



## **STAFF REPORT TO THE HEARINGS OFFICER**

**Permit Type:** Conditional Use

**File No. Z0016-24**

**Proposal:** The applicant seeks a Conditional Use permit to operate a non-profit organization that provides services to veterans. The request is being reviewed as a “similar use” to a government use; government uses require a conditional use permit in the General Industrial zoning district. There are no changes/development proposed to the building or property.

The veterans services organization provide a variety of services which include offices for staff and volunteers who provide legal services, energy assistance (including electricity, natural gas, oil, propane), employment assistance, emergency financial assistance, referrals for drug and alcohol counseling, food and clothing distribution, health and hygiene services among other services.

**Staff Recommendation:** Denial

**Date of Staff Report:** September 11, 2024

**Date of Hearing:** September 19, 2024

**Issued By:** Melissa Lord, Senior Planner, MLord@Clackamas.us

**Assessor’s Map & Tax Lot(s):** T1S R2E Section 29AC Tax Lot 2400

**Site Address:** 7600 SE Johnson Creek Blvd., Portland, OR 97206

**Applicant:** Fort Kennedy (attn.: Tina Kennedy)

**Owner of Property:** Johnson Creek Real Property LLC

**Zoning:** General Industrial (GI) District

**Community Planning Organization (CPO) for Area:**  
Southgate CPO (INACTIVE)

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

**OPPORTUNITY TO REVIEW THE RECORD:** The submitted application is available for review online at <https://acela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select Record Info and then select Attachments from

the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this staff report. Copies of all documents may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents.

**APPLICABLE APPROVAL CRITERIA:** This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 106, 202, 602, 1000-series, 1203, and 1307.

**PUBLIC AND AGENCY COMMENTS:**

Notice was sent to applicable agencies and owners of property within 750 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section.

Public and Agency Responses Requested:

- a. Clackamas County Development Engineering Division
- b. Clackamas River Water
- c. Clackamas Water Environment Services
- d. Clackamas Fire District
- e. Property Owners within 750 feet

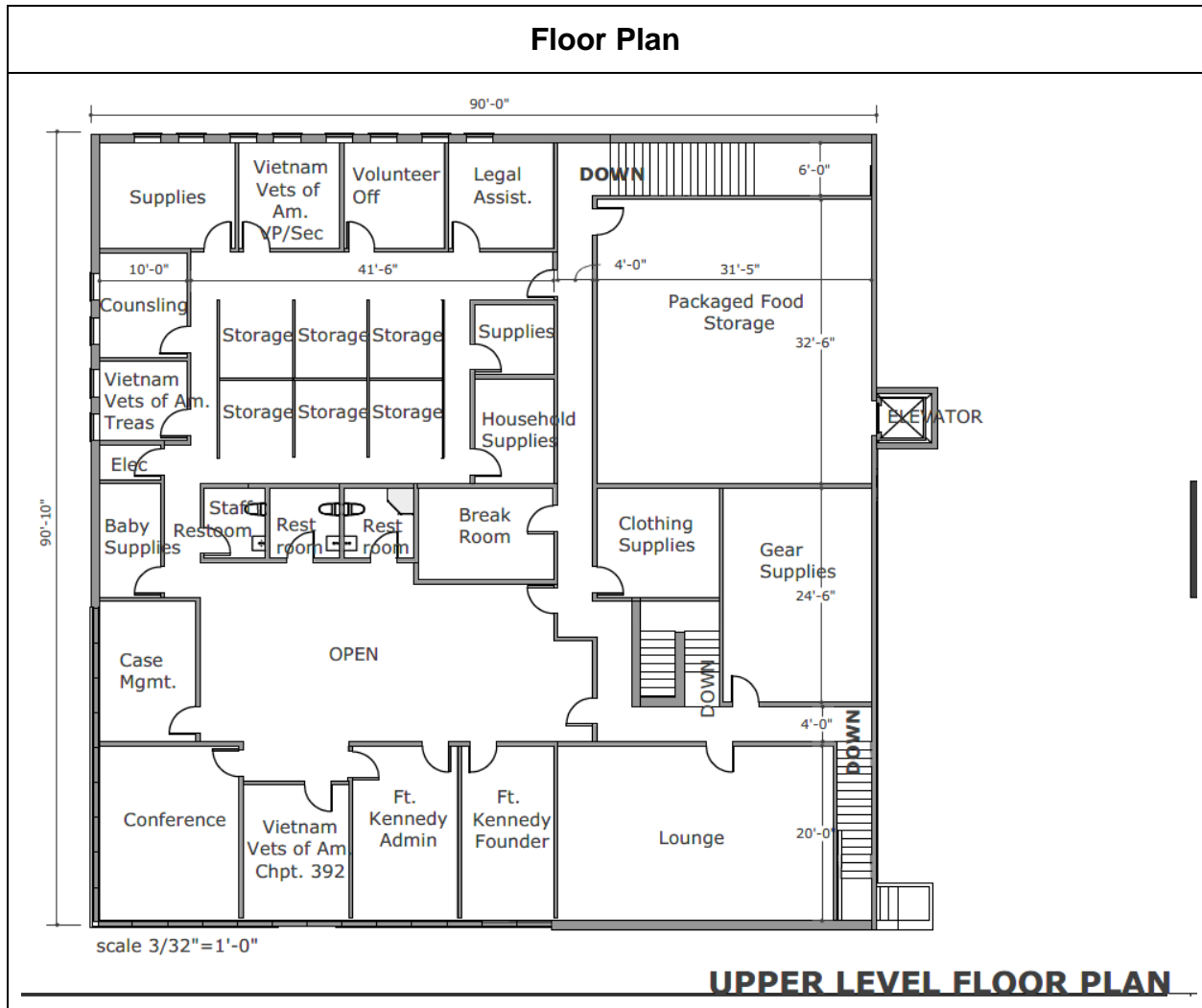
*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email [DRenhard@clackamas.us](mailto:DRenhard@clackamas.us).*

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻译或口译? |

Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Location Map





## RECOMMENDATION

Staff recommends denial of the Conditional Use permit due to insufficient evidence related to compliance with the following Sections of the Zoning and Development Ordinance:

- Section 1015, *Parking*
- Section 1021, *Solid Waste and Recycling*

## RECOMMENDED CONDITIONS OF APPROVAL

If approved, staff recommends that approval of this application for the Conditional Use permit be subject to the following conditions. The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition

relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plans filed with the County on January 22, 2024 and additional materials submitted on July 22, 2024. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.
2. The conditional use approval is valid for four (4) years from the date of the final written decision (ZDO 1203.05). During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
  - a) A building permit for a new primary structure that was part of the conditional use approval; or
  - b) A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.

If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension

3. If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void. [1203.06]
4. The applicant shall obtain necessary permits to install a wall-mounted light or pole-mounted light to illuminate the primary entrance of the tenant space. If existing lighting already serves this purpose, then the applicant need not install a new light, rather must provide evidence of this to the Planning and Zoning division. New outdoor lighting is subject to compliance of Subsection 1005.04. [1005.03 and 1005.04]
5. The applicant shall coordinate with Clackamas Fire District #1 to provide safe access to the site with regards to the gates shown on the site plan. If the gate is electric, it must have a Knox switch; if the gate is manual and is locked, it needs a Knox box with a lock key inside.

## FINDINGS

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This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 106, 202, 602, 1000-series, 1203, and 1307; and the Comprehensive Plan. Clackamas County Planning and Zoning Staff have reviewed these Sections of the ZDO and Comprehensive Plan in conjunction with this proposal and make the following findings and conclusions:

### 1) **PROJECT OVERVIEW:**

The applicant seeks Conditional Use permit approval to operate a non-profit organization that provides services to veterans. The request is being reviewed as a “similar use” to a Government Use; government uses require a conditional use permit in the General Industrial zoning district. There are no changes/development proposed to the building or property.

The veteran services non-profit organization, Fort Kennedy, provides a variety of services which include offices for staff and volunteers who provide legal services, energy assistance (including electricity, natural gas, oil, propane), employment assistance, emergency financial assistance, referrals for drug and alcohol counseling, food and clothing distribution, health and hygiene services among other services.

A pre-application conference was held on September 27, 2022 (ZPAC0099-22). A Type II land use application for a Similar Use determination was filed and approved in part on September 26, 2023 (Z0549-22). A copy of this land use application has been entered into the record as Exhibit 8 for reference. The Similar Use determination was requested by the applicant to determine if the Fort Kennedy non-profit use was similar to “government uses”. The land use decision found that some of the applicant’s described land uses are similar to “government uses” as provided in the GI District in Table 602-1, *Permitted Uses in the General Industrial Zoning District*, of ZDO Section 602. Government Uses are a Conditional Use in the General Industrial zoning district and require a Conditional Use land use permit to operate.

The applicant was advised that while the County’s Planning and Zoning division may have found that the non-profit business being run (Fort Kennedy) is, in some ways, similar to government uses, the Hearings Officer is not bound by the findings made in land use file Z0549-22 and may come to a different determination.

Since the conditional use permit is only required if it is determined that the proposed use is Similar to Government Uses, this staff report is organized to first evaluate

whether the use is similar to “government uses”, and then to determine if the standards of the conditional use permit are met.

**Public Comment:** At the time of this staff report, Planning and Zoning has not received any written public comment pertaining to this proposal.

## **2) DESCRIBED USE**

The land use described by the applicant is in the associated land use application file Z0549-22 is an organization that provides a variety of services which include:

- Offices for staff and volunteers
- Housing services (screening for government housing programs, calling housing case managers)
- Legal services (provide legal advice)
- Energy assistance (including electricity, natural gas, oil, propane, wood or pellets)
- Employment assistance
- Emergency financial assistance (for past due rent, utilities, moving expenses, security deposits)
- Referrals for drug and alcohol counseling
- Assistance obtaining IDs
- Food distribution
- Clothing distribution
- Health and hygiene services (on-site showers, haircuts, distribution of hygiene items)
- Transportation assistance (bus passes, gas cards)

The applicant is seeking a conditional use permit based on a determination that the above-stated uses provided by the non-profit organization are similar to government uses.

## **3) ZDO SECTION 106 AUTHORIZATIONS OF SIMILAR USES**

A. 106.01 Purpose and Applicability: Section 106 is adopted to provide standards, criteria, and procedures under which an authorization of a similar use may be approved.

(A) The sections of this Ordinance that regulate individual zoning districts identify the uses permitted in those districts. In some cases, those sections also provide that an authorization of a similar use may be approved to allow a use that is not identified as permitted. In the absence of such a provision, Section 106 does not apply.

(B) An authorization of a similar use is not a site-specific application, but rather it is a use-specific application. The decision on an application for authorization of a similar use is applicable to all land in the zoning district

for which the request was made and is applicable only to the use described in the application.

- (C) If an application for an authorization of a similar use is approved, the proposed use shall be subject to the same approval criteria, review process, dimensional standards, and development standards as the use to which it is found to be most similar pursuant to Subsection 106.02(A), (B), (C), or (D).

**Finding:** *Subsection 106.01(A) does not warrant written findings. Pursuant to Subsection 106.01(B), the decision on this application is applicable to all land in the General Industrial (GI) District and is applicable only to the land use described above and in the application. As required by Subsection 106.01(C) and noted in the Condition of Approval above, the proposed use shall be subject to the same approval criteria, review process, dimensional standards, and development standards as “government uses” as listed for the GI District in Table 602-1 including obtaining a conditional use permit.*

- B. 106.02 Approval Criteria: An authorization of a similar use requires review as an interpretation pursuant to Section 1308, Interpretation, and shall be subject to the following standards and criteria.

- (A) In the following zoning districts, the proposed use must be similar to one or more of the listed permitted uses in that same zoning district: BP, C-2, C-3, CC, CI, GI, LI, NC, OA, OC, PMD, PMU, RC, RCC, RCO, RI, RTC, RTL, SCMU, and VCS Districts.

**Finding:** *The proposed use is in the GI District. The applicant requests a similar use determination for “government uses”, which is listed in Table 602-1 as a conditional use in the GI District.*

*The listing in Table 602-1 for government uses states “unless such a use is listed elsewhere in this table as a primary or accessory use.*

*The allowance for offices in the GI District is specifically for offices of business that “primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits”. Fort Kennedy’s offices are for employees and volunteers primarily providing on-site services to clients who visit the subject property which is not listed or described elsewhere in Table 602-1. Therefore, the staff offices can be allowed as a use that is customarily accessory to the government uses.*

*The applicant provided a copy of the land use decision from associated Similar Use Authorization land use application file Z0549-22 to be included in their application submittal. The decision lists various organizations that provide services to veterans which the applicant provided with their Z0549-22 land use application materials. The table below represents staff’s analysis of the submitted application materials. The table specifies the type of services each organization provides, as described in the submitted application materials of land use application Z0549-22 and*



cross-referenced on the organization's website, and identifies if Fort Kennedy provides a correlating service. As represented in the table below, the applicant has demonstrated at the following services are provided by government agencies and Fort Kennedy:

- Offices for staff and volunteers
- Housing services (screening for government housing programs, calling housing case managers)
- Legal services (provide legal advice)
- Energy assistance (including electricity, natural gas, oil, propane, wood or pellets)
- Employment assistance
- Emergency financial assistance (for past due rent, utilities, moving expenses, security deposits)
- Referrals for drug and alcohol counseling
- Assistance obtaining IDs
- Transportation assistance (bus passes, gas cards)

The application materials have not demonstrated that government agencies provide the follow services that are provided by Fort Kennedy:

- Clothing distribution
- Food distribution
- Health and hygiene services (on-site showers, haircuts, distribution of hygiene items)

Organization	Government	Services	Fort Kennedy Services	Notes
Veterans Village	No	Transitional shelter Community kitchen Bathroom/shower facilities Behavioral and physical health services Social services Employment training and skill-building	Food distribution Hygiene services  Drug and alcohol counseling referral  Employment assistance	Transitional shelter use no longer permitted in the GI district.  The Village is operated by Do Good Multnomah, a nonprofit organization
Clackamas County Mobile Shower Units – Clackamas Service Center	No	Showers Clothing donation (provided to customers)	Hygiene services Clothing distribution	Not a service operating at a specific, permanent location
Stand Down - Clackamas County	Unclear	Employment fair	Employment assistance	“Stand down” are events that occur; single-day events

		Health and wellness service Military surplus Vaccinations Veteran intake for program & services Meals	Health and hygiene service  Food distribution	at various locations. Not a service operating at a specific, permanent location
DVOP Disabled Veterans Outreach Program	Yes, State of Oregon	Employment and training services	Employment assistance	
Clackamas County Veteran Services	Yes, Clackamas County	VA Benefit Enrollment help	-	
Disability Resource Connection Clackamas County	Yes, Clackamas County	Information distribution / how to access services	Information distribution / how to access services	
Transportation Reaching People Program - Clackamas County	Yes, Clackamas County	Transportation services; individual transport to appointments, shopping, etc.	Transportation assistance	
Housing Rights and Resources Center	Yes, Government agency partnership	Housing information Housing-related legal information Assist in finding housing	Housing services Legal services	
Utility Support Clackamas County	Yes, Clackamas County	Utility bill payment assistance	Energy assistance (electricity, gas, oil, etc.) Financial assistance for utility bills	
ODVA – State of Oregon	Yes, State of Oregon	Benefit and program offerings Assistance in filing claims Employment Disability Compensation Education Financial assistance Transportation	Coordination with veteran agencies  Employment assistance  Financial assistance Transportation assistance	

		ID's, records and medals	Obtaining ID assistance	
Supportive Services for Veterans Families; Department of Veteran's Affairs	Yes, State of Oregon	Assist in finding housing Financial assistance Assistance obtaining VA benefits Referrals for health care Assist with personal financial planning Legal services Employment and training Drug and alcohol counseling referral	-	This is a grant program. Recipients of the grant must provide services. "Supportive services grants have been awarded to selected private non-profit organizations and consumer cooperatives" Fort Kennedy does not provide grants to private non-profit organizations
Community Connections of Northeast Oregon, Inc.	No	Housing assistance Utility assistance Transportation Food bank	Housing services Utility assistance (energy assistance and utility financial assistance) Food distribution	

*The applicant provided a Certificate of Occupancy for the Veterans Village as evidence to support that the uses provided by Veterans Village are customarily accessory to government uses. The applicant states:*

*"The property in the Certificate of Occupancy is owned and operated by a government agency and conducts activities including Clothing distribution, Food distribution, and Health and hygiene services (onsite showers, haircuts, distribution of hygiene items). Therefore, it may be found that all of Fort Kennedy's activities associated with its use are customarily accessory to government uses."*

*The Village is operated by Do Good Multnomah, a veteran-managed nonprofit specializing in providing services to homeless veterans. The site contains 15 sleeping pods, a community kitchen, showers and restrooms, and a community room. The project was supported by the Clackamas County Board of Commissioners, who invested money from the county's general fund to support the project, and is located on land owned by the County; however, the facility is not run by the County. In addition, the Village includes a community kitchen, but the use is different than that of Fort Kennedy; Fort Kennedy provides food distribution services by handing out*

*unprepared food items, whereas Veterans Village offers a communal kitchen for residents to store, cook and eat prepared foods onsite. The uses offered by each organization are not synonymous.*

*The services/amenities offered by Veterans Village that are listed on the County's webpage include: sleeping pods with a closet, shared kitchen and bathroom/shower facilities, as well as meeting spaces health services (behavioral and physical), social service programs (geared toward self-sufficiency), and employment training and skill-building. Clothing distribution is not a listed service.*

*Staff finds that the Applicant's described use is, in part, similar to "government uses", as used in the GI District in Table 602-1.*

- (B) In the following zoning districts, the proposed use must be similar to one or more of the listed permitted limited uses in that same zoning district: HDR, MRR, RCHDR, and SHD Districts.

***Finding:*** *The proposed use is in the GI district; therefore, this criterion is not applicable.*

- (C) In zoning districts regulated by Table 315-1, Permitted Uses in the Urban Residential Zoning Districts, 316-1, Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts, or 317-1,

Permitted Uses in the MRR and HR Districts, the proposed use must be similar to one or more uses that are:

1. Listed permitted conditional uses in that same zoning district; and
2. Identified by the applicable table as eligible to be the basis of an authorization of similar use.

**Finding:** *The GI district is regulated by Table 602-1, and not Tables 315-1, 316-1, or 317-1. Therefore, this criterion is not applicable.*

- (D) In the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the proposed use must be similar to one or more of the listed permitted conditional uses in that overlay zoning district.

**Finding:** *The application does not concern a land use in the Historic Landmark, Historic District, or Historic Corridor overlay zoning districts. This criterion is not applicable.*

- (E) A use may not be authorized as a similar use if it is specifically listed as prohibited in the applicable zoning district.

**Finding:** *The described use is not specifically listed in the ZDO as prohibited in the GI District. This criterion is met.*

- (F) A use may not be authorized as a similar use if it is a special use regulated by Section 800, Special Use Requirements.

**Finding:** *The described use is not regulated by Section 800. This criterion is met.*

#### **4) ZDO SECTION 1203.02 CONDITIONAL USES**

##### **A. 1203.02: Submittal Requirements**

*This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in ZDO Section 1203. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1203.02 are included in the application. The application was submitted on January 22, 2024 and additional materials received were on July 22, 2024. The application was deemed complete on July 22, 2024.*

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

**Finding:** *The subject property is located in the General Industrial (GI) zoning district. ZDO Section 602, Table 602-1, of the ZDO controls land uses in the underlying GI district. "Government Uses, unless such a use is listed elsewhere in this table as a primary or accessory use" is listed as a conditional use in Table 602-1, subject to Footnote 2.*

*Footnote 2 of the referenced Table states that "In Regionally Significant Industrial Areas (RSIAs) identified on Comprehensive Plan Map IV-8, parks—*

*intended to serve people other than those working or residing in the RSIA—and schools are prohibited.” The proposed use is not a park; therefore, Footnote 2 is not applicable to this land use application.*

*If found to be Similar to “Government Uses”, the proposed use is a conditional use in the underlying zoning district.*

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

**Finding:** *The subject property is already developed with an existing multi-tenant building and parking lot. Fort Kennedy has been operating at this location for some years. The applicant states that there are designated parking spaces for Fort Kennedy’s staff/volunteers and clients which has adequately served their parking needs on site.*

*The subject property is nearly 8 acres in size and is relatively flat. The site is accessed off of Johnson Creek Blvd., a major arterial road, located between the main intersections of Bell Ave and 82<sup>nd</sup> Ave. There are no mapped environmental hazards that are regulated by the Zoning and Development Ordinance, such as Floodplain (Section 703), Habitat Conservation Area (Section 706), or Water Quality Resource Area (Section 709).*

*When considering the characteristics of the subject property, staff finds that this criterion is met.*

- D. **1203.03(C):** The proposed use is consistent with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use.

**Finding:** *Conditional Uses in the GI zoning district are exempt from following the concurrency requirement of Subsection 1007.07, pursuant to 1007.07(B)(1). This standard is not applicable.*

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

**Finding:** *The site is in the General Industrial (GI) zoning district and is surrounded by properties in GI district to the west, Medium Density Residential (MR-1) to the east, Urban Low Density Residential (R-7) to the south, and Medium-High Density Residential (MR-2) to the north. This specific review criterion does not require the proposed use to not have any impacts, rather the impacts must not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses.*

*The proposed use operates entirely inside the existing structure. There is no external evidence of the use, such as outdoor storage, and based on the information from the submitted land use application materials the use generates few vehicles trips to/from the site. Due to the nature of the*

*business, there are no impacts from noise, odor, dust, or light that would substantially limit the use of surrounding properties.*

*As proposed, staff finds this criterion is met.*

- F. **1203.03(E):** The proposed use is consistent with the applicable goals and policies of the Comprehensive Plan.

***Finding:*** *Industrial goals of Chapter 4 of the Comprehensive Plan include “Protect Industrial areas from the transportation impacts of residential and commercial development” and “protect areas adjacent to industrial areas from potential blighting effects of noise, dust, odor or high truck traffic volumes.” The proposed use is not commercial or residential in nature and so industrial areas will not be impacted by traffic from that type of development. Moreover, the proposed use will operate exclusively within an existing building and so there will be no detectable noise, dust, or odor from the use. The non-profit does not involve the operation of high truck volumes which could have an impact on surrounding residential developments. This criterion is met.*

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

***Finding:*** *Staff reviewed compliance with ZDO Section 1000, as applicable. The findings are included in the staff report below.*

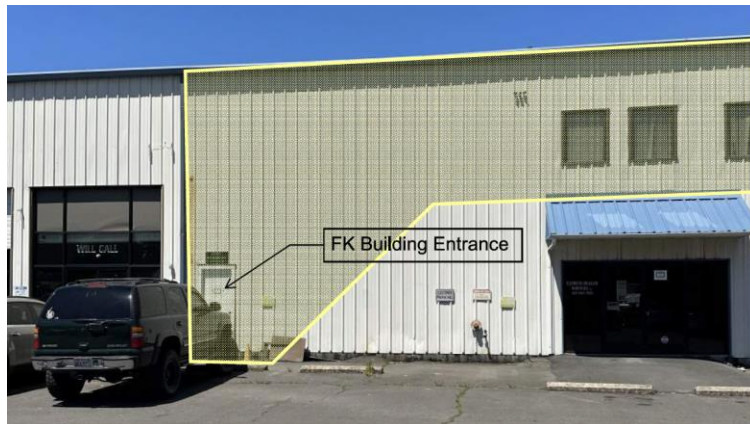
## **5) ZDO SECTION 1000 DEVELOPMENT STANDARDS**

*Not all review subsections in ZDO Section 1000 are applicable. Below is an evaluation of the criteria that are applicable to the proposed conditional use.*

- A. Sections 1002, 1003, and 1004 are not applicable to the subject property.
- B. Section 1005 relates to the design of the buildings and the site.

***Finding:*** *Section 1005 is adopted to ensure sites are developed and buildings are designed to create safe employment areas, and accommodate the needs of users in developments. The proposal does not involve the construction or redesign of any buildings or the site; Subsection 1005.02 is not applicable. Subsection 1005.03 applies standards to building facades with primary and/or public entrances, including the need for entrances to be highly visible and clearly defined. To increase safety, adequate lighting shall be provided for entryways, walkways, and parking areas. Due to the scope of the proposal (i.e. no new development proposed), staff finds that these standards can be met by providing lighting at Fort Kennedy’s primary entrance. A wall-mounted light or pole-mounted light shall provide adequate illumination of the primary entrance; if existing lighting already serves this purpose, then new lighting need not be required. Subsection 1005.04 provides requirements for*

outdoor lighting. A condition of approval is recommended to ensure that there is a visible and safe entrance to the Fort Kennedy tenant space.



FK occupies the upper level of Office Building with stair & elevator access  
SOUTH ELEVATION

*As conditioned, this criterion can be met.*

C. **1006.03(D) Water Supply.** The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

- a. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.

***Finding:*** *The property is within the Clackamas River Water (CRW) service district. A preliminary statement of feasibility was signed by CRW confirming that water service, including fire flows, is available in levels appropriate for the development and adequate water system capacity is available in source, supply, treatment, transmission, storage, and distribution, or such levels and capacity can be made available through improvements completed by the developer or the system owner. This criterion is met.*

D. **1006.04 Sanitary Sewer Service.** Approval of a development that requires sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider.

***Finding:*** *The applicant provided a signed preliminary statement of feasibility from Water Environment Services (WES) confirming that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made*



*available through improvements completed by the developer or the system owner. This criterion is met.*

**E. 1006.06 Surface Water Management and Erosion Control.** The following surface water management and erosion control standards apply:

- a. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.
- b. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply
- c. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.
  - i. The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility
  - ii. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.

***Finding:*** *WES is the surface water management authority for the area including the subject site. The applicant has submitted a preliminary statement of feasibility signed by WES indicating that adequate surface water management, treatment, and conveyance is available to service the development or can be made available through improvements completed by the development or the system owner. This criterion is met.*

**F. 1009, Landscaping.** Section 1009 seeks to ensure that sites are designed with appropriately selected, designed, installed, and maintained landscape materials and that landscaped areas are used for appropriate purposes.

***Finding:*** *The minimum landscaping requirement in the G1 district is 15 percent, pursuant to ZDO Subsection 1009.02, however if a commercial, industrial, or institutional development is lawfully nonconforming with regard to compliance with the minimum landscaped area standard then additions of less than 1,000 square feet of building floor space do not require increased compliance with the minimum landscaped area. The applicant did not provide information pertaining to the existing landscaped area on site; however, since there is no building addition proposed with this land use application then no*

*additional landscaping would be required if the site were non-compliant with regards to minimum site landscaping. Staff finds that no additional landscaping is necessary to screen or buffer the proposed use from the adjoining residential uses when considering the existing vegetation on site, and that the proposed use operates exclusively indoors.*

*As such, staff finds that this section is not applicable.*

- G. **1010 Signs; 1010.09 Commercial Signs in Industrial Districts.** Section 1010 regulates the size, type and location of signs.

***Finding:*** *There are no proposed signs associated with the application. Should the applicant want to install signage for the business, then compliance with this section shall be met at that time. This Section is not applicable.*

- H. **1015 Parking and Loading.** Section 1015 is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas. Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1 shall be subject to the requirements for the most similar use.

***Finding:*** *Applicant's narrative submitted on July 22, 2024 states that five (5) parking spaces are allocated to Fort Kennedy. Parking requirements in Table 1015-1 are expressed as number of spaces per 1,000 square feet of gross leasable area, unless otherwise stated. The land use categories in Table 1015-1 list "office uses" including "government office" and require that 2.7 parking spaces, per 1,000 square feet of floor area is required. For warehousing and storage, 0.3 spaces per 1,000 square feet are required. The floor plan provided by the applicant states that Fort Kennedy occupies approximately 8,100 square feet of space overall, yet a portion of the leased space, approximately 3,000 square feet is for storage purposes only. It is noteworthy to add that the scale provided on the floor plan did not appear to be correct and so Planning staff used their best judgement to determine the square footage of storage areas within the tenant space.*

*5,100 square feet of office/government office space necessitates 13.77 parking spaces. 3,000 of storage space necessitates 0.9 parking spaces; therefore, 15 parking spaces are required for the proposed use.*

*As proposed, the applicant does not have enough vehicle parking spaces allocated to their use. Since there are additional parking spaces provided on site, there may be a pathway for the applicant to have more spaces allocated to them, or the applicant could demonstrate that there is adequate shared*

*parking for all tenants using the site. At this time, staff finds that this criterion is not met.*

- I. **1021 Solid Waste and Recyclable Material Collection.** Outlines the standards for refuse and recycling for commercial developments.

***Finding:*** *The requirements and standards of Section 1021 are applicable to conditional uses; yet no information was provided by the applicant to demonstrate compliance with this Section. The site plan does not show the location of the trash enclosure, if existing, and there is no information on how the trash handling is addressed. At this time, staff finds that the standards of this section are not met.*