



PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

LAND USE HEARING

July 21, 2021

9:30 AM

Clackamas County is abiding by social distancing requirements during the coronavirus pandemic, so this public hearing will be conducted virtually using the Zoom platform. The Zoom link to the public hearing and details on how to observe and testify online or by telephone are available on our website:

<https://www.clackamas.us/meetings/bcc/landuse>.

All interested parties are invited to “attend” the hearing online or by telephone and will be provided with an opportunity to testify orally, if they so choose. Applications may be viewed online at <https://accela.clackamas.us/citizenaccess/>. After selecting the “Planning” tab, enter the Record (File) number to search. Then scroll down and select “Attachments,” where you will find the submitted application. Please direct all calls and correspondence to the staff member listed below.

LAND USE HEARING

File No.: Z0167-21-CP & Z0168-21-ZAP

Applicants: D. Ben Henzel

Proposal: Planning files Z0167-21-CP and Z0168-21-ZAP contain a proposed Comprehensive Plan Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and a corresponding zone change from Medium Density Residential (MR-1) zone to High Density Residential (HDR) zone to facilitate a future multi-family development, subject to a separate Design Review land use approval process.

Staff Contact: Melissa Ahrens, Senior Planner, 503-742-4519, MAhrens@clackamas.us

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at least three (3) business days before the meeting at 503-742-4545 or email Drenhard@clackamas.us.

¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

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**Land Use Hearing Item
Staff Report to the Board of County Commissioners**

File Number: Z0167-21-CP, Z0168-21-ZAP, SE River Road Comprehensive Plan Amendment and Zone Change

Staff Contact: Melissa Ahrens, Planning and Zoning Division, 503-742-4519

Board of County Commissioners Hearing Date: July 21, 2021

PROPOSAL:

Planning files Z0167-21-CP and Z0168-21-ZAP contain a proposed Comprehensive Plan Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and corresponding zone change from Medium Density Residential MR-1 zone to High Density Residential HDR zone, to facilitate future multi-family development (subject to a separate Design Review land use approval process).

Background:

The subject site (tax lot 21E11AA01700) is located within the Portland Metropolitan Urban Growth Boundary, and in the neighborhood of Oak Grove in unincorporated Clackamas County. The subject tax lot is currently vacant and is approximately .48 acres. The subject property is located on River Road and is surrounded by urban land developed with urban uses. Features of the surrounding area include:

- The McLoughlin Blvd. corridor shopping district (approximately 0.8 miles, estimated at a 20 minute walk or a 6 minute bike ride from the subject property).
- The Park Avenue Light Rail Station (1.3 miles from the subject property).
- The Trolley Trail, which offers bicycle and pedestrian connections to the City of Milwaukie and the City of Gladstone. (1000 ft. from the subject property).
- Downtown Oak Grove, which is currently an affiliate of Oregon Main Street (OMS), a Heritage Program of the Oregon Parks and Recreation Department, and contains a mix of retail, institutional uses, offices, restaurants/bars, grocery markets, and commercial businesses. (Immediately adjacent to the subject property).

No mapped regulatory natural resources, principal rivers, river and stream conservation areas, or floodplain are present on the subject site.



Comprehensive Plan Map Amendment and Zone Change:

The applicant is proposing to change the Comprehensive Plan designation for the property from Medium Density Residential (MDR) to High Density Residential (HDR) and change the Zoning designation from Medium Density Residential (MR-1 zone) to High Density Residential (HDR zone), to facilitate future multi-family development. The current MR-1 zoning would allow for up to 6 dwelling units to be built on the site, while the proposed HDR zone would allow for up to 12 units; however, the development potential of the site would also be dependent on the specific design proposal, required landscaping coverage, parking requirements, site circulation, storm water treatment facilities and other development standards in the Zoning and Development Ordinance.

Future development of the property with multi-family housing would be subject to a Design Review land use application, at which point all applicable development and design standards of the Zoning and Development Ordinance would be applied to the development proposal.

RELATED PRIOR BCC ACTION:

None.

PLANNING COMMISSION ACTION:

A public hearing was held on June 28, 2021, for Planning Commission consideration of the proposal. That recommendation, with its findings on relevant approval criteria, is attached, along with draft minutes of the Planning Commission hearing.

The Planning Commission voted unanimously to recommend approval, as originally recommended by staff. There was no public testimony; the applicant gave a short presentation on the applications.

CPO RECOMMENDATIONS:

The local CPO, the Oak Grove Community Council CPO had no comments about the proposed Comprehensive Plan Amendment or Zone Change.

SIGNIFICANT ISSUES:

No significant issues were raised at the Planning Commission hearing.

Questions and discussion at the hearing were generally focused in two areas:

(1) *Parking requirements for future on-site development.* Staff reiterated that any on site multifamily development would require a Design Review land use application. The Design Review process would implement the parking requirements, circulation, access and other development standards in the County's Zoning and Development Ordinance. Parking is required on a per-unit basis, so an increase in the number of units will result in an increase in the amount of off-street parking required.

(2) *Cumulative impacts from site specific zone changes in the urban area of the County.* Staff noted that the legal standard of review for the subject applications does not require findings to be made concerning the cumulative impacts of all zone changes in the broader urban area. That topic and type of analysis is more appropriately addressed in long range planning project and, in fact, there is an ongoing Land Use Housing Strategies project that may affect housing allowances and zoning in a large part of the urban area that will come before the Planning Commission for their input and review in the future.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of Z0167-21-CP, Z0168-21-ZAP by the Board of County Commissioners, as proposed and as also recommended by the Planning Commission.

Z0167-21-CP AND Z0168-21-ZAP:
COMPREHENSIVE PLAN
AMENDMENT AND ZONE CHANGE

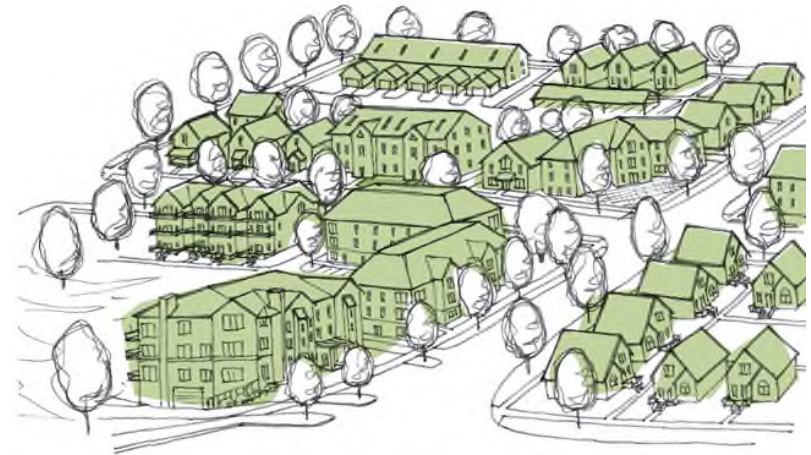


Board of County Commissioners Public Hearing
July 21, 2021

PROPOSAL

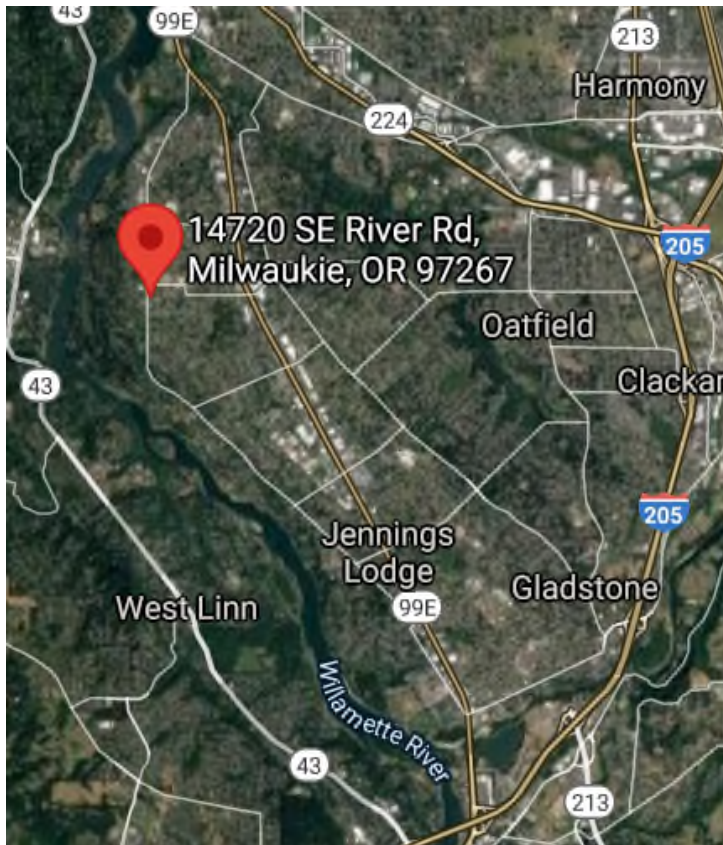
Z0167-21-CP: Medium Density Residential → High Density Residential

Z0168-21-ZAP: MR-1 to HDR



SUBJECT PROPERTY

14720 SE River Road, T2S, R1E, Section 11AA Tax Lot 1700



NOTICING

- Application Submitted: April 19, 2021
- Application Deemed Complete: May 13, 2021
- Notice sent out for a Planning Commission Meeting and Board of County Commissioner's hearing: May 24, 2021
- No formal comments received

APPROVAL CRITERIA

Comprehensive Plan Amendment:

- Statewide Planning Goals and applicable OARs
- Metro Urban Growth Management Functional Plan
- County Comprehensive Plan

Zone Change:

- 1202 Zone Changes, Processed as Type III
- Applicable criteria in 1202.03 General Approval Criteria

COMPREHENSIVE PLAN AMENDMENT

Statewide Planning Goals:

- Statewide Transportation Planning Rule (OAR) 660-012 and Goal 12
- Statewide Planning Goal 10 for Housing and OAR 660-007 and 660-008

COMPREHENSIVE PLAN AMENDMENT

Comprehensive Plan Policies:

- Chapter 4, Land Use
- Chapter 5- Transportation, Chapter 6- Housing, Chapter 7- Public Facilities and Services, and Chapter 11- The Planning Process

CHAPTER 4 CONSISTENCY

Policy 4.U: High Density Residential Policies

4.U.1 The following areas may be designated High Density Residential when at least the first three criteria are met:

4.U.1.1 Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.

4.U.1.2 Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.

4.U.1.3 Areas free from known geologic hazards, flooding, or soils subject to slippage.

4.U.1.4 Areas adjacent to permanently protected open space or bodies of water as long as the above criteria apply

HISTORIC DOWNTOWN OAK GROVE



EAT & DRINK

Awakening Coffee
McQueen's Bar & Grill
Vinyl Tap Bar & Grill

PROFESSIONAL SERVICES

Badge Print Co.
Bear Printing
Cashbox
Clean Start Systems
Cranston Machinery
Farmers Insurance
Faulkner Skate
FORMES
Gold Star ATM
GREYBOX
Lifetime Windows & Doors
Oak Grove Daycare & Preschool
Royal Floor Covering
RV Transport, Inc.
Solid State Tax
Total Threat Basketball
24x7 I.T. Solutions, Inc.
US Taxmatters, LLC
West Coast Remarketing, LLC

CIVIC SERVICES

Oak Lodge Water Service District

SHOPPING

Buy Rite Grocery
Vista Grocery

WELLNESS

Acupuncture
Alter Behavior Hypnosis
Kelly Logan, LMT
Milwaukie Massage Therapy
Shiatsu Massage

AUTOMOTIVE

Fairbanks Automotive
George Auto Sales
Rick's Cylinder Head Services
River Road Garage
Volvos Only

BEAUTY

Barber Shop
Grapevine Hair Salon
Merkley Artistry
Hair & Makeup Studio
Sandra Kafka Beauty

ARTS &

ENTERTAINMENT

Jelle Creations
Oak Grove Community Club

Z0167-21-CP and Z0168-21-ZAP 9

PROXIMITY



ZONE CHANGE APPROVAL CRITERIA

1202.03

- A. Consistency with the Comprehensive Plan
- B. Accommodation by public services
- C. Adequacy of the transportation system
- D. Safety of the transportation system

PLANNING COMMISSION (PC)

- Public hearing: June 28, 2021
- No public testimony at the PC hearing
- No significant issues
- PC voted unanimously to recommend APPROVAL, as originally recommended by staff.

THANK YOU





PLANNING COMMISSION STAFF REPORT

This document represents the Planning and Zoning Staff findings and recommendations for a Type III Land Use Application for a Comprehensive Plan amendment and Zone Change as cited below.

SUMMARY

DATE: June 21, 2021

HEARING DATE: June 28, 2021 (Agenda Item Time: 6:30 pm)

CASE FILE NO.: Z167-21-CP, Z0168-21-ZAP

PROPOSAL: Proposed Comprehensive Plan Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and corresponding zone change from Medium Density Residential MR-1 zone to High Density Residential HDR zone, to facilitate future multi-family development (subject to a separate Design Review land use approval process).

STAFF CONTACT(S): Melissa Ahrens, (503) 742-4519, mahrens@clackamas.us

LOCATION: T2S, R1E, Section 11AA Tax Lot 1700.

APPLICANT(S): D. Ben Henzel and Valerie Henzel

OWNER(S): D. Ben Henzel and Valerie Henzel

TOTAL AREA: Approximately 0.48 acres

ZONING: Medium Density Residential (MR-1)

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential (MDR)

COMMUNITY PLANNING ORGANIZATION: Oak Grove Community Council

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

OPPORTUNITY TO REVIEW THE RECORD: The complete application file is available for review online by accessing the following link: <https://accela.clackamas.us/citizenaccess/> . If you are unable to access the file online, contact the staff person listed on the front page of this decision for assistance. Copies of all documents may be purchased at the rate of \$1.00 for the first page and 10-cents per page thereafter.

APPLICABLE APPROVAL CRITERIA: This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Section 1202, Zone Changes, and the Comprehensive Plan. This application is being processed as a Type III Permit, pursuant to Section 1307. A Type III Permit is quasi-judicial in nature, and involves land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.

TABLE OF CONTENTS

I. STAFF RECOMMENDATION.....13

II. COMPREHENSIVE PLAN AMENDMENT APPLICATION FINDINGS AND DECLARATIONS.....4

A. Background and Proposed Comprehensive Plan Amendment4

B. Submittal Requirements6

C. Statewide Planning Goal Consistency7

D. Compliance with Clackamas County Comprehensive Plan Policies13

E. Compliance with High Density Residential Plan Policies in Chapter 4 of the Comprehensive Plan19

III. ZONE CHANGE FINDINGS21

1. 1202.03(A)21

2. 1202.03(B).....22

3. 1202.03(C).....22

4. 1202.03(D).....23

Attachments:

- A. Submitted Application**
- B. Exhibits:**
 - 1. Notices*
 - 2. Tax Map*
 - 3. Site Plan*
 - 4. Aerial View*

I. STAFF RECOMMENDATION

- 1. **APPROVAL** of the Comprehensive Plan Map Amendment (File No. Z0167-21-CP) from Medium Density Residential (MDR) to High Density Residential (HDR)
- 2. **APPROVAL** of the zone change (File No. Z0168-21-ZAP) from Medium Density Residential (MR-1) zone to High Density Residential (HDR)

The Planning Staff recommends **APPROVAL** of the Comprehensive Plan amendment and Zone Change Application Z0167-21-CP and Z0168-21-ZAP because the proposed Comprehensive Plan Amendment and Zone Change meets the applicable Comprehensive Plan criteria, Statewide Planning Goals, and ZDO Section 1202. This recommendation is based on the findings detailed in Sections II & III of this Staff Report.

II. COMPREHENSIVE PLAN AMENDMENT APPLICATION FINDINGS AND DECLARATIONS

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 1202, the Comprehensive Plan, and Statewide Planning Goals. The Clackamas County Planning and Zoning Staff have reviewed these Sections of the ZDO, the Comprehensive Plan and statewide planning goals in conjunction with this proposal and make the following findings and conclusions:

A. Background and Proposed Comprehensive Plan Amendment

Subject Site

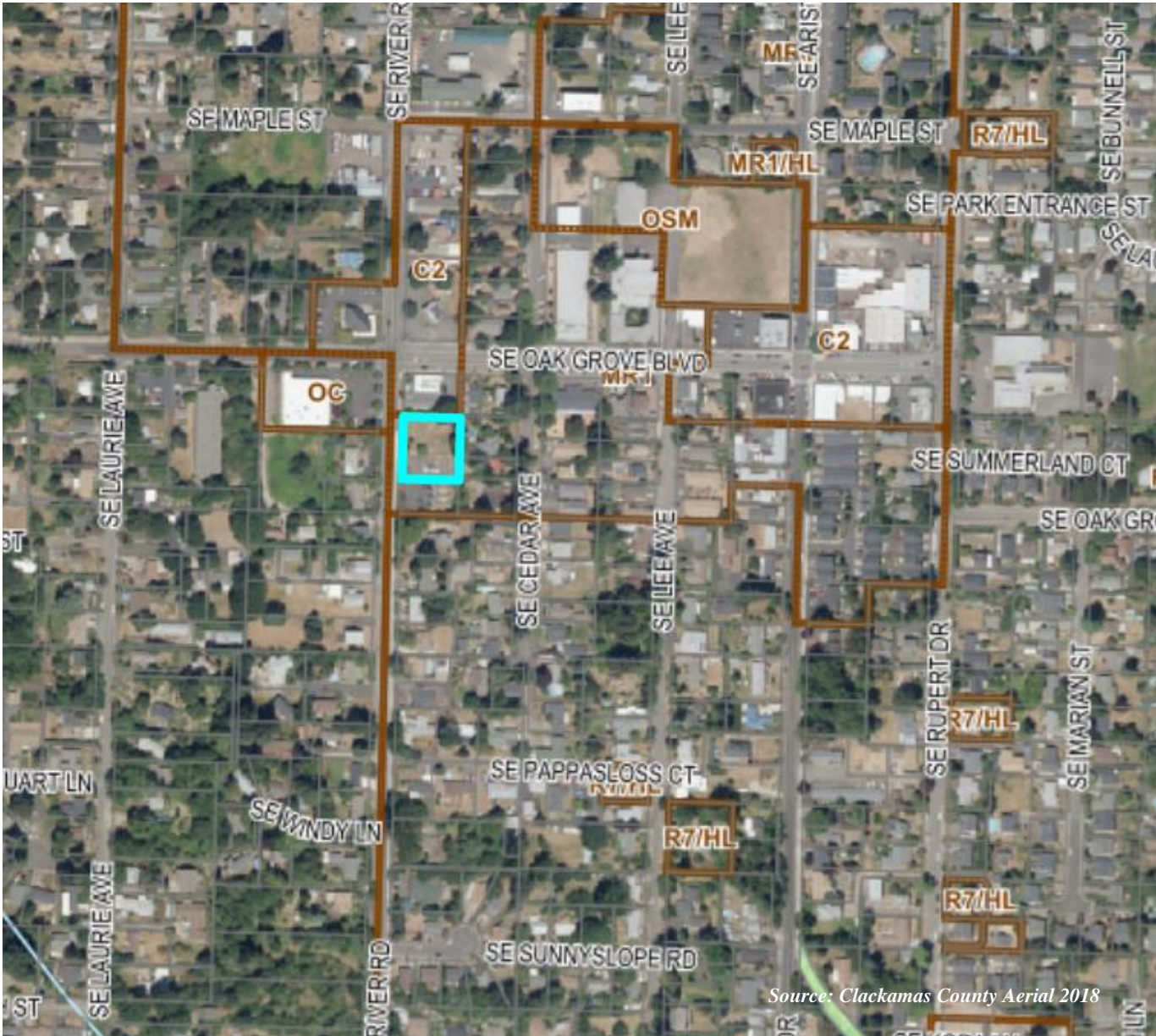
The subject site (tax lot 21E11AA01700) is located within the Portland Metropolitan Urban Growth Boundary, and in the neighborhood of Oak Grove in unincorporated Clackamas County. The subject tax lot is made up of three platted legal lots of record, each approximately 50 ft. by 138 ft. The subject tax lot is approximately .48 acres and is located directly adjacent to a tax lot in common ownership (21E11AA01800), which was developed with condominiums pursuant to Design Review land use decision No. Z0576-94-D. That Design Review approval was for 6 condominium units on tax lots 21E11AA01800 and the subject property, tax lot 1700. It appears from land use record that the subject property was originally approved for development of two condominiums as part of the 1994 Design Review approval. The four condominiums approved on the adjacent parcel in common ownership (tax lot 1800) were constructed subsequent to Design Review approval and are still located on the property today. It is unclear if the two condominiums approved on the subject property were ever constructed since there do not appear to be any County building permit records for condominiums on the subject property, however, County building permit records show that two single family residences that were on the property were demolished in 2012. Currently the subject property is vacant.

The subject property is located on River Road, a transit corridor served by Trimet. The property is also located immediately adjacent to the Historic Downtown Oak Grove neighborhood, in close proximity to the Mcloughlin Blvd. corridor shopping district, and 1.3 miles to the Park Avenue Light Rail Station. Historic Downtown Oak Grove (HDOG) is currently an affiliate of Oregon Main Street (OMS). OMS is a Heritage Program of the Oregon Parks and Recreation Department. The Oak Grove town site was first platted in 1890 from the original Creighton and Crow donation land claims (DLCs) of the 1830s and 1840s, according to the HDOG website. The Oregon Main Street Association assists with the revitalization of traditional downtowns, promotes economic development, and encourages historic preservation and the vision of the HDOG, per their website, is: “[...]A bustling downtown with flourishing small businesses, beautiful streetscapes, community events and an identity of a true downtown and center of our community.” Included in downtown Oak Grove the HDOG website lists 3 eating/drinking establishments, 19 professional service and retail businesses, 1 civic service (Oak Lodge Water Services), 5 beauty parlors, 1 arts/entertainment center, 5 auto repair and sales establishments, and 5 wellness/health offices. Directly to the north of the subject property is McQueen’s Bar and Grill, across the street to the West is an office/retail building, and further north across the intersection of SE River Road with SE Oak Grove Blvd is Vista Grocery Store and an Oak Lodge Water Services office building. Further to the north along SE River Road are additional business such as auto repair stores and another

Oak Lodge Water Services office. To the east along SE Oak Grove Blvd, approximately 400 ft. from the subject property is the North Clackamas School District New Urban High School. (See Exhibit 4, Aerial View).

No mapped natural resources, principal rivers, river and stream conservation areas, natural hazards or regulatory floodplains are present on the subject site. Access to the site is via SE River Road. See Figure 1 below and Exhibit 2 and 3.

Figure 1: Property Aerial



The applicant is proposing to change the Comprehensive Plan designation for the property from Medium Density Residential (MDR) to High Density Residential (HDR) and change the Zoning designation from Medium Density Residential (MR-1 zone) to High Density Residential (HDR zone), to facilitate future multi-family development. Future development of the property with multi-family housing would be subject to a Design Review land use application. As part of that application the density requirements of the zoning district and design standards of the Zoning and Development Ordinance would be applied to the development proposal. The High Density Residential Comprehensive Plan Designation is intended for those areas planned for up to 25 units per gross acre (exclusive of density bonuses and conditional uses). Primary uses allowed within the proposed HDR zoning district consist of multi-family, two-family or three-family dwellings, nursing homes, congregate housing facilities, government owned recreational uses, pedestrian amenities, and retaining walls. Clackamas County Zoning and Development Ordinance (ZDO) Section 315 lists the primary permitted uses of the HDR zoning district, as well as conditional and prohibited uses.

Service Providers:

1. Sewer/ surface water: The subject property is located within the Oak Lodge Sanitary District
2. Water: The subject property is located within the Oak Lodge Water Services District
3. Fire Protection: Clackamas RFPD #1

Noticing

This application has been processed consistent with those procedures. Specifically, the County has provided notice to interested agencies, local governments and property owners within 500 feet of the subject property consistent with State law and Section 1307 of the ZDO. The notification to property owners, public notices and hearings will ensure an opportunity for citizens to participate in the land use process.

Responses Received:

None

B. Submittal Requirements

Section 1307 and Subsection 1202.02 of the Zoning and Development Ordinance lists the information that must be included in a complete application for a Comprehensive Plan amendment and Zone Change.

This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in the Comprehensive Plan, Statewide Planning Goals, and Section 1202 of the ZDO. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1307 and 1202.02 are included in the application. The application was submitted on April 19th 2021 and deemed complete on May 13th, 2021. The submitted application is included as Attachment A to this staff recommendation. Notice was sent out for a Planning Commission Meeting and Board of County Commissioner’s hearing on May 24th, 2021.

The submittal requirements of Subsection 1307 and 1202.02 are met.

C. Statewide Planning Goal Consistency

Goal 1; Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

This is a quasi-judicial land use application. The Clackamas County Comprehensive Plan and Section 1307 of the Zoning and Development Ordinance (ZDO) contain adopted and acknowledged procedures for citizen involvement and public notification. This application has been processed consistent with the notification requirements in Section 1300 including notice to individual property owners within 500 feet of the subject property, notice in the local newspaper, and notice to affected agencies, dual interest parties and to the Oak Grove Community Council CPO. One or more advertised public hearings will also be conducted before the Clackamas County Planning Commission and Board of County Commissioners, which provides an opportunity for additional citizen involvement and input. **The proposal is consistent with Goal 1.**

Goal 2; Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to the following agencies and governments for comments; Clackamas County RFPD #1, Oak Grove Community Council, the North Clackamas Parks and Recreation District, the North Clackamas School District, the City of Milwaukie, the Oregon Department of Transportation (ODOT), and the Department of Land Conservation and Development (DLCD).

The subject property is not located within any Urban Growth Management Areas (UGMA) of any nearby or surrounding cities. The property is not located in a designated urban or rural reserve area. Therefore, this application does not affect any other adopted City Comprehensive Plans.

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. The background information and findings provided by the applicant and within this report, and comments received from agencies and interested parties provide an adequate factual base for rendering an appropriate decision consistent with the County Comprehensive Plan. **This proposal is consistent with Goal 2.**

Goal 3; Agricultural Land: To preserve and maintain agricultural lands.

The subject property is located within an acknowledged urban area on the County Comprehensive Plan map. This proposal does not include any land planned or zoned for Agricultural uses. **Goal 3 is not applicable.**

Goal 4; Forest Land: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The subject property is located within an acknowledged urban area on the County Comprehensive Plan map. This proposal does not include any land planned or zoned for Forest uses. **Goal 4 is not applicable.**

Goal 5; Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.

Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapter 3 (Natural Resources and Energy) and Chapter 9 (Open Space, Parks and Historic Sites) of the Clackamas County Comprehensive Plan identifies significant Goal 5 resources within the County.

No outstanding scenic views/sites, wilderness areas, wetlands, historic sites or structures, cultural areas, potential or approved Oregon recreation trails or other significant Goal 5 resources identified in the Comprehensive Plan are located on the subject property. **The proposal is consistent with Goal 5.**

Goal 6; Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state. The County Comprehensive Plan and ZDO contain adopted implementing regulations to protect the air, water and land resources. The County also has implementing regulations to accommodate all waste and process discharges in order to protect watersheds, airsheds and land resources. These regulations will be applied to any future development proposals on the property and will protect the affected air, water and land resources. **This application is consistent with Goal 6.**

Goal 7; Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters.

The subject property is not located within any designated floodplain area. According to the Department of Geology and Mineral Industries (DOGAMI) bulletin 99 maps the property does not contain any steep slopes or natural hazards (landslide topography, local slump, earth flow, mudflow or debris flow areas). The topography of the site is flat and there are no steep slopes on or adjacent to the property. **This application is consistent with Goal 7.**

Goal 8; Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

This proposal does not involve any designated recreational or open space lands, affect access to any significant recreational uses in the area, or involve the siting of a destination resort. This proposal will have no impact on the recreational needs of the County or State. **Goal 8 is not applicable.**

Goal 9; Economic Development: “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.”

This Goal is intended to ensure Comprehensive Plans contribute to a stable and healthy economy in all regions of the state. Goal 9 also requires the County to provide for an adequate supply of sites of suitable sizes, types, locations, and services for a variety of industrial and commercial uses consistent with plan policies.

OAR 660-009 (Industrial and Commercial Development) implements Goal 9. Pursuant to OAR 660-009-0010(1) the requirements and standards in OAR 660-009 are only applicable to areas within urban growth boundaries, which includes the subject property. However, OAR-660-009 would not apply to the subject Comprehensive Plan amendment because the proposed amendment would not change the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation. The proposed Comprehensive Plan amendment would allow for increased housing opportunities, which would be symbiotic with ongoing and future economic development in the County. **This application is consistent with Goal 9.**

Goal 10; Housing: "To provide for the housing needs of citizens of the state."

This Goal requires local jurisdictions to provide for an adequate number of needed housing units and to encourage the efficient use of buildable land within urban growth boundaries. OAR 660-007 and 660-008 defines the standards for determining compliance with Goal 10. OAR 660-007 addresses the housing standards inside the Portland Metropolitan Urban Growth Boundary. OAR 660-008 addresses the general housing standards.

The subject property is located inside of the Portland Metropolitan Urban Growth Boundary and OAR 660-007 and OAR 660-008 are applicable to this proposal. OAR 660-007-0060 requires the following for Comprehensive Plan Amendments:

(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.

The proposed Comprehensive Plan Amendment will allow for increased density of housing and more options for multi-family development than the current Comprehensive Plan Designation of medium density residential. Specifically, the proposed high density residential designation will provide homes for more individuals and families through shared wall construction at a higher density than permitted in the current medium density residential designation, which may result in increased affordability and housing access for the community. OAR 660-008-0020 requires the plan designations assigned to buildable land to be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection. The subject property is within an area that the recent Clackamas County Housing Needs Analysis (*ECONorthwest Clackamas County Regional Housing Needs Analysis, September 2019*)

identified as having a deficit in land needed to accommodate expected growth over the next 20 years in Urban Unincorporated areas. Specifically, the plan recommends that the Urban Unincorporated area of the County, which includes the Oak Grove neighborhood, increase densities allowed for housing. The Housing Needs Analysis states that for Urban Unincorporated areas, which includes the subject property:

“The most substantial affordable housing needs are for housing affordable to extremely low, low-income households and middle-income households, as described below. Opportunities to address housing affordability in Urban Unincorporated areas are likely related to the issues discussed in this section, such as allowing a wider range of housing types, evaluating opportunities for up-zoning and changes to the zoning code to remove barriers to development of market-rate affordable housing, and preservation of existing affordable housing.”

This proposal will allow for an increase in needed housing types determined to meet the need shown for housing within the urban growth boundary in this area at particular price ranges and rent levels, as identified in the Housing Needs Analysis, consistent with applicable sections of Statewide Planning Goal 10 and OAR 660-007 and 660-008. **This application is consistent with Goal 10.**

Goal 11; Public Facilities and Services: “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

This Goal provides guidelines for cities and counties in planning for the timely, orderly and efficient arrangement of public facilities and services, such as sewer, water, solid waste and storm drainage. The Goal requires these public facilities and services to be provided at levels necessary and suitable for urban and rural uses, as appropriate. OAR 660-011 implements the requirements of Goal 11. The subject properties is located within a public sewer district that has capacity to serve the property. The applicant’s intended multi-family development will be served by public services. According to the statement of feasibility signed by Mr. Markus Mead with Oak Lodge Water Services District, submitted with this application, water service, sanitary sewer, and surface water management facilities have adequate capacity to serve the proposed development. The property is also located within the service boundaries of Clackamas County RFPD #1 and Clackamas County Sheriff’s District.

A subsequent Design Review land use approval would be required for any site development and would need to be found consistent with applicable sections of the ZDO.

This application is consistent with Goal 11.

Goal 12; Transportation: “To provide and encourage a safe, convenient and economic transportation system.”

Oregon Administrative Rule (OAR) 660-012 (Transportation Planning Rule) implements Statewide Planning Goal 12. OAR 660-012-0060 applies to any plan map amendment which significantly affects a transportation facility. OAR 660-012-0060(1) requires any amendments to a functional plan, acknowledged comprehensive plan or a land use regulation (including a zoning map) which significantly affects an existing or planned transportation facility to put in place measures as provided in OAR 660-012-0060(2) unless the amendment is allowed under OAR 660-012-0060(3), (9) or (10).

Pursuant to OAR 660-012-0060(1) a plan or land use regulation amendment is deemed to significantly affect a transportation facility if it;

- a. *Changes the functional classification of an existing or planned transportation facility;*
- b. *Changes standards implementing a functional classification; or*
- c. *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluation projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 1. *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 2. *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan or;*
 3. *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Compliance with OAR 660-012-0060(1) can be achieved by one or a combination of the following;

- a. *Adopting measures that demonstrate the allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
 - b. *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
 - c. *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
 - d. *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
- providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other*

locations, of the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

The applicant included a Traffic Impact Analysis Memo in the submitted application addressing the impacts from this proposal. The analysis evaluated ‘reasonable worst case scenario’ traffic allowed in the existing MR-1 zoning district and in the proposed HDR zoning district, specifically looking at the impact adjacent roadways. The TIA memo, completed by DKS Associates, concludes that the proposed comprehensive plan designation of HDR is not expected to have a significant impact on the surrounding transportation system and that the TPR requirements are satisfied. The report also concludes that the full development on the site under the proposed HDR zoning could generate up to 49 new net daily trips and a maximum of four net new peak hour trips. The subject property will be accessed of River Rd., a minor arterial, through an existing driveway.

Clackamas County Engineering staff has reviewed the submitted Traffic Impact Analysis Memo and concurs with the conclusions in the application submittal that there will be no significant impact on the transportation system as a result of the proposed Comprehensive Plan Amendment and zone change due to the minimal level of traffic increases anticipated from the Comprehensive Plan/Zone change.

Based on the submitted traffic analysis and trip generation estimates the proposed zone change would be consistent with OAR 660-012-0060(1) and would not significantly affect the transportation facility, since it does not exceed the thresholds or triggers for project conditioning or modification as described in OAR 660-012-0060(1)(a)-(c). **This application is consistent with Goal 12.**

Goal 13; Energy Conservation: To conserve energy.

This proposal will have no impact on any known or inventoried energy sites or resources. There are no planning or implementation measures under this Goal applicable to this application. **Goal 13 is not applicable.**

Goal 14; Urbanization: To provide for an orderly and efficient transition from rural to urban land uses.

The subject property is located inside the Metropolitan UGB. This proposal does not involve a change in the location of the UGB, a conversion of rural land to urban land, or urbanizable land to urban land. The property is not located within at designated urban or rural reserve areas. There are no planning or implementation measures under this Goal applicable to this application. **Goal 14 is not applicable.**

Goal 15: Willamette River Greenway: 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 not located within the Willamette River Greenway. **Goal 15 is not applicable.**

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes) and Goal 19 (Ocean Resources).

Goals 16, 17, 18 and 19 are not applicable in Clackamas County.

D. Compliance with Clackamas County Comprehensive Plan Policies

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 specific 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 the Citizen’s Planning Organization in the area (Oak Grove Community Council), to property owners within 500 feet of the subject property, and published public notices in the newspaper consistent with State law and Section 1307 of the ZDO. The Planning Commission and Board of County Commissioners will also hold one or more public hearings, as necessary, consistent with Section 1307 of the ZDO. These public mailings, notices and hearings will ensure an opportunity for citizens to participate in the land use process. **This application is consistent with Chapter 2.**

Chapter 3; Natural Resources and Energy: The purpose of this Chapter is to provide for the planning, protection and appropriate use of the County's land, water and air resources, mineral and aggregate resources, wildlife habitats, natural hazard areas and energy sources.

This Chapter contains eight (8) Distinct Sections addressing; 1) Water Resources; 2) Agriculture; 3) Forests; 4) Mineral and Aggregate Resources; 5) Wildlife Habitats and Distinctive Resource Areas; 6) Natural Hazards; 7) Energy Sources and Conservation and; 8) Noise and Air Quality. Each of these Sections is addressed below.

Water Resources: This Section of the Chapter identifies policies applicable to River and Stream Corridors, Principal River Conservation Areas, Stream Conservation Areas, Wetlands and Groundwater.

There are no regulated river or stream corridors located on or near the subject property. The subject property is not located in any designated Habitat Conservation Areas or in any designated Water Quality Resource Areas. There are no wetlands identified on the National Wetland Inventory or other adopted wetland inventories on or near the subject property. The subject property is not located in any Limited or Critical Groundwater Area identified by the Oregon Department of Water Resources. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

Agriculture: This application does not involve any land planned or zoned for Agricultural uses. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

Forests: This application does not involve any land planned or zoned for Forest uses. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

Mineral and Aggregate Resources: The subject property is not identified on the “Inventory of Mineral and Aggregate Resource Sites” in Table III-2 of the Comprehensive Plan. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

Wildlife Habitats and Distinctive Resource Areas: There are no significant wildlife habitats or scenic areas identified on Map III-2 of the Comprehensive Plan located on or near the subject property. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

Natural Hazards: This Section of the Chapter identifies policies applicable to floodplains, natural and geologic hazards, steep hillsides and areas with limiting soil characteristics such as shrink-swell soils, compressed soils, etc.

The subject property is not located within a designated floodplain. The subject property is included on DOGAMI maps and there are no natural or geologic hazards, steep slopes or other natural hazards identified on site. Soil characteristics of the site are not a limiting factor for the development under the existing plan designation as well as the proposed high density residential designation. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

Energy Sources and Conservation: There are no policies in this Section applicable to this application.

Noise and Air Quality: This site is surrounded by urban land developed with urban uses. The proposed multi-family development, which would be allowed in the proposed high density residential plan designation, would not have a significant impact on the noise or air quality of the area, since it is already a built-out urban neighborhood.

This application is consistent with the Noise and Air Quality Section of the Plan.

This application is consistent with Chapter 3.

Chapter 4; Land Use: This Section of the Comprehensive Plan provides 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 distinct Sections addressing; 1) Urbanization; 2) Urban Growth Concepts; and 3) Land Use Policies for the following Land Use Plan designations; Residential, Commercial, Industrial, Open Space and Floodplains, Unincorporated Communities, Rural Commercial, Rural Industrial, Rural, Agriculture and Forest. Each of these Sections is addressed below.

Urbanization Section. This Section of the Plan outlines policies guiding land use in Immediate Urban Areas, Future Urban Areas, Future Urban Study Areas, Urban Reserve Areas and Population. The subject property is not within an urban growth boundary, future urban area, future urban study area or urban reserve area. There are no policies in this Section of the Plan applicable to this application. The Urbanization policies are not applicable.

Urban Growth Concept Policies. The Urban Growth Concept policies in this Section of the Plan are intended to implement the Region 2040 Growth Concept Plan. It is the purpose of Title 1 of Metro’s Urban Growth Management Functional Plan to accomplish the regional policies and the regional framework plan by requiring each City and County to maintain or increase its housing capacity. See

Metro Plan, Section 3.07.110. The applicant's intention to develop the subject property into multi-family housing is consistent with the regional policy of increasing housing capacity.

The subject property is located within the boundaries of the Region 2040 Concept Plan and is identified as 'Neighborhood' on Map IV-8 of the Comprehensive Plan. The proposed Comprehensive Plan Amendment and Zone Change would be consistent with the intent of the 'Neighborhood' designation which consist of: *"Primarily residential areas that are accessible to jobs and neighborhood businesses. This broad category includes areas set aside for homes, parks and open space, schools, public services, and neighborhood business uses."* Additionally Policy 4.N states that:

4.N Neighborhood Policies. The Neighborhood design type designation is applied as shown on Map 4-8. Policies that apply to the Neighborhoods include:

4.N.1 Development of areas planned for residential, commercial and industrial uses within Neighborhood design type areas shall be guided by the urban land use policies of Chapter 4.

The proposed Comprehensive Plan Amendment and Zone Change would allow for multi-family development, which is an identified land use type in the 'Neighborhood' designation and facilitate residential development in an area that is accessible to jobs and neighborhood businesses. Based on these findings and those contained in Section II.E of this staff report, the proposed high density residential plan designation is appropriate and the proposed Comprehensive Plan Designation and Zone Change is consistent with the intent of the Neighborhood designation of the Urban Growth Policies of Chapter 4.

Land Use Plan Designations. The subject property is currently designated medium density residential on the Comprehensive Plan map. The proposed amendment is to change the land use plan designation to high density residential. Therefore, only the existing medium density residential and high density residential policies of this Chapter are applicable to this application. The remaining policies pertaining to the Commercial, Industrial, Open Space and Floodplains, Unincorporated Communities, Rural Commercial, Agriculture and Forest plan designations in this Section of the plan are not applicable.

The specific plan polices for the High Density Residential designations in Chapter 4 are evaluated in section II. E, starting on page 19.

Based on these findings and those contained in Section II.E of this staff report, the proposed high density residential plan designation is appropriate on a portion of the subject property. **This application is consistent with Chapter 4.**

Chapter 5; Transportation: This Chapter outlines policies addressing all modes of transportation.

Foundation and Framework: includes policies relating to coordination; safety; equity, health and sustainability; intelligent transportation systems; and transportation demand management. None of these policies are applicable.

Land Use and Transportation: includes policies relating to the integration of land use and transportation; parking; rural tourism; and scenic roads.

5.I.2 Promote the protection of recreation values, scenic features and an open, uncluttered character along designated scenic roads. Developments adjacent to scenic roads shall be designed with sensitivity to natural conditions [...]

The subject site is located on SE River Rd. and is not designated as a scenic roadway in this chapter of the Comprehensive Plan. As such, these policies are not applicable.

Active Transportation: includes policies relating to pedestrian and bicycle facilities and multi-use paths. There are no policies applicable to the proposed Comprehensive Plan Amendment/Zone Change and all of the development specific policies of this section are implemented by the County's Zoning and Development Ordinance and will be analyzed as part of the Design Review application for the multi-family housing development.

Roadways: includes policies relating to functional classification; urban and rural roadway considerations; project development; improvements to serve development; and performance evaluation and access standards. There are no policies applicable to the proposed Comprehensive Plan Amendment/Zone Change and all of the development specific policies of this section are implemented by the County's Zoning and Development Ordinance and will be analyzed as part of the Design Review application for the multi-family housing development.

Transit: includes policies relating to transit and transit-supportive amenities. None of these policies are applicable. There are no policies applicable to the proposed Comprehensive Plan Amendment/Zone Change and all of the development specific policies of this section are implemented by the County's Zoning and Development Ordinance and will be analyzed as part of the Design Review application for the multi-family housing development.

Freight, Rail, Air, Pipeline and Water Transportation: includes policies relating to general freight movement; freight trucking; rail; airports; pipelines; and water transportation. None of these policies are applicable.

Finance and Funding: includes policies relating to funding capital transportation improvements and maintenance. None of these policies are applicable.

Transportation Projects and Plans: includes policies relating to the 20-year and five-year capital improvement plans. Also identifies Special Transportation Plans that are adopted by reference as refinements of the TSP and plans or studies that need to be completed [...]. Only one policy is applicable to the subject proposal:

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].

Based on the submitted traffic analysis and trip generation estimates the proposed zone change would be consistent with OAR 660-012-0060(1) and would not significantly affect the transportation facility, since it does not exceed the thresholds or triggers for project conditioning or modification as described in OAR 660-012-0060(1)(a)-(c). As such, the subject proposal is consistent with this policy.

In summary, this proposal is consistent with Chapter 5.

Chapter 6; Housing: The purpose of the Housing element of the Plan is to, "Provide opportunities for a variety of housing choices, including low and moderate income housing, to meet the needs, desires, and financial capabilities of all Clackamas County residents to the year 2010." This Chapter includes a variety of policies regarding housing choices, affordable housing, neighborhood quality, urban infill, multifamily

residential housing, common wall units, mobile homes and density bonuses for low cost housing and park dedication. Refer to page 9 under the consistency analysis for Statewide Planning Goal 10. The proposed Comprehensive Plan Amendment will allow for increased density of housing and more options for multi-family development than the current Comprehensive Plan Designation of medium density residential. Specifically, Policy 6.A.1 is applicable to the proposed Comprehensive Plan Amendment/Zone Change and states:

6.A Housing Choice Policies

6.A.1 Encourage development that will provide a range of choices in housing type, density, and price and rent level throughout the urban areas of the County.

Additionally, Policy 6.E Multifamily Residential Policies states:

6.E.1 Encourage multifamily residential development consistent with the needs and desire of County residents. (Multifamily residential refers to all development in Village Apartment and Medium, Medium High, High, Special High, and Regional Center High Density residential land use designations.)

The subject Comprehensive Plan Amendment and Zone Change will facilitate future development of needed housing types within the urban growth boundary in this area, as identified in the County's 2019 Housing Needs Analysis and is consistent with applicable sections of Comprehensive Plan Chapter 6, Statewide Planning Goal 10 and OAR 660-007 and 660-008. **This application is consistent with Chapter 6.**

Chapter 7; Public Facilities and Services: The goal of the Public Facilities and Services Chapter is to ensure an appropriate level of public facilities and services are necessary to support the land use designations in the Comprehensive Plan, and to provide those facilities and services at the proper time to serve the development in the most cost effective way. The Public Facilities Section of this Chapter includes policies regarding Sanitary Sewage Treatment, Water, Storm Drainage, Solid Waste and Street Lighting.

The subject properties is located within a public sewer district that has capacity to serve the property. The applicant's intended multi-family development will be served by public services. According to the statement of feasibility signed by Mr. Markus Mead with Oak Lodge Water Services District, submitted with this application, water service and sanitary sewer have adequate capacity to serve the proposed development. The signed statement of feasibility also states that adequate surface water management, treatment, and conveyance is available to serve the development or can be made available through improvements completed by the developer or system owner.

A subsequent Design Review land use approval would be required for any site development and would need to be found consistent with applicable sections of the ZDO.

The subject proposal is consistent with Chapter 7.

Chapter 8; Economics: The goal of the Economics element of the Plan is to "Establish a broad-based, stable and growing economy to provide employment opportunities to meet the needs of the County residents." This Chapter contains 4 Sections related to; 1) Existing Industry and Business; 2) New

Industry and Business; 3) Coordination; and 4) Target Industries. **There are no policies in this Section of the Chapter applicable to this application. Chapter 8 is not applicable.**

Chapter 9; Open Space, Parks, and Historic Sites: The purpose of this Chapter of the Plan is to protect the open space resources of the County, to provide land, facilities and programs which meet the recreation needs of County residents and visitors, and to preserve the historical, archaeological, and cultural resources of the County. The subject property does not include any lands designated as open space or park land. There are no designated Historic Landmarks, Historic Districts or Historic Corridors on or adjacent to the subject property. **Chapter 9 is not applicable.**

Chapter 10; Community Plan and Design Plans: This Chapter of the Comprehensive Plan includes the Mt. Hood Community Design Plan, Kruse Way Design Plan, Sunnyside Village Plan, Clackamas Industrial Area and North Bank of the Clackamas River Design Plan, Clackamas Regional Center Area Design Plan, Sunnyside Corridor Community Plan, and McLoughlin Corridor Design Plan.

The subject property is not located within the boundary of any Community Plan or Design Plan area. **Chapter 10 is not applicable.**

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.*

The subject property is located within the Metro Urban Growth Boundary and within the Urban Growth Management Area of any nearby cities. In the City, Special District and Agency Coordination Section of this Chapter, Policy 1.0, is applicable. In the Amendments and Implementation Section of this Chapter, Policy 1.0 and 3.0 are applicable.

City, Special District and Agency Coordination Section

Policy 1.0; 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 the following agencies and governments for comments; DLCD, Oak Grove Community Council Community Planning Organization, The City of Milwaukie, ODOT, and Clackamas Fire Department. This notice and advertised public hearings before the Planning Commission and Board of County Commissioners provide an adequate opportunity for interagency coordination efforts of this plan amendment and demonstrates substantial compliance with this policy. This policy is met.

Amendments and Implementation Section

Policy 1.0; Assure that the Comprehensive Plan and County ordinances meet the goals of LCDC, the Region 2040 Urban Growth Management Functional Plan and the Metro Framework Plan.

Based on the findings in Part 1 of this report this proposal is consistent with all of the LCDC Statewide Planning Goals. The Region 2040 Urban Growth Management Functional Plan and Metro Framework

Plan are applicable to this application because the property is located inside the Metro UGB and service district. The subject property is within the ‘Neighborhood’ designation of the Urban Growth Management Functional Plan and the proposed Comprehensive Plan and Zone Change is consistent with the intent of that urban designation to provide a diverse mix of housing opportunities. This policy is met.

Policy 3.0; Amend the Comprehensive Plan pursuant to the following procedures and guidelines (listed in subpolicies 3.1 through 3.6).

This is a quasi-judicial Comprehensive Plan map amendment and is subject to Policy 3.0. The Planning Commission and Board of County Commissioners will review this application through one or more public hearings. Notice of the hearings have been published in the local newspaper and advertised consistent with all ZDO notice requirements. The property owners within 500 feet of the subject property were notified as required in Section 1307 of the ZDO. DLCD and the Oak Grove Community Council CPO was notified of the application on May 24th, 2021, 35 days prior to the first scheduled public hearing before the Planning Commission on June 28th, 2021. **This policy is met. This application has been processed consistent with Chapter 11.**

E. Compliance with High Density Residential Plan Policies in Chapter 4 of the Comprehensive Plan

The Land Use Chapter of the Comprehensive Plan contains specific policies for determining the appropriate Comprehensive Plan land use designation for property. The request in this comprehensive plan amendment is to modify the land use designation from medium density residential to high density residential. Consistency findings for this request are included as follows:

High Density Residential Policies: The high density residential Section of Chapter 4 of the Comprehensive Plan identifies the criteria which must be satisfied in order for the high density residential designation to be applied to an area. The Goals of the high density residential Section of the Plan are:

High Density Residential areas are those planned for up to 25 units per gross acre (exclusively of density bonuses and conditional uses).

Policy 4.U: High Density Residential Policies

4.U.1 The following areas may be designated High Density Residential when at least the first three criteria are met:

4.U.1.1 Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.

4.U.1.2 Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.

4.U.1.3 Areas free from known geologic hazards, flooding, or soils subject to slippage.

4.U.1.4 Areas adjacent to permanently protected open space or bodies of water as long as the above criteria apply

Policy 4.U.1.1: Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.

The subject property is on River Road, a transit corridor served by Trimet. The property is also located immediately adjacent to the Historic Downtown Oak Grove community and within close proximity (approximately 0.8 miles, estimated at a 20 minute walk or a 6 minute bike ride) to the Mcloughlin Blvd. corridor commercial district. The subject property also has access to the recently improved Oak Grove Blvd. American's With Disabilities Improvement Project, completed by Clackamas County Engineering Department, which constructed and modified 15 to 20 curb ramps along Oak Grove Boulevard as a major new project to improve accessibility for all people on county roads and sidewalks. The subject property is also situated 1.3 miles to the Park Avenue Light Rail Station.

There is no definition of 'proximity' in Chapter 4 of the Comprehensive Plan or in Section 1202 of the ZDO, that would quantify a distance or range of distances this term is supposed to describe. Additionally, Staff is not aware of any prior Board of County Commissioners interpretation regarding this policy in the Comprehensive Plan that would further clarify the intent of the term 'proximity'. Furthermore, in a search of the surrounding area (roughly the 3,000 acre area surrounding the subject property) there were no decisions found on a Comprehensive Plan Amendment to change an existing land use designation to high density residential that would provide clarity about how this policy has been interpreted and set up a precedent for similar future land use decisions.

The applicant has submitted findings stating that the Webster's dictionary definition of 'proximate' is "very near: close" and that their interpretation of the term 'proximity' in the context of this Policy would be that one could reasonably walk to the chosen amenity from the subject property. Staff finds no legal precedent or policy conflict in the Comprehensive Plan or Zoning and Development Ordinance that would present legal grounds to disagree with this interpretation. The subject property is located immediately adjacent to Historic Downtown Oak Grove and its historic shopping district and related shopping amenities and the retail available in this area is somewhat interconnected with the larger Mcloughlin major shopping/retail corridor, with just short interruptions of primarily residential uses. The Historic Downtown Oak Grove website¹ lists 3 eating/drinking establishments, 19 professional service and retail businesses, 1 civic service (Oak Lodge Water Services), 5 beauty parlors, 1 arts/entertainment center, 5 auto repair and sales establishments, and 5 wellness/health offices within the downtown core. The subject site is also 0.8 miles at the closest point to the Mcloughlin major shopping center, however, along that distance there are also multiple shopping locations, such as a convenience store, coffee shop, bike shop, resale shop, Oak Grove Business Center, and window and door retail store. Essentially, the Oak Grove commercial shopping area functions as a related and interdependent branch of the larger Mcloughlin Corridor major shopping center.

Similarly, the commercial amenities, institutional uses, and services of the Oak Grove Community function as an employment concentration and operate as a branch of the larger Mcloughlin commercial corridor employment center. Specifically, the New Urban High School, two Oak Lodge Water services district offices, Oak Grove preschool and daycare, multiple restaurants and bars, multiple retail and

¹ <https://www.hdog.org/downtown-businesses>

professional service establishments, health/wellness offices, multiple auto retail and mechanic shops, multiple business office buildings housing a variety of tenants, grocery store, and multiple hair salons, collectively function as an employment concentration.

The subject property is also within walking distance to Mcloughlin Blvd and the Park Avenue Light Rail Station and is approximately 1000 ft. away from the Trolley Trail, which offers bicycle and pedestrian connections to the City of Milwaukie and the City of Gladstone. Ultimately, the trail will be part of a continuous 20-mile loop connecting Portland, Milwaukie, Gladstone, Oregon City and Gresham per the North Clackamas Parks and Recreation District's website.

This policy is met.

Policy 4.U.1.2 Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.⁴

The subject property is located on River Road, a transit corridor served by Trimet and a minor arterial road as designated by the Comprehensive Plan Map 5-4a. There are no adjacent low density residential zoning designations. River Road does serve low density residential zoning districts to the south of the subject site, however, the traffic impact study submitted by the applicant concluded that there would be no significant adverse impact to the existing transportation network from the proposed Comprehensive Plan Amendment and Zone Change. **This policy is met.**

Policy 4.U.1.3 Areas free from known geologic hazards, flooding, or soils subject to slippage.

The subject property is not located within any designated floodplain area. According to the Department of Geology and Mineral Industries (DOGAMI) bulletin 99 maps the property does not contain any steep slopes or natural hazards (landslide topography, local slump, earth flow, mudflow or debris flow areas). The topography of the site is flat and there are no steep slopes on or adjacent to the property. **This policy is met.**

Summary: This application satisfies the first three criteria of Policy 4.U.1, therefore **Policy 4.U.1 is met and the application can be found consistent with the criteria of the high density residential land use designation.**

III. ZONE CHANGE FINDINGS

The zone change criteria are listed in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO). Section 1202.03 lists the approval criteria for a zone change as follows

1. 1202.03(A) *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

As detailed in Sections II.D and II.E above, the proposed Comprehensive Plan Amendment and Zone Change is consistent with applicable policies of the County's Comprehensive Plan.

Based on these findings, the proposed Comprehensive Plan and zoning designation change, as proposed, is found to be consistent with 1202.03(A).

2. 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 applicant's intended multi-family development will be served by public services. According to the statement of feasibility signed by Mr. Markus Mead with Oak Lodge Water Services District, submitted with this application, water service, sanitary sewer, and surface water management facilities have adequate capacity to serve the proposed development. The property is also located within the service boundaries of Clackamas County RFPD #1 and Clackamas County Sheriff's District.

A subsequent Design Review land use approval would be required for any site development and would need to be found consistent with applicable sections of the ZDO. Any future multi-family development on site would need to be accommodated by a stormwater management plan or other facilities approved under Section 1006 of the ZDO as administered by the DTD, Engineering Division and in conjunction with the requirements of Oak Lodge Water District, the stormwater management agency for the site. **As such, this proposed zone change could be found consistent with Section 1202.03(B).**

3. 1202.03(C) *The transportation system is adequate and will remain adequate with approval of the proposed zone change [...].*

The subject property has frontage and a discrete access driveways on SE River Rd., which is classified by the county as a minor arterial. The applicant has submitted a Traffic Impact Analysis Memo included in the submitted application addressing the impacts from this proposal. The applicant evaluated 'reasonable worst case scenario' traffic allowed in the existing MR-1 zoning district and in the proposed HDR zoning district, specifically looking at the impact to the surrounding transportation system and determined that there would be no significant impact on the existing transportation system as a result of the proposed Comprehensive Plan amendment and zone change. The traffic analysis concluded that after evaluating the worst case development potential of both the existing and proposed zoning, the proposed zone change to HDR would result in a maximum of 49 trips per day and four peak hour trips. The expected net increase in daily trips is less than 400, which is a reasonable estimate for the threshold of a "significant impact". As such, the proposed Comprehensive Plan Amendment and Zone change is not expected to have a significant effect on the adequacy of the surrounding transportation system.

Clackamas County Engineering staff concurs with the conclusions in the submitted Traffic Impact Analysis Memo and determined that there will be no significant impact on the transportation system as a result of the proposed Comprehensive Plan Amendment and zone changed due to the minimal level of traffic increases anticipated from the Comprehensive Plan/Zone change. **As such, this proposed zone change could be found consistent with Section 1202.03(C).**

4. 1202.03(D) *Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

The incremental increase in trips, determined by the submitted TIA, will not adversely affect the traffic service the transportation system. The TIA also included a safety evaluation, which looked at collision data for the study area. The TIA concluded that neither the intersection or segment collision rates have been on the ODOT Safety Priority Index System (SPIS) list for the last five years, and that the historical crashes in the vicinity are generally minor in severity. The collision analysis and site observations did not identify any systematic safety issues along the segment of SE River Rd; no additional treatments were recommended. Additionally, Clackamas County Engineering staff has reviewed the TIA and concurs with the conclusions in the submitted Traffic Impact Analysis Memo regarding the safety of the transportation system remaining adequate if the subject property is zoned HDR. **As such, this proposed zone change could be found consistent with Section 1202.03(D).**

**DRAFT PLANNING COMMISSION
MINUTES**

June 28, 2021

Meeting held via Zoom meeting online

Commissioners present: Louise Lopes, Gerald Murphy, Carrie Pak, Thomas Peterson, Brian Pasko, Steven Schroedl, Kevin Moss, Michael Wilson.

Commissioners absent: Tammy Stevens

Staff present: Martha Fritzie, Melissa Ahrens, Darcy Renhard.

Commission Vice-Chair Murphy called the meeting to order at 6:34 pm.

General public testimony not related to agenda items: none.

Commissioner Murphy opened the public hearing for file numbers Z0167-21-CP and Z0168-21-ZAP, which is a proposed Comprehensive Plan amendment to change the land use designation from Medium Density Residential to High Density Residential and a corresponding zone change from MR-1 to HDR. Melissa Ahrens explained that the property is 0.48 acres at 14720 SE River Road in Milwaukie. Currently the property is vacant. Surrounding land uses include various commercial activities, some medium density residential and low density residential properties, and an open space management area that is part of the Milwaukie High School.

Notice for the proposed amendments was sent on May 24, 2021. To date there have not been any public comments received on this proposal.

Melissa Ahrens reviewed the applicable approval criteria. She finds that the proposed Comprehensive Plan Amendment is consistent with all applicable Statewide Planning Goals (Statewide Transportation Planning Rule OAR 660-012 and Goal 12, Statewide Planning Goal 10 for Housing and OARs 660-007 and 660-008). Staff also finds that the proposed amendment is consistent with all Clackamas County Comprehensive Plan policies (Chapter 4: Land Use-criteria for HDR designation are met; Chapter 5: Transportation; Chapter 6: Housing; Chapter 7: Public Facilities and Services; and Chapter 11: The Planning Process). The property is within close proximity to local transit facilities as well as local retail and shopping. It is right next to downtown Oak Grove, which has multiple restaurants and personal service businesses. There are automotive businesses, day care facilities, grocery stores, acupuncture and massage businesses, hair and makeup studios, as well as several other various types of commercial businesses nearby. The proposed amendments will not result in a significant increase in traffic on the local streets, nor is it in an area with any known geologic hazards, flooding, or soils subject to slippage.

Existing public services (water, sewer, surface water management) can accommodate the proposed development under the HDR designation. The current transportation system is adequate to serve the level of development proposed by the zone change.

Given these findings, staff recommends approval of the proposed Comprehensive Plan Amendment and corresponding Zone Change.

Commissioner Murphy asked if there would be height restrictions imposed on any future development. Martha Fritzie replied that there are no height restriction per the zoning designation, but there are a

maximum number of units that would be allowed based on the acreage (25 units per acre, maximum). Commissioner Wilson asked what the parking requirements would be. Melissa explained that would be part of the Design Review process, and that the County Engineering Division would be involved in making those determinations. We don't know yet what the applicant may propose as far as actual development on the property, but they are limited to a minimum and maximum density range. The parking would really depend on their proposal. There would first be a pre-application conference required where the fire district, local service providers, Engineering, and all of the other players would have an opportunity for input. Then there would be the formal Design Review process which would lay out the required conditions. Commissioner Murphy feels like the proposed amendments are actually a really good fit for this particular property.

Ben Henzel is the applicant for this proposal. He informed the Planning Commission that the proposal that they would like to bring forward would be for twelve condominium units. He has met with the CPO board and has met with the community as a whole. They are all excited about the project and provided favorable input.

Commissioner Peterson said that he thinks this is a straightforward proposal and is in support of staff's recommendation.

Commissioner Pak would like to know more about what kind of conditions are imposed on these applications once they get through the Planning Commission process. It is difficult to make recommendations at such a broad level when they doesn't know down the road what the final result will be. There may be impacts on stormwater, parking, traffic, and multiple other things that the Planning Commission members have concerns about.

Commissioner Peterson moved to recommend approval of file numbers Z0167-21-CP and Z0168-21-ZAP as recommended by staff. Commissioner Pasko seconded the motion. (*Ayes=8; Nays=0. Motion passes*).

Martha provided the schedule review. One of the upcoming topics that the Planning Commission will be reviewing is housing strategies. The Planning Commission has brought up several points that will be discussed within this particular set of proposed amendments, including increasing density in certain areas and parking for multifamily housing. Some of the proposed changes are optional and some are not because of recent changes to State law. It is on our schedule for a study session on July 12th at which time we will have a more in-depth discussion on these issues.

There being no further business, the meeting was adjourned at 7:29 p.m.



Planning and Zoning
Department of Transportation and Development
 Development Services Building
 150 Beaver Creek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

STAFF USE ONLY

Staff Initials: _____ File Number: _____

Land use application for:

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$7,790
 (+ \$120 if an expanded notification area is required by ZDO Section 1307)

APPLICANT INFORMATION			
Applicant name: D. Ben Henzel	Applicant email: DBH@Henzelpc.com	Applicant phone: (503) 546-1588	
Applicant mailing address: P.O. Box 220027	City: Milwaukie	State: OR	ZIP: 97269
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL	
Brief description of proposal: Please see the attached information	Pre-application conference file number: ZPAC0048-20

SITE INFORMATION		
Site address: 14720 SE River Road, Milwaukie, OR 97267	Comprehensive Plan designation: MDR	Zoning district: MR-1
Map and tax lot #: Township: <u>2 S</u> Range: <u>1E</u> Section: <u>NW1/4 Sec11</u> Tax Lot: <u>1700</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area: 0.48 Acres	
Adjacent properties under same ownership: Township: <u>2S</u> Range: <u>1E</u> Section: <u>NW1/4 Sec11</u> Tax Lot: <u>1800</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: D. Ben Henzel Valerie Henzel	Signatures of all property owners: 	Date(s): 4/15/2021 4-15-2021
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature: 	Date: 4/15/2021	

A. Complete a pre-application conference:

You must attend a pre-application conference with Planning and Zoning staff before filing this application. [Information about the pre-application conference](#) process and a request form are available from the Planning and Zoning website.

B. Review applicable land use rules:

This application is subject to the provisions of [Section 1202, Zone Changes](#) of the [Clackamas County Zoning and Development Ordinance \(ZDO\)](#).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

C. Turn in the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is \$7,790, plus a \$120 notification surcharge if an expanded notification area is required by ZDO Section 1307. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- Vicinity map:** Provide a map of the area around the property, drawn to scale, that shows the uses and location of improvements on adjacent properties and properties across any road.
- Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, acreage/square footage of lots, and contiguous properties under the same ownership;
 - All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Service Feasibility Determinations:** Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a [Preliminary Statement of Feasibility](#) and include those completed statements with your application. If the proposed development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the [Septic & Onsite Wastewater Program](#) attesting to the feasibility of your proposal.
- Transportation impact study:** Refer to the information provided at the pre-application conference regarding the need for a transportation impact study. Include a copy of any required study with your application submittal.
- Any additional information or documents advised of during the pre-application conference**

D. Answer the following questions:

1. What Comprehensive Plan designation are you requesting for the subject property?

Requested Plan designation: High Density Residential

2. What zoning district designation are you requesting for the subject property?

Requested zoning district: HDR

3. If the zoning designation you requested in response to Question 2 cannot be approved because the property doesn't meet the approval criteria, would you like an alternate zoning district designation to be considered?

NO

YES, and the alternate zoning district designation(s) I would like is/are:

4. Are you filing this Comprehensive Plan Map amendment and zone change application with another application (e.g., an application for a partition or subdivision)?

NO, this application is being filed alone.

YES, this application is being filed with another application. That other application requests the following:

D. Respond in a narrative:

Your application submittal must include a narrative that fully responds to the following. Due to the technical nature of these requirements, guidance on how best to respond will be provided during the required pre-application conference.

1. How is your proposal consistent with applicable Statewide Planning Goals?
2. How is your proposal consistent with the applicable goals and policies of the County's Comprehensive Plan?
3. If relevant, how is your proposal consistent with Metro's Urban Growth Management Functional Plan?
4. If development under the proposed zone would need public services (sanitary sewer, surface water management, and water), could the need be accommodated with the implementation of the applicable service provider's existing capital improvement plan? The cumulative impact of the proposed zone change and development of other properties under existing zoning designations must be considered.
5. Explain how the transportation system is adequate and will remain adequate with approval of the proposed zone change. This explanation should take into consideration the following:
 - a. "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*.
 - b. Conduct the evaluation of transportation system adequacy pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).
 - c. Assume that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
 - d. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
 - e. The adequacy standards apply to all roadways and intersections within the impact area of the proposed zone change. The impact area is identified based on the Clackamas County Roadway Standards.
 - f. A determination of whether submittal of a transportation impact study is required is made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
 - g. (d) through (f) above do not apply to roadways and intersections under the jurisdiction of the State of Oregon. Instead, motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the

ODOT Transportation Analysis Procedures Manual for such roadways and intersections.

6. Explain how the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

FAQs

What is a Comprehensive Plan Map amendment and zone change?

All land in the County has been divided into mapped Comprehensive Plan designations, each of which corresponds to one or more zoning districts. A Comprehensive Plan Map amendment and zone change results in a property switching from one Comprehensive Plan Map designation and zoning district to another designation and zoning district, which may change allowed uses, minimum lot size, and other development standards.

What is the permit application process?

Comprehensive Plan Map amendments and zone changes that are *not* related to the Historic Landmark, Historic District, and Historic Corridor overlay district are subject to a “Type III” land use application process, as provided for in [Section 1307](#) of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies, and are reviewed at public hearings before the Planning Commission and the Board of County Commissioners (BCC). If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County’s decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

What is needed for the County to approve a land use permit?

Comprehensive Plan Map amendments and zone changes *may* be permitted after an evaluation of applicable standards by staff, the Planning Commission, and the BCC. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The BCC approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

How long will it take the County to make a decision about an application?

A final decision on an application for a Comprehensive Plan Map amendment and zone change is generally issued within 24 weeks (168 days) of when we deem the application to be complete. However, these applications are often highly complex and may take longer to process.

If an application is submitted and then withdrawn, will a refund be given?

The fee for this application includes a \$1,050 fee for review by the Hearings Officer, which will be fully refunded if the application is withdrawn before the hearing occurs. If a submitted Type III application is withdrawn before it is publicly noticed, 75% of the portion of the application fee paid that is not the Hearings Officer review fee (i.e., the remainder) will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a staff recommendation is issued, 50% of the remainder will be refunded. No refund on the remainder will be given after a staff recommendation is issued.

Who can help answer additional questions?

For questions about the County’s land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION SUPPLEMENTAL APPLICATION

Proposal: Zone Change/Comprehensive Plan Change application from Medium Density Residential (MR-1 zone) to High Density Residential (HDR Zone) for future development. The primary uses allowed in the proposed HDR zoning district are identified in Section 303.03 of the Clackamas County Zoning and Development Ordinance and include multi-family dwellings, congregate housing facilities, nursing homes, bed and breakfast residences and inns, and certain wireless telecommunication facilities. The applicant desires to construct multi-family dwellings on the property.

Site Address: 14720 SE River Road, Milwaukie, OR 97267.

Location: East side of River Road, south of the intersection of Oak Grove Blvd. and River Road.

Legal Description: T2S, R1E, Section 11, Tax Lot 21E11AA01700

Comprehensive Plan Designation: Medium Density Residential (MDR)

Zone: MR-1

Total Area Involved: Approximately 0.48 acre

JUSTIFICATION CRITERIA

1. How is your proposal consistent with applicable Statewide Planning Goals?

The State of Oregon has adopted 19 Statewide Planning Goals. With regard to Goal 1, Citizen Involvement, I am a citizen of the State of Oregon and am participating in the land use planning process by submitting this land use application and am therefore in compliance with Goal 1.

Goal 10, Housing, specifies that “an adequate housing supply is a fundamental building block of a healthy community. . . . A housing supply that meets community needs is one that offers people a range of different places to live, different community densities to choose from, and does not overburden the financial resources of any group living there.” The increased density sought by the applicant will catalyze the development of affordable housing options and diverse housing options within the community. Multi-family development on the subject property stewards the land and the community by providing homes for more individuals and families through shared wall construction at a higher density than permitted under the current medium density residential designation and at more affordable monthly payment than the single family residences for which the property is presently zoned and which represents the majority of dwelling units in the neighborhood.

Goal 12, Transportation, provides that lands adjacent to major mass transit stations should be managed and controlled so as to be consistent with and supportive of the land use and development patterns identified in the comprehensive plan of the jurisdiction within which the

facilities are located. The proposed zone change is consistent with Goal 12 as the subject property is located within a reasonable proximity to the Trimet Max Orange Line Park Avenue Station, Mcgloughlin Blvd., via the Oak Grove Blvd. Americans with Disabilities Act Improvements Project, and immediately adjacent to Historic Downtown Oak Grove. Permitting the zone change furthers the comprehensive plan goals of providing housing options and diversity.

Goal 14, Urbanization, requires cities and local government to “to estimate future growth and needs for land and then plan and zone enough land to meet those needs.” The subject property meets the designation of 'Urban' set forth in the Comprehensive Plan - Land Use and furthers the state goal. With an HDR zoning and Comprehensive Plan Change, development of the subject property insures efficient utilization of land within existing urban areas (Comp. Plan - Land Use, 4.A.2.4).

2. How is the approval of the requested zone change consistent with the applicable goals and policies of the Clackamas County Comprehensive Plan?

The Comprehensive Plan is intended to provide a process to efficiently utilize the land inside the urban growth boundary, to minimize the need to expand the boundary, and protect agricultural, forest and rural land. Development is to be focused in appropriate locations, such as the subject property.

The subject property is approximately 0.48 acres and currently zoned MR-1 with a Comprehensive Plan designation of Medium Density Residential. Pursuant to achieving the Comprehensive Plan goals for Housing and Land Use, the property owner requests a Zone Change and Comprehensive Plan Change on the subject property to the HDR zoning designation and an HDR Comprehensive Plan designation (Comp. Plan Goal 6.D.1.1, 6.D.1.2). Approval of this application for a Zone Change and Comprehensive Plan Change from MR-1 to HDR will foster future development in accord with the goals set forth by the Clackamas County Comprehensive Plan.

Re-designating and rezoning the subject property will allow the applicant the opportunity to develop the property at a higher density in an area where public services and facilities are already provided and to provide increased capacity for multifamily development with common-wall construction (Comp. Plan Goals 6.B.6.2, 6.B.6.7, 6.B.6.8)

The opportunities that come from HDR zoning and Comprehensive Plan changes also align with the goals of concentrating density along transportation corridors with high quality transit service and encouraging development where services are already available (Comp. Plan Goal 6.B.6.7). Future development of the subject property per HDR Zoning and Development Ordinances will instigate neighborhood changes for the betterment of the neighborhood as a whole by providing diverse housing options, increased density through shared wall construction, and new and additional patrons for the local business district. In this regard, the future development of the property is complementary and compatible with neighboring commercial properties.

The subject property is designated as Neighborhood on Comprehensive Plan Map 4-08 and the policies that apply to development of these areas are to be guided by the urban land use policies of Chapter 4. The criteria for requesting re-designation and development of high density residential

property are addressed in Comp. Plan Chapter 4, Land Use, 4U. - High Density Residential Policies. The subject property meets the criteria for re-designation.

4.U.1.1 Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.

The subject property is located on River Road, a transit corridor served by Trimet. The property is also located immediately adjacent to the Historic Downtown Oak Grove and within close proximity and short walk to the Mcgloughlin Blvd. corridor shopping district, particularly in light of the recent Oak Grove Blvd. Americans with Disabilities Act Improvements Project, and is situated within walking distance to the Max Orange Line Park Avenue Station.

Pursuant to the Pre-Application conference, the term “proximity” does not have an official interpretation. Webster’s Dictionary defines proximate as “very near: close.” The applicant’s interpretation of proximate is that one could reasonably walk to the chosen amenity. As stated above, the subject property is immediately adjacent to Historic Downtown Oak Grove and its historic shopping district and related amenities. Residents of the proposed development will patronize local business, attend local schools, work for local employers, and contribute to the vitality of the community as a whole. The property is also within walking distance to Mcgloughlin Blvd and the Trimet Max Orange Line Park Avenue Station.

4.U.1.2 Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.

The subject property fronts River Road, which is classified as a minor arterial. The property is within walking distance of Mcgloughlin Blvd., which is classified as a Principal Arterial. Traffic from the property will be directed to River Road and not to low density neighborhood streets.

The Transportation Planning Rule Analysis completed by DKS Associates and attached to this application provides that full development of the subject property “is not expected to have a significant effect on the surrounding transportation system and the TPR requirements are satisfied.”

4.U.1.3 Areas free from known geologic hazards, flooding, or soils subject to slippage.

According to the Oregon HazVu: Statewide Geohazards Map, the subject property is not susceptible to flooding or at risk for landslides. See Map attached.

3. If relevant, how is your proposal consistent with Metro’s Urban Growth Management Functional Plan?

It is the purpose of Title 1 of Metro’s Urban Growth Management Functional Plan (the “Metro Plan”) to accomplish the regional policies and the Regional Framework Plan by requiring each city and county to maintain or increase its housing capacity. See, Metro Plan, Section 3.07.110. The applicant’s intention to develop the subject property into multi-family housing is consistent with

the regional policy of increasing housing capacity.

The Metro Plan requires cities and counties to include strategies to ensure a diverse range of housing types within their jurisdiction boundaries. Section 3.07.730. The applicant's proposal furthers the Metro Plan goals by creating more housing diversity through shared wall construction in an area dominated by single family residences. Multifamily development offers a more affordable housing option to residents within the Oak Grove Community.

4. If development under the proposed zone would need public services (sanitary sewer, surface water management, and water), could the need be accommodated with the implementation of the applicable service provider's existing capital improvement plan? The cumulative impact of the proposed zone change and development of other properties under existing zoning designations must be considered.

The applicant's intended multi-family development will be served by public services. According to the Statement of Feasibility signed by Mr. Markus Mead with Oak Lodge Water Services District, submitted with this application, Water service and sanitary sewer have adequate capacity to serve the proposed development. The Stormwater capacity will require further analysis and substantiation with the design review application.

Comments from Oak Lodge Water Services at the Pre-Application Conference also substantiate the a water main is available to serve the proposed development and the conveyance system and reservoirs have sufficient capacity. Similarly, the sewer main is available and the wastewater treatment plant and conveyance system has sufficient capacity for the proposed development.

5. Explain how the transportation system is adequate and will remain adequate with approval of the proposed zone change.

There were no comments from the County during the pre-application conference that indicated the proposed development would adversely affect the transportation system. The Transportation Planning Rule Analysis completed by DKS Associates provides that full development of the subject property "is not expected to have a significant effect on the surrounding transportation system and the TPR requirements are satisfied." A Complete copy of the DKS Associates report is attached to this application and addresses the criteria set forth in ZDO 1202.03(C). The report also concludes that full development of the site under the HDR zoning could generate up to 49 net new daily trips and a maximum of four net new peak hour trips. The subject property will accessed off of River Road, a minor arterial, through an existing driveway. River Road is a transit corridor served by Trimet.

6. Explain how the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

There were no comments from the County during the pre-application conference that indicated that the proposed zone change would adversely affect the safety of the transportation

system. The safety of the transportation system is adequate to serve the level of development anticipated. Pursuant to the Pre-Application Conference Notes, comments by Mr. Kenneth Kent from Clackamas County engineering staff, the proposed development will require right of way dedication, street improvements, and an 8-foot bike lane, all designed to improve the safety of the transportation system and provide adequate sight distance.

Conclusion. The proposed Zone Change/Comprehensive Plan Change application from Medium Density Residential (MR-1 zone) to High Density Residential (HDR Zone) for the subject property is consistent with the goal and policies of the Land Use Comprehensive plan and should be approved.

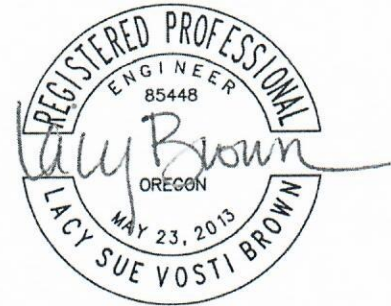


MEMORANDUM

DATE: August 3, 2020

TO: Kegan Flanderka | Base Design + Architecture

FROM: Lacy Brown, Ph.D., P.E. | DKS Associates
Scott Mansur, P.E., PTOE | DKS Associates
Chase Hildner | DKS Associates



EXPIRES: DEC. 31, 2021

SUBJECT: Oak Grove Commons Transportation Planning Rule Analysis P20114-000

This memorandum presents the findings of an evaluation of potential traffic impacts associated with a proposed zone change for one parcel (14720 SE River Rd) in Clackamas County, Oregon. The lot is currently zoned as Medium Density Residential (MR-1) and the applicant desires to change the zoning to High Density Residential (HDR) to allow for the development of Oak Grove Commons, a multifamily housing development. The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. The definition of a significant effect varies by jurisdiction and no such definition is provided in the Clackamas County code. According to the Oregon Highway Plan (OHP), a net increase of 400 daily trips qualifies as a significant effect¹. While the OHP is not applicable to city streets, it provides a reasonable estimate of a significant effect for TPR analysis purposes.

This memorandum documents the expected trip generation of the reasonable worst-case development potential under existing and proposed zoning, and whether the proposed zone change will create a significant effect on the transportation system. Documentation of safety performance in the vicinity of the project site is also included in this memorandum.

¹ Oregon Highway Plan, Action 1F.5, ODOT, 2015.

TRAFFIC EVALUATION

EXISTING ZONING (MR-1) TRIP GENERATION

Under the current MR-1 zoning, residential land uses such as single-family and multi-family housing is allowed as well as nursing homes and residential care facilities, neither of which would reasonably fit on this parcel.² A summary of the trip generation rates for the different allowable land uses permitted under the existing MR-1 zoning is presented in Table 1.³

TABLE 1: TRIP GENERATION RATES FOR SELECTED ALLOWED LAND USES UNDER MR-1 ZONING

LAND USE (ITE CODE)	UNITS	WEEKDAY TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE-FAMILY DETACHED HOUSING (210)	DU ^a	9.44	0.74	0.99
MULTI-FAMILY HOUSING (LOW RISE) (220)	DU ^a	7.32	0.46	0.56

^a DU = Dwelling Unit

For the reasonable worst-case development under existing zoning, a multi-family home with a max density of 6 units is used. Table 2 shows that the reasonable worst-case trip generation for existing MR-1 zoning is 46 daily trips.

TABLE 2: REASONABLE WORST-CASE LAND USE AND TRIP GENERATION FOR EXISTING MR-1 ZONING

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
MULTI-FAMILY HOUSING (LOW RISE) (220)	6 DU ^a	46	3	3
Total		46	3	3

^a DU = Dwelling Unit

² A list of permitted land uses for HDR zoning can be found in the Clackamas County Zoning and Development Ordinance, Table 315-1.

³ Trip generation estimates calculated using average rates from ITE Trip Generation Manual, 10th Edition

PROPOSED ZONING (HDR) TRIP GENERATION

Under the proposed High Density Residential (HDR) zoning, single family housing and multi-family housing is also allowed, but in higher densities than in MR-1 zoning.⁴ A summary of the trip generation rates for different land uses permitted under the proposed HDR zoning are presented in Table 3 and Table 4.

TABLE 3: TRIP GENERATION RATES FOR SELECTED ALLOWED LAND USES UNDER HDR ZONING

LAND USE (ITE CODE)	UNITS	WEEKDAY TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE-FAMILY DETACHED HOUSING (210)	DU ^a	9.44	0.74	0.99
MULTI-FAMILY RESIDENTIAL (220)	DU ^a	7.32	0.46	0.56

^a DU = Dwelling Unit

TABLE 4: REASONABLE WORST-CASE LAND USE AND TRIP GENERATION FOR PROPOSED HDR ZONING

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
MULTIFAMILY HOUSING (LOW-RISE) (220)	13 DU ^a	95	6	7
Total Existing Trips (MR-1 zoning)		46	3	3
Net Increase (Proposed – Existing)		49	3	4

^a DU = Dwelling Unit

As shown, full buildout of the property under the proposed HDR zoning could generate up to 49 net new daily trips and a maximum of four net new peak hour trips. These values represent the reasonable worst-case trip generation produced by land uses allowed under the proposed HDR zoning.

⁴ A list of permitted land uses for HDR zoning can be found in the Clackamas County Zoning and Development Ordinance, Table 315-1.

TRANSPORTATION PLANNING RULE FINDINGS

After evaluating the reasonable worst-case development potential of both the existing (RM-1) and proposed (HDR) zoning, the proposed zone change will result in a maximum net increase of 49 trips per day and four peak hour trips. The expected net increase in daily trips is less than 400, which is a reasonable estimate of the threshold for a “significant effect”. As such, the proposed zone change is not expected to have a significant effect on the surrounding transportation system and the TPR requirements are satisfied.

PLANNED DEVELOPMENT TRIP GENERATION

The applicant is planning to construct a total of 12 apartment units (one fewer than the maximum number allowed). Table 6 shows the estimated trip generation for the planned development. As shown, the trip generation associated with the planned development is less than the reasonable worst-case for this parcel.

TABLE 5: PLANNED DEVELOPMENT TRIP GENERATION

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
14720 SE RIVER ROAD				
MULTIFAMILY HOUSING (LOW-RISE) (220)	12 DU ^a	88	6	7

^a DU = Dwelling Unit

SAFETY EVALUATION

A collision analysis for the study area evaluated the most recent five years (2014-2018) of collision data, as is summarized in Table 6. Collision data was obtained from the ODOT Crash Analysis and Reporting Unit.

TABLE 6: 2014-2018 ODOT COLLISION SEVERITY BY LOCATION

INTERSECTION	COLLISIONS BY SEVERITY (5-YEAR)						TOTAL ENTERING VOLUME ^a	5-YEAR COLLISION RATE ^b	90TH PERCENTILE COLLISION RATE
	FATAL	INJ. A	INJ. B	INJ. C	PDO	TOTAL			
SE River Road/SE Oak Grove Boulevard	0	0	1	2	8	11	8,100	0.74	0.408
SEGMENT							AVERAGE DAILY TRAFFIC ^a	5-YEAR COLLISION RATE ^c	STATEWIDE AVERAGE
SE River Road (SE Oak Grove Boulevard to SE Rosebriar Court)	0	0	0	1	3	4	5,200	2.34	2.20

^a Traffic volumes estimated using 2018 ADT counts on SE River Road and SE Oak Grove Boulevard obtained from the ODOT TransGIS Portal

^b Rate Calculation = (Collisions x 1 million) / (Average Daily Traffic x 365 days x Number of Years) – [units: crashes per million entering vehicles]

^c Rate Calculation = (Collisions x 1 million) / (365 days x Number of Years x ADT x Segment Length) – [units: crashes per million vehicles miles traveled]

Eight of the 11 intersection collisions were angle crashes that resulted from drivers passing the stop bar or failing to yield. Two additional collisions were rear-end, and one was a sideswipe. Along the segment of SE River Road, two collisions were turning (one improper turn, one failure to yield), one collision involved a parked vehicle, and one involved a load shifting on a truck. The two turning collisions occurred at a residential driveway on the west side of SE River Road that is not easily visible from the roadway.

As shown in Table 6, both the intersection and segment collision rates exceed the ODOT 90th percentile rate (intersection) and statewide average rate (segment). It should be noted that the intersection collision rate was based on an estimate of intersection volumes using nearby roadway segment counts on River Road SE and Oak Grove Boulevard (estimated total entering volume (TEV) of 8,100 vehicles per day), and may not accurately capture the actual volumes at this location. For the segment of SE River Road, the calculated crash rate may be over-inflated due to the short segment length (0.18 miles).

Comparison to the ODOT critical rate is only one of several available metrics to evaluate safety performance. An observed rate over the critical rate should be considered as an indication that further investigation is warranted, not as an indication that safety improvements are necessary. Neither the intersection nor segment have been on the ODOT Safety Priority Index System (SPIS) list for the last five years, and the historical crashes in the vicinity are generally minor in severity.

SITE VISIT

DKS conducted a site visit in the afternoon of July 8, 2020 to observe safety conditions at the intersection of SE River Road/SE Oak Grove Boulevard, located approximately 100 feet north of the project site.

During the site visit, several drivers were observed making hard-braking maneuvers beyond the stop bar, either because they did not expect to stop or because they intended to “roll through” the intersection and noticed opposing traffic at the last second. Stop signs are clearly visible from all approaches, however vegetation and buildings in the northwest and southeast corners may limit visibility of cross-street traffic for northbound and southbound drivers approaching the intersection. Excessively wide bicycle lanes and unmarked on-street parking may also contribute to driver confusion about proper lane utilization for through, left, and right turn movements.



Left Photo: Westbound approach (unclear lane utilization). **Right Photo:** Northbound approach (overgrown vegetation and extra-wide bicycle lane).

During the site visit, the sight distance at the existing access to the property (which is to remain unchanged) was evaluated. No sight distance obstructions or limitations were observed.

SAFETY RECOMMENDATION

Both the crash history and the field observations indicate that drivers are failing to appropriately yield or stop at the intersection of SE River Road/SE Oak Grove Boulevard. This may be related to the sight distance limitations on the northwest and southeast corners. If the County desires to improve the safety performance at this intersection, the following treatments could be considered.

- Maintenance of vegetation near the intersection
- Installation of “stop ahead” warnings (either pavement markings or signs)
- Installation of double-wide, high visibility stop bars
- Installation of lane utilization pavement markings

The collision analysis and site observations did not identify any systemic safety issues along the segment of SE River Road; no additional treatments are recommended.

SUMMARY

The applicant is requesting a zone change on one parcel in Clackamas County, Oregon located at 14720 SE River Road. The proposed change in zoning from Medium Density Residential (MR-1) to High Density Residential (HDR) would result in an estimated reasonable worst-case daily trip increase of 49 trips.

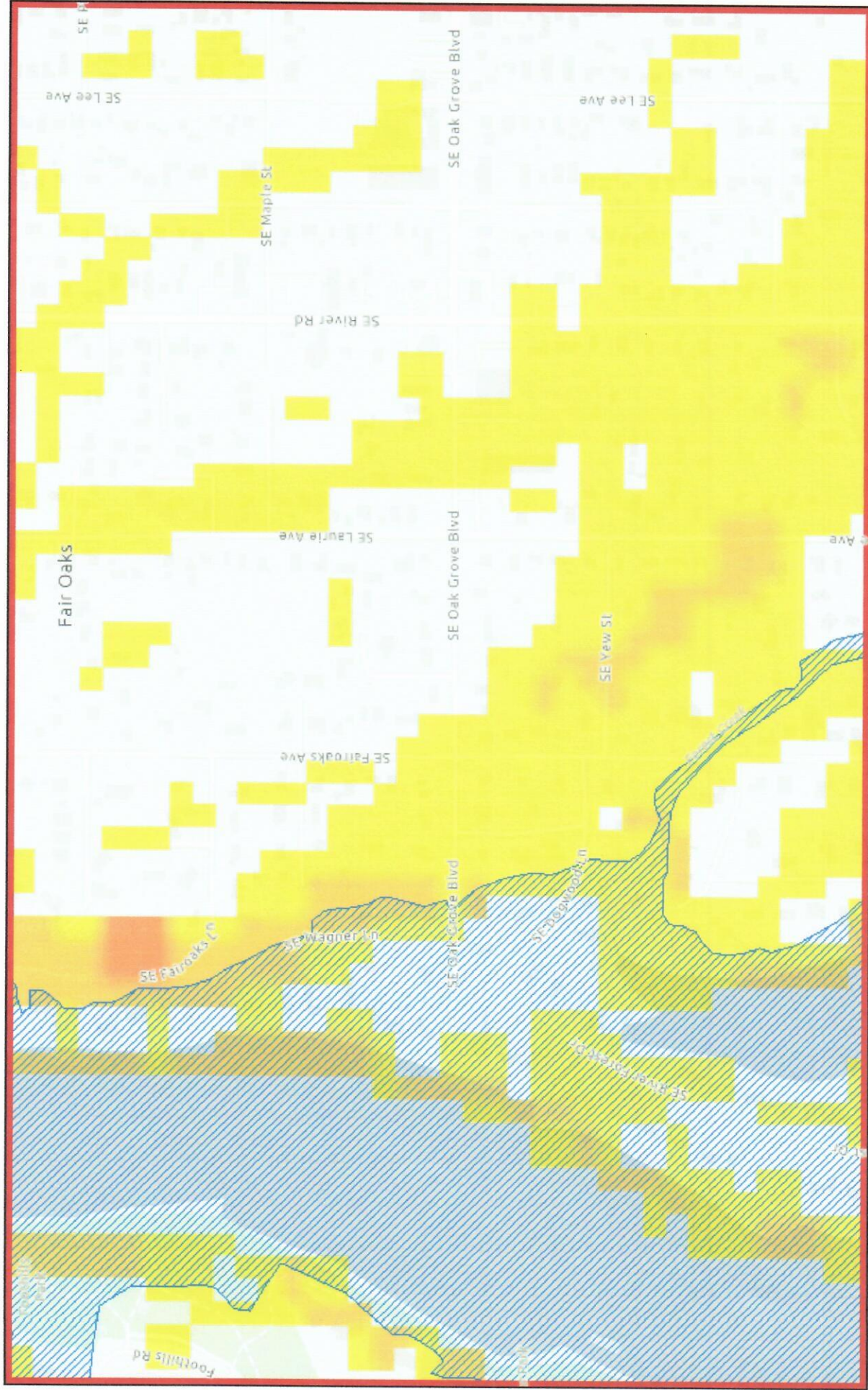
The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily increase of less than 400 trips. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed zone change will not significantly impact and would cause "no further degradation" to the Clackamas County transportation system. The number of additional daily trips (49) due to the proposed zone change is not anticipated to significantly impact transportation facilities near the project site and therefore, complies with TPR requirements.

The additional daily and peak hour traffic resulting from the proposed zone change is not expected to degrade the safety performance of the transportation system near the project site. However, the applicant is encouraged to coordinate with Clackamas County to implement one or more of the low-cost safety improvements listed.

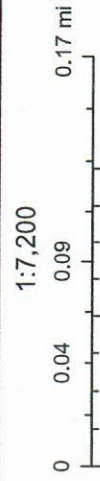
Please let me know if you have any questions or comments.

floodlandslid



March 29, 2021

- | | | |
|-------------------------------|----------------------------|---------------------------------|
| Type and Source of Flood Data | State Digitized Flood Data | Landslide Hazard |
| Effective FEMA 100 yr Flood | Q3 FEMA Flood Data | Low - Landsliding Unlikely |
| Preliminary FEMA 100 yr Flood | | Moderate - Landsliding Possible |





Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beavercreek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

Instructions for PRELIMINARY STATEMENTS OF FEASIBILITY

Instructions to Applicant:

The attached *Preliminary Statement of Feasibility* form is to be completed by the applicable sanitary sewer service provider, surface water management authority, and water service provider. Where there is no surface water management service district for the subject property, this form is to be provided to the Clackamas County Department of Transportation and Development, Transportation Engineering Division. *Preliminary Statements of Feasibility* are not required for onsite wastewater treatment facilities (e.g., septic tanks) or water service by private well.

Completed *Preliminary Statement of Feasibility* forms must be submitted with a land use application for design review, a partition, a subdivision, conditional use permit, or zone change.

It is the responsibility of the applicant for a land use application to provide a copy of this form to each service provider for the subject property. A service provider may require the submission of detailed plans and/or engineering data prior to determining whether a *Preliminary Statement of Feasibility* will be issued. Contact the service providers for details.

The forms must be dated no more than one year prior to submittal of a complete land use application.

Instructions to Reviewing Service Provider or Surface Water Management Authority:

A development is proposed within your service area. Please complete the attached *Preliminary Statement of Feasibility* to indicate whether adequate service can be provided to this development.

If adequate service can be provided only with the implementation of certain conditions of approval, you may attach such conditions to the completed form. Completion of the *Preliminary Statement of Feasibility* does not imply that additional requirements (e.g., plan submittals) may not be imposed by your agency once a land use application for the prospective development is filed.

Clackamas County Planning & Zoning will continue to provide notice to you of land use applications for property within your service area. This will allow you to determine whether the submitted development proposal differs from the plans reviewed by your agency in conjunction with the completion of this statement. This will also allow you to provide additional comments as necessary.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



Planning and Zoning
Department of Transportation and Development
 Development Services Building
 150 Beaver Creek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

PRELIMINARY STATEMENT OF FEASIBILITY

TO BE COMPLETED BY APPLICANT		
Applicant name: D. Ben Henzel	Applicant email: DBH@Henzelpc.com	Applicant phone: 503-546-1583
Project engineer: N/A	Project engineer email: N/A	Project engineer phone: N/A
Site address: 14720 SE River Road, Milwaukie, OR 97267		
Map and tax lot #: <div style="text-align: center; margin-top: 10px;"> Township: <u>2S</u> Range: <u>1E</u> Section: <u>nw1/4 11</u> Tax Lot: <u>1700</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____ </div>		

TO BE COMPLETED BY SERVICE PROVIDER / SURFACE WATER MANAGEMENT AUTHORITY	
Name of service provider / surface water management authority: Oak Lodge Water Services District	Name and title of authorized representative: Markus Mead, Dev. Review Specialist
Representative email: Permits@OLWSD.org	Representative phone: 503-353-4205
Check all that apply:	
<p>Water Service</p> <p><input checked="" type="checkbox"/> Water service, including fire flows, is available in levels appropriate for the development and adequate water system capacity is available in source, supply, treatment, transmission, storage, and distribution, or such levels and capacity can be made available through improvements completed by the developer or the system owner.</p> <p><input type="checkbox"/> Water service is adequate with the exception of fire flows. The applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or sprinkler system, is acceptable.</p> <p><input type="checkbox"/> Adequate water service cannot be provided.</p>	
<p>Sanitary Sewer Service</p> <p><input checked="" type="checkbox"/> Sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner.</p> <p><input type="checkbox"/> Adequate sanitary sewer service cannot be provided.</p>	
<p>Surface Water Management, Treatment, and Conveyance</p> <p><input checked="" type="checkbox"/> Adequate surface water management, treatment, and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.</p> <p><input type="checkbox"/> Adequate surface water management, treatment, and conveyance cannot be provided.</p>	
<p>Is this statement issued subject to any conditions of approval?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> YES, and those conditions are attached. <input type="checkbox"/> NO</p>	
Signature of authorized representative: <i>Markus Mead</i>	Date of signature: March 29, 2021

Owner states that this is for a zone change only. The project will apply for a subsequent land use application of a design review. The stormwater capacity will be substantiated by the owner for the design review statement of feasibility.

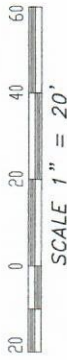
~Markus Mead, OLWSD

Site Plan

TOPOGRAPHIC SURVEY

A TRACT OF LAND SITUATED IN 10, 11 AND 12, BLOCK 100
 "SECOND SUBDIVISION OF A PORTION OF OAK GROVE"
 NE 1/4 OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE
 WILLAMETTE MERIDIAN, CLACKAMAS COUNTY,
 STATE OF OREGON

DATE OF SURVEY:
 FEBRUARY 11, 2020



VERTICAL DATUM

ELEVATION DERIVED FROM GPS, TRIMBLE R10 (ORGN NETWORK) CONTROL
 POINT NO. 40 (PK NAL NORTHEASTLY CORNER OF ASPHALT DRIVEWAY)
 ELEVATION = 174.09 FEET (NGVD-88 DATUM)

HORIZONTAL ALIGNMENT

DERIVED FROM HOLDING FOUND MONUMENTS SHOWN ON SURVEY BY DON
 DEVLAMINCK ON FILE IN THE CLACKAMAS COUNTY SURVEY DEPARTMENT
 RECORDS AND SHOWN IN SURVEY NO. 216A, RECORDED JANUARY 15, 1986.

LEGEND

- FND MONUMENT AS NOTED
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FND. DENOTES FOUND
- SN SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- (M) DENOTES MEASURED DISTANCE
- (CCDR) DENOTES CLACKAMAS COUNTY DEED RECORDS
- (CCPR) DENOTES CLACKAMAS COUNTY PLAT RECORDS
- (CCSR) DENOTES CLACKAMAS COUNTY SURVEY RECORDS
- Y.P.C. DENOTES YELLOW PLASTIC CAP
- S.F. DENOTES SQUARE FEET

SURVEY & DEED REFERENCES

- 1) SN 27664 (DEVLAMINCK) (CCSR)
- 2) "THOEN CONDOMINIUM - STAGE 1" (MATED) (DEVLAMINCK) (CCPR)

SURVEYED BY

FOSTER SURVEYING, INC.
 3517 SE 198th AVENUE
 CANAS, WASHINGTON 98607
 503-997-1100



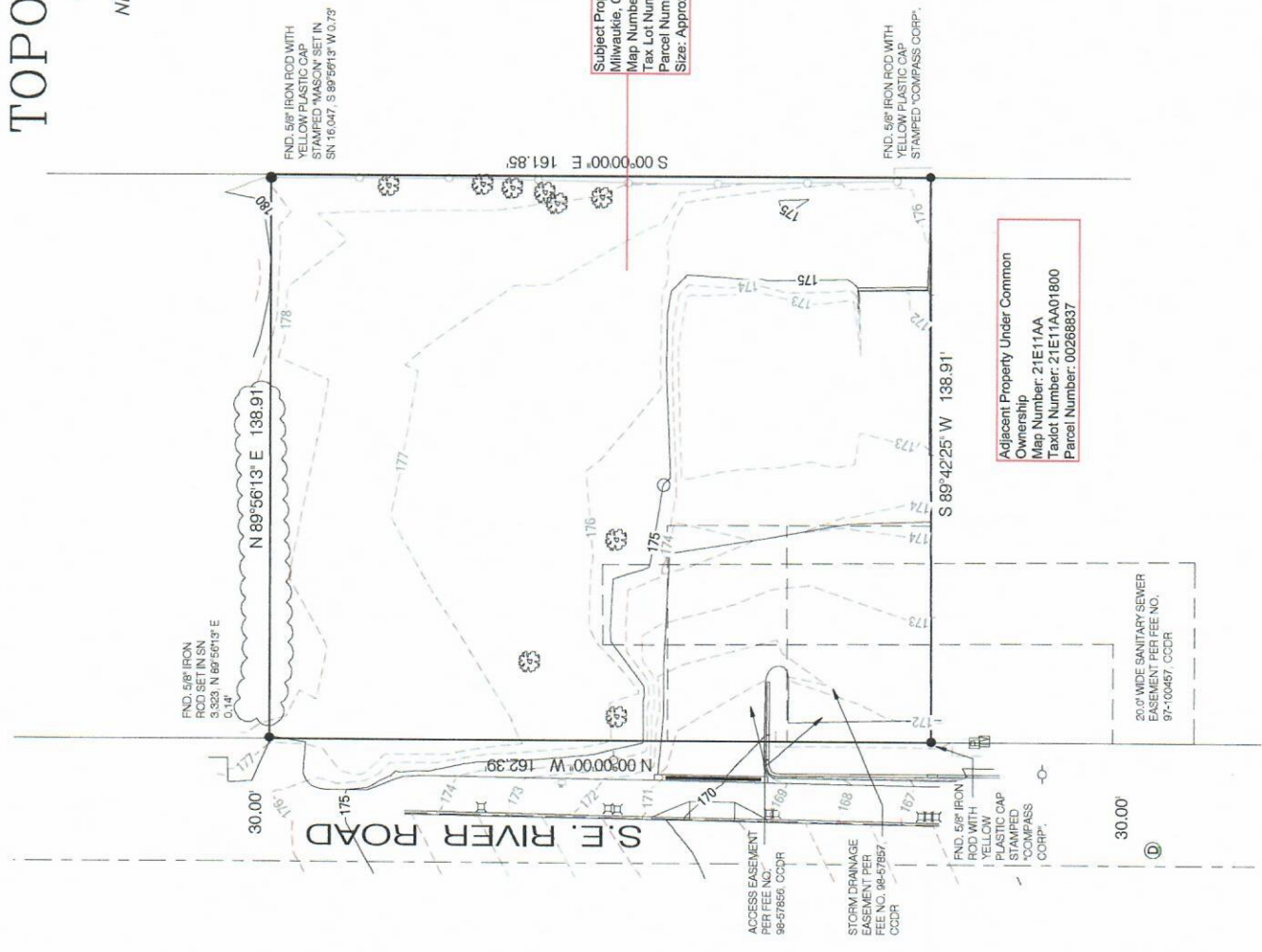
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 DECEMBER 16, 1989
 DAVID J. FOSTER
 1314

REVIEWS: JANUARY 1, 2022

SURVEYED FOR

MR. D. BEN HENZEL
 HENZEL LAW OFFICE
 0224 SW HAMILTON STREET, SUITE 301
 PORTLAND, OREGON 97239



Subject Property: 14720 SE River Road,
 Milwaukie, OR 97267
 Map Number: 21E11AA
 Tax Lot Number: 21E11AA01700
 Parcel Number: 00268828
 Size: Approx. .48 Acres

Adjacent Property Under Common
 Ownership
 Map Number: 21E11AA
 Taxlot Number: 21E11AA01800
 Parcel Number: 00268837

20.0' WIDE SANITARY SEWER
 EASEMENT PER FEE NO.
 97-1-00457 CCDR

ACCESS EASEMENT
 PER FEE NO. 96-57856 CCDR

STORM DRAINAGE
 EASEMENT PER
 FEE NO. 96-57857
 CCDR

FND. 5/8" IRON
 ROD WITH
 YELLOW
 PLASTIC CAP
 STAMPED
 "COMPASS
 CORP."

FND. 5/8" IRON ROD WITH
 YELLOW PLASTIC CAP
 STAMPED "MASON" SET IN
 SN 15 047, S 89°56'13" W 0.73'

FND. 5/8" IRON ROD WITH
 YELLOW PLASTIC CAP
 STAMPED "COMPASS CORP."

S 00°00'00" E 161.85'

S 89°42'25" W 138.91'

N 00°00'00" W 162.39'

N 89°56'13" E 138.91'

FND. 5/8" IRON
 ROD SET IN SN
 3.323 N 89°56'13" E
 0.14'

30.00'

30.00'

**Board of County Commissioner's Exhibit List
In The Matter Of File No. Z0167-21-CP and Z0168-21-ZAP**

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or source</i>	<i>Subject & Date of document</i>
1	N/A	The Planner of Record	Notices
2	N/A	Clackamas County Tax Assessor	Tax Map
3	4/19/21	The Applicant	Site Plan
4	4/19/21	The Applicant	Aerial View

* Exhibits received prior to or during hearing
 ** Exhibits received during open record after hearing
 *** Oversize exhibits



NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND THE BOARD OF COUNTY COMMISSIONERS ON A PROPOSAL IN YOUR AREA

Date of Mailing of this Notice: May 24th, 2021

Notice Sent To: Applicant, applicable cities/special districts/government agencies, and property owners within 750 feet of subject property

Please note that while Clackamas County is abiding by social distancing requirements during the coronavirus pandemic, the Planning Commission and the Board of County Commissioners are able to hold land use public hearings virtually using the Zoom platform. The Board of County Commissioners hearing for these combined land use applications will be publically accessible in person as well as virtually via the Zoom platform.

PLANNING COMMISSION HEARING:

Hearing Date & Time:

Monday, June 28th, 2021, at 6:30pm

How to Attend:

One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:

<https://www.clackamas.us/planning/planning-commission>

BOARD OF COUNTY COMMISSIONERS HEARING:

Hearing Date & Time:

Wednesday, July 21st, 2021, at 9:30am

How To Attend:

In Person: At the Board of County Commissioners Hearing Room
2051 Kaen Road, Oregon City, 97045.

Virtually on Zoom: One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:

www.clackamas.us/meetings/bcc/landuse

Planning File Number: Z0167-21-CP & Z0168-21-ZAP

Applicant: D. Ben Henzel and Valerie Henzel

Proposal: The Clackamas County Planning Commission (PC) and the Board of County Commissioners (BCC) will hold public hearings to consider a proposed Comprehensive Plan Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and corresponding zone change from Medium Density Residential MR-1 zone to High Density Residential HDR zone, to facilitate future multi-family development (subject to a separate Design Review land use approval process).

Subject Tax Lot: T2S, R1E, Section 11AA Tax Lot 1700.

Property Owners: D. Ben Henzel and Valerie Henzel

Area of Subject Tax Lots: Approximately 0.48 acres

Current Zoning: Medium Density Residential (MR-1)

Approval Criteria: Clackamas County Zoning and Development Ordinance Sections 1202 and 1307; Clackamas County Comprehensive Plan Chapters 2, 3, 4, 6, 7 and 11; Statewide Planning Goals; Oregon Administrative Rules Chapter 660, Divisions 18 and 24.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

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

503-742-4696: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? |翻译或口译? |
Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

HOW TO OBTAIN ADDITIONAL INFORMATION

Staff Contact: Melissa Ahrens (Tel: 503-742-4519, Email: mahrens@clackamas.us)

A copy of the entire application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for review. Hard copies of documents will be provided at reasonable cost. You may inspect or obtain these materials by:

1. Emailing or calling the staff contact (see above);
2. Visiting the Planning & Zoning Division (at the address shown at the top of the first this notice) during regular business hours, which are Monday through Thursday, 8AM to 4PM.
3. Going to the Clackamas County web page: <http://www.clackamas.us/planning/zdoproposed.html>

Community Planning Organization for Your Area:

The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Citizen Involvement Office at 503-655-8552. **CPO: Oak Grove Community Council**

HOW TO SUBMIT TESTIMONY ON THIS APPLICATION

- All interested parties are invited to “attend” the hearings remotely online or by telephone, and will also have the option of attending the Board of County Commissioners Hearing in person, and will be provided with an opportunity to testify orally, if they so choose. Audience members will be invited to express their desire to provide testimony at the beginning of the hearing. Specific instructions will be available online at www.clackamas.us/meetings/bcc/landuse.
 - Written testimony received by June 4th, 2021, will be considered by staff prior to the issuance of the staff report and recommendation on this application. However, written testimony will continue to be accepted until the record closes, which may occur as soon as the conclusion of the Board of County Commissioners’ hearing.
 - Written testimony may be submitted by email, fax, or regular mail. Please include the case file numbers (Z0167-21-CP & Z0168-21-ZAP) on all correspondence and address written testimony to the staff contact who is handling this matter (Melissa Ahrens).
 - Testimony, arguments, and evidence must be directed toward the approval criteria identified on the first page of this notice. Failure to raise an issue in person at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Board of County Commissioners and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
 - Written notice of the Board of County Commissioners’ decision will be mailed to you **if you submit a written request and provide a valid mailing address.**
-

PROCEDURE FOR THE CONDUCT OF THE HEARING

The following procedural rules have been established to allow orderly public hearings:

1. The length of time given to individuals speaking for or against an item will be determined by the Chair presiding over the hearing prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Prior to the conclusion of the hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The Planning Commission or the Board of County Commissioners may either continue the hearing or leave the record open for additional written evidence, arguments or testimony.
4. The Planning Commission will make a recommendation to the Board of County Commissioners on the application. The Board of County Commissioners is the final decision-maker for Clackamas County on this matter.

**NOTICE OF PUBLIC HEARINGS
SCHEDULED ON A PROPOSED CLACKAMAS COUNTY COMPREHENSIVE PLAN
AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO HIGH
DENSITY RESIDENTIAL (HDR) AND CORRESPONDING ZONE CHANGE FROM
MEDIUM DENSITY RESIDENTIAL (MR-1 ZONE) TO HIGH DENSITY
RESIDENTIAL (HDR ZONE)**

The Clackamas County Planning Commission (PC) and the Board of County Commissioners (BCC) will hold public hearings to consider a proposed Comprehensive Plan Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and corresponding zone change from Medium Density Residential MR-1 zone to High Density Residential HDR zone, to facilitate future multi-family development (subject to a separate Design Review land use approval process). The subject property is 0.48 acres in size and is located at 14720 SE River Rd., Milwaukie OR 97267. (Tax Lot 21E11AA01700).

The proposal, which is in File Nos. Z0167-21-CP and Z0168-21-ZAP, is available at: <http://www.clackamas.us/planning/zdoproposed.html>. The public may review and comment on the proposed amendments before and/or at the public hearings.

Planning Commission Public Hearing

6:30 p.m., Monday, June 28th, 2021

Board of Commissioners Public Hearing

9:30 a.m., Wednesday, July 21st, 2021

The public will be able to attend this hearing in person, as well as via the Zoom platform

While Clackamas County is abiding by social distancing requirements during the coronavirus pandemic, the PC and BCC are able to hold land use public hearings virtually using the Zoom platform. The Board of County Commissioners hearing for these combined land use applications will be publically accessible in person as well as virtually via the Zoom platform. One week prior to each hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website: www.clackamas.us/meetings/bcc/landuse

For more information: Melissa Ahrens, 503-742-4519, mahrens@clackamas.us

Archived: Monday, June 21, 2021 12:24:35 PM
From: [DLCD Plan Amendments](#)
Sent: Fri, 21 May 2021 15:58:13
To: Ahrens, Melissa
Subject: Confirmation of PAPA Online submittal to DLCD
Sensitivity: Normal

\f0Warning: External email. Be cautious opening attachments and links.

Clackamas County

Your notice of a revised proposal for a change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.
Local File #: Z0167-21-CP and Z0168-21-ZAP
DLCD File #: [001-21](#)
Original Proposal Received: 5/21/2021
Date of Revision: 5/21/2021
First Evidentiary Hearing: 6/28/2021
Final Hearing Date: 7/21/2021
Submitted by: mahrens@clackamas.us

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.

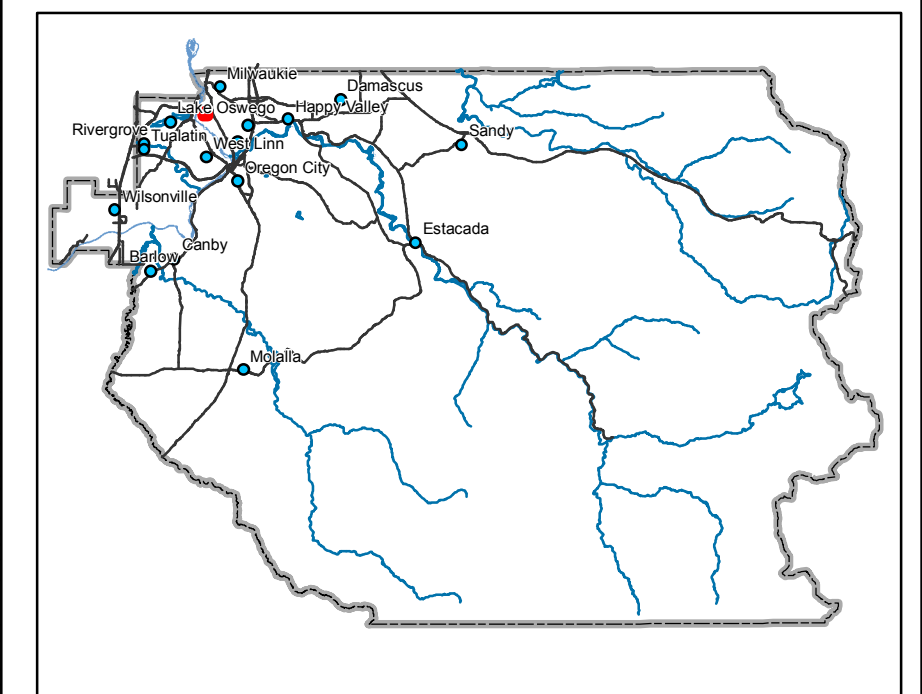
[Spam Email](#)
[Phishing Email](#)

D. L. C.
GEORGE CROW NO. 49
SUSAN CREIGHTON NO. 50

Cancelled Taxlots

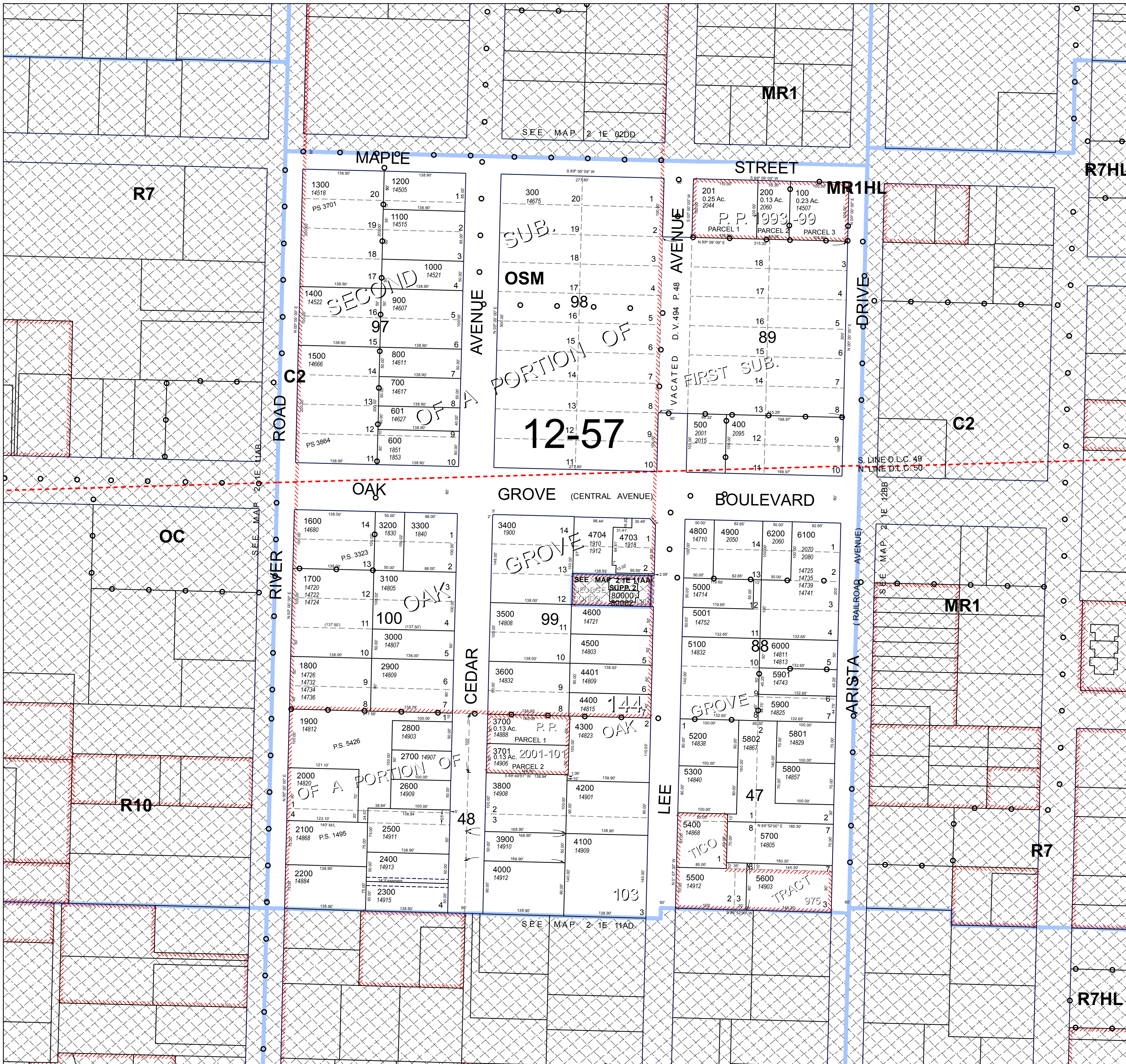
- 6100E1
- 3401
- 4702
- 4700
- 4701
- 4200S1
- 90000
- 90001
- 90002
- 90003

- 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

EXHIBIT 2. TAX MAP
PAGE 1
Z0167-21-CP AND Z0168-21-ZAP
9/11/2018



TOPOGRAPHIC SURVEY

A TRACT OF LAND SITUATED IN 10, 11 AND 12, BLOCK 100
 "SECOND SUBDIVISION OF A PORTION OF OAK GROVE"
 NE 1/4 OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE
 WILLAMETTE MERIDIAN, CLACKAMAS COUNTY,
 STATE OF OREGON

DATE OF SURVEY:
 FEBRUARY 11, 2020



VERTICAL DATUM

ELEVATION DERIVED FROM GPS - TRIMBLE R10 (ORGN NETWORK) CONTROL POINT NO. 40 (PK NAIL NORTHEASTERLY CORNER OF ASPHALT DRIVEWAY)
 ELEVATION = 174.09 FEET (NGVD-88 DATUM)

HORIZONTAL ALIGNMENT

DERIVED FROM HOLDING FOUND MONUMENTS SHOWN ON SURVEY BY DON DEVLAEINCK ON FILE IN THE CLACKAMAS COUNTY SURVEY DEPARTMENT RECORDS AND SHOWN IN SURVEY NO. 27604, RECORDED JANUARY 15, 1998.

LEGEND

- FND MONUMENT AS NOTED
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FND. DENOTES FOUND

- SN SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- (M) DENOTES MEASURED DISTANCE
- (CCDR) DENOTES CLACKAMAS COUNTY DEED RECORDS
- (CCPR) DENOTES CLACKAMAS COUNTY PLAT RECORDS
- (CCSR) DENOTES CLACKAMAS COUNTY SURVEY RECORDS
- Y.P.C. DENOTES YELLOW PLASTIC CAP
- S.F. DENOTES SQUARE FEET

SURVEY & DEED REFERENCES

- 1) SN 27.604 (DEVLAEINCK) (CCSR)
- 2) "THOENY CONDOMINIUM - STAGE 1" (VACATED) (DEVLAEINCK) (CCPR)

SURVEYED BY

FOSTER SURVEYING, INC.
 3517 SE 198th AVENUE
 CAMAS, WASHINGTON 98607
 503-997-1100

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

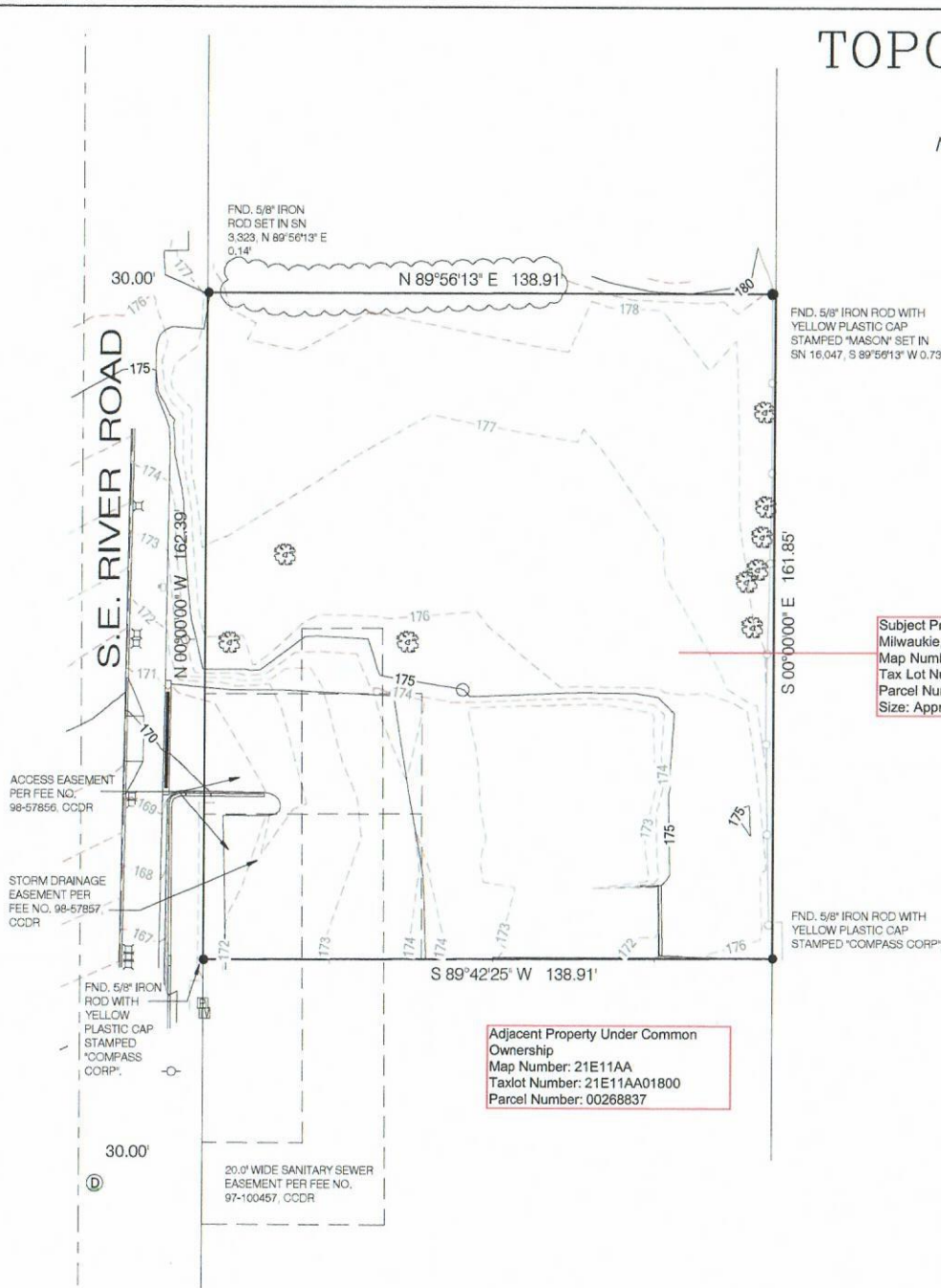
OREGON
 DECEMBER 16, 1980
 DAVID A. FOSTER
 1934



SHEET 1 OF 1

SURVEYED FOR

MR. D. BEN HENZEL
 HENZEL LAW OFFICE
 6224 SW HAMILTON STREET, SUITE 301
 PORTLAND, OREGON 97239



Subject Property: 14720 SE River Road,
 Milwaukie, OR 97267
 Map Number: 21E11AA
 Tax Lot Number: 21E11AA01700
 Parcel Number: 00268828
 Size: Approx .48 Acres

Adjacent Property Under Common
 Ownership
 Map Number: 21E11AA
 Taxlot Number: 21E11AA01800
 Parcel Number: 00268837

REVISION: JANUARY 1, 2021

EXHIBIT 3. SITE PLAN
PAGE 1
Z0167-21-CP AND Z0168-21-ZAP



Aerial View - Vicinity Map
14720 SE River Road, Milwaukie, OR 97267
Scale: NTS

EXHIBIT 4. AERIAL VIEW
PAGE 1
Z0167-21-CP AND Z0168-21-ZAP