

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

In the Matter of a  
Comprehensive Plan Map  
amendment, Zoning Map amendment,  
and partition proposed by Heavy  
Timber Innovations, LLC for property  
described as T3S, R4E, Section 05,  
Tax Lot 4100, W.M. with situs address  
25720 SE Eagle Creek Rd, Eagle  
Creek, Oregon

Order No. 2022-12

File Nos.: Z0155-21-M, Z0156-21-CP, and Z0157-  
21-ZAP

This matter coming regularly before the Board of County Commissioners, and it appearing that Heavy Timber Innovations, LLC, care of Stefan Schneider and Russ Brotnov, made an application for a Comprehensive Plan Map amendment from Rural (R) to Rural Industrial (RI), a concurrent zone change from Rural Residential Farm Forest Five-Acre (RRFF-5) District to Rural Industrial (RI) District, and a two-parcel partition, all related to the approximately 19.4-acre property described as T3S, R4E, Section 05, Tax Lot 4100, W.M., with situs address 25720 SE Eagle Creek Rd, and;

**Whereas**, it further appearing that after appropriate notice a public hearing was held before the Planning Commission on November 22<sup>nd</sup>, 2021, at which testimony and evidence was presented, and that, at this hearing, the Commission unanimously recommended approval of this request; and

**Whereas**, It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on January 12<sup>th</sup>, 2022, at which testimony and evidence were presented, and that, at that hearing, a decision was made by the Board, by a vote of 5-0, to approve the application, with the Comprehensive Plan Map amendment and zone change of the subject property as identified in Order Exhibit A, and with the two-parcel partition, as identified in Order Exhibit B, subject to the conditions of approval that are in Order Exhibit B, which are attached to this order and incorporated herein by reference.

Based on the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of a Comprehensive Plan Map amendment from Rural (R) to Rural Industrial (RI), a concurrent zone change from Rural Residential Farm Forest Five-Acre (MR-1) District to Rural Industrial (RI) District, and a two-parcel partition, all related to the approximately 19.4-acre area described as T3S, R4E, Section 05, Tax Lot 4100, W.M., and illustrated in Order Exhibit A.
2. This Board adopts as its findings and conclusions the "*Findings of Fact for Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP*" document attached hereto and incorporated herein as Order Exhibit B, which finds the application to be in compliance with the applicable criteria.

In the Matter of a  
Comprehensive Plan Map amendment,  
Zoning Map amendment, and partition  
proposed by Heavy Timber  
Innovations, LLC for property  
described as T3S, R4E, Section 05,  
Tax Lot 4100, W.M.with situs address  
25720 SE Eagle Creek Rd, Eagle  
Creek, Oregon



Order No. 2022-12

**NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order** that the requested Comprehensive Plan Map amendment, zone change, and partition are hereby APPROVED for the area identified in Order Exhibit A, subject to the conditions of approval identified in Order Exhibit B, which are attached to this order and incorporated herein by reference.

**DATED** this 17<sup>th</sup> day of February, 2022

**BOARD OF COUNTY COMMISSIONERS**

Chair

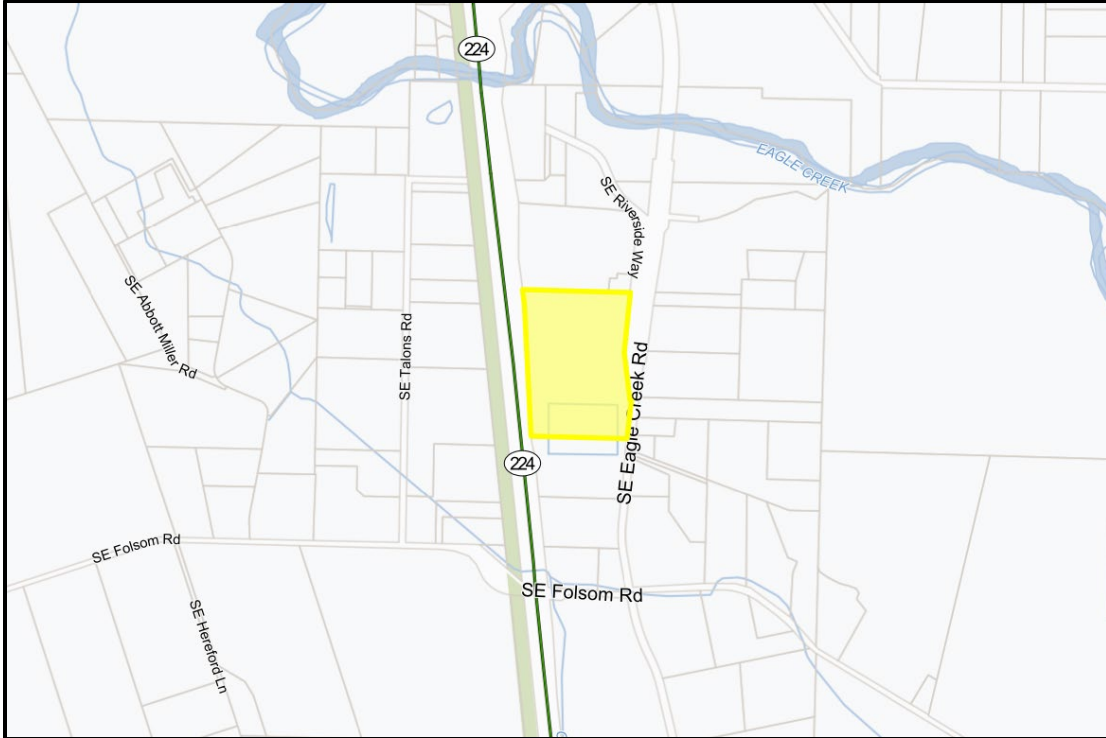
Recording Secretary

# EXHIBIT A

Files Z0155-21-21-M, Z0156-21-CP, and Z0157-21-ZAP

T3S R4E, Section 05, Tax Lot 4100, W.M.

(Highlighted yellow and with situs address 25720 SE Eagle Creek Rd, Eagle Creek, Oregon)



# EXHIBIT B

*Files Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP*

## FINDINGS OF FACT FOR Z0155-21-M, Z0156-21-CP, AND Z0157-21-ZAP: COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE, AND PARTITION

### SECTION I: GENERAL INFORMATION

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**Planning & Zoning File Nos.:** Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP

**Adoption Date:** February 17, 2022

**Applicants:** Heavy Timber Innovations, LLC; Stefan Schneider; Russ Brotnov

**Property Owner:** Heavy Timber Innovations, LLC

**Proposal:** Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Rural (R) to Rural Industrial (RI), with a corresponding zone change of the subject property from Rural Residential Farm Forest 5-Acre (RRFF-5) District to Rural Industrial (RI) District and a concurrent partition of the subject property, all resulting in two separate RI-zoned parcels

**Property Location:** On the east side of Hwy 224 and on the west side of SE Eagle Creek Rd, approximately one quarter mile north of SE Folsom Rd

**Subject Map and Tax Lot:** T3S R4E Section 05 Tax Lot 04100 W.M.

**Site Address:** 25720 SE Eagle Creek Rd, Eagle Creek, OR 97022

**Total Area:** Approximately 19.4 acres

**Comprehensive Plan Designation:** Rural (R)

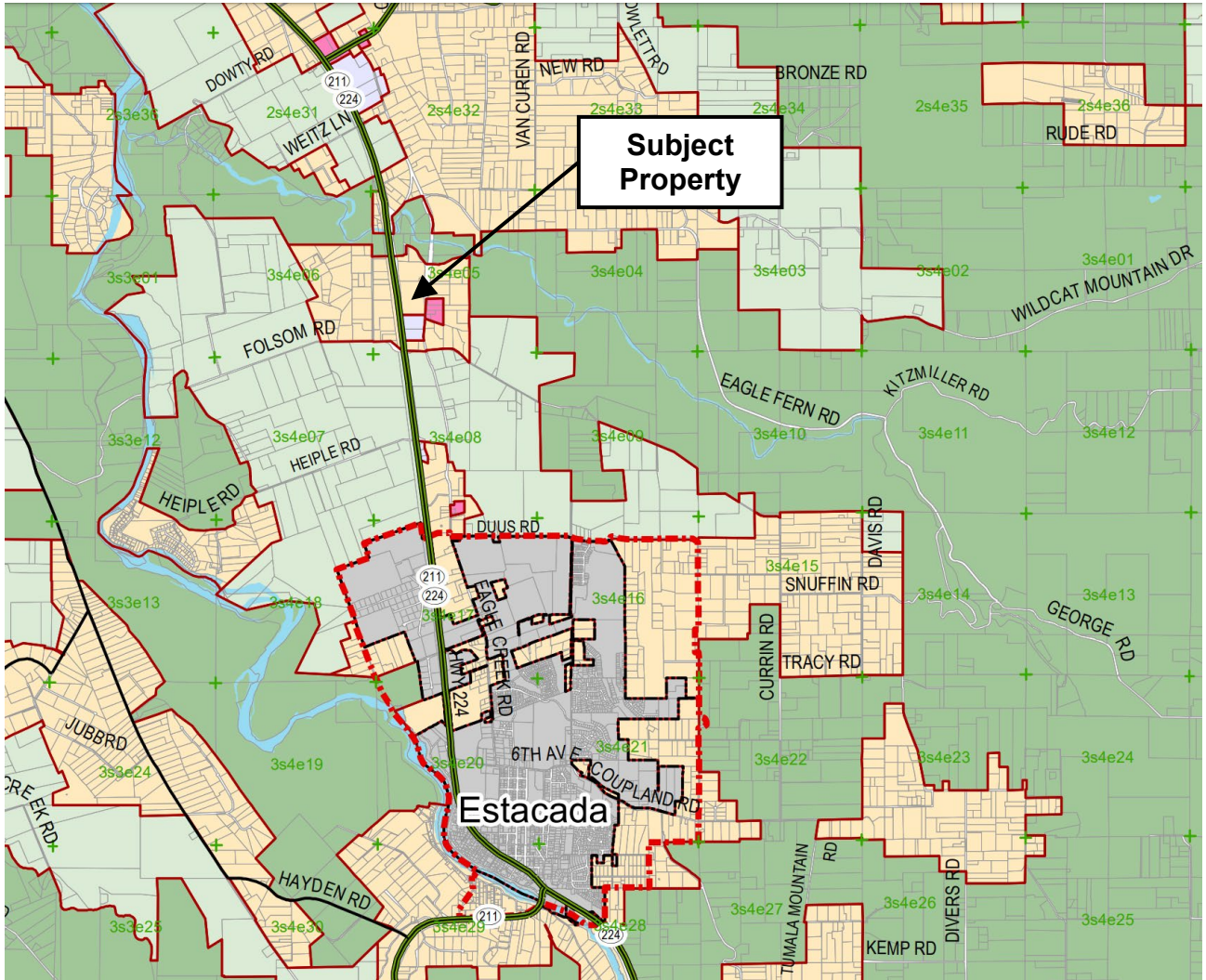
**Zoning District:** RRFF-5 (RRFF-5)

**Citizens Planning Organization (CPO) for Area:** Eagle Creek – Barton CPO

**Eagle Creek – Barton CPO**

Contact: Brent Parries (Tel: 503.680.3824, Email: eaglecreekcpo@gmail.com)

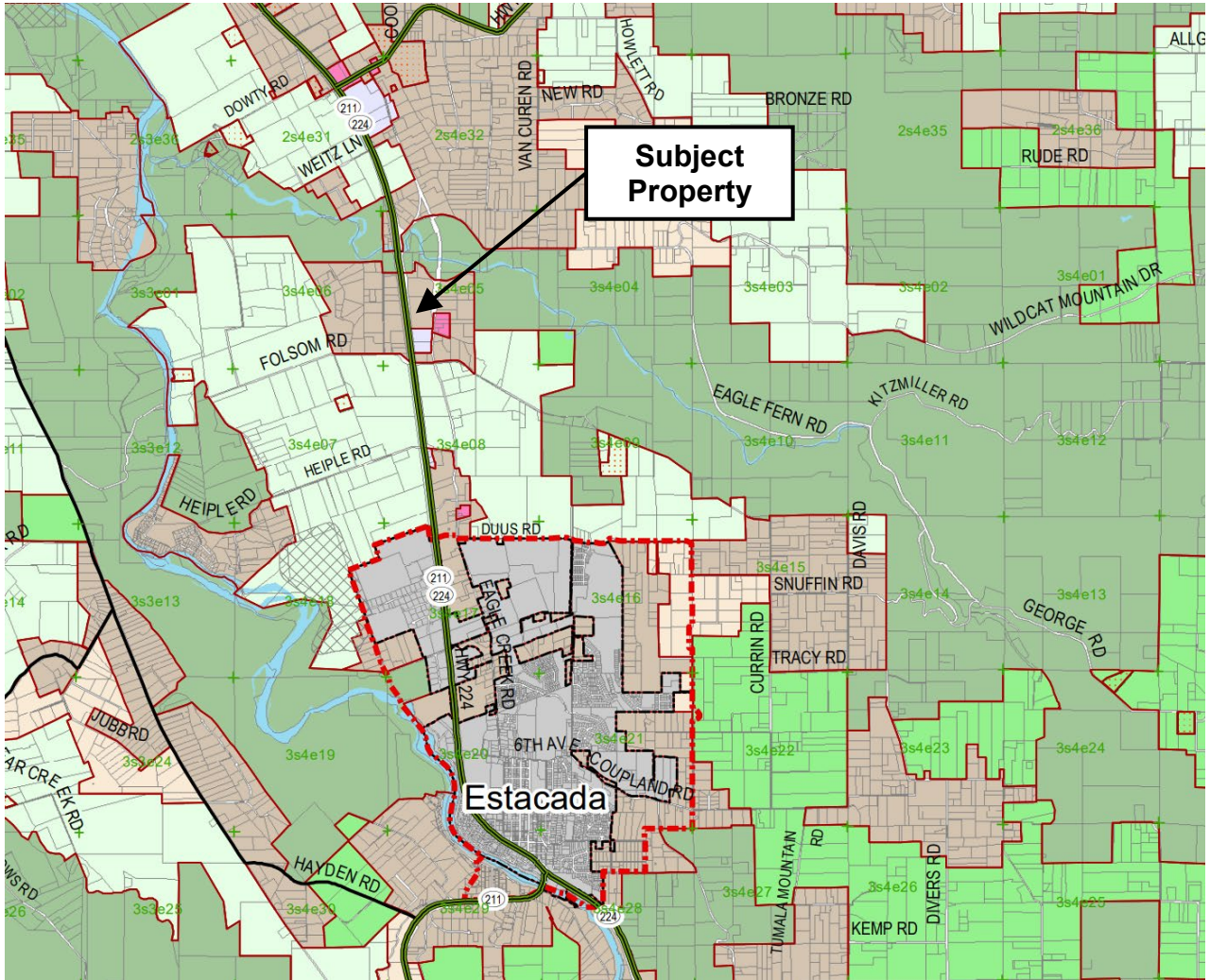
**Subject Property in Current Comprehensive Plan Map 4-7a: Non-Urban Area Land Use Plan  
(Full Map in Exhibit 7)**



Legend	
<b>Natural Resource Plan Designations</b>	
	Forest (F)
	Agriculture (AG)
<b>Residential Plan Designations</b>	
	Unincorporated Community Residential (UCR)
	Rural (R)
<b>Commercial Plan Designations</b>	
	Rural Commercial (RC)

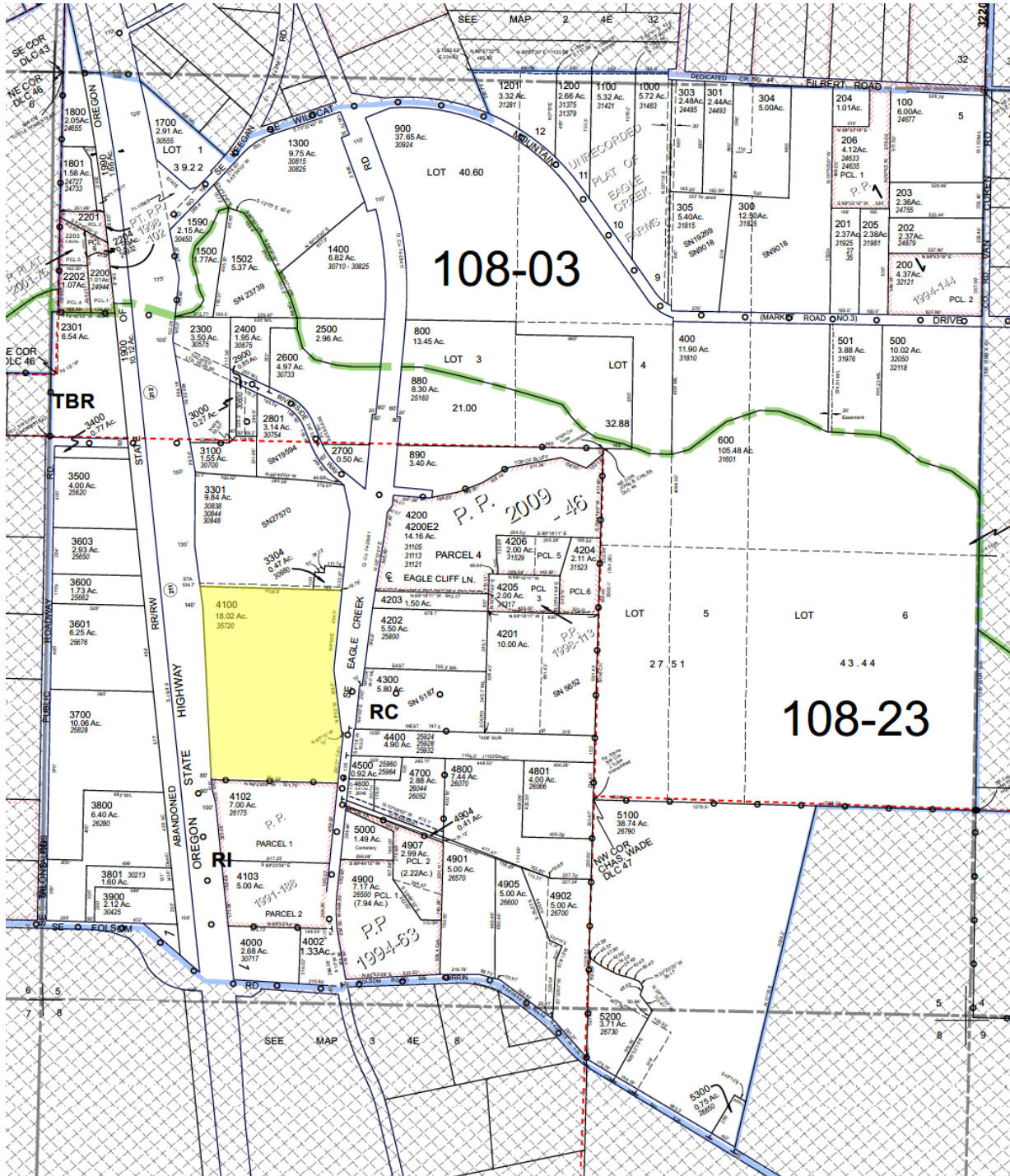
<b>Industrial Plan Designations</b>	
	Rural Industrial (RI)
<b>Boundaries</b>	
	Clackamas County
	Urban Growth Boundary
	Unincorporated Community
	Mt. Hood National Forest
	City Boundaries

**Subject Property in Current Non-Urban Area Zoning Map  
(Full Map in Exhibit 8)**



Legend	
<b>Natural Resource Zoning Districts</b>	
	Ag / Forest (AGF)
	Exclusive Farm Use (EFU)
	Timber (TBR)
<b>Residential Zoning Districts</b>	
	Farm Forest 10-Acre (FF-10)
	Rural Residential Farm Forest 5-Acre (RRFF-5)
	Rural Area Residential 2-Acre (RA-2)
	Rural Area Residential 1-Acre (RA-1)
	Future Urban 10-Acre (FU-10)
<b>Commercial Zoning Districts</b>	
	Rural Commercial (RC)
<b>Industrial Zoning Districts</b>	
	Rural Industrial (RI)
<b>Special Zoning Districts</b>	
	Limited Use Zone (LUZ)
	Historic District (HD) Overlay Historic Landmark (HL) Overlay
	Mineral and Aggregate Overlay (MAO)
<b>Boundaries</b>	
	Clackamas County
	Urban Growth Boundary
	Unincorporated Community
	Mt. Hood National Forest
	City Boundaries

**Subject Property, Highlighted Yellow, in Assessor's Map 34E05  
(Full Tax Map in Exhibit 9)**

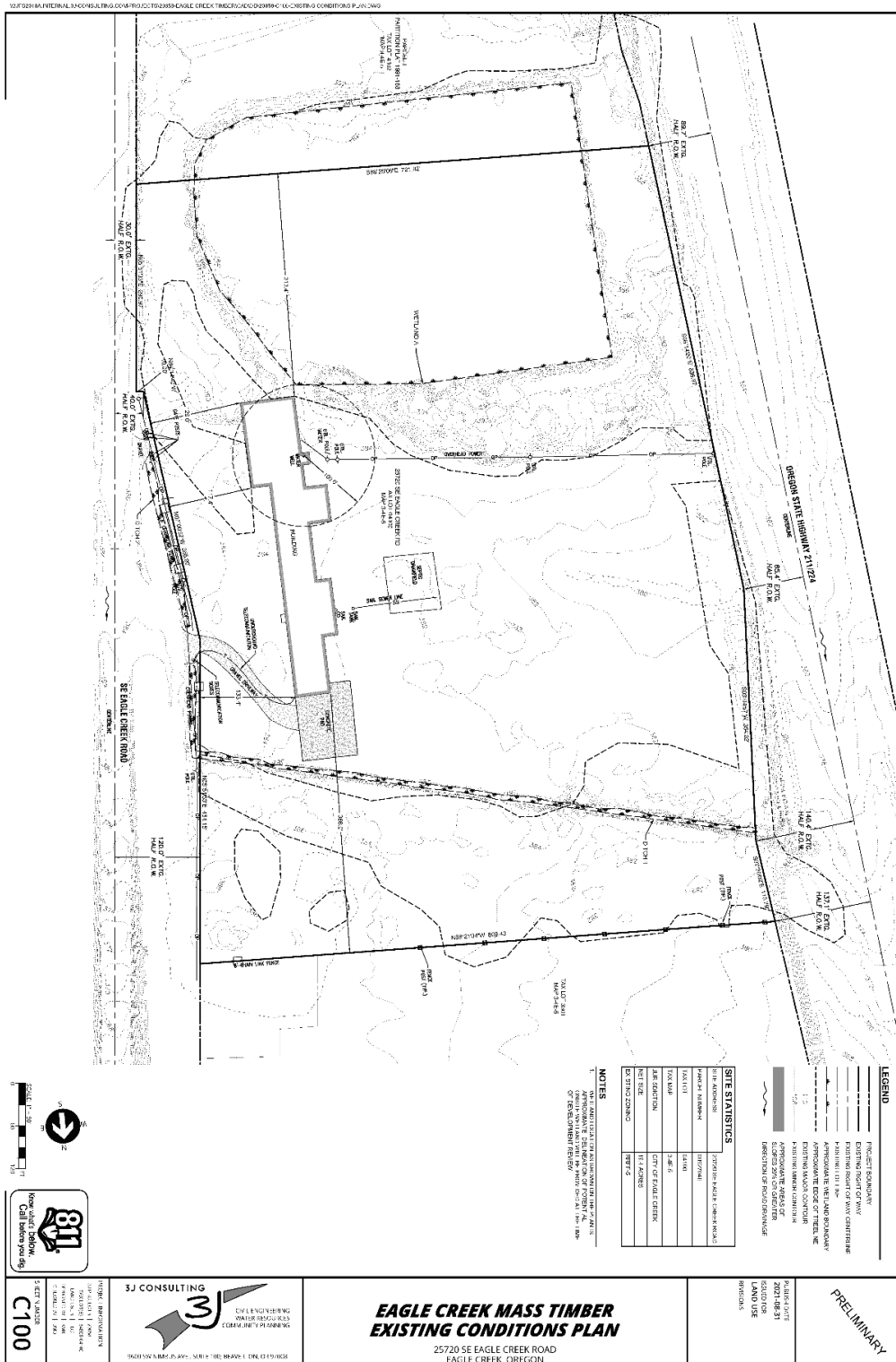


**November 2020 Aerial Views of Subject Property and Vicinity  
(Subject Property Outlined in Blue)**

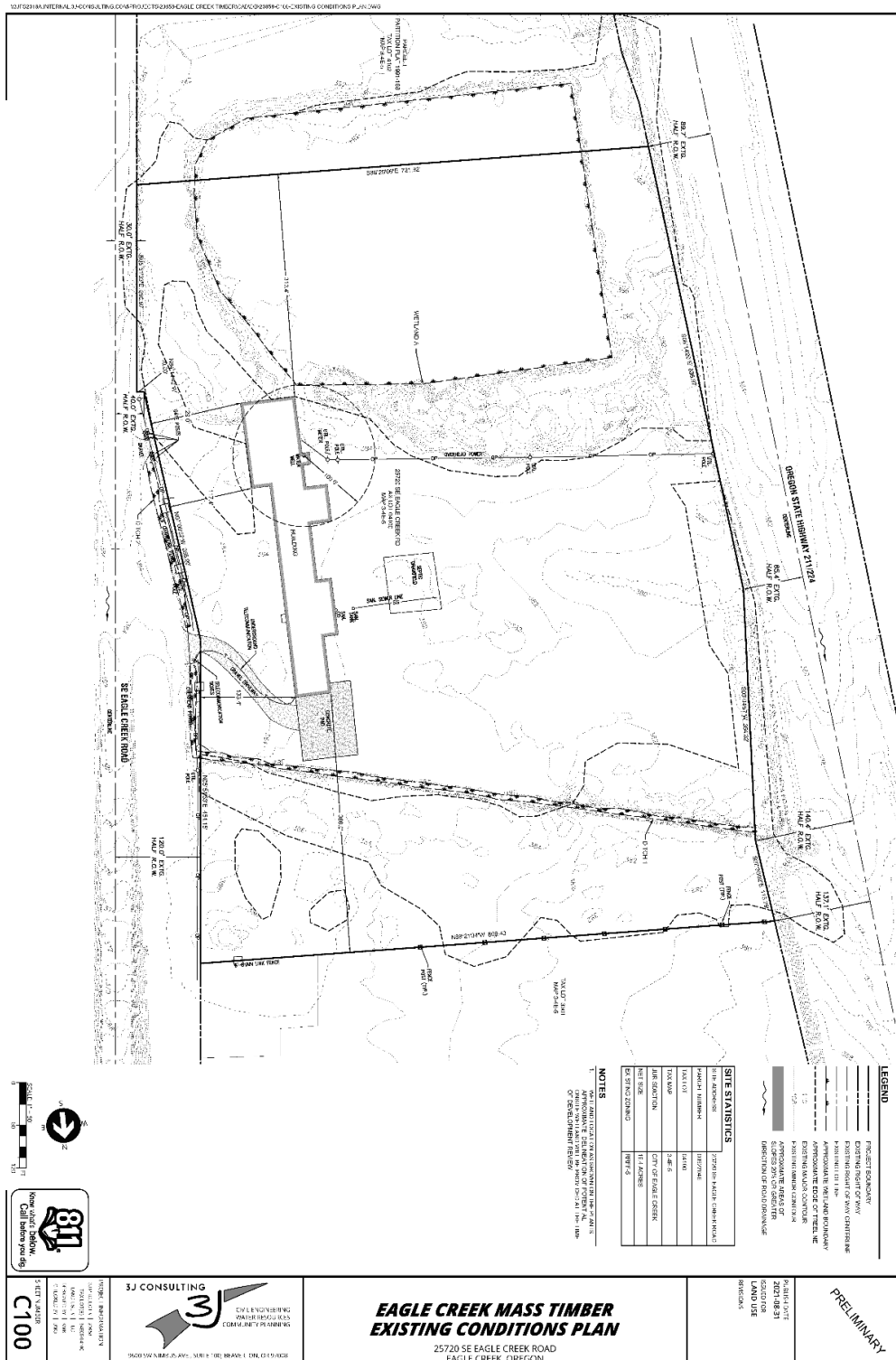




# Submitted Existing Conditions Map (Larger, Clearer Map in Exhibit 1)



# Submitted Partition Plan (Larger, Clearer Plan in Exhibit 1)



Scale: 1" = 200'

North Arrow

**311**  
Now with 311  
Call before you dig

**C100**

**3J CONSULTING**

3J CONSULTING  
3000 SW 10th Ave, Suite 100, Beaverton, OR 97005

## EAGLE CREEK MASS TIMBER EXISTING CONDITIONS PLAN

25720 SE EAGLE CREEK ROAD  
EAGLE CREEK, OREGON

SITE STATISTICS	
DATE OF APPROVAL	2/28/2021
PROJECT NUMBER	25720 SE EAGLE CREEK ROAD
TAX MAP	5-2-01-01
CITY OF EAGLE CREEK	11.1.0000
PREPARED BY	3J CONSULTING
DATE	2/28/2021

**PRELIMINARY**

DATE: 2/28/2021  
DRAWN BY: [Name]  
CHECKED BY: [Name]

## **SECTION II: CONCLUSION & CONDITIONS OF APPROVAL**

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The Board of County Commissioners (the “Board”) finds that this application satisfies all applicable State of Oregon and County criteria to amend the County’s Comprehensive Plan Map land use plan designation for the subject property from Rural (R) to Rural Industrial (RI), to rezone the property from Rural Residential Farm Forest Five-Acre (RRFF-5) District to Rural Industrial (RI) District, and to partition the property into two parcels. The Board **APPROVES** this application, subject to the following 10 (ten) conditions:

1. Clackamas County Comprehensive Plan Map 4-7a, *Non-Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that include the subject property (Tax Lot 34E05-04100, with situs address 25720 SE Eagle Creek Rd), shall be amended to identify the subject property as having a Comprehensive Plan land use designation of Rural Industrial (RI).
2. The Clackamas County *Non-Urban Area Zoning Map* shall be amended to identify the subject property as being in the Rural Industrial (RI) zoning district.
3. The partition shall result in no more than two parcels, one approximately 14.4 acres in area and the other approximately five acres in area, as shown in the submitted preliminary plat. Any change in design, including parcel layout and access, must be approved prior to final plat approval.
4. No work shall occur other than which is specified within the final approval. It shall be the responsibility of the property owner(s) to comply with the final approval and the limitations described therein.
5. Transportation- and emergency access-related requirements:
  - a. Unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County’s Roadway Standards, an eight-foot-wide public easement shall be granted for signs, slopes, and public utilities along the south approximately 290 feet of frontage on SE Eagle Creek Rd where the existing right-of-way is 60 feet in width.
  - b. Unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County’s Roadway Standards, a minimum 24-foot-wide perpetual common access and utility easement shall be provided from SE Riverside Way to Parcel 2. The easement shall be clear and unobstructed.
  - c. Prior to final plat approval, the stamped and approved plans or written verification from the local fire district fire marshal shall be provided to the County indicating that the access and fire flow standards have been, or will be, met.

- d. Prior to final plat recording, an attorney and/or surveyor or engineer shall provide written verification that both resulting parcels have legal access and utility easements.

**6. Platting requirements:**

- a. The draft and final plats shall be prepared by a registered professional land surveyor in a form and with information consistent with the provisions of ORS 92, relevant portions of ORS 209.250, the Clackamas County ZDO, Chapters 11.01 and 11.02 of the County Code, and these conditions of approval.
- b. Pursuant to ORS 92, five (5) copies of the draft partition plat survey of the development shall be submitted to the Transportation Engineering Division for routing and review.
- c. After the draft plat is approved by the Planning & Zoning Division staff and reviewed by the County Surveyor, one (1) mylar copy and four (4) paper copies of the final plat shall be submitted to the Transportation Engineering Division for final review.
- d. A copy of the final plat survey and review deposit shall also be submitted separately to the County Surveyor for review.
- e. All existing, proposed, and required easements shall be shown on the final plat. Any private access easements shall also note any applicable provisions for utility services, such as water, electricity, communications, natural gas, storm drainage, sanitary sewer, and emergency services. New easements shall include a statement that the easements are for the parcels shown and any future divisions thereof.
- f. The final plat shall include a note that water will be provided for each parcel with established Water Rights Permit G-168.
- g. The delineated wetland shall be represented on the final plat as a restricted development area with a plat note identifying that additional land use review and Department of State Lands (DSL) approval is required for any disturbance within it.
- h. When the final plat is approved by the County Surveyor, the plat must then be filed and recorded with the County Clerk. All property taxes shall be paid in full for the current year in order for the plat to be recorded.
- i. Neither of the individual parcels resulting from the partition may be sold, transferred, or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk.

7. **Underground utilities:** Underground utilities are required for all new development on the parcels resulting from this partition, and shall be installed pursuant to the requirements of the utility service providers serving the development.
8. **Partition approval period:** Pursuant to ZDO Subsection 1106.05(A), preliminary partition approval is valid for four years from the date of the final written decision. Failure to record the final partition plat with the County Clerk within four years of the date of the final decision will void the approval of the partition unless a time extension is approved.
9. **Partition time extension:** Prior to expiration of the four-year approval period for the partition in Condition 8, a single-two year extension of the partition approval may be approved pursuant to ZDO Section 1310.
10. **Future construction on the resulting parcels shall be subject to:** the use, dimensional, and development standards of the RI District in ZDO Section 604; Section 1102; and the relevant requirements of Section 1000. Development shall require design review approval pursuant to Section 1307.

### **SECTION III: PROJECT OVERVIEW AND BACKGROUND**

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This application requests: Clackamas County's Comprehensive Plan land use plan designation of the subject property, as identified in Comprehensive Plan maps, be changed from Rural (R) to Rural Industrial (RI); the zoning district of the subject property to be changed concurrently from Rural Residential Farm Forest Five-Acre (RRFF-5) District to Rural Industrial (RI) District; and approval of a two-parcel partition of the subject property to result in one approximately 14.4-acre parcel and one approximately five-acre parcel.

The record demonstrates that the subject property has been used for industrial uses for more than half a century. The Diamond Lumber Company was established on the property in 1955 and in 1966, it was purchased by Milwaukie Plywood Corp. and used for plywood manufacturing. The property was then purchased by Plywood Equipment Panel Sales, Inc. in 1978 and used for equipment rebuilding and storage. The County approved a conditional use permit for the property in 1983 for storage of logs and making hog fuel. There is no record of the property ever having residential uses.

In 2013, the Board of County Commissioners approved<sup>1</sup> a nearly identical request to change the Comprehensive Plan designation and zone of the property neighboring to the south to RI, having found that this adjacent property also had an historic commitment to industrial uses and that zoning it RI would be consistent with applicable

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<sup>1</sup> File Nos. Z0490-13-CP and Z0491-13-Z

approval criteria, including Statewide Planning Goals and the goals and policies of the County's Comprehensive Plan.

The current application does not propose any new development or land use; it only requests to change what is potentially allowable in terms of development and land uses by changing the property's land use plan designation and zone, and to divide the property in to two separate parcels. Nonetheless, the Applicants' have previously expressed an interest in using the subject property for mass timber-related manufacturing and similar operations. If the Applicants' current request is approved, future development would require separate design review approval.

The subject property includes vacant industrial buildings, as well as a portion of a former log pond that is now overgrown with trees. The property is generally flat, is not in a mapped flood hazard area, and has no County-protected historic landmarks.

Despite also having frontage on Hwy 211/224, the property only takes access from SE Eagle Creek Rd via SE Riverside Way. Tri-Met Line #30 has stops directly in front of the subject property on SE Eagle Creek Rd.

The half-mile area around the property is generally characterized by fields, trees, and sparse rural residential, commercial, and industrial development and includes lands zoned RFFF-5, RI, Rural Commercial (RC), Exclusive Farm Use (EFU), and Timber (TBR). Eagle Creek, a County-regulated stream, is about a quarter mile to the north. The Clackamas River is about 1.5 miles to the west. The northern limits of the City of Estacada, specifically its "industrial sanctuary", is approximately 1.3 miles to the south.

Notice of is application was sent directly to the owners of all properties within a half mile of the subject property (approximately 100 separate parities), the local Community Planning Organization (CPO), the City of Estacada, the local fire district, the Oregon Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), and Tri-Met. Notice was also published in Pamplin Media's 'Estacada News' and on County websites. No party has commented in opposition to the application. Owners of the neighboring property to the north state that they "are fine with the request" of the Applicants; these neighbors also ask for fencing or other screening along the shared property line, which can be considered in a separate future design review application required for development of the rezoned property.

## **SECTION IV: FINDINGS**

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This application is subject to the following provisions:

1. Statewide Planning Goals;
2. Oregon Administrative Rules (OAR) Chapter 660, Division 18;
3. The Clackamas County Comprehensive Plan; and
4. Zoning and Development Ordinance (ZDO) Sections 202, 316, 604, 1001, 1002, 1003, 1006, 1007, 1012, 1015, 1105, 1202, and 1307.

The Board has reviewed these provisions in conjunction with this proposal and makes the following findings. ZDO Sections 202 and 1307 provide only definitions and procedural requirements that do not warrant separate written findings.

**1. 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 to divide a property consistent with current partition requirements; 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: the Department of Land Conservation and Development (DLCD) as directed; property owners within a half mile of the subject property; the area’s active CPO; the Oregon Department of Transportation (ODOT); the City of Estacada; the Estacada Fire District; Tri-Met; and the County’s Transportation Engineering Division and Onsite Wastewater Program. Notice of the application and its public hearings have also been published in Pamplin Media’s ‘Estacada News’ and on County websites.

There have been two public hearings with opportunity for interested parties to testify. The public has also been given the opportunity to provide written comments, and all comments provided to-date 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 approved amendment to Clackamas County’s Comprehensive Plan maps, including to Map 4-7a, does not change the County’s land use planning process. Even with approval of the Applicants’ proposal, the County will

continue to have a comprehensive land use plan and consistent implementing regulations. This report outlines how this proposal is consistent with applicable policies of the County's State-acknowledged comprehensive plan. The Applicants do not request an exception to any Statewide Planning Goal.

**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 protected farmland, nor does it propose a change in any allowed land use in the EFU zoning district. The subject property is already in an acknowledged "exception area", which is an area that has been approved for an exception to Goal 3 (as well as Goal 4) for rural land uses that would otherwise not be allowed on protected farmland.

**The relevant requirements of Statewide Planning Goal 3 are satisfied.**

### *GOAL 4 – FOREST LANDS*

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

As with Goal 3 and its farmland, 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 property is already in an "exception area", with an exception to Goal 4.

**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.



Approval of the Applicants' proposal does not change the County's adopted and acknowledged programs for the protection of such resources, nor does it change the County's adopted and acknowledged historic resources inventory. The application does not propose to reduce or otherwise modify the boundaries of any open space area.

The Board finds that there are no inventoried riparian corridors, wilderness areas, mineral or aggregate resources, energy sources, cultural areas, or historic resources on the subject property.

There is a wetland area (the former log pond) on the south side of the property that is overgrown with a small stand of trees, as well as two ditches. The Applicants have submitted a wetland delineation report prepared by Pacific Habitat Services, Inc. The report concludes that the former log pond is an "isolated feature" with no observed outlet or discharge, and that such artificially created wetlands constructed for log storage are not considered waters of the state and are non-jurisdictional. Both ditches were also found to not meet the jurisdictional ditch criteria in the applicable OARs and to not contain food or game fish.

Approval of this application does not itself authorize any development. Any future development of the subject property would have to comply with any applicable natural resource, including wetland, protection regulations. The submitted application materials do not indicate an intent to develop any wetland area.

**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.

Approval of this application does not change any Comprehensive Plan policy or implementing regulation affecting a Goal 6 resource, nor does it modify the mapping of any protected resource.

Any potential future development of the subject property under the approved RI zoning would be evaluated for consistency with the County's existing regulations protecting air, water, and land resources quality.

Nonetheless, the Applicants have already identified that there is an existing groundwater well on the subject property, with testing sample results included in the record. Those results indicate an absence of E. coli and total coliform,

and that arsenic levels met all requirements of the National Environmental Laboratory Accreditation Program (NELAP) and the testing lab.

The County's Onsite Wastewater Program reports that they have done a site evaluation of the property and determined that the property has the potential to provide septic services. Additional septic analysis will be required ahead of any actual future development of the subject property.

The County's Transportation Engineering Division is the surface water management authority for the subject property. The submitted application includes a Preliminary Statement of Feasibility in which the division has determined that adequate surface water management, treatment, and conveyance is available to serve potential development, or can 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 property.

The subject property already allows for residential development under its present zoning, as well as for farming and forestry activities. Property abutting the subject property to the south, as well as multiple other properties located within about a mile of the subject property, are currently planned and zoned specifically for industrial uses. As shown on relevant maps, there is also commercial and residential development directly across the street.

Among other potential land uses under the Applicants' proposed RI zoning that may cause noticeable pollution or environmental disturbances, ZDO Section 604 would require a conditional use permit, issued only after a public hearing and only if certain criteria considering impacts on the surrounding area are met, for any auto wrecking yard or junkyard, composting facility, recycling center, or mining.

**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. Approval of this application does 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. Development of the subject property will still be required to comply with the County's existing hazard-related land use regulations.

As noted previously though, the subject property is flat and has no mapped mass-movement or soil hazard areas. The property is also 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. Approval of this application does not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding recreational needs, nor does it reduce or otherwise modify a mapped recreational resource.

Per ZDO Section 604, the approved RI zoning allows: pedestrian amenities; indoor recreational sports facilities for basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis; and employee amenities accessory to other permitted uses, including recreational facilities. It would also allow as conditional uses: the hosting of weddings, company picnics, and similar events; community gardens; equine facilities; golf courses; parks; playgrounds; and sports courts.

**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) and do not require or restrict planning for industrial or other employment uses outside UGBs. The subject property is located outside of any UGB.

The Board agrees with the Applicants' assertion that, nonetheless, their proposal would provide additional opportunities for economic development in Clackamas County by expanding industrial lands.

**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 is implemented by OAR chapter 660, divisions 7 and 8, which only apply to areas inside UGBs. The subject property is located outside of any UGB.

Nonetheless, there are no existing dwellings on the subject property, which has historically been used for various industrial uses and currently abuts industrial land and a state highway.

**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. Rules 60 and 65 of that division regulate the provision and extension of sewer and water service to rural lands, respectively.

The subject property is not located within public sewer or water service districts, and the Applicants do not propose to extend sewer or water services to the subject property. Wastewater disposal for future industrial development would be accommodated with on-site systems (e.g., septic systems) and water would be provided by one or more wells. Evidence has been submitted to show that the property has the capacity to provide such services, and the County's Transportation Engineering Division has attested that the property's stormwater runoff can be managed.

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

**The relevant requirements of Statewide Planning Goal 11 are satisfied.**

## *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 Oregon Administrative Rules (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 Applicants have provided a traffic impact analysis (TIA) prepared by engineers that addresses TPR requirements. The TIA includes a comparison of the reasonable worst-case traffic impacts caused by potential development under the property’s current RRFF-5 zoning to the reasonable worst-case traffic impacts of future development under the proposed RI zoning.

The TIA concludes that: the Applicants’ proposal would not impact or alter the functional classification of any existing or planned transportation facility; the proposal does not include a change to any functional classification standard; all study intersections are projected to operate within acceptable Clackamas County standards; the proposal will not degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards; and that the TPR is satisfied.

Notice of this application, including its TIA, were provided to ODOT, Tri-Met, and the County’s Transportation Engineering Division. No party has contested the conclusions of the TIA.

The required design review process ahead of any actual industrial development of the subject property will consider access, circulation, motor vehicle and bicycle parking, and the need for any additional improvements.

**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. Approval of this application does 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 property is outside of a UGB. The application does not propose to expand or modify any UGB, permit urban land uses outside of a UGB, or rezone any rural lands to urban or urbanizable zoning district. The subject property is not located in an urban or rural reserve.

**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 more than 12 miles from the Willamette River and is not located in the Willamette River Greenway. Approval of this application does not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding the Willamette River Greenway.

**The relevant requirements of Statewide Planning Goal 15 are satisfied.**

*GOAL 16 – ESTUARINE RESOURCES*

**Goal 16 is not applicable to Clackamas County.**

*GOAL 17 – COASTAL SHORELANDS*

**Goal 17 is not applicable to Clackamas County.**

*GOAL 18 – BEACHES AND DUNES*

**Goal 18 is not applicable to Clackamas County.**

*GOAL 19 – OCEAN RESOURCES*

**Goal 19 is not applicable to Clackamas County.**

**2. OAR Chapter 660, Division 18:**

This division of the OARs is intended to implement provisions of Oregon Revised Statutes (ORS) 197.610-197.625 related to comprehensive land use planning. The overall purpose of the division is to carry out the state policies outlined in ORS 197.010 requiring comprehensive land use planning by the County.

The division has requirements for notice of a proposed change to the County's Comprehensive Plan, which have been complied with in the processing of this application.

**The requirements of OAR Chapter 660, Division 18 have been satisfied.**

### **3. Clackamas County Comprehensive Plan:**

The County's Comprehensive Plan includes goals and policies that must be considered when evaluating a proposed change in Comprehensive Plan land use designation and implementing zoning district. In this section, each chapter of the Comprehensive Plan are reviewed with written findings as to how the Applicants' proposal is consistent with those chapters' applicable goals and policies.

#### *CHAPTER 1 – INTRODUCTION*

Chapter 1 of the County's Comprehensive Plan serves only as an introduction and **does not warrant written findings**.

#### *CHAPTER 2 – CITIZEN INVOLVEMENT*

Chapter 2 of the Comprehensive Plan aims to promote public participation in the County's land use planning. Its policies largely focus on the County's Community Planning Organization (CPO) program and methods for informing and involving the public, policies which this application does not propose to change. This application was processed according to the requirements of ZDO 1307, which implement public notification policies of Chapter 2, including with notice to nearby property owners, relevant agencies, service providers, online, and in the local newspaper.

**This application is consistent with Comprehensive Plan Chapter 2.**

#### *CHAPTER 3 – NATURAL RESOURCES AND ENERGY*

This chapter contains County goals and policies for the protection of water resources, agriculture, forests, mineral and aggregate resources, wildlife habitats, distinctive resources areas, energy sources, and noise and air quality, as well as goals and policies for protection from natural hazards. The County already has regulations implementing these goals and policies, which approval of this application does not change and which any proposed future development will be reviewed for compliance with.

The subject property has no County-regulated water bodies or other significant natural features. The subject property is not known to have any

significant mineral, aggregate, or energy resources, is not in or adjacent to any protected open space, and is generally flat.

Policy 3.F.1 of Chapter 3 aims to prevent disturbance of natural wetlands associated with river and stream corridors and prohibit the substantial alteration of normal levels or rates of runoff into and from wetlands by adjacent development. The Applicants have submitted a wetland delineation study that reviews the former log pond and the two ditches on the subject property. As noted previously, the study determined that the former log pond is an “isolated feature” with no observed outlet or discharge, and that such artificially created wetlands constructed for log storage are not considered waters of the state and are non-jurisdictional. Both ditches were also found to not meet the jurisdictional ditch criteria in the applicable OARs and to not contain food or game fish. The Applicants do not propose development in or near any of these wetland areas in this application.

The half-mile area around the subject property is generally characterized by rural industrial, commercial, and residential land uses, and the subject property is bordered by a state highway on one side and a minor arterial on another. The primary land uses that would be allowed on the subject property under the proposed RI zoning would not, with compliance with the applicable regulations to be reviewed prior to any future development of the property, adversely impact the County’s agricultural or forestry resources.

**This application is consistent with Comprehensive Plan Chapter 3.**

#### *CHAPTER 4 – LAND USE*

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

The chapter’s stated goals for rural industrial lands include providing for “the continuation of industrial uses in non-urban areas having an historical commitment to such uses.”

Policy 4.LL.1 states that the RI land use designation may be applied to non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services. The subject property is outside of a UGB. The County already has a state-acknowledged list of allowable land uses in ZDO table 603-1 for the RI zoning district that have been found to be consistent with this policy. An approved change to the RI land use designation and RI zoning of the subject property will mean that the property could only be used for the land uses listed in Table 603-1 according to the terms set forth in Section 603. Approval



of this application does not change the list of land uses allowable in the RI zoning district or the terms under which such uses may be conducted.

Policy 4.LL.2 states that the RI zoning district implements the RI land use plan designation. This application proposes to have both the land use plan designation of the subject property changed to RI and for the property to be rezoned to RI.

Policy 4.LL.3 states that areas may be designated RI when the first, the second, or *both* the third and fourth of the following criteria are met:

1. It has an historical commitment to industrial uses; or
2. It is an abandoned or diminished mill site, as defined in the ZDO<sup>2</sup>, and only includes portions improved for the processing or manufacturing of wood products; or
3. It is located in an Unincorporated Community; and
4. It has direct access to a road of at least an arterial classification.

The subject property is not in an Unincorporated Community<sup>3</sup>. The Applicants also do not make the case that any portion of the subject property is an abandoned or diminished mill site, as defined in the ZDO, improved for the processing or manufacturing of wood products.

They do, however, clearly demonstrate that the subject property has an historical commitment to industrial uses with dated aerial photos and prior land use approvals.

For example, the Applicants have included a copy of Z0716-02-CP and Z0717-02-Z, files for a similar approved Comprehensive Plan Map amendment and zone change from RRFF-5 to RI in 2002 for Tax Lots 4102 and 4103 to the south of the subject property. The staff report for those files explain that Tax Lots 4102 and 4103, together with the subject property, were formerly included in a larger, roughly 38.66-acre property, and that the

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<sup>2</sup> ZDO Section 202, *Definitions*, defines “mill site, abandoned or diminished” as “a mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.”

<sup>3</sup> The application materials state that “the subject property is located in an Unincorporated Community in Clackamas County, namely Eagle Creek.” However, the “Unincorporated Communities” that Policy 4.LL.3 is referring to are not just any communities outside of the corporate limits of a city. Rather, per Section 202, they are formally delineated settlements that: conform to the definition set for in OAR chapter 660, division 22; are identified in Chapter 4 of the Comprehensive Plan; and are shown on Map 4-7 of the Comprehensive Plan. The subject property is *not* in an Unincorporated Community that meets these criteria.

Diamond Lumber Company was established on the site in 1955. They also explain that: the site was later purchased by Milwaukie Plywood Corporation in 1966 and used for a plywood plant; that ODOT purchased a portion of the subject property for the state highway in 1971; and that the property was purchased by Plywood Equipment Panel Sales, Inc. in 1978 and used primarily for equipment rebuilding and storage.

File 169-82-C included in the record is a 1983 conditional use permit for the subject property authorizing the storage of logs and the use of a portable chipper to make hog fuel.

The application also includes dated aerial photos from 1970 and 1976 showing essentially all of the subject property employed for timber-related and other industrial operations, and a dated aerial photo from 1989 showing most of it still employed for an industrial use.

The 1991 application materials for the partition of property to the south of the subject property (File No. Z0578-91-M) show a “log pond” on the subject property at that time.

No party has contested the Applicants’ assertion that the subject property has an historical commitment to industrial uses.

The Applicants’ proposal meets the criteria in Chapter 4 for being assigned the RI land use plan designation.

**This application is consistent with Comprehensive Plan Chapter 4.**

#### *CHAPTER 5 – TRANSPORTATION SYSTEM PLAN*

As noted previously, the application includes a TIA determining that: the impacts of the Applicants’ proposal would not impact or alter the function classification of any existing or planned transportation facility, nor would it degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards; the proposal would not change any functional classification standard; and that all study intersections are projected to operate within acceptable Clackamas County standards.

Notice of this application, including its TIA, were provided to ODOT, Tri-Met, and the County’s Transportation Engineering Division. No party has contested the conclusions of the TIA.

**This application is consistent with Comprehensive Plan Chapter 5.**

## *CHAPTER 6 – HOUSING*

The County is not required by Chapter 6 to keep this property zoned for residential use.

Given the subject property's proximity to a state highway, a minor arterial, and other RI-zoned property and the fact that it has an existing industrial building and is near and accessible to industrial uses in the City of Estacada that could support and be supported by industrial uses on the subject property, the property is more suited to industrial uses than residential uses.

Even if the property were to remain zoned RRFF-5, the property is only large enough under the density standards of the RRFF-5 District to provide for, at most, three dwelling units.

The Board also finds that there could be other properties in the half-mile area around the subject property that could be used to meet housing demands, including the property to the north that is already approved under Z0147-17-E and Z0032-21-TE for dozens of additional residential units.

**This application is consistent with Comprehensive Plan Chapter 6.**

## *CHAPTER 7 – PUBLIC FACILITIES AND SERVICES*

This chapter provides goals and policies for the provision of sewer, water, storm drainage, urban street lighting, and fire services. Approval of this application does not change any of the County's existing regulations implementing these goals and policies.

The subject property is in a rural area not served by public sewer or water services. The Applicants have submitted statements from the County's Onsite Wastewater Program attesting that the subject property has the capacity to provide septic services for industrial uses, and the Applicants have demonstrated that there is an existing groundwater well on the subject property. The County's Transportation Engineering Division has confirmed that adequate surface water management, treatment, and conveyance is available to serve potential industrial development, or can be made available through improvements completed by the developer or the system owner.

Notice of this application was provided to the local fire district, who has not objected to the proposal. The local fire district will be notified of any application for future development of the property and given an opportunity to provide comment on emergency vehicle access and circulation.

**This application is consistent with Comprehensive Plan Chapter 7.**

## CHAPTER 8 – ECONOMICS

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

- *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 subject property is functionally vacant and has never been developed for housing. The Applicants' proposal would allow the property to be used for the expansion or relocation of industrial uses.

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

The application details how the proposal will provide additional industrial land for rural industrial uses.

- *8.B.4: Encourage the location of business and industry in areas that minimize the journey to work and/or facilitate mass transit usage for the journey to work.*

There are Tri-Met Route #30 bus stops in front of the subject property, providing a mass transit connection to Estacada and to the Portland area. There are also existing and approved residential developments within half a mile of the subject property that could provide housing to employees of industrial uses on the subject property.

**This application is consistent with Comprehensive Plan Chapter 8.**

## CHAPTER 9 – OPEN SPACE, PARKS & HISTORIC SITES

The subject property is not in, nor does it abut, any designated open space area. There are no parks or protected historic sites on the property or on any adjacent property. The proposal does not affect any open space, parks, or historic site.

**This application is consistent with Comprehensive Plan Chapter 9.**

## CHAPTER 10 – COMMUNITY PLANS AND DESIGN PLANS

The subject property is not in an area of the County with a particular community plan or design plan.

**This application is consistent with Comprehensive Plan Chapter 10.**

## CHAPTER 11 – THE PLANNING PROCESS

Chapter 11 contains polices under its '*City, Special District, and Agency Coordination*' section that encourage the involvement of relevant state and regional governments, cities, and special districts in the planning process, consistency between city and County plans, and public engagement. The '*Amendments and Implementation*' section of this chapter also contains procedural standards for Comprehensive Plan amendments and requirements for the Plan and implementing regulations in ZDO Section 1307 to be consistent with Statewide Planning Goals.

Findings above demonstrate how the Applicants' proposal is consistent with Statewide Planning Goals. The process followed for consideration of this application complied with the notification standards in Section 1307. Specifically, notice of the County's public hearings was provided to property owners within a half mile of the subject property 20 days in advance, and notice published in the local newspaper at least 10 days in advance of the first scheduled public hearing. ODOT, Tri-Met, the Eagle Creek – Barton CPO, the City of Estacada, and other relevant agencies were duly notified.

**This application was processed consistent with Comprehensive Plan Chapter 11 and implementing regulations in ZDO Section 1307.**

### 4. Zoning and Development Ordinance:

#### 202 – DEFINITIONS

ZDO Section 202 provides definitions of terms used elsewhere in the ZDO. There are no criteria in Section 202 warranting findings for this application.

#### 604 – RURAL INDUSTRIAL DISTRICT (RI)

ZDO Section 604 lists land uses allowable in the proposed RI zoning, terms under which those uses may be conducted, and dimensional standards.

With approval of the proposed Comprehensive Plan Map amendment and zone change, use of the subject property, and any properties resulting from a division of the subject property are subject to Section 604.

Table 604-2, *Dimensional Standards in the RI District*, identifies that there is no minimum lot size for newly-created lots/parcels in the RI District outside of the Portland Metropolitan UGB. The subject property is outside of the Portland Metropolitan UGB.

## *1001 – GENERAL PROVISIONS*

This section sets forth the general provisions of the 1000 series of ZDO sections, which provide development standards. Per Subsection 1001.02(A), the 1000 series applies to all partitions.

**As conditioned and as reviewed below, the relevant sections of the ZDO 1000 series are satisfied.**

## *1002 – PROTECTION OF NATURAL FEATURES*

This section sets forth standards that pertain to the protection of natural features.

The property contains a delineated and DSL-verified open water wetland that the adopted conditions of approval require to be represented on the final plat as a restricted development area.

Subsection 1002.1(A) prohibits the creation of a lot of parcel by partition which cannot be developed due to steep slopes. The majority of the property is flat. No slopes over 20 percent have been identified on the property.

**As conditioned, the relevant requirements of ZDO Section 1002 are satisfied.**

## *1003 – HAZARDS TO SAFETY*

Section 1003 aims to protect lives and property from natural or man-induced geologic or hydrologic hazards and disasters, from soil hazards, and from forest and brush fires.

Oregon Department of Geology and Mineral Industries (DOGAMI) “Bulletin 99” geologic hazard maps include the area of the subject property. The maps do not show any mass movement hazards on the subject property or high shrink-swell or thin soil hazards. The property is not in a mapped flood hazard area, or in a defined fire hazard area.

**The relevant requirements of ZDO Section 1003 are satisfied.**

## *1006 – UTILITIES, STREET LIGHTS, WATER SUPPLY, SEWAGE DISPOSAL, SURFACE WATER MANAGEMENT, AND EROSION CONTROL*

Section 1006 provides standards related to utility service, street lighting, water supply, sewage disposal, surface water management, and erosion control.

Subsection 1006.01(A) states that the location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum

feasible disturbance of soil and site consistent with the rules and relocations of the surface water management regulatory authority. The surface water management authority of the subject property is the County's Transportation Engineering Division, who has attested that future industrial development of the subject property can comply with this requirement.

Subsection 1006.01(B) states that all development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. The subsection further requires that, except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground. A condition of the partition's approval to this effect is warranted.

Subsection 1006.01(C) requires coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities. The subject property is not in a public water or sewer district.

Subsection 1006.01(D) requires easements to be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses must be of a width deemed appropriate by the responsible agency. Each parcel resulting from the proposed partition would have a septic system and rely on groundwater. No special district or utility company has identified any easement requirements. The adopted conditions of approval require easements identified as necessary by the County's Transportation Engineering Division to be recorded on the final plat.

Subsection 1006.02 relates to street lighting in the Portland Metro UGB. The subject property is not located in the Portland Metro UGB.

Subsection 1006.03 relates to water supply and Subsection 1004.04 relates to sanitary sewer service. The proposed parcels will be provided water from wells with established water rights under Permit No. G-168. The adopted conditions of approval require water rights to be identified on the final plat. The subject property is not in a sanitary sewer service district.

Subsection 1004-6.04 relates to subsurface sewage disposal. The County's Onsite Wastewater Program has attested that there is capacity on the subject property for septic systems to serve industrial uses. The subject property is not located in Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, or Zigzag Village, where certain subsurface sewage disposal requirements apply to partitions. On-site subsurface sewage disposal systems are permitted on the subject property when approved by the Onsite Wastewater Program.

Subsection 1004-6.5 relates to surface water management and erosion control. As noted previously, the County's Transportation Engineering Division has attested that there is capacity for necessary surface water management.

No building construction or modification, new use, or changes to parking or landscaping are proposed in this application. Any new development under the proposed RI zoning of the subject property would require separate design review approval to consider whether that development complies with Section 1006.

**As conditioned, the relevant requirements of ZDO Section 1006 are satisfied.**

*1007.01 – [ROADS AND CONNECTIVITY] GENERAL PROVISIONS*

- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*

The Applicants have not proposed any new County road or any extension of a County road.

**ZDO Subsection 1007.01(A) is not applicable.**

- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

The Applicants proposed a partition. DTD's Transportation and Engineering Division have not recommended any right-of-way dedication or improvements.

**The relevant criteria of Subsection 1007.01(A) are satisfied.**

- C. New developments shall have access points connecting with existing private, public, county, or state roads.*

The subject property already has frontage on, and access to, an existing County road. The proposed parcels would continue to have access to a



County road, either by direct frontage or by an access easement. **The relevant criteria of Subsection 1007.01(C) are satisfied.**

#### 1007.02 – PUBLIC AND PRIVATE ROADWAYS

- A. *All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.*

SE Riverside Way is a rural local road and SE Eagle Creek Rd is a rural minor arterial, as designated on Map 5-4b of the Clackamas County Comprehensive Plan. Per ZDO Subsection 1007.02, partitions are required to dedicate public right-of-way consistent with adopted roadway sections. The existing right-of-way width varies from 60 feet wide at the south end of the site frontage on SE Eagle Creek Road, up to approximately 188 feet wide where the right-of-way encompasses both SE Riverside Way and SE Eagle Creek Rd. The existing right-of-way is adequate to serve the proposed partition and future development under rural industrial zoning.

**The relevant criteria of Subsection 1007.02(A) are satisfied.**

- B. *The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.*

The standard roadway cross section for a rural minor arterial roadway include an eight-foot-wide public utility easement adjacent to the public right-of-way, per Clackamas County Roadway Standards, Drawing C140. The southern approximately 290 feet of frontage is adjacent to a 60-foot-wide right-of-way and warrants the standard eight-foot-wide public utility easement, as reflected in the adopted conditions of approval. The remaining site frontage to the north exceeds the standards right-of-way width and additional easement width is not needed for public utilities.

**As conditioned, the relevant requirements of Subsection 1007.02(B) are satisfied.**

## 1007.03 – PRIVATE ROADS AND ACCESS DRIVES

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:
1. *When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;*

No “flag-pole” strips are proposed. The adopted conditions of approval require prior to final plat recording local fire district approval of the partition verifying adequate emergency services access is available or can be provided. The adopted conditions also require a minimum 24-foot-wide perpetual common access and utility easement be provided from SE Riverside Way to Parcel 2, unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County’s Roadway Standards. The easement must be clear and unobstructed.

**As conditioned, the relevant requirements of ZDO Subsection 1007.03(A)(1) are satisfied.**

2. *Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;*

The proposed partition would only result in two parcels. The Applicants’ do not propose a private road or access drive to serve more than three lots/parcels.

**ZDO Subsection 1007.03(A)(2) is not applicable.**

5. *The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).*

The application includes the TIA discussed previously in this report. The TIA does not raise any private road or access drive

sight distance or clear zone concerns. The County's Transportation Engineering Division concurs with the findings of the TIA.

**The relevant requirements of ZDO Subsection 1007.03(A)(5) are satisfied.**

#### *1007.07 – TRANSPORTATION FACILITIES CONCURRENCY*

This subsection states that approval of a partition can be granted only if the capacity of the transportation facilities is adequate or will be made adequate in a timely manner. It defines "adequate" and "timely" for the purposes of this subsection, provides standards for calculating capacity, and provides some exceptions.

The Applicants' proposal does not qualify for any of the listed exceptions, because of the location of the subject property and the nature of their proposal.

The submitted TIA finds that the County's existing transportation system is adequate to serve outright-permitted industrial uses if the subject property to be rezoned to RI, even if the subject property is divided in to two parcels, and the County's Transportation Engineering Division concurs. ODOT and Tri-Met were notified of this application and have not raised any objections.

**The relevant requirements of ZDO Subsection 1007.07 are satisfied.**

#### *1012 – LOT SIZE AND DENSITY*

Section 1012: identifies opportunities for exceptions to minimum lot sizes; provides maximum lot sizes for certain urban zoning districts; and contains general, maximum, and minimum density provisions. There is no minimum lot size or density requirements for RI-zoned parcels, and the property is not in an urban zoning district.

**The relevant requirements of ZDO Section 1012 are satisfied.**

#### *1015 – PARKING AND LOADING*

This section of the ZDO identifies the parking space requirements for certain uses. No building construction or modification, new use, or changes to parking or landscaping are proposed in this application. Any new development under the approved RI zoning of the subject property would require separate design review approval to consider whether that development complies with Section 1015.

Nonetheless, the Board finds that the Applicants' proposal can allow for the provision of necessary parking spaces for industrial uses.

**The relevant requirements of ZDO Section 1015 are satisfied.**

**1105 – SUBDIVISIONS, PARTITIONS, REPLATS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS**

The Applicants' have satisfied the submittal requirements for a partition as outlined in Subsection 1105.02, and are *not* proposing a replat subject to Subsection 1105.04 or a condominium plat subject to Subsection 1105.05. The adopted conditions of approval reiterate the allowance for a time extension under Subsection 1105.06 for the recording of the final partition plat.

Subsection 1105.03 has the following specific approval criteria for partitions:

- A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and Section 1000, Development Standards.*
- B. In an Urban Low Density Residential District, the applicant may designate the proposed subdivision, partition, or replat as a zero-lot-line development. In a zero lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.*
- C. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following [...]*
- D. A nonprofit, incorporated homeowners association, or an acceptable alternative, shall be required for ownership of, improving, operating, and maintaining common areas and facilities, including, but not limited to, open space, private roads, access drives, parking areas, and recreational uses, and for snow removal and storage in Government Camp.*

The proposed partition has been reviewed for compliance with applicable provisions of the Section 1000 series, as reviewed in this report. The subject property is not in an Urban Low Density Residential District or in Government Camp. The application does not propose a zero lot-line development, subdivision, or any phasing plan. An adopted condition of

approval could require a nonprofit, incorporated homeowners association or other joint management entity for ownership of, improving, operating, and maintaining any common areas and facilities.

**The relevant requirements of ZDO Subsection 1105.03 are satisfied.**

*1202.03 – GENERAL APPROVAL CRITERIA*

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

- A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*
- B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.*
- C. The transportation system is adequate and will remain adequate with approval of the proposed zone change. [...]*
- D. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

This application, which proposed a zone change from RFFF-5 to RI, was reviewed and processed as a Type III application pursuant to ZDO Section 1307, *Procedures*. These findings outline how the proposal is consistent with applicable goals and policies of the County's Comprehensive Plan.

The subject property is not, and is not planned to be, served by public sewer or water services. However, the County's Onsite Wastewater Program has attested to the subject property having the capacity to provide septic services for future industrial uses, and the Applicants have shown that there is a groundwater well on the subject property. The application materials include a Preliminary Statement of Feasibility from the County's Transportation Engineering Division confirming that adequate surface water management, treatment, and conveyance is available to serve potential development, or can be made available through improvements completed by the developer or the system owner.

ZDO Subsections 1202.03(C)(1)-(7) define what is meant by an “adequate” transportation system. The Applicant’s submitted TIA, 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; and there is adequate sight distance available to ensure safe and efficient operation of the access intersection. The County’s Transportation Engineering Division has reviewed the TIA and concurs with its findings. ODOT and Tri-Met were provided notice of this application and have not opposed it for safety concerns or for any other reason.

**The relevant requirements of ZDO Subsection 1202.03 are satisfied.**

### *1307 – PROCEDURES*

Section 1307 provides standards and criteria for processing land use application according to their type. This application is was processed according to “Type III” procedures for a Comprehensive Plan Map amendment, zone change, and concurrent partition. No further written findings regarding Section 1307 are warranted.