide sidewalks, and two four-foot-wide tree planting strips. The right-of-way width shall be 43 to 45 feet. (See Comprehensive Plan Figure X-SV-5, *Sunnyside Village Plan Local Street with Planting Strips*.)

Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.

- D. All streets adjacent to resource protection areas shall have at least one five-foot-wide sidewalk along one side of the street. If there are no significant trees (at least eight inches in diameter) along the resource protection area adjacent to the street, then a minimum four-foot-wide planting strip is required along both sides of the street. If it is determined that a unique view is to be preserved, then the Planning Director will determine if street trees are required.
- E. New street connections and private access driveways should be located along arterial and collector roadways within Sunnyside Village to provide safe and efficient traffic operations. New street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3, *Sunnyside Village Plan Street Classifications*. New street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline.

New individual driveway connections shall not be permitted along arterial and collector roadways. The removal and/or consolidation of existing private driveways on arterial and collector streets should be investigated as redevelopment of properties occurs.

At existing or future major street intersections (existing or proposed traffic signals), no new driveways or street connections shall be allowed within the influence area of the intersection. The influence area is defined as the distance that vehicles will queue from the signalized intersection. The influence area shall be based upon traffic volumes summarized in the Sunnyside Area Master Plan (November 1994) or based upon information acceptable to the County Engineering Division. This influence area shall include an additional 100 feet beyond the queue length for back-to-back left turns.

The preferred minimum intersection spacing on minor arterials is 500 feet, measured road centerline to centerline. Major arterial intersection spacing is preferred to be between 600 feet and 1,000 feet, measured road centerline to centerline.

- F. The interior angles at intersection roadways shall be as near to 90 degrees as possible, and in no case shall it be less than 80 degrees or greater than 100

degrees. Minimum centerline radius for local roadways shall be 100 feet unless the alternative horizontal curve illustrated on Comprehensive Plan Figure X-SV-9, *Sunnyside Village Plan Alternative Horizontal Curve for Local Streets*, is used.

- G. Alleys shall be private streets with rights-of-way of 16 feet. (See Comprehensive Plan Figure X-SV-6, *Sunnyside Village Plan Alleys*.)
- H. A traffic circle will mark the heart of Sunnyside Village and will provide suitable geometrics for the five radial streets that converge at this point. Travel on the circle shall occur in one direction. This shall be facilitated by traffic diverters that guide vehicles but still allow comfortable pedestrian movement. The raised diverters should consist of low raised curbs and/or special paving. The travel lane within the circle should allow for easy merging.

Special paving shall demark crosswalks. Bike lanes shall be clearly marked and shall occur at the edge of the travel lane and define the inner boundary of the crosswalks and bus loading areas. The bus loading areas shall be located adjacent to the Village Commercial area. On the other side of the circle, this added dimension shall be used for planting strips with street trees, adjacent to nine-foot-wide sidewalks.

The center island shall have a radius of at least 30 feet and shall be landscaped. A vertical feature or monument identifying the entrance to Sunnyside Village should mark the center of the circle and shall be framed by blossoming trees.

- I. Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.
- J. For properties with frontage along 152nd Drive, adjacent to the proposed realignment of 152nd Drive, the applicant's share of costs associated with the realignment of 152nd Drive shall be limited to the dedication of required on-site right-of-way for the realignment of 152nd Drive as a collector street, and the guarantee of financing for the required on-site improvements, to collector-street standards, according to the requirements of the County Engineering Division.

#### 1007.12 VACATIONS

Road and Access Easement Vacations: In the RTL and CC Districts, road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.

#### 1007.13 TRAFFIC MANAGEMENT PLANS

In the OA and VO Districts, a traffic management plan shall be submitted with each development application. The plan shall address, but is not limited to, the following traffic management mechanisms:

- A. Physical site controls on existing traffic;
- B. P.M. peak hour existing traffic limitations;
- C. Traffic monitoring;
- D. Restrictions on the number of parking spaces;
- E. Transportation/transit information center;
- F. Flextime, staggered working hours; and
- G. Carpool and vanpool spaces and similar ride share programs.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15]

**1202 ZONE CHANGES**

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**1202.01 PURPOSE AND APPLICABILITY**

Section 1202 is adopted to provide standards, criteria, and procedures under which a change to the zoning maps (hereinafter referred to as a zone change) may be approved.

**1202.02 SUBMITTAL REQUIREMENTS**

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a zone change shall include a site plan of the subject property showing existing improvements, and a vicinity map showing the relationship of the subject property to the surrounding area. An application for a zone change to NC District also shall include:

- A. The requirements listed in Subsection 1102.02;
- B. A vicinity map, drawn to scale, showing the uses and location of improvements on adjacent properties and properties across any road; and
- C. A site plan, drawn to scale, showing the following:
  - 1. Property dimensions and area of property;
  - 2. Access to property;
  - 3. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;
  - 4. Location of existing and proposed parking; and
  - 5. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.

**1202.03 GENERAL APPROVAL CRITERIA**

A zone change requires review as a Type III or IV application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.
- B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative



impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

- C. The transportation system is adequate, ~~as defined in Subsection 1007.09(D), and will remain adequate with approval of the proposed zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from Subsection 1202.03(C).~~ For the purpose of this criterion:
1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.
  - ~~24. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060) include both the impact of the proposed zone change and growth in background traffic for a 20-year period beginning with the year that a complete zone change application is submitted pursuant to Section 1307.~~
  - ~~2. It shall be assumed that all improvements identified in Comprehensive Plan Table 5-3a, 20-Year Capital Projects; the Statewide Transportation Improvement Plan; and the capital improvement plans of other local jurisdictions are constructed.~~
  3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
  4. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
  5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.
  - ~~4. Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E).~~
  - ~~65. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.~~
  7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

~~D. The proposed zone change, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.~~

DE. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

#### 1202.04 NC DISTRICT APPROVAL CRITERIA

If the application requests a zone change to NC District, approval of the zone change shall include approval of a specific use for the subject property, including a specific site development plan.

- A. In addition to the standards and criteria in Subsection 1202.03, a zone change to NC District shall be subject to the following standards and criteria:
1. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.
  2. 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.
  3. The proposed use complies with any applicable requirements of the NC District and any overlay zoning district(s) in which the subject property is located, Section 800, *Special Use Requirements*, and Section 1000, *Development Standards*.
- B. Design review pursuant to Section 1102, *Design Review*, is not required for a use approved through a zone change to NC District. Modifications to the approved use, including the approved site development plan, shall be processed pursuant to Subsection 1307.16(M) or Section 1309, *Modification*.

#### 1202.05 ALTERNATE ZONING DISTRICT DESIGNATION

An application for a zone change may include a request for the approval of an alternate zoning district designation if it is found that the applicant's preferred designation does not comply with the approval criteria but the alternate designation does.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15]

*Clackamas County Comprehensive Plan*  
**Table 5-3a 20-Year Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description
1000	County-wide	ITS Plan Program	N/A	Develop a program to support the implementation of the County's ITS Plan and support the County's efforts to make improvements to traffic operations based on the ITS Plan. Deploy traffic responsive signal timing, ramp metering, traffic management equipment for better routing of traffic during incidents along the three key ODOT corridors - I-205, I-5, 99E. Install signal controller upgrades and update County ITS plan.
1001	County-wide	Transportation Safety Action Plan Program	N/A	Develop a program to support the implementation of the County's TSAP and support the County's efforts to make improvements based on the outcomes of the road safety audits and other safety studies.
1002	5-11a	122nd Ave	Eagle Glen Dr to Hubbard Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1003	5-11a	122nd Ave	Sunnyside Rd to Hubbard Rd	Fill gaps in pedestrian facilities, turn lanes at Mather Rd
1004	5-11a	122nd Ave	Sunnyside Rd to Timber Valley Dr	Add bikeways and turn lanes at major intersections
1005	5-11a	132nd Ave	Sunnyside Rd to OR 212	Add bikeways, pedestrian facilities, traffic calming and turn lanes at major intersections
1006	5-11a	142nd Ave	Sunnyside Rd to OR 212	Add bikeways and pedestrian facilities
1007	5-11a	72nd Ave Multi-Use Path Connection	Thompson Rd to Harmony Rd	Construct multi-use path
1008	5-11a	82nd Dr	OR 212 to Lawnfield Rd	Fill in bikeways and pedestrian facilities gaps
1009	5-11a	85th Ave	Causey Ave to Monterey Ave	Add sidewalks and bikeways. <u>Perform Pedestrian Safety Audit to verify lighting, crosswalk striping and signing at Causey Ave.</u>
1010	5-11a	92nd Ave	Johnson Creek Blvd to Emmert View Ct	Fill gaps in pedestrian facilities
1011	5-11a	97th Ave / Mather Rd	Lawnfield Rd to Summers Ln	Add bikeways, pedestrian facilities and eastbound left turn lanes at Mather Rd / Summers Ln
1012	5-11a	Boyer Dr	OR 213 to Fuller Rd	Construct new 2 lane roadway with turn lanes at OR 213 and Fuller Rd, bikeways and pedestrian facilities; install flashing yellow arrow for left turns on northbound and southbound approaches at OR 213 intersection.
1013	5-11a	Boyer Dr / 85th Ave / Spencer Dr	OR 213 to I-205 bike path	Add bikeways
1014	5-11a	Causey Ave	Fuller Rd to I-205	Add bikeways and shared facility markings in accordance with the Active Transportation Plan.
1015	5-11a	Clackamas Industrial area multi-modal improvements	N/A	Complete bike and pedestrian connections within the Clackamas Industrial area on Jennifer St., Evelyn St., 106 <sup>th</sup> Ave, 122 <sup>nd</sup> Ave, 130 <sup>th</sup> Ave and 135 <sup>th</sup> Ave.
1016	5-11a	Clackamas Regional Center Bike/Pedestrian Corridors	N/A	Construct pedestrian and bike improvements as described in the Clackamas Regional Center Pedestrian / Bicycle Plan
1017	5-11a	Clackamas Town Center Alternative Performance Standards Study	Clackamas Regional Center	Develop alternative performance standards for the intersections within the Clackamas Regional Center.
1018	5-11a	Clackamas Town Center Circulation Plan	West of the Town Center	Study area circulation and create plan
1019	5-11a	Flavel Dr	Alberta Ave to County boundary	Add bikeways in accordance with the Active Transportation Plan.

**Table 5-3a 20-Year Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description
1020	5-11a	Fuller Rd	Otty St to Johnson Creek Blvd	Add pedestrian facilities, turn lanes, on-street parking, central median and landscaping.
1021	5-11a	Fuller Rd / King Rd Improvements	Fuller Rd / King Rd intersection	Restrict access to right-in/right-out only
1022	5-11a	Harmony Rd	OR 213 to OR 224	Construct bikeways and pedestrian facilities. Linwood Ave to Aquatic Center, construct in accordance with the Active Transportation Plan. <u>Provide left turn movement for cyclists from Harmony Rd to CCC Harmony Campus and a pedestrian crossing.</u>
1023	5-11a	Harmony Rd	Railroad Ave / Linwood Ave / Harmony Rd	Railroad crossing and intersection improvements based on further study of intersection operations including bikeways and pedestrian facilities to be undertake jointly by the City of Milwaukie and the County
1024	5-11a	Harmony Rd / Sunnyside Rd	Harmony Rd / Sunnyside Rd / OR 213 intersection	Extend queue storage <u>and double left turn lanes</u> on westbound approach and rebuild median, <u>including pedestrian island</u> ; extend queue storage on eastbound approach and install median; convert to right-in-right-out accesses on frontage road.
1025	5-11a	I-205 Multi-Use Path Connection	Between Sunnyside Rd and Sunnybrook Blvd	Construct ADA compliant access to the commercial area from the I-205 Multi-Use Path
1026	5-11a	I-205 Multi-Use Path Gap	OR 224/OR 213 to OR 212	Study the I-205 multi-use path gap to create a plan for connection and path completion in accordance with the Active Transportation Plan
1027	5-11a	Johnson Creek Blvd	55th Ave to I-205	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1028	5-11a	Johnson Creek Blvd	Johnson Creek Blvd near 79th Pl	Add signal to either Johnson Creek Blvd and 79th Pl or 80th Ave
1029	5-11a	Johnson Creek Blvd	55th Ave to Bell Ave	Widen to 3 lanes with bikeways and pedestrian facilities
1030	5-11a	Johnson Creek Blvd	Johnson Creek Blvd / OR 213 intersection	Extend westbound left-turn lane and rebuild median; install dual northbound and southbound left-turn lanes
1031	5-11a	Johnson Creek Blvd	OR 213 to 92nd Ave	Add pedestrian facilities <u>with a crossing near 77th Ct</u> , restripe for bikeways. <u>Analyze for turn lane improvements at 92nd Ave.</u>
1032	5-11a	Johnson Rd	SE Lake Rd to North Clackamas Park Trail	Identify bike/pedestrian connections to fill gaps along 82nd Ave
1033	5-11a	Lake Rd	Lake Rd / International Way intersection	Add northbound right-turn lane
1034	5-11a	Linwood Ave	Monroe St to Johnson Creek Blvd	Add pedestrian facilities in accordance with the Active Transportation Plan.
1035	5-11a	Monroe St	72nd Ave to Fuller Rd	Add bikeways, pedestrian facilities and traffic calming in accordance with the Active Transportation Plan.
1036	5-11a	Monroe St / 72nd Ave / Thompson Rd / Fuller Rd	Linwood Ave to Causey Ave	Add bikeways and traffic calming in accordance with the Active Transportation Plan.
1037	5-11a	Monterey Ave	Stevens Rd to Bob Schumacher Rd	Construct collector roadway with bikeways and pedestrian facilities
1038	5-11a	Monterey Ave	OR 213 to Fuller Rd	Construct new 2 lane extension with pedestrian facilities and bikeways. Install flashing yellow arrow for left-turns on northbound and southbound approaches at OR 213 intersection.
1039	5-11a	North Clackamas Regional Park Trail	Linwood Ave to North Clackamas Park Complex	Construct multi-use path
1040	5-11a	North Clackamas Regional Parks Trail	OR 213 to Linwood Ave	Construct multi-use path

Table 5-3a 20-Year Capital Projects

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description
1041	5-11a	Otty Rd	OR 213 to 92nd Ave	Improve to minor arterial standard consistent with Fuller Road Station Plan; improve curb radius; add turn lanes, on-street parking, central median, landscaping, bikeways and pedestrian facilities. <u>Install pedestrian crossings between Fuller Rd and I-205 and near 91st Ave.</u>
1042	5-11a	Otty St	Otty St / OR 213 / Otty Rd	Realign Otty St with Otty Rd at OR 213; install dual westbound left-turn lanes; install flashing yellow arrow for left-turns on northbound and southbound approaches.
1043	5-11a	Southwest Connector Multi-Use Path	North Clackamas Aquatic Center access road to 82nd Ave	Construct multi-use path in accordance with the Active Transportation Plan.
1044	5-11a	Springwater Rd	OR 224 to Hattan Rd	Widen to 3 lanes with shoulders (in accordance with the Active Transportation Plan between Clackamas River Dr and Gronlund Rd) and pedestrian facilities; bridge remains two lanes
1045	5-11a	Sunnyside Rd	93rd Ave to 126th Ave	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1046	5-11a	Sunnyside Rd	Sunnyside Rd / Stevens Rd intersection	Intersection improvements, such as additional turn lanes, turn lane extensions, and/or signal timing modifications
1047	5-11a	Tolbert St Overcrossing	82nd Dr to Industrial Way	Construct new 2 lane overcrossing with bikeways and pedestrian facilities
1048	5-11b	282nd Ave	US 26 to OR 212	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1049	5-11b	Amisigger Rd / Kelso Rd	OR 224 to Kelso / Richey Rd	Add paved shoulders; turn lanes at Amisigger/OR 212 and Kelso/Richey; smooth curves.
1050	5-11b	Arrah Wanna Blvd	US 26 to Fairway Ave	Add paved shoulders
1051	5-11b	Cazadero Multi-Use Trail	Community of Boring to City of Estacada	Construct multi-use path in accordance with the Active Transportation Plan.
1052	5-11b	Compton Rd	US 26 to 352nd Ave	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1053	5-11b	Dodge Park Rd Bridge	~192 feet south of Pipeline Rd	Replace bridge nearing the end of its useful life and include paved shoulders
1054	5-11b	Eagle Creek Rd	Firwood Rd to Duus Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1055	5-11b	Eagle Creek Rd	Currin Rd to Duus Rd	Remove horizontal curve, relocate intersection, add paved shoulders and turn lanes at major intersection; investigate speed zone south of Currin Rd
1056	5-11b	Fairway Ave	Arrah Wanna Blvd to Salmon River Rd	Add paved shoulders
1057	5-11b	OR 211	OR 211 / Judd Rd intersection	Realign roadway
1058	5-11b	Richey Rd	Kelso Rd to OR 212	Add paved shoulders and left turn lane at Richey Rd and OR 212
1059	5-11b	Welches Rd	US 26 to Birdie Ln	Add paved shoulders; add pedestrian facilities in Welches rural center
1060	5-11c	Aldercrest Dr	Thiessen Rd to Oatfield Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1061	5-11c	Concord Rd	River Rd to Oatfield Rd	Fill gaps in pedestrian facilities
1062	5-11c	Concord Rd	River Rd to Oatfield Rd	Add turn lanes at major intersections
1063	5-11c	Courtney Ave	OR 99E to Oatfield Rd	Fill gaps in pedestrian facilities and bikeways
1064	5-11c	Courtney Ave	River Rd to OR 99E (McLoughlin Blvd)	Construct pedestrian facilities / complete gaps on the south side; add bikeways
1065	5-11c	Harold Ave	Concord Rd to Roethe Rd	Add pedestrian facilities and traffic calming

**Table 5-3a 20-Year Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description
1066	5-11c	Hull Ave	Wilmot St to Tims View Ave	Fill gaps in pedestrian facilities
1067	5-11c	Jennings Ave	Webster Rd to OR 99E	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1068	5-11c	Jennings Ave	River Rd to Oatfield Rd	Widen to 2-lane urban minor arterial standard with bikeway and pedestrian facilities infill
1069	5-11c	Oak Grove Blvd	Oatfield Rd to River Rd	Fill gaps in pedestrian facilities and bikeways
1070	5-11c	Oatfield Rd	Jennings Ave to Lake Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1071	5-11c	Oatfield Rd	Oatfield Rd / Park Rd intersection	Install traffic signal and add turn lanes
1072	5-11c	Oatfield Rd	Oatfield Rd / McNary Rd intersection	Add southbound and eastbound left-turn lanes
1073	5-11c	Park Ave	River Rd to OR 99E (McLoughlin Blvd)	Add pedestrian facilities
1074	5-11c	River Rd	Lark St to Courtney Ave	Add pedestrian facilities
1075	5-11c	River Rd	Oak Grove Blvd to Risley Ave	Fill gaps in bikeways in accordance with the Active Transportation Plan and fill gaps in pedestrian facilities
1076	5-11c	School Pedways	Johnson Rd / Clackamas Rd / Webster Rd	Fill gaps in pedestrian facilities on Johnson Rd, Clackamas Rd and Webster Rd within 1/4 mile of schools
1077	5-11c	Thiessen Rd	Thiessen Rd / Aldercrest Rd intersection	Add turn lanes on Thiessen Rd; consider converting to two-way stop controlled
1078	5-11c	Torbank Rd	River Rd to Trolley Trail	Fill gaps in pedestrian facilities
1079	5-11d	65th Ave	65th Ave / Elligsen Rd / Stafford Rd intersection	Construct roundabout
1080	5-11d	Advance Rd	53rd Ave to 43rd Dr	Grade and sight distance improvements
1081	5-11d	Borland Rd	Tualatin city limits to Stafford Rd	Add paved shoulders in accordance with the Active Transportation Plan and turn lanes at major intersections
1082	5-11d	Borland Rd	Stafford Rd to West Linn city limits	Add paved shoulders in accordance with the Active Transportation Plan
1083	5-11d	Carman Dr	Lake Oswego city limits to Roosevelt Ave	Add bikeways and pedestrian facilities; analyze for turn lanes
1084	5-11d	Childs Rd	Sycamore Ave to 65th Ave	Transfer roadway to local jurisdiction
1085	5-11d	French Prairie Bridge	Willamette River near I-5	Construct a bridge in accordance with the Active Transportation Plan
1086	5-11d	Rosemont Rd	Stafford Rd to West Linn	Add paved shoulders and turn lanes at major intersections
1087	5-11d	Stafford Rd	I-205 to Boeckman Rd / Advance Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1088	5-11d	Stafford Rd	Rosemont Rd to I-205	Add paved shoulders in accordance with the Active Transportation Plan and turn lanes at major intersections
1089	5-11d	Stafford Rd	Stafford Rd / Childs Rd intersection	Install traffic signal and southbound and northbound turn lanes or roundabout
1090	5-11d	Stafford Rd	Rosemont Rd to I-205	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1091	5-11d	Tonquin Trail	Willamette River through Wilsonville	Construct bike / pedestrian facilities pursuant to the Tonquin Trail Master Plan

Clackamas County Comprehensive Plan

**Table 5-3a 20-Year Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description
1092	5-11d	Wilsonville Rd / Ladd Hill Rd	Wilsonville Rd / Ladd Hill Rd	Install Collision Countermeasure System
1093	5-11e	Airport Rd	Airport Rd / Miley Rd intersection	Install traffic signal
1094	5-11e	Barlow Rd	Barlow Rd / OR 99E intersection	Add dual left-turn lanes on southbound Barlow Rd
1095	5-11e	Beavercreek Rd	Lower Highland Rd to Butte Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1096	5-11e	Beavercreek Rd	Ferguson Rd to Spangler Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1097	5-11e	Beavercreek Rd	Henrici Rd to Yeoman Rd/Steiner Rd	Add paved shoulders in accordance with the Active Transportation Plan and turn lanes at major intersections.
1098	5-11e	Beavercreek Rd	Beavercreek Rd / Leland Rd / Kamrath Rd intersection	Construct roundabout with additional analysis
1099	5-11e	Canby-Marquam Highway	Canby-Marquam Hwy / Lone Elder Rd intersection	Reconstruct intersection; install northbound left-turn lane and southbound right-turn lane
1100	5-11e	Canby-Marquam Highway	~1,900 ft south of Barnards Rd	Replace bridge nearing the end of its useful life with 2-lane structure including paved shoulders
1101	5-11e	Clarkes Four Corners Intersection	Beavercreek Rd / Unger Rd	Reconstruct intersection
1102	5-11e	Emerald Necklace Trail	To Canby Ferry	Extend Molalla Forest Rd to Locust St in accordance with the Active Transportation Plan.
1103	5-11e	Ferguson Multi-Use Path	Thayer Rd to Ferguson Rd	Multi-use path to connect Ferguson Rd to Thayer Rd
1104	5-11e	Fischers Mill Rd	Fischers Mill / Hattan Rd intersection	Install eastbound left-turn lane
1105	5-11e	Graves Rd/Passmore Rd/Mulino Rd/ OR 213	Graves Rd/Passmore Rd/Mulino Rd/ OR 213	Work in conjunction with the Molalla River School District, ODOT and community stake-holders to complete a safety audit to look at all options for the safe movement of Mulino Elementary School students in relation to the adjacent transportation system. Utilize the results from the audit to develop a list of projects and/or programs to maximize safety for all users.
1106	5-11e	Greater Arndt Rd/I-5/Canby Access Feasibility Study	Southwest County in the vicinity of Arndt Rd/I-5/Canby	Conduct an alternatives analysis and land use study to identify and consider roadway improvements to address access to I-5 within the Southwest County and address capacity deficiencies.
1107	5-11e	Hattan Rd	Hattan Rd / Gronlund Rd intersection	Install southbound right-turn lane
1108	5-11e	Henrici Rd	Beavercreek Rd to Ferguson Rd	Add paved shoulders and turn lanes at major intersections. Remove horizontal and vertical curves
1109	5-11e	Holly St	Territorial Rd to Canby Ferry	Add paved shoulders in accordance with the Active Transportation Plan.
1110	5-11e	Hult Rd	OR 211 to Unger Rd	Re-open and improve Hult Rd
1111	5-11e	Klang's Mill Bridge	~1,000 ft north of OR 211	Replace bridge nearing the end of its useful life
1112	5-11e	Lone Elder Rd Bridge	~5,800 feet east of Barlow Rd	Replace bridge (nearing the end of its useful life) and include paved shoulders
1113	5-11e	Maplelane Rd	Beavercreek Rd to Ferguson Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1114	5-11e	Meridian Rd	Meridian Rd / Whiskey Hill Rd intersection	Limit access/egress points to and from school on NE corner of intersection

Clackamas County Comprehensive Plan

**Table 5-3a 20-Year Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description
1115	5-11e	Molalla Ave Flooding	Just south of city of Molalla	Construct bridge to resolve flooding issues
1116	5-11e	Mulino Rd	Mulino Rd / 13th Ave	Relocate intersection to south away from railroad trestle
1117	5-11e	OR 170	OR 99E to Macksburg Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1118	5-11e	Redland Rd	OR 213 to Hattan Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1119	5-11e	Redland Rd	Redland Rd / Springwater Rd intersection	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1120	5-11e	Redland Rd	Redland Rd / Holly Rd intersection	Install traffic signal and westbound and northbound left-turn lanes or roundabout
1121	5-11e	Redland Rd	Redland Rd / Ferguson Rd intersection	Construct roundabout
1122	5-11e	Ridge Rd	~1 miles north of Lower Highland Rd	Fix sinkhole
1123	5-11e	Springwater Rd	Springwater Rd / Clackamas River Dr intersection	Install signal at Clackamas River Dr
1124	5-11e	Springwater Rd	400 ft east of Hattan Rd	Construct bridge to accommodate paved shoulders
1125	5-11e	Springwater Rd	Hattan Rd to Bakers Ferry Rd	Add paved shoulders in accordance with the Active Transportation Plan and turn lanes at major intersections
1126	5-11e	Township Rd	Central Point Rd to Canby City limit	Add paved shoulders and turn lanes at major intersections
1127	5-11e	Union Mills Rd	OR 213 to OR 211	Add turn lanes at major intersections
1128	5-11e	Union Mills Rd	OR 213 to OR 211	Construct a shoulder on the south side of the roadway
1129	5-11e	Upper Highland Rd	Beavercreek Rd to Lower Highland Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements
1130	5-11c	Oetkin Rd - Naef Rd	Thiessen Rd to River Rd	Construct bike boulevard consistent with the Active Transportation Plan
1131	5-11c	River Rd	Park Ave to Glen Echo Ave	Construct buffered bike lane in accordance with the Active Transportation Plan.
<u>1132</u>	<u>5-11a</u>	<u>Bob Schumacher Rd</u>	<u>Otty Rd to Sunnyside Rd</u>	<u>Investigate improved striping including centerline rumble stripe.</u>
<u>1133</u>	<u>5-11a</u>	<u>97th Ave</u>	<u>Sunnybrook Blvd to Mather Rd</u>	<u>Investigate improved striping including outside fog lines and rumble striping. Verify lighting, drainage and surface friction.</u>
<u>1134</u>	<u>5-11a</u>	<u>92nd Ave</u>	<u>Phillips Pl</u>	<u>Install a pedestrian crossing near Phillips Pl</u>
<u>1135</u>	<u>5-11a</u>	<u>Otty St</u>	<u>80th Ave</u>	<u>Install a pedestrian crossing near 80th Ave</u>
<u>1136</u>	<u>5-11a</u>	<u>Fuller Rd</u>	<u>Boyer Dr to Sunnyside Dr</u>	<u>Install pedestrian crossings near Boyer Dr, Causey Ave, Stephanie Ct and Southgate St</u>



Clackamas County Comprehensive Plan

**Table 5-3d Regional Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description	Priority
4000	County-wide	TSP Refinement	State facility locations applicable where mobility target is not met in 2035	TSP Refinement to develop alternative mobility targets for state facilities consistent with Oregon Highway Plan (OHP) 1F3.	High
4001	5-11a	I-205 / Sunnyside Road interchange	I-205 / Sunnyside Road interchange	Add dual northbound right-turns; install bike signal; <u>construct sidewalk extension / bulb to accommodate pedestrians and bicyclists around signal pole.</u>	High
4002	5-11a	OR 212	OR 212 / 172nd Ave intersection	Add second eastbound left-turn lane	High
4003	5-11a	OR 212	SE 162nd to Anderson Rd	Add bikeways, pedestrian facilities ways, and landscape pedestrian facilities buffer; widen to 6 lanes within Happy Valley; add center turn lane within Damascus	High
4004	5-11a	OR 213	Sunnybrook Blvd to Portland City Limits	Extend fiberoptic communications, CCTV at key intersections and adaptive signal timing	High
4005	5-11a	OR 224	OR 224 / Lake Rd / Webster Rd intersection	Add turn-lanes, including second left-turn lane on westbound OR 224, second left-turn lane and right-turn lane on northbound SE Webster Rd, and second left-turn lane on southbound SE Lake Rd	High
4006	5-11a	OR 224	OR 224 / Johnson Rd intersection	Add second left-turn lane on westbound OR 224	High
4007	5-11a	OR 224	OR 224 / Hubbard Rd / 135th Ave intersection	Add intersection improvements, including right-turn lanes	High
4008	5-11a	OR 224	Springwater Rd / OR 224 intersection	Add signal and turn lanes on all approaches	High
4009	5-11a	OR 224	Rock Creek Junction to Midway St	Widen to four lanes; add bikeways.	High
4010	5-11a	Sunrise Project - Preliminary Engineering	Webster Rd/ OR 224 to 172nd Ave / OR 212	Preliminary engineering from Webster Rd to 172nd Ave	High
4011	5-11a	Sunrise Project - Right-of-Way	Webster Rd/ OR 224 to 172nd Ave / OR 212	Acquire right-of-way to accommodate 6 lane expressway plus auxiliary lanes	High
4012	5-11a	SunriseProject - Multi-use Path	122nd to Rock Creek Junction	Construct multi-use path from 122nd to Rock Creek Junction parallel to the Sunrise project consistent with FEIS.	High
4013	5-11b	OR 224	OR 224 /232nd Ave intersection	Install traffic signal or roundabout	High
4014	5-11b	OR 224	Eaglecreek Rd / OR 224 intersection	Install signal	High
4015	5-11c	OR 99E	Milwaukie city limit to Gladstone city limit	Add bikeways, pedestrian facilities ways, median enhancements, crosswalks and pedestrian facilities refuges	High
4016	5-11d	I-205	Stafford Rd to OR 99E	Work with ODOT, Metro, Oregon City, West Linn and any other effected jurisdictions to analyze and develop a solution to the transportation bottle neck on I-205 between Oregon City and I-205 / Stafford Road Interchange. Possible solutions include <u>widening to 3-lanes in each direction.</u>	High
4017	5-11e	I-205	Willamette River to West Linn city limit	Add southbound truck climbing lane	High
4018	5-11e	I-205	I-205 Corridor	Corridor-wide operational improvements	High
4019	5-11e	OR 211	Beavercreek Rd, Union Hall Rd to Dhooghe Rd	Widen to include shoulders, bikeways, add passing lanes where needed and turn lanes at major intersections	High
4020	5-11e	OR 213	OR 213 / Spangler Rd intersection	Install traffic signal to replace existing two-way stop	High

Clackamas County Comprehensive Plan

Table 5-3d Regional Capital Projects

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description	Priority
4021	5-11e	OR 213	OR 213 / Henrici Rd intersection	Install traffic signal or roundabout and additional intersection improvements as needed	High
4022	5-11e	OR 213	OR 213 / Leland Rd intersection	Add northbound through auxiliary lane	High
4023	5-11e	OR 213	Leland Rd / Union Hall Rd intersection	Add southbound auxiliary lane	High
4024	5-11e	OR 213	Mulino to Molalla	Perform road safety audit or transportation safety review to identify appropriate safety improvements	High
4025	5-11e	OR 99E	OR 99E / Barlow Rd intersection	Add left-turn lane on southbound Barlow Rd - To widen Barlow Rd to add a southbound left turn lane on the north approach would need to modify the existing railroad crossing warning system	High
4026	5-11a	I-205 / Johnson Creek Blvd interchange	I-205 / Johnson Creek Blvd interchange	Add loop ramp and northbound on-ramp; realign southbound off-ramp and install dual right-turn lanes	Medium
4027	5-11a	I-205 / OR 212/224 Interchange	In vicinity of Roots Rd and McKinley Ave	Connect bikeways in accordance with the Active Transportation Plan	Medium
4028	5-11a	OR 212	Rock Creek Junction to 172nd	Construct climbing lane	Medium
4029	5-11a	OR 212	OR 212 / SE 162nd Ave intersection	Add left-turn pockets and traffic signal	Medium
4030	5-11a	OR 213	Sunnyside Rd to Sunnybrook Rd	Widen to 7 lanes with boulevard treatments	Medium
4031	5-11a	OR 213	OR 213 / Harmony Rd / Sunnyside Rd intersection	Add bikeways, pedestrian facilities ways, dual northbound and southbound left-turn lanes, and lighting; convert driveways north of intersection to right-in / right-out	Medium
4032	5-11a	OR 224	OR 224 / Rusk Rd off-ramp	Extend right-turn lane on OR 224	Medium
4033	5-11a	OR 224	Milwaukie city limits to I-205	Construct multi-use path as parallel route to OR 224	Medium
4034	5-11a	OR 224	Lake Rd / Johnson Rd / Pheasant Ct	Realign Lake Rd / Johnson Rd to provide southern OR 224 access via Pheasant Ct; add turn lanes at OR 224 / Pheasant Ct intersection; close access at Lake / Webster south of OR 224	Medium
4035	5-11a	OR 99E	OR 99E / Jennings Ave intersection	Determine safe connection of Trolley Trail at OR 99E / Jennings Ave intersection	Medium
4036	5-11a	Sunrise Project	I-205 to 172nd Ave	Construct improvements to 172nd	Medium
4037	5-11b	OR 211	Hayden Rd to OR 224	Widen to rural arterial standard with shoulders, bikeways in accordance with the Active Transportation Plan and turn lanes at major intersections	Medium
4038	5-11b	US 26	Govt. Camp Loop W to OR 35	Implement Finding of Mt Hood Multimodal Study including phased safety improvements	Medium
4039	5-11b	US 26	OR 35 Junction to Wasco County line	Widen roadway to include bikeways /shoulders, add passing lanes where needed and turn lanes at major intersections	Medium
4040	5-11e	OR 211	OR 170 (Canby-Marquam Hwy) / OR 211 intersection	Install eastbound and westbound left-turn lanes, and eastbound right-turn lane; remove or decrease horizontal curve	Medium
4041	5-11e	OR 211	Marion County line to OR 170 (Canby-Marquam Hwy)	Widen to include shoulders, bikeways, add passing lanes where needed and turn lanes at major intersections	Medium
4042	5-11e	OR 99E	Barlow Rd to Marion County line	Four lane widening with median, left-turn lanes from mile post 24.05	Medium
4043	5-11e/f	OR 213	Oregon City boundary to Marion County line	Add shoulders and bikeways	Medium

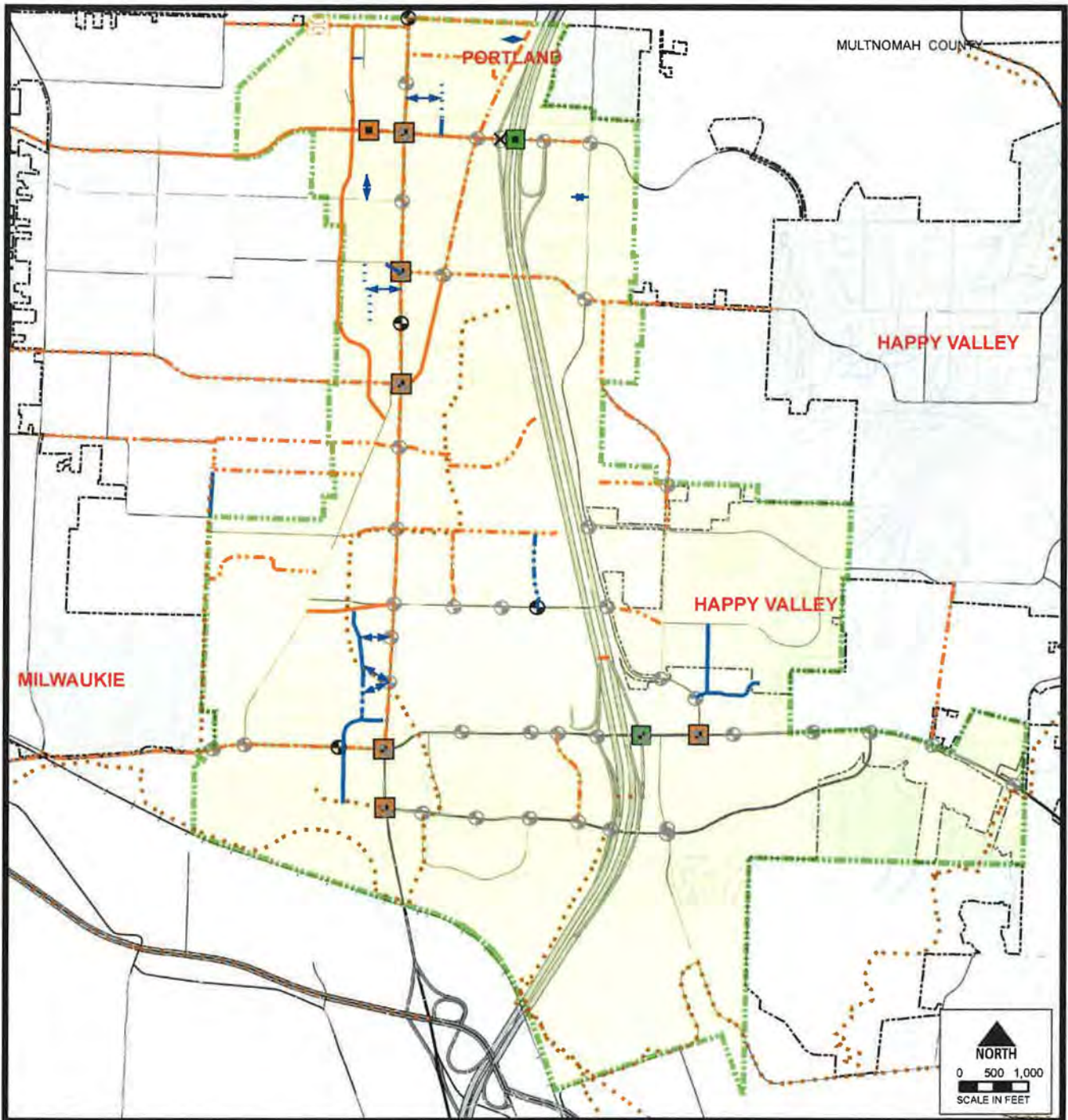
*Clackamas County Comprehensive Plan*  
**Table 5-3d Regional Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description	Priority
4044	5-11a	OR 212	I-205 to OR 224	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4045	5-11a	OR 212	Within the Damascus City Limits (Armstrong Cr to 257th)	Obtain right-of-way for future 4 lane facility with planted median and 5 lanes at major intersections; build as major development occurs and apply access management to reduce number of driveways.	Low
4046	5-11a	OR 213	Clatsop St to Sunnyside Rd	OR 213/82nd Avenue Boulevard Design Improvements - Widen to add sidewalks, lighting, central median, planting strips and landscaping; fill gaps in the bike and pedestrian facilities network. <u>Add pedestrian crossings in the vicinity of Luther Rd, Glencoe Rd and south of Boyer Dr. Install access management median Hinkley Ave to Lindy St and Monterey Ave to Harmony Rd. Install advanced street name signs from Sunnyside Rd to Sunnyside Dr. Remove signal at north entrance of Clackamas Town Center and evaluate traffic diversion.</u> 2014 ODOT OR 213 paving project programmed King to OR 224.	Low
4047	5-11a	OR 213 (82nd Ave)	Luther Road to Sunnybrook Blvd	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4048	5-11a	OR 224	Webster Rd and 82nd Ave	Provide frontage connection on the north side of OR 244	Low
4049	5-11a	OR 224	Springwater Rd to 232nd Dr	Shoulder widening, horizontal realignment, realignment of roadway to bluff	Low
4050	5-11b	OR 211	OR 224 to eastbound US 26	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4051	5-11b	OR 211	OR 224 to Hillcockburn Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4052	5-11b	OR 211	Tickle Creek Rd/OR 211 intersection	Remove or decrease horizontal curve, relocate intersection	Low
4053	5-11b	OR 211	362nd Dr / OR 211 intersection	Remove or decrease vertical curve and remove vegetation	Low
4054	5-11b	OR 211	Eagle Creek Rd to Tickle Creek Rd	Widen to include bikeways /shoulders and add passing /climbing lanes where needed	Low
4055	5-11b	OR 211	0.14 miles east of Coop Rd to Jacknife Rd	Widen to add shoulder / bikeways; realign to remove horizontal and vertical curves	Low
4056	5-11b	OR 211	Tickle Creek Rd to 362nd Dr	Widen to include bikeways /shoulders and add passing /climbing lanes where needed	Low
4057	5-11b	OR 211	Bornstedt Rd to City of Sandy	Add shoulders and bikeways	Low
4058	5-11b	OR 224	232nd Ave to OR 211	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4059	5-11b	OR 224	Fish Creek Rd to National Forest Rd 46	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4060	5-11b	OR 224	Bakers Ferry Rd / OR 224 intersection	Add eastbound right-turn lane	Low
4061	5-11b	OR 224	Amisigger Rd / OR 224 intersection	Install traffic signal; add southbound and eastbound left-turn lanes and westbound right-turn lane	Low
4062	5-11b	OR 224	Heiple Rd / OR 224 intersection	Add southbound right-turn lane	Low
4063	5-11b	OR 224	OR 212 to Estacada city limits	Widen to include shoulders and bikeways; add passing lanes where needed	Low
4065	5-11b	US 26	US 26 / Haley Rd intersection	Develop a plan to address to address access and safety issues on US 26 at this intersection and implement that plan	Low

Clackamas County Comprehensive Plan

**Table 5-3d Regional Capital Projects**

Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description	Priority
4066	5-11b	US 26	Kelso Rd to Duncan Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4067	5-11b	US 26	Duncan Rd to Langensand Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4068	5-11b	US 26	Firwood Rd to Sleepy Hollow Dr	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4069	5-11b	US 26	Rhododendron to OR 35	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4070	5-11b	US 26	US 26 / Firwood Rd intersection	Add eastbound right-turn lane	Low
4071	5-11b	US 26	US 26 / Brightwood Loop W	Add westbound right-turn lane	Low
4072	5-11b	US 26	US 26 / Brightwood Loop E	Add westbound right-turn lane	Low
4073	5-11b	US 26	Lolo Pass Rd to Govt. Camp Loop Rd. W	Implement Finding of Mt Hood Multimodal Study including ITS approach with variable speed signage	Low
4074	5-11c	OR 99E	Park Ave to Gladstone city limits	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4075	5-11d	OR 43	Lake Oswego to Portland	Develop active transportation connection in accordance with the Active Transportation Plan.	Low
4076	5-11e	OR 211	Dhooghe Rd / OR 211 intersection	Remove or decrease horizontal curve, relocate intersection	Low
4077	5-11e	OR 211	OR 170 (Canby-Marquam Hwy) to City of Molalla	Add shoulders and bikeways	Low
4078	5-11e	OR 211	Needy Rd to 0.6 miles west of Needy Rd	Remove or decrease vertical curve to allow passing zone, add passing lane in one or both directions, possible relocation of intersection	Low
4079	5-11e	OR 211	Molalla city limits to Hayden Rd	Widen to rural arterial standard (2 lanes) with shoulders and bikeways	Low
4080	5-11e	OR 211	Beavercreek Rd to Upper Highland Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4081	5-11e	OR 213	OR 213 / Carus Rd intersection	Install traffic signal to replace existing two-way stop See U339	Low
4082	5-11e	OR 213	OR 213 / Beavercreek Rd intersection	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4083	5-11e	OR 213	Carus Rd / OR 213 intersection	Install southbound left-turn and right-turn lanes	Low
4085	5-11e	OR 99E	Oregon City to Canby	Add shoulders and bikeways	Low
4086	5-11e	OR 99E	Sequoia Parkway to Lone Elder Rd	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4087	5-11e	OR 99E	Territorial Rd to Metro boundary	Perform road safety audit or transportation safety review to identify appropriate safety improvements	Low
4088	5-11b	Government Camp Loop Rd	US 26 to US 26	Add bikeways through Government Camp in accordance with the Active Transportation Plan	High
<a href="#">4089</a>	<a href="#">5-11a</a>	<a href="#">OR 213</a>	<a href="#">Causey Ave to King Rd</a>	<a href="#">Work with TriMet and ODOT to evaluate the Business Access Transit lane and identify projects / approaches to improve safety and enhance transit operation.</a>	<a href="#">High</a>
<a href="#">4090</a>	<a href="#">5-11a</a>	<a href="#">I-205 MUP</a>	<a href="#">I-205 SB Ramp / Sunnyside Rd</a>	<a href="#">Travelling south on the I-205 multi-use path, install a pedestrian signal to cross the I-205 southbound / Sunnyside right turn lane. Perform traffic analysis to evaluate impacts to vehicle queuing. Modification subject to ODOT approval.</a>	<a href="#">High</a>
<a href="#">4091</a>	<a href="#">5-11a</a>	<a href="#">I-205 MUP</a>	<a href="#">Monterey Ave</a>	<a href="#">Install parabolic mirror and/or signage to resolve limited sight distance issues at the intersection of the I-205 MUP and the path extension at Monterey Ave.</a>	<a href="#">High</a>



Clackamas Regional Center Area Design Plan

Clackamas County Comprehensive Plan

**Transportation Network (Public and Private)**

**MAP X-CRC-4**

**Projects on 20-Year CIP\***

- New Road (Public)
- - - Road Improvement
- ..... Multi-use Path
- ⌘ Bridge Replacement
- Intersection Improvement
- ODOT Interchange Improvement

**Other Projects in CRC Plan**

- New Road (Public)
- - - Road Improvement
- ..... New Local Road (Public or Private)
- ↔ New Local Road location to be determined (Public or Private)

**Signalized Intersections**

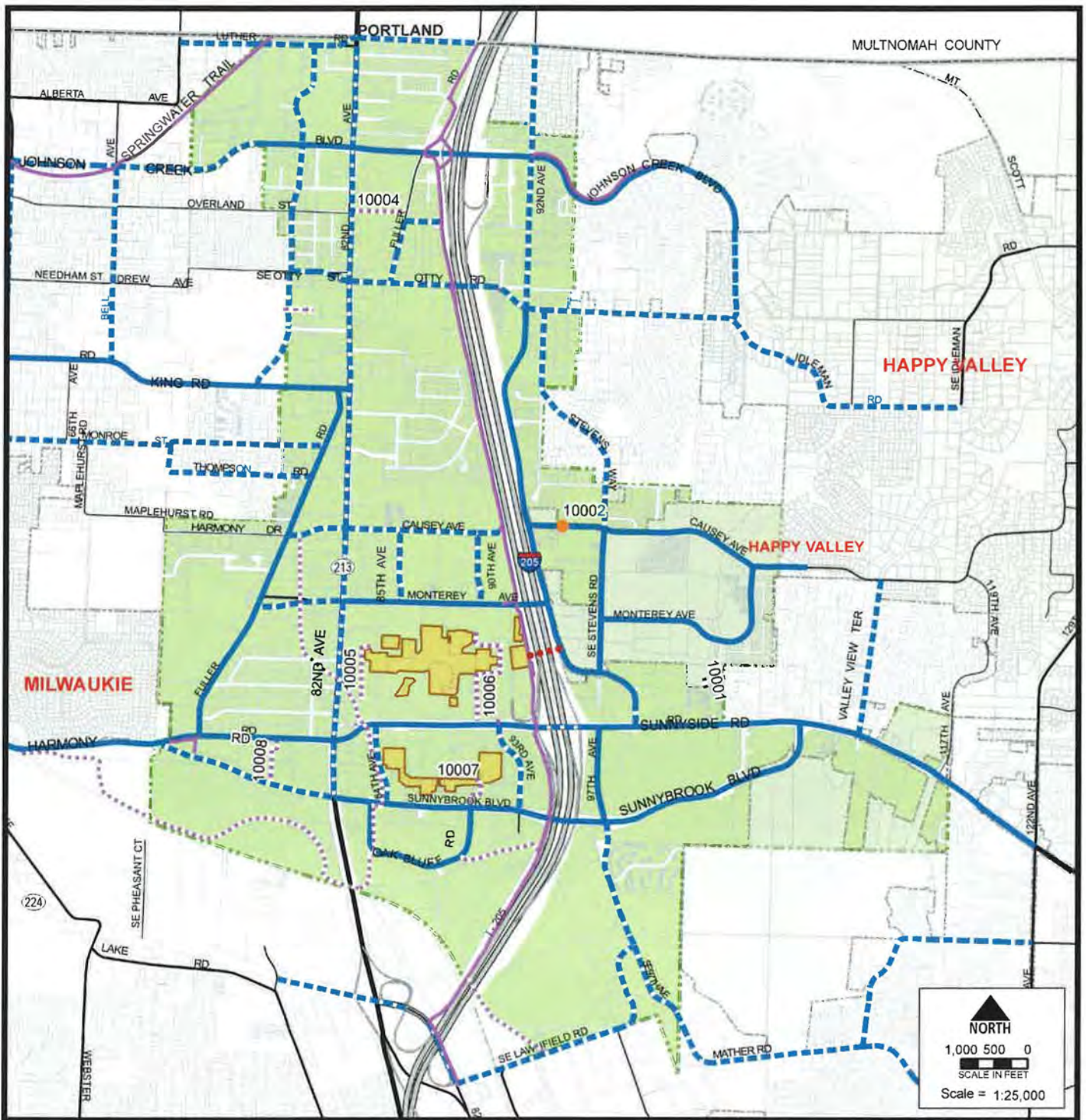
- ⊙ Existing
- ⊙ Planned
- ⊗ To be Removed

- Clackamas Regional Center Area Design Plan
- Incorporated City



Department of Transportation & Development  
150 Beaver Creek Rd. Oregon City, OR 97045

\*See Map 5-11a and Tables 5-3a to 5-3d (Chapter 5) for project descriptions



Clackamas Regional Center Area Design Plan  
**PEDESTRIAN AND BICYCLE CIRCULATION NETWORK**

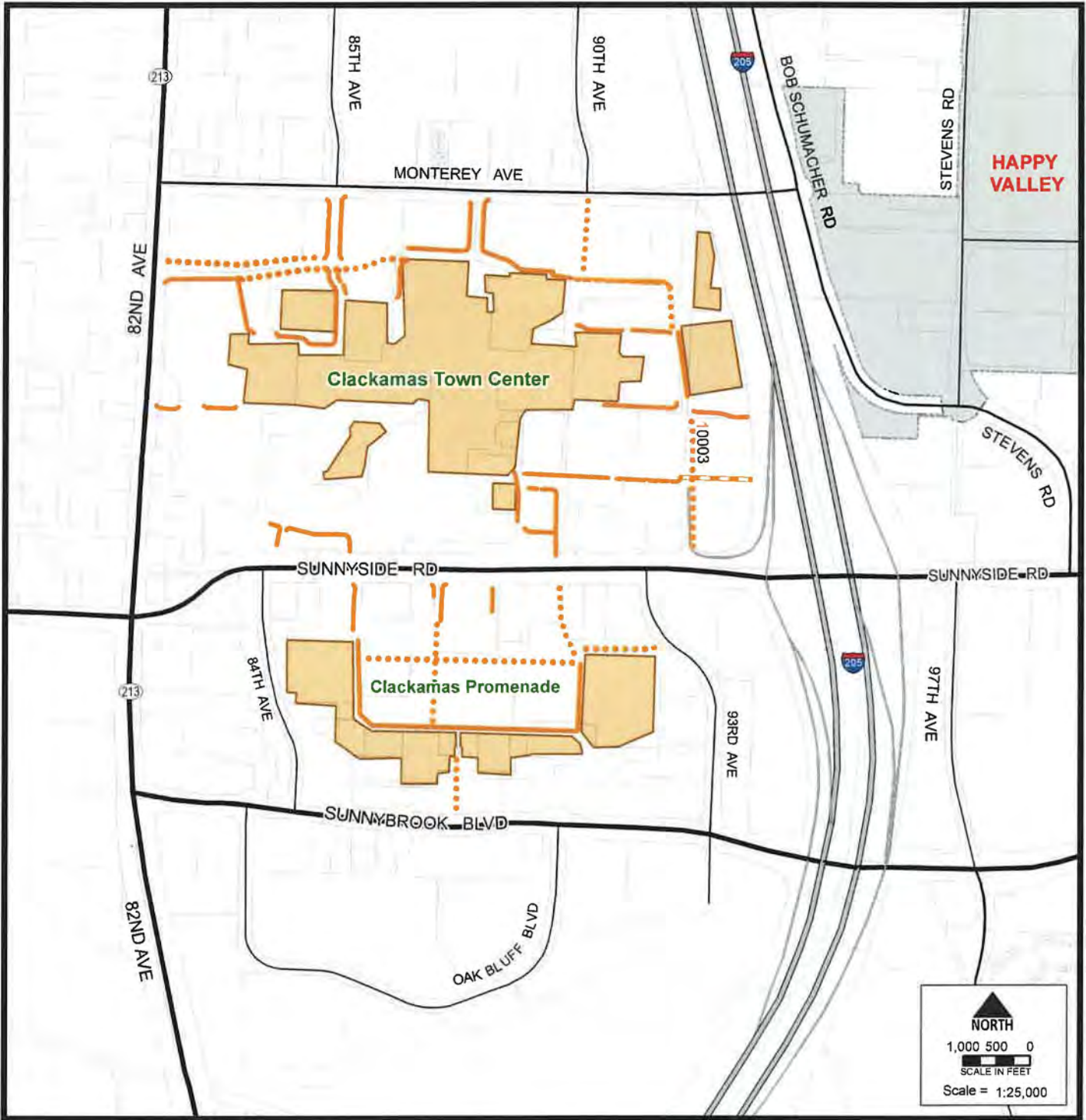
Clackamas County Comprehensive Plan  
**MAP X-CRC-7**

- Clackamas Regional Center Area
- Existing Bikeways
- Planned Bikeways
- Existing Multi-Use Trails
- Planned Multi-Use Trails
- Planned Pedestrian/Bicycle Bridge (approximate location)
- Pedestrian Crossing



NOTE: Project details can be found in Table 10-01 and in Appendix A.

Amended Ordinance ZDO-258, Exhibit A



Clackamas Regional Center Area Design Plan  
**WALKWAY NETWORK**

Clackamas County Comprehensive Plan  
**MAP X-CRC-7a**

- ..... Planned Walkway
- Existing Walkways



NOTE: Project details can be found in Table 10-01 and in Appendix A.

Clackamas County Comprehensive Plan  
**Table 10-01: Non-Capital Projects**

<u>Project ID</u>	<u>Map</u>	<u>Project Name / Street Name</u>	<u>Segment / Locations</u>	<u>Project Description</u>
<u>10001</u>	<u>10-CRC-7</u>	<u>High Creek Rd Connection</u>	<u>High Creek Rd to 104th Ct</u>	<u>Construct north-south bikeway and pedestrian facility</u>
<u>10002</u>	<u>10-CRC-7</u>	<u>Causey Ave</u>	<u>Near Mt. Scott Elementary path</u>	<u>Install pedestrian crossing and open access to development on south side of Causey</u>
<u>10003</u>	<u>10-CRC-7a</u>	<u>Clackamas Town Center</u>	<u>Max Green Line platform to Sunnyside Rd</u>	<u>Construct walkway from Max Green Line platform directly south through existing fence along eastern edge of Clackamas Town Center property to the I-205 multi-use path via stairway and/or to Sunnyside Rd</u>
<u>10004</u>	<u>10-CRC-7</u>	<u>Overland St Connection</u>	<u>82nd Ave to Fuller Rd</u>	<u>Construct bikeway and pedestrian facility between 82<sup>nd</sup> and Fuller on Overland alignment</u>
<u>10005</u>	<u>10-CRC-7</u>	<u>85th Ave Connection</u>	<u>Clackamas Town Center</u>	<u>Construct north-south bikeway and pedestrian facility through the Town Center connecting SE 85<sup>th</sup> and Sunnyside Rd</u>
<u>10006</u>	<u>10-CRC-7</u>	<u>90th Ave Connection</u>	<u>Clackamas Town Center</u>	<u>Construct north-south bikeway and pedestrian facility through the Town Center connecting SE 90<sup>th</sup> with Sunnyside Rd</u>
<u>10007</u>	<u>10-CRC-7</u>	<u>Oak Bluff Rd Connection</u>	<u>Promenade</u>	<u>Construct north-south bikeway and pedestrian facility through the Promenade connecting to Oak Bluff Rd</u>
<u>10008</u>	<u>10-CRC-7</u>	<u>Harmony Rd Connection</u>	<u>Harmony Rd to Aquatic Center path</u>	<u>Construct north-south bikeway and pedestrian facility connecting Aquatic Center path to Harmony Rd</u>



**Ordinance ZDO-258  
Comprehensive Plan Amendments**

Text to be added is underlined. Text to be deleted is ~~strikethrough~~.

**Chapter 5: TRANSPORTATION SYSTEM PLAN**

The Clackamas County Transportation System Plan (TSP) will guide transportation related decisions and identify the transportation needs and priorities in unincorporated Clackamas County from 2013 to 2033. The TSP has been created in coordination with the County's 16 cities, the State of Oregon, area transit providers, and other affected agencies and has been vetted through an extensive public process, including a series of public outreach events and twelve Public Advisory Committee meetings. The public and county staff worked together to develop the following vision for the TSP and six goals to guide implementation of this vision:

*Building on the foundation of our existing assets, we envision a well-maintained and designed transportation system that provides safety, flexibility, mobility, accessibility and connectivity for people, goods and services; is tailored to our diverse geographies; and supports future needs and land use plans.*

**TSP GOALS**

- Goal 1: Provide a transportation system that optimizes benefits to the environment, the economy and the community
- Goal 2: Plan the transportation system to create a prosperous and adaptable economy and further the economic well-being of businesses and residents of the County.
- Goal 3: Tailor transportation solutions to suit the diversity of local communities.
- Goal 4: Promote a transportation system that maintains or improves our safety, health, and security.
- Goal 5: Provide an equitable transportation system.
- Goal 6: Promote a fiscally responsible approach to protect and improve the existing transportation system and implement a cost-effective system to meet future needs.

**BACKGROUND AND ISSUES**

The County's transportation system includes an extensive network of public and private transportation facilities, including roads, railways, airports, pipelines, waterways, and multi-use paths. The system is intended to allow people to travel where they need to go safely and efficiently, while also providing for efficient movement of goods. The County's transportation system is also intended to support sustainable land use patterns and policies to serve a

multitude of public needs without sacrificing air and water quality or creating noise pollution.

Government agencies, public and private service providers, and developers are involved in building and maintaining the County's transportation system. Metro, Portland's metropolitan planning organization, sets general policy guidelines for design, distributes regional funding for certain types of projects within its boundary, and sets standards for the operation of the transportation system located within the Portland Metropolitan Urban Growth Boundary (UGB). All transportation facilities must conform to standards and guidelines outlined by federal, state and, in some cases, Metro regulatory documents.

Clackamas County faces several challenges as it attempts to continue to develop and maintain a safe and integrated transportation system, appropriate for and accessible to all potential users.

- Limited funding: Funding levels for roads, the backbone of the transportation system, have not kept pace with the mobility needs of our society. Limited funding makes it a challenge to balance the need for maintenance and management of existing facilities with the need for building new facilities to accommodate increased trip demand. As a result, the backlog of needed road maintenance and construction projects has grown larger.
- Reducing congestion: Community members help reduce traffic congestion when they choose to take the bus, join a carpool, or bicycle and walk to destinations. Reducing congestion decreases the need for costly road construction projects while improving air quality, neighborhood livability and access to goods, services and employment.

Improving the relationship between land uses and transportation can also decrease reliance on automobiles and reduce congestion. Some ways to improve this relationship are to: alter the site design of new construction at or near major transit stops; increase connectivity in transportation systems; provide better pedestrian and bicycle facilities; use land more efficiently; and encourage mixed-use developments.

- Balancing needs: All land-based modes of travel, except rail and pipeline, must share the public rights-of-way. These modes includes autos, trucks, buses, bicycles, pedestrians and, in some localities, equestrians. Balancing the need for mobility (through movement of traffic) with the need for local movement and access to individual properties often creates design and safety challenges for roadways.
- Safety: From 2005 to 2009, there were approximately 160 fatalities and 1,245 serious injuries in Clackamas County due to traffic crashes. One of the County's goals is to improve the safety of its system for all users and reduce the number and severity of crashes for future years. Developing facilities to accommodate all modes of travel will help reduce conflicts that lead to safety problems for some users. The adopted Transportation Safety Action Plan calls for a 50 percent reduction of fatal and serious injury crashes by 2022.
- Fostering economic growth: Monitoring the effects of transportation on employment and economic activity is important during both good and bad economic times. Of particular significance are the ways transportation can be used as a tool to sustain and promote economic development both in the urban industrial and commercial centers and within the

county's distinctive rural economy, including agriculture, forestry and equestrian facilities.

- **Addressing environmental impacts:** Development of transportation infrastructure needs to be sensitive to potential impacts to neighborhoods and to the natural environment, in order to create and maintain livable communities, preserve air and water quality, and conserve energy.

The northwest urban area of the County is within a designated Air Quality Maintenance Area (AQMA). Presently the AQMA meets state and federal air quality standards, but federal law requires the region to implement measures to maintain federal air quality standards. Federal law also prohibits significant degradation of air quality in the Mt. Hood Wilderness.

- **Ensuring accessibility:** In many areas of the County, transportation disadvantaged populations, such as the elderly, disabled or low-income residents, need improved access to public transit and special transportation services. Clackamas County will ensure that new and rebuilt roads are planned and designed to perform all necessary functions, including being accessible to those who choose not to drive or cannot drive.
- **Maintaining and improving rural area roads:** Clackamas County also is challenged by the responsibility to maintain and develop a safe and functional road network in rural areas. Upgrades to aging rural roadways are needed to enhance safety and accommodate different modes of travel.

### **TSP ORGANIZATION**

To implement the vision and goals and to address the issues identified above, a series of policies have been created to direct the County in its efforts to build and maintain a multi-modal transportation system. Under each policy category, the countywide policies are listed first, followed by the urban policies, and the rural policies.

The policies are presented in this chapter by major topic or transportation mode as follows:

- **Foundation and Framework:** includes policies relating to coordination; safety; equity, health and sustainability; intelligent transportation systems; and transportation demand management
- **Land Use and Transportation:** includes policies relating to the integration of land use and transportation; parking; rural tourism; and scenic roads.
- **Active Transportation:** includes policies relating to pedestrian and bicycle facilities and multi-use paths.
- **Roadways:** includes policies relating to functional classification; urban and rural roadway considerations; project development; improvements to serve development; and performance evaluation and access standards.
- **Transit:** includes policies relating to transit and transit-supportive amenities.
- **Freight, Rail, Air, Pipeline and Water Transportation:** includes policies relating to general

freight movement; freight trucking; rail; airports; pipelines; and water transportation.

- **Finance and Funding:** includes policies relating to funding capital transportation improvements and maintenance.
- **Transportation Projects and Plans:** includes policies relating to the 20-year and five-year capital improvement plans. Also identifies Special Transportation Plans that are adopted by reference as refinements of the TSP and plans or studies that need to be completed in the future to support the TSP.
- **Definitions:** relevant definitions for use within this chapter.

The TSP also contains the following components:

- The County's **20-year Capital Improvement Plan:** a complete list of needed transportation-related projects to address gaps and deficiencies in the transportation network (Tables 5-3[a-d]).
- **Tables, Maps and Figures** illustrating the transportation system and street cross sections, and presenting guidelines and standards for developing the system.
- **Background documents** including detailed findings and conclusions relating to the various components of the transportation system (Appendix B).

## FOUNDATION AND FRAMEWORK

Clackamas County's transportation networks serve local communities and also tie into regional networks. Creating a transportation system that is safe and accessible for all users must be done within the context of federal, state, and regional regulations. The system needs to be responsive to new initiatives adopted by these regulatory bodies to ensure the development of a complete and sustainable transportation system. It needs to be responsive to new approaches, techniques and measures developed for assessing the performance of the system. Intelligent Transportation Systems (ITS) and Travel Demand Management (TDM) techniques are two such tools that can be effective in managing the costs of the system and enabling better performance.

Safety is consistently mentioned by citizens as one of the highest concerns related to the transportation system, regardless of individuals' preferred methods of travel. The accessibility of the transportation system for all individuals is also a primary concern. Therefore, prioritizing safety and accessibility is essential in the planning, design, operation and maintenance of the transportation system.

### 5.A. Compliance and Coordination Policies

- 5.A.1 Support intergovernmental partnerships needed to promote coordination and address multi-jurisdictional transportation needs.
- 5.A.2 Work collaboratively with federal, state, regional, and local agencies and with County residents to pursue the County's road safety programs and plans.
- 5.A.3 Work with state and local partners to implement the Oregon Transportation Safety Plan.
- 5.A.4 Coordinate with the Oregon Department of Transportation (ODOT) in implementing the Oregon Transportation Plan (OTP), Oregon Highway Plan (OHP), Statewide Transportation Improvement Program (STIP), and with other state transportation planning policies, guidelines and programs.
- 5.A.5 Work with the Oregon Office of Emergency Management to ensure that the TSP supports effective responses to natural and human-caused disasters and emergencies and other incidents, and access during these incidents.
- 5.A.6 **Urban** Coordinate with Metro and local governments to implement the Regional Transportation Plan (RTP), Regional Transportation Functional Plan (RTFP), Urban Growth Management Functional Plan (UGMFP), and local transportation plans.
- 5.A.7 **Rural** Pursue formation of an Area Commission on Transportation (ACT) for the portions of Clackamas County outside the Portland Metropolitan Urban Growth Boundary to facilitate a coordinated approach to addressing issues on the state transportation system.

**5.B. Road Safety Policies**

- 5.B.1 Update the Clackamas County Transportation Safety Action Plan (TSAP) every five years to include necessary changes and document the progress toward the plan's goal of a 50 percent reduction in fatal and serious injury crashes by 2022.
- 5.B.2 Identify transportation system safety improvements that will reduce fatal and injury crashes for all modes of travel and meet the TSAP goal.
- 5.B.3 Address the County's top three crash cause factors of Aggressive Driving, Young Drivers (ages 15-25) and Roadway Departure utilizing education, emergency medical services, enforcement, engineering and evaluation.
- 5.B.4 Support programs, policies, regulations and actions that increase awareness and education about the safety of the transportation system for all users.
- 5.B.5 Support programs that utilize data-driven approaches to improve safety of the transportation system.
- 5.B.6 Align County departments, external safety groups, and other public agencies toward common transportation safety goals.
- 5.B.7 Integrate roadway, safety and traffic data management, health and emergency services data sources.
- 5.B.8 Integrate Highway Safety Manual (HSM) principles into the planning, engineering, design, operation and maintenance of the transportation system.

**5.C. Equity, Health and Sustainability Policies**

- 5.C.1 Support programs and projects, such as pedestrian and bike connections to transit stops, that expand and improve transportation options for residents in areas with identified transportation-disadvantaged populations.
- 5.C.2 Protect neighborhoods, recreation areas, pedestrian facilities, bikeways and sensitive land uses (such as schools, daycare centers and senior centers whose users are more vulnerable to pollution) from transportation-related environmental degradation. Coordinate transportation and land use planning and use mitigation strategies, such as physical barriers and design features, to minimize transmission of air, noise and water pollution from roads to neighboring land uses.
- 5.C.3 Work with public agencies, private businesses and developers to increase and improve infrastructure necessary to support use of vehicles that use alternative fuels.
- 5.C.4 Ensure that programs to encourage and educate people about bicycle, pedestrian, and transit transportation options are appropriate for all County residents, particularly transportation-disadvantaged populations.

- 5.C.5 Build working partnerships between the County’s Public Health and Transportation Divisions and utilize tools, such as health impact assessments, to better connect the effects of transportation projects with the health of communities.
- 5.C.6 Support the continued provision of public transportation services to County populations that are un-served or under-served, as well as the network of community-based, transportation services for seniors and persons with disabilities.

**5.D. Intelligent Transportation Systems (ITS) Policies**

- 5.D.1 Implement a wide range of ITS strategies aligned with the TSP vision and goals by ensuring safe, efficient, and equitable mobility for people and goods.
- 5.D.2 Update the ITS Action Plan every five years as part of the County’s 5-Year Capital Improvement Program.

**5.E. Transportation Demand Management (TDM) Policies**

- 5.E.1 Implement Transportation Demand Management techniques—including education, encouragement, and enforcement—appropriate for all County residents , in order to increase efficient use of existing transportation infrastructure and minimize congestion and safety concerns by offering choices of mode, route, and time.
- 5.E.2 Support and participate in efforts by Metro, the Department of Environmental Quality (DEQ), transit providers, and any area Transportation Management Associations (TMAs) to develop, monitor and fund regional TDM programs.
- 5.E.3 Provide adequate bicycle and pedestrian facilities to employment areas to encourage use of bicycles or walking for the commute to work and to improve access to jobs for workers without cars.
- 5.E.4 Support programs that work with schools to identify safe bicycle and pedestrian routes to connect neighborhoods and schools. Seek partnerships and funding to support improvement of these routes.
- 5.E.5 **Urban** Work with County employers located in concentrated employment areas to develop Transportation Management Associations (TMAs) to coordinate and support private-sector TDM efforts and to work toward mode share targets (Table 5-1) adopted in this Plan.

- 5.E.6 **Urban** Establish the following year 2040 non-drive-alone targets for growth concept design types (as identified on Map 4-8):

**TABLE 5-1**  
**Year 2040 Non-Drive-Along Modal Targets**

Design Type	Non-Drive-Along Modal Target
Regional Centers Station Communities Corridors	45-55% of all vehicle trips
Industrial Areas Employment Areas Neighborhoods Regionally Significant Industrial Areas	40-45% of all vehicle trips

- 5.E.7 **Rural** Encourage employers and schools outside urban growth boundaries to implement a range of TDM policies to help their employees and students reduce vehicle miles traveled, maximize use of existing transportation facilities, and increase walking, biking and transit use.



## LAND USE AND TRANSPORTATION

Integrating transportation plans with land use plans is a key element in effective management and operation of the entire transportation system. Roads support the wide range of land activities that take place in both the urban and rural areas. Because of the diverse nature of activities and land use types found in Clackamas County, it is of particular importance that the transportation systems are designed to accommodate both urban networks and the different needs of rural area users, including providing safe routes for users of all modes to enjoy the rural area's scenic beauty, and for those participating in agri-tourism and activities related to forestry.

Planning for appropriate amounts of parking supports efficient development of the land within communities. Accommodating on-street parking and planning for off-street parking needs are Transportation System Management (TSM) techniques that are consistent with the Metro Region's 2040 Growth Concept, meet the objectives of the Transportation Planning Rule (TPR), and comply with DEQ's Air Quality Maintenance Plan.

### 5.F. Integration of Land Use and Transportation Policies

- 5.F.1 Land use and transportation policies shall be integrated consistent with state law regarding preservation of farm and forest lands.
- 5.F.2 Support efforts to enhance and maintain the function of State highways and County arterials through land use policies, access management strategies, and roadway improvements.
- 5.F.3 Support and promote an integrated approach to land use and transportation planning and implementation that encourages livable and sustainable communities, decreases average trip length and increases accessibility for all modes.
- 5.F.4 Support and promote transportation investments that support complete and sustainable communities as a long-term strategy to reduce reliance on long commutes out of the County to employment destinations.
- 5.F.5 Recognize the County's rural economic engine and the importance of moving goods from rural businesses (including farms, nurseries, livestock, and lumber) to distribution centers.
- 5.F.6 Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule [Oregon Administrative Rules (OAR) 660-012-0060].
- 5.F.7 **Urban** Require changes in land use plan designation within the Interchange Management Areas identified on Map 5-7 to be consistent with the Transportation Planning Rule (OAR 660-012-0060). If the land uses allowed by the new land use plan designation would cause the interchange mobility standards to be exceeded, either the

change shall be denied or improvements shall be made such that the mobility standards are met.

#### 5.G. Parking Policies

- 5.G.1 Set minimum and, where appropriate, maximum limits on allowed off-street parking of motor vehicles relative to building size, location and use, and to adjacent land uses. In the urban area, parking standards shall be coordinated with regional parking requirements.
- 5.G.2 Require new multi-family, commercial and institutional development to provide bicycle parking.
- 5.G.3 Allow shared parking and, where appropriate, on-street parking to be used to comply with parking standards.
- 5.G.4 **Urban** Allow the removal of existing, on-street parking along arterials and collectors to create bikeways, construct travel or turning lanes, or increase sight distance.
- 5.G.5 **Urban** Increase area for on-street parking in residential zoning districts by minimizing the width of driveway accesses.
- 5.G.6 **Urban** Encourage off-street parking in commercial, industrial, and high density residential areas to be located at the sides or rear of buildings, where practical.
- 5.G.7 **Urban** Consider allowing for decreased parking area requirements for development along transit routes, if the development provides pedestrian, bicycle and transit amenities. See Map 5-8a.
- 5.G.8 **Urban** Consider requiring shared parking within mixed-use development and where adjacent land uses are compatible.

#### 5.H. Rural Tourism Policies

- 5.H.1 **Rural** Encourage agri-tourism and other commercial events and activities that are related to and supportive of agriculture, in accordance with the provisions of ORS 215. Mitigation of traffic impacts and other event impacts may be required to reduce the effects of these limited land uses on the County road system.

#### 5.I. Rural Scenic Roads Policies

- 5.I.1 Implement a County Scenic Road System that is safe and attractive for all users.
- 5.I.2 Promote the protection of recreation values, scenic features and an open, uncluttered character along designated scenic roads.

Developments adjacent to scenic roads shall be designed with sensitivity to natural conditions and:

- a) Scenic roads shall have strict access control on new developments.

- b) Scenic roads should have shoulders wide enough for pedestrians or bicycles, or a separated path where feasible and when funding is available.
- c) Turnouts shall be provided where appropriate for viewpoints or recreational needs.
- d) Design review of developments adjacent to scenic roads shall require visual characteristics and signing appropriate to the setting.
- e) Buildings shall be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer zone.
- f) Parking areas adjacent to scenic roads shall be separated from the right-of-way by a landscaped buffer.
- g) Any frontage roads adjacent to scenic roads shall be separated by a vegetative buffer where feasible
- h) Underground placement of utilities shall be encouraged.

5.1.3 The following facilities shall be designated scenic roads: *(see Map 5-1 Scenic Roads)*

- Wilsonville Road
- Stafford Road (City of Lake Oswego to Mountain Road)
- Schaeffer Road
- Pete's Mountain Road (Schaeffer Road to the Tualatin River)
- SW Mountain Road, Canby Ferry Road, N. Locust, NE 37th, and Holly Street
- Canby-Marquam Highway (City of Canby to Hwy 211)
- Clackamas River Drive
- Springwater Road (Clackamas River Drive to Hayden Road)
- Hayden Road
- Redland Road
- Fischer's Mill Road
- Marmot Road/Barlow Trail Road/
- Ten Eyck Road/SE Lusted Road from Ten Eyck Road to the County line.
- Lolo Pass Road
- Salmon River Road
- Still Creek Road
- Timberline Road and West Leg Road
- I-205 west of the Willamette River
- Highway 99E from Oregon City to New Era Rd
- Oregon City Bypass (Newell Creek Canyon segment)
- Highway 211 (Canby-Marquam Highway to Estacada)
- Highway 224 (Carver to Barton and south of Estacada)
- Highway 26 east of the City of Sandy
- Highway 35/Forest Service Road 386

5.1.4 Support implementation of the Oregon Scenic Byway System, including the Mt. Hood Scenic Byway and the West Cascades Scenic Byway.

## ACTIVE TRANSPORTATION

Recognizing the increasing importance of having multiple ways to travel through a community and through the region has led to an increased awareness for designing transportation systems to safely enhance active transportation modes. “Active Transportation” is defined to include walking, bicycling and horseback riding.

The County completed transportation systems planning for pedestrian and bicycle modes in 1995 to implement the state’s Transportation Planning Rule (TPR), particularly the following TPR principles:

1. Land use and transportation are intimately related.
2. Over reliance should not be placed on any one transportation mode.
3. Walking and bicycling reduce the number of motorized vehicle trips.
4. Compact, mixed-use development encourages the use of non-motorized modes.
5. Well-planned, properly designed facilities will encourage people to make trips by non-motorized modes.
6. Facilities for these non-motorized modes are essential for people not having access to an automobile, and constitute desirable elements in a well-designed community that are enjoyed by people who can drive, but choose to walk or bicycle.

These principles underlie the development of the Clackamas County Pedestrian Master Plan and the Clackamas County Bicycle Master Plan, both of which are adopted by reference. Both master plans were prepared under the guidance of the Clackamas County Pedestrian and Bikeway Advisory Committee, which was guided by the following vision:

*Create an environment which encourages people to bicycle and walk on networked systems that facilitate and promote the enjoyment of bicycling and walking as safe and convenient transportation modes.*

The Clackamas County Active Transportation Plan (ATP), adopted by reference in Appendix A, contains priority routes connecting communities in both the urban and rural portions of the County. Development of the principal active transportation routes described in the ATP would provide opportunities for residents to safely bicycle or walk to schools, parks, shopping, and employment centers.

### 5.J. General Active Transportation Policies

- 5.J.1 Coordinate the implementation of pedestrian facilities and bikeways with neighboring jurisdictions and jurisdictions within the county.

- 5.J.2 Ensure an opportunity for a diverse and representative citizen involvement in the county pedestrian and bicycle planning process by sponsoring the Clackamas County Pedestrian and Bikeway Advisory Committee (CCPBAC) as a forum for public input. Recruit representatives of transportation disadvantaged populations as part of this process.
- 5.J.3 Monitor and update the Clackamas County Pedestrian Master Plan, Bicycle Master Plan, and Active Transportation Plan through data collection and evaluation, and review activities necessary to maintain and expand the programs established in these plans.
- 5.J.4 Support bicycle, pedestrian and transit projects that serve the needs of transportation disadvantaged populations.
- 5.J.5 Coordinate with pedestrian, bicycle, and trail master plans, and with special transportation plans of the County, Oregon Department of Transportation, the United States Forest Service, Metro, and parks providers to achieve safe and convenient off-road, multi-use path and trail systems connecting to on-road pedestrian facilities and the bikeway networks.
- 5.J.6 Support the continuation of the “Bikes on Transit” program on all public transit routes.
- 5.J.7 Inform property owners of their responsibilities for the maintenance of sidewalks and pedestrian pathways.
- 5.J.8 Identify low traffic volume streets that are appropriate for signing as bicycle routes to enhance safety and connectivity and to supplement the system of bikeways found on the major street system.
- 5.J.9 **Rural** Support bicycle and pedestrian projects that improve access to public transit stops and provide connections to significant local destinations.

#### 5.K. Design Policies

- 5.K.1 Require bikeways and pedestrian facilities for all new roadway construction or substantial reconstruction, allowing for flexibility to accommodate characteristics of terrain, scenic qualities, existing development, and environmental constraints.
- 5.K.2 Design and implement innovative bicycle and pedestrian facilities that improve the convenience and safety of these facilities. Use facility types described in the Active Transportation Plan as a reference.
- 5.K.3 Improve the safety and appeal of walking and biking by supporting the development of bikeways and pedestrian facilities and networks on low volume or local roads and off of existing street rights-of-way.
- 5.K.4 **Urban** Identify pedestrian facilities and bikeway improvements necessary to ensure direct and continuous networks of pedestrian facilities and bikeways on the county road system.

- 5.K.5 **Urban** Identify locations where bicycle and pedestrian access is blocked by rivers and other natural barriers and encourage the creation of bicycle and pedestrian facilities to extend across these barriers.
- 5.K.6 **Urban** Review development plans to ensure that they provide bicycle and pedestrian access.
- 5.K.7 **Urban** Create a networked system of pedestrian facilities and bikeways connecting cities, neighborhoods, commercial areas, community centers, schools, recreational facilities, employment centers, other major destinations, regional and city bikeways and pedestrian facilities, and other transportation modes. Utilize separate accessways for pedestrian facilities and bikeways where street connections are impractical or unavailable.
- 5.K.8 **Rural** Support the safe movement of equestrians in rural areas.

#### **5.L. Construction Policies**

- 5.L.1 Construct all pedestrian facilities, bikeways, and multi-use paths according to the current County design standards and to the applicable cross section, allowing for flexibility to accommodate characteristics of terrain, scenic qualities, existing development, and environmental constraints, and different designs identified in adopted Special Transportation Plans.
- 5.L.2 Construct all pedestrian facilities, bikeways, and multi-use paths designated on the Planned Bikeway Network (Maps 5-2a and 5-2b); the Essential Pedestrian Network (Map 5-3); and the Active Transportation Plan (Maps 5-12a and 5-12b).
- 5.L.3 Construct interim pedestrian facilities and bikeways, as appropriate, on existing streets that are not built to the applicable cross section and where the construction of full street improvements is not practicable or imminent as determined by the County Planning Director and County Road Official or County Engineer.
- 5.L.4 **Urban** Require that new development include construction of walkways and accessways within the development and between adjacent developments, where appropriate.
- 5.L.5 **Rural** In Unincorporated Communities, construct walkways adjacent to or within areas of development (such as schools, businesses, or employment centers) and at rural transit stops.

**5.M. Facilities Policies**

- 5.M.1 Encourage the provision of appropriate, supportive facilities and services for bicyclists, including showers, lockers, bike racks on buses, bike repair and maintenance information/clinics, and secure bicycle parking.
- 5.M.2 Establish and maintain way-finding systems to facilitate bicycle travel.
- 5.M.3 Install and maintain the signage and bicycle amenities identified in the Active Transportation Plan.
- 5.M.4 **Urban** Encourage the provision of street lighting to increase the visibility and personal security of pedestrians and bicyclists.

**5.N. Multi-Use Path Policies**

- 5.N.1 Support acquisition and development of multi-use paths on abandoned public and private rights-of-way.
- 5.N.2 Collaborate with the appropriate service providers, such as park providers, to plan for multi-use paths that accommodate equestrian facilities where possible.
- 5.N.3 **Rural** Consider multi-use paths where travel lanes or wide paved shoulders along roadways may not provide adequate safety for pedestrians or bicyclists.
- 5.N.4 **Rural** Consider equestrian uses when designing and constructing multi-use paths. Work with local communities and interest groups to plan, develop and maintain multi-use paths that also provide equestrian features. Plan for parking areas at such multi-use paths that support parking needs of equestrians, as well as needs of other path users.
- 5.N.5 **Rural** Establish a program to plan, develop, and maintain multi-use paths in the rural part of the County.

## ROADWAYS

The County's road system permits the movement of goods and people between communities and regions, using any of a variety of modes of travel. Roads provide access to virtually all property. They support established communities and serve new development. They connect rural communities and urban neighborhoods. Roads give structure to our urban form, define our commuting patterns and influence our perceptions of what is far away or close at hand.

Creating and maintaining a safe, continuous County-wide road system, which accommodates movement by all travel modes, means setting standards for development of new roads and redevelopment of existing roads, including design and access standards for urban and rural roads. To ensure roads continue to meet the transportation demands of the County, a method to measure the ongoing performance of the system is essential. In response to new technologies and financial constraints, recent changes have been made to these standards on the state and regional levels. These changes are reflected in this TSP.

### 5.O. Functional Classification and Design Policies

- 5.O.1 Designate and develop roadways according to the functional classifications and guidelines illustrated in the County Road Typical Cross Sections (Figures 5-1a through 5-1f, and Figures 5-2a through 5-2f) while allowing flexibility to accommodate characteristics of terrain, scenic qualities, environmental constraints, existing development, and adopted Special Transportation Plans.
- 5.O.2 Designate freeways, arterials, collectors and connectors as shown on Map 5-4a and Map 5-4b. Roadways that do not presently exist but are shown on these maps are shown in approximate locations.
- 5.O.3 Maintain and improve roads consistent with their functional classification, and reclassify roads as appropriate to reflect function and use.
- ~~5.O.4 Require changes in Comprehensive Plan designation and zoning designation to comply with the Transportation Planning Rule (OAR 660-12). Evaluations of the transportation system for this purpose shall rely on existing transportation facilities and on planned facilities found in the 20-Year Capital Projects list (Table 5-3a). State transportation facilities shall be evaluated according to the Oregon Highway Plan, Regional Transportation Plan, Transportation Planning Rule, and other applicable state requirements.~~
- 5.O.45 Develop and implement traffic calming strategies, appropriate for the road functional classification, that will improve the safety and convenience of travel by all modes, particularly in areas with high crash rates or high rates of bicycle and/or pedestrian activity.



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- 5.O.56 **Urban** Consider the Metro Regional Street Design Classifications when designing new county roads or redesigning existing county roads, prior to construction or reconstruction. Map 5-5 shows which roads are designated by each Design Classification.
- 5.O.67 **Urban** Minimize impacts of managing storm water by allowing for Metro's alternative street standards, such as "green streets," as design alternatives.
- 5.O.78 **Urban** Design arterials and collectors to allow safe and convenient passage of buses, bicycles, and pedestrians.
- 5.O.89 **Urban** Streets, alleys, bikeways, pedestrian facilities, multi-use paths, trails and transit stops are allowed uses in all urban zoning districts. Consider all state and County policies relating to these facilities when widening, improving or constructing new transportation infrastructure.
- 5.O.910 **Rural** Plan to support the existing development pattern and through traffic needs of the rural communities, and not to support or promote urbanization.
- 5.O.101 **Rural** Consistent with ORS 215.283(3) and OAR 660, Division 12, County road capital improvement projects may be designed and constructed to improve safety and bring roads up to county standards outside the UGB. If the road capital improvement project is not otherwise allowed and would require expansion of right-of-way exceeding the road improvements allowed in the Agriculture or Forest districts, a goal exception would be required for such a project, as provided for in ORS 215.283(3).
- 5.O.112 **Rural** Streets, alleys, bikeways, pedestrian facilities, multi-use paths, trails and transit stops are allowed uses in all rural zoning districts with the exception of Agricultural and Forest Districts in which they are conditionally allowed by ORS 215.213, 215.283 or OAR Chapter 660, Division 6 (Forest Lands).
- 5.O.123 **Rural** Recognize the importance of resource-related uses such as agriculture and forestry to the local economy, and the need to maintain a transportation system that provides opportunities to harvest agricultural and forest products and deliver them to market.
- 5.O.134 **Rural** Design, construct and reconstruct rural arterials and collectors to allow safe and convenient passage of trucks, buses, pedestrians and bicyclists.
- 5.O.145 **Rural** Support the safe movement of agricultural equipment in rural areas by improving existing roads to county standards and considering design features such as signs, pull-outs for slow-moving vehicles, reduced speeds, and limiting curbs where equipment may move to the shoulder or out of the right-of-way.

**5.P. Project Development Policies**

- 5.P.1 Before building new roads or adding capacity to existing roads, consider Transportation System Management (TSM) strategies for using the existing road system, including associated pedestrian and bicycle facilities, and system capacity most efficiently.

TSM strategies include:

1. Access Management;
2. Alternative/Modified Standards (Performance and/or Design Standards);
3. Intelligent Transportation System (ITS) applications;
4. Operational Improvements;
5. Parking Standards;
6. Enhanced Bicycle and Pedestrian Facilities; and,
7. Road Diet (*For example, restriping a low volume, 4-lane road to a 3-lane configuration with bicycle and pedestrian facilities*).

**5.Q. Access Standard Policies**

- 5.Q.1 Ensure safe and convenient access for bicyclists, pedestrians, and transit users for land uses that are open to the public. Apply access management in a flexible manner to allow reasonable access and balance the needs of all roadway users.
- 5.Q.2 Improve multimodal operations and safety by ensuring that Interchange Management Areas and other access plans and projects are coordinated with multimodal connectivity standards and are designed to support safe and convenient access and travel for all modes, when appropriate.
- 5.Q.3 Support the implementation of state access management standards (OAR Chapter 734, Division 51, as amended, and the Oregon Highway Plan) on state highway facilities and within Interchange Management Areas. Coordinate with the Oregon Department of Transportation for access control on state highways.
- 5.Q.4 If feasible, allow only collectors, connectors, or other arterials to intersect arterials.
- 5.Q.5 Access Standards shall be implemented through the Zoning and Development Ordinance and the County Roadway Standards. Where access management standards are adopted by the County in Special Transportation Plans, those standards shall apply.
- 5.Q.6 Developments should be designed to place driveway accesses on streets with the lowest functional classification or the lowest traffic volume.

**5.R. Policies on Improvements to Serve Development**

- 5.R.1 Require new development to be served by adequate transportation facilities and access points that are designed and constructed to safely accommodate all modes of travel.
- 5.R.2 For new developments and land divisions, require right-of-way dedication, on-site frontage improvements to the applicable standards as shown in the roadway Cross

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Sections (Figures 5-1a through 5-1f and Figures 5-2a through 5-2f) and the County Roadway Standards, and off-site improvements necessary to safely handle expected traffic generated by the development and travel by active modes. Where roadway standards are adopted by the County in Special Transportation Plans, those standards shall apply.

- 5.R.3 Assess anticipated off-site traffic impacts caused by new developments. The developer may be required to participate financially or otherwise in the provision of off-site improvements, dedications or other requirements.
- 5.R.4 For new development proposed on a site identified on Map 5-6 (*Potentially Buildable Residential Sites >5 Acres in UGB*), require a conceptual street plan that is consistent with requirements of this section and provides for full street connections at intervals of no more than 530 feet, where feasible.
- 5.R.5 Require new development that will require construction of new streets to provide full street connections at intervals of no more than 530 feet, where feasible. If full street connections are not feasible at such intervals, require accessways for pedestrians, bicyclists or emergency vehicles at intervals of no more than 330 feet. Exceptions may be made where there are barriers, including topography, railroads, freeways, pre-existing development, existing easements, or environmental constraints such as streams and wetlands.
- 5.R.6 New development shall accommodate on-site traffic circulation within the boundaries of the site, not by circulating vehicles on and off the site through multiple access points using the public road system. Internal circulation plans should avoid relying on "backing out" maneuvers for new driveways onto all rural arterials and collectors.
- 5.R.7 **Urban** Require implementation of a road network for undeveloped sites illustrated on Map 5-6. Existing roads shall be extended to provide a direct, connected system.
- 5.R.8 **Urban** Where appropriate, develop and implement neighborhood traffic circulation plans for all modes intended to improve circulation while minimizing safety concerns and exposure to air and noise pollution.
- 5.R.9 **Urban** Discourage motor vehicle through-trips on local, connector and collector roads, and encourage bicycle and pedestrian travel on these roads.
- 5.R.10 **Urban** Allow flexible criteria and standards for local streets that are less than 200 feet in length, are expected to carry very low traffic volumes, and are not capable of being extended.
- 5.R.11 **Urban** Private streets may be appropriate in areas with topographic constraints that make construction of a road to County standards not feasible. Private roads are not classified as local roads and are not maintained by the County.

5.R.12 ~~Urban~~ Require that changes to Comprehensive Plan land use designations within the Interchange Management Areas identified on Map 5-7 be consistent with Oregon Administrative Rules 660-012-0060. If the land uses allowed by the new Comprehensive Plan land use designation would cause the interchange mobility standards to be exceeded, either the change shall be denied or improvements shall be made such that the mobility standards are met.

5.R.12 ~~Rural~~ Discourage through trips on rural local roadways.

3

5.S. System Performance Evaluation Measure Policies

5.S.1 For County roads, evaluate transportation system performance and the impact of new development. Use the evaluation methodology in the establish the method of calculating roadway capacity and the impact of new development on that capacity in the County Roadway Standards.

5.S.2 Evaluate motor vehicle capacity needs for roadways within the urban area using the standards Regional Motor Vehicle Performance Measures shown in Table 5-2a, except as established below. All capital construction shall be designed not to exceed the maximum V/C ratio.

**Table 5-2a**  
**MOTOR VEHICLE CAPACITY PERFORMANCE EVALUATION STANDARDS MEASURES**  
**FOR THE URBAN AREA**  
**Weekday Mid-day and Weekday PM Peak Periods**

<del>ODOT Roadways</del> <del>Federal and State Principal Arterial Street Segments and Intersections</del>	Maximum Volume to Capacity (V/C) Ratio		
	Mid-day One-Hour Peak	1 <sup>st</sup> Hour, PM Peak	2 <sup>nd</sup> Hour, PM Peak
OR 99E from OR 224 interchange north to county line <u>OR 213 within the Clackamas Regional Center and the Fuller Road Station Community</u>	0.99	1.1	0.99
I-205 I-5 OR 212 OR 224 OR 213	0.90	0.99	0.99
<del>County Roadways</del> <del>Street Segments and Intersections by Metro Urban Design Type</del> <i>See Comprehensive Plan Map 4-8</i>			
Regional Centers Town Centers Main Streets Station Communities	0.99	1.1	0.99
Corridors Neighborhoods Employment Areas Industrial Areas <u>Regionally Significant Industrial Areas</u> <u>All Other Areas Outside of City Limits</u> <u>Intermodal Facilities</u>	0.90	0.99	0.99



- 5.S.3 Exceptions to the motor vehicle capacity performance evaluation standards measures for review of development proposed on property within Metro’s boundary are established as follows:
- 5.S.3.1 Within the Clackamas Industrial Area, no motor vehicle capacity performance evaluation standards measures shall apply.
- 5.S.3.2 For the intersections of SE Park Avenue/OR 99E, SE Park Avenue/SE Oatfield Road, and SE Park Avenue/SE 27th Street, motor vehicle capacity performance evaluation standards measures of the Station Community Design Type shall apply.
- 5.S.4 Evaluate motor vehicle capacity needs for roadways in the rural area using the performance evaluation standards measures shown in Table 5-2b.

**Table 5-2b**  
**MOTOR VEHICLE CAPACITY PERFORMANCE EVALUATION STANDARDS MEASURES FOR THE RURAL AREA**  
**Weekday, AM and PM Peak Periods**

	Maximum Volume to Capacity (V/C) Ratio	
	1 <sup>st</sup> Hour, PM Peak Period	2 <sup>nd</sup> Hour, PM Peak Period
<del>County Roads and ODOT Roadways</del> <b>Facilities and Intersections (based on posted speed and highway classification)<sup>1</sup></b>		
Unincorporated areas <del>inside city UGBs</del>	0.80 to 0.95	0.80 to 0.95
Inside Unincorporated Communities	0.70 to 0.80	0.70 to 0.80
All other <del>rural</del> areas	0.70 to 0.75	0.70 to 0.75
<del>County rural road Roadways and Intersections and road segments outside of rural area</del> <b>Cities</b>	<b>Minimum Level of Service (LOS) or Maximum Volume/Capacity Ratio; Weekday Peak Periods</b>	
	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Road segments and <del>u</del> <b>Unsignalized i</b> ntersections	LOS E	LOS E
Signalized and <del>r</del> <b>Roundabout i</b> ntersections	0.90	0.90

<sup>1</sup> See Oregon Highway Plan for details.

- 5.S.5 Exception to the motor vehicle capacity performance evaluation standards measures for review of development proposed on property in the rural area is established as follows:
- 5.S.5.1 Within Government Camp Village, no motor vehicle capacity performance evaluation operating standards shall apply.

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- 5.S.6 The maximum volume to capacity ratio for the ramp terminals of interchange ramps shall be  $v/c \leq 0.85$ . (1999 Oregon Highway Plan, OHP Policy 1F Revisions, Adopted by OTC: Dec. 21, 2011).
- 5.S.7 Where more than one ~~motor vehicle capacity performance standard measure~~ would apply at an intersection, the ~~standard measure~~ allowing the higher level of congestion will be used, except for ramp terminal intersections.
- 5.S.8 ~~Evaluate transitioning from transportation concurrency to safety analysis when a traffic impact study (TIS) is required of new development.~~
- 5.S.9 ~~The County will work with Metro and ODOT over five years to develop Alternate Road Capacity Performance Standards, required by the Oregon Highway Plan Policy 1.F., to address the following five intersections. These intersections were forecast not to meet the Capacity Performance Standards adopted in the 2013 TSP and there were no projects identified that could make the intersections meet the standards.~~
- ~~• SE Harmony Road/SE Linwood Avenue~~
  - ~~• OR 212/SE 172nd Avenue — ODOT Intersection~~
  - ~~• OR 212/SE 282nd Avenue — ODOT Intersection~~
  - ~~• OR 213/S. Henrici Road — ODOT Intersection (traffic signal or roundabout)~~
  - ~~• OR 224/SE Lake Road/SE Webster Road — ODOT Intersection~~

## TRANSIT

Public transit service is essential for the mobility of many County residents, and provides an affordable option for others who prefer to use it. The County contains five major public transportation systems. Tri-County Metropolitan Transportation District of Oregon (TriMet), the state's largest transit provider, serves generally the western, more urbanized part of the county. The County also is home to four rural transit providers: South Clackamas Transportation District (SCTD) serving the Molalla area, Sandy Area Metro (SAM), Canby Area Transit (CAT) and Wilsonville's South Metro Area Transit (SMART). Clackamas County also directly supports the Mountain Express service which provides public transit to the Hoodland area along the Highway 26 corridor east of the City of Sandy. All of these services provide public transit as well as specialized services for seniors and persons with disabilities (paratransit) as mandated by the American with Disabilities Act.

Clackamas County participates in the development and implementation of the Coordinated Human Services Transportation Plan which addresses the services available to vulnerable populations throughout the Portland metropolitan area.

The County can influence the type of service provided and the way new developments interface with transit and provide amenities for transit riders. Busses operated by the six districts, as well as each of the school districts in the county must safely share the county's roads with all other users.

### 5.T. Transit Policies

- 5.T.1 Work with transit agencies to identify existing transit deficiencies in the County, needed improvements, and additional park-and-ride lots needed to increase the accessibility of transit services to all potential users.
- 5.T.2 Emphasize corridor or roadway improvements that help ensure reliable and on-time transit service in the County.
- 5.T.3 Encourage transit providers to restructure transit service to efficiently serve local as well as regional needs.
- 5.T.4 Emphasize transit improvements that improve east-west connections; improve service between the County's industrial and commercial areas and neighborhoods; and best meet the needs of all County residents, employees and employers, regardless of race, age, ability, income level and geographic location.
- 5.T.5 Coordinate with all applicable transit agencies on all new residential, commercial and industrial developments to ensure appropriate integration of transit facilities and pedestrian access to transit facilities.
- 5.T.6 Require major developments and road construction projects along transit routes to include provisions for transit shelters, pedestrian access to transit and/or bus turnouts, where appropriate.



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- 5.T.7 Promote park-and-ride lots, transit shelters and pedestrian/bikeway connections to transit. Coordinate the location of these facilities with other land uses to promote shared parking and bicycle/ pedestrian-oriented transit nodes.
- 5.T.8 Coordinate and cooperate with transit agencies to provide transportation for seniors, people with disabilities, and other transportation-disadvantaged populations. Provide continued support for paratransit services as required within a three-quarter-mile distance from fixed-route transit stops.
- 5.T.9 Coordinate transit-supportive, roadway improvements with transit-providers to ensure financing and implementation of such improvements.
- 5.T.10 **Urban** Require pedestrian and transit-supportive features and amenities and direct access to transit for new development.
- Pedestrian and transit supportive amenities may include pedestrian/bikeway facilities, street trees, outdoor lighting and seating, landscaping, shelters, kiosks, strict standards for signs, and visually aesthetic shapes, textures and colors. Buildings measuring more than 100 feet along the side facing the major pedestrian/transit access should have more than one pedestrian entrance. Pedestrian access should be provided to connect transit centers or transit stops on bus routes with centers of employment, shopping or medium-to-high density residential areas within one-quarter mile of these routes.
- 5.T.11 **Urban** Coordinate with transit providers to achieve the goal of transit service within one-quarter mile of most residences and businesses within the Portland Metropolitan UGB. Support more frequent service within Regional Centers, Town Centers, Station Communities, and Corridors and Main Streets.
- 5.T.12 **Urban** Work with federal, state and regional agencies to implement high capacity transit in the regional High Capacity Transit (HCT) System Plan in order to help relieve traffic congestion, provide for transportation alternatives to the automobile, and promote the County's economy. See Map 5-8c for the HCT network in the County.
- 5.T.13 **Urban** Site new commercial, institutional, and multi-family buildings at major transit stops as close as possible to transit, with a door facing the transit street or side street, and with no parking between the building and front lot lines.
- 5.T.14 **Rural** Focus safety improvements near existing or planned transit stops.

## **FREIGHT, RAIL, AIR, PIPELINE AND WATER TRANSPORTATION**

In 2009, Clackamas County adopted "Open for Business – Economic Development Plan (EDP)." This plan provides a comprehensive guiding policy document for the County to improve, diversify and grow the economy in Clackamas County. Crucial to economic development is the infrastructure that supports the businesses and the employees that work in those businesses. Specific goals and actions called out by the Economic Development Plan include:

- Maintain mobility for people and freight in the face of expected growth; and
- Respond to the opportunities and challenges faced by its cities and rural areas, and support them in their efforts to develop quality jobs and businesses,

Freight, rail, air, pipelines and water transportation make significant contributions to the movement of people and goods; improve the quality of life; and support economic development in Clackamas County.

Policies relating to the movement of freight via roads, rail, air, pipelines or water transportation must also respond to new regulations to ensure the highest level of safety.

### **5.U. General Freight Policies**

- 5.U.1 Coordinate the planning, development, maintenance and operation of a safe and efficient freight system for all freight modes in Clackamas County with the private sector, ODOT, Metro, the Port of Portland and the cities of Clackamas County.
- 5.U.2 Promote an inter-modal freight transportation strategy and work to improve multi-modal connections among rail, industrial areas, airports and regional roadways to promote efficient movement of people, materials, and goods.
- 5.U.3 Work with the private transportation industry, Oregon Economic Development Department, Port of Portland and others to identify and realize investment opportunities that enhance freight mobility and support the County, regional and state economy.
- 5.U.4 Make freight investments that, in coordination with the County's economic development strategies, help retain and grow the County's job base and strengthen the County's overall economy.
- 5.U.5 Ensure that freight rail lines and truck routes do not have disproportionately negative impacts on sensitive land uses (places where people with increased risk of adverse impacts from exposure to noise and air pollution are likely to gather, such as schools, senior centers, hospitals, parks, housing). Prioritize mitigation efforts for current sensitive land use areas near freight rail lines and truck routes. Mitigate impacts to sensitive land uses by using vegetative buffers, establishing rail "quiet zones," and coordinating land use plans.

**5.V. Freight Trucking Policies**

- 5.V.1 Support the Truck Freight Route System, while not prohibiting the use of other roads for local pickup and delivery of goods and services. (See Maps 5-9a and 5-9b).
- 5.V.2 Improve and maintain the countywide Truck Freight Route System, the Regional Transportation Plan Freight Routes and Oregon Freight Plan Routes, as shown on Maps 5-9a and 5-9b.
- 5.V.3 Consider Heavy and Oversize Freight Movement requirements on State and County facilities when developing plans for transportation improvements and land use changes along freight routes designated as ORS 366.215 Corridors, as shown on Maps 5-9c and 5-9d.
- 5.V.4 Consider the safety of all travel modes that use the Truck Freight Route System when designing improvements to this system.
- 5.V.5 Accommodate freight travel on the Truck Freight Route System by improving facility design and operations.
- 5.V.6 Identify street improvements to reduce delays and to improve travel time reliability on roadways in the Truck Freight Route system
- 5.V.7 Work to improve the safety of Truck Freight Routes for all transportation modes.
- 5.V.8 Support the development of truck layover facilities/staging areas to reduce the conflicts between parked vehicles and adjoining land uses.
- 5.V.9 Utilize Intelligent Transportation Systems (ITS) solutions to improve safety and operations of freight movement.

**5.W. Rail Policies**

- 5.W.1 Support the safe and efficient movement of goods by rail.
- 5.W.2 Support the reduction of the number of at-grade crossings of arterial and collector streets on main rail lines to reduce conflicts between rail use and other transportation modes, and improve safety.
- 5.W.3 On new or reconstructed arterials and urban collectors, prohibit at-grade crossings of main rail lines without traffic restrictive safety devices.
- 5.W.4 Support expansion and maintenance needed to establish reliable, higher speed (110-125 mph) freight rail service and intercity rail passenger service in the Willamette Valley.
- 5.W.5 Encourage the development of rail-accessible land uses within industrial areas adjacent to main rail lines.

- 5.W.6 Support the development of convenient inter-modal facilities such as ramp, terminal and reload facilities for transfers from truck to rail for long-haul freight movement.
- 5.W.7 Improve the safety and operations of rail transport at at-grade rail crossings and ensure that all at-grade crossings meet the best practices for facilitating safe, multi-modal crossings, as identified in the most recent version of the “Railroad-Highway Grade Crossing Handbook” (Federal Highway Administration [FHWA]).
- 5.W.8 Identify and protect existing and abandoned rail rights-of-way for future transportation facilities and services.

**5.X. Airport Policies**

- 5.X.1 Coordinate with the Port of Portland, the Oregon Department of Aviation, and other affected agencies to implement the Mulino Airport Plan.
- 5.X.2 Coordinate with Marion County, the City of Wilsonville, the Oregon Department of Aviation, and other affected agencies to develop and implement the Aurora Airport Plan.
- 5.X.3 Allow new airports as conditional uses in appropriate zoning districts. Require new public use airports to be located within:
  - one mile of an arterial roadway, and
  - at least one mile away from urban residential areas.
- 5.X.4 Cooperate with the Oregon Department of Environmental Quality, Oregon Department of Aviation and Federal Aviation Administration to minimize conflicts between airports and uses of surrounding lands.
- 5.X.5 Require that new airports, airport expansions, or expansions of airport boundaries, except those limited to use by ultra-lights and helicopters, have a runway at least 1,800 feet long and control at least enough property at the end of each runway through ownership, aviation easement, or long term lease to protect their approach surfaces until the approach surfaces are 50 feet above the terrain. Require the runway to be located so as to achieve at least a 20-foot clearance of the approach surface over a county, city or public road.
- 5.X.6 Apply a Public-Use Airport and Safety overlay zoning district to public-use airports, consistent with ORS 836.600 through 836.630, and as shown on Map 5-10.
- 5.X.7 Apply a Private-Use Airport and Safety overlay zoning district to privately-owned, private-use airports that served as the base for three or more aircraft, consistent with ORS 836.600 through 836.630, and as shown on Map 5-10.
- 5.X.8 Recognize privately-owned, private-use airports that served as the base for one or two aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation and as shown on Map 5-10.

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- 5.X.9 Encourage establishment of heliports in industrial areas in conjunction with state and federal standards for heliport design and location.
- 5.X.10 Support the role Clackamas County airports serve in supporting emergency response and disaster assistance.

**5.Y. Pipeline Policy**

- 5.Y.1 Work with state and federal regulatory agencies, affected communities and pipeline companies to provide safe, quiet, environmentally sensitive, and efficient transport of bulk commodities.

**5.Z. Water Transportation Policies**

- 5.Z.1 Maintain safe and convenient, multi-modal land access to the Canby ferry, and to public and commercial docks and boat ramps
- 5.Z.2 Support efforts to minimize noise and negative impacts caused by river transportation on air and water quality and to habitat for fish migration.
- 5.Z.3 Support the continued operation and maintenance of the Willamette Falls Locks to facilitate water transportation on the Willamette River.

## FINANCE AND FUNDING

The vast majority of surface transportation funding in the United States is derived from public sources at the federal, state, and local levels and primarily includes gas and vehicle taxes and fees. For a variety of reasons, including more efficient vehicles, trends toward shortening commutes or carpooling, and a general unwillingness to raise gas tax rates, jurisdictions across the nation are facing decreasing levels of available funding for transportation projects. That, combined with rising construction costs, leads to increasing challenges in finding available funds for all the improvements that are needed to the transportation system.

One way to control costs is to spend wisely by focusing on using and maintaining the transportation systems that exist. The County also is committed to identifying and pursuing potential new funding sources for transportation improvements.

### 5.AA. General Finance and Funding Policies

- 5.AA.1 Support continuation of current (or equivalent) federal, state, and local funding mechanisms to construct and maintain County transportation projects. Identify and pursue new, permanent funding mechanisms to construct and maintain County transportation facilities and to support programs and projects identified in the TSP.
- 5.AA.2 Seek dedicated funding sources to implement active transportation projects.
- 5.AA.3 Establish funding for bicycle, pedestrian and transit projects that serve the needs of transportation disadvantaged populations.
- 5.AA.4 Consider a transportation system development charge methodology that calculates person trips to allow pedestrian, transit, and bicycle projects, as well as motor vehicle projects, to be funded by TSDCs.
- 5.AA.5 To the extent practical, invest unrestricted funding sources in a balanced manner between rural and urban areas.
- 5.AA.6 **Urban** Study creating a transportation facility funding program that establishes a "fee in lieu of" process that may be used by developers to pay for all on-site and off-site transportation facilities required as part of the land development process.

### 5.BB. Maintenance Policies

- 5.BB.1 Emphasize maintenance of existing rights-of-way, with improvements where appropriate, to improve traffic flow and safety for all transportation modes at a reasonable cost.
- 5.BB.2 Determine road maintenance needs and priorities and develop an effective and efficient road maintenance program.
- 5.BB.3 Develop routine maintenance standards and practices for the transportation system, including traffic control devices.

## TRANSPORTATION PROJECTS AND PLANS

The County's Capital Improvement Plan (CIP) includes a 20-year plan for needed transportation improvements and the 5-year programmed projects. The CIP was developed through concentrated and intense scrutiny by County staff and several advisory groups. Needed transportation projects were reviewed and analyzed with respect to how the transportation system is expected to function in 2035; how well each reflected the TSP vision and goals; and based on feedback from the public and several advisory committees. The Public Advisory Committee (PAC) developed the final recommendation to the Planning Commission on the project prioritization.

The purpose of the project prioritization was to identify a set of project that could reasonably be expected to be funded over the next 20 years. The funding forecast completed in 2012 indicates that only around 15% of the funding will be available to construct the needed projects. Therefore, the Capital Improvement Plan is divided into three project lists:

- *20-Year Capital Projects*: contains the prioritized list of needed transportation projects that can reasonably be undertaken given the current estimates of available funding.
- *Preferred Capital Projects*: contains a second group of needed, prioritized transportation projects that the County would undertake if additional funding becomes available during the next 20 years.
- *Long-Term Capital Projects*: contains the remainder of the needed transportation projects. Although these projects will be needed to meet the transportation needs of the County in the next 20 years, they are not expected to be funded or constructed by the County.

The CIP will be updated as needed, and additional studies will be completed to optimize the work completed in this TSP by finding new ways to address known problems that cannot be solved by the current CIP. Special Transportation Plans include policy recommendations for a specific geographic areas or transportation facilities within the County Where conflicts exist between provisions of Special Transportation Plans and provisions of Chapter 5, provisions in the Special Transportation Plans take precedence.

### 5.CC. Capital Improvement Plan Policies

- 5.CC.1 Fund and build the transportation improvement projects identified as needed to accommodate and appropriately manage future transportation needs. These projects are found in the following lists: *20-Year Capital Projects* (Table 5-3a); *Preferred Capital Projects* (Table 5-3b); and Long-Term Capital Projects (Table 5-3c). Project locations are shown on Maps 5-11a through 5-11f.

- 5.CC.2 Maintain a current and complete 5-Year Capital Improvement Program (CIP), which contains the programmed transportation projects in priority order, with estimated costs and assigned responsibility for funding. Update and adopt the 5-Year Capital Improvement Program periodically.
- 5.CC.3 Support the construction of prioritized, major transportation improvements in the County as identified by other jurisdictions including the Oregon Department of Transportation, Metro, cities, transit agencies and park providers. The list of needed transportation projects to be built by other jurisdictions is located in Table 5-3d. The project locations are shown on Maps 5-11a through 5-11f.

**5.DD. Special Transportation Plans and Studies**

- 5.DD.1 Designate the following as Special Transportation Plans:
  - A. The SE 172nd Avenue/190th Drive Corridor Management Plan, adopted by reference in Appendix A;
  - B. The Clackamas County Pedestrian Master Plan, adopted by reference in Appendix A;
  - C. The Clackamas County Bicycle Master Plan, adopted by reference in Appendix A;
  - D. The Clackamas County Airport Plan, adopted by reference in Appendix A;
  - E. Transportation elements of the Community Plans and Design Plans included in Chapter 10;
  - F. The Exception to Statewide Planning Goal 3 (Agricultural Lands), Goal 11 (Public Facilities & Services) and Goal 14 (Urbanization), pursuant to OAR 660, Division 12, to allow for the Arndt Road improvement, which is substantially complete; (For findings of fact and statement of reasons, see Board Order 2003-76.)
  - G. The Exception to Statewide Planning Goal 3 (Agricultural Lands), Goal 11 (Public Facilities & Services) and Goal 14 (Urbanization), pursuant to OAR 660, Division 12, to allow for the Arndt Road improvement listed as project number 2029 on Table 5-3b and shown on Map 5-11e; (For findings of fact and statement of reasons, see Board Order 2003-104.)
  - H. The Clackamas County Active Transportation Plan, adopted by reference in Appendix A; and
  - I. The Clackamas Regional Center Pedestrian/Bicycle Plan, adopted by reference in Appendix A.
- 5.DD.2 Complete the following studies to develop solutions to previously identified ~~problems that were identified during the existing and future conditions analysis of the transportation system, but could not be solved within the scope of the TSP update.~~



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- A. Conduct an alternatives analysis and land use study to identify and consider roadway improvements to address access to I-5 within the southwest portion of the County and capacity deficiencies along Arndt Road (project #1106).
- B. For the urban unincorporated area, develop a study to identify potential pedestrian, bicycle, and safety alternative performance standards for use during development review intersections and alternative mobility standards within the Clackamas Regional Center design plan area. Determine if this area should be designated as a multimodal, mixed-use area (MMA) as provided in the Transportation Planning Rule (OAR 660-012-0060). (project #1017)
- C. Develop a circulation study for the area west of the Clackamas Town Center and conduct a Transportation Infrastructure Analysis. (project #1018)
- D. Study the I-205 Multi-use Path gap to identify near term solutions for completing the path. (project #1026)
- E. Identify bicycle and pedestrian improvements to better connect OR 224 to the Clackamas Regional Center along 82nd Avenue. (project #1032)
- F. Work with ODOT, the City of Happy Valley and the City of Damascus to review the future need for the Sunrise Unit 2 (parallel to Highway 212, between 172<sup>nd</sup> Avenue and US 26), identified as a future, planned highway corridor.
- G. Work with ODOT, Metro, Oregon City, West Linn and any other affected jurisdiction to analyze and develop a solution to the transportation bottleneck on I-205 between Oregon City and the I-205 / Stafford Road Interchange. This process may include undertaking an Environmental Impact Statement to identify a preferred alternative that addresses the transportation congestion and facility operations issues on this portion of the I-205 corridor.
- H. Evaluate transitioning from transportation concurrency to safety analysis when a traffic impact study (TIS) is required of new development.

I. Work with Metro and ODOT over five years to develop Alternate Road Capacity Performance Standards, required by Oregon Highway Plan Policy 1.F., to address the following five intersections. These intersections were forecast not to meet the capacity performance standards adopted in the 2013 TSP, and there were no projects identified that could make the intersections meet the standards.

- SE Harmony Road/SE Linwood Avenue
- OR 212/SE 172nd Avenue – ODOT Intersection
- OR 212/SE 282nd Avenue – ODOT Intersection
- OR 213/S. Henrici Road – ODOT Intersection (traffic signal or roundabout)
  - OR 224/SE Lake Road/SE Webster Road – ODOT Intersection

## DEFINITIONS

The following definitions apply to usage within Chapter 5.

**Airport, Private Use:** An airport restricted, except for aircraft emergencies, to use by the owner and his invited guests. The determination as to whether an airport is private or public use is made by the Oregon Department of Aviation.

**Airport, Public Use:** An airport that is open to use by the flying public, with or without a request to use the airport.

**Bikeway:** A paved facility provided for use by cyclists. There are five categories of bikeways.

- **Shared Roadway:** A type of bikeway where motorists and cyclists occupy the same roadway area. Shared lane markings should be provided in the roadway to designate the shared use of the roadway by bicyclists and motorists. On shared roadway facilities, bicyclists may use the full travel lane. Two types of shared roadway facilities are:
  - **Bicycle Boulevard:** A bicycle facility in a network of connected low volume and low speed roads (typically local or connector roadways) where bicycles share the roadway with vehicles but bicycle movements are prioritized over vehicle movements.
  - **Advisory Lanes:** A bicycle facility where the center travel lane is shared by two-way automobile traffic and shoulder bikeways or bike lanes are provided on each side of the center lane. Vehicles may use the shoulder bikeways/bike lanes for passing but must yield to bicyclists and oncoming motorists.
- **Shoulder Bikeway:** A bikeway which accommodates cyclists on paved roadway shoulder.
- **Bike Lane:** There are three types of bike lanes:
  - **Buffered Bike Lane:** Bicycle lanes with a striped buffer providing greater separation from vehicles than a typical bike lane.
  - **Protected Bike Lane:** Bicycle lanes parallel to the roadway and separated from traffic by a buffer as well as by a barrier such as a landscaped buffer, parked cars, or flexible bollards.
  - **Conventional Bike Lane:** A section of roadway designated for exclusive bicycle use, at the same grade as the adjacent roadway.
- **Bike Path:** A bike lane constructed entirely separate from the roadway.
- **Cycle Track:** An exclusive “grade-separated” bike facility elevated above the street level using a low-profile curb and a distinctive pavement material. Two-way cycle tracks are physically separated cycle tracks that allow bicycle movement in both directions on one side of the road.

**Truck Freight Route System:** A set of identified arterials, collectors and State facilities that support the efficient movement of goods throughout the County.

**Functional Classification:** The process by which streets and highways are grouped into classes, or systems, according to the character of traffic service that they are intended to provide. Functional classifications found in Clackamas County and typical characteristics of each classification follow:

- **Principal Arterials:** (Freeway/Expressway and other designated Principal Arterials). Serves interregional and intraregional trips and carries heavy volume at high speed. Primarily Interstate Freeways and State Highways but also includes other roads designated as Principal Arterials. These roads make up the National Highway System.
- **Major Arterial:** Carries local and through traffic to and from destinations outside local communities and connects cities and rural centers. Moderate to heavy volume; moderate to high speed.
- **Minor Arterial:** Connects collectors to higher order roadways. Carries moderate volume at moderate speed.
- **Collector:** Principal carrier within neighborhoods or single land use areas. Links neighborhoods with major activity centers, other neighborhoods, and arterials. Generally not for through traffic. Low to moderate volume; low to moderate speed.
- **Connector:** Collects traffic from and distributes traffic to local streets within neighborhoods or industrial districts. Usually longer than local streets. Low traffic volumes and speeds. Primarily serves access and local circulation functions. Not for through traffic in urban areas.
- **Local:** Provides access to abutting property and connects to higher order roads. New local roads should intersect collectors, connectors, or, if necessary, minor arterials. Not for through traffic.
- **Alley:** May be public or private, to provide access to the rear of property. Alleys should intersect local roads or connectors. Not for through traffic

**Level of service (LOS):** A performance measure that represents quality of service of an intersection or roadway segment, measured on an A–F scale, with LOS A representing the best operating conditions from the traveler’s perspective and LOS F the worst.

**Major Transit Stop:** A transit center, major bus stop, or light rail stop, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*.

**Major Transit Street:** A street with a Frequent Service Bus Line, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*; existing or planned High Capacity Transit, as identified on Comprehensive Plan Map 5-8c, *High Capacity Transit (HCT) System Plan*; or both.

**Mode** (also “travel mode”): A particular form of travel, for example, walking, bicycling, traveling by automobile, or traveling by bus.

**Multi-use Path:** A paved path built for bicycle and pedestrian traffic that is physically separated from motor vehicle traffic, and can be either within the road right-of-way or within an independent right-of-way.

**Pedestrian Facilities:** Sidewalks, pedestrian pathways, or other facilities that are designed specifically for pedestrian use, as identified by functional classification in cross sections (Figures 5-1 through 5-3) or as determined appropriate by the County Planning Director and the County Road Official or County Engineer.

**Principal Active Transportation (PAT) Route:** Priority routes for pedestrian and bikeway facilities which form the “spine” of the County active transportation network that have been identified in the Active Transportation Plan. PAT Routes provide connection to key county destinations, link rural and urban communities, and connect to Parkways and Bikeways as identified in the Metro Regional Active Transportation Plan. Specifics about the appropriate bikeway and/or pedestrian facility treatments for the PAT Routes are included in the Active Transportation Plan.

**Trail:** A hard- or soft-surfaced facility for pedestrians, bicyclists, or equestrians that is separate from vehicular traffic. Trails often go through natural areas and are designed to have a minimal impact on the natural environment.

**Transportation Demand Management (TDM):** Strategies to achieve efficiency in the transportation system by reducing demand.

**Transportation Disadvantaged:** Persons who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk.

**Road:** A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a “road.” The terms “street,” “access drive” and “highway” for the purposes of this Plan shall be synonymous with the term “road.”

**Roadway:** That portion of a road or alley that has been improved for vehicular and pedestrian traffic.

**Rural:** Outside the Portland Metropolitan Urban Growth Boundary and outside city limits

**Urban:** Inside the Portland Metropolitan Urban Growth Boundary

**Volume-to-Capacity (v/c) Ratio:** A volume-to-capacity ratio compares vehicle volumes (the roadway demand) with roadway supply (carrying capacity). Volume refers to the number of vehicles using a roadway at a specific time period (and length of time), while capacity is the road's ability to support that volume based on its design and number of lanes.

## **Chapter 10: COMMUNITY PLANS AND DESIGN PLANS**

Changes are made only to the Clackamas Regional Center Area Design Plan section of Chapter 10.

### **CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN**

No changes are made to any of the preceding sections of the Clackamas Regional Center Area Design Plan.

#### **TRANSPORTATION POLICIES**

##### **XII. ROADS AND STREETS SYSTEM POLICIES**

- 1.0 Construct all roadway improvements identified in Map X-CRC-4 to maintain regional accessibility to the Regional Center and provide a network for all transportation modes that interconnects neighborhoods and districts, the Station Community, commercial areas, community centers, parks, libraries, employment places, other major activities, off-street pedestrian linkages, regional multi-use paths, and area greenway trails.
- 2.0 Street Connectivity Policies
  - 2.1 Develop a block and grid street network that serves all transportation modes with short and direct public right-of-way routes.
  - 2.2 In all new developments adjacent to corridor arterial streets, require public street, private street, or private driveway connections to provide traffic flow parallel to the arterial.
  - 2.3 On major arterial streets, encourage public or private street connections at intervals of no more than 660 feet. Encourage more frequent public or private connections on other streets, especially those in areas planned for mixed-use or dense development.
  - 2.4 To reduce the number of local trips using 82<sup>nd</sup> Avenue, require and develop local street and commercial driveway connections on the east side of 82<sup>nd</sup> Avenue from Causey Avenue to Otty Road. These public or private connections shall be open to

[10-CRC-1]

public access, and may be indirect if appropriate direct routes are not feasible. This policy applies to all land use, transportation, and development permits.

- 3.0 Require public local streets, private streets, and driveway connections between developments to provide public access and circulation between land uses and reduce local trips on collectors and arterials. This policy applies to all land use, transportation, and development permits.
- 4.0 In the Station Community, a network of public and private streets, including arterial, collector, and local streets, will provide excellent connectivity and pedestrian access to support transit access and utilization. Generally blocks will be no more than 450 feet in length.
- 5.0 ~~Performance evaluation measures for portions of streets located within the Regional Center boundary or Fuller Road Station Community boundary (consistent with Metro Regional Transportation Plan standards for Centers and Station Communities) shall be as follows:~~

**Performance Evaluation Measures  
Clackamas Regional Center or Fuller Station Community  
Weekday Mid-day and PM Peak Periods**

	Maximum Volume-to-Capacity (V/C) Ratio by Weekday Peak Periods		
	Mid-day, One-Hour Peak	1 <sup>st</sup> Hour, PM Peak Period	2 <sup>nd</sup> Hour, PM Peak Period
<del>All street segments and intersections</del>	0.99	1.1	0.99

- 6.0 ~~Performance evaluation measures for portions of streets located within the Clackamas Regional Center Design Plan Area, but outside the Regional Center boundary and the Fuller Road Station Community boundary, shall be as follows:~~

**Performance Evaluation Measures  
Clackamas Regional Center Design Plan Area (outside the Center and  
Station Community)  
Weekday Mid-day and PM Peak Periods**

	Maximum Volume-to-Capacity (V/C) Ratio by Weekday Peak Periods



	Mid-day, One-Hour Peak	1 <sup>st</sup> -Hour, PM Peak Period	2 <sup>nd</sup> -Hour, PM Peak Period
All street segments and intersections	0.99	0.99	0.99

7.0 — Monitor transportation conditions in the 82<sup>nd</sup> Avenue Corridor to determine if Comprehensive Plan strategies are contributing to the attainment of performance evaluation measures as identified in Policies 5.0 and 6.0, above.

8.0 — Provide for roadway and infrastructure improvements sufficient to support minimum planned development intensity and density.

8.1 — The Clackamas Regional Center Area Design Plan includes transportation and infrastructure planning that identifies certain needed roadway and infrastructure improvements necessary to support future development in the Regional Center.

8.2 — These improvements, in conjunction with frontage improvements normally and legally exacted concurrent with development, are sufficient to support the minimum planned development intensity and density within the Regional Center. Developers in the Regional Center are entitled to rely on the improvements that are listed as funded in the Five-Year Capital Improvement Plan, as if they are already in place when submitting a master plan at the minimum densities and for approval of each phase of a multi-phase development project.

8.3 — Amendments to the Comprehensive Plan or Zoning and Development Ordinance or changes in the land use plan designation or zoning district designation for property within the Regional Center shall not be authorized unless it is demonstrated that the improvements described in Policies 8.1 and 8.2 will remain adequate to support planned development intensity and density for the Regional Center.

### **XIII. TRANSIT POLICIES**

1.0 Coordinate with Tri-Met to implement Clackamas Regional Center Area transit service improvements planned in the Tri-Met Primary Transit Network and Tri-Met Choices for Livability, and implement additional transit improvements identified on Map X-CRC-6.

[10-CRC-3]

- 2.0 Coordinate with Tri-Met, Metro, the Oregon Department of Transportation, and other agencies in funding and implementing the planned Clackamas Regional Center Area transportation improvements identified on Map X-CRC-6.
- 3.0 Coordinate with Tri-Met in evaluating a fareless square for the Clackamas Regional Center Area.
- 4.0 Coordinate with a Transportation Management Association (TMA) to develop and operate a frequent, fareless or low-fare Loop Shuttle Service. A conceptual alignment for the shuttle service is indicated on Map X-CRC-6; the actual alignment is to be determined by Tri-Met and the TMA.
- 5.0 Establish park-and-ride lots at the periphery of the Regional Center. Future shuttle bus routes should include stops at potential park-and-ride sites and employer locations.
- 6.0 To improve transit speed and the capacity of 82<sup>nd</sup> Avenue, add bus queue bypass lanes which allow buses to bypass auto traffic at traffic signals.
- 7.0 Coordinate with Tri-Met to encourage and support development of structured park-and-ride lots at high-capacity transit stations. When surface parking facilities are provided, encourage TriMet to re-use these sites for transit-oriented development.

#### **XIV. PEDESTRIAN AND BIKEWAY NETWORK POLICIES**

- 1.0 Construct all pedestrian and bikeway network improvements identified on Maps X-CRC-3, X-CRC-7, and X-CRC-7a, in Table 10-1 and in the Clackamas Regional Center Pedestrian/Bicycle Plan adopted by reference in Appendix A, in order to provide a network connecting Clackamas Regional Center Area neighborhoods and districts with transit stops, commercial areas, community centers, parks, libraries, employment places, other major activities, off-street pedestrian linkages, regional multi-use paths, and area greenway trails. Other local pedestrian and bikeway network improvements may be identified and developed during land use review and as part of public improvements.
- 2.0 Collaborate with public agencies and private property owners, as appropriate, to implement the sign plan element of the Clackamas Regional Center Pedestrian/Bicycle Plan adopted by reference in Appendix A.

[10-CRC-4]

- 3.0 Consider the prioritized list of projects identified in the Clackamas Regional Center Pedestrian/Bicycle Plan adopted by reference in Appendix A, when allocating public funds for pedestrian and bicycle network improvements in the Regional Center.
- 4.0 In the development review process, new residential and mixed-use developments within the Station Community, Corridors, and Regional Center shall encourage pedestrian and bicycle travel by:
  - 4.1 Providing direct and convenient public right-of-way routes connecting residential uses with planned commercial uses, schools, parks, and other neighborhood facilities.
  - 4.2 Providing bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with connection spacing of no more than 330 feet, except where topography, barriers such as freeways, railroads, or environmental constraints such as streams, rivers, slopes, or environmentally sensitive areas prevent street extension.
- 5.0 Sidewalks shall be constructed on all public and private streets in the Clackamas Regional Center Area, subject to topography and environmental constraints.

**XV. TRANSPORTATION DEMAND MANAGEMENT**

- 1.0 Work with Clackamas Regional Center Area employers and businesses to develop strategies that will reduce vehicle miles traveled to decrease congestion and improve air quality. Strategies to be considered include, but are not limited to, the following:
  - 1.1 Employer strategies that increase vehicle occupancy, encourage work trips outside peak travel times, and promote telecommuting.
  - 1.2 Facility improvements to encourage non-auto transportation modes, including:
    - building the area bike/pedestrian network;
    - implementing transit preference systems that give buses advantage over other vehicles;
    - providing transit and pedestrian amenities such as covered bus stops and lighting; and
    - providing on-site shower and dressing areas.

[10-CRC-5]

- 1.1 Identifying County resources and incentives needed to promote and develop transportation demand management (TDM) programs for 82nd Avenue employers, and monitor the performance of 82nd Avenue corridor TDM programs conducted by employers.
- 2.0 Develop a Transportation Management Association (TMA) with businesses within the Clackamas Regional Center Area and Tri-Met to manage TDM strategies and operate a Loop Shuttle Service.
- 3.0 Work with employers and businesses within the Regional Center boundary and other targeted TDM areas to initiate a TMA to manage area TDM strategies and operate a Loop Shuttle Service.

**XVI. ACCESS MANAGEMENT**

- 1.0 Implement the following access management standards on 82<sup>nd</sup> Avenue within the Clackamas Regional Center Area.
  - 1.1 Consolidate driveways/accesses to the targets shown on Map X-CRC-8.
  - 1.2 Reduce signal spacing requirements from 1,320 feet to 500 feet, contingent on maintaining adequate signal progression.
  - 1.3 Coordinate with the Oregon Department of Transportation to reassess 82nd Avenue access management standards if the balance of efficient traffic flow with local access needs changes as adjacent land uses develop to the Corridor and Boulevard designs.
- 2.0 Develop Clackamas Regional Center Area access management standards for the other areas of the Clackamas Regional Center Area that:
  - 2.1 Require driveway/access spacing to support the County functional classification of the road.
  - 2.2 Require new driveways/accesses to line up with driveways/accesses or public streets on the opposite side of the Corridor to promote safety and efficient access and egress.
  - 2.3 Encourage shared driveways/accesses with adjacent properties to meet minimum driveway access spacing standards that support the functional classification of the road.

[10-CRC-6]

- 2.4 Encourage connecting driveways/accesses with adjacent properties.
- 2.5 Require developments to provide rear access to public streets whenever feasible.
- 3.0 Other than the new public street access identified on Map X-CRC-8, do not allow additional access on Johnson Creek Boulevard between 82<sup>nd</sup> Avenue and I-205.

**XVII. PARKING STANDARDS**

- 1.0 Encourage more efficient land use, promote non-auto trips, and improve air quality within the Clackamas Regional Center Area by establishing, by zoning, minimum and maximum parking ratios.
- 2.0 Encourage parking on all local and collector street classifications to provide a buffer between pedestrians and vehicle traffic, and provide public shared parking.

*No changes are made to any of the subsequent sections of the Clackamas Regional Center Area Design Plan.*

Amended

**Ordinance ZDO-258**  
**Zoning and Development Ordinance Amendments**

Text to be added is underlined. Text to be deleted is ~~strikethrough~~.

**202**      **DEFINITIONS**

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ACCESSORY BUILDING OR USE: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

ACCESSWAY: A public right-of-way, a portion of which is hard surfaced, for use by pedestrians and bicyclists providing a direct route where public roads require significant out of direction travel.

ACCESS DRIVE: A private way, with a travel surface generally no more than 12 feet in width, created by deed or easement to provide vehicular ingress to, or egress from not more than two lots or parcels.

ACTIVE RECREATIONAL AREA: An area such as a park, sports field, or golf course, where turf provides a playing surface that is dedicated to active play.

ADJOINING: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

ADULT BUSINESS: A range of commercial activities characterized by live, closed circuit, or reproduced material which has an emphasis on nudity and/or specified sexual activity. Such businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, and adult paraphernalia shops, as defined below, and other establishments which feature any combination of activity or merchandise described below which collectively account for 25 percent, or more, of the establishment's activity or merchandise. These definitions shall not be construed to allow uses or activities which are unlawful under State criminal laws.

"Adult bookstore" is an establishment having as 25 percent or more of its merchandise for sale, rent, or viewing on the premises, such items as books, magazines, other publications, films, video tapes or video discs which are distinguished by their emphasis on specified sexual activities, as defined in this ordinance.

"Adult theater" is an establishment used for more than 25 percent of showtime for presenting material (either live, closed circuit, or prerecorded) for observation by patrons therein which has as a dominant theme an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

"Adult arcade" is an establishment offering viewing booths or rooms for one or more persons in which 25 percent, or more, of the material presented (either live, closed circuit, or reproduced) is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult cabaret" is an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually, or in groups, where the exhibition material presented is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult paraphernalia shop" is an establishment having as 25 percent or more of its merchandise objects which stimulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activities, as defined in this ordinance.

AIRPORT, PERSONAL-USE: An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only.

AIRPORT, PRIVATE USE: An airport restricted, except for aircraft emergencies, to use by the owner and his invited guests. The determination as to whether an airport is private or public-use is made by the Oregon Department of Aviation.

AIRPORT, PUBLIC-USE: An airport that is open to use by the flying public, with or without a request to use the airport.

ALLEY: A travel way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

ALTERATION, CULTURAL RESOURCE: Any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

ANTIQUES: Goods that, by virtue of their age or unusual quality, are generally considered to be of historical and/or artistic interest, ordinarily such items are in good state of preservation or are restorable to their original conditions.

ARCHITECTURAL FEATURES: Features include, but are not limited to cornices, canopies, sunshades, gutters, chimneys, fireplaces, flues and eaves. Architectural



features shall not include any portion of a structure built for the support, occupancy, shelter or enclosure of persons or property of any kind.

**ARCHITECTURAL FEATURES, CULTURAL RESOURCE:** The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color, texture of the building materials and type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

**AUTOMATIC IRRIGATION CONTROLLER:** An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

**BABYSITTER:** A person who goes into the home of a child to give care during the temporary absence of the parent or legal guardian or custodian.

**BASEMENT:** A portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground, but not an "underground structure" as defined in this ordinance.

**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST ESTABLISHMENT:** A use carried on in a structure designed for a single-family dwelling, except as provided under Section 832, which provides rooms for rent on a daily basis to the public and which includes a breakfast meal as part of the cost of the room. Bed and breakfast establishments do not include other similar uses, such as motels, health or limited care facilities, boarding houses, group quarters, hostels, or rescue missions. All bed and breakfast establishments require tourist facility licensing by the appropriate agency. Bed and breakfast residences and inns, as defined below, must also satisfy the State Health Division requirements. Three levels of bed and breakfast establishments are as follows:

"Bed and Breakfast Homestay" provides overnight accommodations plus breakfast in an owner-occupied dwelling that provides one or two guest rooms for occasional bed and breakfast guests, not exceeding five guests at one time. Primary use of the dwelling remains as a dwelling, not as a lodging establishment. All reservations are made in advance. Income derived from bed and breakfast activity does not generally represent a primary source of income. Bed and breakfast homestays are major home occupations, subject to Section 822.

"Bed and Breakfast Residence" provides overnight accommodations plus breakfast and occasional family-style meals for guests, in an operator- or owner-occupied dwelling that provides up to five rooms on an occasional or regular basis. Income derived from the bed and breakfast activity may represent a

primary source of income. Bed and breakfast residences are subject to Section 832, and all requirements of the underlying district.

"Bed and Breakfast Inn" provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. Bed and breakfast inns are subject to Section 832 and all requirements of the underlying district.

**BICYCLE RACK**: An apparatus designed to support the central frame of a bicycle and allow locking of both wheels, without the removal of wheels.

**BIKEWAY**: A paved facility provided for use by cyclists. There are five types of bikeways.

**Shared Roadway**: A type of bikeway where motorists and cyclists occupy the same roadway area. Shared roadways are allowed on neighborhood streets and on rural roads and highways.

**Shoulder Bikeway**: A bikeway which accommodates cyclists on paved roadway shoulder.

**Bike Lane**: A section of roadway designated for exclusive bicycle use, at the same grade as the adjacent roadway.

**Bike Path**: A bike lane constructed entirely separate from the roadway.

**Cycle Track**: An exclusive "grade-separated" bike facility elevated above the street level using a low-profile curb and a distinctive pavement material.

**BLANKETING**: The visual blocking of one sign by another as seen by a motorist traveling a street or highway.

**BLOCK**: A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage, or a combination thereof.

**BUILDING**: Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING ENVELOPE**: The three dimensional space which is to be occupied by a building.

**BUILDING LINE**: A straight line that is parallel and adjacent to the front side of the main building and parallel to the front lot line.

**BUILDING OR STRUCTURE HEIGHT**: The term "height of building" shall be

calculated by the methods identified in the State of Oregon Structural Specialty Code or the State of Oregon One and the Two Family Dwelling Specialty Code, as applicable.

**BULK PLANT:** Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. The primary emphasis of uses at the bulk plant level is on hazardous substances. Materials are stored in large permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.

**CANNABINOID:** Any of the chemical compounds that are the active constituents of marijuana.

**CANNABINOID CONCENTRATE:** A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

**CANNABINOID EDIBLE:** Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

**CANNABINOID EXTRACT:** A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

**CANNABINOID PRODUCT:** A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

**CARE:** The provision of room and board and other services as needed to assist in activities of daily living, such as assistance with bathing, grooming, eating, medication management, money management, or recreation.

CLACKAMAS REGIONAL CENTER: The regional center identified on Comprehensive Plan Map X-CRC-1, Regional Center, Corridors, and Station Community, excluding the portion in the City of Happy Valley.

COGENERATION FACILITY: A facility that produces, through the sequential use of energy, electric energy and useful thermal energy including but not limited to heat or steam, used for industrial, commercial, heating, or cooling purposes; and is more than 50 percent owned by a person who is not an electric utility, an electric holding company, an affiliated interest, or any combination thereof.

COMMERCIAL USE: The use of land and/or structures for the conduct of retail, service, office, artisan, restaurant, lodging, daycare, entertainment, private recreational, professional, and similar uses.

COMMON OWNERSHIP: Land commonly owned to include open space lands dedicated in planned unit developments and lands dedicated for open space which are owned by homeowners associations.

COMMUNITY GARDEN: A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.

COMPOSTING: The managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purposes of soil remediation.

COMPOSTING FACILITY: A site or facility, excluding home composting areas as described in Section 202 and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities. Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers. The area utilized for the sale of said accessory products shall not exceed 10% of the area used for composting, or two (2) acres, whichever is less subject to the provisions of Subsection 834.03 and 834.04.

CONGREGATE HOUSING FACILITY: A building that contains more than one dwelling unit and provides common facilities and services for residents who require or desire a more supportive living environment than typically afforded to residents in multifamily, three-family, two-family, or single-family dwellings. Regular on-premise supervision by a registered physician, registered nurse, or other health care provider may be included.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

CULTURAL RESOURCE: Improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the county.

CULTURAL RESOURCE INVENTORY: The official list of designated cultural features, sites, districts subject to the provisions of Section 707, Cultural Resources.

CULTURAL RESOURCES OBJECT: A material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

DAYCARE FACILITY: A facility that provides regular daycare services to children under 13 years of age, including a day nursery, nursery school group, or similar unit operating under any name. A daycare facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or daycare provided by a "babysitter" or "family daycare provider".

DEDICATION: The designation of land by its owner for any general or public use.

DESIGNATED SITE (historic site, cultural resource site, landmark site): A parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated pursuant to this Ordinance.

DESIGNATED STRUCTURE (landmark, cultural resource, historic structure): Any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the county, the State of Oregon, or the nation and that has been designated pursuant to this ordinance.

DIMENSIONAL STANDARD: A numerical measurement for a distance or area standard of this Ordinance, such as building height, lot size, or yard depth; or a percentage of a distance or area measurement of this Ordinance, such as lot coverage or landscaped area.

DIRECT ROUTE: The shortest reasonable route between two points. A route is considered direct if it does not involve significant out of direction travel that could be avoided. Out of direction travel is significant if it is more than 50 percent longer than the straight line between two points.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

DISTINCTIVE URBAN FOREST: Forested or woodland areas which are visually prominent or contain unique or rare tree and plant communities. These areas are usually found in association with other open space resources within the urban area.

DRIP IRRIGATION: Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour.

DRIP LINE: The outermost edge of a tree's canopy; when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.

DROUGHT-TOLERANT PLANTS: Plants that will survive in the typical or somewhat less than typical amount of rainfall in the Willamette Valley, and therefore require very little or no supplemental water once established.

DWELLING: A building, or portion thereof, which contains one or more dwelling units. A dwelling may be a residential trailer or a manufactured dwelling but not a recreational vehicle.

DWELLING, ATTACHED SINGLE-FAMILY: A building, or portion thereof, that contains only one dwelling unit; shares at least one wall, or portion thereof, with another attached single-family dwelling; and is located on a separate lot of record from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not an attached single-family dwelling.

DWELLING, DETACHED SINGLE-FAMILY: A building, or portion thereof, that contains only one dwelling unit and is detached from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not a detached single-family dwelling.

DWELLING, MULTIFAMILY: A building, or portion thereof, that contains four or more dwelling units.

DWELLING, THREE-FAMILY: A building, or portion thereof, that contains three dwelling units.

DWELLING, TWO-FAMILY: A building, or portion thereof, that contains two dwelling units, both of which are located on the same lot of record. If one of the two dwelling units is an accessory dwelling unit, the building, or portion thereof, is not a two-family dwelling.

DWELLING UNIT: A building, or portion thereof, with one or more rooms designed for residential occupancy by one family.

DWELLING UNIT, ACCESSORY: A dwelling unit located on the same lot of record as a primary dwelling. The primary dwelling may be an attached or detached single-family dwelling, as specified in the underlying zoning district provisions.

**EASEMENT**: A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

**EDIBLE GARDEN**: A garden that contains plants that produce food for human consumption.

**ELECTRIC VEHICLE CHARGING STATION**: A location where a vehicle can plug into an electrical source to re-charge its batteries.

**EQUINE FACILITY**: Premises that are used for the stabling or training of equines, including, but not limited to, providing riding lessons, training clinics, and schooling shows.

**FAMILY**: Any individual or group of persons, regardless of relationship but not exceeding 15 persons, living together as a single housekeeping unit within a dwelling unit.

**FAMILY DAYCARE PROVIDER**: A daycare provider who regularly provides daycare to 16 or fewer children, or as amended by ORS 657A.440, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of daycare to more than 16 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters shall constitute the operation of a "daycare facility" and shall be subject to the requirements of this Ordinance for daycare facilities.

**FARMERS' MARKET**: An organized seasonal outdoor market dedicated to the direct sales by growers of agricultural goods, including plants, produce, meats, and other animal products (e.g. eggs, cheese, honey), but excluding marijuana.

**FLAG**: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

**FLAG LOT**: A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

**FLOOR AREA**: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of porches and exterior stairs, multiplied by the number of stories or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Floor area shall not include portions of buildings used for parking of vehicles, except the square footage of commercial uses in parking structures can be counted as part of the total floor area.

**FLOOR AREA RATIO (FAR):** A measurement of density expressed as the ratio of square footage of building floor area to the square footage of the net site area. The greater the ratio, the greater the density. For example, a building occupying one-fourth of the net site area has a FAR of .25: 1, or .25; adding a second floor to the same building increases the FAR to .50:1, or .5.

**FRATERNITY OR SORORITY HOUSE:** A building occupied by and maintained exclusively for students affiliated with a school or college.

**GOVERNMENT CAMP:** The unincorporated community of Government Camp, as identified on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*.

**GRADE:** The line of the street or ground surface deviation from the horizontal.

**GREEN FEEDSTOCKS:** Are defined as including yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste and livestock manure. For the purpose of these provisions, "non-treated wood waste" excludes wood waste treated with paint, varnish or other chemicals or preservatives.

**GREEN ROOF:** A vegetated roof designed to treat storm runoff.

**GUEST HOUSE/STUDIO:** A guest house or studio is a separate accessory structure, or portion thereof, which is built to residential (R-3 occupancy) building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guests or employees on the premises. A "guest house" or "studio" shall be a temporary living area, and shall not be used for boarders or lodgers.

**HARDSCAPES:** In the practice of landscaping, refers to the inanimate, manmade, non-planted, outdoor areas where the soil is no longer exposed and that are surfaced with pervious or non-pervious durable materials such as masonry, wood, stone, paving, tile, or similar material to create patios, walkways, water fountains, benches, gazebos, etc.

**HAZARDOUS SUBSTANCE, MATERIAL OR WASTE:** Any hazardous substance, material or waste listed in the following federal regulations:

- A. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R 355, App. A and B);
- B. Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R 302, Table 302.4);
- C. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R Section 372.65);



- D. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P & U Categories) (40 C.F.R Section 261.33(e) and (f)); and
- E. DOT Hazardous Materials Table (49 C.F.R Part 172.101).

**HISTORIC AREA:** Any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical of the history of the County and which improvements constitute a distinct section of the County that has been designated a cultural resource district pursuant to this ordinance.

**HOME COMPOSTING:** A composting area operated and controlled by the owner or person in control of a single family dwelling unit and used to dispose of vegetative waste, garden wastes, weeds, lawn cuttings, leaves and prunings generated from that property.

**HOME OCCUPATION:** An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling and/or an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

**HOMEOWNERS ASSOCIATION:** The grouping or uniting of persons residing within a defined area, such as a subdivision, into an incorporated entity for the prosecution of a common enterprise.

**HOSPITAL, ANIMAL:** A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

**HOTEL:** A building which is designed or used to offer short-term lodging for compensation, with or without meals, for six or more people. A facility that is operated for the purpose of providing care beyond that of room and board is not a "hotel".

**HOUSEKEEPING UNIT:** A living arrangement within a dwelling unit in which the kitchen, living and dining rooms, and other general living areas of the dwelling unit are shared in common, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement. Such a living arrangement also may include the provision of food, shelter, personal services, care, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible

conditions or circumstances who are members of the resident family.

**HYDROELECTRIC FACILITY:** Any facility relating to the production of electricity by waterpower, including, but not limited to the power generating plant, associated dams, diversions, penstocks, navigation locks, fish ladders, fish screens, reservoirs and detention areas, recreation facilities, interconnecting transmission lines, substations, access roads, offices or commercial and industrial structures proposed to be built in connection with the energy facility; and activities involved in their construction and operation.

**IMPROVEMENT:** Any building structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

**INDIRECT ILLUMINATION:** A nonelectric sign illuminated by an indirect or separate light source.

**INDUSTRIAL USE:** The use of land and/or structures for the manufacturing or processing of primary, secondary, or recycled materials into a product; warehousing and associated trucking operations; wholesale trade; and related development.

**INSTITUTIONAL USE:** The use of land and/or structures for activities such as daycare and pre-school facilities, public and private schools, colleges, universities, art, music, trade and other educational and training facilities, convalescent care facilities, nursing homes, hospitals, places of worship, fraternal lodges, municipal and civic buildings, transit centers and park-and-ride facilities, parks, swimming pools and other recreational facilities open to the public or a membership group, senior and community centers, libraries, museums, cemeteries and mausoleums, utility facilities, and similar public and private uses.

**INVASIVE NON-NATIVE OR NOXIOUS VEGETATION:** Plant species that are listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System.

**KENNEL:** Any lot or premises on which four or more dogs, more than six months of age or with permanent canine teeth, are kept for purposes other than a veterinary clinic.

**KIOSK:** A small structure used as a newsstand, information booth, refreshment stand, bandstand, or display of goods, etc.

**KITCHEN, ACCESSORY:** A kitchen that complies with all of the following standards:

- It shall be incidental to a primary dwelling.
- It shall be located in a room that is approved for residential occupancy and used for a purpose in addition to that of a kitchen (e.g., a recreation room, a bedroom).

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- It shall not be located in a detached accessory building.
- Any of the following features shall be located within a contiguous area that is no more than 30 inches deep and 10 feet long: cooking appliances, sinks, refrigerators, dishwashers, counters, and cabinets.

LANDSCAPING: Areas of land planted with groundcover, grasses, shrubs, annuals, perennials, or trees.

LIMITED USE: A use allowed in a district on a limited basis and subject to conditions specified therein which are generally more restrictive than the conditions placed on primary or accessory uses within the same district.

LIVESTOCK: One or more domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor. The term "livestock" includes miniature livestock, poultry, and farmed fish.

LOT: A unit of land created by a subdivision of land. For the purposes of this Ordinance, lot includes parcel and lot of record unless otherwise specified in the context of the specific provisions.

LOT AREA: The total horizontal area within the lot lines of a lot.

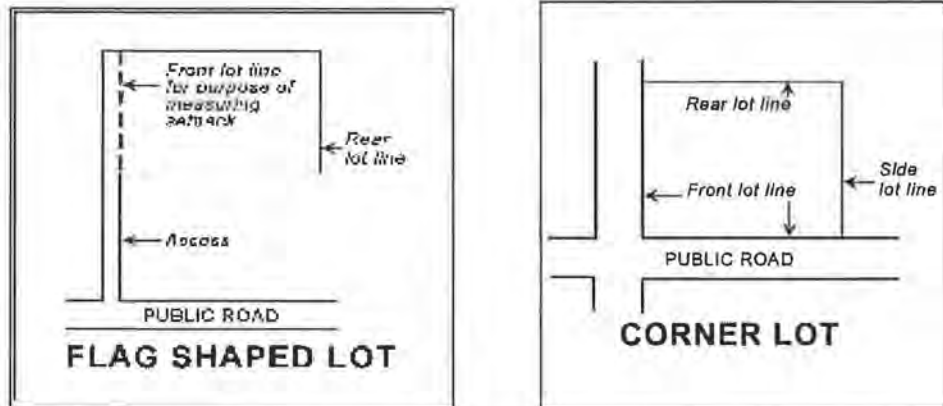
LOT, CORNER: A lot with street frontage on two streets intersecting at a corner of the lot. A lot within the radius curve of a single street is not a corner lot. A lot with access limited to, and frontage on, a state, County, public or private road and also with frontage on an intersecting private road or access drive is not a corner lot for the purpose of determining setbacks provided that the lot does not take access onto the latter abutting private road or access drive. In such a case, the frontage on the latter private road or access drive shall be treated as a side lot line.

LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

LOT DEPTH: The "lot depth" is the mean horizontal distance between the front line and the rear lot line of a lot.

LOT, DOUBLE FRONTAGE: A lot with street frontage along two opposite boundaries. See also "LOT, REVERSE FRONTAGE" AND "LOT, THROUGH".

LOT LINE, FRONT: Any boundary line separating the lot from a County, public, state or private road, or access drive. Except as otherwise provided in Subsection 903.07 of this Ordinance, the front lot line of a flag lot, for the purpose of determining setbacks, shall be within the boundaries of the lot by a distance equal to the width of the narrow strip or easement providing access to the lot. The front lot line shall be parallel to the lot line extending from the road to the lot line opposite and most distant from the road. (See following illustration for flag shaped lot).



**LOT LINE, REAR:** Any boundary line opposite and most distant from the front lot line, and not intersecting a front lot line. In the case of a corner lot, the rear lot line shall be any one of the boundary lines opposite the front lot lines. Any other opposite boundary line shall be a side lot line (see illustration above for corner lot). In the case of a triangular-shaped lot, there shall be no rear lot line for setback purposes.

**LOT LINE, SIDE:** Any boundary line not a front or rear lot line.

**LOT OF RECORD:** A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract; except:

- A. Contiguous lots under the same ownership when initially zoned shall be combined when any of these lots, parcels or units of land did not satisfy the lot size requirements of the initial zoning district, excluding lots in a recorded plat.
- B. A unit of land created solely to establish a separate tax account, or for mortgage purposes, that does not conform to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed, tax account or contract creating it was signed by the parties to the deed or contract, unless it is sold under the foreclosure provisions of Chapter 88 of the Oregon Revised Statutes.

**LOT, REVERSE FRONTAGE:** A double-frontage lot for which the boundary along one of the streets is established as the rear lot line. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other feature which shall preclude access. See also "LOT, DOUBLE FRONTAGE" AND "LOT, REVERSE FRONTAGE".

**LOT, THROUGH:** Lots, other than corner lots, that abut on two or more streets. See

also "LOT, DOUBLE FRONTAGE" AND "LOT, REVERSE FRONTAGE".

LOT WIDTH: The "lot width" is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

LOT, ZONING: A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

LOW VOLUME IRRIGATION: The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

MAJOR TRANSIT STOP: A transit center, major bus stop, or light rail stop, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*.

MAJOR TRANSIT STREET: A street with a Frequent Service Bus Line, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*; existing or planned High Capacity Transit, as identified on Comprehensive Plan Map 5-8c, *High Capacity Transit (HCT) System Plan*; or both.

MANUFACTURED DWELLING: A mobile home or manufactured home, but not a residential trailer or recreational vehicle.

MANUFACTURED HOME: A structure constructed on or after June 15, 1976, for a movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes, and constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MANUFACTURED HOME PARK: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent, lease or barter the use of such facilities. A manufactured home park does not include a lot or lots located within a subdivision.

MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

MARIJUANA ITEMS: Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

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MARIJUANA PROCESSING: The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

MARIJUANA PRODUCTION: The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”

MARIJUANA RETAILING: The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

MARIJUANA WHOLESALING: The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

MASTER PLAN: A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern.

MILL SITE, ABANDONED OR DIMINISHED: A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.

MIXED USE: A mix of uses located within a single building, such as retail on the first floor and residential or office uses on the upper floors.

MOBILE HOME: A structure constructed between January 1, 1962 and June 15, 1976, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and met the construction requirements of Oregon mobile home law in effect at the time of construction.

MOBILE VENDING UNIT: A vehicle that is used in selling and dispensing goods or services to the customer. Notwithstanding this definition, a mobile vending unit shall not be used in selling and dispensing marijuana items. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a

truck tractor with no more than one trailer.

**MOTEL:** A building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

**MULTI-USE DEVELOPMENT:** A Multi-Use Development is a development which includes a number of distinct categories of uses, one or more of which is not allowed as a primary or accessory use in the underlying zoning district. Multi-Use Developments are allowed as conditional uses subject to the procedures and standards set forth in Section 1016 of this Ordinance.

**NATIVE PLANTS:** Any indigenous or resident species currently or historically found in the Willamette Valley.

**NATURAL AREA:** An area of land or water that has substantially retained its character and functions as an important habitat for plant and animal life.

**NONCONFORMING DEVELOPMENT:** An element of development, such as landscaping, parking, height, signage, or setbacks that was created in conformance with development regulations which, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable regulations.

**NONCONFORMING USE:** A use of any building, structure or land allowed by right when established or that obtained a required land use approval when established but, due to a change in the zone or zoning regulations, is now prohibited in the zone.

**NUDITY OR NUDE:** Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and, in the case of a female, exposing to view one or both breasts without a covering over the nipple that is at least three inches in diameter and does not simulate the organ covered.

**NURSERY:** The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling goods purchased off the premises, except plant stock, or the establishment of a roadside stand.

**NURSING HOME:** A nursing, convalescent, or rest home facility licensed by the

State under ORS chapters 441 and 442, or an assisting living facility licensed under ORS 443, which provides, for a period exceeding 24 hours, the continuous services of licensed nursing personnel to care for chronically ill or infirm patients, exclusive of those patients related to the owner or facility administrator by blood or marriage. Such nursing, convalescent, or rest home must provide nursing services to those patients who, in the judgment of a physician, registered nurse, or facility administrator, require remedial, restorative, supportive, or preventive nursing measures.

OPEN SPACE: Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreational uses or for scenic purposes. Open space shall be used as such in perpetuity.

OVERBURDEN: Earth that lies above a natural deposit of a mineral.

OVERHEAD SPRINKLER IRRIGATION SYSTEMS: Systems that deliver water for irrigation from spray heads, rotors or other above-ground emitters that send water through the air.

OWNER: Person or persons holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed the owner.

PARCEL: A unit of land created by a partition of land. For the purposes of this Ordinance, parcel includes lot and lot of record unless otherwise specified in the context of the specific provisions.

PARKING STRUCTURE: A structure having at least two levels which is designed and used for parking vehicles, or a structure having one level of covered parking area under an open space or recreational use. A one level surface parking area, garage or carport shall not be considered a "parking structure" for purposes of this Ordinance.

PARTITION: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

PEDESTRIAN AMENITIES: Outdoor improvements directly visible and accessible to pedestrians that promote and facilitate pedestrian use, including plazas, pocket parks, courtyards, awnings or other weather protection, kiosks or gazebos, water



features, drinking fountains, sculpture, outside seating areas, landscape planters, trellises, and street furniture.

PEDESTRIAN PATHWAY: A hard-surfaced or permeable hard-surfaced pedestrian facility adjacent to a public roadway where there is no curb, but is protected from vehicular traffic or set back behind a planting strip.

PEDESTRIAN-SCALE LIGHTING: Street lights designed to illuminate sidewalks to provide security for nighttime use by pedestrians. Pedestrian scale lighting includes ornamental lighting with a 14- to 25-foot mounting height and which meets the Illumination Society guidelines for Commercial Collector roadways.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended, usually in series, from a rope, wire, or string, and designed to move in the wind.

PERSON DESIGNATED TO PRODUCE MARIJUANA BY A REGISTRY IDENTIFICATION CARDHOLDER: A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

PERVIOUS: Any surface or material that allows the passage of water through the material and into the underlying soil.

PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision and recorded as required by Oregon Revised Statutes Chapter 92.

PLAT, PRELIMINARY: A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of a partition or subdivision. As used in this Ordinance, preliminary plat shall be synonymous with tentative plan as used in Oregon Revised Statutes Chapter 92.

POROUS PAVEMENT: Surface to walk, drive or park on that may reduce stormwater runoff by allowing water to soak into the ground. Examples are permeable pavers, pervious concrete, porous asphalt, and gravel.

PREMISES: A lot, building, or portion of a lot or building, occupied by a use with its appurtenances.

PRESERVATION, CULTURAL RESOURCES: The identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

PRIMARY BUILDING WALL: Exterior building wall which contains a public

entrance to the occupant's premises and faces either a street or a parking area.

**PRODUCE STAND:** A table, bench (or similar), cart, or structure, any of which may be covered, that is located or erected for the purpose of direct sales by growers of agricultural goods, including vegetables, fruits, flowers, bulbs, herbs, plants, honey, and similar products as determined by the Planning Director, but not including marijuana or processed foods such as jams or jellies, that are produced on the same site at which the produce stand is located.

**PROFESSIONAL SERVICES:** Activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate agent, and insurance agent.

**PROPERTY LINE ADJUSTMENT:** A relocation of a common property line between two abutting lots of record that does not create an additional lot of record. As used in this definition, a property line is a boundary between two abutting lots of record.

**PUBLIC OWNERSHIP:** Land owned by federal, state, regional, or local government, or governmental agency.

**PUBLIC UTILITY:** A utility regulated by the Public Utility Commission under ORS 757 or any other utility that provides electrical energy directly to consumers within the State of Oregon, including, but not limited to, municipalities, cooperatives and people's utility districts.

**PUBLIC WATER SYSTEM:** A system for the provision to the public of piped water for human consumption, if such system has more than three service connections and is a facility licensed by the State of Oregon Health Division.

**RAINWATER COLLECTION SYSTEM:** A system of pipes, container (rain barrel, rainwater tank, pond, or rainwater reservoir), valves and associated apparatus for collecting and storing harvested rainwater runoff, typically from rooftops via rain gutters, but also from ground catchment systems.

**RECREATIONAL VEHICLE:** A vehicle licensed by the Oregon State Department of Motor Vehicles, with or without motive power, which is designed, intended to be and/or used for temporary human occupancy for recreation, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode. These shall include but are not limited to park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers.

**RECYCLABLE DROP-OFF SITE:** A convenient location not within a public right-of-way where mobile depots or drop boxes may be sited as a recyclable material collection point for nearby residents prior to delivery to a broker or user of such materials.

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**RECYCLE/RECYCLING:** A process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. It shall also include the collection, transportation, or storage of products by other than the original user or consumer, giving rise to the product's being in the stream of commerce for collection, disposal, recycling, reuse, resource recovery, or utilization.

**RECYCLING CENTER:** A facility that primarily purchases for recycling or reuse principal recyclable materials which have been source-separated by type, such as vegetative yard debris, paper, glass, and metal, by the person who last used the unseparated solid wastes, but not a salvage or junk yard. Principal recyclable materials are those items defined as such by the Oregon Department of Environmental Quality.

**RELATIVE:** A parent, child, brother, sister, grandparent or grandchild of a person or person's spouse.

**REPLAT:** The act of platting the lots, parcels, tracts, or easements in a final plat to achieve a reconfiguration of the existing final plat or to increase or decrease the number of lots or parcels.

**RESERVE STRIP:** A strip of land, usually one foot in width, across the end of a street or alley which shall be under the ownership of the County to insure street extensions where needed.

**RESIDENTIAL TRAILER:** A structure constructed prior to January 1, 1962, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and that was constructed in accordance with Federal Manufactured housing construction and safety standards and regulations in effect at the time of construction and is greater than 400 square feet and less than 700 square feet.

**RESOURCE RECOVERY FACILITY:** Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, but not a salvage or junk yard.

**RHODODENDRON:** The unincorporated community of Rhododendron, as identified on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan.*

**RIGHT-OF-WAY:** A passageway conveyed for a specific purpose.

**ROAD:** A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a "road:". The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be

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synonymous with the term “road”.

ROAD, COUNTY: A public way under County jurisdiction which has been accepted into the County road maintenance system by order of the Board of County Commissioners.

ROAD, PRIVATE: A private way created by deed or easement to provide vehicular ingress to, or egress from, three or more lots or parcels.

ROAD, PUBLIC: A public way dedicated or deeded for public use but not accepted into the County road maintenance system, intended primarily for vehicular circulation and access to abutting properties.

ROADWAY: That portion of a road or alley that has been improved for vehicular and pedestrian traffic.

SALVAGE: Separating, collecting or retrieving reusable solid waste for resale.

SALVAGE, JUNK YARD: A location on which solid wastes are separated, collected, and/or stored pending resale.

SCHOOL, COMMERCIAL: A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

SCHOOL, PRIVATE: Includes private kindergartens, nurseries, play schools, and church-related schools.

SCREENING: Sight-obscuring fence, or sight-obscuring planting.

SERVICE STATION: A commercial establishment with sales and services limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting and fender work are excluded. An electric vehicle charging station is not a service station.

SHARED PARKING: Parking spaces used jointly by two or more uses within the same development, or separate adjacent developments, which either have peak hours of operation that do not overlap, or typically provide services to many of the same patrons (i.e. restaurant in an office complex or hotel providing lodging for convention participants within the same development), provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for all parties jointly using them.

SIDEWALK: A concrete pedestrian facility adjacent to a curb along a public road or setback from the curb behind a planting strip.

SIGHT-OBSCURING FENCE: Any fence or wall which conceals or makes indistinct any object viewed through such fence or wall.

SIGHT-OBSCURING PLANTING: A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six feet within 30 months after planting.

SIGN: A presentation or representation, other than a house number, by words, letters, figures, designs, pictures or colors displayed out of doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of identification. This definition specifically includes billboards, ground signs, freestanding signs, wall signs, roof signs, logo signs, and signs on the following: marquees, awnings, canopies, street clocks and furniture and includes the surface upon which the presentation or representation is displayed.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN AREA, OR SURFACE AREA: The area, on the largest single face of a sign, within a perimeter which forms the outside shape of a sign. If the sign consists of more than one module, the total area of all modules will constitute the sign area. The area of a sign having no such perimeter or boarder shall be computed by enclosing the entire copy area within the outline of either a parallelogram, triangle, circle or any other easily recognized geometric shape and then computing the area. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in flat projection for the purpose of computing sign area.

SIGN, BUILDING: Any sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

SIGN, COMMERCIAL: Any sign associated with a commercial activity.

SIGN, DIRECTORY: An onsite sign that identifies and directs traffic to a number of tenants, uses, or buildings within a development.

SIGN, ELECTRONIC MESSAGE CENTER: A sign, display or device, or portion thereof, whose message may be changed by electronic process or remote control, and

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includes electronic time and temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

SIGN, FREESTANDING: A sign not attached to a building.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

SIGN, INTEGRAL ROOF: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, LOGO: A sign consisting of a trademark or symbol.

SIGN, MESSAGE: Anything displayed on an electronic message center sign, including copy and graphics.

SIGN, MONUMENT: A sign which extends from the ground or which has a support which places the bottom thereof less than two feet from the ground.

SIGN, OFF-PREMISES: A sign which advertises goods, products or services which are not sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.

SIGN, POLE: A sign erected and maintained on a freestanding frame, mast or pole and not attached to any building but does not include ground-mounted signs.

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, and/or designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used as other than a sign in the normal day-to-day operations of the business for transportation of goods and/or personnel.

SIGN, PROJECTING: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, PUBLIC SERVICE INFORMATION: Any sign, or message on an electronic message center sign, which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities.

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

SIGN, ROOF: Any sign erected and constructed wholly on and on top of the roof of

a building, supported by the roof structure.

SIGN, SEGMENTED MESSAGE: Any message or distinct subunit of a message presented by means of at least one display change on an electronic message center sign.

SIGN, TEMPORARY: Any sign that is normally considered to be of temporary duration and is not permanently mounted. Examples include, but are not limited to: commercial signs for limited term events, election signs, real estate signs, etc.

SIGN, TRAVELING MESSAGE: A message which appears to move across an electronic message center sign.

SIGN, WALL: Any sign parallel to, and attached within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW: Any sign, pictures, symbol, or combination thereof, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGNIFICANT NATURAL AREAS: Natural areas as defined in "Oregon National Areas - Clackamas County Data Summary" published by The Nature Conservancy. This list of natural areas may be amended by the County as additional areas are identified.

SMALL POWER PRODUCTION FACILITY: A facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof; is more than 50 percent owned by a person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof; and has a power production capacity that, together with any other small power production facility located at the same site and owned by the same person, is not greater than 80 megawatts.

SNOW SLIDE AREA: The area around a building that may be subject to snow buildup as a result of snow sliding from the sloped roof of the building.

SOIL MOISTURE SENSING DEVICE OR SOIL MOISTURE SENSOR: A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

SOLAR ENERGY SYSTEM: Any solar collector, or other solar energy device, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity. The power generating capacity of a "solar energy system" is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

**SOLID WASTE:** Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to: garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable; manufactured dwellings or residential trailers which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms “solid waste” or “waste” do not include:

- A. Environmentally hazardous wastes as defined in ORS 466.055;
- B. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;
- C. Septic tank and cesspool pumping or chemical toilet waste;
- D. For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS 459A;
- E. Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;
- F. Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement of Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;
- G. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations;
- H. Sludge derived products applied for beneficial uses on land in landscaping projects.





**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD OREGON CITY, OR 97045

March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

Board Order for Boundary Change Proposal 16-007  
Annexation to Tri-City Service District

**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
Assistants

<b>Purpose/Outcomes</b>	Conduct Public Hearing/Approve Order
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	Not Applicable
<b>Duration</b>	Permanent
<b>Previous Board Action</b>	None
<b>Strategic Plan Alignment</b>	Build Public Trust Through Good Government, hold transparent and clear public processes regarding jurisdictional boundaries
<b>Contact Person</b>	Ken Martin, Boundary Change Consultant - 503 222-0955 Chris Storey, Assistant County Counsel
<b>Contract No.</b>	Not Applicable

**BACKGROUND:**

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a county service district and Tri-City Service District is such a district.

Proposal No. CL 16-007 is a proposed annexation to Tri-City Service District (the "District"). The Board is not acting in its capacity as the governing body of the District but as the boundary commission for all special districts in Clackamas County.

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the West Linn Tidings; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation. Also as required by statute the City of West Linn has agreed to annexation of territory inside the City into the District.

This proposal was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855(3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal, the boundary change will become effective immediately.

The territory to be annexed is located generally inside the City of West Linn on the north edge of Parker Road west of Chinook Court. The territory contains 3.52 acres, one single family dwelling, a population of two and has a value of \$202,636.

### **REASON FOR ANNEXATION**

The property owners desire sewer service to facilitate eventual redevelopment. While physical service to the property will be provided by the City, major trunk lines and treatment service is provided to the City (and the cities of Gladstone and Oregon City) by Tri-City Service District. When properties are annexed to the City of West Linn (as this property was recently) they must subsequently be annexed to the District and that is what is happening here.

### **CRITERIA**

Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and
3. The proposed effective date of the boundary change.

Service availability is covered in the section below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date (immediately upon adoption) was noted above.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

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<sup>1</sup> A "necessary party" is another governmental entity which includes the same area or provides an urban service to the area.

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan;
  - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
  - (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

A draft order with additional details on the application of this criteria, and proposed findings is attached for the Board's consideration. Staff and our boundary consultant have reviewed the application and recommend approval of the petition.

**RECOMMENDATION:**

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-16-007 be approved.

Respectfully submitted,



Chris Storey  
Assistant County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving  
Boundary Change Proposal  
No. CL 16-007



ORDER NO. \_\_\_\_\_

**WHEREAS**, this matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to Tri-City Service District; and

**WHEREAS**, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

**WHEREAS**, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

**WHEREAS**, it further appearing that this matter came before the Board for public hearing on March 23, 2017 and that a decision of approval was made on March 23, 2017;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Boundary Change Proposal No. CL 16-007 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Tri-City Service District.

ADOPTED this 23<sup>rd</sup> day of March, 2017.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 3.52 acres, one single family dwelling, a population of two and has a value of \$202,636.
2. The property owners desire sewer service to facilitate eventual redevelopment. While physical service to the property will be provided by the City, major trunk lines and treatment service is provided to the City (and the cities of Gladstone and Oregon City) by Tri-City Service District. When properties are annexed to the City of West Linn (as these properties were recently) they must subsequently be annexed to the District and that is what is happening here.
3. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and
3. The proposed effective date of the boundary change.

Service availability is covered in Findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date is immediately upon adoption.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to

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<sup>1</sup> A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

- ORS 195.205;
- (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan;
  - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The City's public facility plan calls for major transmission and treatment service by the District. The proposal is consistent with the Wet Linn Comprehensive Plan as stated in the findings below.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall ". . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195." ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The territory is designated Low Density Residential on the City Comprehensive Plan and are zoned R-10 (10,000 square foot minimum lot size).

According to Section 1 of the Public Services and facilities Chapter of the West Linn Comprehensive Plan:

*The Water Environment Services Department of Clackamas County is responsible for providing wastewater treatment services for the cities of West Linn, Oregon City and Gladstone.*

6. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements relative to sewer service in this area.
7. The District provides treatment and major sewer transmission lines for the cities of Gladstone, Oregon City, and West Linn. The City of West Linn will provide the collector sewers.
8. The City of West Linn provides water service to the area.
9. The area receives police service from the City of West Linn.
10. The area receives fire service from Tualatin Valley Fire and Rescue.
11. The area to be annexed receives park & recreation service from the City of West Linn.

## **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 6 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any “applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and

services." The Board notes the City's public facility plan calls for major transmission and treatment service to be provided by the Tri-City District.

3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plan, which is the City's Comprehensive Plan and concludes this proposal complies with it. All other urban services are available from the City of West Linn.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.





AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5132

ENGINEERING FORESTRY

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

## EXHIBIT B

### Legal Description

A tract of land located in the Southwest One-Quarter of Section 25, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the most northerly corner of Tract 'B' of the plat 'Chinook Terrace', also being the most easterly corner of Document Number 2010-065643, and the City of West Linn city limits line; thence along the northeasterly line of said Document Number and a portion of said city limits line North  $63^{\circ}00'00''$  West 356.17 feet to the most northerly corner of said Document Number; thence along the northwesterly line of said Document Number South  $22^{\circ}00'00''$  West 431.89 feet to the northeasterly right-of-way line of Parker Road (30.00 feet from centerline), and the City of West Linn city limits line; thence along said right-of-way line and said city limits line South  $63^{\circ}00'00''$  East 356.17 feet to the most westerly corner of Tract 'B' of the plat 'Chinook Terrace', also being a point on the southeasterly line of said Document Number; thence leaving said right-of-way line along said southeasterly line and said city limits line North  $22^{\circ}00'00''$  East 431.89 feet to the Point of Beginning.

The above described tract of land contains 3.52 acres, more or less.

8/8/2016

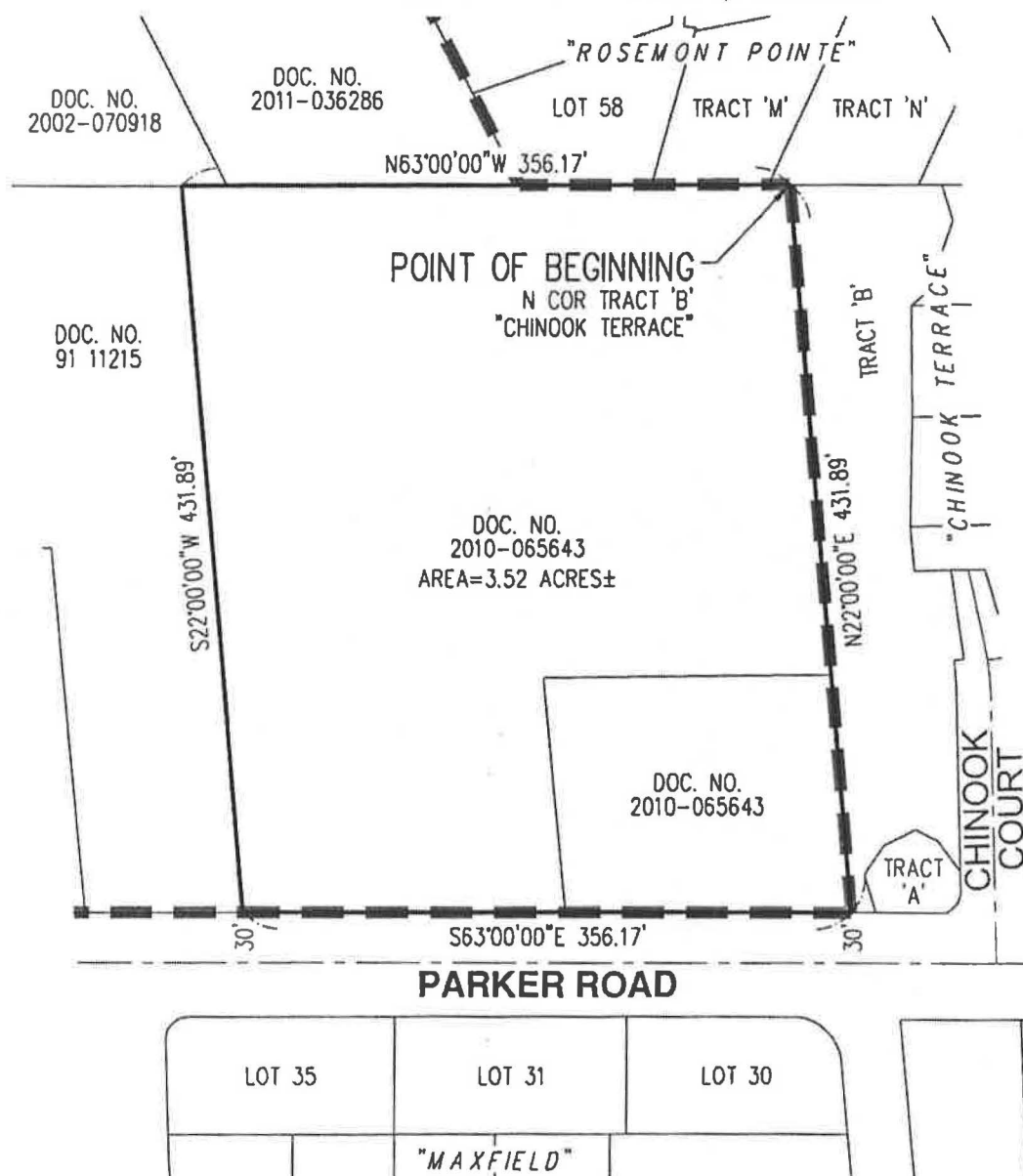
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6 30 18

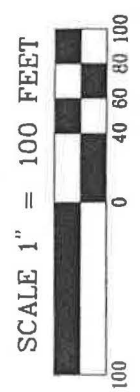
# EXHIBIT C

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 25,  
TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,  
CLACKAMAS COUNTY, OREGON



**PREPARED FOR**

CAROL & NOELL PRICE  
3015 PARKER ROAD  
WEST LINN, OR 97068



8/8/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/18

**LEGEND**

WEST LINN CITY LIMITS

3015 PARKER ROAD - WEST LINN		EXHIBIT <b>B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 oks-eng.com		DRWN: WCB CHKD: NSW AKS JOB: 5132





**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD OREGON CITY, OR 97045

March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

Board Order for Boundary Change Proposal CL 17-001,  
Annexation into Sunrise Water Authority

**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
Assistants

<b>Purpose/Outcomes</b>	Conduct Public Hearing/Approve Order
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	Not Applicable
<b>Duration</b>	Permanent
<b>Previous Board Action</b>	None
<b>Strategic Plan Alignment</b>	Build Public Trust Through Good Government, hold transparent and clear public processes regarding jurisdictional boundaries
<b>Contact Person</b>	Ken Martin, Boundary Change Consultant - 503 222-0955 Chris Storey, Assistant County Counsel
<b>Contract No.</b>	Not Applicable

**BACKGROUND:**

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a water authority. Sunrise Water Authority is such a district.

Proposal No. CL 17-001 is a proposed annexation to Sunrise Water Authority.

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation. Also as required by statute (ORS 198.720(1)) the City of Happy Valley has approved this petition.

This proposal was initiated by a consent petition of the owners of all of the property to be annexed. The petition meets the requirement for initiation set forth in ORS 198.857, ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change will become effective immediately.

The territory to be annexed is located generally on the eastern edge of the District within the City of Happy Valley. The territory contains 8.75 acres, is vacant and is valued at \$411,448.

## **REASON FOR ANNEXATION**

The property owners desire annexation to provide water service to facilitate development in conjunction with property to the north which is already in the Authority. Development will consist of attached and detached single family residences.

## **CRITERIA**

Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Sunrise Water Authority is the provider of water service to the City of Happy Valley.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and
3. The proposed effective date of the boundary change.

Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

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<sup>1</sup> A "necessary party" is another governmental entity which includes the same area or provides an urban service to the area.

- (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan;
  - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

A draft order with additional details on the application of this criteria, and proposed findings is attached for the Board's consideration. Staff and our boundary consultant have reviewed the application and recommend approval of the petition.

**RECOMMENDATION:**

Based on the attached Order and Findings, staff recommends approval of Proposal No. CL-17-001, annexation to Sunrise Water Authority.

Respectfully submitted,



Chris Storey  
Assistant County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving  
Boundary Change Proposal  
CL 17-001



ORDER NO. \_\_\_\_\_

**WHEREAS**, this matter coming before the Board at this time, and it appearing that all of the owners of the land in the territory to be annexed have petitioned to annex the territory to Sunrise Water Authority; and

**WHEREAS**, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

**WHEREAS**, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

**WHEREAS**, it further appearing that this matter came before the Board for public hearing on March 23, 2017 and that a decision of approval was made on March 23, 2017;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Boundary Change Proposal No. CL 17-001 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Sunrise Water Authority as of March 23, 2017.

ADOPTED this 23<sup>rd</sup> day of March, 2017.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 8.75 acres, is vacant and is valued at \$411,448.
2. The property owners desire annexation to provide water service to facilitate development in conjunction with property to the north which is already in the Authority. Development will consist of attached and detached single family residences.
3. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Sunrise Water Authority is the provider of water service to the City of Happy Valley.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and
3. The proposed effective date of the boundary change.

Service availability is covered in the Findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date is immediately upon adoption.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant

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<sup>1</sup> A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

to ORS 195.020 (2) between the affected entity and a necessary party;

- (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
- (E) Any applicable comprehensive plan;
- (F) Any applicable concept plan; and

(2) Consider whether the boundary change would:

- (A) Promote the timely, orderly and economic provision of public facilities and services;
- (B) Affect the quality and quantity of urban services; and
- (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in Finding 6 below. No concept plans cover this area.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.” ORS 197.015 says “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Water

\* \* \*



- 15.0 Require water purveyors in urban areas to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers, and storm drainage facilities, necessary to serve additional lands.
6. Following Comprehensive Plan amendments, zone changes and Environmental Permit approvals the City of Happy Valley has zoned the area Mixed Use Residential – Single Family (MUR-5). The proposed development can be accomplished under this designation.
7. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to water service in this area of Clackamas County.
8. Clackamas County Service District No. 1 serves this area. According to the application a 12-inch sanitary sewer line exists within and along the Rock Creek Corridor which traverses the western portion of the property to be annexed.
9. The territory to be annexed is adjacent to the Sunrise Water Authority and the Authority has a 12-inch water line in SE 172<sup>nd</sup> Avenue just to the east of the site.
10. The area receives police service from the City of Happy Valley which contracts with the Clackamas County Sheriff's Department.
11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the Water Authority.
12. The area to be annexed is within the North Clackamas Parks & Recreation District.

## CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 7 there

are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.

2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes that the balance of the City of Happy Valley is served by the Sunrise Water Authority and no other entity has the capability of serving this site.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans (Clackamas County's Comprehensive Plan and Happy Valley's Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District has service available to the area to be annexed as noted in Finding No. 9. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.
5. The Metro Code at 3.09.050 (B) (2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this annexation.



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4324

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

## EXHIBIT B

### Annexation Description

A tract of land located in the Northwest One-Quarter of Section 6, Township 2 South, Range 3 East, Willamette Meridian, City of Happy Valley, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the quarter corner common to Section 6, Township 2 South, Range 3 East, and Section 31, Township 1 South, Range 3 East; thence along the north line of said Section 6 North 89°22'25" West 150.00 feet to the Sunrise Water District Boundary and the True Point of Beginning; thence continuing along said north line of Section 6 North 89°22'25" West 1042.17 feet to the northwest corner of the tract per Document Number 2006-029882; thence along the west line of said tract South 01°05'24" West 365.31 feet to the southwest corner thereof; thence along the north line of the plat "Turel Estates" South 89°21'01" East 1042.62 feet to the Sunrise Water District Boundary; thence along said Boundary North 01°01'09" East 365.73 feet to the True Point of Beginning.

The above described tract of land contains 8.75 acres, more or less.

01/12/2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

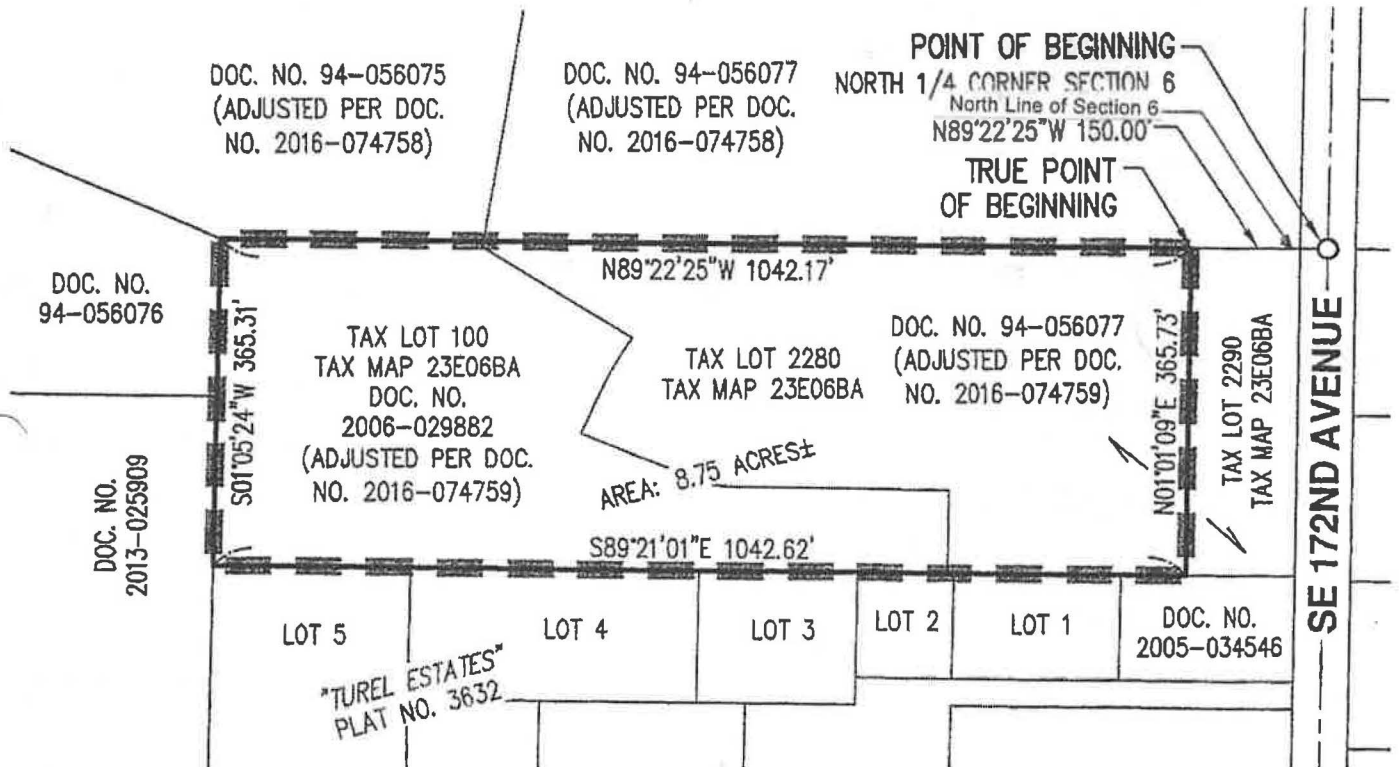
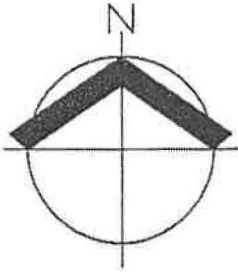
OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS

RENEWS: 12/31/18

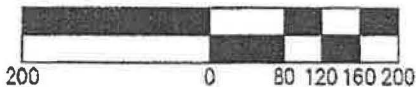
# EXHIBIT C

## MAP OF ANNEXATION

LOCATED IN THE NORTHWEST 1/4 OF SECTION 6,  
TOWNSHIP 2 SOUTH, RANGE 3 EAST,  
WILLAMETTE MERIDIAN, CITY OF HAPPY VALLEY,  
CLACKAMAS COUNTY, OREGON



SCALE: 1" = 200 FEET



### LEGEND

AREA TO BE ANNEXED TO SUNRISE WATER DISTRICT

### PREPARED FOR

PLEASANT VALLEY DEVELOPMENT, LLC  
604 W EVERGREEN BLVD  
VANCOUVER, WA 98660

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS

RENEWS: 12/31/18

DATE: 01/12/2017

PLEASANT VALLEY SUNRISE  
WATER AUTHORITY ANNEXATION

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: JOF  
CHKD: RDF  
AKS JOB:  
4324



March 23, 2017

Board of County Commissioner  
Clackamas County

Members of the Board:

A Board Order Approving the Transfer of Property to the City of West Linn

<b>Purpose/Outcomes</b>	The City of West Linn is purchasing parcel 22E30BB02800 which is adjacent to Burnside Park. Burnside Park is a city-managed park.
<b>Dollar Amount and Fiscal Impact</b>	This action has a positive dollar impact of \$445.00. This covers the transfer fee of the parcel.
<b>Funding Source</b>	N/A
<b>Duration</b>	The transfer of the property will take place once the monies are cleared.
<b>Previous Board Action</b>	A Study Session with the Board of County Commissioners was held on February 28, 2017 to discuss this parcel. The Board approved the transfer of this property following Public Hearing set for March 23, 2017.
<b>Strategic Plan Alignment</b>	1. Management of Tax Foreclosed properties 2. Build public trust through good government.
<b>Contact Person</b>	Rick Gruen, Property Resources Manager 503.742.4345

**BACKGROUND:** The City of West Linn requested the purchase of parcel 22E30BB02800 as it is adjacent to Burnside Park and is to be used as a public park.

**RECOMMENDATION:** Staff recommends the Board of County Commissioners approve the Government Transfer to The City of West Linn through a Public Hearing.

Respectfully submitted,

Laura Zentner, Deputy Director  
Business and Community Services

In the Matter of Government Distribution  
Located at 22E30BB02800  
To The City of West Linn

ORDER NO.  
Page 1 of 1

This matter coming before the Board of County Commissioners at this time, and it appearing to the Board that the Government Distribution of the real property parcel listed below had been acquired by Clackamas County by tax deed, gift or purchase, and is not currently in use for County purposes is described as follows;

That portion of Lot 4, Block 26, BOLTON, and that portion of vacated Buck Street inuring thereto by reason of City of West Linn Ordinance No. 373. Which lies Northeasterly of a line drawn parallel with and 105 fee Northeasterly of the center line of the old Southern Pacific Railroad right of way, in the City of West Linn, County of Clackamas and State of Oregon.

IT FURTHER APPEARING to the Board that the above described real property does comport to The City of West Linn's Resolution No. 2016-15, A Resolution to Acquire Additional Property for Burnside Park, West Linn, Oregon

IT FURTHER APPEARING to the Board that the property complies with the Government Transfer requirements for future public benefit; now therefore;

IT IS HEREBY ORDERED that the described property above be transferred to The City of West Linn; and

IT IS FURTHER ORDERED that the Director or Deputy Director of Business and Community Services, is hereby authorized to act as representative of the Board of County Commissioners in the acceptance and execution of all documents necessary for the sale

DATED this 23rd day of March, 2017

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

March 23, 2017

Board of County Commissioner  
Clackamas County

Members of the Board:

Approval of a Subrecipient Grant Agreement with Comprehensive Options for Drug Abusers, Inc (CODA) for housing assistance and services for residents in alcohol and drug recovery

<b>Purpose/Outcomes</b>	This contractor provides housing assistance and treatment services for Clackamas County residents in alcohol and drug recovery.
<b>Dollar Amount and Fiscal Impact</b>	The agreement maximum is \$39,176.68.
<b>Funding Source</b>	<b>\$38,877.02</b> in federal funds are provided through the Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services (Agreement No.147783; CFDA 93.959) issued by the State of Oregon acting by and through its Oregon Health Authority. <b>\$299.65</b> in state general funds. No County general funds are involved.
<b>Duration</b>	Effective July 1, 2016 and terminates on June 30, 2017
<b>Previous Board Action</b>	N/A
<b>Strategic Plan Alignment</b>	1. Individuals and families in need are healthy and safe. 2. Ensure safe, healthy and secure communities.
<b>Contact Person</b>	Mary Rumbaugh, Director–Behavioral Health Division (503) 742-5305
<b>Contract No.</b>	H3S # 7724; Subrecipient grant # 17-033

**BACKGROUND:**

The Behavioral Health Division of the Health, Housing & Human Services Department requests the approval of a Subrecipient Grant Agreement with Comprehensive Options for Drug Abusers, Inc. (CODA) for housing assistance and treatment services for residents in alcohol and drug recovery. CODA is a not-for-profit organization that provides a wide range of opioid-addictions treatment services as well as both inpatient and outpatient evidence-based alcohol and drug treatment services. CODA will provide detoxification for individuals with substance use disorders including supportive pharmacotherapy to manage the symptoms and adverse consequences of withdrawal, based on a systematic assessment of symptoms and risk of serious adverse consequences related to the withdrawal process. These Services shall be provided to individuals who are not eligible for the Oregon Health Plan, who demonstrate a need for financial assistance based on an income below 200% of the current federal poverty level, and have inadequate healthcare coverage.

This agreement is effective July 1, 2016 and terminates on June 30, 2017 with a maximum expenditure of \$39,176.68. This contract was reviewed and approved by County Counsel on February 28, 2017.

This agreement is retroactive due to language and budget negotiations and unexpected staff shortfalls.

**RECOMMENDATION:**

Staff recommends the Board approval of this contract and authorizes Richard Swift, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,

Richard Swift, Director  
Health, Housing and Human Services Department



**CLACKAMAS COUNTY, OREGON  
SUBRECIPIENT GRANT AGREEMENT 17-033**

Project Name: **A&D Detox Program**  
Project Number: 36006 – A&D Block Grant

This Agreement is between **Clackamas County**, Oregon, acting by and through its  
Department of Health, Housing and Human Services (COUNTY), and  
**Comprehensive Options for Drug Abusers, Inc (CODA)** (SUBRECIPIENT), an Oregon Non-profit Organization.

**Clackamas County Data**

Grant Accountant: <b>Ed Jones</b>	Program Manager: <b>Elise Thompson</b>
Clackamas County – Finance 2051 Kaen Road Oregon City, OR 97045 (503) 742-5410 ejones@clackamas.us	Clackamas County – Behavioral Health Division 2051 Kaen Road, Suite 154 Oregon City, OR 97045 (503) 742-5353 ethompson@clackamas.us

**Subrecipient Data**

Finance/Fiscal Representative: <b>Eric Knopf</b>	Program Representative: <b>Flori Hall</b>
Comprehensive Options for Drug Abuser, Inc (CODA) 1027 E Burnside Portland, OR 97214 503-239-8400 ericknopf@codainc.org	Comprehensive Options for Drug Abuser, Inc (CODA) 1027 E Burnside Portland, OR 97214 503-239-8400 florihall@codainc.org
DUNS: 093490142	

**RECITALS**

- WHEREAS, Clackamas County ("COUNTY"), is a political subdivision of the State of Oregon;  
  
WHEREAS, COUNTY holds an Intergovernmental Agreement ("IGA") for the Financing of Community Addictions and Mental Health Services (Agreement No.147783) with the State of Oregon acting by and through its Oregon Health Authority ("OHA") for the biennium term of 2015-2017;  
  
WHEREAS, ORS 430.610(4) and 430.640(1) authorize OHA to assist Oregon counties and groups of Oregon counties in the establishment and financing of community addictions and mental health programs operated or contracted for by one or more counties;  
  
WHEREAS, COUNTY has established and proposes, during the term of the IGA, to operate or contract for the operation of community addictions and mental health programs in accordance with the policies, procedures and administrative rules of OHA;  
  
WHEREAS, COUNTY has requested financial assistance from OHA to operate or contract for the operation of its community addictions and mental health programs;

WHEREAS, OHA is willing, upon the terms of and conditions of the aforementioned IGA, to provide financial assistance to COUNTY to operate or contract for the operation of its community addictions and mental health programs;

WHEREAS, various statutes authorize OHA and COUNTY to collaborate and cooperate in providing for basic community addictions and mental health programs and incentives for community-based care in a manner that ensures appropriate and adequate statewide service delivery capacity, subject to availability of funds;

WHEREAS, Comprehensive Options for Drug Abusers ("CODA") ("SUBRECIPIENT") is a not-for-profit behavioral health agency founded in 1969. Comprehensive Options for Drug Abusers (CODA) provides a wide range of opioid-addictions treatment services as well as both inpatient and outpatient evidence-based alcohol and drug treatment services.

2. THEREFORE, the parties seek to provide housing assistance and services for Clackamas County residents in alcohol and drug recovery through this Subrecipient Grant Agreement of federal financial assistance, which sets forth the terms and conditions pursuant to which SUBRECIPIENT agrees on delivery of the Program.

According to the terms of this Subrecipient Grant Agreement (this "Agreement") the COUNTY and SUBRECIPIENT agree as follows:

#### AGREEMENT

1. **Term and Effective Date.** Pursuant to the terms of the grant award, this Agreement shall be effective as of **July 1, 2016** and shall expire on **June 30, 2017**, unless sooner terminated or extended pursuant to the terms hereof.
2. **Program.** The Program is described in attached Exhibit A: Subrecipient Statement of Program Objectives. SUBRECIPIENT agrees to carry out the program in accordance with the terms and conditions of this Agreement.
3. **Standards of Performance.** SUBRECIPIENT shall perform all activities and programs in accordance with the requirements set forth in this Agreement and all applicable laws and regulations. Furthermore, SUBRECIPIENT shall comply with the requirements of the Community Mental Health Program ("CMHP") IGA 147783 awarded on July 1, 2015 are the source of the grant funding, in addition to compliance with requirements of Title 42 of the *Code of Federal Regulations* (CFR), Part 6A, Sub-Part II & III. A copy of the relevant sections of that grant award have been provided to SUBRECIPIENT by the COUNTY, which are attached to and made a part of this Agreement by reference.
4. **Grant Funds.** The COUNTY's funding for this Agreement is the 2015-2017 Intergovernmental Agreement for the Financing of Community Service Addictions and Mental Health Services and Clackamas County General funds (Agreement #147783). The maximum, not to exceed, grant amount that the COUNTY will pay is **\$39,176.68**. This is a cost reimbursement grant and disbursements will be made in accordance with the schedule and requirements contained in Exhibit D: Required Financial Reporting and Reimbursement Request and Exhibit E: Monthly/Quarterly/Final Performance Report. Failure to comply with the terms of this Agreement may result in withholding of payment. Funding for this agreement is from the following sources:
  - 4.1. **Federal Funds: \$38,744.12** in federal funds are provided through the Intergovernmental Agreement (IGA) for the Financing of Community Addictions and Mental Health Services (Agreement No.147783) (**CFDA 93.959**) issued to the COUNTY by the State of Oregon acting

by and through its Oregon Health Authority ("OHA"). The State of Oregon receives Block Grants for Substance Abuse Services ("SABG") funds from the U.S. Department of Health and Human Services, Office of Substance Abuse and Mental Health Services Administration.

- 4.2. **Other Funds:** \$432.57 in State funds are provided for funding of other items in the program budget.
5. **Amendments.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties. **SUBRECIPIENT must submit a written request including a justification for any amendment to COUNTY in writing at least forty-five (45) calendar days before this Agreement expires.** No payment will be made for any services performed before the beginning date or after the expiration date of this Agreement. If the maximum compensation amount is increased by amendment, the amendment must be fully executed before SUBRECIPIENT performs work subject to the amendment.
6. **Termination.** This Agreement may be terminated by the mutual consent of both parties or by a party upon written notice from one to the other upon thirty (30) business days-notice. This notice may be transmitted in person, by certified mail, facsimile, or by email.
7. **Funds Available and Authorized.** COUNTY certifies that funds sufficient to pay for this agreement have been obligated to COUNTY. SUBRECIPIENT understands and agrees that payment of amounts under this Agreement is contingent on COUNTY receiving appropriations or other expenditure authority sufficient to allow COUNTY, in the exercise of its sole administrative discretion, to continue to make payments under this Agreement.
8. **Future Support.** COUNTY makes no commitment of future support and assumes no obligation for future support for the activity contracted herein except as set forth in Section 7.
9. **Administrative Requirements.** SUBRECIPIENT agrees to its status as a subrecipient, and accepts among its duties and responsibilities the following:
- a) **Financial Management.** SUBRECIPIENT shall comply with 2 CFR Part 200, Subpart D—*Post Federal Award Requirements*, and agrees to adhere to the accounting principles and procedures required therein, use adequate internal controls, and maintain necessary sources documentation for all costs incurred.
  - b) **Personnel.** If SUBRECIPIENT becomes aware of any likely or actual changes to key systems, or grant-funded program personnel or administration staffing changes, SUBRECIPIENT shall notify COUNTY in writing within 30 days of becoming aware of the likely or actual changes and a statement of whether or not the SUBRECIPIENT will be able to maintain compliance at all times with all requirements of this Agreement.
  - c) **Cost Principles.** The SUBRECIPIENT shall administer the award in conformity with 2 CFR 200, Subpart E. These cost principles must be applied for all costs incurred whether charged on a direct or indirect basis. Costs disallowed by the Federal Government shall be the liability of the SUBRECIPIENT.
  - d) **Period of Availability.** SUBRECIPIENT may charge to the award only allowable costs resulting from obligations incurred during the funding period.
  - e) **Match.** Matching funds are not required for this Agreement.
  - f) **Budget.** The SUBRECIPIENT use of funds may not exceed the amounts specified in the Exhibit B: Subrecipient Program Budget. SUBRECIPIENT may not transfer grant funds

between budget lines without the prior written approval of the COUNTY. At no time may budget modification change the scope of the original grant application or Agreement.

- g) **Indirect Cost Recovery.** SUBRECIPIENT elects to use the federal *de minimis* indirect cost rate (10%) for indirect cost recovery on the federally-funded portion of this Agreement. This amount is incorporated by reference into the SUBRECIPIENT program budget in Exhibit B.
- h) **Research and Development.** SUBRECIPIENT certifies that this award is not for research and development purposes.
- i) **Payment.** The SUBRECIPIENT must submit a final request for payment no later than fifteen (15) days after the end date of this Agreement. Routine requests for reimbursement should be submitted as specified in Exhibit D: Required Financial Reporting and Reimbursement Request.
- j) **Performance Reporting.** The SUBRECIPIENT must submit Performance Reports as specified in Exhibit E for each period (monthly, quarterly, and final) during the term of this Agreement.
- k) **Financial Reporting.** Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or SUBRECIPIENT, in accordance with Treasurer Regulations at 31 CFR Part 205. Therefore, upon execution of this Agreement, SUBRECIPIENT will submit completed Exhibit D: Required Financial Reporting and Reimbursement Request on a monthly basis.
- l) **Closeout.** COUNTY will closeout this award when COUNTY determines that all applicable administrative actions and all required work have been completed by SUBRECIPIENT, pursuant to 2 CFR 200.343—*Closeout*. SUBRECIPIENT must liquidate all obligations incurred under this award and must submit all financial (Exhibits F, G & H), performance, and other reports as required by the terms and conditions of the federal award and/or COUNTY, no later than 90 calendar days after the end date of this agreement. At closeout, SUBRECIPIENT must account for all equipment with remaining value over \$5,000 and residual supplies valued over \$5,000 in the aggregate that were purchased with federal funds authorized by this Agreement. Compensation to the federal agency may be required for equipment or residual supplies valued over \$5,000 per 2 CFR 200.313 & 314.
- m) **Universal Identifier and Contract Status.** The SUBRECIPIENT shall comply with 2 CFR 25.200-205 and apply for a unique universal identification number using the Data Universal Numbering System (DUNS) as required for receipt of funding. In addition, the SUBRECIPIENT shall register and maintain an active registration in the Central Contractor Registration database, now located at <http://www.sam.gov>.
- n) **Suspension and Debarment.** The SUBRECIPIENT shall comply with 2 CFR 180.220 and 901. This common rule restricts subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs or activities. SUBRECIPIENT is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. SUBRECIPIENT may access the Excluded Parties List System at <http://www.sam.gov>. The Excluded Parties List System contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Orders 12549 and 12689. Awards that exceed the simplified acquisition threshold shall provide the required certification regarding their exclusion status and that of their principals prior to award.

- o) **Lobbying.** SUBRECIPIENT certifies (Exhibit C: Lobbying) that no portion of the federal grant funds will be used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law and shall abide by 2 CFR 200.450 and the Byrd Anti-Lobbying Amendment 31 U. S. C. 1352. In addition, the SUBRECIPIENT certifies that it is a nonprofit organization described in Section 501(c) (4) of the Code, but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.
- p) **Audit.** The SUBRECIPIENT shall comply with the audit requirements prescribed in the Single Audit Act Amendments and the new Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, located in 2 CFR 200.501. SUBRECIPIENT expenditures of \$750,000 or more in federal funds require an annual Single Audit. SUBRECIPIENT is required to hire an independent auditor qualified to perform a Single Audit. SUBRECIPIENTS of federal awards are required under the Uniform Guidance to submit their audits to the Federal Audit Clearinghouse (FAC) within 9 months from the SUBRECIPIENT'S fiscal year end or 30 days after issuance of the reports, whichever is sooner. The website for submissions to the FAC is <https://harvester.census.gov/facweb/>. At the time of submission to the FAC, the SUBRECIPIENT will also submit a copy of the audit to the COUNTY. If requested and if SUBRECIPIENT does not meet the threshold for the Single Audit requirement, SUBRECIPIENT shall submit to COUNTY a financial audit or independent review of financial statements within 9 months from the SUBRECIPIENT'S fiscal year end or 30 days after issuance of the reports, whichever is sooner.
- q) **Monitoring.** The SUBRECIPIENT agrees to allow COUNTY access to conduct site visits and inspections of financial records for the purpose of monitoring in accordance with 2 CFR 200.331. The COUNTY, the Federal Government, and their duly authorized representatives shall have access to such financial records and other books, documents, papers, plans, records of shipments and payments and writings of SUBRECIPIENT that are pertinent to this Agreement, whether in paper, electronic or other form, to perform examinations and audits and make excerpts and transcripts. Monitoring may be performed onsite or offsite, at the COUNTY's discretion. Depending on the outcomes of the financial monitoring processes, this Agreement shall either a) continue pursuant to the original terms, b) continue pursuant to the original terms and any additional conditions or remediation deemed appropriate by COUNTY, or c) be de-obligated and terminated.
- r) **Record Retention.** The SUBRECIPIENT will retain and keep accessible all such financial records, books, documents, papers, plans, records of shipments and payments and writings for a minimum of six (6) years, or such longer period as may be required by the federal agency or applicable state law, following final payment and termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later, according to 2 CFR 200.333-337.
- s) **Fiduciary Duty.** SUBRECIPIENT acknowledges that it has read the award conditions and certifications for Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147783, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the Clackamas County, as grantee, under those grant documents.
- t) **Failure to Comply.** SUBRECIPIENT acknowledges and agrees that this Agreement and the terms and conditions therein are essential terms in allowing the relationship between COUNTY and SUBRECIPIENT to continue, and that failure to comply with such terms and conditions represents a material breach of the original grant and this Agreement. Such material breach shall give rise to the COUNTY's right, but not obligation, to withhold SUBRECIPIENT grant funds until compliance is met or to terminate this relationship including the original Agreement and all associated amendments.

## 10. Compliance with Applicable Laws

- a) **Public Policy.** The SUBRECIPIENT expressly agrees to comply with all public policy requirements, laws, regulations, and executive orders issued by the Federal Government, to the extent they are applicable to the Agreement: (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990, as amended; (iv) Executive Order 11246, "Equal Employment Opportunity" as amended; (v) the Health Insurance Portability and Accountability Act of 1996; (vi) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vii) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (viii) all federal law governing operation of Community Mental Health Programs, including without limitation, all federal laws requiring reporting of Client abuse; and (ix) all regulations and administrative rules established pursuant to the foregoing laws; and (x) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations; and 2 CFR Part 200 as applicable to SUBRECIPIENT. Additional requirements are as specified in 45 CFR Part 96; also portions of the 2 CRF Part 200/45 CFR Part 75
- b) **Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.).** SUBRECIPIENT agrees that if this Agreement is in excess of \$150,000, the recipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, 42 U.S.C. 7401 et seq., and the Federal Water Pollution Control Act, as amended 33 U.S.C. 1251 et seq. Violations shall be reported to the awarding Federal Department and the appropriate Regional Office of the Environmental Protection Agency. SUBRECIPIENT shall include and require all Providers to include in all contracts with subcontractors receiving more than \$150,000, language requiring the subcontractor to comply with the federal laws identified in this section.
- c) **State Statutes.** SUBRECIPIENT expressly agrees to comply with all statutory requirements, laws, rules, and regulations issued by the State of Oregon, to the extent they are applicable to the Agreement.
- d) **Conflict Resolution.** If potential, actual or perceived conflicts are discovered among federal, state and local statutes, regulations, administrative rules, executive orders, ordinances or other laws applicable to the Services under the Agreement, SUBRECIPIENT may in writing request County to resolve the conflict. SUBRECIPIENT shall specify if the conflict(s) create a problem for the design or other Services required under the Agreement. The County shall undertake reasonable efforts to resolve the issue but is not required to deliver any specific answer or product. The SUBRECIPIENT shall remain obligated to independently comply with all applicable laws and no action by the County shall be deemed a guarantee, waiver, or indemnity for non-compliance with any law.
- e) **Disclosure of Information.** Any confidential or personally identifiable information (2 CFR 200.82) acquired by the SUBRECIPIENT during the execution of the project should not be disclosed during or upon termination or expiration of this Agreement for any reason or purpose without the prior written consent of COUNTY. SUBRECIPIENT further agrees to take reasonable measures to safeguard such information (2 CFR 200.303) and to follow all applicable federal, state and local regulations regarding privacy and obligations of confidentiality.
- f) **Mileage reimbursement.** If mileage reimbursement is authorized in SUBRECIPIENT budget or by the written approval of COUNTY, mileage must be paid at the rate established by SUBRECIPIENT'S written policies covering all organizational mileage reimbursement or at the IRS mileage rate at the time of travel, whichever is lowest.

#### 11. Federal and State Procurement Standards

- a) All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. All sole-source procurements must receive prior written approval from COUNTY in addition to any other approvals required by law applicable to the SUBRECIPIENT. Justification for sole-source procurement should include a description of the project and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.
- b) COUNTY's performance under the Agreement is conditioned upon SUBRECIPIENT's compliance with, and SUBRECIPIENT shall comply with, the obligations applicable to public contracts under the Oregon Public Contracting Code and applicable Local Contract Review Board rules, which are incorporated by reference herein.
- c) SUBRECIPIENT must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. If SUBRECIPIENT has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, SUBRECIPIENT must also maintain written standards of conduct covering organizational conflicts of interest. SUBRECIPIENT shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP) for a proposed procurement must be excluded by SUBRECIPIENT from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to COUNTY.
- d) The SUBRECIPIENT agrees that, to the extent they use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

#### 12. General Agreement Provisions.

- a) **Non-appropriation Clause.** If payment for activities and programs under this Agreement extends into the COUNTY's next fiscal year, the COUNTY's obligation to pay for such work is subject to approval of future appropriations to fund the Agreement by the Board of County Commissioners.
- b) **Indemnification.** SUBRECIPIENT agrees to indemnify and hold COUNTY and its elected officials, officers, employees, and agents harmless with respect to any claim, cause, damage, action, penalty or other cost (including attorney's and expert fees) arising from or related to SUBRECIPIENT's negligent or willful acts or those of its employees, agents or those under SUBRECIPIENT's control. SUBRECIPIENT is responsible for the actions of its own agents and employees, and COUNTY assumes no liability or responsibility with respect to SUBRECIPIENT's actions, employees, agents or otherwise with respect to those under its control.

To the extent permitted by applicable law, SUBRECIPIENT shall defend (in the case of the state of Oregon and the Oregon Health Authority, subject to ORS Chapter 180), save and hold harmless the State of Oregon, the Oregon Health Authority, County, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of or relating to the operations of the SUBRECIPIENT, including but not limited to the activities of SUBRECIPIENT or its officers, employees, subcontractors or agents under this AGREEMENT.

SUBRECIPIENT(S) that are not units of local government as defined in ORS 190.003, shall indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of SUBRECIPIENT or any of the officers, agents, employees or subcontractors of the SUBRECIPIENT ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the SUBRECIPIENT from and against any and all Claims.

- c) **Insurance.** During the term of this Agreement, SUBRECIPIENT shall maintain in force, at its own expense, each insurance noted below:
- 1) **Commercial General Liability.** SUBRECIPIENT shall obtain, at SUBRECIPIENT's expense, and keep in effect during the term of this Agreement, Commercial General Liability Insurance covering bodily injury and property damage on an "occurrence" form in the amount of not less than \$1,000,000 per occurrence/ \$2,000,000 general aggregate for the protection of COUNTY, its officers, elected officials, and employees. This coverage shall include Contractual Liability insurance for the indemnity provided under this Agreement. This policy(s) shall be primary insurance as respects to the COUNTY. Any insurance or self-insurance maintained by COUNTY shall be excess and shall not contribute to it.
  - 2) **Commercial Automobile Liability.** SUBRECIPIENT shall obtain at SUBRECIPIENT expense, and keep in effect during the term of this Agreement, Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. The combined single limit per occurrence shall not be less than \$1,000,000, or SUBRECIPIENT shall obtain at SUBRECIPIENT expense, and keep in effect during the term of the agreement, Personal auto coverage. The limits shall be no less than \$250,000/occurrence, \$500,000/aggregate, and \$100,000 property damage.
  - 3) **Professional Liability.** SUBRECIPIENT shall obtain and furnish the COUNTY evidence of Professional Liability Insurance in the amount of not less than \$1,000,000 combined single limit per occurrence/\$2,000,000 general annual aggregate for malpractice or errors and omissions coverage for the protection of the COUNTY, its officers, elected officials and employees against liability for damages because of personal injury, bodily injury, death, or damage to property, including loss of use thereof, and damages because of negligent acts, errors and omissions in any way related to this Agreement. COUNTY, at its option, may require a complete copy of the above policy.
  - 4) **Additional Insured Provisions.** All required insurance, other than Professional Liability, Workers' Compensation, and Personal Automobile Liability and Pollution Liability Insurance, shall include "Clackamas County, its agents, elected officials, officers, and employees" and "the State of Oregon and its officers, employees and agents" as additional insureds.
  - 5) **Notice of Cancellation.** There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the COUNTY. Any failure to comply with this provision will not affect the insurance coverage provided to COUNTY. The 30 days-notice of cancellation provision shall be physically endorsed on to the policy.
  - 6) **Insurance Carrier Rating.** Coverage provided by SUBRECIPIENT must be underwritten by an insurance company deemed acceptable by COUNTY. Insurance coverage shall be provided by companies admitted to do business in Oregon or, in the alternative, rated A-



or better by Best's Insurance Rating. COUNTY reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

- 7) **Certificates of Insurance.** As evidence of the insurance coverage required by this Agreement, SUBRECIPIENT shall furnish a Certificate of Insurance to COUNTY. The COUNTY and its officers must be named as an additional insured on the Certificate of Insurance. No Agreement shall be in effect until the required certificates have been received, approved, and accepted by COUNTY. A renewal certificate will be sent to COUNTY 10 days prior to coverage expiration.
  - 8) **Primary Coverage Clarification.** SUBRECIPIENT coverage will be primary in the event of a loss and will not seek contribution from any insurance or self-insurance maintained by, or provided to, the additional insureds listed above.
  - 9) **Cross-Liability Clause.** A cross-liability clause or separation of insured's condition will be included in all general liability, professional liability, and errors and omissions policies required by the Agreement.
  - 10) **Waiver of Subrogation.** SUBRECIPIENT agrees to waive their rights of subrogation arising from the work performed under this Agreement.
- d) **Assignment.** This Agreement may not be assigned in whole or in part without the prior express written approval of the COUNTY.
  - e) **Independent Status.** SUBRECIPIENT is independent of the COUNTY and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder. SUBRECIPIENT is not an agent of the COUNTY and undertakes this work independent from the control and direction of the COUNTY excepting as set forth herein. SUBRECIPIENT shall not seek or have the power to bind the COUNTY in any transaction or activity.
  - f) **Notices.** Any notice provided for under this Agreement shall be effective if in writing and (1) delivered personally to the addressee or deposited in the United States mail, postage paid, certified mail, return receipt requested, (2) sent by overnight or commercial air courier (such as Federal Express), (3) sent by facsimile transmission, with the original to follow by regular mail; or, (4) sent by electronic mail with confirming record of delivery confirmation through electronic mail return-receipt, or by confirmation that the electronic mail was accessed, downloaded, or printed. Notice will be deemed to have been adequately given three days following the date of mailing, or immediately if personally served. For service by facsimile or by electronic mail, service will be deemed effective at the beginning of the next working day.
  - g) **Governing Law.** This Agreement is made in the State of Oregon, and shall be governed by and construed in accordance with the laws of that state without giving effect to the conflict of law provisions thereof. Any litigation between COUNTY and SUBRECIPIENT arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Clackamas County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.
  - h) **Severability.** If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.
  - i) **Counterparts.** This Agreement may be executed in any number of counterparts, all of which together will constitute one and the same Agreement. Facsimile copy or electronic signatures shall be valid as original signatures.

- j) **Third Party Beneficiaries.** Except as expressly provided in this Agreement, there are no third party beneficiaries to this Agreement. The terms and conditions of this Agreement may only be enforced by the parties.
- k) **Binding Effect.** This Agreement shall be binding on all parties hereto, their heirs, administrators, executors, successors and assigns.
- l) **Integration.** This Agreement contains the entire Agreement between COUNTY and SUBRECIPIENT and supersedes all prior written or oral discussions or Agreements.

This Agreement consists of twelve (12) sections plus the following exhibits which by this reference is incorporated herein.


- Exhibit A: SUBRECIPIENT Statement of Program Objectives
- Exhibit B: SUBRECIPIENT Program Budget
- Exhibit C: Lobbying Certificate
- Exhibit D: Required Financial Reporting and Reimbursement Request
- Exhibit E: Monthly/Quarterly/Final Performance Report
- Exhibit F: Final Financial Report
- Exhibit G: Required Federal Terms and Conditions
- Exhibit H: Community Addictions and Mental Health Services Subrecipient Agreement Provisions

*(signature page follows)*

**SIGNATURE PAGE TO SUBRECIPIENT GRANT AGREEMENT**

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers.

**COMPREHENSIVE OPTIONS FOR DRUG ABUSERS (CODA), INC,**

By:   
(Timothy Hartnett, Executive Director)

3/14/17  
Date

1027 E Burnside  
Street Address

Portland, OR 97214  
City / State / Zip

(503) 239-8400      /(503) 239-8407  
Phone                      / Fax

**CLACKAMAS COUNTY**  
Commissioner: Jim Bernard, Chair  
Commissioner: Sonya Fischer  
Commissioner: Ken Humberston  
Commissioner: Paul Savas  
Commissioner: Martha Schrader

**Signing on Behalf of the Board:**

Richard Swift, Director  
Health, Housing & Human Service Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Date

**Approved to Form:**

  
\_\_\_\_\_  
County Counsel

23 Feb 2017  
Date

March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval of a Local Subrecipient Agreement with Todos Juntos for  
Kindergarten Partnership Innovation Services

<b>Purpose/Outcomes</b>	Programming includes kindergarten readiness activities for preschool aged children, literacy and social emotional support for kindergarten students, structured playgroups and engagement events for families with preschool aged children, and intensive supports for at-risk students.
<b>Dollar Amount and Fiscal Impact</b>	\$33,680 No County General Funds are involved and no fiscal impact to the County
<b>Funding Source</b>	Oregon Department of Education – Early Learning Division
<b>Duration</b>	January 1, 2017 and terminates June 30, 2017.
<b>Previous Board Action</b>	N/A
<b>Strategic Plan Alignment</b>	<ul style="list-style-type: none"> <li>• Individuals and families in need are healthy and safe</li> <li>• Ensure safe, healthy and secure communities</li> </ul>
<b>Contact Person</b>	Rodney A. Cook 503-650-5677
<b>Contract No.</b>	CYF-8100

**BACKGROUND:**

Children, Youth & Families Division of the Health, Housing and Human Services Department requests approval of a Subrecipient Agreement with Todos Juntos to provide kindergarten readiness activities, literacy and social emotional support to preschool and kindergarten students, supports to families to promote ability to support their child’s early learning and school readiness, and intensive support to kindergarten students identified as at-risk/high risk.

This Agreement has a maximum value of \$33,680. No County General funds are involved and no match is required. It is effective January 1, 2017 and terminates June 30, 2017 and has been reviewed and approved by County Counsel. The Agreement is retroactive because of the competitive process that was required to award funds, as well as the time required for Counsel Approval of the Agreement.

**RECOMMENDATION:**

Staff recommends the Board approval of this Agreement and authorizes Richard Swift, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,

Richard Swift, Director  
Health, Housing & Human Services

**CLACKAMAS COUNTY, OREGON**  
**LOCAL SUBRECIPIENT GRANT AGREEMENT H3S/CYF-8100**

Program Name: Kindergarten Partnership Innovation Services  
 Program/Project Number: CYF-8100

This Agreement is between **Clackamas County, Oregon**, acting by and through its Department of Health, Housing & Services (COUNTY) and **Todos Juntos** (SUBRECIPIENT), an Oregon Non-profit Organization.

**COUNTY Data**

Grant Accountant: <b>Stephanie Radford</b>	Program Manager: <b>Kimberly Lopez</b>
Children, Youth & Families Division 150 Beaver creek Rd. Oregon City, OR 97045 503-650-5678 <a href="mailto:sradford@clackamas.us">sradford@clackamas.us</a>	Children, Youth & Families Division 150 Beaver creek Rd. Oregon City, OR 97045 503-650-5680 <a href="mailto:klopez@clackamas.us">klopez@clackamas.us</a>

**SUBRECIPIENT Data**

Finance/Fiscal Representative: <b>Jill Palomaki</b>	Program Representative: <b>Eric Johnston</b>
Todos Juntos PO Box 645 Canby, OR 97013 360-607-4558 <a href="mailto:jpbiz714@gmail.com">jpbiz714@gmail.com</a>	Todos Juntos PO Box 645 Canby, OR 97013 503-544-1513 <a href="mailto:ejtodosjuntos@comcast.net">ejtodosjuntos@comcast.net</a>
FEIN: 93-1308023	

**RECITALS**

1. Oregon Department of Education Early Learning Division (ELD) Kindergarten Partnership & Innovation Program invests in promising models that connect families with preschool aged children to early learning environments and supports to increase children’s readiness for kindergarten and put them on track for succeeding in school.
2. Children, Youth & Families Division (CYF) has selected Todos Juntos (SUBRECIPIENT) through a competitive process to implement two kinds of programming in Sandy and Estacada:
  - a. Kindergarten readiness activities for preschool aged children.
  - b. Literacy and social emotional support for kindergarten students.
  - c. Structured playgroups for children and their parents
  - d. Parent engagement workshops.
  - e. Intensive services and supports for at-risk students.
3. Todos Juntos (SUBRECIPIENT) is a 501(c)(3) organization whose mission is to develop partnerships to create or enhance resources and services to all youth and their families. It offers evidence-based, community supported services in English and/or Spanish at six K-12 schools in Clackamas County. Todos Juntos has demonstrated capacity to provide the services outlined in this Agreement.
4. This Grant Agreement of financial assistance sets forth the terms and conditions pursuant to which SUBRECIPIENT agrees on delivery of the Program, as defined below.

NOW THEREFORE, according to the terms of this Local Grant Agreement the COUNTY and SUBSUBRECIPIENT agree as follows:

## AGREEMENT

1. **Term and Effective Date.** This Agreement shall be effective as of **January 1, 2017** and shall expire on **June 30, 2017**, unless sooner terminated or extended pursuant to the terms hereof.
2. **Program.** Program is described in Attached Exhibit A: SUBRECIPIENT Statement of Program Objectives. SUBRECIPIENT agrees to perform the Program in accordance with the terms and conditions of this Agreement.
3. **Standards of Performance.** SUBRECIPIENT shall perform all activities and programs in accordance with the requirements set forth in this Agreement and all applicable laws and regulations. Furthermore, SUBRECIPIENT shall comply with the requirements of the Oregon Department of Education- Early Learning Division Grant Agreement that is the source of the grant funding, in addition to compliance with the statutory requirements stated in Exhibit E: Special Terms and Conditions and Exhibit F: Kindergarten Partnership and Innovation Program Requirements.
4. **Grant Funds.** The COUNTY's funding for this Agreement is the **State of Oregon Department of Education Early Learning Division #5803** issued to the COUNTY by the Oregon Department of Education Early Learning Division. The maximum, not to exceed, grant amount that the COUNTY will pay on this Agreement is **\$33,680**.
5. **Disbursements.** This is a cost reimbursement grant and disbursements will be made monthly in accordance with the requirements contained in Exhibit D: Request for Reimbursement.

Failure to comply with the terms of this Agreement may result in withholding of payment.

6. **Amendments.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties. **SUBRECIPIENT must submit a written request including a justification for any amendment to the COUNTY in writing at least forty five (45) calendar days before this Agreement expires.** No payment will be made for any services performed before the beginning date or after the expiration date of this Agreement. If the maximum compensation amount is increased by amendment, the amendment must be fully effective before SUBRECIPIENT performs work subject to the amendment.
7. **Termination.** This Agreement may be terminated by the mutual consent of both parties or by a party upon written notice from one to the other. This notice may be transmitted in person, by mail, facsimile, or by email, with confirming record of delivery confirmation through electronic mail return-receipt, or by confirmation that the electronic mail was accessed, downloaded, or printed. .
8. **Funds Available and Authorized.** The COUNTY certifies that it has been awarded funds sufficient to finance the costs of this Agreement. SUBRECIPIENT understands and agrees that payment of

amounts under this Agreement is contingent on the COUNTY receiving appropriations or other expenditure authority sufficient to allow the COUNTY, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement.

**9. Future Support.** COUNTY makes no commitment of future support and assumes no obligation for future support for the activities described herein except as set forth in this Agreement.

**10. Administrative Requirements.** SUBRECIPIENT agrees to its status as a SUBRECIPIENT, and accepts among its duties and responsibilities the following:

- a) **Financial Management.** SUBRECIPIENT shall comply with Generally Accepted Accounting Principles (GAAP) or another equally accepted basis of accounting, use adequate internal controls, and maintain necessary sources documentation for all costs incurred.
- b) **Revenue Accounting.** Grant revenue and expenses generated under this Agreement should be recorded in compliance with generally accepted accounting principles and/or governmental accounting standards. This requires that the revenues are treated as unearned income or “deferred” until the compliance requirements and objectives of the grant have been met. Revenue may be recognized throughout the life cycle of the grant as the funds are “earned”. All grant revenues not fully earned and expended in compliance with the requirements and objectives at the end of the period of performance must be returned to the County within 15 days.
- c) **Budget.** SUBRECIPIENT use of funds may not exceed the amounts specified in the Exhibit B: SUBRECIPIENT Program Budget. SUBRECIPIENT may not transfer grant funds between budget lines without the prior written approval of the COUNTY. At no time may budget modifications change the scope of the original grant application or Agreement.
- d) **Allowable Uses of Funds.** SUBRECIPIENT shall use funds only for those purposes authorized in this Agreement and in accordance with Exhibit F: Kindergarten Partnership and Innovation (KPI) program requirements.
- e) **Period of Availability.** SUBRECIPIENT may charge to the award only allowable costs resulting from obligations incurred during the term and effective date. Cost incurred prior or after this date will be disallowed.
- f) **Match.** Matching funds are not required for this Agreement.
- g) **Payment.** Routine requests for reimbursement should be submitted monthly by the 15<sup>th</sup> of the following month using the form and instructions in Exhibit D: Request for Reimbursement. SUBRECIPIENT must submit a final request for payment no later than fifteen (15) days after the end date of this Agreement.
- h) **Performance and Financial Reporting.** SUBRECIPIENT must submit Performance and Demographic Reports according to the schedule specified in Exhibit C: Performance Reporting Schedule. SUBRECIPIENT must submit Financial Reports according to the schedule specified in

Exhibit D: Request for Reimbursement. All reports must be submitted on the reporting forms provided (see Exhibits A-1, A-2, B, and D), must reference this Agreement number, and be signed and dated by an authorized official of SUBRECIPIENT.

- i) **Audit.** SUBRECIPIENT shall comply with the audit requirements prescribed by State and Federal law.
- j) **Monitoring.** SUBRECIPIENT agrees to allow access to conduct site visits and inspections of financial and programmatic records for the purpose of monitoring. COUNTY, and the Oregon Department of Education- Early Learning Division , and their duly authorized representatives shall have access to such records and other books, documents, papers, plans, records of shipments and payments and writings of SUBRECIPIENT that are pertinent to this Agreement, whether in paper, electronic or other form, to perform examinations and audits and make excerpts, copies and transcripts. Monitoring may be performed onsite or offsite, at the COUNTY's discretion.
- k) **Record Retention.** SUBRECIPIENT will retain and keep accessible all such financial records, books, documents, papers, plans, records of shipments and payments and writings for a minimum of six (6) years following the Project End Date (June 30, 2017), or such longer period as may be required by applicable law, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.
- l) **Failure to Comply.** SUBRECIPIENT acknowledges and agrees that this Agreement and the terms and conditions therein are essential terms in allowing the relationship between COUNTY and SUBRECIPIENT to continue, and that failure to comply with such terms and conditions represents a material breach of the original Agreement and this Agreement. Such material breach shall give rise to the COUNTY's right, but not obligation, to withhold SUBRECIPIENT grant funds until compliance is met, reclaim grant funds in the case of omissions or misrepresentations in financial or programmatic reporting, or to terminate this relationship including the original contract and all associated amendments.

## 11. Compliance with Applicable Laws

- a) **Public Policy.** SUBRECIPIENT expressly agrees to comply with all public policy requirements, laws, regulations, and executive orders issued by the Federal government, to the extent they are applicable to the Agreement, including, but not limited to: (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990, as amended; (iv) Executive Order 11246, as amended; (v) the Health Insurance Portability and Accountability Act of 1996; (vi) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vii) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (viii) all regulations and administrative rules established pursuant to the foregoing laws; and (ix) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations; and as applicable to SUBRECIPIENT.



- b) **State Statutes.** SUBRECIPIENT expressly agrees to comply with all statutory requirements, laws, rules, and regulations issued by the State of Oregon, to the extent they are applicable to the Agreement.
  
- c) **Conflict Resolution.** If conflicts are discovered among federal, state and local statutes, regulations, administrative rules, executive orders, ordinances and other laws applicable to the Services under the Agreement, SUBRECIPIENT shall in writing request COUNTY resolve the conflict. SUBRECIPIENT shall specify if the conflict(s) create a problem for the design or other Services required under the Agreement.

**12. State Procurement Standards.** Not applicable to this grant.

**13. General Agreement Provisions.**

- a) **Indemnification.** SUBRECIPIENT agrees to indemnify and hold COUNTY, its officers, elected officials, agents, and employees harmless with respect to any claim, cause, damage, action, penalty or other cost (including attorney's and expert fees) arising from or related to SUBRECIPIENT's negligent or willful acts or those of its employees, agents or those under SUBRECIPIENT's control. SUBRECIPIENT is responsible for the actions of its own agents and employees, and COUNTY assumes no liability or responsibility with respect to SUBRECIPIENT's actions, employees, agents or otherwise with respect to those under its control.
  
- b) **Insurance.** During the term of this Agreement, SUBRECIPIENT shall maintain in force, at its own expense, each insurance noted below:
  - 1) **Commercial General Liability.** SUBRECIPIENT shall obtain, at SUBRECIPIENT's expense, and keep in effect during the term of this Agreement, Commercial General Liability Insurance covering bodily injury, death, and property damage on an "occurrence" form in the amount of not less than \$3,000,000 per occurrence for the protection of COUNTY, its officers, commissioners, and employees. This coverage shall include Contractual Liability insurance for the indemnity provided under this Agreement. This policy(s) shall be primary insurance as respects to the COUNTY. Any insurance or self-insurance maintained by COUNTY shall be excess and shall not contribute to it.
  
  - 2) **Commercial Automobile Liability.** If the Agreement involves the use of vehicles, SUBRECIPIENT shall obtain at SUBRECIPIENT expense, and keep in effect during the term of this Agreement, Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. The combined single limit per occurrence shall not be less than \$3,000,000.
  
  - 3) **Professional Liability.** If the Agreement involves the provision of professional services, SUBRECIPIENT shall obtain and furnish the COUNTY evidence of Professional Liability Insurance covering any damages caused by an error, omission, or negligent act related to the services to be provided under this Agreement, with limits not less than \$3,000,000 per occurrence for the protection of the COUNTY, its officers, commissioners and

employees against liability for damages because of personal injury, bodily injury, death, or damage to property, including loss of use thereof, and damages because of negligent acts, errors and omissions in any way related to this Agreement. COUNTY, at its option, may require a complete copy of the above policy.

- 4) **Workers' Compensation.** Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). If Subrecipient is a subject employer, as defined in ORS 656.023, Subrecipient shall obtain employers' liability insurance coverage limits of not less than \$1,000,000.
- 5) **Additional Insured Provisions.** All required insurance, other than Professional Liability, Workers' Compensation, and Personal Automobile Liability and Pollution Liability Insurance, shall include "Clackamas County, its agents, officers, and employees" as an additional insured, as well as the State of Oregon, its officers, employees, and agents but only with respect to SUBRECIPIENT's activities under this Agreement. Coverage should be primary and non-contributory with any other insurance and self-insurance.
- 6) **Minors.** Not applicable to this grant.
- 7) **Notice of Cancellation.** There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 60 days written notice to the COUNTY. Any failure to comply with this provision will not affect the insurance coverage provided to COUNTY. The 60 day notice of cancellation provision shall be physically endorsed on to the policy.
- 8) **Insurance Carrier Rating.** Coverage provided by SUBRECIPIENT must be underwritten by an insurance company deemed acceptable by COUNTY. Insurance coverage shall be provided by companies admitted to do business in Oregon or, in the alternative, rated A- or better by Best's Insurance Rating. COUNTY reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.
- 9) **Certificates of Insurance.** As evidence of the insurance coverage required by this Agreement, SUBRECIPIENT shall furnish a Certificate of Insurance to COUNTY. No Agreement shall be in effect until the required certificates have been received, approved, and accepted by COUNTY. A renewal certificate will be sent to COUNTY 10 days prior to coverage expiration. The certificate(s) or an attached endorsement must specify: (i) all entities and individuals who are endorsed on the policy as Additional Insured and (ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage.
- 10) **Tail Coverage.** If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the Subrecipient shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous

“claims made” coverage is on or before the effective date of the Agreement, for a minimum of 36 months following the later of: (i) the Subrecipient’s completion and AGENCY ’s acceptance of all services required under the Agreement or, (ii) the expiration of all warranty periods provided under the Agreement. Notwithstanding the foregoing 36-month requirement, if the Subrecipient elects to maintain “tail” coverage and if the maximum time period “tail” coverage reasonably available in the marketplace is less than the 36-month period described above, then the Subrecipient may request and COUNTY may grant approval of the maximum “tail” coverage period reasonably available in the marketplace. If COUNTY approval is granted, the Subrecipient shall maintain “tail” coverage for the maximum time period that “tail” coverage is reasonably available in the marketplace.

- 11) **Primary Coverage Clarification.** SUBRECIPIENT coverage will be primary in the event of a loss and will not seek contribution from any insurance or self-insurance maintained by, or provided to, the additional insureds listed above. This must be noted on the insurance certificate.
  - 12) **Cross-Liability Clause.** A cross-liability clause or separation of insured’s condition will be included in all general liability, professional liability, and errors and omissions policies required by the Agreement.
  - 13) **Waiver of Subrogation.** SUBRECIPIENT agrees to waive their rights of subrogation arising from the work performed under this Agreement.
- c) **Assignment.** SUBRECIPIENT shall not enter into any Agreements or subawards for any of the Program activities required by the Agreement without prior written approval. This Agreement may not be assigned in whole or in part with the express written approval of the COUNTY.
  - d) **Independent Status.** SUBRECIPIENT is independent of the COUNTY and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder. SUBRECIPIENT is not an agent of the COUNTY and undertakes this work independent from the control and direction of the COUNTY excepting as set forth herein. SUBRECIPIENT shall not seek or have the power to bind the COUNTY in any transaction or activity.
  - e) **Notices.** Any notice provided for under this Agreement shall be effective if in writing and (1) delivered personally to the addressee or deposited in the United States mail, postage paid, certified mail, return receipt requested, (2) sent by overnight or commercial air courier (such as Federal Express), (3) sent by facsimile transmission, with the original to follow by regular mail; or, (4) sent by electronic mail with confirming record of delivery confirmation through electronic mail return-receipt, or by confirmation that the electronic mail was accessed, downloaded, or printed. Notice will be deemed to have been adequately given three days following the date of mailing, or immediately if personally served. For service by facsimile or by electronic mail, service will be deemed effective at the beginning of the next working day.
  - f) **Governing Law.** This Agreement is made in the State of Oregon, without giving effect to the conflict of law provisions thereof, and shall be governed by and construed in accordance with the laws of

that state. Any litigation between the COUNTY and SUBRECIPIENT arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Clackamas County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

- g) **Severability.** If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.
- h) **Counterparts.** This Agreement may be executed in any number of counterparts, all of which together will constitute one and the same Agreement. Facsimile copy or electronic signatures shall be valid as original signatures.
- i) **Third Party Beneficiaries.** Except as expressly provided in this Agreement, there are no third party beneficiaries to this Agreement. The terms and conditions of this Agreement may only be enforced by the parties.
- j) **Binding Effect.** This Agreement shall be binding on all parties hereto, their heirs, administrators, executors, successors and assigns.
- k) **Integration.** This Agreement contains the entire Agreement between COUNTY and SUBRECIPIENT and supersedes all prior written or oral discussions or Agreements.
- l) **Waiver.** The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by such party of that or any other provision.

(Signature Page Attached)

SIGNATURE PAGE TO SUBRECIPIENT AGREEMENT

(CLACKAMAS COUNTY)

AGREED as of the Effective Date.

**SUBRECIPIENT**

Todos Juntos  
PO Box 645  
Canby, OR 97013

**CLACKAMAS COUNTY**

Commissioner Jim Bernard, Chair  
Commissioner Sonya Fischer  
Commissioner Ken Humberston  
Commissioner Paul Savas  
Commissioner Martha Schrader

By:   
Eric Johnston, Executive Director

Dated: 3/8/17

**Signing on behalf of the Board:**

By: \_\_\_\_\_  
Richard Swift, Director  
Health, Housing & Human Services

Dated: \_\_\_\_\_

By:   
Rodney A. Cook, Director  
Children, Youth & Families Division

Dated: 3-14-17

Approved to Form

By:   
County Counsel

- Exhibit A-1: Work Plan Quarterly Report
- Exhibit A-2: Demographic Quarterly Report
- Exhibit B: Budget
- Exhibit C: Performance and Demographic Reporting Schedule
- Exhibit D: Request for Reimbursement
- Exhibit E: Special Terms and Conditions
- Exhibit F: Kindergarten Partnership and Innovation Program Requirements

**EXHIBIT A - 1**  
**Clackamas County – Children, Youth & Families**  
**Innovative Kindergarten Partnership Programming and Services**  
**2017 Work Plan and Quarterly Report**

Provider: Todos Juntos  
 Activity: KPI Services  
 KPI Project Contact: Eric Johnston  
 Contract Period: January 1, 2017 – June 30, 2017

<b>Section I: CROSS-SECTOR COLLABORATION</b>
List Schools, Districts, Organizations, and Collaboratives that participated in planning/implementation of this project:
___ # of CCECC meetings attended during the reporting period

<b>Section II: PROFESSIONAL DEVELOPMENT ACTIVITIES</b>
N/A

<b>Section III: FAMILIES AND CHILDREN</b>
Did your KPI project provide any <b>new</b> or <b>enhanced</b> school or community-based family events, workshops, training, or kindergarten transition activities <b>during the reporting period</b> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>1. If yes</b> , in which school districts/communities did these family events activities occur?
<b>2. If yes</b> , please use the information collected on the "Family Engagement and Child Demographic Survey" and/or the "Family Engagement Sign-in Sheet" to complete <b>Table IIIA</b> below.
<i>Please include only those activities that were wholly or partially funded through KPI and would NOT have occurred without this funding.</i>

<b>Definitions:</b>
<b>Trainings/workshops</b> are typically a single event or occur at one point in time, usually for a relatively small group of professionals focusing on specific techniques or skills.
<b>Conferences</b> are typically longer in duration or for multiple days, for a relatively large group of professionals, to gather and talk about ideas or problems related to a specific topic.
A <b>Series</b> is typically a training, workshop, or class that extends over 3 or more sessions usually over an extended period of time, with the expectation that the same group of people attend each session.

**Table III A. Family Engagement/Kindergarten Transition Activity Tracking**

Child Focused Activity SERIES	Focus Areas (Select all that apply)	# Parents/Caregivers served	# Participating Children	Primary Languages Represented	Total # Children by Race/Ethnicity
By June 30, 2017, coordinate programming and services to a minimum of 15 core children in the Estacada School District to improve pro-social and academic skills and targeted behaviors	<input type="checkbox"/> Parenting Education			Complete the quarterly demographic report	Complete the quarterly demographic report
	<input type="checkbox"/> Social-Emotional Development				
	<input type="checkbox"/> Language & Literacy				
	<input type="checkbox"/> Kindergarten Transition				
	<input type="checkbox"/> Other – please list				
___ # of children assessed. Tool(s) used _____					
___ # of children demonstrating improved social/emotional skills (Target 85%)					
___ # of children demonstrating academic improvement (Target 85%)					

Child Focused Activity SERIES	Focus Areas (Select all that apply)	# Parents/Caregivers served	# Participating Children	Primary Languages Represented	Total # Children by Race/Ethnicity
By June 30, 2017, provide afterschool literacy support (2 hours, 2 times per week) to a minimum of 15 children at River Mill Elementary	<input type="checkbox"/> Parenting Education			Complete the quarterly demographic report	Complete the quarterly demographic report
	<input type="checkbox"/> Social-Emotional Development				
	<input type="checkbox"/> Language & Literacy				
	<input type="checkbox"/> Kindergarten Transition				
	<input type="checkbox"/> Other – please list				
___ # of children demonstrating improved reading and comprehension skills. Tool used to assess: _____ (Target 75%)					

Child Focused Activity SERIES	Focus Areas (Select all that apply)	# Parents/Caregivers served	# Participating Children	Primary Languages Represented	Total # Children by Race/Ethnicity
By June 30, 2017, a minimum of 15 Pre-K children at River Mill Elementary School will participate in "Little Chippers" programming (1 time per month for 4 months) to facilitate kindergarten readiness	<input type="checkbox"/> Parenting Education			Complete the quarterly demographic report	Complete the quarterly demographic report
	<input type="checkbox"/> Social-Emotional Development				
	<input type="checkbox"/> Language & Literacy				
	<input type="checkbox"/> Kindergarten Transition				
	<input type="checkbox"/> Other – please list				
___ # of parents completing an evaluation survey					
___ # of parents reporting they have learned new ways to support their child's learning and development					
___ # of parents reporting increased awareness of Pre-K resources for their children					
___ # of children demonstrating improved self-regulation skills (following routines, cooperating, communicating, etc.) Tool used to measure: _____ (Target 85%)					

Family Activity SERIES	Focus Areas (Select all that apply)	# Parents/Caregivers served	# Participating Children	Primary Languages Represented	Total # by Race/Ethnicity
By June 30, 2017, host a minimum of 3 Family Engagement Nights in Estacada for 20 families to improve knowledge of early learning and connection to school	<input type="checkbox"/> Parenting Education			Complete the quarterly demographic report	Complete the quarterly demographic report
	<input type="checkbox"/> Social-Emotional Development				
	<input type="checkbox"/> Language & Literacy				
	<input type="checkbox"/> Kindergarten Transition				
	<input type="checkbox"/> Other – please list				
# parents attending in Sandy _____ # parents attending in Estacada _____ # of Sandy parents completing evaluation survey _____ # of Sandy parents reporting increased awareness of Pre-K resources for their children _____ # of Estacada parents completing evaluation survey _____ # of Estacada parents reporting increased awareness of Pre-K resources for their children _____ # of parents reporting increased connection to and knowledge about Sandy Grade School _____ # of parents reporting increased connection to and knowledge about River Mill Elementary _____ # of parents receiving vouchers or other transportation assistance – Estacada _____ # of parents receiving vouchers or other transportation assistance – Sandy _____					
Family/Child Activity SERIES	Focus Areas (Select all that apply)	# Parents/Caregivers served	# Participating Children	Primary Languages Represented	Total # by Race/Ethnicity
By June 30, 2017, a minimum of 20 parents (10 each at both Sandy and Estacada) and their children will participate in weekly Playgroups at the Library	<input type="checkbox"/> Parenting Education			Complete the quarterly demographic report	Complete the quarterly demographic report
	<input type="checkbox"/> Social-Emotional Development				
	<input type="checkbox"/> Language & Literacy				
	<input type="checkbox"/> Kindergarten Transition				
	<input type="checkbox"/> Other – please list				
# of parents reporting they have learned new ways to support their child's learning and development – Sandy. _____ # Sandy parents surveyed # of parents reporting their child has gained confidence interacting with other children – Sandy _____ # of parents reporting they have learned new ways to support their child's learning and development – Estacada _____ # Estacada parents surveyed # of parents reporting that their child has gained confidence interacting with other children – Estacada _____					



**Clackamas County – Children, Youth & Families Work Plan 2016 – 2017**  
**Todos Juntos Comments and Narrative**

**Project Manager** \_\_\_\_\_  
**Project Staff** \_\_\_\_\_

1. Provide detailed information to explain the numbers and activities reported in the work plan above.
  - a. General project information
  - b. Family Focused Activities
  - c. Child Focused Activities
2. What are your **successes** this quarter, and what are some of the most impactful practices that your organization has implemented as a result of this project?
3. What **challenges** have you experienced this quarter? What areas for improvement?

## **Reporting Requirements**

### Quarterly Report, Demographic Data Form & Project Testimonial

- January 1 – March 31: **Due April 15, 2017 (Quarterly Report & Demographic Data Form)**
- April 1 – June 30: **Due July 15, 2017 (Quarterly Report, Demographic Data Form & Testimonial)**

### Testimonial or story

Your testimonial page serves as a platform to demonstrate how this project has facilitated innovative approaches for linking Early Learning with K-12 education. It is an opportunity to highlight your organization and the impact of your work in the community through this project. Testimonials will be presented to The Clackamas County Early Learning Hub Council as a part of the final report.

### Client Surveys

Clackamas County's initiative to measure client satisfaction with direct services provided or funded by the county (if applicable).

### Outcomes Surveys for Multisession Events (3+ sessions) for:

- Families (use the Family Events Outcomes Survey) - To be administered on the last session of the event
- Professionals (early learning providers & K-12 Staff- Use the Shared Professional Development Outcomes Survey) during shared professional development activities
  - Two versions are available- Early Learning Providers or K-12 Staff

### Submitting the Outcome Surveys:

- Surveys are submitted through the Clackamas ELH Google Site
  - <https://sites.google.com/a/pdx.edu/kindergarten-readiness-partnership-innovation-clackamas-county-elh/home>
  - Once on the site click on the appropriate "To enter data" tab
  - Once the data has been submitted, please send over scanned copies of the completed surveys to Kimberly Lopez at [klopez@co.clackamas.or.us](mailto:klopez@co.clackamas.or.us)
  - **Surveys are to be submitted no later than 10 days after the last multisession event.**

### Creation and Distribution of Educational Materials and Resources

If grantees intend to develop educational or promotional materials that are funded through CYF, they must be included in the quarterly reports. Include the Health, Housing and Human Services Clackamas County Early Learning Hub Logo.



Exhibit B: BUDGET – KPI Services	
<b>Subrecipient:</b> Todos Juntos <b>Address:</b> PO Box 645 Canby, OR 97013 <b>Contact Person:</b> Eric Johnston <b>Phone Number:</b> 503-544-1315 <b>E-mail:</b> <a href="mailto:ejtodosjuntos@comcast.net">ejtodosjuntos@comcast.net</a> <b>Contract Term:</b> January 1, 2017 - June 30, 2017 <b>Contract #:</b> CYF-8100	
Budget Category	Budget
<b>Personnel</b>	
KPI Coordinators(2 @ .45 FTE), Supervision @ .04FTE, fringe @.115	\$ 25,980.00
<b>Personnel Total</b>	<b>\$ 25,980.00</b>
<b>Administration @ 10%</b>	\$ 2,500.00
<b>Administration Total</b>	<b>\$ 2,500.00</b>
<b>Program</b>	
Telecommunications	\$ 300.00
Supplies	\$ 600.00
Audit/insurance	\$ 1000.00
Mileage	\$ 800.00
Transportation for participants	\$ 2,500.00
<b>Program Total</b>	<b>\$ 5,200.00</b>
<b>Total Budget</b>	<b>\$ 33,680.00</b>

**Project Officer Name:** Kimberly Lopez  
**Division:** Clackamas County Children, Youth & Families Division  
**Email:** klopez@clackamas.us  
**Phone:** 503-650-5680

## EXHIBIT C

### PERFORMANCE AND DEMOGRAPHIC REPORTING SCHEDULE

1. SUBRECIPIENT must submit a QUARTERLY Performance Report to the Clackamas County Early Learning System Coordinator no later than the 15<sup>th</sup> day of the month following the end of the calendar quarter.
2. SUBRECIPIENT must submit a QUARTERLY Demographic Data Form to the Early Learning Hub Systems Coordinator no later than the 15<sup>th</sup> of the month following the end of the calendar quarter.
3. SUBRECIPIENT must submit Client Survey results to the Early Learning Hub Systems Coordinator no later than the 30<sup>th</sup> day of the month following the end of the quarter (Client Surveys should be administered only to direct service clients, if any are served in this project).
4. SUBRECIPIENT must submit Families and Professional Outcomes Surveys for Multisession Events (3+ sessions) no later than the 15<sup>th</sup> day of the month following the last session.
5. SUBRECIPIENT must submit a Final Performance Report and Testimonial no later than July 15, 2017.

All reports (work plan and demographic) reports must be submitted electronically on the templates provided (see Exhibit A-1: Work Plan Quarterly Report and Exhibit A-2: Quarterly Demographic Report).

In addition to reports, SUBRECIPIENT must notify the Early Learning Hub Systems Coordinator of developments that have a significant impact on the grant supported activities. SUBRECIPIENT must inform Early Learning Hub Systems Coordinator as soon as problems, delays, or adverse conditions become known which impair the ability to meet the outputs/outcomes specified. The notification shall include a statement of the actions taken, and the assistance needed to resolve the situation.

**Exhibit D: REQUEST FOR REIMBURSEMENT**

Note: This form derives from the approved budget in your grant agreement.  
 All expenditures must have adequate supporting documentation.

<b>Contractor:</b> <u>Todos Juntos</u>		<b>Report Period:</b> _____
<b>Address:</b> <u>PO Box 645</u>		<b>Contract #:</b> <u>CYF-8100</u>
<u>Canby OR 97013</u>		
<b>Contact Person:</b> <u>Eric Johnston</u>		
<b>Phone Number:</b> <u>503-544-1315</u>		
<b>E-mail:</b> <u>eitodosjuntos@comcast.net</u>		
<b>Contract Term:</b> <u>January 1, 2017 - June 30, 2017</u>		

Budget Category	Budget	Current Draw Request	Previously Requested	Balance
<b>Personnel</b>		\$ -	\$ -	\$ -
KPI Coordinators(2 @ .45 FTE), Supervision @ .04FTE, fringe @.115	\$ 25,980.00	\$ -	\$ -	\$ 25,980.00
<b>Personnel Total</b>	<b>\$ 25,980.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 25,980.00</b>
Administration @ 10% of staffing	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
<b>Administration Total</b>	<b>\$ 2,500.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,500.00</b>
<b>Program</b>		\$ -	\$ -	\$ -
Telecommunications	\$ 300.00	\$ -	\$ -	\$ 300.00
Supplies	\$ 600.00			
Audit/Insurance	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00
Mileage	\$ 800.00			
Transportation for participants	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
<b>Program Total</b>	<b>\$ 5,200.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,200.00</b>
<b>Total Budget</b>	<b>\$ 33,680.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 33,680.00</b>

Clackamas County retains the right to inspect all financial records and other books, documents, papers, plans, records of shipments and payments and writings of Recipient that are pertinent to this Agreement.

**CERTIFICATION**

*By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the award.*

**Prepared by:** \_\_\_\_\_

**Authorized Signer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Department Review**

**Project Officer Name:** Kimberly Lopez  
**Department:** Children, Youth & Families  
**Signature:** \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT E SPECIAL TERMS AND CONDITIONS**

### **1. Confidentiality of Client Information.**

- a. All information as to personal facts and circumstances obtained by SUBRECIPIENT on the client shall be treated as confidential and shall not be divulged without the written consent of the client, the responsible parent of a minor child, or his or her guardian except as required by other terms of this Agreement. Nothing prohibits the disclosure of information in summaries, statistical, or other form, which does not identify particular individuals.
- b. The use of disclosure of information concerning clients shall be limited to persons directly connected with the administration of this Agreement. Confidentiality policies shall be applied to all requests from outside sources.
- c. SUBRECIPIENT, COUNTY, and ODE will share information as necessary to effectively serve clients under this Agreement.

### **2. Amendments.**

- a. COUNTY reserves the right to amend or extend the Agreement under the following general circumstance:
  - i. COUNTY may extend the Agreement for additional periods, and for additional money associated with the extended period(s) of time. The determination for any extension for time may be based on COUNTY's satisfaction with performance of the work or services provided by the SUBRECIPIENT under this Agreement.
- b. COUNTY further reserves the right to amend the Work Plan based on the following:
  - i. Programmatic changes/additions or modifications deemed necessary to accurately reflect the original intention of the work that may not have been expressed in the original Agreement or previous amendments to the Agreement;
  - ii. Implement additional phases of the work;
  - iii. As necessitated by changes in Code of Federal Regulations, Oregon Revised Statutes, of Oregon Administrative Rules which, in part or in combination, govern the provision of services provided under this Agreement.
  - iv. Upon identification, by any party to this Agreement, of any circumstance which may require an amendment to this Agreement, the parties may enter into negotiations regarding the proposed modifications. Any resulting amendment must be in writing and be signed by all parties to the Agreement before the modified or additional provisions are binding on either party.

### **3. Background Checks. Reserved.**

**4. Media Disclosure.** The SUBRECIPIENT will not provide information to the media regarding a recipient of services under this Agreement without first consulting the Agreement Administrator. SUBRECIPIENT will make immediate contact with the COUNTY when media contact occurs. COUNTY will assist SUBRECIPIENT with an appropriate follow-up response for the media.

### **5. Mandatory Reporting. Reserved.**

**6. Nondiscrimination.** SUBRECIPIENT must provide services to clients without regard to race, religion, national origin, sex, age, marital status, sexual orientation or disability (as defined under the Americans with Disabilities Act). Services must reasonably accommodate the cultural, language and other special needs of clients.

## 7. Ownership of Intellectual Property.

- a. Definitions. The following terms have the meaning set forth below:
  - i. “Subrecipient Intellectual Property” means any intellectual property owned by Subrecipients and developed independently from the Work.
  - ii. “Third Party Intellectual Property” means any intellectual property owned by parties other than Subrecipient, County, or ODE.
  - iii. “Work Product” means every invention, discovery, work of authorship, trade secret or other tangible or intangible item and all intellectual property rights therein that Subrecipient is required to deliver to County pursuant to the Work.
- b. Original Works. All Work Product created by Subrecipient pursuant to the Work, including derivative works and compilations, and whether or not such Work Product is considered a “work made for hire”, shall be the exclusive property of the County, and ultimately ODE. Subrecipient, County and ODE agree that all Work Product is “work made for hire” of which County and ODE is the author within the meaning of the United States Copyright Act. If for any reason the original Work Product created pursuant to the Work is not “work made for hire”, Subrecipient hereby irrevocably assigns to County and ODE any and all of its rights, title, and interest in all original Work Product created pursuant to the Work, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Upon County and/or ODE’s reasonable request, Subrecipient shall execute such further documents and instruments necessary to fully vest such rights in County and ODE. Subrecipient forever waives any and all rights relating to original Work Product created pursuant to the Work, including without limitation, any and all rights arising under 17 U.S.C. §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.
- c. In the event the Work Product is Subrecipient Intellectual Property, a derivative work based on Subrecipient Intellectual Property or a compilation that includes Subrecipient Intellectual Property, Subrecipient hereby grants to County and ODE an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display Subrecipient Intellectual Property and the preexisting elements of Subrecipient Intellectual Property employed in the Work Product, and to authorize others to do the same on County’s and ODE’s behalf.
- d. In the event that Work Product is Third Party Intellectual Property, a derivative work based on Third Party Intellectual Property or a compilation that includes Third Party Intellectual Property, Subrecipient shall secure on County’s and ODE’s behalf in the name of ODE an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Third Party Intellectual Property and the preexisting elements of the Third Party Intellectual Property employed in the Work Product, and to authorize others to do the same on County’s and ODE’s behalf.

## EXHIBIT F

### KINDERGARTEN PARTNERSHIP AND INNOVATION (KPI) PROGRAM REQUIREMENTS

1. **Program Purpose.** SUBRECIPIENT will provide KPI services in Clackamas County as described in section 3 below. KPI Services will be implemented in a manner that supports achievement of connections between early learning and K-12 education systems, and the outcomes set by the Early Learning Division:
  - I. The early childhood system is aligned, coordinated and family-centered.
  - II. Children are supported to enter school ready to succeed.
  - III. Families are healthy, stable, and attached.
2. **Eligibility.** All children and their families.
3. **Services.** KPI services should assist children in becoming ready for and successful in kindergarten including, but not limited to preschool and other early learning opportunities in connection with other community based providers, licensed childcare providers, elementary schools, and/or other providers of early learning services.
4. **Restrictions on Use of Funds.** Providers of KPI services are limited to Education Service Districts (ESD) K-12 school districts, non-profit organizations, and post-secondary institutions. Funds may not be used for capital expenses, such as facilities, or to supplant existing federal or state funds. Capital expenses do not include operating supplies such as books, curriculum, materials, manipulatives, or furniture that is developmentally appropriate for young children.
5. **Administrative overhead.** Administrative overhead may not exceed 15% of program and personnel costs.





MIKE MCCALLISTER  
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 23, 2017

Department of Transportation and Development  
Clackamas County

Members of the Board:

**Approval of Intergovernmental Agreement (IGA) with the City of Molalla  
To Provide On-Call Planning Services to the City**

<b>Purpose/Outcomes</b>	Agreement with the City of Molalla to provide the City with On-Call Planning Services, as agreed upon by the City Manager and County Planning Director.
<b>Dollar Amount and Fiscal Impact</b>	None. Services would be billed based on the hourly rates identified in Exhibit A of the IGA.
<b>Funding Source</b>	No County funds would be expended; all services would be paid for by City.
<b>Duration</b>	Until terminated by either party with 60 days written notice.
<b>Previous Board Action</b>	Through similar IGAs approved by the Board, the County's Planning and Zoning Division has provided planning services to the city at various times in the past. The most recent such IGA expired in June 30, 2015.
<b>Strategic Plan Alignment</b>	Build public trust through good government
<b>Contact Person</b>	Martha Fritzie, Senior Planner, Planning & Zoning Division, Department of Transportation and Development 503.742.4529

**BACKGROUND:** The County Planning & Zoning Division has intermittently provided both current and long-range planning services to the City of Molalla for the past few decades as staffing levels in the city have fluctuated. The most recent IGA to provide planning services expired on June 30, 2015.

In January of 2017, Molalla's City Manager approached the County's Planning Director to discuss County staff working on one, and possibly more, planning projects for the City. In order to provide this service, a new Intergovernmental Agreement (IGA) needs to be executed between the City and County. This IGA provides for "on-call" planning services, in which the City would request County staff to work on a specific planning project or task, and the County would accept or decline the request. All time and expenses expended by County staff would be paid for by the City. The Agreement would continue until terminated by either party upon sixty (60) days written notice.

County Counsel has reviewed and approved this item.

**RECOMMENDATION:** Staff recommends the Board approve and authorize the Chair to sign the attached Intergovernmental Agreement (IGA) between the City of Molalla and Clackamas County.

Respectfully submitted,

Martha Fritzie, Senior Planner  
Planning & Zoning Division,  
Department of Transportation and Development

**INTERGOVERNMENTAL AGREEMENT**  
**Between the City of Molalla and Clackamas County**

This Agreement is entered into by and between the City of Molalla ("CITY"), a municipal corporation of the State of Oregon, and Clackamas County ("COUNTY"), a political subdivision of the State of Oregon.

WHEREAS, ORS 190.003 to 190.030 allows units of local government to enter into an agreement for the performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, the CITY desires a contractual relationship with the COUNTY whereby the COUNTY will be responsible for providing certain land use planning services on behalf of the CITY; and

WHEREAS, the CITY and the COUNTY desire to provide excellent public service to their citizens and accomplish this goal in the most effective and efficient manner.

NOW THEREFORE, it is agreed by the parties as follows:

**1. EFFECTIVE DATE AND TERMINATION**

- a. This Agreement shall commence upon execution by both parties and continue until terminated by either party.
- b. Either party may unilaterally terminate the agreement by providing at least sixty (60) days written notice to the other party. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

**2. PLANNING SERVICES**

- a. The City hereby agrees to retain the County for, and the County hereby agrees to provide, long range planning services as mutually agreed upon by both the City and the County.
  - i. Long range planning services, including the financing or budgeting of these services, will be considered by the County on a case-by-case basis upon written request by the City.
  - ii. Upon receipt of a written request from the City to perform long range planning services, the County shall advise the City within fourteen (14) days its decision to accept or decline the request.
- b. The City may consider retaining the County to provide planning permitting services on an as needed basis as mutually agreed upon by both the City and the County.

- i. The provision of planning permitting services will be considered by the County upon written request by the City.
  - ii. Upon receipt of a written request from the City to perform planning permitting services, the County shall advise the City within fourteen (14) days its decision to accept or decline the request.
- c. If the County provides planning permitting services, County staff shall process land use applications pursuant to the comprehensive plan, zoning, partitioning and subdivision provisions applicable to the City. These services may include:
- i. Reviewing, making recommendations and issuing decisions on quasi-judicial and administrative applications;
  - ii. Conducting all pre-application meetings and responding to substantive inquiries regarding specific development proposals, and providing the city manager, or designee, notice of such meeting and copies of minutes, if any, from such meetings;
  - iii. Receiving all land use applications and accompanying fees, and provide the city manager, or designee, with a monthly report of all applications;
  - iv. Creating and maintaining land use application files until transferred to the City;
  - v. Reviewing land use applications for completeness and notifying applicants and the city manager, or designee, accordingly;
  - vi. Notifying the public as required by state and applicable local provisions;
  - vii. Preparing staff reports for land use applications and providing copies of the same to the city manager, or designee;
  - viii. Prepare presentations for Planning Commission and City Council meetings;
  - ix. Preparing presentations for City Council meetings;
  - x. Preparing City Council packets;
  - xi. Attending meetings of the City Council, Citizen Advisory Committees and other public agencies or civic groups as required;
  - xii. Issuing appropriate notices to state and regional agencies, including the Department of Land Conservation and Development and Metro, as required by state and local laws, and provide copies of the same to the city manager, or designee;
  - xiii. Issuing decisions on administrative applications;

- xiv. Performing public services tasks including, but not limited to, responding to land use and other planning inquiries, dispersing related informational handouts and materials, and evaluating and approving land use compatibility statements;
  - xv. Performing other related tasks specifically requested by the City and agreed to in writing by the County.
- d. The City may utilize the services of the Clackamas County Hearings Officer as mutually agreed upon by both the City and the County. The Clackamas County Hearings Officer shall review and decide administrative actions in accordance with the requirements of the applicable City provisions.

### **3. APPEALS**

- a. The CITY rather than the COUNTY will be responsible for defending appellate review of decisions under this agreement including, but not limited to appeals to the Land Use Board of Appeal, Writs of Review and review by the Land Conservation and Development Commission.
- b. Any party receiving a Notice of Intent to Appeal, Writ of Review or other notice of appellate review will promptly forward it to the other party.

### **4. METHOD OF COMPENSATION**

- a. The CITY shall reimburse COUNTY for labor and out-of-pocket expenses incurred while performing services under this Agreement, including those costs associated with the Hearings Officer, if used. The current schedule of fees are set forth in Exhibit A, attached hereto, showing hourly staffing costs. The CITY and COUNTY anticipate that these fees will be increased at least annually to reflect actual increases in County staffing costs. COUNTY shall provide written notice to CITY of any such increases no later than April 1, and any such changes shall not occur until the following July 1. Services are to be performed at the lowest and most practicable cost to the CITY. The CITY shall collect and retain any permit fees directly from the applicant and any amounts due from the CITY to the COUNTY shall not be offset by permit fees collected on behalf of the CITY in the course of normal work performed under this Agreement. Transportation vehicle expenses incurred during the performance of contracted services will be reimbursed according to invoices submitted by the COUNTY to the CITY.
- b. Invoices, in sufficient detail to reflect the above, presented in connection with this Agreement are due and payable within thirty (30) days of receipt. All charges will be billed monthly. To dispute an invoice, CITY must notify COUNTY prior to the due date and the Parties agree to follow the dispute resolution provisions of this Agreement to resolve such disputes.

## 5. HOLD HARMLESS

- a. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the COUNTY agrees to indemnify, save harmless and defend the CITY, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the COUNTY or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the COUNTY has a right to control that are performed pursuant to this Agreement.
- b. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the CITY agrees to indemnify, save harmless and defend the COUNTY, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the CITY or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the city has a right to control that are performed pursuant to this Agreement.
- c. For purposes of this Section 5, a loss or claim arising out of or resulting from any matter where a final decision was made by the City Council, City Planning Commission, City Hearings Officer or other similar body shall be considered to be attributable to an act or omission of the CITY.
- d. In any matter where it is unclear to which party a loss of claim is attributable to, the City Manager and County Administrator shall endeavor to reach an agreement on the defense of the loss or claim.

## 6. DISPUTE RESOLUTION

- a. Continued Performance. Unless this agreement is terminated, neither party shall suspend performance of its obligations hereunder pending the resolution of a dispute.
- b. Negotiation/Mediation. The parties shall attempt to resolve all disputes by negotiation and voluntary mediation. The parties shall share equally in all common costs of mediation.

## 7. GENERAL TERMS

- a. **Oregon Law and Forum/Venue/Trial Without Jury.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Clackamas County, Oregon. Any litigation arising under or as a result of this Agreement shall be tried to the court without a jury. Each party agrees to

be responsible for payment of its own professional fees, including attorneys' fees in both mediation and litigation.

- b. **Applicable Law.** The Parties hereto agree to comply in all ways with applicable local, state and federal ordinances, statutes, laws and regulations.
- c. **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.
- d. **Record and Fiscal Control System.** All payroll and financial records pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible. Such records and documents should be retained for a period of three (3) years after receipt of final payment under this Agreement; provided that any records and documents that are the subject of audit findings shall be retained for a longer time until such audit findings are resolved
- e. **Access to Records.** The Parties acknowledge and agree that each Party, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.
- f. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
- g. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the parties.
- h. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either party to

enforce any provision of this Agreement shall not constitute a waiver by such party of that or any other provision.

- i. **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
- j. **Independent Contractor.** Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.
- k. **No Third-Party Beneficiary.** Neither Party intends that this Agreement benefit, or create any right or cause of action in, or on behalf of, any person or entity other than the County or the District.
- l. **No Assignment.** No Party shall have the right to assign its interest in this Agreement (or any portion thereof) without the prior written consent of the other party, which consent may be withheld for any reason. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors of the Parties.
- m. **Counterparts.** This Agreement may be executed in any number of counterparts (electronic, facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
- n. **Authority.** Each Party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a Party represents that it has been authorized by that Party to execute and deliver this Agreement.
- o. **Other Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.
- p. **Clarification/Memoranda.** Upon identification of provisions of this Agreement that need interpretation or clarification, the Parties may prepare memoranda of understanding detailing the agreed-upon interpretation of this Agreement. Such memoranda must be presented for review and approval by the City Manager and County Administrator.

**[Signatures on Following Page]**

IN WITNESS THEREOF, the parties have executed this Agreement by the date set forth opposite their names below.

CITY Of Molalla

By:   
Dan Huff, City Manager

Date: 2-23-17

ATTEST:

By:   
City Recorder

Approved as to Form:

By:   
City Attorney

CLACKAMAS COUNTY

By: \_\_\_\_\_  
Chair  
Board of County Commissioners

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Recording Secretary



January 26, 2017

Exhibit A

Re: Planning staff rates for Clackamas County IGAs 2016-2017\*

Staff	Hourly Rate*
Planning Director	\$178.71
Principal Planner	\$141.47
Senior Planner	\$117.76
Planner 2	\$ 103.60
Planner 1	\$ 87.07
Administrative Assistant	\$ 86.84
Permit Specialist	\$ 81.25

*\* Rates indicated are for the 2016-2017 budget year. Rates are subject to increase reflective of COLA, merit pay increases, etc.*



M. BARBARA CARTMILL  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval of an Intergovernmental Agreement with the City of Wilsonville regarding  
Transfer of road authority for portions of Stafford Road and Advanced Road

<b>Purpose/Outcomes</b>	Jurisdictional transfer roadway authority for portions of Stafford Rd and Advanced Rd to City of Wilsonville
<b>Dollar Amount and Fiscal Impact</b>	Cost savings to the County due to the elimination of staff time and maintenance monies for these portions of roadway throughout project construction and upon final transfer.
<b>Funding Source</b>	N/A
<b>Duration</b>	Upon execution; permanent transfer.
<b>Previous Board Action</b>	None.
<b>Strategic Plan Alignment</b>	Build a strong infrastructure. Build public trust through good government.
<b>Contact Person</b>	Rick Maxwell- Engineering Tech – 503-742-4671
<b>Contract No.</b>	N/A

The City of Wilsonville is in the process of constructing of a major school/roadway project. It is in the best interest of both parties and the public that this project be constructed using City standards. This IGA assures that the city will request the transfer of jurisdiction for portions of the affected roadways. In exchange, the County will allow the roadways to be built to the City's design standards. This agreement has been reviewed and approved by County Counsel.

**RECOMMENDATION:**

Staff respectfully requests that the Board approve the attached IGA between Clackamas County and the City of Wilsonville to transfer and grant roadway authority for portions of Stafford road and Advance road.

Respectfully submitted,

Mike Bezner  
Assistant Director – Department of Transportation and Development

Attachments:  
Intergovernmental Agreement  
Resolution No. 2608

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT  
FOR FUTURE TRANSFER OF ROADWAY AUTHORITY  
ON PORTIONS OF STAFFORD ROAD AND ADVANCE ROAD  
FROM CLACKAMAS COUNTY TO THE CITY OF WILSONVILLE**

RECITALS:

- A. WHEREAS, the City of Wilsonville (“City”), an Oregon municipal corporation, and Clackamas County (“County”), an Oregon municipal corporation, are authorized pursuant to ORS 190.003 et seq. to enter into intergovernmental agreements for the performance of any and all functions and activities that a party, or its officers or agencies, have authority to perform; and
- B. WHEREAS, the City and the West Linn-Wilsonville School District (“District”), an Oregon school district, have previously entered into an Intergovernmental Cooperative Agreement (dated January 14, 2016), as authorized pursuant to ORS 280.150, to “jointly, in such manner as they shall agree upon, construct, acquire, own, equip, operate and maintain facilities which will directly aid each participating governmental unit in performing a duty or duties imposed upon it or aid in exercising a power or powers conferred upon it, and may appropriate money and may issue bonds therefore”; and
- C. WHEREAS, the District has undertaken construction of the Meridian Creek Middle School, with a scheduled opening in the fall of 2017; and
- D. WHEREAS, the development of this school site will require, as conditions for development approval, the construction of a public road system to access the site, improvements to connecting roads serving the site, installation of a signalized intersection, extension of water and sanitary sewer main lines, and providing of storm drainage systems; and
- E. WHEREAS, the District is responsible for acquiring all property for right-of-way and easements required to support all street and utility improvements and transfer the right-of-way and easements to the City; and
- F. WHEREAS, the City has agreed with the County to transfer the roadway authority on those portions of Stafford Road and Advance Road receiving construction improvements, as depicted in Exhibit “A”; and

- G. WHEREAS, the acquisition of the property required for right-of-way and easements has been delayed and will likely not be completed until after the District has received bids and hired a construction contractor for these roadway improvements; and
- H. WHEREAS, the City, the County, and the District desire to maintain plan review and project permitting through the City, absolving the County of their usual and typical role as being the Roadway Authority; and
- I. WHEREAS, the City has agreed to formally accept the transfer of roadway authority on those portions of Stafford Road and Advance Road receiving construction improvements from the County to the City, whereupon the City assumes all ownership and maintenance responsibilities;

**NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the undersigned parties jointly and respectively agree as follows:**

1. The recitals above are incorporated by reference herein as findings in support of the respective parties' authority pursuant to ORS 190.003 et seq. and ORS 280.150.

2. Stafford Road and Advance Road Improvements. Those portions of Stafford Road and Advance Road receiving construction improvements by the District, as shown in **Exhibit A**, attached hereto and incorporated by reference herein. On these portions of Stafford Road and Advance Road being improved, the City cannot restrict through truck movements, unless there is concurrence and agreement from the County to limit truck usage. The City will request the transfer of roadway authority on these portions of Stafford Road and Advance Road within ninety (90) days of the signing of this IGA.

3. Construction Plan Review, Approval, Permitting, and Inspection. The District will work through the City to obtain all plan review, approval, permitting, and inspection for construction work on portions of Stafford Road and Advance Road.

4. Miscellaneous.

4.1. Further Assurances. Each party shall execute and deliver any and all additional papers, documents, and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder, in good faith, to carry out the intent of the parties hereto.

4.2. Modification or Amendment. No amendment, change, or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

4.3. Burden and Benefit; Assignment. The covenants and agreements contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns. Neither party may assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned, or delayed.

4.4. No Continuing Waiver. The waiver by either party of any breach of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach.

4.5. Applicable Law. This Agreement shall be interpreted under the laws of the State of Oregon. Venue shall be in Clackamas County.

4.6. Time of Essence. Time is expressly declared to be of the essence of this Agreement.

4.7. Notices. All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, scanned to PDF format and emailed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City:           City of Wilsonville  
                      Steve R. Adams, P.E.  
                      Development Engineering Manager  
                      29799 SW Town Center Loop East  
                      Wilsonville OR 97070

To County:       Clackamas County  
                      Mike Bezner  
                      150 Beavercreek Road  
                      Oregon City OR 97045

4.8. Rights Cumulative. All rights, remedies, powers, and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lieu of, those conferred by law.

4.9. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

4.10. No Third Party Beneficiaries. None of the duties and obligations of any party under this Agreement shall in any way or in any manner be deemed to create any rights in any person or entity other than the parties hereto.

4.11. Dispute Resolution - Mediation. All disputes arising out of this Agreement shall first be submitted to mediation. Either party desiring mediation shall provide the other party with a written notice (the "Request to Mediate"), which shall set forth the nature of the dispute. The parties shall in good faith cooperate in the selection of a mediator and may adopt any procedural format that seems appropriate for the particular dispute. In the event a written settlement agreement is not executed by the parties, in the parties' sole discretion, within twenty (20) days from the date of the Request to Mediate, or such longer time frame as may be mutually agreed upon in writing by the parties, if mediation does not occur within the required time frame, or the mediation is unsuccessful, the parties may mutually agree to arbitrate the dispute or, absent such mutual agreement, the dispute shall be decided in Clackamas County Circuit Court.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CLACKAMAS COUNTY

CITY OF WILSONVILLE

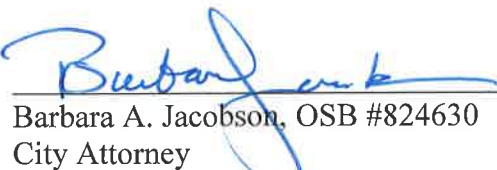
By: \_\_\_\_\_  
Jim Bernard  
Its: Chair, Board of County Commissioners

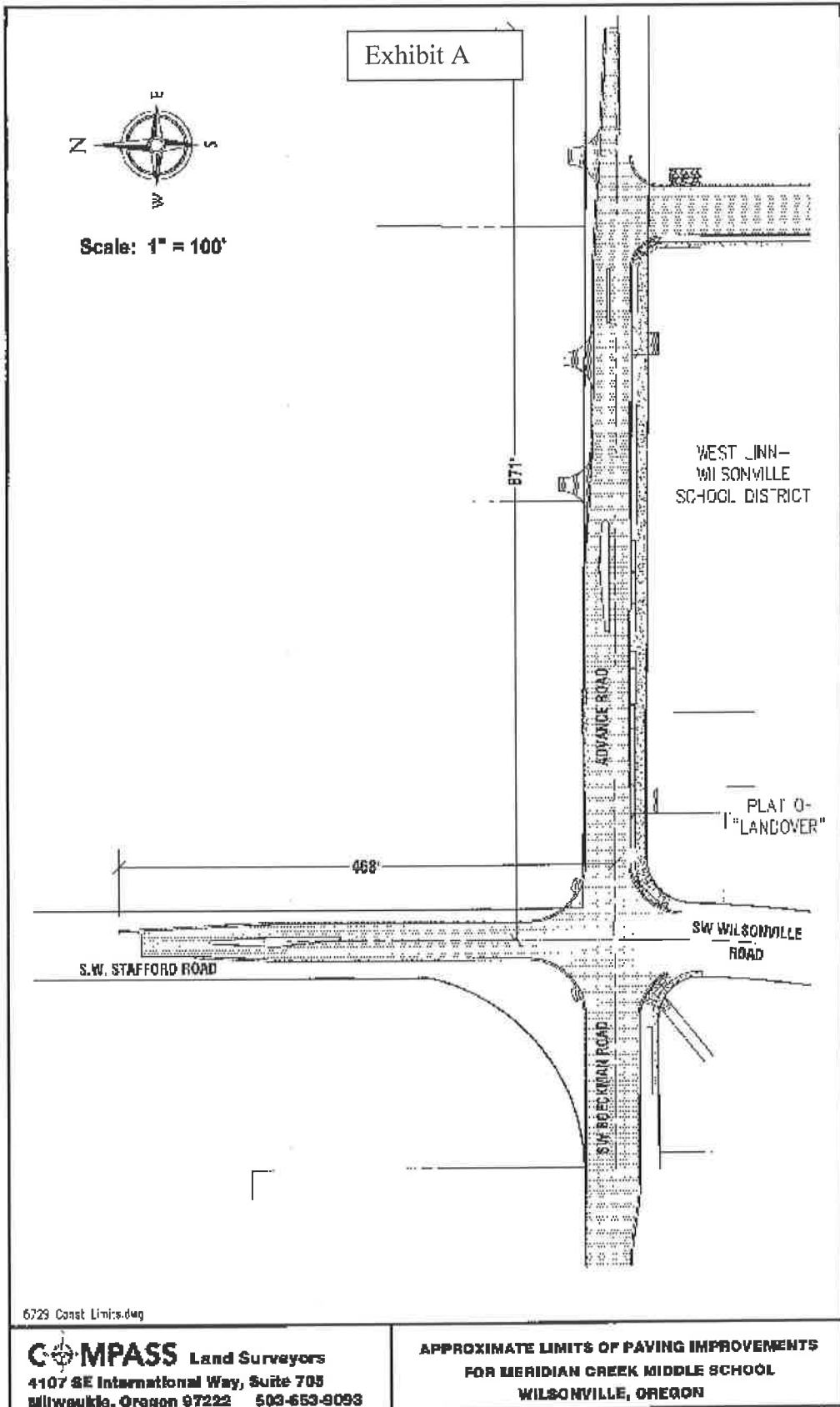
By:  \_\_\_\_\_  
Bryan Cosgrove  
Its: City Manager

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Nathan Boderman  
Assistant County Counsel

 \_\_\_\_\_  
Barbara A. Jacobson, OSB #824630  
City Attorney



**RESOLUTION NO. 2608**

**A RESOLUTION OF THE CITY OF WILSONVILLE TO ENTER INTO AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT REGARDING FUTURE TRANSFER OF ROADWAY AUTHORITY ON PORTIONS OF STAFFORD ROAD AND ADVANCE ROAD FROM CLACKAMAS COUNTY TO THE CITY OF WILSONVILLE**

WHEREAS, Clackamas County (County) is the current roadway authority on Stafford Road and Advance Road; and

WHEREAS, roadway improvements are required on Advance Road and for a new signalized intersection at the Advance Road/ Boeckman Road/ Stafford Road/ Wilsonville Road intersection for the West Linn-Wilsonville School District's (School District's) new Meridian Creek Middle School being constructed on property that has been annexed into the City of Wilsonville (City); and

WHEREAS, the City prefers that roads upgraded to urban standards within City limits be designed, permitted, and constructed using the City's Public Works Standards; and

WHEREAS, the improvements to Advance Road and the Advance Road/ Boeckman Road/ Stafford Road/ Wilsonville Road intersection work have been designed to City of Wilsonville Public Works Standards and will be permitted and inspected by City staff; and

WHEREAS, the City expects to become the road authority for the resulting improved roadway sections; and

WHEREAS, the School District is in the process of seeking a bid for these roadway improvements; and

WHEREAS, the School District is in the process of acquiring the right-of-way and easements needed for the roadway improvements; and

WHEREAS, the County has allowed the project to move forward to meet the School District's schedule, but seeks assurance that the City is committed to the road authority transfer for the sections of roadway designed and constructed using City of Wilsonville Public Works Standards; and

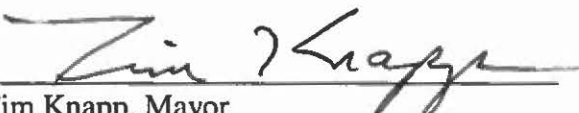
WHEREAS, the subject Intergovernmental Cooperative Agreement, attached hereto and fully incorporated herein, provides assurance that the City will seek a road authority transfer on sections of Stafford Road and Advance Road and allows the construction process to continue.



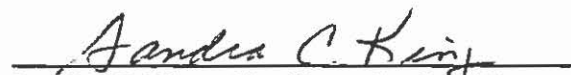
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. To enter into an Intergovernmental Cooperative Agreement, attached hereto and fully incorporated herein, to transfer roadway authority for sections of Stafford Road and Advance Road from the County to the City within 90 days of its signing.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a special meeting thereof this 5th day of January, 2017 and filed with the Wilsonville City Recorder this date.

  
\_\_\_\_\_  
Tim Knapp, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Excused
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Yes

Attachments:

Intergovernmental Cooperative Agreement for Future Transfer of Roadway Authority on Portions of Stafford Road and Advance Road from Clackamas County to the City of Wilsonville



M. BARBARA CARTMILL  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of a Board Order designating maximum weight limitations on  
Island Rd and Suter Rd**

<b>Purpose/Outcomes</b>	Designate maximum weight limitations on Island Rd and Suter Rd
<b>Dollar Amount and Fiscal Impact</b>	The cost of installing weight restriction signs would be minimal.
<b>Funding Source</b>	Road Fund
<b>Duration</b>	N/A
<b>Previous Board Contact</b>	N/A
<b>Strategic Plan Alignment</b>	Build a strong infrastructure. Build public trust through good government.
<b>Contact Person</b>	Christian Snuffin, Senior Traffic Engineer – 503-742-4716

The Oregon Department of Transportation (ODOT) has inspected the Salmon River Bridge (Br. No. 20466) on Island Rd (P7146) and the Goose Creek Bridge (Bridge No. 20462) on Suter Ave (P4036), and has recommended that these bridges be posted for weight restrictions.

Pursuant to ORS 810.030, the Board of County Commissioners, as the road authority, may impose restrictions on the operation of certain kinds of vehicles on county roads outside the boundaries of an incorporated city when it determines that the restriction is necessary to protect any county road or section of county road from being unduly damaged, or where necessary to protect the interest and safety of the general public.

In order to implement ODOT's recommendations, staff proposes the adoption of the following weight restrictions, which will serve to protect the Clackamas County road infrastructure from excessive damage and preserve the safety of the general public:

**ISLAND RD (P7146) WEIGHT LIMITS:**

- SINGLE UNIT WITH 2 OR 3 AXLES: 22 TONS
- SINGLE UNIT WITH 4 AXLES: 21 TONS
- SINGLE UNIT WITH 5 AXLES: 22 TONS
- SINGLE UNIT WITH 6 OR 7 AXLES: 24 TONS
- 3 AXLE TRUCK WITH 2 AXLE TRAILER: 36 TONS
- 3 AXLE TRUCK WITH 3 AXLE TRAILER: 38 TONS

SUTER AVE (P4036) WEIGHT LIMIT:  
3 TONS

Clackamas County will produce, install and maintain such signs on both bridges to be in compliant with ODOT restrictions.

**RECOMMENDATION:**

Staff respectfully requests that the Board approve this Board Order to impose weight limits on the subject roads.

Respectfully submitted,

Mike Bezner  
Assistant Director of Transportation

In the matter of establishing ODOT-  
mandated load limits on Suter Ave (P4036)  
and Island Rd (P7146)

Order No.  
Page 1 of 2

This matter coming regularly before the Board of County Commissioners and it appearing that the Board, pursuant to ORS 810.030, as the road authority, may impose restrictions on the operation of certain kinds of vehicles on county roads outside the boundaries of an incorporated city when it determines that the restriction is necessary to protect any county road or section of county road from being unduly damaged, or where necessary to protect the interest and safety of the general public; and

It further appearing to the Board that the Oregon Department of Transportation (ODOT) has inspected the Salmon River Bridge (Br. No. 20466) on Island Rd (P7146) and the Goose Creek Bridge (Bridge No. 20462) on Suter Ave (P4036), and has recommended that these bridges be posted for weight restrictions; and

It further appearing to the Board that the adoption of the following weight restrictions are vital to protect the Clackamas County road infrastructure from excessive damage and preserve the safety of the general public; and

ISLAND RD (P7146) WEIGHT LIMITS:

SINGLE UNIT WITH 2 OR 3 AXLES: 22 TONS  
SINGLE UNIT WITH 4 AXLES: 21 TONS  
SINGLE UNIT WITH 5 AXLES: 22 TONS  
SINGLE UNIT WITH 6 OR 7 AXLES: 24 TONS  
3 AXLE TRUCK WITH 2 AXLE TRAILER: 36 TONS  
3 AXLE TRUCK WITH 3 AXLE TRAILER: 38 TONS

SUTER AVE (P4036) WEIGHT LIMIT:

3 TONS

It further appearing to the Board that Clackamas County forces will erect and maintain signs in a conspicuous manner and place at each end of the roadway or section of roadway where a designation or prohibition is imposed to give proper notice of the prohibition or designations imposed.

In the matter of establishing ODOT-  
mandated load limits on Suter Ave (P4036)  
and Island Rd (P7146)

Order No.  
Page 2 of 2

IT IS HEREBY ORDERED that  
Clackamas County hereby designates the load restrictions for trucks on the roads listed above  
and County forces will erect and maintain signs in a conspicuous manner and place to notify the  
public of the restrictions.

ADOPTED this \_\_\_\_ day of \_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS

---

Chair

---

Recording Secretary

DRAFT

Approval of Previous Business Meeting Minutes:

March 2, 2017

## **BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES**

*A complete video copy and packet including staff reports of this meeting can be viewed at*

<http://www.clackamas.us/bcc/business.html>

**Thursday, March 2, 2017 – 10:00 AM**

**Public Services Building**

**2051 Kaen Rd., Oregon City, OR 97045**

**PRESENT:** Commissioner Jim Bernard, Chair  
Commissioner Sonya Fischer  
Commissioner Ken Humberston  
Commissioner Paul Savas

**EXCUSED:** Commissioner Martha Schrader

Commissioner Schrader is attending the NACo conference and is not in attendance today.

### **CALL TO ORDER**

- Roll Call
- Pledge of Allegiance

### **I. PRESENTATION**

1. Presentation of the Dee Lewitz Community Commitment Award to Citizen Evan King  
John Foote, District Attorney explained the Dee Lewitz Community Commitment Award. He introduced Bill Stewart, Deputy District Attorney who introduced Evan King, Social Worker from Rowe Middle School. They explained the outstanding accomplishments and efforts by Ms. King. Evan King spoke about her work, and thanked the DA and Board for this recognition.

*~Board Discussion~*

### **II. CITIZEN COMMUNICATION**

<http://www.clackamas.us/bcc/business.html>

1. Dan Everhart, Portland – read a statement from Restore Oregon supporting the strategic partnership with NCPRD and NC School District.
2. Grover Bornefeld, Jennings Lodge – supports the strategic partnership.
3. Baldwin Vanderbijl, Oak Grove – supports the property exchange and preserving the Concord school site.
4. Les Poole, Gladstone – SB 694 (tax credit for veterans), preserving the Concord school site, keeping engaged with what's happening in Salem.
5. Thelma Haggemiller, Oak Grove – supports the strategic partnership, with some concerns about uses at the Concord site. (submitted letter)

*~Board Discussion~*

### **III. CONSENT AGENDA**

Chair Bernard asked the Clerk to read the consent agenda by title, he then asked for a motion.

#### **MOTION:**

Commissioner Humberston: I move we approve the consent agenda.  
Commissioner Savas: Second.  
all those in favor/opposed:  
Commissioner Fischer: Aye.  
Commissioner Humberston: Aye.  
Commissioner Savas: Aye.  
Chair Bernard: Aye – the Ayes have it, the motion passes 4-0.

**A. Health, Housing & Human Services**

1. Approval of Professional, Technical, and Consultant Agreement with Alfred Soto, MD to Serve as Medical Director for the Behavioral Health Division – *Behavioral Health*
2. Approval of an Intergovernmental Agreement with the City of Lake Oswego Police Department for Crisis Assessment and Diversion Services – *Behavioral Health*
3. Approval of Sub-recipient Agreement Amendment No. 1 with the Friends of the Canby Adult Center to Provide Social Services for Clackamas County Residents – *Social Services*
4. Approval of an Intergovernmental Sub-recipient Agreement, Amendment No. 1 with City of Gladstone/Gladstone Senior Center to Provide Social Services for Clackamas County Residents age 60 and over – *Social Services*
5. Approval of Amendment No. 1 to the Intergovernmental Sub-recipient Agreement with the City of Wilsonville/Wilsonville Community Center to provide Social Services for Clackamas County Residents – *Social Services*

**B. Elected Officials**

1. Approval of Previous Business Meeting Minutes – *BCC*

**C. Disaster Management**

1. Approval of Memorandum of Agreement with the Oregon Trail School District for Emergency/Disaster Related Use of School District Facilities

**IV. DEVELOPMENT AGENCY**

1. Approval of an Agreement with PNV Restaurants, Inc. for the Clackamas Regional Center Property Enhancement Program

**V. WATER ENVIRONMENT SERVICES**

*(Service District No. 1, Tri-City Service District & Surface Water Management Agency of Clackamas County)*

1. Approval of Amendment No. 2 to an Intergovernmental Agreement between Clackamas County Service District No. 1 and Metro for the Rock Creek Confluence Restoration-Natural Areas Bond Measure Capital Grant Award
2. Approval of a Grant Agreement between Clackamas County Service District No. 1 and Oregon Watershed Enhancement Board for the Mt. Scott Creek Oak Bluff Restoration Project

**VI. COUNTY ADMINISTRATOR UPDATE**

<http://www.clackamas.us/bcc/business.html>

**VII. COMMISSIONERS COMMUNICATION**

<http://www.clackamas.us/bcc/business.html>

**MEETING ADJOURNED – 11:16 AM**





March 23, 2017

Board of County Commissioners  
 Clackamas County

Members of the Board:

Approval of a Resolution in the Matter of Participation in  
Funding Activities Oregon Office for Community Dispute Resolution

<b>Purpose/Outcome</b>	The purpose of this Board Order is to formally approve the County's participation in the Community Dispute Resolution program through the Oregon Office for Community Dispute Resolution.
<b>Dollar Amount and Fiscal Impact</b>	Clackamas County is projected to receive approximately \$98,389 in grant funding.
<b>Funding Source</b>	The State of Oregon, acting by and through the State Board of Higher Education on behalf of the University of Oregon for the University of Oregon School of Law. No County General fund is required.
<b>Strategic Plan Alignment</b>	This action aligns with the following Board strategic priority: <ul style="list-style-type: none"> <li>• Ensure Safe, Healthy and Secure Communities: Community Dispute Resolution is an important tool in resolving disputes – such as neighbor to neighbor conflicts – to reduce the likelihood of escalating issues to a level that could potentially involve law enforcement intervention.</li> </ul>
<b>Duration</b>	July 1, 2017 to June 30, 2019
<b>Previous Board Action/Review</b>	The Clackamas County Board of Commissioners has opted to participate in this program since its inception. The Community Dispute Resolution program has received funding since 1992.
<b>Contact Person</b>	Laurel Butman, Deputy County Administrator – (503) 655-8893

**BACKGROUND:**

The Oregon Legislature created the Oregon Dispute Resolution Commission in the early 1990s with the intent to promote alternative dispute resolution through the Community Dispute Resolution Program (CDRP) rather than the use of litigation to resolve conflicts. A role was created for County Commissioners, if they chose to participate, in the selection of service providers to receive grant funds. The Clackamas County Board of Commissioners has opted to participate in this program since its inception.

The Oregon Legislature has charged the State of Oregon, acting by and through the State Board of Higher Education on behalf of the University of Oregon for the University of Oregon School of Law, to act as Grantor for the CDRP with the responsibility to foster the development of community mediation programs by making grant monies available to participating counties. The funding for these grants will be allocated as provided for in OAR 571-100. Contracts for the provision of services are made directly between the selected service providers and the Oregon Office for Community Dispute Resolution.

Assuming that funding for 2017 – 2019 is reauthorized by the 2017 Legislature at the same level as the prior biennium, Clackamas County is projected to receive approximately \$98,389 in grant funding for the period July 1, 2017 to June 30, 2019. As in prior years, the County's obligation is to solicit Requests for Applications (RFAs) and select service providers. The Oregon Office for Community Dispute Resolution is responsible for determining the eligibility of the selected providers, entering into the contracts, reviewing the providers' quarterly reports and disbursing funds.

**RECOMMENDATION:**

Staff respectfully recommends the Board approve the resolution stating the County's intent to participate in the selection and expenditure of funds for dispute resolution programs within Clackamas County as an entity capable of and willing to provide dispute resolution services in accordance with Oregon Administrative Rule Chapter 571, Division 100.

Respectfully submitted,

Laurel Butman  
Deputy County Administrator

**In the Matter of Participation in Funding  
Activities of the Oregon Office for  
Community dispute Resolution**

**Resolution No.**

**WHEREAS**, the Clackamas County Board of Commissioners believes that the settlement of disputes by mediation may lead to more long-lasting and mutually satisfactory agreements; and

**WHEREAS**, mediation may reduce the need for time-consuming and costly litigation; and

**WHEREAS**, the Oregon Legislature has charged the University of Oregon on behalf of the University of Oregon School of Law (Grantor) with the responsibility to foster the development of community mediation programs by making grant monies available to participating Counties; and

**WHEREAS**, any County wishing to participate must formally notify Grantor of its intent to participate.

**NOW THEREFORE, IT IS RESOLVED** that Clackamas County will notify the Grantor of its desire to be a participant in the expenditure of funds for community dispute resolution programs within Clackamas County, and Clackamas County agrees to engage in a selection process and to select as funding recipients those entities both qualified by the standards and guidelines adopted by Grantor and capable of and willing to provide community dispute resolution services according to the rules adopted by Grantor.

Dated this 23<sup>rd</sup> Day of March, 2017

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

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Jim Bernard, Chair

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Recording Secretary



March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

A Board Order Approving a Tax Foreclosed Property for Declaration as Surplus  
and Established Minimum Bid Amount

<b>Purpose/Outcomes</b>	Return the tax foreclosed parcel to the tax rolls
<b>Dollar Amount and Fiscal Impact</b>	Dollar amount varies depending on sale results
<b>Funding Source</b>	N/A
<b>Duration</b>	Management and disbursement of tax foreclosed and surplus properties are ongoing
<b>Previous Board Action</b>	A Study Session with the Board of County Commissioners was held on February 28, 2017 to discuss these parcels. The Board approved the parcels to be declared as surplus for sale or distribution.
<b>Strategic Plan Alignment</b>	1. Management of Tax Foreclosed properties 2. Build public trust through good government
<b>Contact Person</b>	Rick Gruen, Property Resources Manager 503.742.4345

**BACKGROUND:** Clackamas County's Department of Assessment and Taxation annually forecloses on tax-delinquent properties. The foreclosure process is a six year process – taxes must be delinquent for three years, then a two year judgment is filed and in the sixth year foreclosure occurs and the property is deeded to the County in lieu of uncollected taxes. Following the recording of the deed in the County's name, the management and disposition is then transferred to the Property Resources Division of the Department of Business and Community Services. Property Resources Division is tasked with managing, administering and dispersing of tax foreclosed real property assets in a cost effective manner that will provide a County public benefit. No General Fund resources are currently allocated to this program

**RECOMMENDATION:** Staff recommends the Board of County Commissioners approve the list of tax foreclosed properties for declaration as surplus and set the minimum bid amount.

Respectfully submitted,

Laura Zentner, Deputy Director  
Business and Community Services

In the Matter of the Sale of Real  
Property acquired by Clackamas  
County by tax deed, gift or purchase.

ORDER NO.

Page 1 of 3

This matter coming before the Board of County Commissioners at this time, and it appearing to the Board that the real property parcels listed below, having been acquired by Clackamas County by tax deed, gift or purchase, are not currently in use for County purposes; and

IT FURTHER APPEARING a list of the proposed auction properties was circulated and reviewed by County Department Heads and other governmental agencies within Clackamas County and are therefore presumed surplus.

IT FURTHER APPEARING to the Board that the following properties should be offered for public sale for not less than the minimum price specified herein and in compliance with applicable portions of ORS Chapter 275.110;

NOW, THEREFORE, the Board finds that the real property parcels listed below are surplus, and selling them is in the best interest of the citizens of Clackamas County.

IT IS HEREBY ORDERED that the following properties shall be offered for sale for not less than the minimum price specified herein and in compliance with the applicable portions of ORS Chapter 275.110.

Parcels may be encumbered with restrictions, easements, conditions and covenants.

**Clackamas County Surplus Real Estate Public Oral Auction  
Development Services Building  
Auditorium  
150 Beaver Creek Rd., Oregon City, OR 97045  
Date: TBD**

**REGISTRATION begins at 9:00 a.m. / AUCTION begins at 10:00 a.m.  
\* \* \* Auction will be conducted in English and in U.S. currency only \* \* \***

In the Matter of the Sale of Real  
Property acquired by Clackamas  
County by tax deed, gift or purchase.

ORDER NO.

Page 2 of 3

<b>Item #</b>	<b>Description</b>	<b>Assessed Real Market Value \$</b>	<b>Minimum Bid \$</b>	<b>Deposit Amount- 20% of the Minimum Bid</b>
<b>1</b>	15E31C 02400 Unimproved Land- 12277 SE Lusted Road Sandy, OR 97055 Approximately 5.01 Acres	\$133,257	TBD	TBD
<b>2</b>	26E24DD01800 Unimproved Land off of the Sandy River Approximately .46 Acres	\$24,245	TBD	TBD
<b>3</b>	43E04A 00800 Improved Land – 20624 S. Lower Highland Road Beavercreek, OR 97004 Approximately 18.09 Acres	\$263,152	TBD	TBD
<b>4</b>	53E04 04904 Improved Land – 30726 S. Oswalt Road Colton, OR 97017 Approximately .91 Acres	\$366,837	TBD	TBD

In the Matter of the Sale of Real  
Property acquired by Clackamas  
County by tax deed, gift or purchase.

ORDER NO.

Page 3 of 3

IT IS FURTHER ORDERED that the Sheriff of Clackamas County, Oregon be and is hereby directed and authorized to sell the above described properties in the manner provided by law and for not less than the minimum price herein determined; and

IT IS FURTHER ORDERED that the Sheriff of Clackamas County, Oregon is hereby directed to advertise the sale of the above described property in a newspaper of general circulation, circulated and published in Clackamas County, once a week for four consecutive weeks prior to such sale. Such notice shall include the date, time and place of sale, the description of the properties or interests therein to be sold, the market value of the properties or interests as determined by a certified appraiser or the Clackamas County Department of Taxation and Assessment, the minimum price as fixed by the Board at the date of this order. The Sheriff shall further make a proof of publication of such notice in the same manner as proof of publication of summons is made and shall file such proof of publication with the county clerk. Copies of all Sheriff Sale documents shall be forwarded to the Property Resources section upon sale completion; and

IT IS FURTHER ORDERED that the Director or Deputy Director of Business and Community Services, is hereby authorized to act as representative of the Board of County Commissioners in the acceptance and execution of all documents necessary for the sales; and that the Director of Finance for Clackamas County is hereby authorized to execute all necessary documentation for the fulfillment of any contracts of sale associated with these sales at the time of fulfillment, as representative for the Board of County Commissioners.

DATED this 23rd day of March, 2017

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



March 23, 2017

Board of County Commissioners  
Clackamas County

Members of the Board:

Board Order In The Matter Of Approving An Extension Of The Cable Television Franchise  
With Comcast Of Oregon II, Inc., Comcast Of Tualatin Valley, Inc., And Comcast Of  
Illinois/Ohio/Oregon, LLC.

<b>Purpose/Outcome</b>	Extend current cable television franchises to allow time for evaluation and negotiations.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Effective March 31, 2017 through September 30, 2017
<b>Previous Board Action/Review</b>	The franchise was approved by the BCC in February 2010, and extended in March 2015, October 2015, March 2016 and September 2016 for 6 month periods per extension.
<b>Strategic Plan Alignment</b>	Building trust through good government.
<b>Contact Person</b>	Gary Schmidt, Public and Government Affairs, 503-742-5908
<b>Contract No.</b>	N/A

**BACKGROUND:**

Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc. and Comcast of Illinois/Ohio/Oregon, LLC. (Comcast collectively) Cable Franchise Permit Agreements will expire on March 31, 2017, but the respective contracts have continued under the same terms and conditions pursuant to applicable law unless and until the County issues a termination of franchise notice. Comcast is currently serving over 20,000 subscribers in unincorporated areas of Clackamas County and the County is currently negotiating a renewal of the cable franchises with Comcast.

This extension, if granted, would not affect either party's rights in the renewal process and includes a provision to preserve the County's right to retroactive PEG funding negotiated in the renewal. The County will evaluate Comcast's legal, technical and financial qualifications to operate the cable system, as well as the community's needs, in its determination of whether to renew the franchise and on what terms and conditions.

This cable franchise agreement extension has been reviewed and approved by County Counsel.



Page 2  
Staff Report - Comcast Extension  
March 23, 2017

**RECOMMENDATION:**

Staff respectfully recommends the Board approve the extension of the franchise permit agreements to assure that the terms of the current franchise agreements continue to be met through September 30, 2017.

Respectfully submitted,

Gary Schmidt, Director  
Public and Government Affairs

In the matter of approving an  
Extension of the cable television  
Franchise with Comcast of  
Oregon II, Inc., Comcast of Tualatin  
Valley, Inc., and Comcast of  
Illinois/Ohio/Oregon, LLC

ORDER NO.

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on March 23, 2017 to consider approving an extension of the cable television franchises with Comcast of Oregon II, Inc., an Oregon corporation, Comcast of Tualatin Valley, Inc., an Oregon corporation, and Comcast of Illinois/Ohio/Oregon, LLC, a Delaware limited liability company (collectively, the "Franchisees").

**WHEREAS**, Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc., and Comcast of March 31, 2017 but the respective contracts have continued under the same terms and conditions pursuant to applicable law unless and until the County issues a termination of franchise notice; and

**WHEREAS**, County staff and representatives of the Franchisees began meeting in the fall of 2014 to negotiate open issues regarding the renewal of the applicable franchises; and

**WHEREAS**, the amount of time required to conclude negotiations and allow for public review of new franchise agreements will extend beyond the current expiration date; and

**WHEREAS**, it is in the public interest to extend the current franchises for an additional period of time to accommodate the renewal process and avoid a potentially unnecessary disruption of service to affected residents.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the franchises granted to Comcast II of Oregon, Inc., Comcast of Tualatin Valley, Inc., and Comcast of Illinois/Ohio/Oregon, LLC shall be extended until and including September 30, 2017, and that all rights and obligations provided the parties under the franchise agreement shall remain in full force and effect during that period, including the rights of the parties under the Cable Communications Policy Act of 1992 and the Telecommunications Act of 1996. Neither Comcast nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise Agreement, excepting therefrom that the County may assert in negotiations that any increase in PEG funding included in the new franchise agreement shall include the time period covered by this extension. This extension of franchises is explicitly conditioned upon written acceptance thereof by each of the Franchisees.

DATED THIS \_\_\_\_\_ DAY OF MARCH, 2017.

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary