



Stephen L. Madkour
County Counsel

January 18, 2024

BCC Agenda Date/Item: _____

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Hong Huynh
Caleb Huegel
Assistants

Board of County Commissioners
Clackamas County

Adoption of a Previously Approved Comprehensive Plan Map Amendment and Zone Change for File Nos. Z0313-23-CP and Z0314-23-ZAP. No County General Funds are involved.

Previous Board Action/Review	The Board held a public hearing on December 13, 2023, at which the Board voted 3-0 to approve the application and directed staff to draft an order reflecting that decision.		
Performance Clackamas	1. Build public trust through good government.		
Counsel Review	CH	Procurement Review	N/A
Contact Person	Caleb Huegel	Contact Phone	503-655-8364

EXECUTIVE SUMMARY:

File Nos. Z0313-23-CP and Z0314-23-ZAP include a Comprehensive Plan Map amendment from Medium Density Residential (MDR) to Light Industrial (LI), with a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI), for approximately 3.96 acres of land located at 15997 and 16107 SE 135th Avenue.

On November 27, 2023, a public hearing was held before the Planning Commission to consider the application. The Commission voted unanimously to recommend approval of the application subject to conditions, as recommended by staff.

On December 13, 2023, a public hearing was held before the Board to consider the application. The Board voted 3-0 to approve the application subject to conditions, as recommended by staff and the Planning Commission.

The Board then directed staff to draft an order reflecting its decision. A copy of the order, including findings supporting the decision, are attached.

For Filing Use Only

RECOMMENDATION:

Staff recommends that the Board approve the attached Board Order and the findings attached thereto.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Caleb Huegel", with a long horizontal flourish extending to the right.

Caleb Huegel
Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of a Comprehensive Plan Map Amendment and Zone Change Proposed by Peter F. Fry for Properties Described as T2S, R2E, Section 11DB, Tax Lot 00700, W.M., and T2S, R2E, Section 11D, Tax Lot 01602, W.M.



Board Order No.

Page 1 of 2

File Nos. Z0313-23-CP and Z0314-23-ZAP

WHEREAS, Peter F. Fry made an application for a Comprehensive Plan Map amendment from Medium Density Residential (MDR) to Light Industrial (LI), with a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI), for approximately 3.96 acres of property located at 15997 and 16107 SE 135th Avenue; described as T2S, R2E, Section 11DB, Tax Lot 00700, W.M., and T2S, R2E, Section 11D, Tax Lot 01602, W.M.; and shown on Exhibit A, which is attached hereto and incorporated herein by this reference;

WHEREAS, after appropriate notice, a public hearing was held before the Planning Commission on November 27, 2023, at which testimony and evidence was presented, and that, at that hearing, the Commission voted unanimously to recommend approval of the application subject to conditions of approval;

WHEREAS, after appropriate notice, a public hearing was held before the Board of County Commissioners on December 13, 2023, at which testimony and evidence were presented, and that, at that hearing, the Board voted 3-0 to approve the application subject to conditions of approval;

WHEREAS, the Board adopts the findings shown in Exhibit B, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the Board finds that the application, subject to the conditions of approval identified in Exhibit B, complies with all applicable state and county criteria to change the Comprehensive Plan Map designation for the property from Medium Density Residential (MDR) to Light Industrial (LI) and to rezone the property from Medium Density Residential (MR-1) to Light Industrial (LI);

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of a Comprehensive Plan Map Amendment and Zone Change Proposed by Peter F. Fry for Properties Described as T2S, R2E, Section 11DB, Tax Lot 00700, W.M., and T2S, R2E, Section 11D, Tax Lot 01602, W.M.



Board Order No.

Page 2 of 2

NOW, THEREFORE, BE IT ORDERED, that the requested Comprehensive Plan Map amendment and zone change are hereby APPROVED subject to the conditions of approval identified in Exhibit B.

DATED this 18th day of January 2024

BOARD OF COUNTY COMMISSIONERS

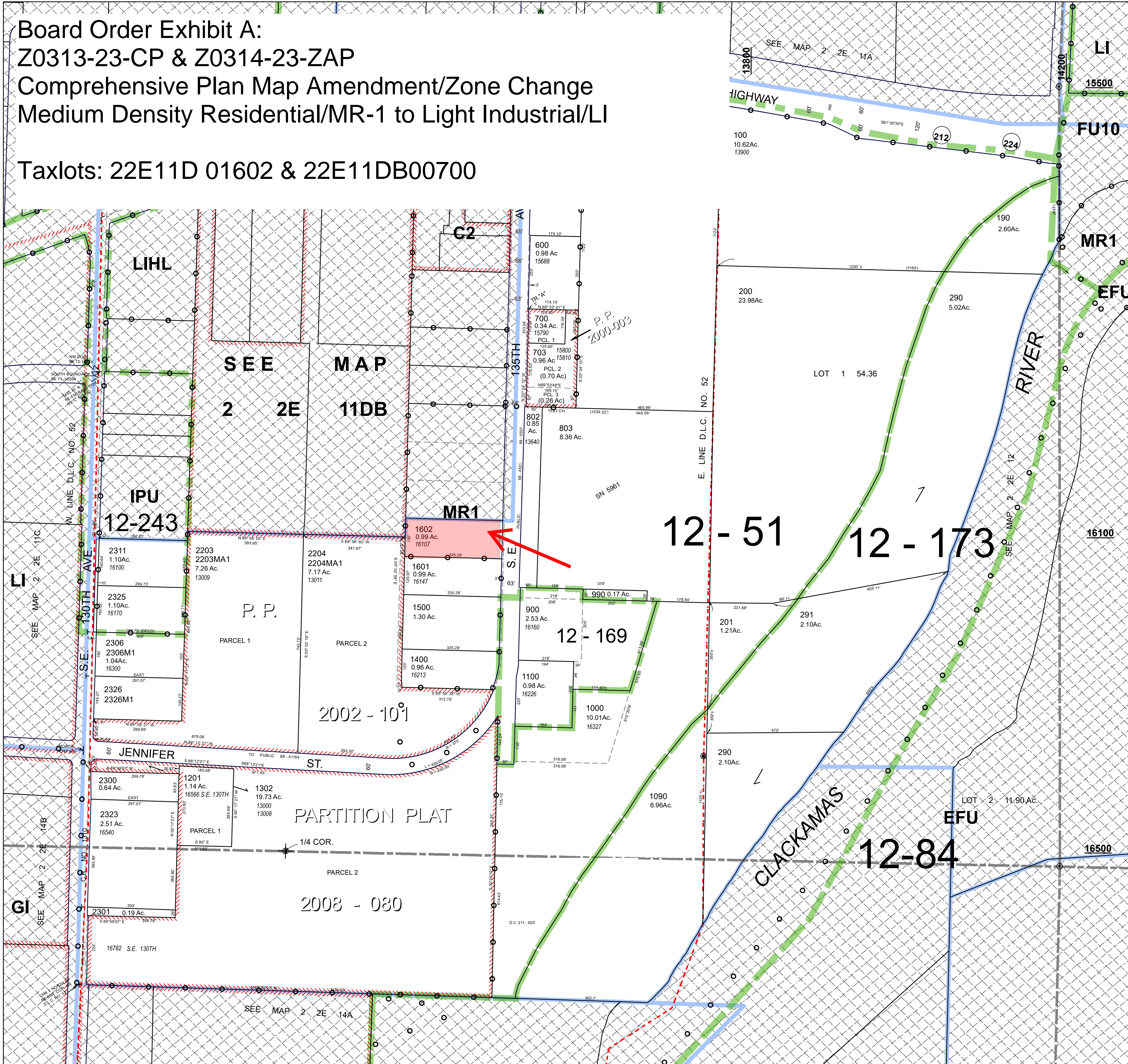
Chair

Recording Secretary

Board Order Exhibit A:
 Z0313-23-CP & Z0314-23-ZAP
 Comprehensive Plan Map Amendment/Zone Change
 Medium Density Residential/MR-1 to Light Industrial/LI

Taxlots: 22E11D 01602 & 22E11DB00700

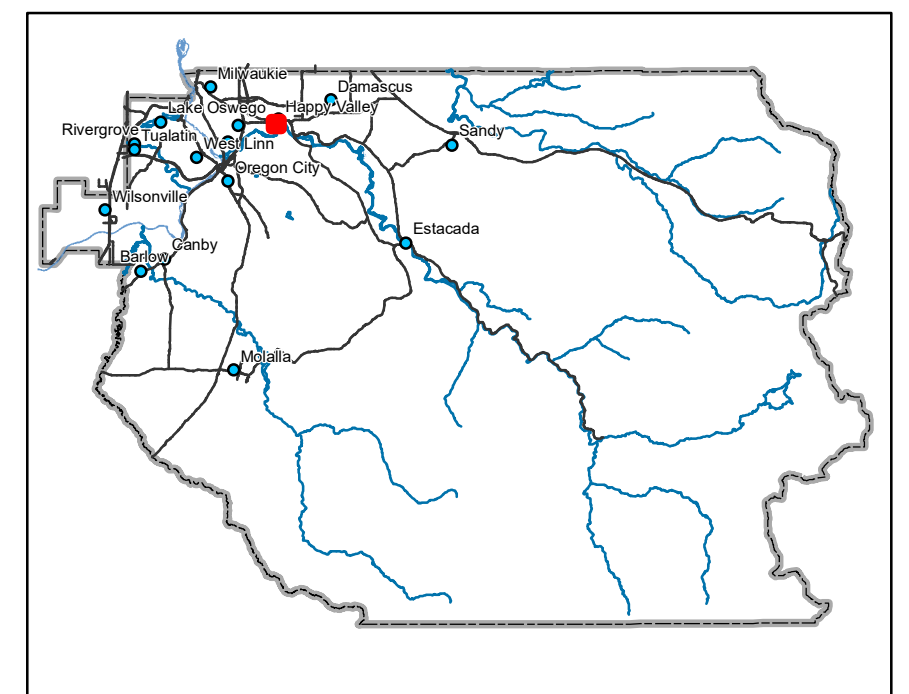
S.E. 1/4 SEC. 11 T.2S. R.2E. W.M.
 CLACKAMAS COUNTY
 1" = 200'



Cancelled Taxlots

1304	2293
1307	2204A3
2001	2204A2
2101	2203A2
2200	2204A1
2307	2203A1
2327	2005M1
2400	2005
2308	1900
2309	1906
1383	1905
1393	1907
1801	1904
2314	1903
2320	1902
2321	1700
2315	2000
2316	2005MA1
2319	2006
1306	2100
2317	2202
2318	2312
401	2312A1
2002	2302
2324	2305
2304	2303
1301	2313
1305	2310
1300	2294
1200	2203MA2
1385	
1290	
1395	
1391	
2201	
2102	
1901	
2004	
901	
1101	
1401	
1303	
800	
801	
1001	
2103	
2104	
2003	
1202	
1308	
2328	
1600	
1800	
701	
702	

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



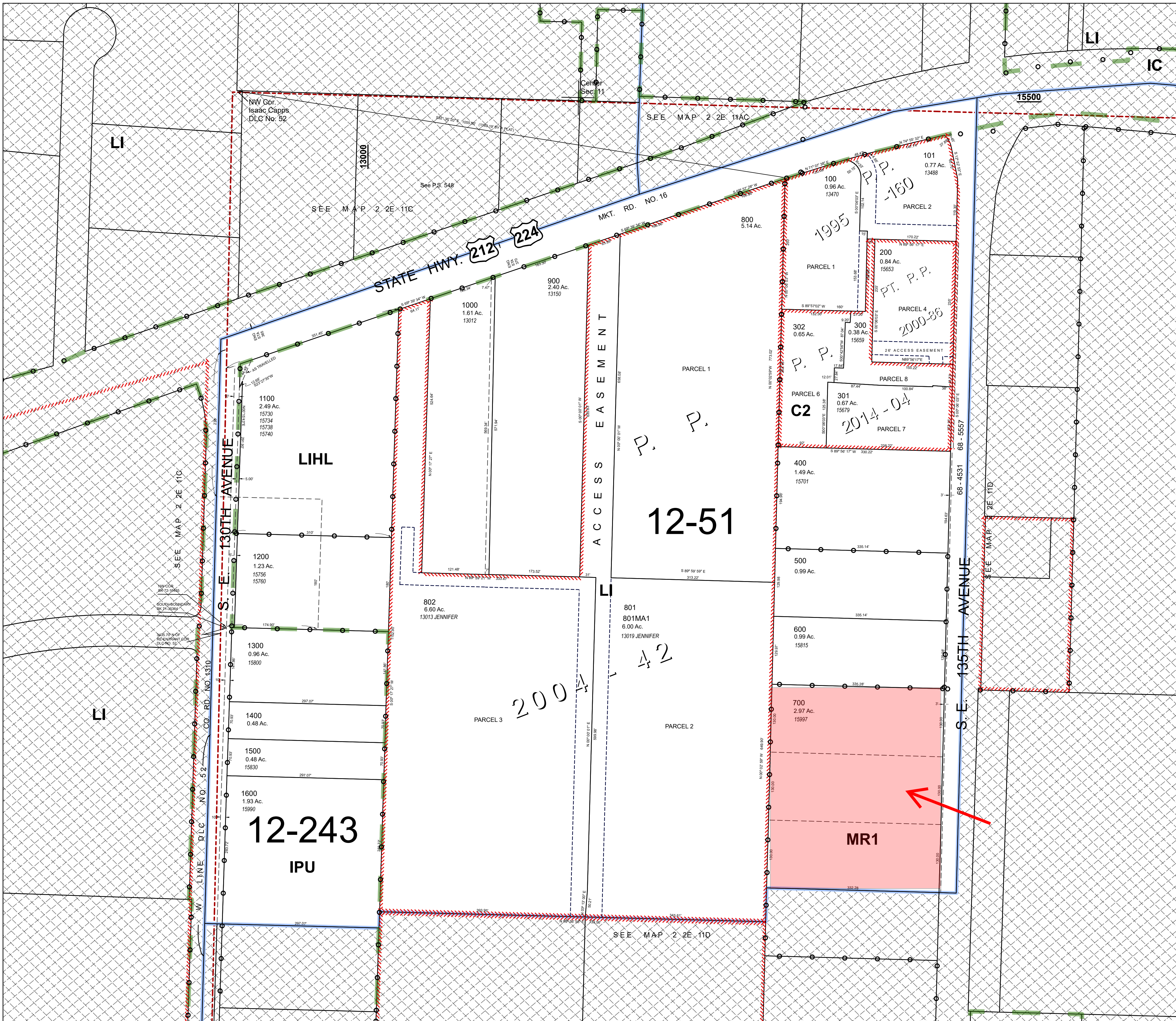
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

N.W.1/4 S.E.1/4 SEC.11 T.2S. R.2E. W. M.
CLACKAMAS COUNTY

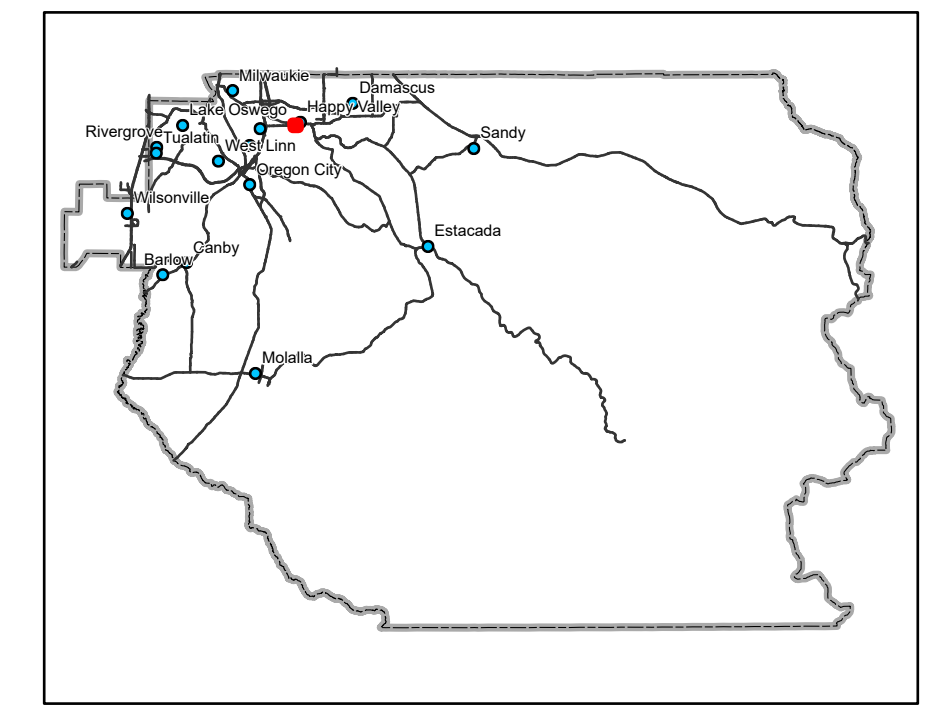
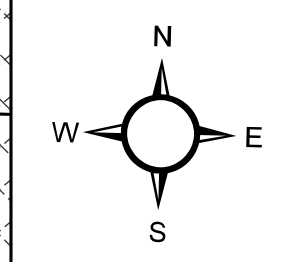
1" = 100'

D. L. C.
ISAAC CAPPS NO. 52

Cancelled
1100A1
1100



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- - - Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

Exhibit B
Findings of Fact for Z0313-23-CP and Z0314-23-ZAP:
Comprehensive Plan Map Amendment and Zone Change

SECTION I: GENERAL INFORMATION

PLANNING FILE NOS.: Z0313-23-CP and Z0314-23-ZAP

ADOPTION DATE: January 18, 2024

PROPOSAL: A Comprehensive Plan map amendment to change the land use plan designation for the subject properties from Medium Density Residential (MDR) to Light Industrial (LI), with a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI) to allow for future development of light industrial uses. No development is proposed with this application.

LOCATION: 15997 & 16107 SE 135th Ave., Clackamas; on the west side of SE 135th Ave, approximately 1,100 feet (0.21 miles) south of the intersection of SE 135th Ave and Hwy 212/224

T2S, R2E, Section 11DB Tax Lot 00700 W.M. & T2S, R2E, Section 11D Tax Lot 01602 W.M

APPLICANT(S): Peter F Fry

OWNER(S): H& R Properties LLC and Susan Lynn & Richard Warren Owens

TOTAL AREA: Approximately 3.96 acres

ZONING: Medium Density Residential (MR-1)

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential (MDR)

COMMUNITY PLANNING ORGANIZATION: Clackamas CPO (inactive)

APPLICABLE APPROVAL CRITERIA: These applications are subject to: Statewide Planning Goals; Clackamas County Comprehensive Plan Chapters 2, 3, 4, 5, and 11; and Clackamas County Zoning and Development Ordinance (ZDO) Sections 705 and 1307.

SECTION II: CONCLUSION & CONDITIONS OF APPROVAL

The Board of County Commissioners (the "Board") finds that this application satisfies all applicable State of Oregon and Clackamas County criteria to amend the County's Comprehensive Plan Map land use plan designation for the subject properties from Medium Density residential (MDR) to Light Industrial (LI) and to rezone the properties from Medium Density Residential (MR-1) to Light Industrial (LI). The Board **APPROVES** applications Z0313-23-CP and Z0314-23-ZAP, subject to the following conditions:

1. The Clackamas County Comprehensive Plan Map 4-6, *North Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that include the subject properties (taxlots 22E11D-01602, with situs address 16107 SE 135th Ave., and 22E11DB-00700, with situs address

15997 SE 135th Ave.), shall be amended to identify the subject properties as having a Comprehensive Plan land use designation of Light Industrial (LI).

2. The Clackamas County *North Urban Area Zoning Map* shall be amended to identify the subject properties as being in the Light Industrial (LI) zoning district.

The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

SECTION III: OVERVIEW AND BACKGROUND

The subject properties include two separate taxlots that together contain roughly 3.96 acres and form a rectangular area with approximately 520 feet of frontage on the west side of SE 135th Ave, a minor arterial. The properties are flat, are outside of a mapped flood hazard area, and have no County-regulated waterbodies, mass-movement or soil hazard areas, or historic landmarks.

According to aerial photography, building permit history, Assessor's data, and the applicant's narrative and Traffic Impact Study (TIS), the subject properties currently have the following improvements:

- The larger of the two lots contains a detached single-family dwelling, built in 1965, and six residential accessory buildings (pole buildings), which may be "used for vehicle storage".
- The smaller lot contains a detached single-family dwelling, built in 1946, and one residential accessory building. This building is also reportedly used for vehicle storage and there appears to be a fair amount of outdoor storage on this site.

Subject Properties and Vicinity (2022 Aerial Photo)



Source: Clackamas County GIS, PlanMap

Properties directly to the west, north and south of the subject properties are all zoned Light Industrial (LI).

- The western lot line of the subject properties is only about 60 feet from an actively-used 2.5-acre metal industrial building, which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings.
- The three parcels immediately south of the subject properties had been zoned MR-1, like the subject properties, but were the subjects of similar Comprehensive Plan map amendment and zone change applications to change the zoning designation to LI in 2002 (File Nos. Z0033-02-CP

and Z0034-02-Z) and in 2020 (file nos. Z0299-20-CP and Z0300-20-ZAP). These sites do not appear to have been developed yet with light industrial uses.

- The parcel immediately north of the subject is developed with light industrial buildings.

In addition, the subject properties and all of its neighbors to the north, south, west, and across SE 135th Ave to the east, are within an area that Metro has identified an “industrial area,” on the Metro *Title 4, Employment and Industrial Areas Map*. The subject property is also directly adjacent to a section of the County that Metro classifies as a “regionally significant industrial area” (RSIA)¹.

Across SE 135th Ave to the east are properties zoned Medium Density Residential (MR-1), including the Shadowbrook Mobile Home Park, located across the street and beyond a row of mature hedges. This mobile home park does not take access from SE 135th Ave; its access is from Hwy 212/224 to the north.

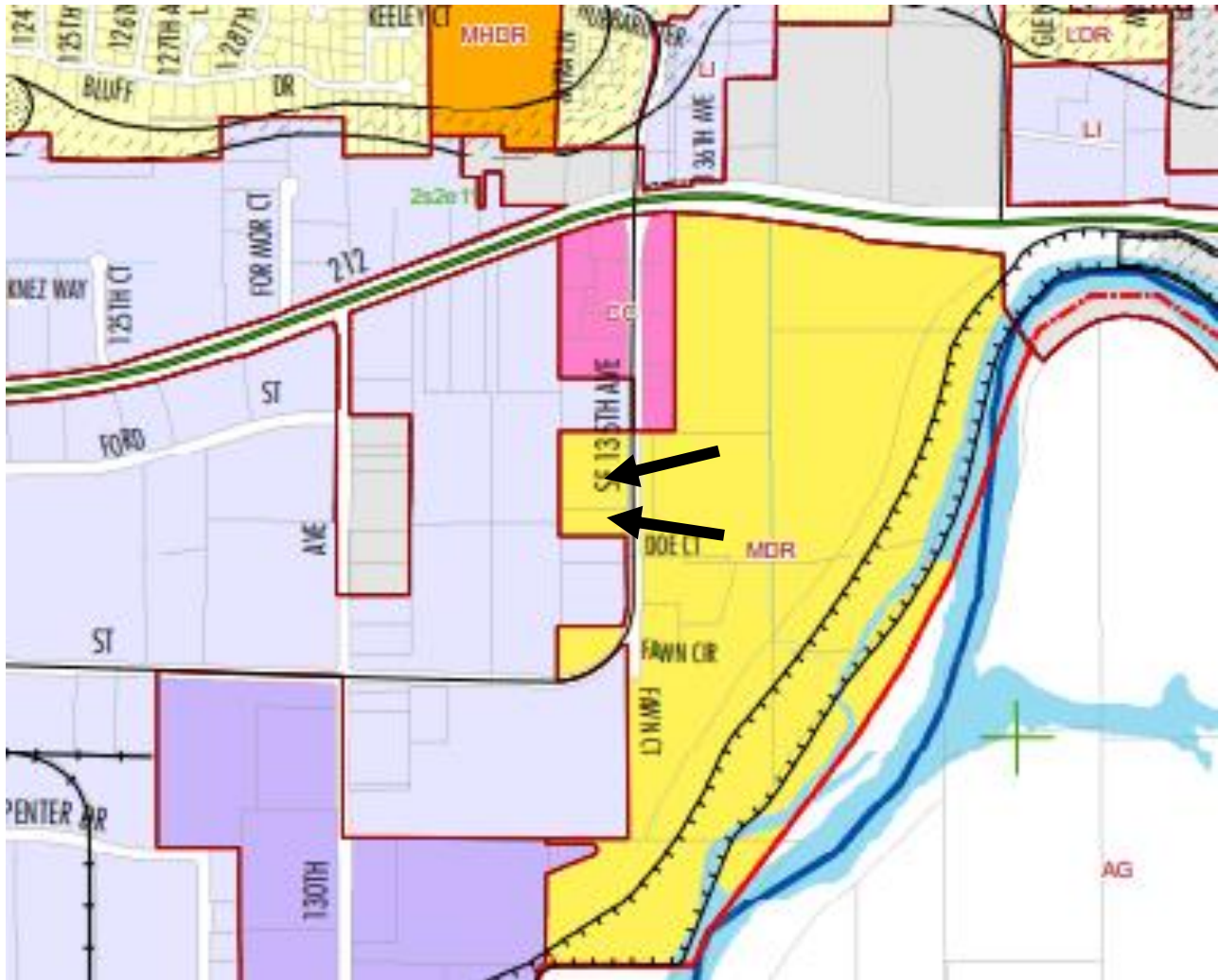
Further north toward the intersection of SE 135th Ave and Hwy 212/224 is a commercial area developed with a vehicle service station, other auto-related businesses, a landscaping company, and a couple of chain and fast-food restaurants.

The subject property is not visible from the Clackamas River, which is located more than a quarter mile to the southeast beyond vegetated open space. The Clackamas River is at least 60 feet below the elevation of the subject property.

The Applicant explains that this request to have the subject property's Comprehensive Plan designation and zoning district changed to match those of adjacent lots to the north and south and that the two properties would be “combined to create a parcel large enough to develop industrial service buildings with utility and storage structures for small light industrial businesses.” The Applicant further notes that “[t]he amendment continues to create a clear and smooth edge along SE 135th between the residential subdivisions on the east and the industrial district on the west.”

¹ RSIA's are those areas near the Metro region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. RSIA's are designated to: protect a supply of sites for employment by limiting the types and scale of non-industrial uses within them; provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another; to protect the capacity and efficiency of the region's transportation system for the movement of goods and services; and to encourage incompatible land uses to be located elsewhere.

Subject Properties in Current Comprehensive Plan Map 4-6, North Urban Area Land Use Plan



Boundaries	
	City Boundaries
	Clackamas County Boundary
	Metro Service Boundary
	Parcels
	Urban Growth Boundary

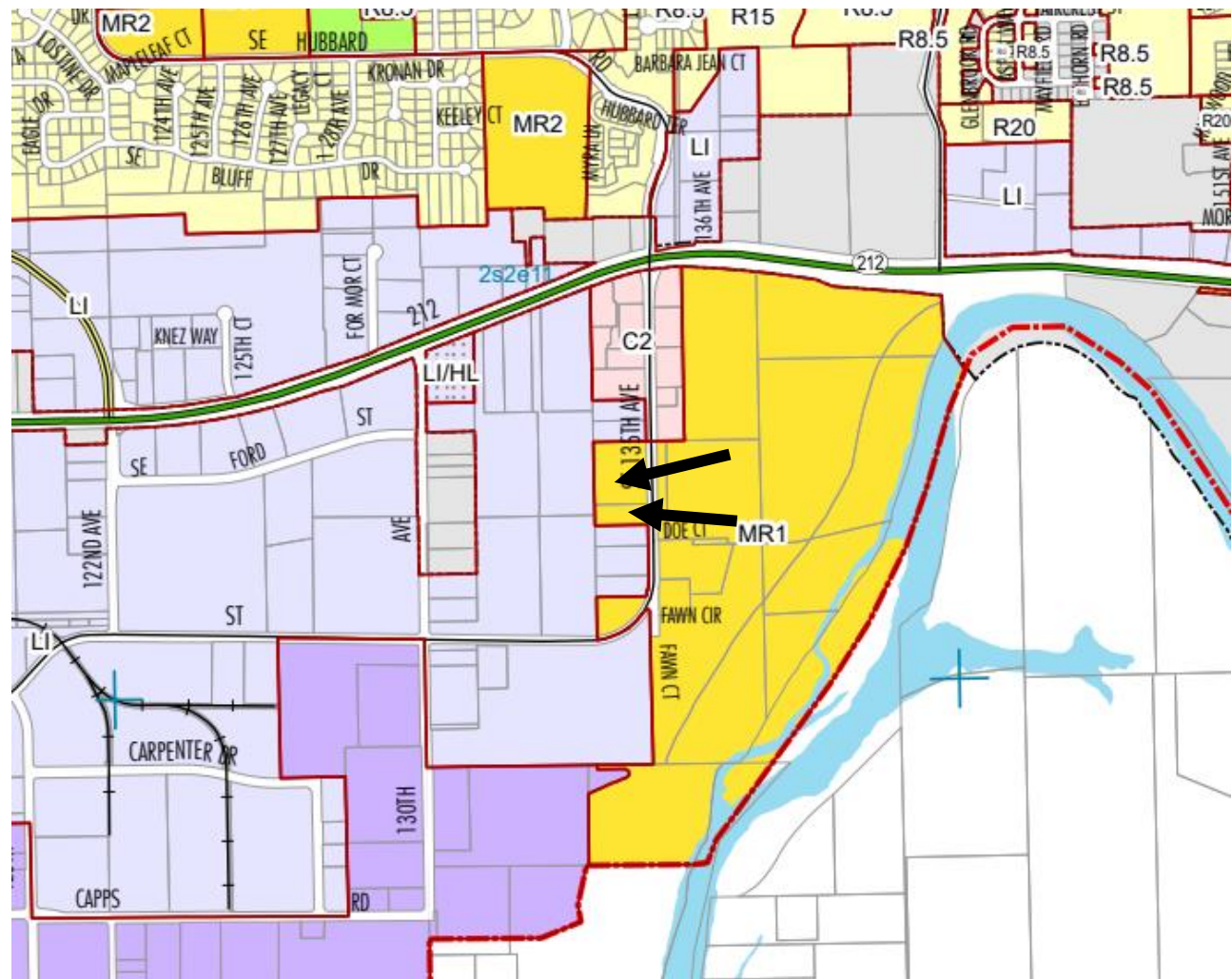
Open Space Plan Designations	
	Major Hazard Open Space
	Resource Protection Open Space
	Public and Community Use Open Space (PCU)
	Floodplain boundary per January 1980 Comprehensive Plan. Not consistent with FEMA National Flood Insurance Program.

Industrial Plan Designations	
	General Industrial (GI)
	Business Park (BP) Campus Industrial (CI) Light Industrial (LI)

Residential Plan Designations	
	Low Density Residential (LDR) Village Townhouse (VTH) Small Lot Single Family (SMLSF) Standard Lot Single Family (STLSF)
	Medium Density Residential (MDR)
	High Density Residential (HDR) Medium High Density Res. (MHDR) Special High Density Res. (SHDR) Regional Center High Density Res. (RCHDR) Village Apartment (VA)

Commercial Plan Designations	
	Community Commercial (CC) Corridor Commercial (COR) General Commercial (GC) Regional Center Commercial (RCC) Retail Commercial (RTL)
	Office Apartment (OA) Office Commercial (OC) Regional Center Office (RCO) Village Office (VO)
	Planned Mixed Use (PMU) Station Community Mixed Use (SCMU)
	Village Community Service (VCS)

Subject Properties in Current North Urban Area Zoning Map



Boundaries	Residential Zoning Districts	Commercial Zoning Districts
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <div style="border: 1px solid black; width: 20px; height: 10px; margin-bottom: 5px;"></div> Clackamas County <div style="border: 2px dashed red; width: 20px; height: 10px; margin-bottom: 5px;"></div> Urban Growth Boundary <div style="border: 1px solid gray; width: 20px; height: 10px; margin-bottom: 5px;"></div> City Boundaries </div> <div style="width: 30%; background-color: #cccccc; padding: 2px;"> Special Zoning Districts <div style="border: 1px solid black; width: 20px; height: 10px; margin-bottom: 5px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> Limited Use Zone (LUZ) <div style="border: 1px solid red; width: 20px; height: 10px; margin-bottom: 5px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, red 2px, red 4px);"></div> Historic District (HD) Overlay Historic Landmark (HL) Overlay <div style="background-color: #90EE90; width: 20px; height: 10px; margin-bottom: 5px;"></div> Open Space Management (OSM) </div> <div style="width: 30%; background-color: #cccccc; padding: 2px;"> Industrial Zoning Districts <div style="background-color: #D8BFD8; width: 20px; height: 10px; margin-bottom: 5px;"></div> Business Park (BP) Campus Industrial (CI) Light Industrial (LI) <div style="background-color: #9370DB; width: 20px; height: 10px; margin-bottom: 5px;"></div> General Industrial (GI) </div> </div>	<div style="background-color: #FFD700; width: 20px; height: 10px; margin-bottom: 5px;"></div> Future Urban, 10-Acre (FU-10) <div style="background-color: #FFFACD; width: 20px; height: 10px; margin-bottom: 5px;"></div> Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30) <div style="background-color: #FFDAB9; width: 20px; height: 10px; margin-bottom: 5px;"></div> Village Small Lot Residential (VR-4/5) Village Standard Lot Residential (VR-5/7) <div style="background-color: #FFD700; width: 20px; height: 10px; margin-bottom: 5px;"></div> Medium Density Residential (MR-1) Medium High Density Residential (MR-2) Planned Medium Density Residential (PMD) Village Townhouse (VTH) <div style="background-color: #FF8C00; width: 20px; height: 10px; margin-bottom: 5px;"></div> High Density Residential (HDR) Special High Density Residential (SHD) Regional Center High Density Residential (RCHDR) Village Apartment (VA)	<div style="background-color: #F08080; width: 20px; height: 10px; margin-bottom: 5px;"></div> Neighborhood Commercial (NC) Community Commercial (C-2) <div style="background-color: #FF69B4; width: 20px; height: 10px; margin-bottom: 5px;"></div> Office Apartment (OA) Office Commercial (OC) Regional Center Office (RCO) Village Office (VO) <div style="background-color: #FF69B4; width: 20px; height: 10px; margin-bottom: 5px;"></div> Corridor Commercial (CC) General Commercial (C-3) Regional Center Commercial (RCC) Retail Commercial (RTL) <div style="background-color: #ADD8E6; width: 20px; height: 10px; margin-bottom: 5px;"></div> Village Community Service (VCS) <div style="background-color: #9932CC; width: 20px; height: 10px; margin-bottom: 5px;"></div> Planned Mixed Use (PMU-1, PMU-2, PMU-3, PMU-6) Station Community Mixed Use (SCMU)

Noticing: This application has been processed consistent with the legal noticing requirements in Section 1307, *Procedures*, of the County's Zoning and Development Ordinance (ZDO) and with state noticing requirements. Specifically, the County has provided notice to interested agencies, local governments and property owners within 300 feet of the subject property consistent with State law and Section 1307 of the ZDO. The notification to property owners, public notices and hearings ensures an opportunity for citizens to participate in the land use process.

Only two substantive comments were received:

- A comment from Metro staff noting that the proposed change would bring the County's comprehensive plan map and zoning map into closer alignment with the form of growth and development envisioned in Metro's 2040 Growth Concept Map; and
- A brief email from the Fair Housing Council of Oregon, noting some concern with Goal 10 findings; however, no additional oral or written testimony was provided by this agency at either public hearing and the Board finds that Goal 10 is adequately addressed with the findings in Section IV (below).

The local Community Planning Organization, the Clackamas CPO, is inactive.

Public Hearings: Two public hearings were held to consider the proposal to change the Comprehensive Plan and zoning designations.

- November 27, 2023: a public hearing was held before the Planning Commission. The applicant team was the only party who provided testimony at the Planning Commission hearing. The Planning Commission voted unanimously (7-0) to recommend approval of Z0313-23-CP and Z0314-23-ZAP.
- December 13, 2023: a public hearing was held before the Board. Again, the applicant team was the only party who provided testimony at the Planning Commission hearing. The Board voted 3-0 to approve Z0313-23-CP and Z0314-23-ZAP.

SECTION IV: FINDINGS

This application is subject to the following provisions:

- A. Statewide Planning Goals;
- B. Metro Urban Growth Functional Plan Titles 1 and 4;
- C. Clackamas County Comprehensive Plan; and
- D. Zoning and Development Ordinance (ZDO) Sections 202, 1202, and 1307.

These provisions and the Applicant's preliminary findings in conjunction with this amendment have been reviewed. Compliance with the applicable regulations found in each is discussed below. ZDO Sections 202 and 1307 provide only definitions and procedural requirements that do not warrant separate written findings in this report.

A. Statewide Planning Goals

GOAL 1 – CITIZEN INVOLVEMENT

Statewide Planning Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process” and requires the County to have a citizen involvement program with certain features.

This application only proposes to amend the County’s Comprehensive Plan maps and zoning maps and even if approved, the County’s existing, State-acknowledged citizen involvement program would not change.

Section 1307, Procedures, of the ZDO contains adopted and State-acknowledged procedures for citizen involvement and public notification of quasi-judicial applications. This application has been processed consistent with those requirements, including with notice to: property owners within 300 feet of the subject property; the Department of Land Conservation and Development (DLCD); Metro; and other interested agencies. Notice of the application and its public hearings has also been published in the newspaper and on County websites.

Before the Board of County Commissioners (BCC) could decide on this application, there were two public hearings with opportunities for interested parties to testify. The public was also given the opportunity to provide written comments, and all comments provided have been included in the record.

The relevant requirements of Statewide Planning Goal 1 are satisfied.

GOAL 2 – LAND USE PLANNING

Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive plan provisions and regulations must be consistent with Statewide Planning Goals, but Goal 2 also provides a process by which exceptions can be made to certain Goals.

The proposed amendment to Clackamas County’s Comprehensive Plan maps, including to Map 4-06, would not change the County’s land use planning process. Even under the amendment, the County will continue to have a comprehensive land use plan and consistent implementing regulations. This report outlines how this amendment is consistent with applicable policies of the County’s State-acknowledged Comprehensive Plan. The Applicant does not request an exception to any Statewide Planning Goal, nor is an exception required for this amendment.

The relevant requirements of Statewide Planning Goal 2 are satisfied.

GOAL 3 – AGRICULTURAL LANDS

Goal 3 requires the County to identify farmland, designate it as such on its Comprehensive Plan maps, and zone it Exclusive Farm Use (EFU).

The County has already satisfied these Goal 3 requirements. This application does not propose to change the Comprehensive Plan Map designation or zoning of any farmland, nor does it propose a change in any allowed land use in the EFU zoning district. The subject is inside the Portland Metro Urban Growth Boundary (UGB) and is currently zoned for medium density residential development, not agriculture.

The relevant requirements of Statewide Planning Goal 3 are satisfied.

GOAL 4 – FOREST LANDS

Goal 4 requires the County to identify forest lands, designate it as such on Comprehensive Plan maps, and zone it consistently with State rules.

The County has already satisfied its Goal 4 requirements for forest land. This application does not propose to change the Comprehensive Plan Map designation or zoning of any forest land, nor does it propose a change in any allowed land use in its forest zoning districts (i.e., Ag/Forest and Timber Districts). The subject is inside the Portland Metro Urban Growth Boundary (UGB) and is currently zoned for medium density residential development, not forest.

The relevant requirements of Statewide Planning Goal 4 are satisfied.

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

Goal 5 requires the County to adopt programs that will protect an area's natural resources and will conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

This amendment would not change the County's adopted and acknowledged programs for the protection of such resources, nor would it change the County's adopted and acknowledged historic resources inventory. As noted previously in this report, the subject properties have no protected or inventoried historic resource and no County-regulated water bodies or other natural resources, and approval of this application would not itself authorize any development. The application does not propose to reduce or otherwise modify the boundaries of any open space areas.

The relevant requirements of Statewide Planning Goal 5 are satisfied.

GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY

Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan.

The amendment would not change any Comprehensive Plan policy or implementing regulation affecting a Goal 6 resource, nor would it modify the mapping of any protected resource.

The subject properties are already planned and zoned by the County for urban development. Parcels abutting the subject site to the north, west and south are currently planned and zoned specifically for light industrial uses. As mentioned earlier, the subject site itself is also already prioritized by Metro for industrial use as well.

Among other land uses that may cause noticeable pollution or environmental disturbances, the proposed LI zoning for the subject property prohibits the following:

- *Electrical power production facilities;*
- *Outdoor entertainment facilities, including race tracks;*
- *Petroleum, coal, or other fuel storage, refining, reclaiming, distribution, or wholesale trade;*
- *Retail auto repairing, overhauling, painting, washing, body and fender work, and reconditioning; and*

- Wrecking yards.

Per ZDO Section 602, the Applicant's proposed LI zoning would also require a conditional use permit, issued only after a public hearing and only if certain criteria are met, for any composting facility, recycling center or transfer station, or surface mining of the subject property.

Clackamas Water Environment Services (WES) is the surface water management authority for the subject property. The submitted application includes a Preliminary Statement of Feasibility in which WES has determined that adequate surface water treatment and conveyance is already available to serve future industrial development of the subject site, or could be made available through improvements completed by the developer or the system owner. The need for any specific stormwater management system improvements will be evaluated during the design review application process required ahead of any actual industrial development of the subject properties.

The relevant requirements of Statewide Planning Goal 6 are satisfied.

GOAL 7 – AREAS SUBJECT TO NATURAL HAZARDS

Goal 7 requires the County to address Oregon's natural hazards.

This amendment would not change the County's adopted and acknowledged Comprehensive Plan policies or implementing regulations regarding natural disasters and hazards, nor would it modify the mapping of any hazard. As noted previously though, the subject site is flat and has no mapped mass-movement or soil hazard areas and is not in a mapped flood hazard area.

The relevant requirements of Statewide Planning Goal 7 are satisfied.

GOAL 8 – RECREATIONAL NEEDS

Goal 8 requires the County to plan for the recreational needs of its residents and visitors.

The amendment would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding recreational needs, nor would it reduce or otherwise modify a mapped recreational resource.

The relevant requirements of Statewide Planning Goal 8 are satisfied.

GOAL 9 – ECONOMIC DEVELOPMENT

The purpose of Goal 9 planning is to provide adequate opportunities throughout Oregon for a variety of economic activities vital to the health, welfare, and prosperity of Oregonians.

Goal 9 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 9. Pursuant to OAR 660-009-0010(1), the requirements of Division 9 are only applicable to areas within urban growth boundaries (UGBs). Goal 9 requires the County's Comprehensive Plan for its urban areas to contain economic analyses and economic development policies. It also requires the Comprehensive Plan to provide "at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses". The County's State-acknowledged Comprehensive Plan already contains the required economic analyses and development policies, which this application does not propose to change. This application does, however, propose to amend the Comprehensive Plan maps in order to increase the supply of sites for allowable industrial uses.

However, neither Goal 9 nor OAR chapter 660, Division 9 require the applicant to conduct an economic opportunity analysis (EOA) to justify their amendment, as the subject properties would not result in a reduction in employment (industrial or commercial) lands. Approval of the amendment would further the purpose of Goal 9 by providing a developable industrial site in an area that is well-served by the transportation system, thereby increasing economic opportunities for the county.

The relevant requirements of Statewide Planning Goal 9 are satisfied.

GOAL 10 – HOUSING

The purpose of Goal 10 is to meet housing needs.

Goal 10 states that the County's Comprehensive Plan (including its land use designation maps) "should be developed in a manner that insures the provision of appropriate types and amounts of land" within UGBs for housing; it also advises that areas planned for residential development "be necessary and suitable for housing needs of households of all income levels".

Oregon Administrative Rules (OAR) Chapter 660, Division 7 (Metropolitan Housing) contains the administrative rules for compliance with Goal 10 within the Portland Metropolitan urban area, where the subject property is located. Specifically, subsection 2 of rule 60 states:

"(2) For plan and land use regulation amendments which are subject to OAR 660, division 18, the local jurisdiction shall either:

- (a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or
- (b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments."

In their November 21, 2023 email, the Fair Housing Council of Oregon stated that the Goal 10 analysis should state a number for Clackamas County's current housing need in order to confirm that the amendment meets Goal 10. However, as noted above, the Rules for Goal 10 compliance do not require this; rather they require that the county "[d]emonstrate through findings that the mix and density standards in this Division are met by the amendment". The Board finds the information summarized below and included in the application narrative sufficiently satisfies the Goal 10 requirements for the subject amendment.

1. The subject property is less appropriate and less suitable for residential development than it is for industrial development. The noise, vibrations, traffic, and other impacts of the surrounding industrial land uses would reasonably conflict with residential uses, especially when those residential uses are right next door. As noted previously, the subject site borders industrial parcels to the north, west and south; indeed, the site is just 60 feet from a 2.5-acre industrial building and directly abuts a more than 900-acre "regionally significant" industrial complex.

The subject property is separated from other existing residential development to the east by a minor arterial used by industrial freight traffic and by mature vegetation, and the mobile home park to the east is not accessible from the same street as the subject property. The nearest public school to the subject property, Clackamas High School, is more than a mile away, uphill, and across a state highway; the nearest elementary schools are even further away. There are no Tri-Met bus lines along SE 135th Ave or SE Jennifer St and the nearest MAX station is nearly three miles from the subject property.

This issue is aptly described in the application narrative: “This site could allow construction of 48 units that would take the form of attached dwelling units on a site isolated from residential uses by industrial uses on three sides and a no access buffer fence across the street to the east. The site's isolation makes private investment a high risk and public resources are required elsewhere. A single apartment building within the edge of a well-formed and developed industrial district. This would not add to the diversity of housing types available in Clackamas County.”

2. *The county has taken a wide range of actions to increase the amount and density of housing allowed in more appropriate locations within the urban area, since the most recent adopted housing analysis in which the County was found to have a sufficient mix and density to meet the Metropolitan Housing Rule and Goal 10.² Specifically, the county has:*
- *Allowed accessory dwelling units (ADUs) in all low-density single-family zoning districts inside the Metro UGB.*
 - *Increased the maximum allowed density for multifamily dwellings in certain commercial zones from 25 dwelling units/acre to 60 dwelling units/acre.*
 - *Decreased minimum off-street parking requirements for multifamily development and eliminated minimum off-street parking requirements for certain types of development and all development within proximity to transit. These actions make the development of higher-density units more feasible on a site and reduce the pre-unit development costs.*
 - *Increased the affordable housing density bonus, from a maximum of 8% over base density to a maximum of 50% over base density.*
 - *Added density bonus for mixed-use development in certain commercial zones.*
 - *Allowed duplexes, triplexes, quadplexes, townhouses, and cottage clusters (middle housing) in urban low-density residential areas, effectively increasing the allowed density in these areas by more than double what was previously allowed.*
 - *Adopted a number of residential zone changes in the urban area that, on balance, have increased residential housing density in the Metro UGB.*

Furthermore, under the density allowances for its current MR-1 zoning, up to 46 additional housing units could be built on the subject site (although none has ever been proposed). This number of potential housing units has been more than offset by the number of new middle housing units (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) that have been permitted or are in the process of being permitted in urban low-density residential zones. Those middle housing units are being built in existing, residential neighborhoods – much more appropriate locations for housing development than the subject sites. Based on Staff's initial search of the permitting system, at least 66 new units of middle housing are currently in the process of being developed in other parts of the urban unincorporated area. This number of middle housing units more than compensates for the number of middle housing units that could potentially be built on the subject sites, thereby ensuring that the County will continue to have sufficient housing mix and density.

² *This housing analysis was adopted in 2000 and has not been formally updated since because the County is no longer required to go through “Periodic Review” (the process under state law during which a jurisdiction would be required to update its housing and employment land inventory).*

The relevant requirements of Statewide Planning Goal 10 are satisfied.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Goal 11 is implemented by OAR Chapter 660, Division 11. The applicable part of this Goal is under Guideline (A)(3), which requires adequate public facilities and services, such as sewer, water, and stormwater services, for urban land uses in urban areas.

The applicant has provided Statements of Feasibility from the subject site’s sewer, water, and stormwater service providers. The statements attest that there are already adequate services available to the properties to accommodate industrial uses, or that adequate services could be made available concurrent with future industrial development.

No changes to adopted facilities plans or implementing regulations are proposed in this application.

Statewide Planning Goal 11 is not applicable.

GOAL 12 – TRANSPORTATION

The purpose of Goal 12 is to provide and encourage a safe, convenient, and economic transportation system. It requires the County to create a transportation system plan (TSP) that takes into account all relevant modes of transportation.

Goal 12 is implemented by OAR Chapter 660, Division 12, commonly referred to as the “Transportation Planning Rule” (TPR). When an amendment to the County’s Comprehensive Plan maps or zoning map is proposed, Rule 60 of the TPR requires an analysis of whether the proposed amendment would “significantly affect” an existing or planned transportation facility, and whether it is necessary to update transportation facility plans to accommodate such effects. The TPR defines what it means to “significantly affect” a transportation facility.

The Applicant has provided a traffic impact study (TIS), prepared by a licensed engineering firm, Clemow Associates LLC, and dated June 21, 2023 and revised on August 24, 2023. The submitted TIS addresses TPR requirements and includes a comparison of the reasonable worst-case traffic impacts caused by potential development under the property’s current MR-1 zoning to the reasonable worst-case traffic impacts of future development under the proposed LI zoning. Key findings from the TIS include:

- *“For tax lot 700, reasonable worst-case development in the proposed LI zone designation generates an additional 167 daily and 49 PM peak hour trips over the existing MR-1 zone designation. For tax lot 1602, reasonable worst-case development in the proposed LI zone designation generates an additional 56 daily and 16 PM peak hour trips over the existing MR-1 zone designation. For both tax lots, the trip generation increase is 223 daily trips and 65 PM peak hour trips.”*
- *“For the two tax lots, the proposed zone change from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan*

amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address TPR criteria is not necessary.”

Accordingly, the Transportation Planning Rule and Clackamas County general approval criteria are satisfied and no mitigation is necessary or recommended in conjunction with the proposed zone change.

The relevant requirements of Statewide Planning Goal 12 are satisfied.

GOAL 13 – ENERGY CONSERVATION

Goal 13 encourages land use plans to consider lot size, siting controls, building height, density, and other measures in order to help conserve energy.

The amendment would not change any policy or implementing regulation regarding energy conservation.

The relevant requirements of Statewide Planning Goal 13 are satisfied.

GOAL 14 – URBANIZATION

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The subject properties are already inside of a UGB and are already planned to accommodate urban uses. The amendment would provide additional opportunities for urban employment directly adjacent to an RSIA on a property already assumed by Metro for industrial use. The application does not propose to expand or modify any UGB or to permit rural land uses inside the UGB.

The relevant requirements of Statewide Planning Goal 14 are satisfied.

GOAL 15 – WILLAMETTE RIVER GREENWAY

The purpose of Goal 15 is to “protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

The subject property is nearly five miles from the Willamette River and is not located in the Willamette River Greenway. The amendment would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding the Willamette River Greenway.

Statewide Planning Goal 15 is not applicable.

GOAL 16 – ESTUARINE RESOURCES; GOAL 17 – COASTAL SHORELANDS; GOAL 18 – BEACHES AND DUNES; GOAL 19 – OCEAN RESOURCES

Statewide Planning Goals 16 through 19 are not applicable to Clackamas County.

B. Metro Urban Growth Management Functional Plan (UGMFP)

The Metro Urban Growth Functional Plan (UGMFP), adopted by the Metro Council in 1997, is a regional functional plan which contains requirements that are binding on cities and counties of the region, including Clackamas County. It also contains recommendations that are not binding. The requirements and recommendations include those for the County's Comprehensive Plan and implementing ordinances.

Below, the amendment to the Comprehensive Plan Map and zoning designation is reviewed for consistency with relevant UGMFP policies.

Title 1 – Housing Capacity

3.07.120(d)(1) of Title 1 of the Functional Plan provides that the County may reduce its minimum zoned housing capacity to allow an industrial use consistent with Title 4 of the Functional Plan, as proposed by the Applicant.

3.07.120(e) of Title 1 also provides that the County may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a “negligible effect” on the County’s overall minimum zoned residential capacity. The Board finds that the proposed reduction in the County’s overall residential capacity – approximately 3.96 acres in terms of land supply, and a maximum potential of 46 new dwelling units – would indeed be negligible, particularly when considering the substantial increase in residential development opportunities that have been made since the Functional Plan, Metro 2040 Growth Concept, and the County’s implementing plans and regulations were first adopted. As noted previously, the County has increased opportunities for additional residential development since then by allowing more dense residential development in certain commercial areas and by taking a number of steps to increase the allowed residential density in the urban area, in locations more appropriate than that of the subject properties.

This application satisfies the conditions of two separate opportunities provided by Title 1 for a reduction in the County’s minimum zoned housing capacity.

The relevant requirements of Title 1 are satisfied.

Title 4 – Industrial and Other Employment Areas

Title 4 of the Functional Plan “seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial, and Employment Areas”, which are identified in Metro’s October 2014 Title 4 ‘Employment and Industrial Areas Map’ (Exhibit 3). Per 3.07.450(a) of Title 4, this map “is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas”, as referred to in the Functional Plan.

Despite The County’s present MR-1 zoning for the subject property, the properties are identified on the Employment and Industrial Areas Map as an Industrial Area; therefore, amending the County’s Comprehensive Plan Map and zoning map to LI, as proposed by the applicant, would more closely align the County’s maps with Metro’s for industrial area planning.

Moreover, the proposed amendments could help to protect, and even support, the RSIA and other industrial property directly adjacent to the subject property.

- *The amendment would facilitate the kind of “clustering” of industrial uses intended for the neighboring industrial uses; and*
- *Rezoning the subject site – located just 60 feet away from a 2.5-acre industrial building in an RSIA that is surrounded by freight truck operations – from MR-1 to LI would reduce the potential for conflict between residential and industrial land uses.*

The County has already adopted Comprehensive Plan policies and implementing land use regulations for its designated industrial areas consistent with requirements of Title 4 of the Functional Plan, including allowable land uses, restrictions on certain commercial uses, and development standards for the LI District. This application does not propose to change any of those policies or regulations.

The relevant requirements of Title 4 are satisfied.

C. Clackamas County Comprehensive Plan (Plan)

The County’s Comprehensive Plan includes goals and policies that must be considered when evaluating a proposed change in Comprehensive Plan. Provided in this section of the document are written findings as to how the amendment is consistent with only those chapters, goals, and policies that were found to be applicable to this specific amendment.

Chapter 2: Citizen Involvement: The purpose of this Chapter is to promote citizen involvement in the governmental process and in all phases of the planning process.

There is one policy in this Chapter applicable to this application:

Policy 2.A.1 Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and County wide special interests, but also of those within the neighborhood or areas in question.

The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to interested agencies, local governments and nearby property owners, consistent with State law and Section 1307 of the ZDO, which implements public notification policies of Chapter 2. The notification to property owners, public notices and hearings ensures an opportunity for citizens to participate in the land use process.

This application is consistent with Chapter 2.

Chapter 4 Land Use: This Section of the Comprehensive Plan includes the definitions for urban and rural land use categories, and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the County.

This Chapter contains three Sections addressing; 1) Urbanization; 2) Urban Growth Concepts; and 3) Land Use Policies for the each Land Use Plan designation. The Land Use Policies for the proposed Land Use Plan designation are addressed below.

Policy 4.EE.1 states that the subject property may be designed/zoned LI if it meets each of these three criteria:

- It has “excellent” access to the regional transportation network;
- It has access to a street with at least a minor arterial classification; and
- It is “large enough for several industries to cooperatively design an industrial park”.

The Board finds that the amendment meets each of these criteria. The properties are only about 1,100 feet south of Hwy 212/224, an important regional transport route; it has frontage on SE 135th Ave, which is a minor arterial; and, at nearly four acres in size (when combined), is easily large enough for several industries to locate on.

In addition, the Applicant notes, and the Board concurs, that “this site is not in the residential neighborhood. The site is located across the street to the west in the industrial district. The zone change completes a clean edge. The zone change to light industrial steps down the industrial uses from the west.”

This application is consistent with Chapter 4.

Chapter 5 Transportation: This Chapter outlines policies addressing all modes of transportation and contains eight Sections including 1) Foundation and Framework; 2) Land Use and Transportation; 3) Active Transportation; 4) Roadways; 5) Transit; 6) Freight, Rail, Air, Pipelines and Water Transportation; 7) Finance and Funding; and 8) Transportation Projects and Plans.

The only policy found in this chapter that is relevant to this application is found in the Roadways section.

Policy 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]

The Applicant’s submitted TIS, which was completed by a licensed engineer, finds that the County’s existing and planned transportation system is adequate to serve the proposed zone change; no safety mitigation measures are recommended.

This application is consistent with Chapter 5.

Chapter 6 Housing: This Chapter outlines policies addressing housing policies related to meeting the needs of all the county’s populations.

The County is not required by Chapter 6 to keep this property zoned for residential use. Further, and as explained earlier in this report, the subject property is less suitable for residential development than it is for industrial development, considering existing surrounding land uses, access to services, and site conditions.

This application is consistent with Comprehensive Plan Chapter 6.

Chapter 8 Economics: This Chapter outlines policies related to attracting and retaining industrial and commercial development and employment.

Chapter 8 of the Comprehensive Plan includes the following specific policies:

Policy 8.A.1: Protect established industrial and commercial areas from encroachment by incompatible land uses.

This application does not propose to expand incompatible land uses in to established industrial or commercial areas. Rather, the Board finds that changing the Comprehensive Plan land use designation and implementing zoning district of the subject property to light industrial will help to protect adjacent established industrial areas from potentially incompatible residential land uses. As noted earlier in this report, the subject property abuts an RSIA and is only 60 feet from a 2.5-acre industrial building which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings. Additional residential use of the subject site under its present zoning could be disrupted by, or be disruptive to, these industrial uses, which could lead to land use conflicts. The amendment will also allow the subject properties to be used for industrial uses, rather than residential uses, as envisioned in Metro's Title 4 map.

Policy 8.A.2: Encourage maintenance of sufficient vacant lands to provide room for the future expansion or relocation of the County's industry and business.

The amendment will not reduce the supply of vacant land that could be used for future expansion or relocation of industry or businesses. Rather, it will provide more industrial land and allow adjacent parcels already zoned LI to be developed with expanded industrial uses.

Policy 8.B.1: Provide sufficient industrial land of the types identified in the Industrial section of Chapter 4, Land Use.

The amendment will provide additional industrial land that has excellent access to the regional transportation network; has frontage on a minor arterial; is large enough to for several industries working cooperatively in an industrial park; and could be developed with light industrial uses according to the required development standards (i.e., for access, circulation, landscaping, etc.).

This application is consistent with Comprehensive Plan Chapter 8.

Chapter 11 The Planning Process: The purpose of this Chapter is to establish a framework for land use decisions that will meet the needs of Clackamas County residents, recognize the County's interrelationships with its cities, surrounding counties, the region, and the state, and insure that changing priorities and circumstances can be met.

In the City, Special District and Agency Coordination Section of this Chapter, one policy is applicable:

Policy 11.A.1 Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.

Notice of this application has been provided to all appropriate agencies and parties and DLCD, and advertised public hearings before the Planning Commission and the Board of County Commissioners provide an adequate opportunity for interagency coordination of this proposed Comprehensive Plan map amendment and demonstrates compliance with this policy.

This application is consistent with Chapter 11.

D. Zoning & Development Ordinance (ZDO)

Section 1202, *Zone Changes*, of the County's ZDO provides standards, criteria, and procedures under which a change to the zoning maps (i.e., a zone change from MR-1 to LI) may be approved. The Board has reviewed the subsections of Section 1202 relevant to this application and makes the following findings and conclusions.

Section 1202.02, Submittal Requirements

Subsection 1202.02 of the ZDO lists the information that must be included in a complete application for a Zone Change.

The application was submitted on August 7, 2023, with additional materials submitted on August 28, 2023. The application was deemed complete on August 28, 2023.

Section 1202.03, General Approval Criteria

Section 1202.01 states that a zone change may be allowed, after a hearing conducted pursuant to Section 1307, if the applicants provide evidence substantiating the following criteria found in Subsection 1202.03 are met.

1202.03(A): The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.

*Findings against the relevant Comprehensive Plan policies are detailed in the Section III.C of this Report (pages 16 to 18). Based on those findings and findings provided by the applicant, the Board finds that the proposed zone change is compliant with all relevant goals and policies in the Comprehensive Plan and, therefore, **is consistent with ZDO Subsection 1202.03(A).***

1202.03(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.

The prospective development of the subject site will need sanitary sewer, surface water management, and water services. The Applicant has provided a Preliminary Statement of Feasibility from the provider of each of these services attesting that the prospective development can be provided with the necessary services.

This application is consistent with 1202.03(B).

1202.03(C): The transportation system is adequate and will remain adequate with approval of the proposed zone change. 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.
2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012- 0060).
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.

6. 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.

ZDO Subsections 1202.03(C)(1)-(7) define what is meant by an “adequate” transportation system. The Applicant’s submitted TIS, which was completed by a licensed engineer, finds that the County’s existing and planned transportation system is adequate to serve the proposed zone change; no safety mitigation measures are recommended.

This application is consistent with 1202.03(C).

1202.03(D): Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

The applicant’s TIS includes an analysis of the safety of the transportation system, which included “consideration of the total number and types of crashes occurring and the number of vehicles traveling on a roadway segment or entering the intersection. This leads to the concept known as the ‘crash rate’.”

Based on the crash rate analysis, the TIS concludes that

- *“Overall, all study area intersections and roadway segments are considered relatively safe, and no further consideration of safety improvements is necessary.*
- *The nature of the traffic associated with future property development in the proposed zone designation is consistent with existing/background traffic in the surrounding area, and the small potential traffic volume increase is not anticipated to significantly affect transportation system safety. As such, it is found that the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change as required by ZDO Section 1202.03(D).”*

This application is consistent with 1202.03(D).